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| -Committee: Development Committee | Date: 14 th May 2015 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Corporate Director of Development and Renewal | Title: Planning Application |
| Case Officer: Gerard McCormack | Ref No: PA/15/00095 |
| | Ward: Bow West |

1. APPLICATION DETAILS

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|-------------------------------|--|
| Location: | 418 Roman Road, London, E3 5LU |
| Existing Use: | Retail use (Use Class A1) at ground floor level and residential above at first floor |
| Proposal: | <ul style="list-style-type: none"> a) Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension b) New shopfront c) Extension of the basement d) Erection of a mansard roof extension |
| Drawing and documents: | 507/1, 507/2, 507/3 and 507/4, Design and access statement and impact statement |
| Applicant: | Mr Imran Darr |
| Ownership: | Mr Robert Webster |
| Historic Building: | N/A |
| Conservation Area: | Medway Conservation Area |

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application to extend the existing single storey rear extension, to accommodate its change of use into a residential studio flat, the increase in size of the basement for storage purposes, a mansard roof extension and alterations to the existing shop front are also proposed.
- 2.2 Officers have considered the particular circumstances of this application against the provision of the Development Plans, national, regional and local guidance and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposal makes efficient use of the application premises and provides an increase in the supply of housing. In addition, the layout and size of the proposed

residential units are acceptable and contributes towards the supply of housing within this locality.

- 2.4 The proposal will result in a reduction in the size of the retail unit but will not result in the loss of the active frontage as it currently exists or the current retail offering. As such, the proposal would not be detrimental to the viability or vitality of this part of Roman Road East District Centre, which contains a variety of retail units of different sizes, restaurant/cafe, take-way outlets.
- 2.5 The amenity impacts of the proposal would be acceptable and would not have unduly detrimental impacts on the living conditions of neighbouring residents.
- 2.6 The proposal would be acceptable with regard to highway and transport matters subject to a car free legal obligation agreement and therefore any future resident of the flats would not be entitled to a permit to park on street.
- 2.7 The extension to the single storey rear extension, mansard roof extension incorporating front and rear dormers and the conversion of the upper floor flat from a 1 bedroom unit into a two bedroom unit and alteration to the shop front, already benefit from a recent planning permission reference PA/13/02956.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions.
- 3.2 That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.3 Conditions

- 1 Three year time limit
- 2 Development to be built in accordance with the approved plans
- 3 Details of full particulars of all new windows and the shop front to be submitted prior to development
- 4 Compliance with Lifetime Homes Standards
- 5 Provide details of the cycle store
- 6 Retention of the refuse provision in accordance with the approved drawing
- 7 Car and permit free development for the additional new residential unit
- 8 No development prior to the implementation of a programme of archaeological investigation

3.4 Informative

- CIL Liability

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a two storey building located on the southern side of Roman Road which extends at ground floor level into a large rear yard. The site comprises a ground floor retail premises with a residential flat above. The neighbouring properties benefit from mansard roof extensions and rear extensions.
- 4.3 The application site is within Roman Road East District Town Centre, which is characterised by a mixture of shops, offices (Class B1 and A2) with residential use above.
- 4.4 The application premises, although not listed, lies within Medway Conservation Area, which was designated in September 1989. Its designation highlights its historic significance and seeks to maintain its special character. The site lies within an Area of Archaeological Importance.
- 4.5 The proposal involves the following:
- Mansard roof extension to increase the size of the existing flat from one to two bedrooms
 - Extension to the ground floor rear extension and its conversion from an A1 retail unit to a self-contained studio apartment
 - Alterations to the existing shop front to allow for access to the residential flats
 - Extension of the basement to provide additional storage for the A1 retail unit

