

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: J0012.25

WARD: Rush Grn & Crowlands **Date Received:** 10th April 2025

ADDRESS: 80 Dagenham Road
Romford

PROPOSAL: Creation of entrance to front elevation for dwelling flats on 1st floor

DRAWING NO(S): 202510051/1 Rev 1
SLP

RECOMMENDATION: It is recommended that **Prior Approval is Refused**

SITE DESCRIPTION

The application site is a vacant double fronted mid terrace commercial unit last occupied by Johns of Romford (Suzuki) for the purposes of motorcycle and motorcycle equipment sales. The indication from historic photographs is that some element of repair/servicing of vehicles was also provided with it advertised that MOTs were also carried out. The premises has ancillary space at first floor accessed internally.

DESCRIPTION OF PROPOSAL

This is a Prior approval application under Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the first floor for two self-contained flats. The proposals are also suggestive of the formation of a front entrance.

OFFICER COMMENTS - The site is listed as 80 Dagenham Road however the red-line plan and application drawings are suggestive of 162 Rush Green Road and no. 80 Dagenham Road forming one single use. It is quite clear that historically the premises has operated as a single double fronted unit. To this extent however there are ambiguities between the stated site address and the submitted drawings and red line plan.

Limited information has been provided by the applicant to support the current application. The information submitted amounts only to a site location plan (red-line) and proposed layout plans. The description of development "Creation of entrance to front elevation for dwelling flats on 1st floor" is vague. The assessment undertaken is done so on the basis of the application form submitted which is made under Class MA as above.

The proposed layout plans suggest that the intent is to adapt the existing entrance at 162 Rush Green Road to provide a self-contained entrance to the upper floor flats and to create a new

entrance door to the ground floor retail unit. There has historically not been an entrance where it is shown, therefore it is reasonable to make this conclusion in conjunction with the description given. To that end, the provision of external works are not permitted under Class MA and the formation of an entrance as is indicated on proposed floor plans will form grounds for refusal, albeit that these works actually appear to affect 162 Rush Green Road and not the stated application address of 80 Dagenham Road. In any event, access to the upper floor flats above both premises appear to be reliant on works taking place at no.162 Rush Green Road to form the entrance.

RELEVANT HISTORY

CONSULTATIONS/REPRESENTATIONS

Statutory consultation was undertaken in accordance with agreed procedures and no letters of representation were received.

The following comments were made by other consultees:

LFB - No objection

Anglian Water - No objection

LBH Public Protection - No objection

LBH Waste - No comments

LBH Highay Authority - No comments

RELEVANT POLICIES

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2015 (as amended).

MAYORAL CIL IMPLICATIONS

The proposal is for a change of use and so is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

This application seeks the Council's determination under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Class MA - commercial, business and service uses to dwellinghouses
Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes

Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

MA.1.(1) Development is not permitted by Class MA

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

(d) if land covered by, or within the curtilage of, the building

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

(e) if the building is within

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order

(a) the following classes of the Schedule as it had effect before 1st September 2020

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions - medical or health services);

(vi) Class D1(b) (non-residential institutions - creche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure - indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

(OFFICER COMMENTS: The historic use of the site is somewhat ambiguous, the carrying out of servicing of vehicles and MOTs could be reasoned to go beyond the scope of Class E. It could be argued that the use of the unit was more aligned with a mixed or Sui Generis use. In the absence of any compelling case being made as to why the commercial unit would be regarded as forming one of the above uses for the purposes of MA.1.(2)(a) and (b) this is a barrier to the proposals.

Para W.(3)(b) allows the Local Planning Authority to refuse an application where in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any of the required conditions.

Conditions

MA.2.(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

(a) transport impacts of the development, particularly to ensure safe site access;

(OFFICER COMMENTS: Access would be taken from street-level utilising existing access, with internal works to remove this from the ground floor commercial unit at 162 Rush Green Road. It is not considered that this arrangement is objectionable in principle. As to other transport impacts, the proposals make no provision for off-street parking owing to the site constraints. The PTAL rating for the site is low, which requires 2.5 off-street parking spaces in total. The applicant has not sought to address or justify this perceived failing.

