



# REGULATORY SERVICES COMMITTEE

18 July 2013

# REPORT

**Subject Heading:**

**P0244.13 – Elm Park Hotel, Elm Park Avenue, Elm Park**

**Conversion of existing first floor accommodation to form 3 no. two bedroom flats.**

**(Application received 6<sup>th</sup> March 2013)**

**Report Author and contact details:**

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**Policy context:**

**Local Development 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 | [X] |
| Value and enhance the life of our residents                                     | [X] |
| Delivering high customer satisfaction and a stable council tax                  | [ ] |

## SUMMARY

This planning application relates to the conversion of existing managers and bed-sit accommodation into three two-bedroom flats.

The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider 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, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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) 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) 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.

3) Cycle storage: Prior to completion of the works 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) Hours of Construction: 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, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5) Secured by Design: 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 might 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 PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

6) Refuse and recycling: The Refuse and Recycle 660 litre wheelie bins (one for waste and for one for recycling) for the flats will be stored in a secure rear courtyard with gated access and 6 foot timber fence as indicated on drawing 12/0107/PL71 Revision C. The code to the lock will be provided to the refuse collection service and on collection day the bins will be transported by refuse staff to the refuse vehicle for emptying and returned to their original location.

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

7) Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 43 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,

## **INFORMATIVES**

1. 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.
2. 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.
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. The applicant is advised 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. 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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
5. The developer, their representatives and contractors are advised that 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.
7. In aiming to satisfy Condition 5 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
8. Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site is located on the northern side of Elm Park Avenue opposite Broadway Parade, Hornchurch. The site consists of a 2 storey building which has previously been used as a public house at ground floor and manager's and bedsit accommodation at first floor.
- 1.2 The site is situated within the built up area of Elm Park and is situated in an area within a main shopping street with typically small retail units on the ground floor and residential accommodation above.

## **2. Description of Proposal**

- 2.1 The development does not propose any new Elevation changes. The existing commercial unit on the ground floor will remain. The proposal consists of alterations to the existing managers and bed-sit accommodation on the first floor, with these areas being converted into three two-bedroom apartments.
- 2.2 The proposed flats would consist of a kitchen/living room, two bedrooms and a bathroom. The proposed flats would have internal floor space measuring 66.4m<sup>2</sup>, 71.6m<sup>2</sup> and 66.8m<sup>2</sup> respectively. Access to the first floor flats would be gained via an internal communal staircase as well as a fire escape external stair to the rear.
- 2.3 No parking spaces are proposed. There is a secure space in the rear yard area, for refuse bin storage. Although the applicant has not made provision for cycle storage this could be achieved by imposing a condition in the event of an approval.

## **3. Relevant History**

- 3.1 A0015.13 - 4 x Illuminated Fascia signs, 1 x Illuminated Hanging sign, 1 x ATM Surround and 1 x Wall Branding Sign - Approved with conditions.

D0213.12 - Certificate of lawfulness for vehicle delivery area at the front of the property - Planning permission not required.

P1488.12 - Installation of mechanical plant to the rear of property including 3no. free standing condenser units - Approved with conditions.

P1359.12 - Alteration to shop windows - Approved with conditions.

P1357.12 - Existing double door to be replaced with automatic sliding doors - Approved with conditions.

P1355.12 - Removal of existing double door set entrance opening for installation of new ATM cash machine within glazed screen surround, including security camera and light. Entrance ramp with handrail - Approved with conditions.

P1048.10 - Change of Use from furniture shop to tattoo parlour – Approve with conditions.

## **4. Consultations/Representations**

- 4.1 Neighbouring notifications were sent to 44 neighbouring properties. No representations have been received.
- 4.2 The London Fire and Emergency Planning Authority is satisfied with the proposal.

- 4.3 Environmental Health has requested conditions for noise insulation and restricted construction and delivery hours.
- 4.4 The Borough Crime Prevention Design Advisor raises no objection subject to the imposition of planning conditions covering the submission of a Secure by Design application and a management statement.
- 4.5 Highways raised no objection to the proposal as the site is situated within the Elm Park PTAL zone which requires less than 1 parking space per unit.

## **5. Relevant Policies**

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Draft Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## **6. Staff Comments**

- 6.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

## **7. Principle of Development**

- 7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas and Romford Town Centre. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy

Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.

- 7.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m<sup>2</sup> for a 2-bed 3-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable.
- 7.3 Policy CP1 indicates that outside the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a vacant building to provide residential flats at first floor. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

## **8. Density and Amenity Space**

- 8.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 8.2 The proposal would involve the conversion of the existing first floor to provide 3 no. flats. The subject site has only limited space to the rear of the property. The space to the rear will be utilised by the retail unit at ground floor for parking, refuse storage and deliveries. It is therefore not possible to provide amenity space on site. It should however be noted that similar scenarios exist elsewhere in the borough in Town Centre locations, where there are flats situated above commercial premises with no amenity space provision. Staff do not consider the lack of amenity space to be unacceptable given the site constraints, however this issue will be a matter of judgement for Members to debate.
- 8.3 The residential density range for this site is 50 - 80 units per hectare and 200-250 habitable rooms per hectare. The proposal would result in a density of approximately 13 units per hectare and 41 habitable rooms per hectare. Although this is in the recommended range consideration should be given to the unique site constraints and the mixed use of the current building.

## **9. Design and Visual Impact**



9.1 The proposal would not involve external changes to the subject building and would therefore not result in any impact to the streetscene or surrounding area. The signage of the retail unit was approved as part of a separate planning application.

## **10. Impact on Amenity**

10.1 The proposal would not result in any external additions or changes to the existing fenestration and would therefore not result in additional overlooking to that which is currently present on site. Staff consider any overlooking from the existing rear windows to be acceptable as the nearest residential property is situated approximately 40m away. The existing flank window to the southwestern elevation would also not result in harm to neighbouring amenity as it overlooks commercial premises.

10.2 The proposed development would only involve internal changes, is well removed from residential properties and is therefore not considered to result in any impact on neighbouring amenity.

## **11. Highways / Parking Issues**

11.1 No parking provision is made for the proposed residential development. Highways has stated that the subject site is located in The Elm Park PTAL zone which has a parking requirement of less than 1 space per unit.

11.2 Given the surrounding commercial area and that flatted development normally require less parking spaces, Staff consider the lack of parking spaces to be acceptable, however this issue will be a matter of judgement for Members to debate.

11.3 The proposal does not include cycle storage provision. A condition will however be attached in the event of an approval to provide cycle storage.

## **12. The Mayor's Community Infrastructure Levy**

12.1 The proposed residential development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as it would not involve the creation of new residential floor space.

## **13. Planning Obligations**

13.1 In accordance with the Draft Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £18,000.

## **14. Other Issues**

14.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in

principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

- 14.2 The Refuse and Recycle 660 litre wheelie bins (one for waste and for one for recycling) for the flats will be stored in a secure rear courtyard with gated access and 6 foot timber fence. The code to the lock will be provided to the refuse collection service and on collection day the bins will be transported by refuse staff to the refuse vehicle for emptying and returned to their original location.

## **15. Conclusion**

- 15.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Staff has considered the lack of parking provision and amenity space to be acceptable, however these issue will be a matter of judgement for Members to debate. It is recommended that planning permission be granted, subject to the completion of the relevant legal agreement.

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement

### **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**

Application forms and plans received on 6<sup>th</sup> March 2013.