Relevant Planning History

- 4.6 **PA/07/02883** - Erection of a rear extension.
Permission granted 21st September 2007
- 4.7 **PA/13/02292** - Demolition of rear extension and rebuild single storey rear extension. Erection of a mansard roof extension including front and rear dormer windows and a second floor outrigger roof extension to convert upper floors into two residential flats (1 studio and 1x1 bed) alteration to front elevation for new access to upper floors.
Permission refused 12th November 2013
- 4.8 **PA/13/02956** – Demolition of rear extension and rebuild single rear extension, erection of a roof extension incorporating rear and front dormers, conversion of upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to shop front.
Permission granted 14th February 2014

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 **Government Planning Policy Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 **Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)**

2.15: Town Centres

3.3: Increasing housing supply

3.4: Optimising housing potential

3.5: Quality and Design of Housing Developments.

6.1: Strategic Approach to Transport

6.3: Assessing effects of development on transport capacity

6.13: Parking

7.1: Building London's neighbourhoods and communities

7.4: Local Character

7.8: Heritage Assets and Archaeology

5.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

Site Designations

Roman Road East District Town Centre
Archaeological Priority Area

SP01: Refocusing on our Town Centres

SP02: Urban living for everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with waste

SP09: Creating attractive and safe streets and spaces

SP10: Creating distinct and durable places

SP12: Delivering place making

5.5 **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development within the Town Centre Hierarchy

DM3: Delivering homes

DM4: Housing standards and amenity space

DM22: Parking

DM23: Streets and the public realm.

DM25: Amenity

DM26: Building Heights

DM27: Heritage and the historic environment

5.6 **Other Relevant Documents**

The Medway Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

CONSULTATION RESPONSES

- 5.7 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.8 The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

5.9 Highways have no objections in principle to the proposals subject to the applicant entering into a s106 agreement to secure a car free development. Cycle parking is in line with the LBTH MDD policy and can be secured by condition.

[Officer Comment: Conditions will be imposed to ensure that adequate cycle parking is provided for the new units being created including for a car free agreement]

Neighbours Representations

5.10 A total of 34 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 22 letters of representation were received objecting to the proposal.

A summary of the objections received

5.11 The principle of the loss of retail floor space - objectors expressed concerns about the unacceptable loss of 35% of the ground floor retail floor space including ancillary storage and servicing areas at the rear.

5.12 The reduction in retail floor space would undermine the vitality and viability of the Roman Road East District Town Centre and reduce the availability of units.

5.13 The proposal undermines the Council's Town Centre strategy

5.14 The issues raised in the objections are addressed in the material planning considerations section of this report.

6.0 MATERIAL PLANNING CONSIDERATIONS

Background

6.1 A planning application reference PA/13/02956 was granted on the 14th February 2014 for the demolition and rebuild of a single storey rear extension, erection of a roof extension incorporating rear and front dormers, conversion of the upper flat from a 1 bedroom unit into a 2 bedroom unit and alteration to the shop front.

6.2 This application is similar to the approved scheme, with the shop front design, mansard roof extension and rear extension all shown on the previously approved plans. The only differences between extensions previously approved and what is now applied for are the windows in the rear roof slope of the mansard being smaller, the depth of the rear extension has been increased by 80cm, and rather than having two roof lights on the rear extension only one is proposed.

6.3 Therefore given planning permission has been approved for the extensions to the property the focus of this application and report will be on the creation of a studio flat at ground floor level, reduction of retail floor area and proposed increase in size

of the basement storage area. These will be addressed in turn below under the following headings.

- Land Use
- Design and appearance
- Amenity
- Transport considerations.

Land Use

- 6.4 The application proposal seeks to enlarge the existing property and make more effective use of the building, whilst adding to the borough's housing stock. A reduction in the existing retail floor space proposed to facilitate changes to the access arrangements to the upper floor flat and conversion of single storey rear extension into a studio flat. In order to mitigate for this loss of retail floor space it is proposed that the basement store would be increased by 15 square metres.

