

REGULATORY SERVICES COMMITTEE

17 May 2012

REPORT

Subject Heading:

P0245.12 57- 65 London Road
Romford

Report Author and contact details:

Proposed change of use to convert the
first floor area of the shop from storage
to 3, One bedroom flats
(Application submitted 26 February
2012)

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Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>



SUMMARY

The application seeks planning permission for the creation of three one bedroom flats above an existing retail premises. Staff conclude 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 irrespective of whether the legal agreement is completed.

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 SC4 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. SC32 Accordance with plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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.

2. SC40 Soundproofing

The buildings shall be so constructed as to provide sound attenuation 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 in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

3. Cycle Storage

Prior to completion of the development 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.

4. Storage of Refuse

Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse 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 Development Control Policies Development Plan Document Policy DC61.

5. INFORMATIVE

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy CP4, CP9, CP10, CP17, DC4, DC33, DC55 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 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 site contains a building with a supermarket, and restaurant on the ground floor with an existing one bedroom flat, and vacant area above. The subject area of the application has previously been used as storage area. This area is approximately 170 square metres. An inspection reveals that the area may have been previously used for residential purposes in the past with remnants of a kitchen, bathroom and separate rooms evident.
- 1.2 The site is located on the southern side of London Road to the west of the Sun Public House. To the west of the subject site is a church. Opposite is open parkland, takeaway food outlets and residential buildings. At the rear of the site is the Sun Public house outdoor garden area. The subject building is set off the common boundary by approximately 0.5 metres.
- 1.3 Beyond this are five storey flats. The outdoor area of these flats extends in part to the rear of the subject site.

2. Description of Proposal

- 2.1 The application is to convert the storage area into residential flats. These will be 3 one bedroom flats, accessed from a central corridor. The flats would measure:
 - Flat B 44 sqm
 - Flat C 52 sqm and a balcony
 - Flat D 49 sqm.
- 2.2 Each Flat would be accessed by the existing entrance from London Road. External changes would see four additional windows installed to match the existing building in the front facade. Within the rear elevation, flush windows would be included into the rear roof. Works would be undertaken to install create a recess that would create a balcony. Doors would be provided to allow access to the balcony from flat C. The site has no available parking.

3. Relevant History

- 3.3 The site has no relevant planning history.



4. Consultations/Representations

- 4.1 Forty-one neighbouring occupiers were notified of the proposal. No objections were received
- 4.2 The Council's Street Care Service raises no objection in respect of refuse collection.
- 4.3 The Highways Authority raises no highway or parking issues.
- 4.4 The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC4 Conversion to Residential and Subdivision of Residential Uses, DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design) DC63 (Crime), and DC72 Planning Obligations.
- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential. 3.5 Quality and Design of Housing Developments.
- 5.3 NPPF Section 2, "Ensuring the Vitality of Town Centres", Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 The key issues for consideration relate to the quality of the flats proposed, and the standard of amenity for future occupiers, impact on the streetscene, impact on amenity and highways and parking.

7. Principle of Development

- 7.1 The upper floor of the building is currently vacant but was most recently used as storage space that is surplus to the needs of the site. The design of the building is such that there is strong likelihood that the upper floor of the subject area (at least in part) was used for residential purposes in the past.



7.2 In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres.

8. Density/Site Layout

8.1 Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the 5-6 PTAL zone where a high density of development is anticipated, up to 245 – 435 dwellings per hectare. The proposal would result in a density of 45 units per hectare. The proposed density of development would not exceed the identified range and as such is considered to be acceptable.

8.2 The proposal would see the first floor of the building converted to form three flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals involving conversions to form residential accommodation. Policy DC4 requires that;

- residents/visitors are able to park without detriment to highway safety taking into account the availability of on and off street parking with regard to the standards set out in DC33,
- there is no conflict with surrounding uses,
- the proposal should not result in an unacceptable loss of privacy
- enjoyed by the occupants of adjoining properties by reason of overlooking and, should by its layout, provide a suitable degree of privacy and private sitting out/amenity space,
- the living rooms of new units do not abut the bedrooms of adjoining dwellings

8.3 The London Plan 2011 outlines minimum space standards for dwellings of different sizes. The standards are 37 sqm for a single person 1 bed flat and 50 sqm for a 2 person flat, and two of the units proposed would be marginally under the standard for a two person flat.

8.4 Each of the proposed dwellings exceeds the space standards for a 1 person flat.

8.5 The proposed flats are considered to be adequately sized and are self-contained. The flats have a reasonably open aspect and the



attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats.

- 8.6 The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. Each flat would have access to a source of natural light through windows and additional sky light windows. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space.
- 8.7 Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance, as the application involves the conversion of an existing building, and the site is immediately opposite public open space.
- 8.8 The first floor flats will have access from the existing door onto London Road. This is considered acceptable in layout terms.

9. Design/Impact on Street/Garden Scene

- 9.1 The application will not have a detrimental impact to the appearance of the subject building and broader streetscape.
- 9.2 The only significant external changes are to the rear in relation to the balcony. This faces the garden area of the Sun Public House, and has no significant visual impact on the public realm or the building itself.

10.0 Amenity Considerations

- 10.1 As proposed, the flats would be built within the former storage area above a shop, adjacent to an existing flat. The proposal is similar to others approved by the Council, which makes use of available space for residential uses above commercial premises.
- 10.2 There will be no significant external amenity impacts from the proposal, due to the location of the site and nature of uses nearby. The key consideration is the amenity standards for new occupiers. Although the subject site is close to the Sun Public House it is noted that other residences are also currently located in close proximity, and there is an existing flat on the first floor of the subject building. Similarly future residents will be aware of the presence of the Public House, and cannot therefore expect the same level of amenity as those other parts of the Borough that are set away from such uses.



- 10.3 A noise insulation condition is recommended to ensure that the residents are protected from excess noise.

11.0 Highway/Parking

- 11.1 There are no opportunities for on site car parking. This is considered appropriate in the context of the nature of the proposed residences, and their location in relation to the town centre.
- 11.2 Policy DC33 requires a low parking provision, of less than 1 space per unit, for flats in locations with high PTAL. The application site is located on several bus routes and within walking distance of Romford railway station.
- 11.3 A condition is attached requiring, appropriate cycle and refuse storage areas to be provided on site.

12.0 Other Issues -

- 12.1 The proposal is liable for the Mayoral Community Infrastructure Levy.
- 12.2 This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £3,340 based on 167sq.m of floorspace at £20 per square metre. This payment is secured on discharge of conditions relating to commencement.
- 12.3 The Council's draft SPD on Planning Contributions requires a payment of £6000, per new dwelling created. This will require a total of £18,000 to be secured by way of a Section 106 agreement.

13.0 Key Issues/Conclusions

- 13.1 The site is in a location where medium density flats can be accommodated where they have good access to available services and amenities provided by the town Centre and fringe areas.
- 13.2 The proposed flats are of a suitable size and layout and the standard of development that can be provided is considered appropriate, and meets the guidelines set out in the London Plan, and Council policy.
- 13.3 The application represents the appropriate refurbishment of an existing underutilised building in a location where residential development is appropriate, and is recommended to Members for approval.



Havering
LONDON BOROUGH

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Plans and Documents submitted with the application 26 February 20120