



## STRATEGIC PLANNING COMMITTEE AGENDA

<b>7.00 pm</b>	<b>Thursday 22 April 2021</b>	<b>VIRTUAL MEETING</b>
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Members 8: Quorum 4

### COUNCILLORS:

**Conservative Group  
(4)**

Dilip Patel (Chairman)  
Timothy Ryan (Vice-Chair)  
Ray Best  
Maggie Themistocli

**Residents' Group  
(1)**

Reg Whitney

**Upminster & Cranham  
Residents' Group  
(1)**

Linda Hawthorn

**Independent Residents  
Group  
(1)**

Graham Williamson

**Labour Group  
(1)**

Keith Darvill

**For information about the meeting please contact:**

**Taiwo Adeoye - 01708 433079  
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
before Tuesday 20 April 2021**





## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will make his announcement including the protocol for the meeting during the Covid-19 pandemic restrictions.

#### **Applications for Decision**

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 PROTOCOL ON THE OPERATION OF STRATEGIC PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS (Pages 1 - 6)**

Protocol attached to be noted by the Committee

### **4 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point in the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

### **5 MINUTES (Pages 7 - 8)**

To approve as a correct record the minutes of the meeting of the Committee held on 25 March 2021 and to authorise the Chairman to sign them.

### **6 DEVELOPMENT PRESENTATIONS (Pages 9 - 10)**

Report attached.

- 7      PE/01351/20 - HARRIS ACADEMY, LAMBS LANE SOUTH, RAINHAM** (Pages 11 - 16)

Report attached.

- 8      APPLICATIONS FOR DECISION** (Pages 17 - 20)

Report attached.

- 9      P0851.20 - THE VERVE APARTMENTS, MERCURY GARDENS, ROMFORD** (Pages 21 - 28)

Report attached.

- 10     P1591.20 - THE VERVE APARTMENTS, MERCURY GARDENS, ROMFORD** (Pages 29 - 40)

Report attached.

- 11     P1152.18 - LAND AT CROW LANE/SANDGATE CLOSE, ROMFORD** (Pages 41 - 44)

Report attached.

**Andrew Beesley  
Head of Democratic Services**

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## **LONDON BOROUGH OF HAVERING**

### **PROTOCOL ON THE OPERATION OF STRATEGIC PLANNING COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC RESTRICTIONS**

#### **1. Introduction**

In accordance with the Local Authority and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings (England and Wales) Regulations 2020, all Strategic Planning Committee hearings held during the Covid-19 restrictions will take place using a 'virtual' format. This document aims to give details on how the meetings will take place and establish some rules of procedure to ensure that all parties find the meetings productive.

#### **2. Prior to the Hearing**

Once the date for a meeting has been set, an electronic appointment will be sent to all relevant parties. This will include a link to access the virtual meeting as well as guidance on the use of the technology involved.

#### **3. Format**

For the duration of the Covid-19 restrictions period, all Strategic Planning Committee meetings will be delivered through conference call, using Zoom software. This can be accessed using a PC, laptop or mobile/landline telephone etc. and the instructions sent with meeting appointments will cover how to do this.

#### **4. Structure of the Meeting**

Although held in a virtual format, Strategic Planning Committee Meetings will follow the standard procedure with the following principal stages. Committee Members may ask questions of any party at any time. Questions are however, usually taken after each person has spoken.

- The Planning Officer presents their report (no time limit).
- Objectors to the application make their representations. Parties who are speaking should not repeat the information, which they have already given in writing in their representation. However, they will be able to expand on the written information given, provided the information remains relevant (5 minutes per registered objector).
- The applicant responds to the representations made (5 minutes).
- The Councillor who has called in the application (5 minutes).

- Ward Councillors for the area affected by the application (5 minutes per Councillor).
- The Planning Officer will then present a summary of the material planning considerations (no time limit).
- The Planning Committee members will then debate the item.
- The Clerk will ask members of the Committee to indicate which way they wish to vote and the Clerk will announce the decision of the Committee.

All speakers and attendees, both Councillors and members of the public, are welcome to remain on the Zoom call until the conclusion of the meeting. The meeting will also be webcast so that it can be viewed by non-participants.

## **5. Technology Issues**

An agenda setting out the items for the meeting will be issued in advance, to all parties in accordance with statutory timetables. This will include details of the applications together with all representations on the matter. The agenda will also be published on the Council's website – [www.havering.gov.uk](http://www.havering.gov.uk) in the normal way.

All parties should be aware that the sheer volume of virtual meetings now taking place across the country has placed considerable strain upon broadband network infrastructure. As a result, Zoom meetings may experience intermittent faults whereby participants lose contact for short periods of time before reconnecting to the call. The guidance below explains how the meeting is to be conducted, including advice on what to do if participants cannot hear the speaker and etiquette of participants during the call.

Members and the public will be encouraged to use any Zoom video conferencing facilities provided by the Council to attend a meeting remotely. If this is not possible, attendance may be through an audio link or by other electronic means.

Remote access for members of the public and Members who are not attending to participate in the meeting, together with access for the Press, will be provided via a webcast of the meeting at [www.havering.gov.uk](http://www.havering.gov.uk).

If the Chairman is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall temporarily adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next scheduled ordinary meeting.

## **6. Management of Remote Meetings for Members**

The Chairman will normally confirm at the outset and at any reconvening of a Strategic Planning Committee meeting that they can see and hear all participating Members. Any Member participating remotely should also confirm at the outset and at any reconvening of the meeting that they can see and hear the proceedings and the other participants.



The attendance of Members at the meeting will be recorded by the Democratic Services Officer. The normal quorum requirements for meetings as set out in the Council's Constitution will also apply to a remote meeting.

If a connection to a Member is lost during a meeting of the Strategic Planning Committee, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion, as they would not have heard all the facts.

## **7. Remote Attendance of the Public**

Any member of the public participating in a meeting remotely in exercise of their right to speak at a Strategic Planning Committee or other meeting must meet the same criteria as members of the Committee (outlined above) in terms of being able to access and, where permitted, speak at the meeting. The use of video conferencing technology for the meeting will facilitate this and guidance on how to access the meeting remotely will be supplied by the clerk.

## **8. Etiquette at the meeting**

For some participants, this will be their first virtual meeting. In order to make the hearing productive for everyone, the following rules must be adhered to and etiquette observed:

- The meeting will be presided over by the Chairman who will invite participants to speak individually at appropriate points. All other participants will have their microphones muted by the Clerk until invited by the Chairman to speak;
- If invited to contribute, participants should make their statement, then wait until invited to speak again if required;
- If it is possible, participants should find a quiet location to participate in the Zoom meeting where they will not be disturbed as background noise can affect participants.
- The person speaking should not be spoken over or interrupted and other participants will normally be muted whilst someone is speaking. If there are intermittent technological faults during the meeting then the speaker will repeat from the point where the disruption started. Whilst intermittent disruption is frustrating, it is important that all participants remain professional and courteous.