Loss of retail floor space

- 6.5 In respect of the principle of loss of the retail floor space within Town Centres, Paragraph 23 of the National Planning Policy Framework is concerned with maintaining the attractiveness of town centres". It states in part that local planning authorities should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural community and residential developments required in the Town centre.
- 6.6 The above policy seeks to ensure that the overall needs of retail as well as other town centre uses are met in full and not compromised by limited site availability. It should be noted that the loss of retail in town centres is not prohibited as a principle moreover, the policy seeks to promote uses other than retail in this location and it encourages residential development on appropriate sites.
- 6.7 Policies 4.7 B (a) 'Retail and Town centre developments' and 4.8 in the London Plan advises that the scale of proposals (retail, commercial, cultural and leisure) should relate to the size, role, function of a town centre and its catchment area.
- 6.8 Policy SP01 (d) in the Council's Core Strategy seeks to promote mixed use and multi-purpose town centres with a mix of unit sizes and types (including smaller unit sizes) to assist in the creation of vibrant town centres that offer a diversity of choices, and meet the needs of communities.
- 6.9 Policy DM1 in the Managing Development Document (2013) seeks the protection of retail uses emphasizes that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- A Protecting A1 uses as a priority, unless the following can be demonstrated:
- i. The loss of A1 would not undermine the town centre's position within the town centre hierarchy;
 - ii. The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;

- iii. The shop has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the shop over that period at an appropriate rent (providing three comparable shop unit rents within the town centre) and
 - iv. The new use supports the function of the town centre.
- 6.10 The existing retail unit measures 102.72m² (including the WC and kitchen area) and it is currently used as a launderette. The proposal seeks a reduction of the existing retail floor space by 25 square metres (30% loss) which was a source of objectors' concern.
- 6.9 The applicant has confirmed the launderette will continue to operate from the premises and its ability to trade will not be affected as a result.
- 6.10 In terms of the loss of retail floor space, officers have taken account of the fact that the loss still leaves a retail unit of 77 square metres, including an increased storage area provided in the basement. Retail units of between 30-80 square metres are common along this section of Roman Road, this based on the information received from planning applications within the locality. Therefore the proposed reduction in floor space would not be detrimental to the current retail offering nor would it be detrimental to the town centre function or the vitality and viability of existing business in this locality.
- 6.11 The loss of retail floor space to accommodate residential accommodation was a consideration at a recent appeal at number 596 Roman Road for the redevelopment of the site for six flats including the partial loss of the ground floor retail unit to accommodate mobility flat (PA/11/02094 was refused by the council on 5th October 2011).
- 6.12 In assessing the appeal (reference APP/E5900/A/11/2164794) the Inspector conceded the loss of the retail floor space on the following grounds:
- “There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised.”*
- 6.13 Overall, the proposed reduction in retail floor space is acceptable given the launderette will continue to trade from the unit albeit reduced slightly. The proposal meets both local and national policies as well as national guidance.

Principle of residential use

- 6.15 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with policies 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025.

- 6.16 The site is considered to be an appropriate location to contribute to meeting this demand, given that residential use above retail is consistent with other properties along Roman Road. As such, there is no objection in principle to additional residential uses; however the acceptability of the use is dependent on other planning considerations as outlined in the body of this report.
- 6.17 The creation of a studio flat within the rear extension accords with Policies 3.3 and 3.4 in the London Plan (2011), Policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate, which in this case is to be welcomed.

