



STRATEGIC PLANNING COMMITTEE AGENDA

7.00 pm	Tuesday 21 December 2021	Hybrid Meeting
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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 Friday 17 December 2021**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

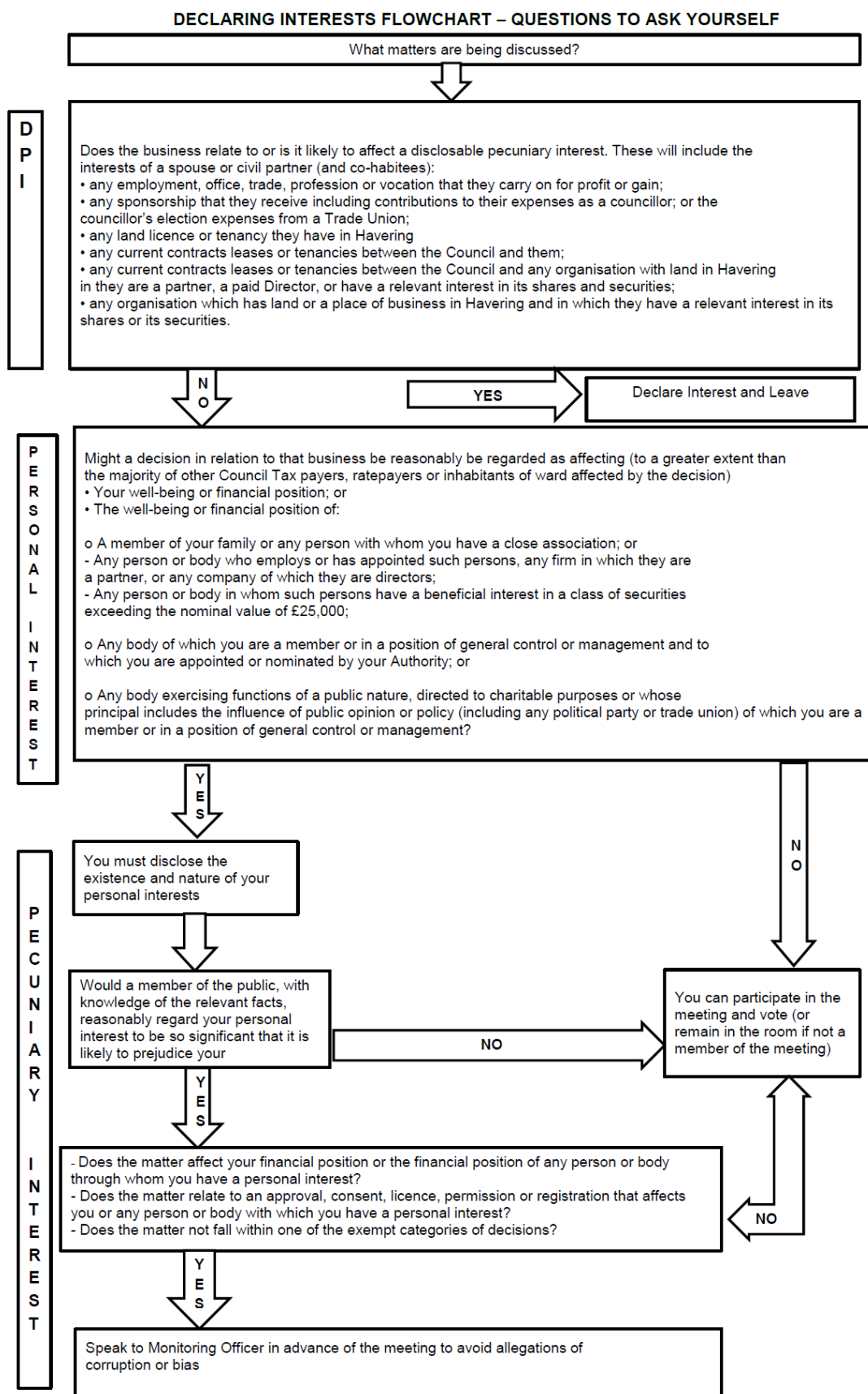
Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.



