



**Havering**  
LONDON BOROUGH

# **REGULATORY SERVICES COMMITTEE**

**2 April 2015**

# **REPORT**

**Subject Heading:**

**P0040.15: 168-170 South Street,  
Romford**

**Change of use of first floor retail and office space to 3no. self-contained apartments with additional windows and alterations to South Street elevation. (Application received 16 January 2015).**

**Ward:**

**Romford Town**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes**

**Financial summary:**

**None**

## SUMMARY

The proposal is for the change of use of the first floor retail and storage space to form 3no. self-contained apartments. The development will consist of 1no. one-bedroom flat and 2no. two-bedroom flats.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted 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 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 parking 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 Agreement to the date of receipt by the Council.
- The Developer/Owner 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.
- of the Developer/Owner to pay the appropriate planning obligations/ 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 that the Committee delegate authority to the Head of Regulatory Services 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 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans detailed on page 1 of the 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.

3. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, the refuse and recycling provision as detailed in drawing no.12250-P212 shall be provided and permanently retained thereafter, for the storage of refuse and recycling awaiting collection to the full satisfaction of 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 Development Control Policies Development Plan Document Policy DC61.

4. Cycle Storage

Prior to the first occupation of the development hereby permitted, cycle storage as indicated in drawing no.12250-P212 shall be provided and permanently retained thereafter, to the full satisfaction of the Local Planning Authority.

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

## 5. Sound Insulation

The development shall be constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 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 in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

## 6. Front Elevation

Following the removal of the signage covering the first floor windows the external appearance of the front elevation shall be made good to match the remaining sections of the front elevation.

**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.

## 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. 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.

<b>REPORT DETAIL</b>
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## 1. Call-in

- 1.1 The application has been called-in by Councillor Joshua Chapman on the grounds that residents in Gibson Court feel this proposed conversion would be a gross overdevelopment of the site. They also feel that there is a lack of parking provision in the already stretched Regarth Avenue which has not been accounted for.

## **2. Site Description**

- 2.1 The application relates to the building at 168-170 South Street, Romford. This is a three storey premises located on the corner of South Street and Regarth Avenue.
- 2.2 At ground floor level the unit comprises an A1 retail unit currently occupied by 'Professional Music Technology' with associated storage space and offices in the two upper floor levels.
- 2.3 The premises forms part of a parade of commercial units including a sauna and convenience store with offices and storage above. The upper floors of the block to the south contain retirement flats and the rear of the site backs onto residential accommodation at Regarth Avenue and Gibson Court.
- 2.4 The site is located within central Romford in an area typified by a mixture of commercial and residential uses. Ground floor commercial premises and office blocks are evident extending along South Street towards the cross roads junction with Oldchurch Road and Thurloe Gardens.
- 2.5 The designated zoning of the Romford retail fringe area identified under policy RM11 of the Romford Area Action Plan Supplementary Planning Document (SPD) ends with premises directly opposite the application site at No.183 South Street (the end unit in the traditional parade of shops contained in the 1930's building at Station Parade). This means that the application site is situated just outside the retail fringe area of Romford and in policy terms is not strictly subject to the provisions of Policy RM11.

## **3. Description of Proposal**

- 3.1 The application is seeking planning permission for the change of use of first floor retail and storage space to form 3no. self-contained apartments. The development will consist of 1no. one-bedroom flats and 2no. two-bedroom flats.
- 3.2 It should be noted that the remaining office space at first and second floor levels of the premises has recently been granted prior approval for conversion to 7no. residential flats, although this scheme has not yet been implemented.
- 3.3 The proposal will also involve the removal of the cladding associated with the unusual signage of the ground floor retail unit, exposing several existing

first floor windows on the front elevation. No other alterations to the external appearance of the building would be made.

- 3.4 The proposed flats would be accessed from an existing doorway off Regarth Avenue and then via a communal staircase and landing area. Internally the flats would be single aspect with living areas arranged to take advantage of the large office style windows.
- 3.5 The proposal would provide no off-street car parking provision.

