



**REGULATORY
SERVICES
COMMITTEE**

REPORT

23 February 2012

Subject Heading:

P1325.11 – North side of Market Place & former Laurie Hall at junction of Market Link & St Edwards Way, Romford (Date received 25/08/2011)

Proposal

Amendment of condition 44 of P0166.03 (which is subject to a minor amendment N0074.11 dated 9/1/2012) to refer to the final construction drawings for the redevelopment of the North side of the Market Place to agree the as built roof form of the development (Description changed January 2012).

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context

**Local Development Framework
London Plan
National Planning Policy**

Financial summary

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

Members will be aware that the redevelopment of the north side of the Market Place has been stalled for over two years as a result of the original developers going into administration. The Administrators are seeking to secure the sale of the development so that it may be completed. During the design and build contract for the development various alterations to the approved design for the roof over the later phases of the residential scheme were introduced. The full extent of these amendments to the design were never formally agreed and staff are therefore unable to confirm that all of the conditions have been complied with to date as the development has not been built in accordance with the approved plans. This application which falls from the due diligence process that is being undertaken by the administrators, therefore seeks Members approval for the as built form of the roof.

The as built form of the roof is considered to be acceptable in design and appearance and should members agree with that conclusion, it is recommended that planning permission be granted subject to the prior completion of a variation to the relevant S106 legal agreement.

The report also considers a request for a variation to the S106 agreement and comments on other matters outside the purview of this application, but nonetheless likely to be of interest to members in relation to the overall redevelopment.

RECOMMENDATIONS

That planning permission be granted subject to the prior completion of a Deed of Variation to the S106 legal agreement dated 30th January 2004 under Section 106A of the Town and Country Planning Act 1990 to ensure the following

1. That the definition of the planning application contained within the legal agreement dated 30/1/2004 be amended to refer to this application in the alternative as appropriate, and
2. That the requirement for the provision of public art within the original S106 agreement dated 30/1/2004 be deleted and an obligation be substituted in its place to carry out environmental improvements to the Market Place to a value of not less than £50,000, to include seating, street furniture and improved tree pits along the frontage of the site as set out in MCA Drawing No 4938/154.01 Rev E, 4938/154.02 Rev D, 4938/158 Rev C and 4938/159 Rev D, such works to be completed within 24 months of the date of the planning permission unless otherwise agreed in writing by the Local Planning Authority and that in the event that the works are not completed within the said period that a sum of £50,000 (subject to indexation from the date the planning permission is issued to the date of receipt of payment) or such lesser sum (subject to indexation on the same basis) as estimated by the Head of Streetcare as the value of the works not completed to a maximum value of £50,000 be paid to the Council on the second anniversary of the date planning permission was issued , and
3. Save for the variation of obligations of the original agreement dated 30th January 2004 outlined in 1 and 2 above and any consequential amendments to recitals, headings and clauses of the original agreement, the clauses recitals and headings of the original agreement dated 30th January 2004 shall otherwise remain unchanged.

In the absence of any such further representations that staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the following condition:

1. Accordance with plans: The development shall not be carried out other than in complete accordance with the approved plans as detailed by condition 44 of planning permission ref P0166.03 (as amended by Minor Amendment N0074.11) and as amended as shown on submitted drawings: 4939/C/152a, 4938/C/200k, 4938/C/201h, 4938/C/204c, 4938/C/220a, 4938/C/300s, 4938/C/301p, 4938/C/302k, 4938/C/306g, 4938/C/360a, 4938/C/400u, 4938/C/401z, 4938/C/406g, 4938/C/500g, 4938/C/501n, 4938/C/502m, 4938/C/507m, 4938/C/508k, 4938/C/509c, 4938/C/637a, 4938/C/601h, 4938/C/602g, 4938/C/603f, 4938/C/604e, 4938/C/606d, 4938/C/609d, 4938/C/700L, 4938/C/701E, 4938/C/702F, 4938/C/703L, and 4938/C/704C

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 as the development façade is located in Romford Town Conservation Area and that 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.

The conditions of the previous permission P0166.03 as included in Appendix 1 shall continue to apply as necessary and appropriate to this amended permission.