## **9. Meeting Procedures**

Democratic Services Officers will facilitate the meeting. Their role will be to control conferencing technology employed for remote access and attendance and to administer the public and Member interaction, engagement and connections on the instruction of the Chairman.

The Council has put in place a technological solution that will enable Members participating in meetings remotely to indicate their wish to speak via this solution.

The Chairman will follow the rules set out in the Council's Constitution when determining who may speak, as well as the order and priority of speakers and the content and length of speeches in the normal way.

The Chairman, at the beginning of the meeting, will explain the protocol for Member and public participation and the rules of debate. The Chairman's ruling during the debate will be final.

Members are asked to adhere to the following etiquette during remote attendance of the meeting:

- Committee Members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and Democratic Services Officers the opportunity to test the equipment.
- Any camera (video-feed) should show a non-descript background or, where possible, a virtual background and members should be careful to not allow exempt or confidential papers to be seen in the video-feed.
- Rather than raising one's hand or rising to be recognised or to speak, Members should avail themselves of the remote process for requesting to be heard and use the 'raise hand' function in the participants field.
- Only speak when invited to by the Chair.
- Only one person may speak at any one time.
- When referring to a specific report, agenda page, or slide, participants should mention the report, page number, or slide so that all members have a clear understanding of what is being discussed at all times

The Chairman will explain, at the relevant point of the meeting, the procedure for participation by registered public objectors, which will reflect the procedures outlined above. Members of the public must adhere to this procedure otherwise; they may be excluded from the meeting.

*For voting, the Democratic Services Officer will ask Members to indicate their vote – either FOR, AGAINST or ABSTAIN, once debate on an application has concluded.*

*The Democratic Services Officer will clearly announce the result of the vote and the Chairman will then move on to the next agenda item.*

Any Member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting. The Democratic Services Officer or meeting facilitator, who will also invite the relevant Member by link, email or telephone to re-join the meeting at the appropriate time, using the original meeting invitation, will confirm the departure.

**10. After the Hearing - Public Access to Meeting Documentation following the meeting**

Members of the public may access minutes, decision and other relevant documents through the Council's website. [www.havering.gov.uk](http://www.havering.gov.uk)

For any further information on the meeting, please contact [taiwo.adeoye@onesource.co.uk](mailto:taiwo.adeoye@onesource.co.uk), tel: 01708 433079.

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**MINUTES OF A MEETING OF THE  
STRATEGIC PLANNING COMMITTEE  
VIRTUAL MEETING  
25 March 2021 (7.00 - 8.40 pm)**

**Present:**

**COUNCILLORS 8**

<b>Conservative Group</b>	Dilip Patel (Chairman), Timothy Ryan (Vice-Chair), Ray Best and Maggie Themistocli
<b>Residents' Group</b>	Reg Whitney
<b>Upminster &amp; Cranham Residents' Group</b>	Linda Hawthorn
<b>Independent Residents Group</b>	Graham Williamson
<b>Labour Group</b>	Keith Darvill

**97 DISCLOSURE OF INTERESTS**

Councillor Keith Darvill declared an interest on item PE/00974/20 – New City College (previously Havering College). Councillor Darvill was the former Chairman of Governors at the Havering Sixth Form College.

**98 PROTOCOL ON THE OPERATION OF STRATEGIC PLANNING  
COMMITTEE MEETINGS DURING THE COVID-19 PANDEMIC  
RESTRICTIONS**

The Committee considered the report and **RESOLVED** to note the contents of the report.

**99 MINUTES**

The minutes of the meeting held on 25 February 2021 were agreed as a correct record and would be signed by the Chairman at a later date.

**100 PE/00974/20 - NEW CITY COLLEGE (PREVIOUSLY KNOWN AS HAVERING COLLEGE), ARDLEIGH GREEN RD, LAND OFF NELMES WAY AND GARLAND WAY, EMERSON PARK, HORNBURCH**

The Committee received a developer presentation from the Louise Morton – New City College, David Roe – Signature Senior Lifestyle, Stephen Hynds – PRP, Eve Ladden Timbers – Barton Wilmore Eve Ladden Timbers, Andrew Kenyon – PEP Transport and Euan Courtney-Morgan – New City College

The main issues raised by Members for further consideration prior to submission of a planning application were:

- The need to have a full justification for the parking levels proposed
- The need to have full details about the level of landscaping to be provided, including species and size and details of root protection for existing trees that are going to be retained
- A wish to see a building with strong green/carbon credentials

No feedback was received from Members post the pre-application presentation.

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**Chairman**

## **Development Presentations**

### **Introduction**

1. This part of the agenda is for the committee to receive presentations on proposed developments, particularly when they are at the pre-application stage.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### **Advice to Members**

4. These proposed developments are being reported to committee to enable Members of the committee to view them at an early stage and to comment upon them. They do not constitute applications for planning permission at this stage (unless otherwise stated in the individual report) and any comments made are provisional and subject to full consideration of any subsequent application and the comments received following consultation, publicity and notification.
5. Members of the committee will need to pay careful attention to the probity rules around predisposition, predetermination and bias (set out in the Council's Constitution). Failure to do so may mean that the Member will not be able to participate in the meeting when any subsequent application is considered.

### **Public speaking and running order**

6. The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Applications for Decision" parts of the agenda. Therefore, reports on this part of the agenda do not attract public speaking rights, save for Ward Members.
7. The items on this part of the agenda will run as follows:
  - a. Officer introduction of the main issues
  - b. Developer presentation (20 minutes)
  - c. Ward Councillor speaking slot (5 minutes)
  - d. Committee questions
  - e. Officer roundup

**Late information**

8. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

**Recommendation**

9. The Committee is not required to make any decisions with respect to the reports on this part of the agenda. The reports are presented as background information.



 <b>Havering</b> LONDON BOROUGH	<b>Strategic Planning Committee 22 April 2021</b>
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**Pre-Application Reference:** PE/01351/20

**Location:** Harris Academy, Lambs Lane South, Rainham

**Ward:** Rainham & Wennington

**Description:** Pre app proposal to construct 3 storey sixth form building with associated car parking, landscaping and new access from Wennington road

**Case Officer:** Habib Neshat

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## 1 BACKGROUND

- 1.1 This proposed development is being presented to enable Members of the committee to view it before a planning application is submitted and to comment upon it. The development does not constitute an application for planning permission and any comments made upon it are provisional and subject to full consideration of any subsequent application and the comments received as a result of consultation, publicity and notification.
- 1.2 This is the first presentation to committee. However, the scheme has been subject to pre application discussion with the applicant for a number of years.

## 2 PROPOSAL AND LOCATION DETAILS

### Proposal

- 2.1 The erection of three storey building, L-shape to provide a new 400-place 6<sup>th</sup> form college for pupils aged 16-19 on the existing site of Harris Academy, with the floor space of 4000sqm.
- 2.2 The disused swimming pool building would be demolished to make way for the new school.

