



REGULATORY SERVICES COMMITTEE

08 MAY 2014

REPORT

Subject Heading:

**P0370.14 Units 4A and 4B
Market Place, Romford**

Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to Residential Units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance.

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Policy context:

Local Development Framework
Romford Area Action Plan
London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The application site is within the existing mixed use development on the north side of the Market Place in Romford. The location is one where residential uses within a mixed use development are generally encouraged. Government guidance also supports the principle of re-use of business premises for residential development where there is an identified need. The site is within a sustainable town centre location close to local services and public transport. The site also lies at the edge of the Romford Conservation Area where any external changes could materially affect its character and appearance. However, the changes to the fenestration to create recessed balconies are considered to have a positive impact. There would be no material impact on any adjoining occupiers. Overall the development is considered acceptable and the grant of planning permission is recommended subject to the prior submission of an effective unilateral undertaking to secure a contribution in accordance with the Planning Obligations Supplementary Planning Document.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an additional internal gross floor area of 709m² which equates to a Mayoral CIL payment of £14,180 subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to:

The applicant entering into a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and section 16 of the Greater London Council (General Powers) Act 1974, to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing permits for their own vehicles for any existing, revised or new permit controlled parking scheme
 - 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 unilateral undertaking to the date of receipt by the Council.
 - The Council's reasonable legal fees for preparation, review and completion of the undertaking shall be paid prior to completion of the undertaking

- The Council's planning obligation monitoring fees shall be paid .

That Staff be authorised to grant planning permission subject to the prior completion of an effective unilateral undertaking and 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 Development Control Policies Development Plan Document Policy DC61.

3. Secure 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.

4. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection in the location shown on the approved plans shall be provided and permanently retained thereafter.

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 Development Control Policies Development Plan Document Policy DC40.

5. Prior to the first occupation of the development hereby permitted secure cycle storage in the location shown on the approved plans 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.

6. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building 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 Policies DC61 and DC68 of the Development Control Policies Development Plan Document.

7. No development shall take place until a scheme for external lighting for the entrance area as shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason: In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

8. Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;

j) Hours of construction.

And the development shall be carried out in accordance with the approved scheme and statement.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order), no microwave antenna or any structure intended to support a microwave antenna or any domestic microgeneration equipment shall be erected on the frontage of the new residential units hereby permitted, without the express permission in writing of the Local Planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

10. The balconies for Units 01-06 inclusive shall remain open and no glazing shall be inserted in the openings without the express permission in writing of the Local planning Authority.

Reason: In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

Informatives

1. 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.

2. In aiming to satisfy condition 3 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).

3. 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 £14180 (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.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises two units within the first floor of the north side of the market development in Romford. One is an unfurnished/undecorated office (Class B1 use) and the other is currently occupied by contractors redeveloping other parts of the building, including works within the Market Place. This unit was used until 2012 as a children's indoor activity centre (Class D2 use). Access to the units is via a stairway and lift from the Market Place between the ground floor retail units occupied by Aldi and Iceland.
- 1.2 Unit 4A amounts to 420m² and has all its windows overlooking the Market Place. Unit 4 B (above Iceland) amounts to 554m² with windows that overlook both the Market Place and St. Edwards Way. There is no dedicated parking for the units.

2. **Description of Proposal**

- 2.1 The proposal is for a change of use from offices and children's indoor activity centre to residential. Eight new apartments would be formed six of which would have a new mezzanine level to provide additional floorspace. The units would be finished as open plan shell apartments for fit-out by future tenants.
- 2.2 The glazing line to the building at first floor level on to the Market Place would be set back to form balconies for six of the new units. The former windows would be removed and replaced with a painted metal framework. The windows in the two units facing onto St Edwards Way would also be replaced with aluminium windows with opening top lights. The ground floor entrance would be modified to include a solid panel door and Aluminium cladding with post boxes. There would be an external metal canopy with entrance signage.
- 2.3 The development would have a communal lift, bin store for refuse and recycling and a secure bicycle storage area. No parking is proposed for the residential units.