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 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.

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 4 November 2021 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 5 - 8)

6 P0851.20 - THE VERVE APARTMENTS, MERCURY GARDENS, ROMFORD (Pages 9 - 26)

Report attached

Zena Smith
Democratic and Election Services
Manager

**MINUTES OF A MEETING OF THE
STRATEGIC PLANNING COMMITTEE
Council Chamber, Town Hall, Main Road, Romford RM1 3BD
4 November 2021 (7.00 - 9.00 pm)**

Present:

COUNCILLORS 8

Conservative Group	Dilip Patel (Chairman), Timothy Ryan (Vice-Chair), Maggie Themistocli and +Robby Misir
Residents' Group	Reg Whitney
Upminster & Cranham Residents' Group	Linda Hawthorn
Independent Residents Group	Graham Williamson
Labour Group	Keith Darvill

An apology was received for the absence of Councillor Ray Best.
+Councillor Robby Misir substituted for Councillor Ray Best

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

7 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

8 MINUTES

The minutes of the meeting held on 7 October 2021 were agreed as a correct record and signed by the Chairman.

9 P1039.21 - ST GEORGE'S HOSPITAL SUTTONS LANE

The report before the Committee sought planning permission for works of demolition and redevelopment. The development consisted of the following key elements:

- A new Health and Wellbeing Hub, providing a number of services for the community, which will be partially relocated from other existing facilities;
- Additional services, not included in the initial brief and the previous outline planning application, which include Renal and Frailty services;
- A new primary (patients / staff / visitors) access point from Suttons Lane into/out of this separately demised healthcare plot, with only an emergency vehicular access point into the residential development;
- A new service access point from Suttons Lane into/out the service area, which is separated from the main vehicular and pedestrian access area, thus ensuring the new traffic loads won't create inconvenience/distress along Suttons Lane;
- A minimum of 15m deep landscape zone along the western boundary, and to Suttons Lane;
- A secured site, with fence / railings around the site boundary. The existing wall and railing along Suttons Lane will be retained.
- Landscape scheme, which will retain the 4 No TPO trees along the frontage to Suttons Lane as well as other trees along the northern boundary and generally any existing hedges and trees where possible for screening and high ecological value;
- Perimeter hedges and enhanced landscaping to all 4 sides of the site, also ensuring privacy to both the healthcare and the surrounding dwellings, existing and new;
- Active and functional façades to face Suttons Lane, ensuring civic presence of the building, and also south towards the residential development and internally over the café courtyard, community garden and rear car park, to create active, well surveilled spaces;
- Integrated community garden;
- Parking spaces for 110 cars and additional 3 spaces for ambulances.
- Pedestrian and cycle dedicated site access, along with secured, well surveilled cycle shelters;
- Potential for St George's Health and Wellbeing Hub to be a net zero carbon scheme.

With its agreement Councillor Ray Morgon a ward councillor addressed the Committee.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** as recommended and

1. refer the application to the Mayor of London (the GLA) as a Stage 2 referral; and
2. subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the

case itself and does not wish to direct refusal, or to issue a direction under Article 7 that he does not wish to direct refusal, or to issue a direction under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application delegate authority to the Assistant Director Planning in consultation with the Director of Legal Services for the issue of the planning permission and subject to minor amendments to the conditions or the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers. The Section 106 Agreement Heads of Terms would cover the following matters:

10 **QUARTERLY PLANNING PERFORMANCE REPORT**

The Committee considered the reporting of performance to the Planning Committees and **RESOLVED** to note the contents of the report.

Members were directed to forward any follow-up enquiry to the Head of Strategic Development.