- 2.3 The proposal includes the provision of new access from Wennington Road. The proposal includes car-parking spaces to the front of the proposed college building. Social/amenity spaces are proposed to be positioned between the existing sport hall and the proposed college. Further amenity space would be provided on the north west of the site adjacent to the area allocated for the dining hall within the proposed college building.
- 2.4 The proposal would also include the relocation of a sub-station adjacent to Wennington Road.

### **Site and Surroundings**

- 2.3 This is an existing established school site. The wider site is located on Lambs Lane South but the complex of building also front onto Wennington Road. The current buildings includes the school buildings, playing field, hard surface playing grounds, a covered sport hall and a disused swimming pool building. The site is located at the edge of the built up area of Rainham.
- 2.4 A primary school separates the application site from agricultural land and buildings to the south. To the north and west the existing school buildings separate the site from Academys open playing fields. There are residential buildings to the north of the site.
- 2.5 Apart from the schools, the area is generally suburban residential area with low rise detached and semi-detached housing.
- 2.6 The site is located in the designated Green Belt. There is no other designation.

### **Planning History**

- 2.8 There is no relevant planning history. However, there have been pre-application discussion with the officers since around 2018. Initial discussions were in relation to a proposal for building to the open area to the north of the site on the playing fields. However, the position changed when the existing swimming pool building became redundant.

## **3 CONSULTATION**

- 3.1 At this stage, it is intended that the following will be consulted regarding any subsequent planning application:
- Greater London Authority
  - Children's Services

- Highways
- Transport Planning
- Environmental Health
- Historic England Archaeological Service

3.2 The following consultees have commented as part of the pre-application process:

Children's Services - there is a need for the education facilities proposed.

Highways - subject to a number of amendments, the proposed access to the site from Wennington Road, could be acceptable.

Transport Planning:

- There should be a combined travel plan to demonstrate that there would be a robust travel policy in place that actively promotes, encourages and educates their staff and pupils on the health and environmental benefits of active and sustainable travel.
- Demonstrate a significant level of modal shift away from car use to show that the plan is having a positive effective.
- Deliveries and waste collections for both the Secondary School and Sixth Form could be combined to help reduce number of vehicle movements.
- Vehicle access/movements including deliveries should be restricted during the beginning and end of day.
- Making the entrance to the college more green (tree planting) avoid car park in a prominent position
- Staff cycle parking to be kept separate and lockable – provide for both the Secondary and Sixth Form College.
- There is an overspill of staff parking in the nearby area. We would like to see how this will be tackled/reduced for both the Secondary School and Sixth Form College at earlier stage as there is no current travel plan to refer too.

Environmental Health - Need to demonstrate the environment within the building (light and temperature) would be comfortable.

3.3 The scheme has been subject to examination by the Quality Review Panel. A summary of the comments received is below:

- This an appropriate site for a sixth form college, with both good access to Rainham Station and the potential to integrate into a wider educational campus.
- Any scheme should embrace the entire site, and should not be looked as a standalone project, currently there is poor integration

- A masterplan for the whole campus, showing how the new sixth form is connected within it and identifying how the proposed connections will operate beyond the red line of the sixth form site itself.
- The scale of the building is appropriate the set back of the elevation fronting to Wennington Road is too apologetic for a civic building in this location. The presumed building line of the street is not well-enough established to require such a low-key presence.
- Greater presence on the street could be achieved by relocating the social spaces, including the dining room, to the front of the building and creating a stronger visual connection between the street and the main entrance.
- Better internal and external circulation integration should be achieved – concern over narrow corridors with poor natural light.
- Layout compromises the quality of the public realm, having an industrial appearance,
- Vehicle movement and car parking further undermines the quality and quantity of the available public realm, and the panel would like to see further consideration given to shared access with the wider school campus in order to free up amenity space within the scheme.
- The grassed area of amenity space will likely be unusable and social space needs better treatment. The proposed outdoor dining area appears to be squeezed between fencing and car parking, with no landscape character.
- Better quality landscape required
- The elevations are perhaps too rigidly uniform
- The metal cladding to the elevations feels industrial and utilitarian
- The main entrance to the school is effectively celebrated, but visually disconnected from Wennington Road
- The student entrances are underwhelming and more akin to side entrances.
- Do not demonstrate sustainable quality. Measures should include;
  - Life-cycle assessment of the scheme's carbon impact, including the embodied carbon of the proposed materials and those of the demolished swimming pool. The potential for reusing materials should be fully explored
  - Air-source heat pumps should be a critical component of the scheme's energy strategy, and the rationale for the number and location of the proposed PV panels should be clarified.
  - Solar shading.
  - More detail re ventilation
  - Water strategy,
  - Green or living roofs should be explored,
  - Enhance the scheme's contribution to biodiversity.

## **4 COMMUNITY ENGAGEMENT**

- 4.1 The applicant is currently in the process of engagement with the local community.

## **5 MATERIAL PLANNING CONSIDERATIONS**

5.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development; whether the education facility would be acceptable in this location which is designated Green Belt.
- impact on openness of the Green Belt
- the height, layout and massing of the proposal
- design and layout of space around the proposed building
- the integration of the proposed building with the existing context including impact on the streetscene
- the scale and quality of the external amenity space for the 400 pupils; the quality of the internal space, particularly social/communal areas and circulation
- energy efficiency, particularly how ventilation, natural light and solar shading can be used to minimise overheating to classrooms
- highways, Car parking issues;
- active travel strategy, the quantum of car parking, cycle storage, and how it affects the layout of the proposed development
- general access to the site / building pedestrian and vehicular

5.2 In principle the provision of improved and additional education facilities for the Borough is supported and accords with planning policies in the NPPF, London Plan, LDF and draft Local Plan. The site is in the Green Belt and the impact on openness would need to be carefully assessed. Although the siting of the building to replace existing swimming pool building and within the envelope of the built up part of the site may limit the loss of openness, it still may be necessary to demonstrate sufficient very special circumstances to outweigh any identified harm to the Green Belt.

5.3 There will need to be an assessment of the quality of the proposal in design terms, impact on street scene and standard of provision for pupils and staff.

5.4 The impact of the additional educational provision on the highway network including parking, together with measures to promote sustainable forms of travel will need careful consideration.

### **Financial and Other Mitigation**

5.5 At this stage, it is not clear whether any financial contribution or other control would be required through a S106 agreement. This would depend on the likely transport implications and any necessary mitigation identified.

5.6 As an educational use, the proposal would not be liable to Mayoral or Havering CIL contribution

## **Conclusions**

- 5.7 The development is still in the pre-application stage and additional work remains to be carried out on it. Members comments on the proposal would be useful in developing the proposal further to planning submission.

## **Applications for Decision**

### **Introduction**

1. In this part of the agenda are reports on strategic planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

### **Advice to Members**

#### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan March 2016
  - Core Strategy and Development Control Policies (2008)
  - Site Allocations (2008)
  - Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to 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 considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.



### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows:
  - a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (5 minutes)
  - c. Responding Applicant speaking slot (5 minutes)
  - d. Councillor(s) speaking slots (5 minutes)
  - e. Cabinet Member Speaking slot (5 minutes)
  - f. Officer presentation of the material planning considerations
  - g. Committee questions and debate
  - h. Committee decision

### **Late information**

16. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

### **Recommendation**

17. The Committee to take any decisions recommended in the attached report(s).

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 <b>Havering</b> LONDON BOROUGH	<b>Strategic Planning Committee 22 April 2021</b>
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<b>Application Reference:</b>	P0851.20
<b>Location:</b>	The Verve Apartments, Mercury Gardens, Romford
<b>Ward:</b>	Romford Town
<b>Description:</b>	Variation of condition No. 2 (parking) of planning permission J0026.15 dated 28/10/15 to allow a reduction in parking spaces to 27 (Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats (Prior Approval)
<b>Case Officer:</b>	Habib Neshat
<b>Reason for Report to Committee:</b>	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

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## 1 BACKGROUND

- 1.1 There is a significant planning history in relation to the application site. Prior Approval to convert the original office building to flats was given in 2015. Subsequently, planning permission was granted for the erection of a two storey addition over the roof of the original office building to provide 20 flats. However, by re-arranging internal layout 2 additional units have been formed. The approved scheme would have benefited from 60 car parking spaces shared by the occupiers of the existing converted flats.
- 1.2 Currently works of construction are taking place within the centre of court yard. Upon the completion of these works which appears to be imminent the 27 car parking spaces would be formed and available for use by the existing residents.

However, the 33 car parking spaces on the adjacent land would not be provided.

- 1.3 There is a concurrent application for the retention of two additional flats over the roof of the block which have already been formed as a result of internal arrangement to an approved scheme which intended to provide 20 flats. This application is also presented to this committee under separate report for consideration.
- 1.4 Councillor Joshua Chapman, has called in the application, concerning the loss of car parking spaces as originally envisaged for the scheme.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal would not involve any physical alteration (internal or external) to the main building.
- 2.2 The proposed variation to condition would result in the provision of 27 car parking spaces instead of 60 car parking spaces. Given the location of the site within a highly accessible parking zone, this level of car parking spaces would be acceptable. Subject to suitable conditions replacing that to be removed, the impact of the proposed development upon highways condition would be acceptable.

## **2 RECOMMENDATION**

- 3.1 The proposal is acceptable subject to the following conditions

- 1 The 60 car parking spaces as detailed and shown within the Technical Note produced by Entran dated September 2015 in support of the prior approval scheme (Ref; (J0026.15) shall be provided and permanently retained for use by occupants of the residential conversion until such time that an amended Traffic Order is made that specifically excludes the property from any controlled parking zone, the making of such Order to be facilitated in consultation with the Highway Authority.

Reason;

To ensure the proposed development would have an acceptable impact upon highways safety and the free flow of traffic.

- 2 At least 115 cycle parking spaces shall be provided for use of the occupants of the residential conversion as in the positions shown within the Technical Note produced by Entran dated September 2015 in support of the prior approval

scheme (Ref; (J0026.15) or in such other position that has previously been submitted to and approved in writing by the Local Planning Authority.

- 3 Within one month of the date of this permission, details of refuse/recycling storage and collection arrangements for the dwellings on the site shall be submitted to and approved in writing by the local planning authority and that the refuse and recycling storage space shall be provided in accordance with the approved details by no later than three months of the details being approved and retained as such permanently thereafter.

Reason;

Inadequate provision has been provided for the refuse provision within the site. Additional information would be required to ensure appropriate refuse and recycling will be managed on site. Submission of this detail within one month and implementation within three months will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### **4 Proposal**

- 4.1 The proposal would not involve any physical (internal or external) alteration to the existing building. Condition 2 states:

*The car and cycle parking spaces detailed by the Technical Note produced by Entran dated September 2015 shall be permanently retained for use by occupants of the residential conversion and for no other purposes whatsoever.*

- 4.2 The variation/removal of conditions would result in a reduction in the number of parking spaces from 60 to 27.
- 4.3 There is a concurrent application for the retention of 22 residential flats at the roof level without the provision for any car parking spaces. This application is subject of separated report presented to this committee.

#### **5. Site and Surroundings**

- 5.1 The application site is located on the south western corner of Mercury Gardens and its intersection with Western Road, in Romford town centre. The site is generally flat, although there is a gentle slope towards the southern end of the site. The site has an area of 0.514 hectares. This was an office building known as Hexagon House. However, the main building has been converted to 115 residential apartments through permitted development (J0026.15), as well as having two additional storeys constructed at roof level to accommodate a

further 20 units (P0071.16). The car parking area to the south of the building was, as part of the approved scheme, to accommodate 33 car parking spaces as well as refuse and cycle storage. However, this area is currently boarded up and there is a temporary provision for the accommodation for waste storage and there appears to be no formal cycle storage.

- 5.2 To the north of the site, on the opposite side of Western Road is a multi-storey car park and beyond that the Liberty shopping centre. To the immediate east of the site is Mercury Gardens, which forms part of the ring road around Romford Town Centre. West of the site is Sapphire Ice and Leisure Centre and Grimshaw Way, which is bordered on the other side by the 5 storey Sovereign House and 4 storey Scimitar House beyond. A narrow private access road lies to the south with the 4 storey St James House and 2 storey Romford & District Synagogue beyond.
- 5.3 The wider area is characterised by town centre activities and includes a number of shopping centres, including the Liberty and Brewery, reflective of the status of Romford as a Metropolitan Town Centre (as identified in the London Plan). The site also lies within the Romford Office Quarter as identified in the Romford Area Action Plan. The site has a Public Transport Accessibility Level of 6b (highest). There are bus stops directly in front of the application site and Romford Station is located 300m to the south west.

## **6 Planning History**

- 6.1 There is a lengthy planning history on the site including appeal decisions by the Planning Inspectorate. The most relevant scheme with respect to this application, relates to:
1. Planning permission (Ref P0071.16), granted for the erection of two storey roof extension to provide 20 Flats on top of Existing Building. This permission was subject to a condition requiring the provision of 60 car parking spaces as well as financial contribution for the provision of education and affordable housing.
  2. A prior approval scheme (Ref J0026.15) dated 28/10/15 for the change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats. The scheme was also subject to condition, requiring the provision of 60 car parking spaces.
- 6.2 In addition there are also recent and concurrent applications with respect to the building as follows;
1. P1851.18; minor material amendment to provide 22 units instead of 20 units.

