

REGULATORY SERVICES COMMITTEE

REPORT

[X]

25 August 2016	
Subject Heading:	P0584.16 - 92-94 North Street, Romford
	Alteration of the roof to a mansard construction to create residential dwellings with new staircase, bin store and cycle store. (Application received 03-05-2016)
Ward	Romford Town
Report Author and contact details:	Cole Hodder Planner cole.hodder@havering.gov.uk 01708 432829
Policy context:	Local Development Framework The London Plan National Planning Policy Framework
Financial summary:	None
The subject matter of this report deals with the following Council Objectives	

Havering will be clean and its environment will be cared for

People will be safe, in their homes and in the community

Residents will be proud to live in Havering

SUMMARY

The Council are in receipt of an application which seeks planning permission for alterations to the existing roof of 92 - 94 North Street to accommodate the formation of a mansard. It is proposed by way of internal partitioning to accommodate five residential units in total with the retention of some element of the commercial floor-space at ground floor.

It raises considerations in relation to the impact on the character and appearance of the street-scene, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 676 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £13,520 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used for educational purposes.
- Save for the holders of blue badges, that the future occupiers of the proposed units will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- 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 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 the 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. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are 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.

3. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (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.

4. Obscure Glazing

The proposed windows located on the north facing elevation at second floor level that serve the one bedroom unit with a GIA of 50.4m² as shown on drawing number 3510 SK05A shall be permanently fixed shut and obscurely glazed.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. Construction Methodology

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 Authorities;
- 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.

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.

6. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other 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

7. Boundary Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

9. Refuse and recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be 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 Policy DC61.

10. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be 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.

11. Standard Flank Window Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

12. Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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 ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Non Standard Condition 1

The building(s) shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum values) against airborne noise and 64 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties

14. Non Standard Condition 2

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from North Street and St Edwards Way upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, 'Calculation of Road Traffic', 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS82333:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to judge the impact of road noise emanating from North Street/St Edwards Way in connection with the proposed new residential units. Submission of this detail prior to commencement will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.o protect future residents against the impact of road noise.

INFORMATIVES

1. Fee informative

A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. 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 £13,520.00 (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.

3. **Approval – No negotiation**

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.

4. Planning Obligations

The planning obligations recommended in this report have 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.

5. Street Naming and Numbering

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx

REPORT DETAIL

1. Site Description

- 1.1 The site lies on the eastern side of North Street, close to the junction with St Edwards Way.
- 1.2 The application building is a two storey commercial unit, last in use as a furniture retail unit. An application was made which sought a Certificate of Lawfulness for the conversion of the first floor to, two residential units. This was deemed not to require planning permission.
- 1.3 The surrounding land use is mixed. Premises which front North Street were observed to comprise of various commercial uses at ground floor with residential at first floor. The rear of North Street is populated by a variety of building forms, comprising mainly of residential uses.

2. Description of Proposal

- 2.1 This application seeks permission to construct a mansard roof, similar to the premises adjacent and introduce new residential living accommodation to the roof-space and ground floor.
- 2.2 By way of internal partitioning, five residential units will be introduced of varying size and bedroom mix.

3. History

- 3.1 D0394.15 Certificate of lawfulness for proposed A1 use with two residential units over Approved
- 3.2 J0033.15 Prior Approval application for Change of use from A1 to C3 Approved

4. Consultation/Representations

- 4.1 In accordance with recognised procedure, notification letters were sent to thirty neighbouring properties. A petition with five signatures was received in conjunction with five letters of representation. The letters of objection will be summarised below as they raise similar concerns.
 - Loss of privacy
 - High number of units/overdevelopment
 - Lack of parking

- 4.2 Environmental Health No objections to the proposal, requested conditions.
- 4.3 Highway Authority No objections to the proposal, subject to a legal agreement preventing future occupiers from obtaining parking permits.

5. Relevant Policy

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD and Planning Obligations SPD (technical appendices).
- Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

7. Principle of Development

7.1 The site lies within the retail fringe of Romford Town Centre. The principle of introducing residential development above a ground floor retail unit is considered acceptable in land-use terms and the provision of additional housing is consistent with the NPPF as the application site is within an established urban area, and with the Romford Area Action Plan which aims to bring forward housing capacity. Although residential accommodation would be provided at ground floor, this would be to the rear and retail units would be retained at the front.

