



REGULATORY SERVICES COMMITTEE

17 September 2015

REPORT

Subject Heading:

P1116.15 Units 4A and 4B Market Place,
Romford

Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to residential units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance. Amendments to plans approved under P0370.14 condition 2

Ward:

Romford Town

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This is an application made under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P0370.14. It proposes to make minor material amendments to the approved drawings. Under S73 only the question of the conditions subject to which planning permission should be granted, can be considered as the principle of the development has already been accepted. The variations concern changes to the internal layout in respect of the mezzanine floors and external changes. The proposed changes to the approved drawings are considered to be minor and are judged to be acceptable.

The 2014 permission is subject to a planning obligation to secure an infrastructure contribution of £48,000. However, following legislation changes the basis for financial contributions has now changed, therefore a new obligation is required. Subject to the prior completion of a new S106 planning obligation to secure an education contribution for the same amount it is recommended that a new planning permission is granted with revised plans and the same planning conditions with some updating.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £5,660 subject to indexation. This is based on the creation of 283m² of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £48,000 to be used for educational purposes.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether it is completed.
 - Payment of the appropriate planning obligations monitoring fee.
 - That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above contribution and upon

completion of that obligation, grant planning permission subject to the conditions set out below.

1. *Time limit* - The development to which this permission relates must be commenced not later than three years from the date of the grant of planning permission P0370.14.

Reason: - In accordance with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) the local planning authority considers that in order to bring forward the redevelopment of this town centre site commencement should be within the original timescale.

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason: - The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Secured by Design* - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: - Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

4. *Refuse & Recycling* - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection in the location shown on the approved plans shall be provided and permanently retained thereafter.

Reason: - Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers

of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policies DC40 and DC61.

5. *Cycle Storage* - Prior to the first occupation of the development hereby permitted secure cycle storage in the location shown on the approved plans shall be provided and permanently retained thereafter.

Reason: - Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

6. *Materials* - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: - Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

7. *External lighting* - No development shall take place until a scheme for external lighting for the entrance area as shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: - Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and security and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. *Construction Method Statement* - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
- j) Hours of construction.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: - Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. *Permitted Development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order), no microwave antenna or any structure intended to support a microwave antenna or any domestic microgeneration equipment shall be erected on the frontage of the new residential units hereby permitted, without the express permission in writing of the Local Planning Authority.

Reason: - In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

10. *Balconies* - The balconies for Units 01-06 inclusive shall remain open and no glazing shall be inserted in the openings without the express permission in writing of the Local planning Authority.

Reason: - In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

Informatives

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012
2. *Planning Obligations* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. *Designing out crime* - In aiming to satisfy condition 3 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
4. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,660 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises two units within the first floor of the north side of the market development in Romford. One is an unfurnished/undecorated office (Class B1 use) and the other is currently occupied by contractors redeveloping other parts of the building, including works within the Market Place. This unit was used until 2012 as a children's indoor activity centre (Class D2 use). Access to the units is via a stairway and lift from the Market Place between the ground floor retail units occupied by Aldi and Iceland.
- 1.2 Unit 4A (above Aldi) amounts to 420m² and has all its windows overlooking the Market Place. Unit 4B (above Iceland) amounts to 554m² with windows that

overlook both the Market Place and St. Edwards Way. There is no dedicated parking for the units.

2. **Description of Proposal**

2.1 The development granted under P0370.14 comprises a change of use from offices and children's indoor activity centre to residential in the form of eight flats. This application is made under S73 of the Town and Country Planning Act 1990 and seeks a new planning permission for the development with amendments to the approved plans as a minor material amendment.

2.2 The minor alterations proposed comprise:

- New grills and panels on the north east elevation;
- Increase in residential floor space and changes in internal layout;
- Including new mezzanine floor to unit 5;
- Reconfiguration of balconies overlooking Market Place.

3.0 **Relevant History**

3.1 P0370.14 - Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to Residential Units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance - approved.