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, policies 7.4, 7.6, 7.8 and 8.2 of the London Plan, PPS1 'Delivering Sustainable Development' and Planning Policy Statement 5: Planning for the Historic Environment.

REPORT DETAIL

1.0 **Site Description**

- 1.1 The application site comprises the land on the northern side of the Market Place which has been redeveloped over the last five years for retail and residential purposes, including the provision of a replacement Romford Shopping Hall.

2. **Background Information**

- 2.1 Planning permission was granted on 15 March 2002 (ref. P0849.00) for the redevelopment of the site on the north side of the Market Place comprising the "demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom hotel, offices, 91 residential units, public conveniences, multi-storey and surface level vehicle parking, access and service areas and landscaping."
- 2.3 Planning permission was later granted (ref P0166.03) for the variation of Condition 39 (Complete Accordance with Plans) to enable a revised mix of flatted units within Phase 1 of the scheme and an altered roof design to part of the building. Subsequently stand alone permissions were granted for a revised hotel design which increased the number of bedrooms and the height of that building and also incorporated 24 no. additional residential flats. Planning permission P0166.03 has recently been amended by way of an application for a minor non-material amendment to include a condition

which required the development to be carried out in accordance with the approved plans as listed.

- 2.4 The original developers went into administration over two years ago leaving the final phase of the development incomplete. Earlier phases of the development are complete and occupied. The administrators are now seeking a purchaser for the development who would take over the site, it is anticipated with the intention of completing the development. The recently added condition is justified partly on the basis that the development needs to be completed in order to ensure that the development has a satisfactory impact upon the Conservation Area.

3.0 Description of Proposal:

- 3.1 Planning permission is sought for an amendment to the permitted scheme for the redevelopment of the North Side of the Market Place which has been largely constructed.

- 3.2 The original planning permission ref: P0849.00 showed a building fronting onto the Market Place and Ducking Stool Court with an extensive pitched, clay tile roof across the full length of the building which stepped up to three residential storeys at the St. Edwards Way end of the site. The two storey residential section comprised of six stepped sections on the Market Place side and four stepped sections on the Ducking Stool Court side. Each stepped section was originally proposed with a central roof valley and hipped ends.

- 3.3 The revised planning permission ref P0166.03 introduced a flat roof to each stepped section to remove the central valley, but retained the hipped ends, to the internal courtyard, creating a crowned roof. However, during the design and build process a revised roof design, which omitted the internal courtyard hipped roofs and those facing Ducking Stool Court, was introduced. The scheme has been built out in line with these further revisions, which it is proposed are formally approved through this application.

- 3.4 Since this application was submitted it has been necessary to submit an application for a Minor Non-Material Amendment (Ref: N0074.11) to the revised permission P0166.03 to insert a condition which required that development to be carried out in accordance with the approved plans. That application has been determined and it is now possible for the current application (as revised) to be reported.

4. Relevant History

- 4.1 There is extensive history relating to the site. The most relevant history to this application is:

P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping. - Approved

P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme – Approved

N0074.11 - Minor Amendment to P0166.03- to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications - Approved

5. Consultations and Representations:

- 5.1 Consultees and 386 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press. One objection has been received suggesting that the application is inconsistent with the existing planning permission and that certain vital information has been deliberately omitted.
- 5.2 Consultees and neighbours have been re-notified of the revised description of the proposal. . It has been further suggested by the same objector that there is no valid permission for the overall development, that additional units are being introduced and that the completion of the development would have an adverse impact upon property prices of an adjacent development which does not benefit from any parking provision.

Consultee Responses

English Heritage – Advise that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

6 Relevant Policies

- 6.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011.
- 6.2 Policies CP17 (Design) and CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

- 6.3 Policies DC61 (Urban Design), DC68 (Conservation Areas) and DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document are also considered to be relevant.
- 6.4 Following its recent adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).
- 6.5 PPS1 'Delivering Sustainable Development', Planning Policy Statement 5: Planning for the Historic Environment are further material considerations.