Design

- 6.18 The mansard roof extension has already been agreed in principle under the previous application would be similar in appearance to the ones recently constructed on the neighbouring properties numbers 420 and 416. The proposed extension preserves the butterfly roof at the rear and sits comfortably within the roof due to its proportionate scale. The reduction in size of the windows on the rear elevation compared to the previous scheme will improve its overall appearance.
- 6.19 The application seeks to increase the depth of the existing rear extension by 3.1m which is 80cm deeper than the previously approved extension. The proposed extension would project past the extension at 416 by 80cm. As the extension is of a modest height just over 2.5m it is not felt that it extending beyond the rear of 416 by 80cm will only have a minimal impact in terms of loss of outlook.
- 6.20 In relation to number 420 a rear extension of a similar depth to the one which is the subject of this application was approved in 2011. This extension is under construction and will contain a one bedroom flat. Therefore this extension will be in keeping with the prevailing character of development which is characterised by large extensions at the rear within this locality.
- 6.21 The proposed shop frontage would be the same as the one previously approved. Currently the shop front is almost completely glazed modern frontage which isn't in keeping with the historic character of appearance of the conservation area. The proposed frontage with the insertion of a door and stall riser will enhance its appearance and be more in keeping with the historic fabric of both the property and conservation area.
- 6.22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when local planning authorities exercise their duties under the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Taking into account the above assessment, officers are satisfied that the proposed development would enhance the character and appearance of the Medway Conservation Area. In terms of local plan policy, the proposal adheres to the objectives of policy DM27 which seek to enhance or better reveal the significance of properties within conservation areas.

Housing

Quality of accommodation

- 6.23 Table 3.3 and Policy 3.5 of the London Plan (2011) provide minimum guidance for the size of the units. The following table outlines the number of units proposed and the size expected (based on the minimum London Plan figures). These are also reproduced within Policy DM4 of the Managing Development Document.

The total floor space proposed for the proposed studio unit within the rear extension proposed is set out below in the table below

| <u>Unit number</u> | <u>Type/number of people</u> | <u>Size proposed sq.m</u> | <u>Minimum size requiredsqm</u> | <u>Conform</u> |
|--------------------|------------------------------|---------------------------|---------------------------------|----------------|
| Studio | 1 person | 43 | 37 | Yes |

The proposed studio flat would exceed the recommended minimum space standards and it meets the requirements of policy 3.5 of the London Plan and DM4 (1) in the Managing Development Document (2013).

- 6.24 A private amenity space of 17 square metres is provided for the studio flat which is well above the 5 square metres minimum required by policy DM4.

Transport

Car Parking & Cycle Parking

- 6.25 The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 6.26 The proposal does not include any on site car parking and the site has a relatively low PTAL (Public Transport Accessibility Rating). The proposal has been assessed by the Council's Highway and Transportation Team, who have raised no objection to nil parking provision and in view of this a car free development would be encouraged. It is considered that this objective can be secured by a condition to secure a permit free development by means of a s106 obligation.
- 6.27 In terms of cycle storage provision, the scheme proposes a small storage area within the rear amenity space for bicycles, which is sufficient for a unit of this size.
- 6.28 Subject to such a condition to ensure that this facility is provided prior to occupation and retained, it is considered that the proposals would accord with the above policy requirements.

Refuse and Recyclables Storage

- 6.29 Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.

- 6.30 The refuse facility is at the rear of the studio and will be left out by the occupants as part of their normal bin collection service.

7 HUMAN RIGHTS CONSIDERATIONS

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-

- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to relevant including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"

- 7.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 7.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

- 7.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 7.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

8.0 EQUALITIES

8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

9. LOCAL FINANCE CONSIDERATIONS

Localism Act (amendment to S70(2) of the TCPA 1990)

9.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

9.2 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.3 In this context “grants” might include New Homes Bonus.

