

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0918.23

WARD: St Albans **Date Received:** 9th June 2023

ADDRESS: 66 Victoria Road
Romford

PROPOSAL: Partial demolition of existing E Class building, second floor extension and part change of use to provide ground floor commercial unit and 4 new dwellings together with refuse and cycle provision and private amenity space per unit.

DRAWING NO(S): 3656.LOC
3656.001 rev E

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application site comprises of a two storey end terraced wrap around property with a projecting first floor bay feature located on the southern side of Victoria Road, Romford, at its junction with King Edward Road. The site has ground and front part of the first floor as commercial unit - Class E, according to the applicant. The first floor rear part is in residential use. Victoria Road is a mixed use location with mainly commercial uses at the ground floor level and residential above.

The property has been extended in the past along King Edward Road with first floor element in the past, and in use as part of the residential unit. The rear adjoins the pedestrian access to the rear of nos. 70 - 80 Victoria Road.

The site is not located within a conservation area and the building is not listed, but site lies within the Romford Town Centre.

DESCRIPTION OF PROPOSAL

Planning permission is sought for partial demolition of existing E Class building, second floor extension, and part change of use to provide ground floor commercial unit and 4 new dwellings together with refuse and cycle provision and private amenity space per unit.

The host property fronting Victoria Road to be retained with upward extension proposed to the rear part.

Ground floor to provide : commercial space (40sq.m) fronting Victoria Road, bin store, cycle store,

communal entrance/lobby and 1 x 1b2p unit fronting King Edward Road with planting buffer.

First floor providing : communal stairs and 1 x 1b2p with balcony and 1 x 2b4p with balcony fronting King Edward Road.

Second floor on King Edward Road providing: 1 x 3b4p unit fronting King Edward Road.

The scheme would provide two tier 7no. cycle parking spaces with no off street car parking space.

RELEVANT HISTORY

Pre-application advice under ref: W0203.22 :

The proposal is for the demolition of the existing property and the erection of a building to comprise a mixed use of retail at ground floor and 2 x one-bed and 2 x two-bed dwellings above, over ground and 2 storeys above.

Officer's comments:

The current proposals would be significantly different from the pre-application development as follows:

- 1.The pre-app scheme was for the demolition of the existing building and rebuilding for mixed use with 2 additional floor extension, current proposal would demolish only part of flank fronting King Edward Road and would have only 1 floor addition
- 2.The pre-app scheme would have commercial and 2 x 1b2p and 2 x 2b3p dwellings, over ground and 2 storeys above. Current scheme would have commercial and 2 x 1b2p, 1 x 2b4p and 1 x 3b4p.

Concerns raised at pre-app stage as follows:

Concerns with the total demolition, the significant loss of commercial space; projecting balconies; mix of housing; layout; lack of sections; materials; noise; standard of residential accommodation; highway and servicing.

Overall, the principle was considered acceptable; however, officers raised significant concerns as highlighted above.

CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were consulted. 1 objection and 1 comment were received. Concerns are summarised as follows:

- loss of facilities and architecture albeit not old but of interest.
- In support with further details required if minded to approve.

The above issues are material planning consideration and will be addressed in the report below.

Other consultations:

StreetCare Department - Standard guidance given.

Fire Brigade - No additional fire hydrants are required.

Highway Authority - No comments received till date.

Environmental Health -Recommend conditions regarding Ultra-Low NOx boilers, noise, and sound insulation. No concerns regarding contamination (under previous application).

Environmental Health - No objection subject to CMS, construction hours, commercial unit conditions.

Metropolitan Police (Design out Crime): No objection subject to conditions and informative.

Romford Civic Society - In support, however, would require further details in terms of the intersection between the original facade and the new build material wise; condition to be attached if approved regarding the materials and finishes, including the retention of the architects.

Anglian water: No comments.

