



REGULATORY SERVICES COMMITTEE

2 August 2012

REPORT

Subject Heading:

P0624.12 – 168-174 & 182-186 South Street, Romford – Construction of an additional floor to provide 7 flats, rear external staircase, bin and cycle stores (received 16 May 2012; revised/additional plan received 13 July 2012)

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input 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

This report concerns an application for the construction of an additional floor with four flats above 168-174 South Street and 3 flats above 182-186 South Street, Romford. The proposal also involves a rear staircase extension to 168-174 South Street, bin stores and cycle parking. A legal agreement is required due to the limited availability of on-street parking and as none would be provided for future residential occupiers on site and to make a contribution towards local infrastructure. Staff consider that the proposal would nonetheless accord with residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

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:

- The Developer/Owner of the application site to covenant that all future occupiers of the proposed development save for blue badge holders are restricted from applying for residents parking permits.
- A financial contribution of £42,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- 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 Staff be authorised to enter into such an agreement and that upon its completion planning permission be granted subject to the following conditions:

1. SC04 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.

2. SC09 Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) 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.

3. SC32 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.

4. SC58 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. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. SC59 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. SC43 The building shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) 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 the NPPF.

7. NSC01 The proposed balustrades to the rear (west) balconies shall be of frosted glazing to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

8. NSC02 Prior to the commencement of the development, details of 2m high boundary fencing to rear of 168-174 South Street shall be submitted to the Local Planning Authority for its approval. Once approved the fencing shall be erected in accordance with the approved plans prior to first occupation of the proposed development and retained thereafter.

Reason: In the interests of residential amenity.

9. NSC03 The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

10. NSC04 No construction works or construction related deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted a Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

12. NSC05 Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved 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 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. NSC63 Before commencement of the proposed development, 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 Authorities;
- 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.

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.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy condition 12, 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).

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC37, DC55, DC60, DC61, DC62, DC63, DC70 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.

3. 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.

Mayoral CIL

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 internal gross floor area of 425m² which equates to a Mayoral CIL payment of £8,500.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises the two, three-storey flanking sections of a terrace with a 4-storey central section. There are commercial units to the ground floor to both sections. Above No.s 168 – 174 South Street are offices whilst above No. 182 – 186 are residential flats. The site is within Romford Town Centre.
- 1.2 The surrounding area is a mixture of commercial and residential uses. Commercial uses are provided at ground floor level mainly fronting onto South Street with residential above. To the north, No.s 162 -166 is a 4-storey building with fifth floor accommodation and to the south is a 6-storey building at 192-196 South Street. To the rear (accessed via the central residential section) and to Regarth Road there are three and 4 storey residential blocks and 2-storey housing. The residential to the rear, known as Gibson Court, is retirement accommodation. To the opposite side of South Street are mainly 2 storey properties, most with commercial use but some in purely residential use.

2. Description of Proposal

- 2.1 The proposal is for the construction of a 4th storey to the existing 3-storey sections of the building to provide 7 additional flats. It is proposed to provide 4 flats (2, 2-bed and 2, 1-bed) above 168-174 South Street and 3 flats (3, 1-bed) above 182-186 South Street. Unlike the existing higher middle section which has a pitched roof with side parapets, the proposed floor would continue the flat roof form of the existing building and would be similar in appearance with each other.
- 2.2 The overall height of the sections of the building affected would increase from 10m to 13m which is the maximum height of the existing 4-storey

central section. The flatted sections would be attached to the central section and would be set back from the elevations by approximately 1.5m although the proposed balconies would (where provided) extend to the existing elevations.

2.3 Each section of flats would have a separate stairwell access. That to the proposed units above No.s 168-174 would be provided as a new stairwell extension at the rear of the building 1.4m deep and approximately 12m wide rising to a height of just over 10m. To the other flats the stair access would be provided internally as an extension of the staircase to the existing flats.

2.4 Each flatted section would also have separate cycle and refuse stores.

3. **History**

3.1 P1367.11 - Construction of an additional floor to provide 7 flats, rear extension to 168-174 South Street, bin and cycle stores – Withdrawn 14/11/11

4. **Consultation/Representations**

4.1 128 neighbouring occupiers were notified of the proposal. There were 8 replies objecting to the proposal on the following grounds:

- loss of/block out light
- overlooking/loss of privacy
- extra noise
- extra smell
- disruption to existing Government Office located at the application site
- poor existing sound insulation
- possible future complaints by residents against the existing Government Office
- balconies can be untidy which is an eyesore
- increase in fire risk
- loss of property values
- loss of quiet retirement lifestyle
- loss of skyline view
- overlooking of retirement flats' private garden area
- increased shadow in retirement occupiers garden
- lack of parking facilities
- the proposed entrance from Regarth Road will leave the Music Shop without their existing parking
- use of the enclosed stairwell will be very noisy
- flat dwellers could use their balconies for evening and late night parties
- loss of existing peace and quiet
- overdevelopment/overbearing
- noise and disturbance during development
- new development should not be allowed close to retirement apartments as occupiers expect a quieter environment
- the proposed development is a worry to retired neighbours

- 4.2 The Probation Service (part of the Home Office) who have an office above 168-174 South Street have written to object to the proposal on the grounds that it would cause substantial business disruption during construction as the works would be going on directly above the service's demise and because of the very poor existing sound insulation, noise pollution following development could cause the service to be unable to perform its public and professional service. Also after residential development takes place close to probation offices, complaints are often received against the Service which would be unreasonable given that the service has been established for many years as a valuable service without complaint.
- 4.3 Councillor Andrew Curtin has also written to object to the proposal on the grounds that, the proposal adjoins Gibson Court, a retirement residence and that the balconies would reduce their ability to relax and socialise in the communal garden area resulting in an unacceptable loss of residential amenity, increase in noise, smell and disturbance from use of balconies or windows/doors being left open during cooking, direct interlocking into existing accommodation, limit natural sunlight to residents' flats resulting in higher electricity bills and to the garden area, possible criminal elements using any recessed areas for criminal activity resulting in possible anti-social behaviour, builders are unlikely to be able to gain a safe way to the site to undertake the works proposed and increase in number of people causing negative impact on the quality of life of existing residents particularly when using the enclosed stairwell.
- 4.4 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure.
- 4.5 The Metropolitan Police Crime Prevention Design Advisor has written to advise that the site's location is in an area of higher than average crime levels for Havering. He advises specifically that there should be a suitable gate with access control for the cycle store to 182-186 South Street. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted.
- 4.6 The Fire Brigade (LFEPa) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6 with a fire hydrant within 90m of the inlet to the fire main. These are the Building Regulations documents and a separate application would be needed.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, DC2, DC4, DC33, DC35, DC36, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, Policy ROM14 of the Romford Area Action Plan and the SPDs on Residential Design and Planning Obligations (draft) are

relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

Principle of development

- 5.2 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the Town Centre. Policy ROM14 of the Romford Area Action Plan DPD indicates that Romford will contribute to the Borough's housing target. The principle of residential development has already been established on the site and the provision of additional housing would therefore be acceptable in land-use terms. The site further falls within an area of the Romford Town Centre which, according to Policy ROM14 (Housing Supply) of the Romford Area Action Plan, is currently a low density area of the town, earmarked for higher density development. Victoria Road, South Street (south of the railway) and Regarth Avenue have been identified in Policy ROM14 as higher density redevelopment areas. The policy states that the intensification of these areas presents the opportunity to replenish the dated and poor quality buildings, provide a scale, massing and height of buildings which is more fitting for these two important entrances to Romford town centre. It is therefore considered that the proposal would be acceptable in principle.

Density/Site Layout

- 5.3 The proposal is to provide an additional 7 flats at the application site. Policy DC2 indicates that in the Central area, the density range would be 240-435 units per hectare and the preferred housing type for this area is high density living accommodation, preferably in the form of residential flats. Although part of the application site currently has commercial uses, the provision of additional living accommodation would be acceptable in principle and consistent with the above mentioned policies for this area. The subject site covers an area of approximately 0.08 hectares. There are no flats currently at No.s 168-174 South Street but at Nos. 182 – 186 there are currently 8 residential units such that the new total would be 15 residential units, resulting in a density on the site of approximately 182 units per hectare. The proposal would result in a density on the site which is below the recommended range and is therefore not considered to represent an overdevelopment of the site. Nonetheless, the acceptability of the development rests on it being of a high standard of design and layout.
- 5.4 In terms of the general layout, the set back of the proposal from the main façade of the building will aid in reducing the impact of the additional floor in terms of the visual bulk it would add to the main building. With regards to the internal layout, the drawings indicate that each flat will have as a minimum a separate bedroom, kitchen / living area and separate bathroom. The general internal layout is therefore considered to be sufficient for town centre living.
- 5.5 The London Plan indicates at Policy 3.5 (Table 3.3) that a 1 person unit should have a minimum floorspace of 37 sq.m, a 1-bed unit for 2 people should have a minimum internal floorspace of 50 sq.m and with 2-bed units

for 3 people should have a minimum space of 61 sq.m. The size of the 1-bed flats ranges from 39.1 sq.m to 52 sq.m and the 2, 2-bed flats would be 60.6 sq.m and 66.4 sq.m. 3 of the 1-bed flats would therefore be suitable for 1 person with 2 suitable for 2 people. One of the two-bed flats would be just under the minimum floorspace for 3 people with the other one being above the minimum. Staff consider in this town centre location that the flats, only accessible by stairs, would be unlikely to attract families and as such they would be of appropriate floorspaces for the likely household sizes.

