

REGULATORY SERVICES COMMITTEE

13 March 2014

REPORT

Subject Heading:

P1481.13 – 51 High Street, Hornchurch –
Partial conversion of existing first floor to
a residential dwelling to provide ancillary
accommodation for staff use (received
3/12/13)

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan

Financial summary:

None

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

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|---|-----|
| Ensuring a clean, safe and green borough | [] |
| Championing education and learning for all | [] |
| Providing economic, social and cultural activity in thriving towns and villages | [] |
| Valuing and enhancing the lives of our residents | [x] |
| Delivering high customer satisfaction and a stable council tax | [] |

SUMMARY

This report is for the partial conversion of the existing first floor to a residential dwelling to provide ancillary accommodation for staff use. A legal agreement is required to ensure that the residential dwelling shall be used only for living

accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. 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 Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The residential dwelling shall remain ancillary to Tarantino's restaurant – 51 High Street, Hornchurch.
- The residential dwelling not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 51 High Street, Hornchurch.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay 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, grant planning permission subject to the conditions set out below.

1. Time limit - The development hereby permitted shall not be commenced 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 plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the

details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. 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 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.

4. Before any development in commenced, a scheme for protecting the proposed dwelling from noise and odours from the associated restaurant business shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason: To prevent noise nuisance to adjoining/adjacent properties.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
3. 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.

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 a commercial two storey end of terrace property located on the northern side of the High Street, Hornchurch. The ground floor unit comprises of Tarantino's pizza and pasta restaurant. The site falls within the Fringe Area of Hornchurch Major District Centre.

2. **Description of development:**

- 2.1 The proposal is for planning permission for the conversion of the former office/staff accommodation at first floor to a two bedroom self-contained flat. The flat would comprise of an open plan living/dining room, two bedrooms, a storage area (or according to the applicant possibly a utility room), a kitchen, W.C and shower room. The flat would be accessed via an existing side gate located adjacent to the eastern boundary of the application site or from the rear of the site. There is no amenity space or car parking provision for the flat. It is noted that internal works to the kitchen, shower room, WC and two bedrooms has been completed. Although, the stud partitions between the hallway, staff room and store room currently remain in place.

3. **Relevant History:**

- 3.1 P1702.10 – Replacement of fire damaged pitched roof – Approved.

P1475.06 – Retrospective application for retention of existing external seating area and disabled access ramp – Approved.

P1345.05 – Change of use of existing first floor into additional dining space and extend to side/rear to create extra floor area – Approved.

P0334.00 – Variation of condition No. 2 Approval Reference P0190.87 to extend opening hours – Approved.

4. **Consultations/Representations:**

- 4.1 The occupiers of 50 neighbouring properties were notified of this proposal. No letters of representation were received.

- 4.2 Designing Out Crime Officer- Recommends an informative if minded to grant planning permission.
- 4.3 London Fire Brigade - No objection.
- 4.4 Environmental Health - Recommend two conditions if minded to grant planning permission.
- 4.5 The Highways Authority has no objection to the proposals.

5. **Staff Comments:**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC16 (Core and Retail Frontages in District and Local Centres), DC33 (Car Parking), DC61 (Urban Design), DC63 (Delivering Safer Places) 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 Residential Design Supplementary Planning Document, the Residential Extensions and Alterations Supplementary Planning Document and the Planning Obligation 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), 7.4 (local character) and 8.2 (Planning obligations) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

5.1.2 It is noted that there is a discrepancy on the proposed first floor plan, as there is a storage area with a door which is located between the kitchen and the end of bedroom 1, although this has not affected the determination of this planning application. The main issues in this case are the principle of development, site layout, impact on the streetscene and impact on residential amenity and any highway and parking issues.

5.2 **Principle of Development**

5.2.1 The application site is in the Fringe Area of Hornchurch Major District Centre. The proposal would retain an A3 use at ground floor in accordance with Policy DC16. Converting the former office/staff accommodation at first floor to residential accommodation above the A3 use would be acceptable in principle and adheres to Policy DC4, as this can help bring activity to town and district centres and increase their vitality and viability.

