



# REGULATORY SERVICES COMMITTEE

28 January 2016

# REPORT

**Subject Heading:**

P1673.15 – 21 Gilbert Road, Romford -  
Proposed change of use from C2  
residential institution to residential  
accommodation comprising 3no. flats  
(Application received: 16-11-15)

Ward: Romford Town

**Report Author and contact details:**

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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

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**

The subject property lies within a predominantly residential area to the east of Romford town centre. The property is a three-storey former care home which it is proposed to convert into three flats, one on each floor. The new dwellings would contribute to Havering's housing needs and given the location the proposed change of use is considered acceptable in principle. There is adequate off-street car parking to the front and side of the property. The proposal would provide an appropriate standard of accommodation for future residents and would have adequate amenity space which includes existing rear balconies. While there is the potential for overlooking of rear gardens from these balconies, subject to appropriate conditions the proposal is judged to be acceptable. Subject to the prior completion of a S106 planning obligation to secure a contribution towards education needs generated by the development and to control applications for resident parking permits the proposal is considered acceptable.

## **RECOMMENDATIONS**

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- 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.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, 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 this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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. *Refuse and recycling* - Prior to the first occupation of the development hereby permitted provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

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 Policy DC61.

4. *Cycle storage* - Prior to completion of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority 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.

5. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal

rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

6. *Obscure-glazing* - The first and second floor flats shall not be occupied until screening panels have been erected adjacent to the flank walls of the external balconies in accordance with details that have previously been submitted to and agreed in writing by the Local Planning Authority. The panel shall be to a minimum height of 1.7 metres and shall be permanently glazed with obscure glass to a glazing rating level of a minimum of level 3. The panel shall be erected in accordance with the approved details and retained in position for the lifetime of the development.

Reason: Insufficient information has been supplied with the application to demonstrate how the potential for overlooking of rear garden areas of adjoining properties would be adequately mitigated. The agreement and implementation of appropriate level of screening prior to occupation is considered necessary in the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. *Car parking* - Before the building(s) hereby permitted is first occupied, provision shall be made within the site for five car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

8. *Restriction of use* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Class L, no development consisting of a change of use of any of the dwellings hereby permitted to a small HMO (Use Class C4) shall take place without the express permission of the Local Planning Authority following a planning application.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. *Hours of construction* - All building and conversion works associated with the development, including external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. *Restriction use (outbuilding)* - The existing outbuilding to the rear of the main property shall only be used for purposes ancillary and incidental to the main residential use of the property and for no other purpose.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### Informatives

1. *DMO Statement* - 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 obligation* - 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. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during conversion works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site comprises a three-storey property previously used as a care home which lies within a predominantly residential area to the east of Romford Town Centre. The site, including rear amenity area amounts to 0.23 hectares.
- 1.2 The building is constructed in white painted brick with timber cladding above, under a pitched tiled roof. There are dormers to the front, side and rear. The building has been extended on various occasions to provide additional

accommodation. There are rear terraces/balconies on both the first and second floor which provide access to a fire escape required as part of the former use.

- 1.3 There is a surfaced car parking area to the front of the property sufficient for five cars. To the rear is an outbuilding used as a laundry and store room when the care home was operational.
- 1.4 The site backs on to the gardens of properties in Erroll Road and adjoins rear gardens of properties in Kingston Avenue to the south. The adjoining property in Kingston Road is a bungalow which is also owned by the applicant which includes a rear garage/store. The parking in front of the building is included within the application site. The rear boundary includes a mature Horse Chestnut with all boundaries having close boarded fencing.

## 2. **Description of proposal**

- 2.1 It is proposed to convert the building into three flats, one on each floor. These would comprise 2x three-bed on the first two floors and 1x one bed on the second. Each would have internal dimensions that meet the nationally described space standards.
- 2.2 The first and second floor flats would have access via a new entrance adjacent to no. 19 Gilbert Road, whilst the ground floor flat would use the existing entrance on the south side of the building.
- 2.3 Car parking spaces would be provided to the front of the building and in front of the adjoining garage sufficient for 6 spaces. The rear terraces and fire escape would be retained, as would the outbuilding. The rear area would provide communal amenity space.
- 2.4 No external changes to the building are proposed apart from the new entrance and there would be no additional floorspace created.