RELEVANT POLICIES

NPPF (2021)

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

London Plan (2021)

- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D11 Safety, security and resilience to emergency
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H1 Increasing housing supply

Policy H2 Small sites
Policy H10 Housing size mix
Policy E9 Retail, markets and hot food takeaways
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 3 Energy infrastructure
Policy SI 4 Managing heat risk
Policy SI 5 Water infrastructure
Policy SI 13 Sustainable drainage
Policy SD6 Town Centre
Policy T4 Assessing and mitigating transport impacts
Policy T5 Cycling
Policy T6 Car parking
Policy T6.1 Residential parking
Policy T6.3 Retail parking
Policy T7 Deliveries, servicing and construction
Policy T9 Funding transport infrastructure through planning

Havering Local Plan (2016 - 2031)

Policy 3 Housing supply
Policy 5 Housing mix
Policy 7 Residential design and amenity
Policy 12 Healthy communities
Policy 13 Town centre development
Policy 19 Business growth
Policy 23 Transport Connections
Policy 24 Parking provision and design
Policy 26 Urban design
Policy 27 Landscaping
Policy 33 Air quality
Policy 34 Managing pollution
Policy 35 On-site waste management
Policy 36 Low carbon design, decentralised energy and renewable energy

Supplementary Planning Guidance

LB Havering 'Waste Management Practice Planning Guidance For Architects and Developers'
LB Havering Residential Alterations and Extensions SPD' (2011)

London Plan Housing SPG (2023)
London Plan Control of Dust and Emissions SPG (2014)
London Plan Accessible London SPG (2014)

MAYORAL CIL IMPLICATIONS

Mayoral CIL

The proposal is liable for Mayoral CIL, as it involves the creation of 57 square metres of additional gross internal floor space. Mayoral CIL for Havering is charged at a rate of £25 per square metre. On this basis, the CIL liability equals 57x £25 per sq.m = £1,425 (subject to indexation).

Havering CIL

The Havering Community Infrastructure Levy (HCIL) has a charging rate of £125 per square metre of net additional floor space in 57 square metres. The Havering Community Infrastructure Levy contribution would equate to £7,125 (subject to indexation).

Total CIL applicable = £8,550 (subject to indexation).

STAFF COMMENTS

The proposal would be assessed against the relevant policies and legislation to consider the principle of development, density and layout, street scene impacts, amenity impacts and parking/highways.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were not provided by the applicant/agent in support of the application. In determining this planning application, photos, Google Street View™, aerial view images and submitted drawings were used to assess the site constraints.

PRINCIPLE OF DEVELOPMENT

On the 30th May 2022, the Government issued Havering with an updated Housing Delivery Test result for 2021. The update takes account of the adoption of the Havering Local Plan in November 2021 and reflects the stepped housing targets set out with the Plan for the period 2016-2031. The updated Housing Delivery Test Result is 78%. In accordance with the NPPF the "Presumption" due to housing delivery therefore does not apply.

Based on the latest Housing Trajectory (initially published in 2019 and updated in 2023 through the Havering Authority Monitoring Report), Havering cannot currently demonstrate a five year supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:

"85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established."

The Council is committed to an immediate update of the Local Plan and this is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed.

Therefore, in the meantime whilst the position with regard to housing supply is uncertain, consideration has been given to the effect of the tilted balance referred to in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.

Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The proposed development would offer 3 additional dwellings to housing supply and delivery and this would weigh in favour of the development. However, paragraphs 126-130 of the NPPF require high quality design, consideration of character and a high standard of amenity for existing and future users. For the reasons outlined within this report, the proposed development is unacceptable in regard to its resultant impact on the poor quality accommodation and impacts on living standards for the future residents and highways safety - these are key aspects of sustainable development.

Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11(d) of the NPPF.

The National Planning Policy Framework (NPPF) seeks to boost the supply of homes and advises of the importance that a sufficient amount and variety of land can come forward where it is needed. The NPPF promotes residential development that would utilise previously-developed or 'brownfield' land.

