



REGULATORY SERVICES COMMITTEE

5 April 2018

REPORT

Subject Heading:

P1599.17

2nd & 3rd Floor, Equitable House,
88-100 South Street, Romford

Sub-division of existing flats to form 7no
additional units
(Application received 26-09-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

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Ward:

Romford Town

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
Places making Havering
Opportunities making Havering
Connections making Havering

[X]
[X]
[X]
[X]

SUMMARY

This proposal seeks consent for the sub-division of the existing flats to form 7no additional units. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to restrict future occupiers from obtaining parking permits. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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 obligations:

- To restrict future occupiers from obtaining parking permits.

That, if by 5th August 2018 the legal agreement has not been completed, the Assistant Director of Development has delegated authority to refuse planning permission.

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 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Refuse/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.

4. Cycle storage - Prior to the first occupation of the dwellings hereby permitted, the proposed cycle storage shown on drawing No.'s 102 Proposed Second Floor Rev: A and 102 Proposed Third Floor Rev: A shall be provided to the satisfaction of the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: To ensure that cycle storage is made permanently available and in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

5. 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.

6. 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.

7. Control of noise - Before the development hereby permitted commences, details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise affecting the site from nearby and/or adjacent commercial premises, specific consideration should be afforded to noise arising from venues associated with the late night economy. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: Insufficient information has been supplied with the application to judge the provisions to be made for the control of noise affecting the site from nearby and/or adjacent commercial premises. Submission of this detail prior to commencement of the development 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.

INFORMATIVES

1. 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 Mr Springthorpe via email on 1st December 2017. The revisions involved the provision of internal cycle storage. The amendments were subsequently submitted on 14th December 2017.
2. 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.
3. 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 application site comprises of the second and third floors of a four storey building known as Equitable House, with commercial units at ground floor and residential accommodation above.

2. **Description of Proposal**

- 2.1 The proposal involves the sub-division of 9 no. existing flats to form 7 no. additional units. There would be a total of 10, one bedroom units and 6 studio units. The proposal includes the provision of cycle storage.

3. **Relevant History**

J0009.17 - Change of use from office to residential for 18 self-contained units (PRIOR APPROVAL) - Prior approval given.

P2001.08 - Conversion of second and third floor offices into residential accommodation comprising five flats on the second floor and four flats on the third floor replacement windows and alterations to external elevations - Approved with conditions.

4. Consultation/Representations

4.1 Consultation letters were sent to the occupiers of 51 neighbouring properties. Three letters of objection were received with detailed comments that have been summarised as follows:

- Queried if the existing residents will be rehoused.
- Noise.
- Pollution from extractor units from nearby restaurants.
- Vermin.
- Refuse.

4.2 In response to the above, comments regarding rehousing of the existing residents and pollution from nearby extractor units are not material planning considerations. Details of refuse storage can be secured by condition if minded to grant planning permission.

4.3 Highway Authority - No objection subject to a legal agreement preventing future occupiers from obtaining car parking permits. Satisfied with the internal cycle storage provision.

4.4 Environmental Health - No objection in relation to land contamination and air quality matters. Recommends a condition regarding details of a scheme which specifies the provisions to be made for the control of noise affecting the site from nearby and/or adjacent commercial premises and specific consideration should be afforded to noise arising from venues associated with the late night economy if minded to grant planning permission.

4.5 Fire Brigade - No additional new hydrants are required. The Brigade will be satisfied with the proposals subject to a dry rising fire main being provided if one does not already exist. The inlet to the main should be sited on the face of the building so that it is visible from the kerb in South Street. The main should be designed, installed and maintained in accordance with BS 9990-2015.

4.6 Essex & Suffolk Water - No objection.

5. Relevant Policy

5.1 Policies CP1 (Housing supply), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivisions of Residential Uses), DC29 (Educational premises), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC55 (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document.

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant and the Housing SPG. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

6.1 The proposal involves the sub-division of 9 no. existing flats to form 7 no. additional units and therefore, is not liable for Mayoral CIL.

7. Staff Comments

7.1 The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.

8. Principle of Development

8.1 The principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.

8.2 The proposal involves the sub-division of 9 no. existing flats to form 7 no. additional units. Given the existing residential use of the site, the proposal is therefore acceptable in principle and in accordance with Policy CP1.

9. Design/Impact on Street/Garden Scene

9.1 The proposal does not involve any external changes to the building.

10. Impact on Amenity

10.1 It is considered that the sub-division of 9 no. existing flats to form 7 no. additional units would not result in a significant loss of amenity to

neighbouring properties, as it consists of changes to the internal layout of the second and third floors of the building.

- 10.2 The proposed flats meet all of the criteria of the Technical Housing Standard and Policy 3.5 of the London Plan. It is considered that the internal layout, aspect and outlook of the proposed flats are acceptable. Whilst the proposals include 6 no. studios, a form of accommodation specifically excluded by Policy DC4, the size and layout within the units is such that a self-contained bedroom could be created through the erection of partitions. On this basis, it would be difficult to justify an objection grounded in the principle of having studio units, particularly as they meet all of the criteria within the Technical Housing Standard and Policy 3.5 of the London Plan.
- 10.3 The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. The SPD does not prescribe fixed standards for amenity space provision but focuses on the quality and usability of amenity space within a development.
- 10.4 The proposed flats do not have any amenity space provision. However, when reviewing the merits of this application, consideration was given to the fact that the existing flats above this parade of commercial units do not have any amenity space provision, which is not unusual given the constraints and location of the site. Therefore, Staff consider that there are insufficient grounds to refuse planning permission based upon the lack of amenity space provision for the flats.
- 10.5 Subject to a condition regarding a scheme to control noise affecting the site from nearby adjacent commercial premises, it is considered that the proposed development would provide an adequate level of amenity for future occupiers.

11. Highway/Parking

- 11.1 The site has a PTAL rating of 6b. In respect of car parking, the London Plan states that all developments in areas of good public transport accessibility should aim for significantly less than one space per unit. Given the high PTAL rating, proximity to Romford train station and the town centre location, no car parking provision is deemed to be acceptable in this instance. The Highway Authority has no objection to the proposal subject to a legal agreement to restrict future occupiers from obtaining parking permits. The plans have been amended to include the provision of Sheffield steel secure vertical cycle racks in an internal storage room on each floor and this will be secured by condition if minded to grant planning permission. Details of

refuse provision will be secured by condition if minded to grant planning permission.

12. **Section 106**

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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.

- 12.9 Notwithstanding this approach, there have been several recent appeal decisions whereby Inspectors have not supported the Council's request for a contribution towards education for one bedroom self-contained units. Given that the proposed flats are either studio (one bedroom, 1 person) or one bedroom, 2 person units, Staff consider that there is insufficient justification to request a contribution towards education in this instance.

13. **Conclusion**

- 13.1 Having regard to all relevant factors and material planning considerations, Staff are of the view that this proposal would be acceptable. Staff consider that the proposal would integrate satisfactorily with the streetscene and would not be unduly harmful to residential amenity. 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 legal agreement to restrict future occupiers from obtaining parking permits.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

No legal implications arise as a result of the proposal.

Human Resources implications and risks:

None

Equalities implications and risks:

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