

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P1429.24

WARD: St Albans

Date Received: 23rd October 2024

ADDRESS: 3 Old Mill Parade, Victoria Road
Romford

PROPOSAL: Change of Use from Estate Agent to mixed use as ground floor restaurant and residential first floor 1xbed flat with alterations to front elevation.

DRAWING NO(S):

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

SITE DESCRIPTION

The site relates to a two-storey terraced building situated within a parade of shops to the north of Old Mill Parade. The application relates to the ground floor and first floor of the building, formerly used as an estate agents which now lies vacant.

Located in the primary frontage of the Romford Metropolitan Centre, the surrounding area is mixed-use in character, predominantly built-up with a mixture of two-storey and three-storey terraced buildings mostly comprising a variety of commercial and retail units to the ground and lower floors with residential units above.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for the change of use of the first floors of the building from a vacant estate agents (Class E) to a mixed-use property comprising a restaurant (Class E) at ground floor and a dwelling (Class C3) at first-floor. The dwelling would provide a 1b2p residential unit comprising a shower room and kitchen/living/dining space.

External alterations are proposed to the ground floor frontage of the building to include a new entrance door to facilitate access to the residential unit above, alongside associated alterations to the fenestration of the proposed restaurant.

It is noted that no details of the proposed signage in association with the business has been submitted. However, should planning permission be granted then an informative would advise the applicant that separate consent may be required to display advertisements under the Town and Country Planning (Control of Advertisements) Regulations 2007.

RELEVANT HISTORY

P1505.01 - Single storey rear extension. Approved with conditions 30/11/2001.

P0017.05 - Change of use to A2 (Financial Services) for use as estate agency. Approved with conditions 02/03/2005.

P0594.05 - New shopfront. Approved with conditions 27/05/2005.

A0014.14 - Double sided static internally illuminated advertisement panels on bus shelter. Approved with conditions 02/05/2014.

P1164.24 - Change of use from estate agent to mixed use as ground floor restaurant including the installation of an extractor to rear, alterations to front elevation and residential first floor 1xbed flat. Withdrawn - Invalid 03/10/2024.

CONSULTATIONS/REPRESENTATIONS

Neighbouring properties were notified of the proposal at the application site. No letters of representation were received.

Environmental Health - insufficient information has been supplied to judge the technical specifications of the extract ventilation system for electric and gas use, concerns regarding air recirculation unit to adequately remove grease and odour and noise impact of the extraction system on nearby residents.

Waste and Recycling - concerns raised regarding the disposal of waste on a street that already has many issues with fly tipping/waste presentation issues.

Street Naming and Numbering - the applicant is advised to apply for street names and numbering. Anglian Water Services - no comments.

London Fire Brigade Water Team - no objection.

Metropolitan Police - no objection subject to the imposition of relevant conditions and the attachment of an informative if granted permission.

RELEVANT POLICIES

Havering Local Plan 2016-2031 (HLP) - Policies 3, 5, 7, 9, 24, 26 and 35

Havering Community Infrastructure Levy Charging Schedule

Residential Extensions and Alterations Supplementary Planning Document (SPD)

London Plan 2021 (LP) - Policies H1, H10, D1, D4, D6, T5, T6, T6.1 and T9

National Planning Policy Framework (NPPF)

MAYORAL CIL IMPLICATIONS

Given the proposal does not propose any additional floorspace to the building, the application is not liable for Mayoral or Havering CIL.

STAFF COMMENTS

An in-person site visit was not undertaken. A planning appraisal was provided by the agent in support of the application. In determining this planning application, photos, Google Street view, aerial view imagery and submitted drawings were used to assess the site constraints.

The material planning considerations include the principle of the development, density/site layout, the impact of the development in the street scene, impact on the amenities of neighbouring properties and highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The proposal involves change of use of the first floor of the building from a vacant estate agents (Class E) to a mixed-use property comprising a restaurant (Class E) at ground floor and a dwelling (Class C3) at first-floor. It is noted that as the estate agents and restaurant fall within the same use class, a change of use is not required for this, however, would apply to the conversion of the first-floor to a dwelling.

On the 19th of December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.

Furthermore, 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 and the Council is committed to an immediate update of the Local Plan. 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, the "Presumption" due to housing supply is applied.

The Presumption refers to the tilted balance set out 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.

Given the site is surrounded by buildings of mixed residential and commercial land use, there is no objection in principle to the proposed development on the site, providing that the proposal is acceptable in all other material respects which are assessed below.