An assessment of the design merits of the proposal, neighbouring/the proposed residential amenity and the provision of amenity space is detailed further in this report.

The provision of additional housing is consistent with the NPPF and Policy 3 as the application site is within a sustainable location in an established mixed-use area and its continued use for both commercial/residential purposes, therefore the proposal is acceptable in land use terms. Notwithstanding, the acceptability of the proposal is subject to consideration of the detailed impacts of the development.

Loss of Retail floor space

The existing functioning retail floor space of approximately 247sq.m would be reduced to 40sq.m with no justification for the significant loss and no details of the proposed use provided. Given that the site is located within the Romford Metropolitan Centre, the proposed loss would likely render the space unlettable and would therefore increase the number of vacant shops within the centre, which would then have significant impact on the vitality and viability of the town centre, contrary to Policy 13.

DENSITY/SITE LAYOUT

Policy D6 of the London Plan provides guidance in relation to the dwelling quality and standards within residential developments.

Although the proposed dwellings would meet/exceeds the internal floor space standards for the relevant number of rooms and occupants. However, the proposed 2 persons bedroom size to plot 02 and 04 would be short of a double bed minimum standard, set out in the technical housing standards. The floor to ceiling height cannot be determined as no sections drawings were submitted with the application. Given these factors, it is considered that the proposed development would not be in accordance with the general principles of the technical housing standards and the flat would not provide an acceptable amount of space for day-to-day living.

Whilst the internal spacing of some of the units appears to accord with the technical guidance, officers have significant concerns regarding the standard of accommodation proposed especially at the ground floor level especially. The ground floor area of Plot 01 which would be a single aspect west facing similar to other units, and would specifically have significant perceived overlooking with all habitable rooms facing the pavement with very marginal separation distance from the pavement (approx. 0.8m). It is noted that buffer is proposed which would be similar to the approved scheme at no. 64 Victoria Road under planning ref: P1007.22, the context is different in that the approved scheme would have bedrooms and balconies at the upper floors being duplexes. In this case, the bedroom and the balcony would be located at the ground floor facing the pavement, this would not accord the unit an acceptable standard of privacy to its ground floor amenity area and the bedroom especially. In addition, given the existing on-street car parking spaces, the bedroom would suffer from noise from the use of the car parking spaces at all times, even at night or early hours of the morning when habitable rooms (bedroom especially) would not be expected to suffer from noise/fumes at a close range as currently proposed, would therefore be unacceptable.

In addition, the treatment of the entrance would require further consideration as requested by the Secure by Design officer, in order for it not to become an antisocial gathering space, which would then result in safety issue for the occupiers. Given the aspect, which would only have late afternoon/evening light with limited outlook and poor passive ventilation within. Officers consider that the ground floor flat - Plot 01 would overall have an unacceptable standard of accommodation.

Access to the toilets/bathroom were omitted in some of the flats, amendment to this was not requested, given that there were other major concerns with the proposals.

In terms of external amenity space, Plot 01 (1b2p) would provide 5sq.m balcony, facing the pavement, this would not comply with the 1.5m deep standard and in addition, and the location would not make it functional. Plot 02 (1b2p) would provide 5sq.m with a less than 1.5m deep balcony as the only external amenity space, which would not comply with the required standard. Plot 03 (2b4p) would provide a 5sq.m balcony; this would be less than the 7sq.m required, would therefore not comply with policy. Plot 04 with 3b4p requires 7sq.m, provides 6sq.m with a depth of less than 1.5m, would be substandard. Therefore, the external amenity proposed overall would be substandard and not comply with Policy D6 of the London Plan 2021. This would then lead officers to conclude an overdevelopment of the site as a concern.

Dwelling Mix

Table 4 of the Local Plan policy 5 requires development proposals to provide a mix of dwelling types, sizes and tenures. All housing schemes should include a proportion of family sized homes and reflect the recommended housing mix identified in supporting Table 4.