5.3 **Density and site layout**

5.3.1 In terms of the form of development, the proposal needs to be considered having regard to the provisions of Policy DC4 of the DPD which relates to proposals to sub-divide houses to provide more residential units. With regards

to this policy, any proposal will be required to satisfy a number of criteria. These are that each flat should be of an adequate size, self contained with a reasonable outlook and aspect; should not materially reduce the privacy enjoyed by the occupants of adjoining properties; should provide a suitable degree of amenity space; and should meet required parking standards. Policy DC4 of the DPD also outlines the above and states that the living rooms of new units should not abut the bedrooms of adjoining units. The specific criteria in terms of Policy DC4 are assessed throughout the course of this report. In respect of the sub-division, Policy DC4 states that applicants will normally be encouraged to provide living rooms in new units which do not abut the bedrooms of adjoining dwellings.

- 5.3.2 It is noted that planning permission was granted (under application P1329.10) at 49 High Street, Hornchurch, for a first floor extension to the rear, the use of the first floor to A3, an external staircase, renew the roof with a new dormer to rear and use the loft conversion as a one bedroom self-contained flat and the permission expired on 5th November 2013. The occupier of No. 49 High Street confirmed that planning application P1329.10 has not been implemented and the first floor accommodation is a storage area and is not used as residential accommodation. Therefore, it is considered that the internal layout of the proposed flat would comply with Policy DC4.
- 5.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. The proposal is for the conversion of the former office/staff accommodation at first floor to a two bedroom self-contained flat. The London Plan seeks a minimum internal floor area of 61 square metres for a flat with two bedrooms and 3 bed spaces. In this instance, the two bedroom flat would have an internal floor area of approximately 65.7 square metres. The proposal complies with the internal space standard in the London Plan.
- 5.3.4 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.
- 5.3.5 In this location, there is no existing or availability for the future provision of dedicated amenity space for the flat. Although, given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

5.3.6 The metal bars on the first floor windows currently serving the hallway, shower room and WC (adjacent to the flat roofed area) would be removed and security locks would be fitted instead. The kitchen window and two small flank windows serving the living/dining room are obscure glazed. The bedrooms have windows fronting onto the High Street and there is one clear glazed window in the living/dining room. Overall, it is considered that the flat would have a reasonable outlook and aspect.

5.4 Design/impact on street/Garden scene

5.4.1 There are no external alterations to the building.

5.5 Impact on amenity

5.5.1 With regard to amenity issues, consideration should be given to future occupiers of this property and also the amenity of the occupiers of neighbouring properties. Policy DC61 of the DPD states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

5.5.2 It is considered that converting the former office/staff accommodation at first floor to a two bedroom self-contained flat would not result in a significant loss of amenity to No. 49 High Street as the first floor is used for storage and is not in residential use. It is considered that the partial conversion of the existing building into one flat at first floor would not add to the overlooking that currently exists.

5.5 Highway/parking issues

5.5.1 There is no off street parking provision for the flat. In light of the town centre location of the site (enabling easy access to services and facilities) and the bus stops to the front of the site from which a number of bus routes operate, Staff consider that no car parking provision in this instance is acceptable. Indeed, in choosing whether to purchase/rent a property in such a location, potential occupants would be aware of the lack of car parking facilities prior to occupation. The Highways Authority has no objection to the proposal. It is considered that the proposal would not create any highway or parking issues.

6. The Mayor's Community Infrastructure Levy

6.1 The CIL payment is not applicable as the proposal involves the partial conversion of the first floor into one two bedroom self-contained flat.

7. Planning Obligations

7.1 A new dwelling is subject to a financial contribution of £6,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document. In this instance, the agent has advised that the proposed flat would enable staff working evening shifts in the restaurant to stay over on site rather than returning home late at night.

The flat is not intended as a separate unit of residential accommodation and would not be occupied by staff members on a permanent basis. The accommodation would see infrequent use by different members of staff depending on their shift patterns. As such the proposals would not give rise to an increased demand on local infrastructure. In this instance, the financial contribution would not be applied subject to the completion of a legal agreement to ensure that the residential dwelling shall be used only for living accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch, and shall not be used as a separate unit of residential accommodation at any time.

8. Conclusion

- 8.1 The partial conversion of the existing first floor to a residential dwelling to provide ancillary accommodation for staff use is acceptable in principle. There are no external changes to the property. It is considered that the proposal would not be materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and the completion of a Section 106 Agreement that ensures that the residential dwelling shall be used only for living accommodation for staff use ancillary to Tarantino's restaurant at 51 High Street, Hornchurch.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms and plans received 3/12/2013.

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.