- 5.6 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. The scheme indicates a balcony each to flat (with the smallest at just under 7.3 sq.m being above the 5 sq.m identified by the London Plan). Staff therefore consider that this would provide an adequate level of amenity space and is appropriate to the nature and size of these units within this town centre location.

Design/Impact on Street/Garden Scene

- 5.7 The area has a mixed character in terms of design and height of buildings with Southbury Court (towards the north of the site) a modern 4-storey building and No. 192 – 198 (towards the south) a 1960s 5-storey development. Staff therefore consider the additional floor to be acceptable in principle, subject to its design.
- 5.8 The proposed refuse storage would be a small extension to the West of the building close to the Regarth Road footway. The proposed location and height would be satisfactory.
- 5.9 The proposed cycle storage would be acceptable from a secured by design viewpoint. While the provision of cycle storage is acceptable, further details could be submitted via a condition if planning permission is granted.

Impact on Amenity

- 5.10 There are existing residential occupiers to the rear (West). Three balconies would be provided to the flats facing west (rear). Due to these balconies being at 4th storey level and between 12m and 18m away from facing windows to Gibson Court, Staff consider that there would be some element of overlooking of the Gibson Court development and to a degree their communal garden area. Nonetheless, given the distances involved, that the balconies would be located at 4th storey level and within a high residential density area, such that Staff consider that providing the balconies were fitted with frosted glass balustrading, any overlooking would not be so significant as to be harmful to the adjoining occupiers' amenity. The obscure glazing could be required via a suitably-worded condition. The issue of overlooking

is a matter of judgement and Members may consider that the proposal would result in harm to residential amenity.

- 5.11 The proposed development would add a part 4th storey to an existing building. There are no buildings to the south of Gibson Court and, in particular its garden area. Given that the application site building is already 3-4-storeys high and located to the east of Gibson Court, it already has a significant impact on morning sunlight to Gibson Court. The proposal is to add a single additional storey and would also affect morning sunlight. While there would be some loss of sunlight and daylight in the morning, Staff do not consider that it would be so significant in relation to the existing level of sunlight/daylight at that time of day, that it would result in significant harm to the amenities of the existing residents.
- 5.12 Noise during construction and general everyday noise and activities associated with new residential development of this scale are not reasons to refuse planning permission. Noise insulation details would be required by a suitably-worded condition to prevent the occupiers from noise caused from outside and within the existing building and occupiers would have to decide for themselves whether the general noise levels in the locality would be acceptable for them. Any Statutory Noise nuisances arising in future would be a matter to be dealt with under the Environmental Health Acts.

Highway/Parking

- 5.13 Within this area, Policy DC2 indicates that between 0 and 1 parking space should be provided for each property. No parking spaces would be provided. Highways have requested a planning obligation (Section 106 agreement) to require prevention of the new occupiers from purchasing residential parking permits as this would be detrimental to sustainable travelling alternatives available to the town centre dwellers.
- 5.14 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

Section 106 agreement

- 5.15 It is considered that as the proposal would not provide any parking on-site that the occupiers should be restricted from applying for residents parking permits; also that the flats would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £42,000.

Mayoral CIL

- 5.16 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 internal gross floor area of 425m² and amounts to which equates to a Mayoral CIL payment of £8,500.

Other Issues

- 5.17 The Secured by Design Officer indicates that crime prevention measures have been considered in the design of the proposed development in recognition of the significantly higher level of crime in this part of the Borough. He asks that there is a gated access to the proposed cycle store for 182-128 South Street and that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage and boundary treatment. He also asks if a condition can be attached in respect of landscaping, however none is proposed nor likely to be provided.

6. Conclusions

- 6.1 The proposal is for the addition of a 4th storey to provide an additional 7 flats to an existing mixed use building in the town centre. It is considered that the proposal would be acceptable in principle and that the details of the scheme are acceptable in accordance with Policy DC2, DC3, DC33, DC61 and DC72 of the LDF Core Strategy and Development Control Policies and Policy ROM14 of the Romford Area Action Plan DPD such that it would not result in any adverse impact.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

- 8.1 A legal agreement would be needed to restrict access to residential parking permits and to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. Human Resource Implications:

- 9.1 None

10. Equalities and Social Inclusion Implications:

- 10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.