2. P0850.20; to vary a condition seeking to reduce the number of car parking spaces for the approved 20 dwelling units.
  3. P0851.20; the Variation of condition No. 2 (parking) of a prior approval scheme (Ref J0026.15) dated 28/10/15 to allow a reduction in parking spaces to 27, which allowed the Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats.
- 6.3 Application Ref: P1851.18 was submitted before the construction of the roof extension. This was a section 73 application, seeking an amendment to the approved scheme and it was resolved to grant planning permission subject to conditions and a legal agreement. However, following a High Court ruling, which confirmed s.73 applications could not change the description of the development, this application could no longer be pursued and is now withdrawn.
  - 6.4 The second application (Ref; P0850.20) would remain in abeyance pending the outcome of the current application.
  - 6.5 The application in respect of 3 above has been submitted a while ago, but could not be determined, pending an outcome of application for the retention of the 22 dwelling unit, which is the subject of this report.
  - 6.6 The focus of this particular application is the internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units.

#### **Other related**

- Q0096.18 Conditions(s) 4, 5, 6, 8, 9 of P0071.16 for erection of 20 Flats on top of existing building. - Approved.
- P2030.16 - 58 flats on 4 floors above existing building was refused, subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (reference W/17/3177640).
- P1249.16, Seventy one flats on top of the existing building, refused subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (APP/B5480/W/17/3167736).
- P0177.16 - Raised Wall to Parapet & New Windows - Approved with conditions
- Q0160.16 - Discharge of Conditions 3 of J0026.15 Approved.
- F0003.13 - Application for prior notification of demolition of electricity substation - Planning permission not required
- P1537.12 - Part demolition and installation of Chaucer House and Hexagon House, construction of 2 new fire escapes, relocation of air handling plant, re-configuration of existing car parking - Approved with conditions.

## **7 Consultation**

7.1 The application has been advertised on site and via letters with 263 consultees including neighbouring residents. 15 letters of objection have been received raising the following concerns:

- There is a significant issue with respect to overcrowding of the existing apartments. There is and will be insufficient parking spaces, cycle storage and refuse storage.
- The court yard should not be used for car parking purposed, as it would generate a significant degree of noise and disturbances and due to air pollution, it would have a negative impact upon the health of the occupiers. The court yard should be used landscaped and be used as an amenity space for the existing occupiers of the site.
- Furthermore, one of the ward councillors, has called in the application, concerning the loss of car parking

### **Non-material representations**

7.2 The following issues were raised in representation, but they are not material to the determination of the application:

- There were assurance that there would be car parking spaces available at the time of the purchase of the land but this has not been fulfilled, due to on-going building works.

### **Internal and External Consultation:**

7.3 The following internal consultation has been undertaken:

- Highways - no objection subject to conditions requiring new or amended Traffic Order is made that specifically excludes the property from any existing or future controlled parking zone, the making of such Order to be facilitated through an agreement with the Highway Authority.
- Environmental Health: No Objection subject to conditions
- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.
- Thames Water: No comment



## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

- The principle of development
- The impact of the proposal upon highways safety and the free flow of traffic.

### **The principle of development;**

8.2. The existing residential development has emerged following a prior approval scheme. Therefore, there are no issues that can be raised in respect to the provision of the dwellings, nor the quality of the development.

### **Impact upon highways condition**

8.3 With respect to the approved scheme the proposal would have benefited from the provision of 60 car parking spaces which would have been available to the 115 dwelling units of the Verve Apartment already in occupation. However, the total number of car parking spaces have now been reduced to 27 car parking spaces for the entire development.

8.4 Given the loss of 33 parking spaces, the management has decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment.

8.5 In total there would be 137 flats (including the proposed retention of the flats over the existing building – the subject of concurrent application) with provision of 27 on-site parking space. This would provide a ratio of 0.2.

8.6 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

8.7 London Plan Policies seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. Policy T6.1 (Residential Parking Standard) of London Plan 2021 requires all schemes within areas subject to PTAL 6 rating to be car free. This is also echoed by DC33 of Havering Councils CS and DCPDPD which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network.

- 8.8 Accessibility Level (PTAL) for the site is set at 6b meaning that the site is classified as having the best access to public transport. Policy 24 of Havering's draft Local Plan requires that outside of PTAL's 0-2, the London Plan parking standards be applied. Car free development is therefore in accordance with planning policy.
- 8.9 Officers consider the provision at 0.2 to be acceptable given the high PTAL rating for the site and the town centre location. The Highways Authority has not raised an objection to the application subject to amendment to the Traffic Management Order. Basically, there is a risk that current or future occupiers of the property might be able to request the building to be within a Controlled Parking Zone in the vicinity of the site. Controlled Parking Zone RO6 includes Grimshaw Way where the vehicular access to the site is located. It should be noted that the nearest Residential Car Parking Zone, is already significantly over-subscribed. It is therefore recommended that conditions be imposed requiring that the parking and cycling facilities shown as being provided be in place as part of the Prior Approval Technical Note until such time as a Traffic Order is confirmed that specifically excludes this site from any existing or future parking zone. Usually control can be exercised through a S106 agreement entrenching powers under Section 16 Greater London Council (General Powers) Act 1974. However, in this case the building has multiple leaseholders through the sale of flats and the applicant has indicated that it would be extremely unlikely that all those with an interest in the land would enter into such an agreement. An amended or new Traffic Order can be arranged and paid for by the applicant as a separate process, so a suitably worded condition is considered reasonable in this case.
- 8.10 Currently, there is an issue with the provision of waste storage facilities at present. There is a temporary provision which fails to meet the requirement of the existing occupiers. Hence, recommendation for the additional conditions, although this could be on a temporary basis whilst the fate of the adjacent land is decided and followed by an arrangement on a permanent base.

## **9 CIL and other Financial and Mitigation measures**

- 9.1 Given the scheme originally emerged through the prior approval regime, the development would not be CIL liable, nor would be subject to any financial contribution or affordable housing provision.

## **10 Conclusions**

- 10.1 Subject to relevant conditions the impact of the proposed variation of condition upon the highways safety and the free flow of the traffic is considered acceptable. All other relevant policies and considerations have been taken into account. The details of the decision are set out in the RECOMMENDATION.

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Strategic Planning Committee 22 April 2021</b></p>
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<b>Application Reference:</b>	<b>P1591.20</b>
<b>Location:</b>	The Verve Apartments, Mercury Gardens, Romford
<b>Ward:</b>	Romford Town
<b>Description:</b>	The retention of 22 apartments
<b>Case Officer:</b>	Habib Neshat
<b>Reason for Report to Committee:</b>	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

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## 1 BACKGROUND

- 1.1 There is a significant planning history in relation to the application site. Prior Approval to convert the original office building to flats was given in 2015. Subsequently, planning permission was granted for the erection of a two storey addition over the roof of the original office building to provide 20 flats. However, by re-arranging internal layout 2 additional units have been formed. The approved scheme would have benefited from 60 car parking spaces shared by the occupiers of the existing converted flats. This application now seeks the 22 units to be car free scheme.
- 1.2 There is a concurrent application for the reduction of car parking spaces with respect to the main building from 60 to 27. This application is also presented to this committee.
- 1.3 Councillor Joshua Chapman, has called in the application, with concerns over the loss of car parking spaces as originally envisaged for the scheme.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The principle of development in terms of the provision of housing with the same height, bulk, scale and design as the previously approved 20 unit scheme is acceptable. The re-arrangement of the internal layout, resulting in the provision of two additional units would continue to deliver suitable residential accommodation, thereby making a modest contribution to the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 2.2 The proposed development would be a car free scheme, where the future occupiers of the site would not be eligible for car parking permit within the Controlled Residential Parking Zone. Hence, the impact of the proposed development upon highways condition is acceptable.