Chairman

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Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on 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 Adopted March 2021
 - 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 where there are registered public speakers:

- a. Officer introduction of the development
 - b. Registered Objector(s) speaking slot (3 minutes)
 - c. Responding Applicant speaking slot (3 minutes)
 - d. Ward Councillor(s) speaking slots (3 minutes)
 - e. Officer presentation of the material planning considerations
 - f. Committee questions and debate
 - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
 - b. Committee questions and debate
 - c. Committee decision

Late information

17. 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

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

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 Havering LONDON BOROUGH	Strategic Planning Committee 21 December 2021
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Application Reference:	P0851.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	Romford Town
Description:	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)
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 BACKGROUND

- 1.1 This application, as well as the planning application Ref P1519.20, (please refer to attached report) was presented to Strategic Planning Committee meeting on 12th August 2021. To avoid the repetition of the issues, the 12th of August committee reports have been appended to this report.
- 1.2 The proposal before committee relates an application under section 73 of the Town and Country Planning Act 1990 (as amended) to vary Condition 2 of planning permission J0026.15 dated 28/10/15 to allow a reduction in parking spaces from 60 to 27.
- 1.3 The officers report recommended approval subject to a number of conditions. However, Members of the committee resolved not to support the officers recommendation, citing the following concerns;

- Those residents now occupying the 115 dwelling units may have entered into leases or tenancies with the expectation that the 60 parking spaces approved under planning permission J0026.15 would be available for their exclusive use.
- The loss of car parking spaces which were secured through the condition with respect to the original prior approval scheme, would be detrimental to the amenities of the occupiers of the site

1.4 Having resolved to not support the officer recommendation, a discussion took place as to reasons for refusal based on the above, with officer advice as to the adequacy or otherwise of reasons being put forward being given. Subsequently, the Assistant Director Planning decided that further consideration of the matter should be suspended so that a report could be presented setting out the advice. The purpose of this report is to set out advice and recommend an alternative and more defensible reason for refusal.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

2.1 The proposed variation to condition would result in the provision of 27 car parking spaces instead of 60. The reduction of the number of car parking spaces to 27 is considered acceptable in this location and would meet both the local and London Plan policies. Hence, there could be no reason for refusal with respect to the reduction of the number of car parking spaces and the officers have not been able to identify policies which could provide a sound defensible reason for refusal with respect to the principle of reduction of number car parking spaces. Given the location of the site within a highly accessible sustainable location a car-free scheme would be required in this location. As such any refusal with respect to the reduction of number of car parking spaces would also likely to be regarded as unreasonable with subsequent risk of costs award at appeal.

2.2 However, currently there is no means of ensuring that the development would constitute a car free scheme. There is no legal agreement in place to prevent the existing and the future occupiers of the site to obtain parking permit in the Residential Parking Zone. Therefore, any reduction in the number of on-site car parking spaces could potentially result in the over-spill onto the existing heavily parked area within the controlled parking zone with an adverse impact upon the amenity of existing residents who have permits, highway safety and the free flow of traffic.

RECOMMENDATION

3.1 Refuse planning permission for the following reasons;

There is no effective control or mechanism to prevent the existing or the future occupiers of the Verve Apartments (ground, first, second and the third floor) from obtaining parking permits in the Residential Control Parking Zone and as result of the loss of 33 car parking spaces which are meant to be available to them, there would be a significantly increased risk of on-street car parking demand and the over-spill of the cars onto the existing heavily park roads resulting in a detrimental impact upon the safe and free flow of traffic in the control parking zone and consequential detriment to the amenities of the existing residents, thereby the proposal fails to satisfactorily mitigate the parking impacts of the development, contrary to the provisions of Policy 24 of the local plan (2016-2031) adopted 2021.

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.

5. Site and Surroundings

- 5.1 The application relates to an office building which has been converted to 115 dwelling units with addition of two floors providing a further 22 dwelling units. The building is located within a town centre location. For further detail please refer to the attached earlier committee report.

