

REGULATORY SERVICES COMMITTEE

4 December 2014

REPORT

Subject Heading:

**P1260.14 – 22a Station Lane,
Hornchurch – Conversion of existing
vacant first and second floor office
space, loft conversion and external
alterations to create 3 No. 1 bedroom
self-contained apartments, front and
rear dormer windows, roof light and
replacement windows (received
10/09/14 & 1/12/14)**

Ward

St Andrews

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

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 conversion of existing vacant first and second floor office space, loft conversion and external alterations to create 3 No. 1 bedroom self-contained apartments, front and rear dormer windows, roof light and replacement windows. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. 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 Committee notes that the development proposed 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 46m² which equates to a Mayoral CIL payment of £920 (subject to indexation).

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 in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to 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 the Head of Regulatory Services 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. Materials - The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

4. 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.

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.

INFORMATIVES

1. 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.
2. 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 £920 (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.
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. 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.
5. 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 three storey mid terrace property located on the western side of Station Lane, Hornchurch. The ground floor unit comprises of Mayfair Bathrooms.

2. Description of development:

- 2.1 The proposal is for planning permission for the conversion of existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments. The proposal includes, front and rear dormer windows, a roof light and replacement windows. Flats A and B would comprise of a living/dining/kitchen room, bathroom, a bedroom and bathroom. Flat C would comprise of a kitchen on the second floor and a bathroom, bedroom and living/dining room in the roof space. All the flats would be accessed from an external staircase at the rear of the building. There is no amenity space or car parking provision for the flats.

3. Relevant History:

- 3.1 No relevant planning history.

4. Consultations/Representations:

- 4.1 68 letters of notification were sent out informing local residents about the proposed works. No letters of representation were received.
- 4.2 London Fire Brigade will be satisfied with the proposals subject to a pump appliance being able to approach to within 45m of all points within each dwelling.
- 4.3 Environmental Health - Recommend a construction hours condition if minded to grant planning permission.
- 4.4 StreetCare Department – Provision and space needs to be provided for a 660 litre refuse bin and a 360 litre recycling bin, both lockable.
- 4.5 The Highways Authority has no objection to the proposals.

5. **Relevant policies:**

- 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 fringe 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.
- 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), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.2 (Planning obligations) of the London Plan are 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. **Staff Comments:**

- 6.1 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.

6.2 **Principle of Development**

- 6.2.1 The application site is in the Retail Core of Hornchurch Major District Centre. The proposal would retain an A1 use at ground floor in accordance with Policy DC16.
- 6.2.2 The conversion of the existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments above the A1 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.

6.3 **Density and site layout**

- 6.3.1 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. It is considered that the flats would have an acceptable outlook and aspect.

6.3.2 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 existing vacant first and second floor office space, loft conversion and external alterations to create 3 no. 1 bedroom self-contained apartments.

6.3.3 The London Plan seeks a minimum internal floor area of 50 square metres for a flat with one bedroom and 2 bed spaces. In this instance, Flats A and C have a gross internal floor space of 51 and 56 square metres respectively, which is acceptable. Flat B has a gross internal floor area of 45 square metres, which is below the standard in the London Plan. Staff consider that a shortage of 5 square metres of floor space would not constitute sufficient grounds for refusing planning permission for this application. The acceptability of the internal space would also be a buyer beware issue. This is however a matter of judgement for Members as to the acceptability of the resultant living accommodation.

6.3.4 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.

6.3.5 In this location, there is no existing or availability for the future provision of dedicated amenity space for the flats. This is not dissimilar to some other residential units in the locality and, given the above, it is considered that there would be insufficient grounds to refuse the application based on a lack of amenity provision.

6.4 Design/impact on street/Garden scene

6.4.1 It is noted that the width and siting of the two front dormer windows do not adhere to the guidance in the Residential Extensions and Alterations SPD. No. 26A Station Lane has two front dormer windows of a similar design and proportions, although these are partly screened by a balustrade and were approved in 2009, which pre-dates the design guidance. Staff consider that the proposed front dormer windows are very wide and more prominent than

those at No. 26A Station Lane. Following negotiations with the agent, the plans were amended by reducing the width of the window frames (not the dormers) to 1 metre and of sash style to match the first and second floor windows on the front elevation of the building. The width and siting of the front dormer windows and their impact on the streetscene is a matter of judgement for Members. The remaining replacement windows and external alterations are deemed to satisfactorily integrate with the building.

- 6.4.2 It is considered that the rear dormer window is contained well within the body of the roof and would be sited below the roof ridge and from both flanks. It is noted that No. 26 Station Lane has a roof light and rear dormer window of similar design and proportions to the proposal and therefore, it is considered that the proposed roof light and rear dormer window would integrate satisfactorily with the rear façade of the adjoining units in this parade.

6.5 Impact on amenity

- 6.5.1 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.

- 6.5.2 From the list of neighbours that were consulted for this application, there does not appear to be a residential dwelling located above No. 20 Station Lane and no letters of representation were received from this property.

- 6.5.3 It is considered that the conversion of the existing vacant first and second floor office space into 3 no. 1 bedroom self-contained flats would not result in significant levels of noise and disturbance compared with their former use as offices.

- 6.5.4 Staff consider that the front and rear dormer windows are contained well within the body of the roof and would not be harmful to residential amenity. It is considered that the replacement windows, front and rear dormer windows and roof light would not create any additional overlooking or loss of privacy over and above existing conditions.

6.6 Highway/parking issues

- 6.6.1 There is no off street parking provision for the flats. 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. The agent has advised that provision for refuse will be made to the rear of No. 26 Station Lane and details of this will be secured by condition.

6.7 The Mayor's Community Infrastructure Levy

6.7.1 The additional floor space created as a result of the loft conversion and front and rear dormer windows is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The proposed development would have a floor space of 46 square metres. On this basis, the CIL liability equals $46 \times \text{£}20 \text{ per sq.m} = \text{£}920$ (subject to indexation).

6.8 Planning Obligations

6.8.1 A Section 106 Legal Agreement is required to secure a financial contribution of £18,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

6.9 Conclusion

6.9.1 The conversion of existing vacant first and second floor office space to create 3 no. 1 bedroom self-contained apartments is acceptable in principle. Staff consider that the loft conversion, external alterations, front and rear dormer windows, a roof light and replacement windows would integrate satisfactorily with the existing building and the streetscene. 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. Having regard to all material planning considerations, it is recommended that planning permission be granted.

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 10/09/2014 & 1/12/14.