



# REGULATORY SERVICES COMMITTEE

6 March 2014

# REPORT

**Subject Heading:**

P1477.12 – Essex House, 1 Harold Court Road, Romford

Conversion of a mixed use building B1(commercial) and residential into A1 use (plumbing supplies) and 4 no. self-contained flats with associated external alterations. (Application forms and plans received 07/01/13).

**Report Author and contact details:**

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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**

Clean, safe and green borough	[ ]
Excellence in education and learning	[ ]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[ ]

**SUMMARY**

This planning application relates to the conversion of a mixed use building B1 (commercial) into A1 use (plumbing supplies) at lower ground floor and 4 no. self-contained flats over the lower ground, ground and 1st floors.

The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

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 £18,000 to be used towards infrastructure costs.
- 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.
- To 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.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Development and Building Control to 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.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.

**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. Before the development hereby permitted is first occupied, provision shall be made for 4 no. off-street car parking spaces, 1 for each of the dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Landscaping: No development shall take place 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:** In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

5. Standard flank wall condition: 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 and approved plans,) 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.

6. Cycle storage: Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in

writing by the Local Planning Authority shall be provided and permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

7. 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.

8. Secured by Design: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

**Reason:** In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

9. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

10. Boundary Treatment: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

11. Noise insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties.

12. Commercial use noise insulation: Before the commercial use commences, that part of the building in commercial use shall be insulated in accordance with a scheme which shall previously have been submitted to and approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

**Reason:** In the interest of residential amenity.

## INFORMATIVES

1. Fee Informative:

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

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012

3. 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.

4. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval

will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
6. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
7. In aiming to satisfy condition 8 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

## REPORT DETAIL

### Background

This application was previously considered by Members on 6 April 2013, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD. A contribution of £24,000 was requested based on a total of 4 proposed units at a cost of £6,000 per unit.

Staff have since been requested to take into consideration that there is an existing residential unit on this site. In the circumstances, Staff consider it reasonable that the infrastructure impact of the existing residential unit be taken into consideration and that the contribution should only be required on the net gain of 3 units. Consequently the amount of the infrastructure contribution required is calculated to be reduced to £18,000 and authority is sought from the Committee to seek a reduced contribution from that previously sought.

The applicant has also indicated that no additional floor space has been added to the premises and the proposal would therefore not be CIL liable. The report has been amended to reflect this.

The original report presented to Members with amendments to reflect the above is reproduced below.

## **1. Site Description**

- 1.1 The application site is located on the corner of Colchester Road (A12) and Harold Court Road. The site consists of a 3 storey building which has been empty for over a year and has previously been used as a large shop premises with ancillary offices and non self-contained residential accommodation.
- 1.2 The existing premise has a total floor area of 235m<sup>2</sup>. There is a severe change in ground level sloping down from northwest to southeast. The premise has access to the rear of the premises off Harold Court Road and can provide parking space for approximately 4 vehicles.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of adjacent commercial units comprising ground floor shop units with residential units above.

## **2. Description of Proposal**

- 2.1 This planning application relates to the conversion of the building into A1 use(plumbing supplies) at lower ground floor and 4 no. self-contained flats over the lower ground, ground and 1st floors. The proposal does not involve any external changes to the building.
- 2.2 The lower ground floor will consist of a retail area of 70m<sup>2</sup> and a 1-bedroom flat. The flat will have a kitchen/living/dining area, bedroom and a bathroom and will be accessed from the rear of the building. The ground floor will consist of a retail area of 60m<sup>2</sup> and a 2-bedroom flat. The flat will have a kitchen/living/dining area, 2 bedrooms and a bathroom and will be accessed from Harold Court Road. The first floor will consist of 2 no. 2-bedroom flats. The flats will have a kitchen/living/dining area, 2 bedrooms and a bathroom and will be accessed from Harold Court Road.
- 2.3 Parking for 4 vehicles and a refuse storage area will be provided to the rear of the property. Cycle storage will be provided to the side of the building at lower ground level.

## **3. Relevant History**

- 3.1 There is no relevant recorded history

#### **4. Consultation/Representations**

- 4.1 Neighbouring notifications were sent to 28 neighbouring properties. No representations have been received.
- 4.2 The London Fire and Emergency Planning Authority has stated that access needs to be sufficient to the flats and that hose lengths must be measured from the appliance position within the roadway to the furthest point within each flat to make sure it is within 45m.
- 4.3 Environmental Health has requested conditions for noise insulation and restricted construction and delivery hours.
- 4.4 The Borough Crime Prevention Design Advisor raises no objection subject to the imposition of planning conditions covering the submission of a Secure by Design application and a management statement.
- 4.5 Highways raised an objection to the proposal as it would result in a shortfall in parking spaces provided and the lack of provision for servicing the commercial premises and would have a detrimental impact on the junction of Harold Court Road and Colchester Road (A12).
- 4.6 Transport for London does not object to the proposal however they have concerns that the proposal may impact on the A12 during construction phase. TFL suggest that vehicles that serve the site either park on site or park away from the red route were it is safe to do so. All TFL's comments have been forwarded to the applicant for information.
- 4.7 Streetcare has commented that as the proposal is for both commercial and residential use the refuse storage must be segregated.

#### **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public



Realm) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).