6 Planning History

- 6.1 There is a lengthy planning history on the site. Please refer to the attached committee report. However, as well as the previous approval currently as well as the application subject of this report, there are two other concurrent application as follows;

1. P1519.20; internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units (retrospective).

This application was approved by the committee on the 12th of August, subject to conditions and legal agreement. However, so far the applicant has refused to sign the legal agreement without providing any reasonable justification.

2. P0850.20; Variation of conditions 2 (Approved plans) and 3 (number of parking spaces) of planning permission P0071.16 dated 08/03/18 (Erection of 20 Flats on top of Existing Building) to allow a decrease in the number of required parking spaces from 60 to 27

7 Consultation

- 7.1 There has not been any further consultation with respect to this report. However, the scheme has been subject to two rounds of consultation, the details of which were presented to the committee and contained with the 12th of August committee report attached.

8 MATERIAL PLANNING CONSIDERATIONS

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

- The legal issues lease hold interest ;
- The impact upon the amenities of the local residents
- The impact of the proposal upon highways safety and the free flow of traffic.

8.2. Legal Issues

- 8.3 In the previous meeting, Members expressed concern that the variation of the condition would prevent those residents with a right or expectation of a parking space from being able to park and own vehicles.
- 8.4 Planning Permissions fall within public law. They are granted under statute and they convey no legal or equitable interest in land. Any person may apply and may be granted planning permission over land they do not own. In those circumstances having the benefit of planning permission alone without ownership would deny the applicant the necessary private property rights to implement the planning permission.
- 8.5 The principle of exclusivity in this context means that you cannot rely on a public law permission to enforce a private law interest. Therefore though condition 2 of the original planning (J0026.15) required the provision of 60 parking spaces that remains a public law permission and is not and cannot become a basis to enforce a private law interest. In the inverse circumstance if the leasehold interests of the residents of Verve Apartments included parking spaces (a private law interest) the granting of permission to vary condition 2 and reduce the number of parking spaces would not overcome or displace the leaseholders' private law rights.
- 8.6 It follows that private interests in land subject to a planning application are not a material planning considerations in the determination of the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the

basis on which planning decisions must be made: *"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.

Legal Risks

- 8.7 While it is established law that costs implications and reputational damage that may result from planning decisions are not material to the determination of planning decisions, it is entirely proper and sensible that decision makers are given advice by officers on the potential costs consequences of their decisions. Planning Practice Guidance on the role and purpose of the costs regime in planning appeals is set out as follows:

"The aim of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, not to add to development costs through avoidable delay".

- 8.8 There is a statutory duty to give reasons when refusing planning permission. That statutory duty is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015:

35 (1)(b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;

- 8.9 Planning Officers set out in their report to the Strategic Planning Committee of 12 August 2021 the policies in the development plan which are relevant to the decision. In the intervening period having re-examined the relevant policy in the development plan officers have concluded that there are development plan policies that could support refusal. Turning back to the statutory basis on which planning decisions must be made: *"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.

- 8.10 In this context regard must be had to the development plan because there are development plan policies relevant to the determination of this proposal. Paragraphs 8.7 and 8.8 of the report to the Strategic Planning Committee of 12 August 2021 set out the development plan policy context:

- *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.