The proposals would provide 4 flats in total. All flats would be market housing with 1 (25%) family accommodation (Plot 04 - 3b4p) proposed. Supporting paragraph of draft policy 5 states that; "In flatted schemes, developers should be creative with their approaches to providing family accommodation and should demonstrate how they have considered the provision of family units such as duplexes at ground floor level. Where the recommended level of three bed properties cannot be achieved, the priority will be to provide two bed rather than one bed properties." The proposals would provide 1 family unit at the second floor level with inadequate level external amenity space and no storage space indicated within the unit. As such the proposals would not provide a standard family sized unit and has not adequately demonstrated that standard family accommodation such as duplexes could not be provided on this site at ground floor level.

Furthermore, the number of 1 flats would be greater than the recommended housing mix identified in supporting table 4 of the Local Plan policy 5. The proposed dwelling mix would not comply with Local Plan policy 5.

It is considered that the proposed layout would provide a cramped form of development, which would be unacceptable, resulting in substandard accommodation for future residents contrary to Policies 7 and 26 of the Local Plan and Policy D6 of the London Plan.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Local Plan policy 26 states that the Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area and respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context.

Scale, Bulk and Massing

The proposed retention of the front part of the building is welcomed.

The proposals would be a partial demolition of part of the the flank facing King Edward Road to provide buffer and balconies at the ground and first floor level with a second floor extension. The part demolition would be considered acceptable and considered a preferred option to a total demolition of the building in the interest reducing embodied carbon. The proposed second floor addition would be considered to be reasonable in scale, bulk, height and mass with site and surrounding area. Would therefore be considered to be acceptable with no significant impact on the wider aspirations for the future regeneration of Victoria Road and the Local Plan, which seeks to create attractive high quality housing developments in Romford Town Centre.

Although a privacy buffer between the ground floor unit and the pavement is welcomed to protect the amenity of future occupiers. However, the layout with main habitable room windows in close

proximity with the pavement and the location of the ground floor private amenity area with no boundary treatment details would be unacceptable.

Materials

The building would be constructed in brick with vertical composite cladding, aluminium frame fenestration. The applicant was made aware that only standing seam metal will be acceptable at this location given that details of the cladding materials have not been provided, details can be achieved via appropriate condition if minded to approve.

In conclusion, the proposed layout would fail to provide an acceptable design which would maintain or enhance the character and appearance of the local area and would therefore be considered to be unacceptable and contrary to policies 26 and 27 of the Local Plan and policies D3, D4, D5, D6 and D11 of the London Plan (2021).

IMPACT ON AMENITY

Consideration has been given to the nearby neighbours in terms of light, outlook, privacy and overbearing impacts, and given the location of the proposed second floor extension and the balconies, the proposals would not be considered to significantly impact on neighbouring amenity. The proposals would not adversely affect the amenity of the ground floor adjoining unit on Victoria Road, being in commercial use.

In terms of the prospective occupiers, the proposals would have significant impact on their living standards, based on the layout, with non-functional and adequate private amenity space; no boundary treatment details to protect their privacy; inadequate floor to ceiling height; inadequate sized bedrooms; noise and general disturbance from the use of the existing on-street car parking spaces and the commercial use at the ground floor level.

The proposed layout and design of the residential communal entrance from King Edward Road would fail to provide a prominent, generous and secure access for residents and would create a cramped layout and appear visually dominant within the street scene and fail to compliment or improve the visual amenity and character of the area, creating safety concerns for future occupants.

In light of the above, it is concluded that the proposals would not provide a high quality living environment for future occupants and would significantly impact on their living condition and would therefore be unacceptable, contrary to policy 7 of the Local Plan and Policy D6 of the London Plan.

HIGHWAY/PARKING

The application site is located within an area with a Public Transport Accessibility Level (PTAL) of 6a, meaning that the site offers an excellent degree of access to surrounding public transport reducing the requirement for off street car parking provision at the site and as such invokes a low parking standard, limiting the requirement for off street car parking provision.