3. Relevant History

P0517.13 - Use of 33, 37 and 41 (part ground floor and first floor), Market Place, Romford for Class D2 (Gymnasium). Approved 28.06.2013

P1389.11 - Change of use to Gym (Assembly and Leisure) use class D2. Approved with conditions 21.11.2011

P1325.11 -Amendments of condition 44 of P0166.03 to refer to the final construction drawings. Approved 09.07.2013

N0074.11 - Minor Amendment to P0166.03- to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications. Approved 09.01.2012

P1628.07 - Retail shopfront and entrance screen. Approved 31.01.2012

P1438.07 - Change of use from retail (class A1) to children's indoor activity centre (Class D2) of part first floor accommodation of unit 4A. Approved 21.09.2007

P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme. Approved 30.01.2004

P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping. Approved 09.01.2012.

4. **Consultations/Representations**

4.1 271 neighbour notification letter have been sent out and no representations have been received.

4.2 The **Heritage Officer** has advised that any works within the Conservation Area should seek to preserve or enhance its character and appearance. This building has no intrinsic value within the Conservation Area and the buildings at the northern side of the market place are an unsympathetic backdrop to the high quality historic buildings at the western end. The building frontage is generally bland and the removal of the existing windows has the potential to create a more attractive and lively frontage which makes an enhanced contribution to the character and appearance of the Conservation Area. The use of the openings as balconies with a recessed glazing line is an attractive

design which will add interest to the building frontage. However, there is concern that living space at this level where residents' individual treatments could create a cluttered and unsightly effect easily noticeable from street level.

- 4.3 The **Streetcare (Waste Recycling Team)** advises that there appears to be adequate storage space for waste. There are concerns about where it is located, but if the existing facilities management are prepared to take the bins down the elevator and present them on Ducking Stool Court by 7am on collection day then that will be acceptable.
- 4.4 The **London Fire Brigade Water Team** advises that they are happy for the works to go ahead as planned.
- 4.5 The **Metropolitan Police Designing Out Crime Officer** advises that crime prevention and community safety are material considerations. In order to achieve a safe development a number of conditions are recommended covering secured by design, lighting of communal areas and cycle storage.
- 4.6 **Thames Water** advises that with regard to sewerage infrastructure capacity, it would not have any objection to the above planning application. With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP1 - Housing Supply
CP2 – Sustainable Communities
CP3 – Places to Work
CP10 – Sustainable Transport
CP4 - Town Centres
CP17 - Design
CP18 - Heritage

5.2 LDF Development Control Policies Development Plan Document

DC2 - Housing Mix and Density
DC3 - Housing Design and Layout
DC33- Car Parking
DC34 - Walking
DC35 - Cycling
DC36 – Servicing
DC40 – Waste Recycling
DC63 – Crime
DC68 – Conservation Areas
DC72 – Planning Obligations

5.3 Romford Area Action Plan

ROM6- Respecting the Historic Environment
ROM7 –Market Place
ROM10- Retail Core
ROM13 – Romford Office Quarter
ROM 14 –Housing supply
ROM20 – Urban Design

5.4 The London Plan (2011)

2.15 - Town Centres
3.3 - Increasing housing supply
3.4 - Optimising housing potential
3.8 - Housing choice
4.7 - Retail and town centre development
6.5 - Funding Crossrail and other strategically important transport
7.3 - Designing out crime
7.8 - Heritage assets and archaeology
8.3 - Community infrastructure Levy

5.5 Government Guidance
National Planning Policy Framework

6. Staff Comments

Principle of the Development

- 6.1 The proposed change of use is within a building where there is already mixed use with retail predominantly on the ground floor and with residential on the upper floors. The policies of the Romford Area Action Plan encourage mixed uses within the town centre with the upper floors being used for residential purposes. The Action Plan recognises that living in the town centre is becoming increasingly popular because of the easy access to facilities and to public transport. It also identifies the contribution to housing supply that can be made through mixed use development in the town centre.
- 6.2 The guidance in the NPPF is that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve applications for change of use to residential from commercial buildings in B Class use where there is an identified need for additional housing and there are no strong economic reasons why such development would not be appropriate.
- 6.3 The Action Plan and Core Strategy and Development Control Policies DPD seek to focus office development in Romford Town Centre. An office quarter between Western Road and Eastern Road is identified for this. There are no specific policies that seek to retain office and other commercial uses within the North Side development at first floor level. The change of use is, therefore, considered acceptable in principle.