Para W.(3)(b) allows the Local Planning Authority to refuse an application where in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any of the required conditions. OBJECTION)

(b) contamination risks in relation to the building;

(OFFICER COMMENTS: No comments have been received from the Council's Public Protection team on the matter of land contamination. It is reasoned however that there would be little in the way of ground breaking activity associated with the conversion of the first floor and alterations internally at ground floor to enclose the access. The provision of a new entrance whilst not permissible through this part of the GPDO would also be unlikely to raise any issues with regards to land contamination. NO OBJECTION).

(c) flooding risks in relation to the building;

(OFFICER COMMENTS: The site is not within a Flood Zone and concern the COU of the building with habitable spaces at first floor. NO OBJECTION)

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(OFFICER COMMENTS: OFFICER COMMENTS: Inadequate information has been provided by the applicant to consider fully these impacts, consistent with assessment made under ref: J0010.25. Para W.(3)(b) allows the Local Planning Authority to refuse an application where in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any of the required conditions. OBJECTION)

(e) where

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area;

(OFFICER COMMENTS: N/A).

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(OFFICER COMMENTS: The layouts provided a dual aspect with each room having a means of outlook/source of light. There is no evidence or suggestion that the rooms would not benefit from adequate natural light. NO OBJECTION).

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

(h) where the development involves the loss of services provided by

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 200657, the impact on the local provision of the type of services lost; and

(OFFICER COMMENTS: N/A).

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(OFFICER COMMENTS: N/A).

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if---

a) for paragraph (e) of sub-paragraph (2) there were substituted

"(e) where

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";

(b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";

(c) after sub-paragraph (6) there were inserted

"(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";

(d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)";

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use

as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse

Interpretation of Class MA

MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development

relates to a building which will

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

(a)where the gross internal floor area is less than 37 square metres in size; or

(b)that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(1).

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

(OFFICER COMMENTS: Having regard to the DCLG Technical Housing Standards there would be significant failings, to the extent that the proposed accommodation can be regarded as substandard.

The proposals comprise two dwellings, one two bedroom single storey dwelling and one three bedroom single storey dwelling. In each case neither of the bedrooms shown meet the minimum standard for a double room, the standards require that where two bedrooms are shown one must be capable of double occupancy. Accordingly in each instance the required GIA cannot be achieved, nor the required bedroom size and mix. Insufficient information has been given to conclude on headroom and internal storage is also not shown.

For the reasons given the proposals would fail to demonstrate compliance with the nationally described space standards.

OBJECTION).

KEY ISSUES/CONCLUSIONS

Having regard to the application submission it is recommended that Prior-Approval is REQUIRED and that it is REFUSED.

RECOMMENDATION:

It is recommended that **Prior Approval is Refused**

1 Reason 1

Class MA is comprised of Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order. The applicant has not demonstrated that the lawful use of the building is Class E and in the absence of evidence otherwise there is conflict with MA.1.(1)(b).

2 Reason 2

Para W.(3)(b) allows the Local Planning Authority to refuse an application where in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any of the required conditions.

Inadequate information has been provided in order to consider the impacts of the retained commercial use on future occupants in respect of noise generated. The development therefore conflicts with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. MA.2.- (1)(2)(d).

3 Reason 3

Para W.(3)(b) allows the Local Planning Authority to refuse an application where in its opinion the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any of the required conditions.

Inadequate information has been provided in order to consider the Highways and Transport impacts of the proposed development, in particular with regard to lack of dedicated off-street parking and how this may contribute to parking stress within the locality and how cycle storage/provision might be made. The development therefore conflicts with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. MA.2.- (1)(2)(a).

4 Reason 4

Schedule 2 (9A)/(9B) does not grant permission for, or authorise any development of, any new dwellinghouse that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 together with the notes dated 19th May 2016 which apply to it.

The proposed units do not align with the required GIAs, bedroom size and mix and dedicated internal storage as is required. Furthermore through the lack of information provided the applicant has not demonstrated that the proposed units would provide sufficient headroom compliant with the nationally described space standard or other qualitative requirements.

5 Reason 5

The proposed layout plans and description of development provided indicate that the proposals would form a new entrance in the front of 162 Rush Green Road to serve the retained commercial use. Class G does not allow for any external works and the proposals therefore go beyond and do not comply with the scope of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Authorising Officer:

Suzanne Terry

5th June 2025

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