- 8.11 It should be noted that since the August committee meeting, the council has now adopted the new Local Plan for the borough and therefore, the previous policies including policy DC33 have now been superseded. However, the committee report evaluated the application with respect to the emerging policy which has now been adopted and now the adopted policy 24 of the Local Plan, explaining
- *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.*
- 8.12 Policy 24 of the adopted plan provides the guidance and requirements for car parking provision for the borough. Similar to its predecessor it advocate a maximum number of parking provision across the borough, except for the areas which hat have low public transport access (PTAL 0-1) and further flexibility with respect to areas with PTAL rating of 2. It would
- 8.13 At paragraph 10.2.4, the commentary notes explain, the London Plan Parking Standards clearly outline the need for more sustainable travel. And at paragraph 10.2.6, it is explained that some areas of the borough (such as central Romford and Upminster) have good or very good access to public transport. In areas well served by public transport and therefore with high PTAL levels, the Council has an obligation under the London Plan to reduce private car use and provide fewer parking spaces in comparison to other parts of the borough.
- 8.14 Therefore the position with respect to car parking provision, would remain the same and in accordance to the policies, a car free scheme would remain acceptable in this location.
- 8.15 It should be noted that while development plan policy supports car free development this proposal would through the revised wording of condition 2 retain 27 parking spaces. Therefore in principle the scheme could not be refused due to the reduced number of car parking provision.
- 8.16 A reduced number of car parking spaces is only acceptable subject to the development forming a car free scheme. The officers consider that if the application were to be refused the residents would have no option but to apply for a Residents Parking Permit (RPP), which would indeed increase on-street parking demand, unless the property were made permit free subject to a Section 106 legal agreement.
- 8.17 However, there is no legal agreement in place to prevent the future occupiers of the site to obtain parking permit. Further it would be highly unlikely that the

existing occupiers would be willing to sign a legal agreement forfeiting their right to access residential parking permits.

- 8.18 Because, the loss of the parking spaces would almost inevitably result in an increase in on-street parking demand. The loss of parking spaces is considered to be material in the context of the well-known central zone problem of high parking demand, which has impacts on drivers who are being forced to circulate around an area seeking empty spaces, leading to disturbance to residents, congestion, environmental pollution, and drivers being forced to park in dangerous or inconvenient spaces.
- 8.19 All the immediate surrounding roads are subject to strict parking restriction preventing any form of short or long term parking. The nearest streets within the CPZ which officer controlled parking spaces for the residents, includes; Gloucester Road, Kingsmead Avenue, Regarth Avenue, Alexander Road, Hearn Road and King Edward Road. These streets are at some distance away with the nearest King Edwards road almost 450m away. All these road are at the saturation level (95% occupancy or above).
- 8.20 The entire zone e is subject to one Controlled Parking Zone and most on-street parking spaces are restricted to holders of a Residents Parking Permit (RPP). Thus, the officers consider that the loss of on-site parking should only be allowed if properties were made permit free. If this permission is granted, the residents could apply for a RPP to enable them to park on the street. On-street parking could involve longer or shorter car journeys depending on whether a parking space was found on the approach to the property. However, the increasing demand on the limited supply of parking spaces would increase the likelihood of residents generally having to drive further to find a parking space, with the consequential difficulties of parking stress.
- 8.21 The only option available to effectively exclude the building from CPZ would have to be through the amendment to the existing Traffic Management Order (TMO).
- 8.22 Any amendment to the current traffic management order would have to be subject to extensive public consultation – via adverts in newspaper and letters to those affected. And if there were to be significant objections the final decision would rest with the Highway Advisory Committee of the Council and/or the relevant Cabinet Member. Given the serious parking space shortage within the CPZ, it would be likely that any proposal to exclude the building from the CPZ would be accepted. However, even at this stage the Residents could legally challenge the Traffic Management Order amendment through the courts and that there would be no certainty as the success in defending the case.
- 8.23 It is noted that during the course of the application the agent had sought to pursue a mechanism to amend the traffic management order to exclude the building from the control parking zone. Further, the previous committee report included a condition requiring the amendment of the TMO, however upon

further legal advice, the unacceptably significant length in the process of the change in TMO, and the uncertainty of the outcome of the achieving TMO, and that the process of the amendment to the TMO has not even begun, the officers have come to the conclusion that a condition may not provide sufficient certainty and the application could be refused at this stage.


- 8.24 The residents of the block of flats have suffered years of construction works and have been denied access to any car parking spaces. Furthermore, for almost 5 years, the building has not been provided with the required 115 cycle spaces, nor have suitably appropriate facilities for the waste and recycling storage been provided. Any further lengthy delay would have a significant impact upon the essential amenities of the occupiers and the adverse impact upon highways condition.

