



REGULATORY SERVICES COMMITTEE

23 February 2017

REPORT

Subject Heading:

P1898.16 - 60 Eastern Road, Romford

Conversion of a two-storey single-dwelling to 3no. 2-bed 3-person flats. Ground & first floor rear extensions (Received 21/11/16, revision received 07/12/16.

Ward:

Romford Town

Lead Officer:

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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 [X]
Residents will be proud to live in Havering [X]

SUMMARY

The report considers an application for the conversion of the existing two-storey semi-detached house into 3 no. flats with associated parking and amenity space. The application also proposes a two storey rear and single storey side and rear addition. The Site currently comprises an existing building, which fronts on to Eastern Road, and is a 2-storey, semi-detached, residential property. An area of hardstanding to the rear is being used as a car park and a detached garage.

The proposal raises considerations in relation to the impact on the character of the surrounding area, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission the proposal is acceptable and it is recommended that planning permission is granted subject to conditions and completion of an agreement under s106 of the Town and County Planning Act 1990 to secure planning obligations.

RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an additional internal gross floor area of 54m² which, at £20 per m², equates to a Mayoral CIL payment of £1080 (subject to indexation).

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

- A financial contribution of £12,000 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director 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 Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that car parking is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. 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.

6. 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.

7. 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.

8. 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.

9. Boundary treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be 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.

10. Water efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

11. Balcony condition

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

12. Standard flank window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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

13. Road Noise

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Mercury Gardens upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 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 BS8233:1999. 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 upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

14. Railway Noise

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) railways noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995)
- b) vibration from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

Reason: Insufficient information has been supplied with the application to judge the impact of transportation noise and vibration upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

15. Noise insulation

Before any development is commenced, a scheme for protecting the proposed dwelling from noise from the adjoining children's day nursery at 62 Eastern Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason: Insufficient information has been supplied with the application to judge the impact of noise emanating from the neighbouring day nursery upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with

INFORMATIVES

1. 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. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a revision to the amenity space and parking provision. The amendments were subsequently submitted on 7 December 2016.
3. 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 £1080 (this figure may go up or down, 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.
4. 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. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
6. Before occupation of the residential units 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 application site comprises No.60 Eastern Road and its curtilage. The existing building, which fronts on to Eastern Road is a 2-storey, semi-detached, residential property. An area of hardstanding to the rear is being used as a car park and a detached garage.
- 1.2 The site's western and eastern boundaries adjoin neighbouring residential properties located along Eastern Road; the northern boundary lies adjacent to the public highway; whilst the southern boundary adjoins the railway.

2. Description of Proposal

- 2.1. This planning application proposes the conversion of a house into 3 No. 2-bedroom flats. The proposal would include five vehicle parking spaces, three to the rear of the property, and two to the front. A private amenity space of 29m² would be provided to the rear of the ground floor unit, beyond which would be a 40m² communal amenity area for the remaining units.
- 2.2 The proposal would also include a single store side addition and two storey rear addition. The single storey side addition will infill the area between the existing two storey rear projection and the attached neighbouring boundary and wrap around the rear of the proposed 2-storey rear addition.
- 2.3 The two storey rear addition will be an extension of the existing two storey element and will measure 4m in depth, 3.8m in width and 6.6m in height to the top of the hipped roof.
- 2.4 The single storey rear addition will measure between 2.1m and 5.9m in width and will measure 12.5m in depth which includes the 2m projection beyond the proposed 2-storey element. The single storey addition has a height of 2.9m to the top of the flat roof.
- 2.5 The proposal would retain the existing access to the side of the site.