7. Planning Considerations

- 7.1 The main issues in this case are the design and appearance of the revised roof as built and the impact upon the character and appearance of Romford Conservation Area.
- 7.2 In visual terms the difference between the roof as last amended and approved and that which has been built is considered to be slight. The difference is that when viewed obliquely from Market Place and Ducking Stool Court a section of flat roof and a larger section of flank wall is now visible to the rear of the front roofslope on those sections that project forward rather than a hipped section of roof rising to a flat roof from a lower section of flank wall. This feature is 17m above ground level measured from the Market Place and is not considered by staff to detract from the appearance of the building or impact visually upon the approved scheme to any significant degree.
- 7.3 Turning to the impact upon Romford Conservation Area, it is considered that the overall development enhances the appearance of the Conservation Area by enclosing its historic form and respecting the original building line of development on its north side. In staff's opinion the revised roof design does not detract from the original design and accordingly the enhancement of the Conservation Area is maintained by the scheme as built. Staff consider that the matter is of relatively little significance in terms of the overall redevelopment that has been achieved and that it is neither necessary, practical or expedient to seek to enforce the construction of the roof in accordance with the original plans. It is not considered that the objections raised are relevant to the consideration of the current application which quite evidently relates to a valid planning permission.
- 7.4 The existing S106 agreement for the development includes a requirement for the provision of public art up to the value of £50,000, including costs, which remains outstanding. The applicants have requested that the S106 be varied to enable environmental improvements to be substituted. This would include the cost of the provision of new street furniture which has been, and will be, provided along the paved area of the Market Place in front

of the development consisting of five new benches, nine hoops and associated posts (all in stainless steel), step barriers and improved tree pits.

7.5 Members may be aware that as a result of level differences between the development and the Market Place, that the first phase of development on the north side of the Market Place required significant works to the existing paving on the Market Place. This included re-profiling and the construction of ramps and steps together with the installation of bollards and seats. It is not intended, nor do Staff consider that it would be appropriate, for the cost of the paving works and changes necessary to accommodate the level differences to be included in the works to be covered by the contribution. The need for this additional work arose from setting out issues which should have been addressed by the contractors at an earlier stage, prior to construction. However, staff consider that it would be reasonable for the cost of the new seating, street furniture and improved tree pits to be considered as environmental improvements for the purposes of the S106 agreement. The seating that has been provided is of the same design as that which has been provided elsewhere in the town centre and is practical, popular and attractive. The applicants have also confirmed that the total cost of the street furniture and tree pit improvements would exceed £50,000 including the cost of design, construction and installation.

7.6 Whilst considering the current application Members may be keen to understand the current position in relation to the scaffolding that has been in place around Tollgate House for over two years. Following the completion of Tollgate House the scaffolding was subsequently erected owing to the failure/poor performance of the Glassfibre Reinforced Concrete sections that were installed to provide moulded cornice and other features on the building. Liability issues relating to the repair/replacement of the defective materials gave rise to a lengthy dispute which was then overtaken by the developers going into administration. The matter currently rests with the Administrator as the original supplier ceased trading some time ago. It is anticipated that the matter will be resolved following the sale of the overall development on the basis that the new owner will intend to carry out the necessary repairs to Tollgate House and complete the overall development.

8. Conclusions

8.1 Staff consider that the as built form of the roof is acceptable in design and appearance and does not detract from the original design of the development. Staff further consider that the revised roof design does not detract from character of Romford Conservation Area. On this basis it is concluded that the proposal accords with the provision of LDF policies DC61 and DC68.

8.2 Should members agree with this conclusion, it is recommended that planning permission be granted subject to the prior completion of a deed of variation to the relevant S106 legal agreement so that it reflects this amendment and also varies the requirement for the provision of public art to

a requirement for environmental improvements to a value of not less than £50,000.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications to the Council.

Legal implications and risks:

This application needs to be tied into the Section 106 planning obligation for the amended planning application P0166.03 which also needs to be varied to alter the requirement for public art to environmental improvements to the same or greater value. These will need to be finalised and signed prior to the issue of the planning permission.

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

The Council's policies and guidance, the London Plan and government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.

Regulatory Services Committee, 23 February 2012

7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.