## **3 RECOMMENDATION**

- 3.1 The proposal is acceptable subject to legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). The s.106 is required to seek contributions for affordable housing contained within the current scheme as well as other highways measures.
- 3.2 That the Assistant Director of Planning be authorised to grant planning permission subject to the conditions and terms of legal agreement set out below pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers including those specified below:

### **Heads of term**

- Financial Contribution in lieu of the provision of onsite affordable housing provision to the sum of £264,000.00
- Agreement pursuant to Section 16 Greater London Council (General Powers) Act 1974 that the future occupiers of the site would not be eligible to apply for parking permit within the Residential Controlled Parking Zone
- The Developer/Owner to pay the Council's reasonable legal costs associated with amending the Legal Agreement.
- None of the future occupiers of the 22 dwelling units would be able to lease, rent or purchase any parking spaces within the court yard as shown on drawing numbered 1151-303-Rev B.

### **Conditions;**

- 1 Details of cycle (minimum 30 spaces) and waste storage facilities be submitted to and approved in writing by the local planning authority, and the

facilities to be provided in accordance to the approved details prior to the first occupation of any of the flats hereby approved.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail and the subsequent approval will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### **Informatives**

Fee Informative

CIL and Planning obligations

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal seeks to retain 22 flats constructed over the former Hexagon House office building, now known as Verve Apartments. It is a retrospective planning application pursuant to Section 73A of the Town and Country Planning Act 1990 (as amended) .This proposal would be an amendment to the planning application which has been approved for 20 flats by creating one additional unit on each of the fourth and fifth floors. The proposed plans would create 6 x 1Bed and 16 x 2Bed units, compared to the 5 x 1Bed; 13 x 2Bed; 2 x 3Bed dwelling mix approved previously. The floor area has remained unchanged, but the internal layout has been reconfigured to create the two additional units. The fenestration at fourth and fifth floor levels have been adjusted to reflect the proposed layout. The proposed development would not increase the height, volume or floor space of the approved development.
- 4.2 The proposed development would not benefit from any on-site car parking spaces.
- 4.3 There is a concurrent application for the reduction of car parking spaces on the original site from 60 to 27, with respect of the main building, which is reported to this committee under a separate report.

## **5. Site and Surroundings**

- 5.1 The application site is located on the south western corner of Mercury Gardens and its intersection with Western Road, in Romford town centre. The site is generally flat, although there is a gentle slope towards the southern end of the site. The site has an area of 0.514 hectares. This was an office building known as Hexagon House. However, the main building has been converted to 115

residential apartments through permitted development (J0026.15), as well as having two additional storeys constructed at roof level to accommodate a further 20 units (P0071.16). The car parking area to the south of the building was, as part of the approved schemes, to accommodate 33 car parking spaces as well as refuse and cycle storage. However, this area is currently boarded up and there is a temporary provision for the accommodation for waste storage and there appears to be no cycle storage.

- 5.2 To the north of the site, on the opposite side of Western Road is a multi-storey car park and beyond that the Liberty shopping centre. To the immediate east of the site is Mercury Gardens, which forms part of the ring road around Romford Town Centre. West of the site is Sapphire Ice and Leisure Centre and Grimshaw Way, which is bordered on the other side by the 5 storey Sovereign House and 4 storey Scimitar House beyond. A narrow private access road lies to the south with the 4 storey St James House and 2 storey Romford & District Synagogue beyond.
- 5.3 The wider area is characterised by town centre activities and includes a number of shopping centres, including the Liberty and Brewery, reflective of the status of Romford as a Metropolitan Town Centre (as identified in the London Plan). The site also lies within the Romford Office Quarter as identified in the Romford Area Action Plan. The site has a Public Transport Accessibility Level of 6b (highest). There are bus stops directly in front of the application site and Romford Station is located 300m to the south west.

## **6 Planning History**

- 6.1 There is a lengthy planning history on the site including appeal decisions by the Planning Inspectorate. The most relevant scheme with respect to this application, relates to:
1. Planning permission (Ref P0071.16), granted for the erection of two storey roof extension to provide 20 Flats on top of Existing Building. This permission was subject to a condition requiring the provision of 60 car parking spaces. The scheme was also subject to legal agreement to prevent the future occupiers of the site obtain parking permit within Residential Car Parking Zone, as well as financial contribution for the provision of education and affordable housing.
  2. A prior approval scheme (Ref J0026.15) dated 28/10/15 for the change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats. The scheme was subject to condition, requiring the provision of 60 car parking spaces.
- 6.2 In addition there are also recent and concurrent applications with respect to the building as follows;

1. P1851.18; minor material amendment to provide 22 units instead of 20 units.
  2. P0850.20; to vary a condition seeking to reduce the number of car parking spaces for the approved 20 dwelling units.
  3. P0851.20; the Variation of condition No. 2 (parking) of a prior approval scheme (Ref J0026.15) dated 28/10/15 to allow a reduction in parking spaces to 27, which allowed the Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats.
- 6.3 Application Ref: P1851.18 was submitted before the construction of the roof extension. This was a section 73 application, seeking an amendment to the approved scheme and it was resolved to grant planning permission subject to conditions and a legal agreement. However, following a High Court ruling, which confirmed s.73 applications could not change the description of the development, this application could no longer be pursued and is now withdrawn.
- 6.4 The second application (Ref; P0850.20) would remain in abeyance pending the outcome of the current application.
- 6.5 The application in respect of 3 above has been submitted a while ago, but could not be determined, pending an outcome of application for the retention of the 22 dwelling unit, which is the subject of this report.
- 6.6 The focus of this particular application is the internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units.

#### **Other related**

- Q0096.18 Conditions(s) 4, 5, 6, 8, 9 of P0071.16 for erection of 20 Flats on top of existing building. - Approved.
- P2030.16 - 58 flats on 4 floors above existing building was refused, subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (reference W/17/3177640).
- P1249.16, Seventy one flats on top of the existing building, refused subsequent appeal against refusal and associated claim for costs dismissed by the inspectorate (APP/B5480/W/17/3167736).
- P0177.16 - Raised Wall to Parapet & New Windows - Approved with conditions
- Q0160.16 - Discharge of Conditions 3 of J0026.15 Approved.
- F0003.13 - Application for prior notification of demolition of electricity substation - Planning permission not required

- P1537.12 - Part demolition and installation of Chaucer House and Hexagon House, construction of 2 new fire escapes, relocation of air handling plant, re-configuration of existing car parking - Approved with conditions.