3. Relevant History

- 3.1 P1128.13 - Conversion of main house to 2 No 2 bed flats - Resolution for approval, subject to completion of legal agreement
- 3.2 P0658.13 - Conversion of main building to 4 flats and garage to 1 bedroom apartment - Refused
- 3.3 P1273.12 - Change of use dwelling and garage to office accommodation - Refused for the following reasons

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 49 properties and no letters of objection were received. One letter was received commenting on issues relating to refuse storage in the area and ensuring that sufficient storage arrangements are available for this development. A condition will be added requiring the developer to submit details for approval of the refuse storage in the event of an approval.
- 4.2 The following consultation responses have been received:
 - The London Fire Brigade - no objection.
 - Highways - no objection.
 - Thames Water - no objection
 - Environmental Health raised no objection provided that conditions are added for noise assessments to determine the impact from noise emanating from Mercury Gardens and the railway.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC32 (The Road Network) 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 and the Planning Obligations SPD (Technical Appendices).
- 5.3 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), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

6.1 The main issues to be considered by Members in this case are the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and highway/parking issues.

6.2 Density Layout

6.2.1 The proposal would provide 3 no. residential flats at a density equivalent to approximately 68 dwellings per hectare. This is within the aims of Policy DC2 which states that a dwelling density of between 55 to 175 dwellings per hectare would be appropriate in this location.

6.2.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

6.2.3 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

6.2.4 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

6.2.5 The proposed ground floor flat to the rear (flat 3) would have its own outdoor amenity area measuring approximately 29m² in area to the rear of the application building. A communal amenity area for the remaining flats is also indicated beyond the aforementioned private space, and would measure approximately 40m² in area. The SPD does not stipulate minimum space standards for amenity space provision, but does state that such spaces should provide an acceptable level of utility for future occupiers. It is considered that the proposed level of amenity space provision would be sufficient for the enjoyment of future occupiers, particularly given the size of the proposed units and their proximity to the town centre. Staff consider access to the amenity space sufficient as the ground floor flat will have access through the back door to a private amenity area and the remaining flats would have a short distance walk from the front doors situated in the southwestern elevation and along the side access road.

6.3 *Design/Impact on Streetscene*

- 6.3.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.2 The proposed extensions will be to the rear of the existing building and therefore not visible in the Eastern Road streetscene. Staff consider the proposed two storey rear addition to be acceptable as it would be similar to other generous two storey rear extensions in the immediate vicinity.
- 6.3.3 The single storey rear addition is of modest height at 2.9m to the top of the flat roof and considered to be acceptable in the rear garden environment.

6.4 *Impact on Amenity*

- 6.4.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.4.2 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers. The attached building is occupied by a Day Nursery and Pre-School. The nearest residential property is a block of flats situated to the west of the application site. Officers do not consider the two storey rear addition to have a significant impact given the nature of this neighbouring use and the separation distance of approximately 4.4m between the two storey rear addition and this neighbouring block of flats.
- 6.4.3 In order to determine and mitigate potential noise and vibration impacts from the railway line and noise impact from Mercury Gardens conditions have been attached requesting assessments to be completed prior to the commencement of any development. A condition has also been added for a scheme to mitigate any impact from the attached day nursery. Any future occupants of the development will also be aware of the next door nursery.

6.5 *Parking and Highway Issues*

- 6.5.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site is situated within the Romford pedshed and requires 1.5-1 parking spaces per unit for a development of this type. The development would provide a total of 5 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The proposal would also be in keeping with the London Plan which requires up

to 1.5 spaces per unit for a development in this locality. The Highways Authority has not raised an objection to the proposal.

6.6 *Mayoral Community Infrastructure Levy*

6.6.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 54m² which, at £20 per m², equates to a Mayoral CIL payment of £1,080 (subject to indexation)

6.7 *Infrastructure Impact of Development*

6.7.1 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.

6.7.2 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.

6.7.3 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.

6.7.4 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.

6.7.5 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.

6.7.6 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.

6.7.7 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 per dwelling 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.

6.7.8 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 £12,000 for educational purposes would be appropriate.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a legal agreement being completed.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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

Application form, drawings and supporting statements received on 21 November 2016, revision received on 07 December 2016.