

**REGULATORY SERVICES
COMMITTEE**

22 February 2018

Subject Heading:

**P2078.17: Morland House, 12-16
Eastern Road, Romford**

Removal of condition 9 (Accessible and adaptable dwellings) of planning permission P0110.16 for the construction of roof extension to create two additional floors comprising 8no. new residential flats . (Application received 13 December 2017)

Ward:

Romford Town

SLT Lead:

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Report Author and contact details:

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

Planning permission P0110.16 was granted in October 2017 for the construction of a roof extension to create two additional floors comprising 8no. residential flats.

Due to practical issues involving compliance, this application is seeking to remove condition 9 of the planning permission under Section 73 of the Town and Country Planning Act, 1990. The condition requires that the new dwellings are constructed to comply with the Accessible and Adaptable Dwellings legislation.

In this instance the removal of the condition is considered to be acceptable and it is recommended that planning permission is granted subject to conditions differing from those subject to which the previous permission was granted and the applicant entering into a deed of variation to the existing 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 315 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £6,300 Mayoral CIL payment (subject to indexation).

That the removal of condition 9 of the planning permission P0110.16 under Section 73 of the Town and Country Planning Act, 1990 proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the existing legal agreement, completed on 12 October 2017, in respect of the previous planning permission P0110.16 by varying the definition of Planning Permission which shall mean either planning permission P0110.16 as originally granted or planning permission P2078.17 and any other changes as may be required from this, to secure the following obligations, by 22 June 2018, and in the event that the deed of variation is not completed by such date then the application shall be refused:

- A financial contribution of £48,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from obtaining or 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 the Assistant Director of Development 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 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. External Materials

The external elements of the development shall be constructed in the materials approved under condition 3 of P0110.16; under discharge of condition reference Q0215.17.

Reason: To 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.

4. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawing 'PD01 Rev B' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation 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.

5. Construction Methodology

The Construction Methodology shall be carried out in accordance with the details approved under condition 5 of P0110.16; under discharge of condition reference Q0215.17, as detailed in the Demolition and Construction Statement, dated August 2017.

Reason: To 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. 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.

8. 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.

9. New Plant and Machinery

No building shall be occupied or use commenced until a scheme for the new plant or machinery is submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used 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 prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

10. Noise Insulation

The extension shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

11. Railway Noise Assessment

The dwellings shall be constructed in strict accordance with the measures set out in the Noise Impact Assessment, dated June 2017, produced by Venta Acoustics (Report VA1865.170623.NIA) submitted in relation to condition 12 of P0110.16 and approved under discharge of condition application reference Q0215.17.

Reason: To protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

12. 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.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. 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 £6,300 (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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

5. 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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the property at Morland House, 12 Eastern Road, Romford. This is a five-storey former office block, which has been converted to residential flats through the prior approval legislation.
- 1.2 The building fronts onto Eastern Road with narrow service roads and parking areas to the sides. The railway line runs directly to the rear of the building. The property is located within Romford town centre, situated alongside other tall office blocks in this section Eastern Avenue.
- 1.3 The land is designated in the LDF as being within the Romford Office Quarter and as such is surrounded by a mixture of uses including commercial and residential.

2. Description of Proposal

- 2.1 Planning permission was granted under application reference P0110.16 in October 2017 for the construction of a roof extension to create two additional floors comprising 8no. residential flats. The accommodation would be split with four flats on each floor and would comprise 4no. one-bedroom units, 2no. two-bedroom units and 2no. three-bedroom units.

- 2.2 The current proposal is seeking to remove condition 9 of the planning permission, which requires that the new dwellings are constructed to comply with the Accessible and Adaptable Dwellings legislation under Part M4(2) of the Building Regulations.
- 2.3 The application proposes no other changes to the previously approved scheme.

3. Relevant History

- 3.1 Q0215.17 Discharge of Conditions 3, 5 and 12 of planning permission P0110.16

J0027.15 - Prior Approval for the conversion of Ground and First Floor from Office to Residential - Approved, 21 October 2015

J0001.15 - Prior approval application for the change of use from office to residential - Approved, 10 April 2015

4. Consultations/Representations

- 4.1 Notification letters were sent to 55 properties and no representations have been received.
- 4.2 The following consultation responses have been received:
- Building Control - no objection.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), DC29 (Educational Premises), 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 Romford Area Action Plan, Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 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

- 6.1 When considering the previous application for the residential development, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 This application concerns the removal condition 9 of planning permission P0110.16, which requires that the 8no. new flats are constructed to comply with the Accessible and Adaptable Dwellings legislation under Part M4(2) of the Building Regulations.
- 6.3 As set out in 'Approved Document M of the Building Regulations - Volume 1: Dwellings', to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entrance storey.
- 6.4 The fifth and sixth floor roof extension relates to an existing residential building and it is intended that the new floors would be constructed to conform to the existing lift facilities that currently serve all floors of the building. The new flats on the fifth and sixth floors would therefore be served by lifts ensuring step free access would be provided for the new occupiers.
- 6.5 However, in this instance the existing lift shaft and corridor access points throughout the building would need to be widened to facilitate the full M4(2) compliant widths for the new floor levels. As a result the necessary works would involve a significant reconfiguration of the existing internal layout, including the repositioning of walls of the existing occupied flats, resulting in the displacement of the existing residents in the lower floors.
- 6.6 As a result it is the applicant's intention to replicate the existing lift facilities into the fifth and sixth floor extension, rather than embark on the disruptive and expensive alteration.
- 6.7 The Accessible and Adaptable Dwellings legislation is set out in Policy 3.8 of the London Plan and is primarily aimed at new build housing. In this case

the development relates to the extension of an existing residential block, rather than a new build.

- 6.8 Paragraph 206 of the NPPF states that “Planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.”
- 6.9 Staff have considered the specific circumstances relating to the implementation of condition 9 and on reflection form the view that it would not be necessary or reasonable in this instance for the Council to require full compliance with Part M(2). The measures put in place by the applicant would still ensure step free access to the new dwellings, which would adhere to the wider aims of Policy 3.8. As a result the removal of the condition is considered to be acceptable.

Principle of Development

- 6.10 The principle of the development was established under planning permission P0110.16. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area..

Density/Layout

- 6.11 The density and layout of the scheme was assessed under planning application P0110.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Design/Impact on Streetscene

- 6.12 The design and impact on the streetscene was assessed under planning application P0110.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Impact on Amenity

- 6.13 The impact on the amenity of neighbouring residents was assessed under planning application P0110.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Parking and Highway Issues

- 6.14 The parking provision and highways implications was assessed under planning application P0110.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements..

Mayoral Community Infrastructure Levy

- 6.15 The proposed development will create 8 no new residential units with 315 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6,300 subject to indexation based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.19 There has been a 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.
- 6.20 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.

- 6.21 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.
- 6.22 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 unit 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.
- 6.23 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 £48,000 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 differing from those subject to which the previous permission was granted and a deed of variation to the existing section 106 agreement.
- 7.2 Staff consider that the proposal is acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character and appearance of the area or result in a loss of amenity to neighbouring occupiers. 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 a deed of variation legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required deed of variation. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating 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

Application form, supporting statements, and drawings received 13 December 2017.