Existing 2 car parking spaces for the commercial to be retained. No car parking existing for the residential above and none proposed for the new residential units proposed. This would be considered to be an issue, given the parking concerns raised in all the representations received.

However, the proposals would be acceptable as a car free development to comply with the London Plan Policy T6 subject to parking exempt condition, to comply with Policy 24 of the Local Plan.

Noting the concerns within the objections raised with the opposite site application at no. 64 Victoria Road regarding the existing parking/congestion issues. It would be considered that the proposals would further exacerbate the existing situation, therefore if minded to approve, any permission should be subject to the applicant entering into a legal agreement to prevent future occupiers from applying for parking permits. Given that no details have been provided regarding such agreement, the lack of car parking details would be unacceptable.

Further details of the proposed cycle parking including the management between the commercial and the residential would be required to comply with London Plan policy T5.

The Council's waste team recommends strict adherence to waste collection standards. Further details of the refuse store for both uses would also be secured by condition to ensure compliance with policy 35 and the LB Havering Waste Management Practice Planning Guidance for Architects and Developers SPD.

A delivery and servicing plan for the commercial unit and residential use would also be secured by condition to ensure that there is no unacceptable traffic implications associated with the servicing of the development, given the on-street parking and the proximity to the road.

SUSTAINABILITY/ENERGY EFFICIENCY

Policy 36 states that the Council will seek to optimise the energy efficiency of buildings and support low carbon and renewable energy developments including energy efficiency improvements to existing buildings.

No detail has been submitted regarding the sustainability and energy efficiency of the proposed development, this would be required in accordance with the policy. This can be secured by condition if minded to approve.

SECURED BY DESIGN

London Plan policy D11 states that development proposals should maximise building resilience and minimise potential physical risks, including those arising as a result of extreme weather, fire, flood and related hazards. Development should include measures to design out crime that in proportion to the risk deter terrorism, assist in the detection of terrorist activity and help mitigate its effects. These measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area.

To ensure that this development is constructed in accordance with measures to design out crime. A condition would be imposed to ensure that the development is designed taking into account the principles contained in guidance such as the Secured by Design Scheme if minded to approve.

KEY ISSUES/CONCLUSIONS

All other relevant policies and considerations have been taken into account. It is therefore recommended that full planning permission should be REFUSED.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Reason for Refusal - Living Environment

The proposed development would, by reason of its cramped relationship to the front boundary; inadequate and non-functional private amenity space, inadequate bedroom sizes; floor to ceiling height and noise/fumes, give rise to substandard level of accommodation. As such the proposal would create poor quality living environment to the detriment of the amenity of future occupiers. The proposed development is therefore contrary to Policy 7 of the Local Plan and London Plan Policies D3, D4 and D6, and the London Housing Design Guide of 2023.

2 Reason for refusal - Loss of retail in shopping area

The proposed development would, by reason of the significant loss of the existing functioning retail floor space with no satisfactory justification, result in an unlettable commercial floor space, creating an inactive frontage and therefore harm the vitality and viability of the town centre, contrary to Policy 13 of the Local Plan, Policies E9 and SD6 of the London Plan 2021.

3 Refusal non standard

The proposed development would, by reason of the proposed housing mix, fail to provide the acceptable mix of dwelling types, sizes in accordance with Policy 5 of the Local Plan 2021.

4 Refusal non-standard

In the absence of a legal agreement to secure restriction on ability to obtain parking permits, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, the proposal would be contrary to the provisions of Policy 24 of the Local Plan 2021.

INFORMATIVES

1 Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments/additional details, but given conflict with adopted planning policy, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments which would have significantly delayed the application.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London and Havering Council Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the total CIL payable would be £8,550. Further details with regard to CIL are available from the Council's website.

Authorising Officer:

A handwritten signature in black ink, appearing to read 'Raphael Adenegan', written in a cursive style.

Raphael Adenegan

16th August 2023