## 3. **Relevant History**

- 3.1 P1153.15 - Proposed change of use of existing buildings from C2 residential institution to C3 residential accommodation to form 7 no. flats and construction of first floor extension to main building - withdrawn
- 3.2 P1427.14 - Change of Use from C2 (residential institution) to Sui Generis (shared residential accommodation) and minor internal layout changes - withdrawn
- 3.3 P0893.13 - Two storey extension and car parking at existing nursing home - refused
- 3.4 P0737.11 - Demolition of bungalow (11 Kingston Road) and two garages at rear. Erection of part two storey & part single storey extension as enlargement of existing nursing home - containing 13 no. bedrooms and wetrooms, ensuite, plus kitchen, dining room and office - refused, appeal dismissed

3.5 P1048.07 - Second floor additional bedroom & en suite including raised roof alterations and single storey rear conservatory - refused

3.6 P0185.92 - Enlarge front dormer and erect single storey side and first and second floor rear extensions and conversion of existing garage to laundry room and food store - approved

#### 4. **Consultations/Representations**

4.1 Neighbours have been notified of the application and nine letters of representation have been received, five raising objections, three raising queries, and one in support. Concerns are raised as follows:

- Development acceptable if only three self-contained flats, but concerned if this leads to further subdivision to HMOs. This should be restricted by condition;
- Overcrowding of the area leading to impact on local services, including parking;
- Could lead to further subdivision and multi-occupancy;
- Overlooking of rear gardens;
- Noise from cars and from increased use of rear garden area;
- Would increase number of occupants above normal family house;
- Would set a precedent for further conversions;
- Loss of light (based upon mistaken belief property is to be extended);
- Additional odour from increased occupancy;
- Increased use of balcony areas would lead to unacceptable loss of privacy;
- New communal access would cause disturbance to adjoining occupiers;
- Building in need of refurbishment;
- Concerns about future use of the outbuilding.

4.2 Streetcare (Highways) has no objections but requests a S106 agreement preventing future occupiers applying for resident's parking permits.

4.3 Thames Water has no objections

4.4 London Fire Brigade (Water Team) is satisfied with the proposals.

4.5 London Fire and Emergency Planning Authority advise that pump appliances should be able to approach within 45m of all points of the building.

4.6 Public Protection requests conditions covering sound insulation between the new units. There are no concerns regarding ground contamination.

#### 5. **Relevant Policies**

5.1 Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD): Policies CP1 (Housing Supply);

CP9 (Reducing the need to travel); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC4 (Conversion to Residential and Subdivision of Residential Uses); DC7 (Lifetime Homes and Mobility Housing); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC61 (Urban Design); DC62 (Access) and DC72 (Planning obligations).

- 5.2 In addition, the evidence base to the Planning Obligations SPD and Residential Design SPD are also material considerations. The evidence base sets out the justification for an education contribution and the Residential Design SPD provides guidance on safeguarding residential amenity and amenity space provision for new residential units.
- 5.3 London Plan: Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments) and 6.13 (parking).
- 5.4 The National Planning Policy Framework, the National Planning Practice Guidance and the Technical housing standards (nationally described space standard) are also relevant.

## 6. **Staff Comments**

Principle of the development

- 6.1 The application site lies within the existing urban area where a change of use back to residential would be acceptable in principle in accordance with LDF Policy CP1. The provision of three additional dwellings would contribute to meeting Havering's housing needs in a sustainable location close to the town centre.
- 6.2 Policy DC4 sets criteria that need to be satisfied for the conversion of premises to residential. The main issues in this case are as follows:

- Whether the proposal would have an unacceptable impact on the amenity of neighbours including any loss of privacy, in particular as a result of overlooking;
- Whether the standard of accommodation to be provided is acceptable, including the amount of amenity space;
- Whether there is an acceptable level of parking for future occupiers;

These issues are assessed below.

Design/Impact on the streetscene

- 6.3 The proposal is for the conversion of the existing building with only minor external changes, therefore, there would be no significant impact on the streetscene or on the character and appearance of the area.