DENSITY/SITE LAYOUT

INTERNAL SPACE STANDARDS

Policy D6 (Housing Quality and Standards) of the London Plan 2021 advises that housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. To that end, the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.

In addition to this, Policy 7 the Havering Local Plan 2016-2033 should be read in conjunction with Policy D6, relating to sufficient privacy and amenity space for existing and new properties. Policy 7 (Residential Design and Amenity) states that: "To ensure a high quality living environment for residents of new developments, the Council will support residential developments that: iv. Meet the National Space Standards and the London Plan requirement for floor to ceiling heights."

Criteria 1 of Policy D6 refers to Table 3.1, which outlines that a one-storey 1b2p dwelling should benefit from an internal total floor area of 50sq.m. Criteria 2 states that a dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Criteria 4 stipulates that a two-bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq. m.

The proposed dwelling would have a floor area of 39.06sq.m. The proposed bedroom would measure 3.7m in width and would have a floor area of 12sq.m. Therefore, while the development would meet the requirements of Criteria 2 and 4 of Policy D6, the proposal would fail to meet the minimum internal total floor area requirement set out in Criteria 1 and would therefore be unacceptable having regard to the internal space standards.

In addition to this, Policy D6 states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. It is noted that no cross-section drawings have been provided for the proposed flat on the first floor. Given that the proposal is recommended for refusal on other grounds the Case Officer did not request cross section drawings for the proposed flats from the agent in this instance.

QUALITY OF INTERNAL SPACE STANDARDS

Criteria C of Policy D6 stipulates that housing development should maximise the provision of dual aspect dwellings to provide adequate passive ventilation, daylight and privacy, and avoid overheating.

It is considered that the proposed accommodation would offer suitable amounts of ventilation and outlook from the rooms of the proposed unit.

EXTERNAL AMENITY SPACE STANDARDS

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The Adopted Residential Design SPD states that private amenity space should be provided in single, high quality, usable, enclosed blocks which benefit from both natural sunlight and shading. The Residential Design SPD does not prescribe fixed standards for private amenity space, which can be restrictive on small and awkward sites.

The London Plan offers guidance on this matter in the sense that minimum standards are present in Policy D6. It states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. These standards are reflected in Policy 7 of the Havering Local Plan, which requires compliance with the space standards.

Given that each proposed dwelling would have 1-2 occupants, 5m² of private outdoor amenity space would be necessary for each. While it is acknowledged that other similar apartments in the locality may not have any outdoor amenity space, policy has since changed, and amenity space is now a fixed requirement. As no outdoor amenity space is proposed to the apartment, the development is also considered in conflict with the private outdoor space standards outlined in Policy D6 of the London Plan 2021, which states all dwellings should have level access to one or more of the following forms of private outside spaces: a garden, terrace, roof garden, courtyard garden or balcony.

SUMMARY OF SPACE STANDARDS

Overall, it is considered that the proposed apartment unit would provide an inadequate living environment and amenity space having regard to the standards that are applied. The proposed one-storey 1b2p first-floor apartment would not comply with Criteria 1 of Policy D6 of the London Plan 2021, which relates to the total internal floor area. In addition to this, the proposed unit would not meet the external amenity space requirements outlined in Policy D6.

It is therefore considered that the proposed apartment would be in conflict with the indoor and outdoor space standards outlined in Policy D6 of the London Plan 2021 and can therefore not be supported on this basis.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The NPPF states that the creation of high-quality buildings and places is fundamental to what the

planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. However, an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Policy D3 of the London Plan 2021 relates to optimising site capacity through the design-led approach, whereby development is expected to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

Policy 26 of the Havering Local Plan 2016-2033 relates to urban design of which the explanatory stipulates that new development provides the opportunity to enhance the character of an area to create a positive sense of place by reinforcing, repairing and adding to the positive aspects of the built environment. It should seek to optimise the distinctive character of the existing buildings, landscape and topography, and incorporate the principles of 'Secured by Design'.

The proposal involves external alterations to the ground floor frontage of the building to include a new entrance door to facilitate access to the residential unit above, alongside associated alterations to the fenestration of the proposed restaurant. The proposed alterations are considered to have a minimal visual impact and would be in keeping with the existing ground floor facades in the locality.

It is noted that no details of the proposed signage in association with the restaurant business has been submitted. However, should planning permission be granted then an informative would advise the applicant that separate consent may be required to display advertisements under the Town and Country Planning (Control of Advertisements) Regulations 2007.