#### **4. Relevant History**

- 4.1 P1475.14 - Change of use of ground floor retail unit (A1) to restaurant (A3) – Refused
- 4.2 J0012.14 - Prior Approval request for the change of use from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 self-contained apartments - Given 14-10-2014
- 4.3 J0001.13 - Prior Approval request for the change of use from offices to residential use by the conversion of approximately 7,000 sq.ft. into 7 self-contained apartments - Refused 30-08-2013
- 4.4 P1308.12 - Proposed construction of additional floor to provide seven new flats, bin store & cycle parking – Refused 10-01-2013
- 4.5 P0624.12 - Construction of an additional floor to provide four self-contained flats (2x2 bed, 2x1 bed) above 168-174 South Street and three self-contained flats (3x1bed) above 182-186 South Street. Rear staircase extension to 168-174 South Street. Bin stores and cycle parking – Refused 14-08-2012
- 4.6 P1367.11 - Construction of an additional floor to provide four self-contained flats (2x2bed, 2x1bed) above 168-174 South Street and three self-contained flats (3x1 bed) above 182-186 South Street. Rear extension to 168-174 South Street. Bin stores and cycle parking – Withdrawn 15-11-2011
- 4.7 P0441.98 – Change of use form A1/A2 to A3 from hairdresser/ building society to restaurant use – Approved 14-8-1998

#### **5. Consultations/Representations**

- 5.1 Notification letters were sent to 97 properties and 5 letters of objection have been received.
- 5.2 The objections to the proposed development can be summarised as follows:

- The development will result in increased traffic in the vicinity, which is already a very busy area and traffic is extremely heavy at all times of the day and night.
- No proposed car parking provision would be provided – there is already a lack of resident parking and the proposal will add pressure to the existing arrangements resulting in congestion.
- General disruption and disturbance to the peaceful environment enjoyed by the residents of the neighbouring retirement apartments at Gibson Court.
- The existing neighbouring flats and amenity areas would be overlooked by the proposed flats.
- Additional noise levels from building works and people living in the flats.
- Increased pressure on drainage and waste services.

5.3 Essex and Suffolk Water - no objection.

5.4 Thames Water – no objection.

5.5 London Fire Brigade Water Team – no objection.

5.6 London Fire and Emergency Planning Authority – no objection.

5.7 Local Highway Authority – no objection, subject to the applicant entering into a legal agreement to restrict future occupants from applying for car parking permits.

5.8 Environmental Health – no objection, recommended a conditions relating to noise insulation and traffic noise.

## **6. Relevant Policies**

6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.

6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.

6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

## **7. Staff Comments**

- 7.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

### ***Principle of Development***

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 The proposed change of use will involve the provision of self-contained residential units which would provide a reasonable outlook and aspect, internal partitioning allowing for separate bedrooms, living rooms and kitchen space and would allow for safe and secure access from the street.
- 7.4 Therefore the conversion of the first floor to a residential use would be in accordance with the provisions of policy DC4.
- 7.5 On this basis the proposal is considered to be policy compliant in landuse terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

### ***Density/ Layout***

- 7.6 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.7 The proposal would provide 3no residential units at a density equivalent to around 78 dwellings per hectare. This is considered to be acceptable as the Policy DC2 states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this location. It should be noted that this calculation does not take into account the 7no. flats previously granted prior approval under application J0012.14. The combined density of the 3no proposed flats and 7no. prior approval flats (total of 10no. units) would be approximately 200 dwellings per hectare, which is still below the appropriate density range according to Policy DC2.
- 7.8 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 requires that new residential development conforms to minimum internal space standards.
- 7.9 For one-bedroom flats for two people the standard is set at 50 square metres and for two bedroom flats at between 61 square metres and 70



square metres depending on the number of occupants. The proposed flats would all either meet or exceed the required internal spacing standards and are therefore be considered to be of an acceptable size for day to day living.