Impact on Streetscene

- 6.4 The proposed external changes to the building would have no material impact on the appearance of the building. The only changes proposed are to the windows which would not materially alter the appearance of the building.

Impact on amenity

- 6.5 The introduction of further residential units within this part of the building would not have any significant impact on adjoining occupiers. The floors above are in residential use and those below in retail use. The adjoining occupiers on the first floor are a medical consultancy and space occupied by Aldi Stores for storage and staff accommodation. These units are separated from the new apartments by circulation areas and the bicycle and refuse stores. Therefore, there is unlikely to be any significant adverse impact on future occupiers from adjoining uses.

Highways/Parking

- 6.6 No dedicated car parking provision is proposed with this application. However, Romford is the most accessible area to public transport in Havering and parking provision of less than one space per unit is considered acceptable. There are currently 91 flats in the North Side Development with 39 parking spaces. The remainder of the parking provided by the development is for the public, market storage/stall holder vehicles and the hotel. Within the town centre it would be expected that many residents would choose not to have a car given the accessibility to rail and bus services which are within easy reach of the site. A town centre car free development would comply with sustainability principles in the NPPF and the Local Plan. It would also comply with the parking standards set out in the LDF. Secure cycle storage with one space per unit would be provided within the building to further encourage alternatives to car use.

Conservation Area

- 6.7 The site lies on the edge of the Romford Conservation Area and there are some external changes proposed to the fenestration on the elevation that overlooks the Market Place. This involves the formation of balconies with glazed screens set back from the frontage following the removal of the existing windows. The windows would be replaced with open metal frames. The Heritage officer has advised that this would result in visual improvements that would enhance the appearance of the building from the Market Place. The development would, therefore, have an acceptable impact on the appearance of the conservation area

Planning obligations and Mayoral CIL Implications

- 6.8 The proposal involves a change of use of existing floorspace and the creation of new floorspace at mezzanine level. The existing floorspace has been lawfully occupied for at least six months within the last three years so is exempt from any CIL contribution. Therefore, for this development CIL is only payable on the new floorspace at a rate of £20 per square metre. The proposal is to

create an additional 709 square metres of floor space giving a CIL liability of £14,180. The site is also within the charging area for the Mayor's Crossrail Planning Obligation, however, this is only charged on office and retail development.

- 6.9 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £48,000 to be used towards infrastructure costs arising from the new development is required. This would be secured through a S106 Agreement.

Other issues

- 6.10 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.
- 6.11 A refuse area is proposed on the first floor adjacent to the new apartments. Streetcare has commented that this is adequate but that the bins will need to be taken downstairs to Ducking Stall Court on collection days. A condition is recommended to secure these arrangements.

Conclusion

- 6.12 The residential use of this part of the development on the north side of the Market Place is considered to be acceptable in principle. The site is in a sustainable location close to services and public transport links. The development would accord with the guidance in the National planning policy Framework and the policies of the Romford Area Action Plan that seek to secure new residential development in the town centre as part of mixed use developments. The development would help improve the character and appearance of this part of the Romford Conversation Area. The lack of any parking provision is considered acceptable in this town centre location. Subject to the prior completion of an effective unilateral undertaking to secure a financial contribution towards local infrastructure cost the proposal is considered acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks:

Legal resources will be required for the drafting of a unilateral undertaking.

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 on 14.03.2014

Copy of all consultations/representations received.