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 It is considered that the reduction of the car parking space in this sustainable location is acceptable. But the reduction is only acceptable subject the development to become a car free scheme. However, currently there is no enforceable legal mechanism which could effectively prevent the existing residents applying for RPP.
- 10.2 There is no effective control or mechanism to prevent the existing or the future occupiers of the Verve Apartments (ground, first, second and the third floor) from obtaining parking permits in the Residential Control Parking Zone and as result of the loss of 33 car parking spaces which are meant to be available to them, there would be a significantly increased risk of on-street car parking demand and the over-spill of the cars onto the existing heavily park roads resulting in a detrimental impact upon the safe and free flow of traffic in the control parking zone and consequential detriment to the amenities of the existing residents, thereby the proposal fails to satisfactorily mitigate the parking impacts of the development, contrary to the provisions of Policy 24 of the local plan (2016-2031) adopted 2021.
- 10.3 All other relevant policies and considerations have been taken into account. The details of the decision are set out in the recommendation.

 Havering LONDON BOROUGH	Strategic Planning Committee 12 August 2021
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Application Reference:	P0851.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	Romford Town
Description:	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)
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1 BACKGROUND

- 1.1 This application, as well as the planning application Ref P1519.20, (please see below) was included in the agenda of Strategic Planning Committee meeting on 22nd April 2021. At the time the application was being processed, there was legal issue (between the applicants and residents of the flats), which purported to prohibit residents from lodging objections to any subsequent planning application being submitted to the Council. However, prior to any debate with respect to the scheme(s), the applicant had confirmed that they had removed any such prohibition. Given the situation, a further letter of notification was sent, in order to receive representations, without the previous fear of any legal implication. The council has now received additional representations from the residents which are reported to the committee for their considerations in the consultation section of the report below.
- 1.2 For information, officers have had sight of a copy of the original prohibition which was included in the leases that purchasers were asked to sign. The prohibition as set out in the lease referred to planning applications on the

adjoining land rather than existing apartment building. Officers have also had sight of letters from the owner of the building to residents on 16th March 2021, retracting the prohibition and on 29th April 2021 confirming the right to raise objections to the current applications.

- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 The main reasons for the reduction of the car parking space is to release the land originally envisaged for accommodation of car parking spaces, to provide additional dwellings. At this stage there is no planning application for the development of this land.
- 1.7 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.

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 and for the avoidance of doubt at least 27 parking spaces shall be retained on-site to serve the occupiers of the development were the said traffic order to be made

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. 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; internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units (retrospective).
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 Application Ref; P0850.20 would remain in abeyance pending the outcome of the current application.

6.5 The focus of this particular application is the proposed reduction in parking provision.

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 scheme has been subject to two round of consultation. The second round of consultation has included notification letters to 263 consultees. As a result there has been one letter of support but 35 objections 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 majority of the residents object to reduce level of car parking purposes
- The current refuse storage is inadequate
- The use of the courtyard for parking will cause noise and pollution – COMMENT – the Prior Approval plans showed that there would be parking in the courtyard (27 spaces)
-

Furthermore, one of the ward councillors, has called in the application, concerning the loss of car parking and other (nonmaterial issues covered below) which has been raised by the occupiers.

Non-material representations

7.2 A number of the representations included matters that are not material to the determination of the application, including:

- Poor workmanship in the conversion of the building, including multiple problems which continue to persist
- Parking spaces were promised to purchasers
- The flats are of poor quality
- No additional flats should be built – COMMENT – the application is not proposing additional flats
- Loss of value of flats
- The developer made residents sign an agreement not to object to future planning proposals

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 submitted and approved in 2015. At the time, the Local Planning Authority could only consider a limited range of issues including transport impacts, contamination and flooding. 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 spaces per unit.
- 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 spaces per unit 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 the site. There is a temporary provision in place which fails to meet the requirement of the existing occupiers. Hence, it is recommended that there be additional conditions, although any scheme could be on a temporary basis whilst the fate of the adjacent land is decided and followed by an arrangement on the wider site 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.

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