- 7.10 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.11 The proposed conversion would provide no public or private amenity space for future occupants. However, this type of living arrangement is generally consistent with the existing residential accommodation within this central area of Romford. Given the location of the site in close proximity to the town centre and in view of local character, Officers are of the opinion, as a matter of judgement, that the lack of amenity space provision is acceptable in this case. The suitability of the amenity provision and quality of the residential living environment is however a matter of judgement for Members.
- 7.12 On balance it is considered that the proposed internal spacing and amenity area would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants. The proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

#### ***Design/Impact on Street/Garden Scene***

- 7.13 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 7.14 The proposal would involve a relatively minor alteration to the appearance of the front elevation with the removal of the cladding associated with the unusual signage of the ground floor retail unit. This would expose several existing first floor windows on the front elevation facing onto South Street. No other window openings would be formed or further alterations to the external appearance of the building would be made as part of the application.
- 7.15 On balance it is considered that the proposed development would contribute positively to the streetscene at South Street and would serve to maintain the character and appearance of the area in accordance with Policy DC61.

#### ***Impact on Amenity***

- 7.16 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.

- 7.17 The creation of the three new flats would not result in the installation of any new windows or alterations harming the amenity of the neighbouring dwellings. The uncovering of the existing windows to the front would face out onto South Street and would not directly overlook any neighbouring residential accommodation.
- 7.18 Given the distances and the positioning of the windows it is not considered that the proposed development will represent any issues in relation to residential amenity of the other neighbouring houses and flats in accordance with policy DC61.
- 7.19 Overall, the proposed flats would demonstrate a reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street. In terms of the amenity of future occupants it is considered that the proposed accommodation would be of an acceptable size for day to day living. Although the proposal lacks the provision of amenity space the majority of the flatted accommodation within central Romford is comprised of a similar arrangement and as such persons living in the flats would be aware of the situation prior to buying or taking up a tenancy.
- 7.20 On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

### ***Environmental Issues***

- 7.21 There are no historical contaminated land issues associated with the premises and Environmental Protection have raised no objections or comments in relation to the presence of contaminants.
- 7.22 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.23 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

### ***Parking and Highway Issues***

- 7.24 The site has a Public Transport Accessibility Zone (PTAL) rating of 6b; meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus situated some 100 metres away and Romford Station just 150 metres from the site. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.

- 7.25 Given the central location and the good public transport links there is no requirement for the proposed flats to provide dedicated off street residents' car parking provision.
- 7.26 South Street is a busy route through the area and is subject to a fairly consistent amount of traffic throughout the day and into the evening. Given the nature of the road a number of parking controls are present on South Street as well as on Regarth Avenue. In terms of on-street parking there are public car parking bays directly to the front of the application site on South Street and motorcycle parking bays to the side on Regarth Avenue. The other parking along Regarth Avenue is restricted to residents only between 08:30-18:30 Monday to Sunday.
- 7.27 The Local Highway Authority have raised no objection subject to the applicant entering into a legal agreement under Section 16 of the Greater London Council (General Powers) Act 1974 to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed change of use would result in any parking or highway safety issues. The legal agreement would be consistent with the arrangements agreed for the recently granted prior approval of the adjacent first and second floor office space to 7no. residential flats.
- 7.28 A refuse store would be provided in the existing gated servicing alleyway to the rear of site adjacent to the side elevation of No.17 Regarth Avenue. This area is currently used by the existing commercial occupiers of the ground floor retail unit and upper floor offices for the storage of refuse. Given the proximity to Regarth Avenue the area would be easily accessible for domestic refuse collection vehicles.
- 7.29 Secure storage for up to six bicycles would be provided in the rear alleyway adjacent to the refuse store.

### ***Community Infrastructure Levy and Developer Contributions***

- 7.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".

7.31 The proposal is liable to a contribution of £18,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

## **8. Conclusion**

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of neighbouring residents and future occupants and on-street car parking. On balance the proposal is considered to be acceptable in all material respects.

8.3 Staff are of the view that the proposal would not have a harmful impact on the character of the street scene or result in parking issues nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a legal agreement to secure the infrastructure contribution and to prevent future occupiers from applying for parking permits.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the S 106 legal agreement. There is a risk that the weight accorded to the Development Plan

Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity.

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 16 January 2015.