



Havering
LONDON BOROUGH

REGULATORY SERVICES COMMITTEE

19 July 2012

REPORT

Subject Heading:

P0463.12 203 Crow Lane, Romford

Report Author and contact details:

**Proposed conversion of existing vacant shop into a one bedroom flat including change of use from shop to residential
Helen Oakerbee (Planning Control Manager) 01708 432800**

Policy context:

**Local Development Framework
London Plan
National Planning Policy Framework**

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 conversion of a vacant ground floor retail unit into a one bedroom flat. 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 £6,000 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.
- Payment of the appropriate planning obligation/s monitoring fee.

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. SC10 Matching Materials

All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. 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.

4. SC78 Secure By Design

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.13 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

5. 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.

6. Highways Licence

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

Reason: -

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

7. Vehicular Access

The building shall not be occupied until a means of vehicular access and crossover has been constructed in accordance with the approved plans.

Reason: -

To ensure highway safety for the travelling public.

INFORMATIVE

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of policies CP1, CP17, DC4, DC33, DC35, DC55, DC61, DC63 and DC72 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.

Secure By Design

In aiming to satisfy condition 4 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

Highways

The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

The developer, their representatives and contractors are advised that this planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a vacant ground floor retail unit in a two storey, mid-terraced property. The unit was last used as a newsagent and has been vacant since December 2011. The first floor of the property comprises a 1 bedroom flat. The terrace initially comprised of a parade of shops, but three others in the terrace have been converted to residential. The other two units consist of an off-licence and a newsagent and general store.
- 1.2 The floor area of the unit is approximately 55 square metres. There is a paved area in front of the unit and a yard area to the rear of the unit, with a vehicular access way leading to the yard.

- 1.3 The site is located on the southern side of Crow Lane. Opposite the site are three storey blocks of flats. The area to the west is predominantly residential, and Crowlands Heath Golf Course is located to the east of the terrace.

2. Description of Proposal

- 2.1 The application is to convert the vacant retail unit into a one bedroom flat. The floor area of the flat would be approximately 55 sqm. The flat would have entrance doors at the front and rear.
- 2.2 External changes would involve the removal of the shop front and the installation of a window and front door. Additional windows would be inserted in the rear elevation.
- 2.3 A parking space exists at the rear for the first floor flat. A parking space for the ground floor flat would be provided to the front of the property. Secure cycle storage would be provided at the rear for both flats.

3. Relevant History

- 3.3 The site has no relevant planning history.

4. Consultations/Representations

- 4.1 Twenty-five 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, although they have requested the imposing of conditions and informatives.
- 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, and requested the imposition of a condition.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are CP1 (Housing Supply), CP17 (Design), DC4 Conversion to Residential and Subdivision of Residential Uses, DC33 (Car Parking), DC35 (Cycling), 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 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 In accordance with CP1, the unit is not located in a designated or allocated area which would preclude the change of use from retail to residential. The conversions of other units in the terrace demonstrates that conversions from retail to residential in this terrace have already been accepted in principle. The unit has been vacant for some time, so the conversion would not result in the loss of a service. CP1 encourages the use of vacant land and property outside of designated areas for housing, so the principle of the proposal is accepted.

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 1-2 PTAL zone where a low density of development is anticipated, between 30-50 dwellings per hectare, and 150-200 habitable rooms per hectare. The proposal would result in a density of 104 units per hectare, 208 habitable rooms per hectare. Given the small scale of the development, the absence of new built form proposed, and that the rooms per hectare is only slightly higher than that specified for this area, staff consider that the higher density is acceptable in this instance.

8.2 As the proposal would see a retail unit converted to form a flat, 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. The proposal accords with Policy DC4, which 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, the proposed dwelling therefore exceeds this requirement.
- 8.4 The proposed flat is considered to be adequately sized and is self-contained. The aspect is reasonably open and the attractiveness of these units as living accommodation would be a matter of choice for the prospective occupiers of the flats.
- 8.5 The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For ground floor flats the SPD seeks both private and communal amenity space. The flat would have access to a source of natural light through windows and communal amenity space of 90 square metres to the rear of the flat, although this area would include a parking space and the cycle storage. Given the size of the flat, the units is unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space.
- 8.6 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 private amenity space is acceptable in this instance, as the application involves the conversion of an existing building, and communal amenity space is provided.

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. The removal of the shop front and installation of the windows and front door would blend in with the windows and doors on the adjacent properties

10.0 Amenity Considerations

- 10.1 As proposed, the flat would be built below an existing flat, and between two other flats. 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 its nature as a conversion. The key consideration is the amenity standards for new occupiers. It is noted that other residences are located in close proximity, and there are no uses nearby incompatible with residential uses. Therefore, the amenity standards for future occupiers of the proposed flat would be acceptable.

11.0 Highway/Parking

- 11.1 The existing flat and the proposed flat would each have one parking space. Policy DC33 requires parking provision of 1.5 -2 spaces per unit in locations with a low PTAL. However, the Highway Authority does not object to the under provision as both the existing and proposed flats would each have only one bedroom.
- 11.2 Secure cycle storage has been provided.
- 11.3 A condition is attached requiring that a vehicle crossover be provided.

12.0 Other Issues -

- 12.1 The Council's draft SPD on Planning Contributions requires a payment of £6000, per new dwelling created. This will require a total of £6,000 to be secured by way of a Section 106 agreement.

13.0 Key Issues/Conclusions

- 13.1 The site is in a non-designated location where residential uses are prioritised for vacant land and buildings. The new flat will be located below and between existing residential properties.
- 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.

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 10th April 2012