## **7 Consultation**

7.1 The application has been advertised on site and via letters with 263 consultees including neighbouring residents. One letter of objection has been received raising the following concerns:

- There is a significant issue with respect to overcrowding of the existing apartments. There is insufficient parking spaces, cycle storage and refuse storage.
- Furthermore, one of the ward councillors, has called in the application, concerning the loss of car parking

### **Non-material representations**

7.2 The following issues were raised in representation, but they are not material to the determination of the application:

- There is a significant issue with respect to how poorly the existing building has been built.
- During the works of construction, the roof was partially removed which resulted in flooding of the flats below and consequent damage.
- The building would not sustain additional flats and consequent shortening of the life of the existing flat.
- Depreciation in the value of the flats.

### **Internal and External Consultation:**

7.3 The following internal consultation has been undertaken:

- Highways - no objection subject to conditions on cycle parking and restriction of car parking permits
- Environmental Health: No Objection subject to conditions
- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.
- Thames Water: No comment
- Fire brigade; No hydrant would be required



## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

- The principle of development, housing supply, mix of dwelling units
- The quality of housing provided
- The aesthetic quality of the development
- The impact upon amenities of the neighbours in terms of loss of privacy, daylight, sunlight and sense of enclosure, noise disturbance
- Affordable housing
- Impact upon community infrastructure

### **The principle of development;**

8.1.1 The provision of additional housing is supported by the Local Plan policy CP1, The London Plan and the National Planning Policy Framework (NPPF 2019) as the application site is within a sustainable location in an established urban area.

8.1.2 The proposed plans would create 6 x 1bed and 16 x 2bed units, compared to the 5 x 1bed; 13 x 2bed; 2 x 3bed tenure mix approved previously. Considering the nature of the block of flat and lack of appropriate play and amenity space, the loss of larger family dwellings is considered to be acceptable in this location

8.1.3 The proposed in land use term is therefore considered to be acceptable.

### **The quality of the proposed accommodation;**

8.2.1 The 'DCLG Technical Housing Standards - nationally described space standard' specifies minimum internal space standards required for new dwellings. The Technical Housing Standards stipulate minimum gross internal floor areas (GIAs) for dwellings/units based on the number of bedrooms, intended occupants and storeys, minimum bedroom sizes of 7.5m<sup>2</sup> for single occupancy and 11.5m<sup>2</sup> for double/twin occupancy, plus further dimension criteria for such spaces. The 2021 London Plan Policy D6 (Housing quality and standards) and the Housing SPG echo such requirements and the SPG provides further criteria to ensure an acceptable quality of accommodation is provided for users including in relation to entrance and approach routes, access to private open space, outlook, daylight and sunlight.

8.2.2 The resulting density is in line with the aims of Policy DC2 which states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this town centre location. The quantum of floor area has

remained unchanged, but the internal layout has been reconfigured to create the two additional units.

- 8.2.3 The technical housing standards require that new residential development conforms to nationally prescribe minimum internal space standards - the proposed development meets these.
- 8.2.4 It is considered that overall the proposed amenity space in the form of balconies and terraces would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. The amount of sunlight and daylight received is considered to be adequate. The proposal would provide acceptable living conditions for the future occupants.

### **8.3 Design and appearance;**

- 8.3.1 The revised NPPF emphasises that the new design should seek to enhance the character of the area and that poor design should be rejected. Havering planning policies (in particular DC61) also require high quality design and require that the development must respect the scale, massing and height of the surrounding context.
- 8.3.2 The proposed development would not increase the height of the approved development. The fenestration at fourth and fifth floor level have been adjusted to reflect the proposed layout. Overall, the differences between the approved and resulting building is not discernible. Hence, the proposal is considered to be acceptable in aesthetic terms.

### **8.4 Impact on neighbour amenities;**

- 8.4.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 8.4.2 With respect to the approved scheme for the 20 units it was considered that there would be no significant impact upon the amenities of the adjoining occupiers. Given that the external dimension of the scheme has not been altered, there would be no greater impact upon the amenities of the neighbouring occupiers.
- 8.4.3 Whilst the proposal would result in the addition of two dwelling units, there would be no significant increase in the density of the development. This is

because the additional smaller units would replace the larger family sized dwelling units. Consequently, it is not anticipated that the level of noise and disturbance associated with the additional units would increase to a degree which would be noticeable.

## **8.5 Impact upon highways condition**

- 8.5.1 With respect to the approved scheme the proposal would have benefited from the provision of 60 car parking spaces which would have been shared with the 115 dwelling units of the Verve Apartment already in occupation. However, the total number of car parking spaces have now been reduced to 27 car parking spaces for the entire development.
- 8.5.2 Given the loss of 33 parking spaces, the management has decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment. Therefore, the future occupiers of these upper floors would not have the benefit of any on-site car parking space.
- 8.5.3 In total there would be 137 flats with provision of 27 on-site parking space. This would provide a ratio of 0.2.
- 8.5.4 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.
- 8.5.5 London Plan Policies seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. Policy T6.1 (Residential Parking Standard) of London Plan 2021 requires all schemes within areas subject to PTAL 6 rating to be car free. This is also echoed by DC33 of Havering Councils CS and DCPDPD which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network.
- 8.5.6 Accessibility Level (PTAL) for the site is set at 6b meaning that the site is classified as having the best access to public transport. Policy 24 of Havering's draft Local Plan requires that outside of PTAL's 0-2, the London Plan parking standards be applied. Car free development is therefore in accordance with planning policy.

- 8.5.7 Officers consider the provision at 0.2 to be acceptable given the high PTAL rating for the site and the town centre location. The Highways Authority has not raised an objection to the application however it is considered that a legal agreement restricting future occupiers from acquiring and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- 8.5.8 Currently, there is an issue with the provision of waste and cycle storage facilities at present. There is a temporary provision which fails to meet the requirement of the existing occupiers. Hence, recommendation for the additional conditions, although this could be on a temporary basis whilst the fate of the adjacent land is decided.

## **9 CIL and other Financial and Mitigation measures**

- 9.1 Currently, the Council has an aspiration to achieve 50% of all new homes built as affordable and seeks a split of 70:30 in favour of social rented (policy DC6). All major developments should meet at least 35% affordable unless they are able to demonstrate that this is not possible. London Plan also requires affordable housing provision should be maximised. The Mayor of London's Supplementary Planning Guidance, Homes for Londoners (2017), states that it is essential that an appropriate balance is struck between the delivery of affordable housing and overall housing development. In certain circumstances financial contribution are secured instead of on-site provision.
- 9.2 Planning permission P0071.16 was approved subject to the completion of a Section 106 Agreement, securing contributions for affordable housing (£12,000 per unit) and education (£6000 per unit). A further deed is required pursuant to Section 106 to secure amongst other things the affordable housing contribution for the 22 units retained. The per unit education contribution is now secured through Community Infrastructure Levy (CIL).
- 9.3 The contribution sought was prior to the Council's adoption of the CIL. The council introduced the Community Infrastructure levy (CIL) with effect from 1<sup>st</sup> September 2019. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. In this case the proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) and Havering CIL (HCIL). Mayoral CIL is calculated at £25.00 per square metre, subject to indexation. HCIL is charged at an approved rate of be £125/m<sup>2</sup> of GIA, subject to indexation.
- 9.4 The net additional floor space would be 1291m<sup>2</sup>. The development would be liable for a Mayoral CIL at the rate of £32,275 and Havering CIL at rate of £161,375 (subject to final detailed review of the calculation).

