

# REGULATORY SERVICES COMMITTEE

# REPORT

8 March 2012

**Subject Heading:**

**P1893.11 – 1C Como Street, Romford**

**Creation of second floor to form 1 one bedroom flat (resubmission of P1687.10) (Application received 21<sup>st</sup> December 2011)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report concerns an application for the creation of a second floor to form 1 No. one bedroom flat. A legal agreement is required as the proposal would not provide any off street car parking for future residential occupiers on site. Staff consider that the proposal would nonetheless accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy

and Development Control Policies Development Plan Document and approval is therefore recommended.

<b>RECOMMENDATIONS</b>
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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:

- Agreement that all future occupiers of the proposed development, save for blue badge holders, are restricted from applying for residents parking permits.
- The Council's reasonable legal fees for preparation of the legal agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon its completion of that agreement, grant planning permission subject to the conditions set out below:

1. 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. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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.

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

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted 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.

5. No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

6. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

7. **INFORMATIVES:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC2, DC3, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies ROM14 and ROM20 of the Romford Area Action Plan DPD.

In aiming to satisfy condition 6 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

### 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.

## REPORT DETAIL

### 1. Site Description:

- 1.1 The application site is located on the south eastern side of Como Street. The site is presently occupied by a two storey detached building, which comprises of two flats, 1B and 1C Como Street. The surrounding area is a mixture of residential and commercial properties. The site is flanked by 105 North Street to the east, which comprises of a retail unit at ground floor entitled 'Cartridge World' with a flat on the first floor - 1A Como Street and a two storey detached office building, 'Riverside House', to the west.

### 2. Description of development:

- 2.1 The application seeks permission for the creation of a second floor to form 1 No. one bedroom flat, which is a resubmission of application P1687.10. The flat comprises of a lounge, bathroom, kitchen, bedroom and landing. The proposal would increase the height of the building from 7.2 metres to 9.7 metres. The proposal includes internal alterations to create a new staircase up to the second floor flat.

2.2 The proposal includes adding two windows to the eastern flank of the building, one would serve a bedroom to the first floor flat and the second would serve a kitchen to the new flat on the second floor.

3. **Relevant History:**

P1687.10 - Creation of second floor to form 1 one bedroom flat - Refused.

4. **Consultations/Representations:**

4.1 The occupiers of 14 neighbouring properties were notified of this proposal and no letters of representation were received.

4.2 The Fire Brigade is satisfied with the proposals.

4.3 Environmental Health - Recommend conditions if minded to grant planning permission.

4.4 Crime Prevention Design Advisor - Recommends a condition and an informative if minded to grant planning permission.

4.5 The Highways Authority has no objection to the proposals; however, there are concerns regarding the cumulative effect of future sub-division of housing units and therefore request that a Planning Obligation preventing the purchase of parking permits for vehicles is included.

5. **Staff Comments:**

5.1 This proposal follows a previous planning application, P1687.10, for the creation of a second floor to form one, one bedroom flat, which was refused planning permission for the following reasons:

- The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, primarily No. 1A Como Street contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- The proposal does not provide any off street car parking. In the absence of this and any mechanism to control the demand for on street car parking permits, the proposals are considered to result in unacceptable overspill onto adjoining roads, contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.

5.1.1 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The secondary lounge window on the rear façade of Flat 1A Como Street has been removed.

- The window on the north western flank of No. 1C Como Street has been enlarged from one pane to three panes.
- The applicant has agreed to enter into a legal agreement as a means of preventing future occupiers of the second floor flat from applying for residents parking permits.

5.1.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with Policies ROM14 (Housing Supply) and ROM20 (Urban Design) of the Romford Area Action Plan DPD, the Design for Living Supplementary Planning Document and 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), 7.13 (safety, security and resilience to emergency) and 7.4 (local character) of the London Plan are relevant. National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing' are also relevant.

## **5.2 Principle of Development**

5.2.1 PPS1 encourages a mixture of uses within town centres, which can assist in creating vitality, diversity and a reduction in the need to travel. PPS1 also seeks to ensure that housing is available where jobs are created and encourages the provision of a mixture and range of housing. PPS3 encourages high quality residential development with access to a good range of facilities. Re-use of previously developed land is also encouraged.