IMPACT ON AMENITY

The NPPF expects developments will function well and add to the overall quality of the area, aiming to ensure places are safe, inclusive and accessible with a high standard of amenity.

Policy 7 of the Havering Local Plan states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is read in conjunction with Policy 26; however, the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

In addition to this, Policy 10 of the Havering Local Plan, amongst other considerations, requires that development not have a significant adverse impact on the amenity of existing and new occupants.

Moreover, Policy 37 states that the Council will support development proposals that do not unduly

impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

It is noted that the Environmental Health Team have raised numerous concerns with the proposal based. Insufficient information has been supplied to judge the technical specifications of the extract ventilation system for electric and gas use. As such, it has not been demonstrated that the air recirculation unit could adequately remove grease and odours from the premises.

In addition to this, the cumulative impact of the local road network, railway line, neighbouring commercial uses (such as extract systems and licensed premises) and the impact of the proposed ground floor commercial unit, there are substantial concerns regarding noise to the amenity of future occupants. As such, inadequate consideration has been given regarding external noises sources on the proposed residential development, and it has not been demonstrated how this would be mitigated.

It is therefore considered that the proposal would be in conflict with policies 7, 10, 26 and 37 of the Havering Local Plan, and would have a detrimental impact on the amenity of neighbouring and future residential occupants.

HIGHWAY/PARKING

It is noted that the site has a relatively high PTAL rating of 2. In such locations Policy T6 of the London Plan states a maximum number of 0.5 spaces per new dwelling. While no parking spaces are proposed, it is considered that the site is well served by public transport connections and so is acceptable having regard to highways and parking.

OTHER ISSUES

Policy 35 of the Havering Local Plan 2016-2035 relates to waste management and states that the Council will support residential, commercial and mixed use development proposals that:

- i. Provide adequate internal storage space within their premises to enable the occupiers to separate, store and recycle their waste;
- ii. Provide adequate, secure, external or communal storage facilities on site which allow for the separate storage and collection of waste, reusable items, recyclable materials and compostable waste;
- iii. Include on-site waste management, which minimises the need for waste transfer, where it is feasible to do so;
- iv. Allow for convenient and safe access to manage waste, including for older persons or persons with disabilities;
- v. Allow for convenient and safe access for waste collection services;
- vi. Implements high quality design solutions to minimise the adverse visual impact of waste facilities on site;
- vii. Enable waste from mixed-use schemes to be segregated in separate secured areas; and
- viii. Provide innovative solutions to reduce waste at source.

It is noted that concerns have been raised by the Waste and Recycling Team regarding the disposal

of waste on a street that already has many issues with fly tipping/waste presentation issues.

Therefore, in the absence of a sufficient waste management plan and given the concerns of the Waste and Recycling Team, the proposal is not considered sustainable having regard to waste and therefore forms another reason for refusal, conflicting with Policy 35 of the Havering Local Plan 2016-2035

KEY ISSUES/CONCLUSIONS

Having regard to the above, and in doing so all relevant planning policy and material considerations, Refusal is recommended accordingly.

RECOMMENDATION:

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

1 Refusal non standard

The proposed development would fail to provide adequate internal and external space for future occupants, in conflict with the indoor and outdoor space standards outlined in Policy D6, including Criteria 1, of the London Plan 2021 and Policy 7 the Havering Local Plan 2016-2033, which would result in substandard residential accommodation detrimental to the amenity of the future residents.

2 Refusal non standard

Insufficient information has been supplied with the application to judge the noise impact. In the absence of this information, it is therefore considered that the proposed development use would, by reason of its location and relationship to nearby sensitive receptors, in particular the amenity of future residents to the proposed apartment, result in an unsatisfactory relationship by way of noise and disturbance from the ventilation equipment associated with the use and potential odour from cooking smell which would be to the detriment of the amenity and living conditions of neighbouring and future occupiers. The proposed development is therefore contrary to Havering Local Plan Policy 34.

3 Refusal non standard

In the absence of a sufficient Waste Management Plan, it has not been demonstrated that waste can be disposed of on a street that already has issues with fly tipping and waste presentation. Therefore, the proposal cannot demonstrate that adequate provision for waste collection can be provided against Policy 35 of the Havering Local Plan 2016-2035.

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, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Thamir Alqatrani via email on 22/11/2024.

Authorising Officer:

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

Raphael Adenegan

18th December 2024