9.4 These are material planning considerations when determining planning applications or planning appeals.

9.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would

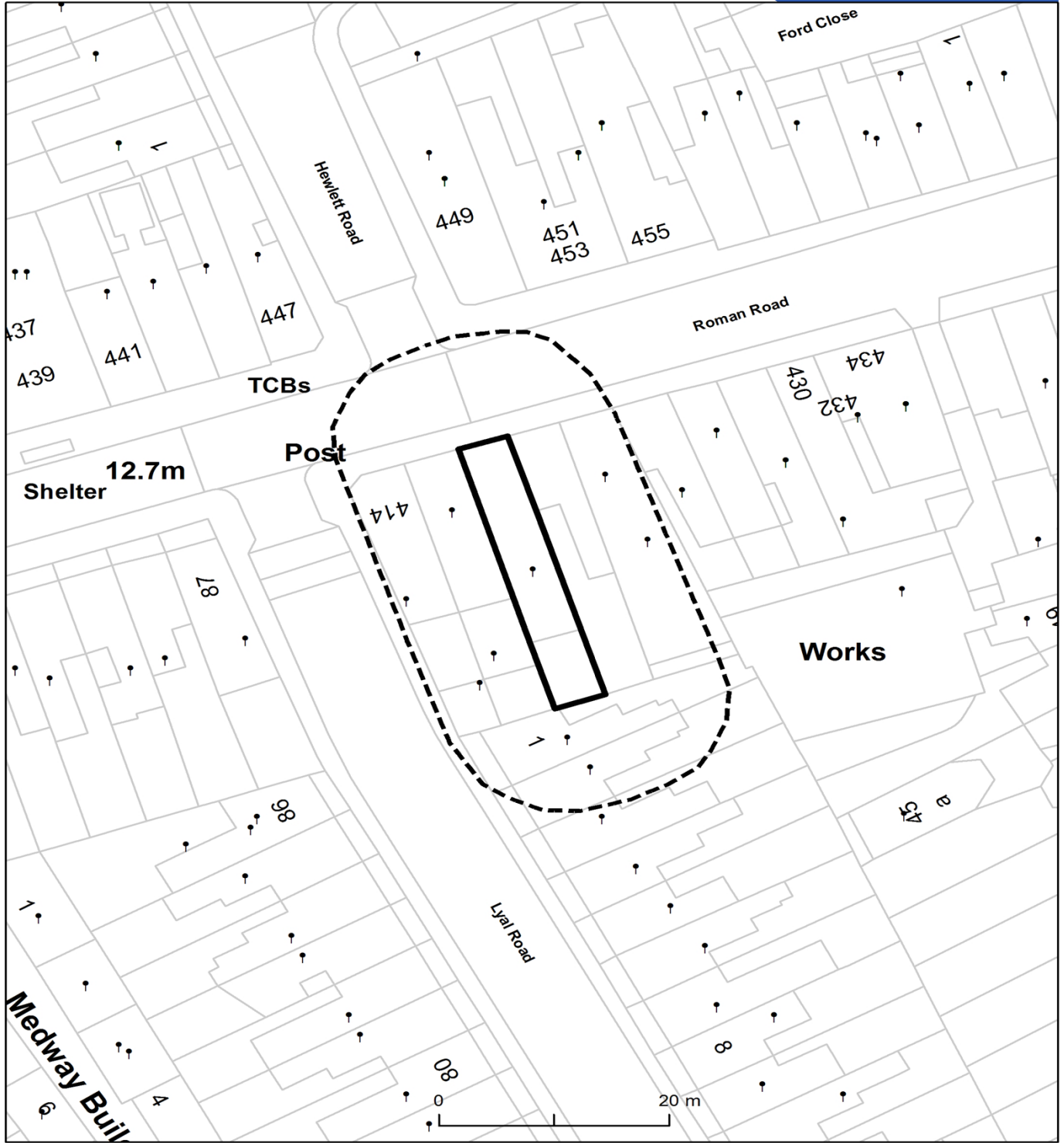
be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £1781.70.

- 9.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £2860.00.
- 9.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.8 Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £979.00 in the first year and a total payment of £5872.00 over 6 years

10 CONCLUSION

- 10.1 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/00095



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|--|------------------------------------|--|----------------------------|--|---------------------|
| | Planning Application Site Boundary | | Locally Listed Buildings | | Land Parcel Address |
| | Consultation Area | | Statutory Listed Buildings | | OSLine |



1:500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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