8. Density/Layout

- 8.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 8.2 The first floor of the host building was the subject of a Certificate of Lawfulness for the introduction of two residential units over the A1 ground floor unit. It is unclear currently as to whether or not his been implemented. With the incorporation of this element and the introduction of five additional units, the host premises would effectively accommodate 7no. residential units at a density equivalent to approximately 140 dwellings per hectare. This complies with the dwelling density stipulated by Policy DC2 for this area of Romford.
- 8.3 Staff will also seek to apply the guidance offered by the Technical Housing Standards Nationally Described Space document which has since been adopted by London Plan Policy 3.5. Policy 3.5 stipulates requirements for gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
- The proposed flatted block would provide 2no two-bedroom flats and 3no. one-bedroom flats with varying gross internal floor space all of which either meet or exceed the respective minimum standards as per the number of occupants they are intended to serve. The bedroom size and mix withinin these flats would also comply with the minimum standards set out by the technical housing standards meeting the floor area and width thresholds. Given this factor it is considered that the proposed development would be in accordance with technical housing standards and the flats would provide an acceptable amount of space for day to day living.
- A small area of outdoor amenity space is alluded to in the design and access statement supporting the application and a narrow strip of land to the rear of the property is shown on the proposed ground floor plan. However Staff are unconvinced as to the suitability of this arrangement or that it would provide useable amenity space. Nevertheless a lack of private amenity space is not considered to be an unusual arrangement particularly for a mixed-use development in a relatively central location. Given the particular nature and location of the site staff are of the opinion that the close proximity to Romford Town Centre allows easy access to recreational activities, with parks and open areas within a close walk from the proposed residential units. An objection based on lack of on-site amenity space is therefore considered difficult to justify.

9 Design/Impact on Street-scene

- 9.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 9.2 Given the varied building form within the locality, including a similar mansard roof to the adjoining premises, the alterations proposed to 92-94 North Street are such that they would not result in a visually incongruous or incompatible feature. It is judged that no undue impact on the existing street-scene would result.

10 Impact on Amenity

- 10.1 Issues of loss of light and overshadowing arising from the proposal are considered to be within acceptable parameters. In terms of scale, bulk and mass, the proposed development is not significantly greater than the existing built form although it is recognised that the overall size of the building will increase. This is particularly evident with regard to the altered roof form.
- The main consideration in terms of residential amenity relates to occupiers of adjacent residential premises, including residents of adjoining flatted accommodation and unattached neighbours to the rear of North Street.
- 10.3 Staff have applied the principles of the Residential Extensions and Alterations SPD and it is considered that by retaining some degree of setback in the southern flank wall of the second floor that any harm to the outlook of first floor residents of the adjoining premises would be mitigated satisfactorily. Although the bulk of the roof will be brought closer to the flank boundary by the proposed alteration to a mansard roof it is not considered that the additional impact of this would be of significant material harm.
- The introduction of additional windows to the north-west flank at second floor level also presents issues in terms of overlooking and loss of privacy. The existing arrangement particularly if the residential uses established via by the Certificate of Lawfulness and Prior-Approval decisions were implemented would have a detrimental impact on neighbouring residents, particularly those on Aveley Road. The question is whether the additional windows which would result from this application would give rise to an unacceptable loss of privacy over and above that which would be experienced from the existing first floor windows, to the degree that a refusal is justified.
- The degree of overlooking, and angle of views would be oblique from the north facing rooms to the front of the proposed second storey, such that staff raise no objections.
- 10.6 Conversely, the windows of the bedroom and living/kitchen area of the rearmost flatted accommodation with outlook to the north would benefit

from almost unimpeded views of the rear gardens of neighbouring properties on Aveley Road. It is reasonable then to impose a condition which requires obscure glazing to the bathroom and also the living/kitchen area as the flank window would not represent the primary light source to this room. Revised plans have been received 09-08-2016 which propose an additional window within the recess between the front and rear blocks. It is considered then that the flank window which serves the bedroom can now be obscurely glazed as an alternative light source has been provided.

10.8 It is the view of staff that, following receipt of revised plans that the impact on adjacent neighbouring premises would fall within acceptable parameters. In reaching this conclusion consideration has been given primarily to the current relationship between the host premises and neighbouring residents to the north on Aveley Road and whether or not this relationship would be worsened.

11. Highway/Parking

- 11.1 The site is located within the outer Romford PTAL zone, with a rating of 5. As such, access to public transport is considered to be excellent, such that less than one off-street parking space per unit would be required to comply with policy.
- 11.2 In this instance however, no dedicated off-street parking has been shown.
- Given the relatively central location of the proposal and the parking controls in place within the locality, it is the view of staff that the deficit in off-street parking shown could be controlled by the applicant entering into a Section 106 agreement to prevent future occupiers from obtaining parking permits.
- 11.4 The Highway Authority have raised no objection subject to the completion of such a legal agreement.

12. Mayoral Community Infrastructure Levy

The proposed development will create 5 new residential units with 672m² square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £13,520.00 subject to indexation based on the calculation of £20.00 per square metre.

13. Infrastructure Impact of Development

13.1 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.
- 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.
- 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.
- There has been a recent change to the effect of the CIL Regs 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.
- 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.
- 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.

- 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.
- 13.8 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 per new residential unit for educational purposes would be appropriate.

14. Conclusion

- 14.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 14.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the street-scene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of legal agreements to secure a financial contribution towards education firstly, and also to prevent future occupiers from obtaining parking permits.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions will be sought through the legal agreement.

Legal Implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form and drawings received 03-05-2016