- 5.3 National Planning Policy Framework (NPPF) Section 6 “Delivering a wide Choice of Homes”, and Section 7 “Requiring Good Design”.

## **6. Staff comments**

- 6.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

### *6.2 Principle of Development*

- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.

- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m<sup>2</sup> for a 2-bed 3-person flat and 50m<sup>2</sup> for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable.

- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London’s housing supply.

### *6.3 Density and Amenity Space*

- 6.3.1 8.1 The Council's Residential Design 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.

6.3.2 The proposal would involve the conversion of the existing building to provide retail space and 4 no. flats. The subject site is very small with limited space to the rear of the property. The space to the rear will be utilised for parking and refuse storage. It is therefore not possible to provide amenity space on site. It should also be noted that a similar scenario exists at Tudor Court, situated across from Harold Court Road to the west of the application site, where there are flats situated above commercial premises with no amenity space provision. Staff do not consider the lack of amenity space to be unacceptable given the site constraints, however this issue will be a matter of judgement for Members to debate.

6.3.3 The residential density range for this site is 30 - 50 units per hectare and 150-200 rooms per hectare. The proposal would result in a density of approximately 129 units per hectare and 225 rooms per hectare. Although this is in excess of the recommended range consideration should be given to the unique site constraints and the proposal being for flat development. Staff do not consider the proposal to be overdevelopment of the site as it would involve utilising the existing building to increase the housing supply.

#### 6.4 *Design and Visual Impact*

6.4.1 The proposal would not involve external changes to the subject building and would therefore not result in any impact to the streetscene or surrounding area. Any possible changes to the shopfront and signage of the retail unit are not part of this application and may require a separate planning application.

#### 6.5 *Impact on Amenity*

6.5.1 The proposal would not result in any external additions or changes to the existing fenestration. To the northeast the site is bordered by a residential dwelling at no. 1a The Parade. Any potential overlooking from existing windows are considered acceptable as there are no windows located in the southwest flank of this dwelling. Any potential for overlooking will be to the front of this dwelling which is considered acceptable. Staff do recognise that there will be some impact to this residential property from vehicles entering and leaving the parking area proposed to the rear of the subject property, however it is considered that any vehicle movement would not be different from the present circumstances on site and is considered acceptable.

6.5.2 To the north the property is bordered by the A12 and to the south and southwest by commercial properties. It is therefore considered that the proposal would not have an unacceptable impact on these premises.

## 6.6 *Highways / Parking Issues*

- 6.6.1 Access to the car park at the rear of the site would be gained from Harold Court Road. The applicant proposes to demolish the existing wall on this boundary and increase dropped kerb in order for vehicles to access the proposed parking.
- 6.6.2 The development proposes a total of 4 parking spaces, which is a ratio of 1 space per flat. No parking provision is made for the retail component. The application site is located in an area which is identified as rest of borough (PTAL 1-2). In this location each residential unit should provide 2-1.5 parking spaces per unit.
- 6.6.3 Staff do recognise that the parking provisions does not meet the maximum requirement however given the surrounding commercial area and that flatted development normally require less parking spaces, Staff consider the shortfall to be acceptable , however this issue will be a matter of judgement for Members to debate.
- 6.6.4 The proposal includes cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.
- 6.6.5 Transport for London does not object to the proposal however they have concerns that the proposal may impact on the A12 during construction phase. TFL suggest that vehicles that serve the site either park on site or park away from the red route were it is safe to do so. All TFL's comments have been forwarded to the applicant for information.
- 6.6.6 Highways has raised an objection to the proposal as it would result in the lack of provision for servicing the commercial premises and would have a detrimental impact on the junction of Harold Court Road and Colchester Road (A12) and the bus service which has a stop opposite the site. It should be noted that there has always been a retail use at ground floor of the subject premises. The proposal would therefore not introduce a new commercial unit but would in fact reduce the floor space of the existing unit. Also the bus stop is clearly demarcated and there are double yellow lines on Harold Court Road close to the junction of the A12. Staff therefore do not consider the proposal to have an unacceptable impact on the bus stop or the junction with the A12. However this issue will be a matter of judgement for Members to debate.

## 6.7 *The Mayor's Community Infrastructure Levy*

- 6.7.1 The proposal would not be CIL liable as there would be no increase in floor space.

## 6.8. *Planning Obligations*

- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 to be used towards

infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

## 6.9 *Other Issues*

6.9.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

6.9.2 A refuse area has been provided to the rear of the property. Streetcare has commented that as the proposal is for both commercial and residential use the refuse storage must be segregated. A condition will be imposed to provide detail of the refuse and recycling arrangements.

6.9.3 The London Fire and Emergency Planning Authority has stated that access needs to be sufficient to the flats and that hose lengths must be measured from the appliance position within the roadway to the furthest point within each flat to make sure it is within 45m. The proposal has been assessed by the Council's Building Control officers and it was concluded that the proposal would meet the 45m requirement.

## 7. **Conclusion**

7.1 In conclusion, residential and commercial development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. There would be a short fall in the parking provision provided and a lack of amenity space provision. Staff has consider the shortfall to be acceptable, however these issue will be a matter of judgement for Members to debate. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement.

## **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.

**Human Resource Implications:**

None

**Equalities and Social Inclusion Implications:**

None

**BACKGROUND PAPERS**

1. Application forms and plans received 07/01/13.