3.2 P0517.13 - Use of 33, 37 and 41 (part ground floor and first floor), Market Place, Romford for Class D2 (Gymnasium) - approved

3.3 P1389.11 - Change of use to Gym (Assembly and Leisure) use class D2 – approved.

3.4 P1325.11 - Amendments of condition 44 of P0166.03 to refer to the final construction drawings - approved.

3.5 N0074.11 - Minor Amendment to P0166.03 - to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications - approved.

3.6 P1628.07 - Retail shop front and entrance screen - approved.

3.7 P1438.07 - Change of use from retail (class A1) to children's indoor activity centre (Class D2) of part first floor accommodation of unit 4A - approved.

3.8 P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme – approved.

- 3.9 P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping - approved.

4. **Consultations/Representations**

- 4.1 The application was advertised by way of site notices and no representations have been received.
- 4.2 London Fire Brigade Water Team - no objections.
- 4.3 Thames Water - no objections
- 4.4 The Metropolitan Police Designing Out Crime Officer - no objections

5. **Relevant Polices**

- 5.1 LDF Core Strategy and Development Control Policies Development Plan Document:- CP1 (Housing Supply); CP2 (Sustainable Communities); CP3 (Places to Work); CP10 (Sustainable Transport); CP4 (Town Centres); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC63 (Crime); DC68 (Conservation Areas); DC72 (Planning Obligations)
- 5.3 Romford Area Action Plan:- ROM6 (Respecting the Historic Environment); ROM7 (Market Place); ROM10 (Retail Core); ROM13 (Romford Office Quarter); ROM 14 (Housing supply); ROM20 (Urban Design).
- 5.4 London Plan:- 2.15 (Town Centres); 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.8 (Housing choice); 4.7 (Retail and town centre development); 6.5 (Funding Crossrail and other strategically important transport); 7.3 (Designing out crime); 7.8 (Heritage assets and archaeology); 8.3 (Community infrastructure Levy).
- 5.5 Government Guidance:- National Planning Policy Framework and National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The principle of a change of use from commercial to residential has already been considered acceptable through the grant of planning permission P0370.14. The issues for consideration are whether the proposed changes to the approved plans would be acceptable.

Impact of the proposed changes

- 6.2 The proposed changes would be minor and relate mainly to the internal layout of the development. The external changes are also minor and would not materially affect the appearance of the building in the streetscene or have an adverse impact on the Romford Conservation Area. There would also be no adverse impact on adjoining residential occupiers as a result of these changes.

Other conditions

- 6.3 Condition 1 of P0370.14 sets a three year period for the commencement of the development from 9th May 2014 which is the default period for all planning permissions. However, under S91 (1) (b) of the Town and Country Planning Act 1990 the local planning authority is able to consider a different period where there are planning reasons for doing so. The amendments proposed are minor and staff consider that it is important to bring forward the redevelopment proposals within the original timescales to complete the overall development on the north side of the Market Place which provides for additional housing. Condition 1 has been revised accordingly.
- 6.4 Some of the other conditions will need to be updated in accordance with recent legislation.

Planning obligations and Mayoral CIL implications

- 6.5 The proposal involves a change of use of existing floorspace and the creation of new floorspace at mezzanine level. The existing floorspace has been lawfully occupied for at least six months within the last three years so is exempt from any CIL contribution. CIL is only payable on the new floorspace being created a rate of £20 per square metre. The proposal is to create an additional 283 square metres of floor space giving a CIL liability of £5,660. The site is also within the charging area for the Mayor's Crossrail Planning Obligation, however, this is only charged on office and retail development.
- 6.6 As the development proposes new residential accommodation it would have an impact on the demand for school spaces within Havering and that a contribution towards education facilities is considered necessary to make the development acceptable. The existing planning obligation relates to the payment of an infrastructure contribution, however, circumstances have now changed.
- 6.7 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:-
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.8 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the

Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.9 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.10 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.11 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.12 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.13 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.14 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate. This would be secured through a planning obligation under S106.

7. **Conclusions**

- 7.1 The principle of the change of use of the first floor of the building to residential, including the insertion of mezzanine floors has already been judged to be acceptable. This application is for substantially the same development, but with some minor, but material changes to the approved drawings.
- 7.2 The proposed changes would not result in any additional significant impact on the streetscene, the Romford Conservation Area or on the amenities of adjoining residential occupiers.
- 7.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a planning obligation to secure an education contribution as set out in the recommendation, the proposals are considered acceptable and the grant of a revised planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources will be required for the drafting of a planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and plans received on 29-07- 2015