- 9.5 Given the CIL position there would be no longer any requirement for education contribution. However granting retrospective planning permission to retain 22 units would require a further Deed pursuant to Section 106 to secure affordable housing contribution of £264000.
- 9.6 The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## **10 Conclusions**

- 10.1 The proposal would contribute towards meeting the housing need in the Borough and would make effective use of a sustainable site. The layout of the proposed development would provide an acceptable standard of amenity for the future occupiers and there would not be a significant loss of amenity to neighbouring properties. The design of the scheme is acceptable and meets policy guidance. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out the recommendation

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 <b>Havering</b> LONDON BOROUGH	<b>Strategic Planning Committee 22 April 2021</b>
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<b>Application Reference:</b>	<b>P1152.18</b>
<b>Location:</b>	<b>Land at Crow Lane/Sandgate Close, Romford</b>
<b>Ward</b>	<b>Brooklands</b>
<b>Subject of Report:</b>	<b>Deed of Variation to Legal Agreement</b>
<b>Case Officer:</b>	<b>Simon Thelwell</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li>• <b>Based on the Constitution relating to amendments to planning proposals, the Assistant Director Planning considers committee consideration to be necessary.</b></li></ul>

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## **1 BACKGROUND**

- 1.1 Following the resolution of the Strategic Planning Committee on 6 December 2018 to grant planning permission subject to satisfactory completion of a legal agreement, planning permission was granted on 1 February 2019 for the following:
- Redevelopment of the site to provide 82 dwellings, together with new access junctions, associated car parking, landscape and infrastructure works.
- 1.2 Construction works on the site are nearing completion and dwellings have been occupied.
- 1.3 The planning permission included a S106 Legal Agreement which sought to secure the following:
- Affordable housing – 16 units intermediate tenure, at least 50% to be discounted market rent, rest to be shared ownership

- Contribution of £492,000 towards education provision
- Contribution of £154,548 for carbon offset
- Restriction on parking permits

- 1.4 In relation to the affordable housing clause in the completed S106, the owner of the site has requested that the S106 clause be varied to reflect that they are delivering an alternate affordable housing provision. Under the original permission, one block, consisting of 16 flats (2 x 1 bed, 9 x 2 bed, 5 x 3 bed) was to comprise the affordable housing, all intermediate tenure. The intention is that the block of flats will no longer comprise affordable units and 38 houses on the site (33 x 4 bed, 6 x 3 bed) would be affordable with the tenure being rental (London Affordable Rent).
- 1.5 It is important to note that the provision of 27 (26 x 4 bed, 1 x 3 bed) of the affordable houses as per the request as outlined in para 1.3 above is required as part of the resolution of the Strategic Planning Committee meeting on 9<sup>th</sup> July 2020 in relation to the planning application for the development of the Upminster Miniature Golf Course, Hall Lane, Upminster (P0248.19) – off-site affordable housing to be secured through S106. Therefore, the extent of the alternative provision on this site is 11 houses (7 x 4 bed, 5 x 3 bed) rented provision instead of 16 flats intermediate.
- 1.6 Whilst the Assistant Director of Planning has delegated powers to deal with subsequent amendments to resolutions made by committee, including to the heads of terms of S106, that is only in cases where the change does not deviate from the overall principle of the decision reached by the committee. In this case, as a matter of judgement, it is considered that the change is more than minor and significant enough that the decision should be made by Members rather than by officers.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The requested change to the affordable housing provision on this site represents an improvement to the offer as previously secured, providing housing which meets the identified housing needs within the Borough. Furthermore, in viability terms, the offer would be less viable, so there are no concerns over the original conclusion reached at the time planning permission was granted that the maximum viable amount of affordable housing has been secured.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to agree to the varying of the S106 Undertaking dated 31 January 2019 pursuant to Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended) and all other enabling powers in the following terms:

1. Deletion of Clause 4 (Affordable Housing) of the Original Agreement



2. Replace Clause 4 to ensure that 38 houses (33 x 4 bed, 5 x 3 bed) on the site provided as affordable housing at London Affordable Rent
  3. Consequential amendments as a result of 2 above
  4. Save for the amendments set out in 1-3 above the undertaking of 31 January 2019 to remain otherwise unaltered.
- 3.2 That the Assistant Director Planning is delegated authority to negotiate the legal undertaking indicated above.

#### **4 MATERIAL PLANNING CONSIDERATIONS**

- 4.1 Although the change to the S106 being sought is for the site to provide 38 affordable dwelling units instead of 16 units, 27 of these arise from requirement for off-site provision of affordable housing on the site as part of the development of the Hall Lane Miniature Golf Course site. Therefore the main consideration in regard to the request is in relation to 11 units being provided instead of 16 required by the current S106.
- 4.2 Whilst the number of units in numerical terms would be reduced, the proposed 11 units would be larger in terms of total floorspace (1374 sq m vs 1165 sq m) and habitable rooms (55hr vs 51hr). The houses would also benefit from much improved amenity space through private rear gardens. In terms of the tenure, the 11 units would be London Affordable Rent compared to the 16 units which were to be a form of shared ownership. This tenure and unit size is more aligned to the Borough's housing need.
- 4.3 In terms of viability, the provision of rental rather than intermediate product means that the viability position remains that the provision is more than the maximum amount that can viably be provided as was the position when assessed in 2018.
- 4.4 Policy DC6 of the LDF requires that the maximum reasonable amount of affordable housing be sought and that 70% be for social rent rather than intermediate. Policies H4 and H6 of the London Plan seek 50% of housing to be affordable with up to 70% rented. The Draft Havering Local Plan requires 35% affordable housing on site, 70% to be rented. Both the London Plan and Draft Local Plan specify that affordable housing percentages relate to habitable rooms.
- 4.5 For the reasons outlined above, it is concluded that the requested change to the S106 accords with planning policy and delivers an improved affordable housing provision that better meets the Borough's needs.

#### **Financial and Other Mitigation**

- 4.6 The financial contributions originally secured through the S106 remain unchanged.

- 4.7 At the time that planning permission was granted the development was liable for Mayoral CIL to be used for Crossrail. As a result of the changes to tenure, more of the floorspace would be subject to social housing relief, reducing the CIL payment to TfL from this development. Havering CIL does not apply to this development as planning permission was granted before 1 September 2019.
- 4.8 The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

### **Conclusions**

- 4.9 All other relevant policies and considerations have been taken into account. The amendment to the S106 should be agreed for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.