5.2.2 The site lies outside, but adjacent to a Site Specific Allocation for Como Street as identified within the Romford Area Action Plan. The site comprises of residential development. The creation of a second floor for residential development is considered acceptable for the locality.

## **5.3 Density and site layout**

5.3.1 The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is considered to be located within an area of predominantly terrace housing, with the density requirement being 55-175 units per hectare.

5.3.2 The proposal achieves a density of some 172 units per hectare on this 0.0058 hectare site, which falls in the upper range of this density and is therefore acceptable.

5.3.3 The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for flats. The Council's guidance does advise that in a predominantly commercial area where a mixed use

development of residential flats above office or retail uses is considered appropriate, the total amenity space area may be reduced, or waived altogether provided that:

- (a) the relationship of the proposed building block to adjoining boundaries and buildings is acceptable,
- (b) flats have an acceptable outlook
- (c) the building mass is appropriate in the streetscene, and
- (d) all other policies and standards are met in full.

5.3.4 In this location, there is no existing or availability for the future provision of dedicated amenity space. Although, it is noted that the existing flats, 1B and 1C Como Street, do not have any amenity space. Given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

#### **5.4 Design/impact on street/Garden scene**

5.4.1 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. Following a site visit, it is noted that the streetscene has a varied character, with two storey terraced, semi-detached and detached properties in Como Street and adjacent to the junction between Como Street and North Street. No. 111 to 115 North Street comprises of a three storey detached building. In addition, planning permission was granted for the construction of a three storey block of 6 no. two bedroom flats at 9 Como Street (application reference P1461.10). Therefore, it is considered that the creation of a second floor to 1C Como Street would not appear dominant or out of character with the streetscene.

#### **5.5 Impact on amenity**

5.5.1 It is considered that Riverside House would not be adversely affected by the proposal, as it comprises of offices.

5.5.2 It is considered that properties located opposite the site (primarily No.'s 2 and 4 Como Street and 107 North Street) would not be adversely affected by the proposal, as there is a minimum separation distance of approximately 11 metres between the front façade of the application building and the flank of No. 107 North Street.

5.5.3 It is noted that there is a flat above 105 North Street, 1A Como Street, which backs onto the application site. When planning application P1687.10 was determined, Flat 1A Como Street originally featured a secondary lounge window on its rear façade, which was a secondary light source with a single pane window on the north western flank. Planning application P1687.10 was refused, as it was considered that the creation of a first floor window serving a bedroom of 1C Como Street and one second floor window serving a kitchen

of the proposed one bedroom flat on the eastern flank of the application building would be an un-neighbourly development and result in undue overlooking and loss of privacy harmful to the amenity of No. 1A Como Street.

In accordance with Building Regulation application BN/9157/11/1, the secondary lounge window on the rear façade of Flat 1A has subsequently been removed. Also, the window on the north western flank of No. 1C has been enlarged from one pane to three panes. As a result, it is considered that the proposal would not result in any undue overlooking or loss of privacy to No. 1A Como Street.

- 5.5.4 It is considered that the creation of a second floor to 1C Como Street would not result in a significant loss of light to 1A Como Street, as the enlarged lounge window is on the north western flank of the building.

## **5.6 Highway/parking issues**

- 5.6.1 The Highways Authority has no objection to the proposals; however, there are concerns regarding the cumulative effect of future sub-division of housing units and therefore request a Planning Obligation preventing the purchase of parking permits for vehicles is included. The applicant has agreed to enter into a legal agreement to this effect.

- 5.6.2 It is considered that as the proposal would not provide any parking on-site that the occupiers should be restricted from applying for residents parking permits.

## **5.7 Conclusion**

- 5.7.1 The creation of a second floor to form 1 No., one bedroom flat is acceptable in principle. It is considered that the proposal would not be harmful to the character or appearance of the streetscene. It is considered that the proposal would not be materially harmful to residential amenity. Staff consider that the proposal would not create any parking or highway issues subject to the completion of a legal agreement preventing future occupiers of the second floor flat from obtaining residents parking permits. Having regard to all material planning considerations, it is recommended that planning permission be approved.

## **IMPLICATIONS AND RISKS**

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

None.

**Legal implications and risks:**

A legal agreement would be needed to restrict access to residential parking permits.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None.

**BACKGROUND PAPERS**

Application forms and plans received 21/12/2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.