## Impact on amenity

- 6.4 The application site lies within an area of generally larger family dwellings on generous plots. The property to be converted is detached and it is well separated from the adjoining neighbours. The building has previously been used as a care home occupied by up to 12 residents and staff. The proposed change of use would not significantly alter the level of occupancy, but there could be an increase in the level of activity given that the larger flats would be likely to be occupied by families. However, given the separation from the nearest neighbours Staff consider that this would be unlikely to result in any significant additional impact from noise and disturbance.
- 6.5 One of the objectors has raised concerns about the potential for additional impacts from odour resulting from the additional occupancy. Staff consider that there would be no material impact arising having regard to the previous use.
- 6.6 The rear amenity space would be used by the occupiers of the three flats as communal space and the first and second floor flats would have use of their existing balconies/terraces. The level of activity in these areas would increase compared with the previous use and result in some additional general noise and disturbance to adjoining residents. However, given that some form of residential use is acceptable in principle it will be a matter of judgement for members as to whether the likely level of use would be significantly different from, say, a large detached house which would have been the original use prior to the care home being established. Staff consider that the likely level of use of the rear amenity area would not result in any significant impact on adjoining occupiers over and above what would be expected from the use of a rear garden area of a large family house.
- 6.7 There is also a potential for a significant impact on the amenity of neighbours arising from overlooking from the rear balconies/terraces. These already exist and account needs to be taken of the previous use and that some overlooking would have occurred, although at a much reduced level. The gardens of the nearest properties are overlooked from these balconies and the rear fire escape. The removal of the fire escapes would reduce the potential for overlooking and these are not required under the Building Regulations, however this does not form part of the proposal. Staff consider that measures could be implemented to reduce overlooking through the erection of screens. Such measures could significantly reduce any overlooking and could be required by planning condition. In the light of this Staff consider that the reduced impact that could be achieved would be acceptable and that subject to a condition would not amount to a material objection to the conversion.
- 6.8 Overall Staff consider that, subject to appropriate conditions the change of use would not have a materially adverse impact on adjoining occupiers, such as to justify refusal of planning permission.

### Standard of accommodation

- 6.9 London Plan Policy 3.5 C requires that new dwellings should provide an acceptable standard of accommodation and reflect internal space standards. These are now set out in nationally described standards published in March 2015 which now replace those in the London Plan. The proposed flats would meet the nationally described standards so the proposed internal layout would provide an acceptable level of accommodation internally.
- 6.10 With regard to the external space the rear amenity area amounts to about 165 square metres (excluding the out building) and there is an addition 16 square metres to the side. This space is both usable and private. In addition there are the two existing balconies/rear terraces that it is proposed to be retained as amenity space. Taken together these are considered to provide an acceptable level of external space for the development and meet the LDF and London Plan policies on external amenity space.

### Parking and Highway Issues

- 6.11 The site lies within an area with a PTAL of 5-6 where parking of between 1.5-1 spaces per unit is appropriate under LDF Policy DC2. The parking provision available at the site amounts to 6 spaces if the parking space in front of the adjoining garage which is owned by the applicant is included. Up to 5 spaces could be provided within the application site which would meet the policy requirement, although with two of the flats being three-bed, this may not provide sufficient parking for visitors.
- 6.12 Gilbert Road and the adjoining roads have parking restrictions along most of their lengths; however, there are a small number of resident parking bays, including some close to the application site. In view of the demand for parking permits and the limited spaces available, Streetcare (Highways) has requested that a restriction is imposed on applications from future residents. This would be secured through a S106 planning obligation.
- 6.13 While the adjoining land is shown as being under the control of the applicant, the proposed site layout does not include parking on the land. This provision could be required to be made and retained through a condition; however, if the bungalow were sold off at some future date then the parking might no longer be available. In these circumstances Staff consider that a restriction on applications for parking permits can be justified as necessary to make the development acceptable.

### Infrastructure impact of the development

- 6.14 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) 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.
- 6.15 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 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.
- 6.16 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.
- 6.17 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 6.18 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 Policies DC29 and DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.19 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's 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, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 6.20 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. It is considered that a contribution equating to £6,000 per dwelling (net increase) for educational purposes would be appropriate.

6.21 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with Policies DC29 and DC72. There would be a net addition of 3 units and a charge of £18,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

#### Other issues

6.22 Concern has been raised by some of the objectors that, once permitted, the flats could be converted to small HMO's (House in Multiple Occupation). Whilst this does not form part of this planning application such a change of use would be allowed by the General Permitted Development Order (2015). In view of the potential impacts that such a change could have on the area Staff have recommended a condition (condition 8) that restricts a change of use to a small HMO without a planning application first being made. This would ensure that any potential impacts would be fully assessed by the authority before such a change was allowed.

#### 7. **Mayor's Community Infrastructure Levy (CIL)**

7.1 No new floorspace is to be created so there would be no Mayoral CIL liability.

#### 8. **Conclusions**

8.1 The proposed development would provide three new residential units within a residential area close to Romford town centre. The change of use proposed would be acceptable in principle, subject to meeting the criteria in LDF policy DC4. The development would result in an acceptable level of accommodation for future occupiers, including external amenity space and provide adequate parking. Subject to conditions on screening Staff judge that there would not be an unacceptable adverse impact on the amenities of adjoining residents, with from overlooking or from any increased noise and disturbance. On balance Staff consider that the proposal is acceptable and approval is recommended subject to the prior completion of a S106 Planning Obligation.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

None

#### **Legal implications and risks:**

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Staff 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 revised plans received 16th November 2015.