



Haverling

LONDON BOROUGH

STRATEGIC PLANNING COMMITTEE AGENDA

7.00 pm	Thursday 12 August 2021	Council Chamber, Town Hall, Main Road, Romford RM1 3BD
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Members 8: Quorum 3

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:
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**To register to speak at the meeting please call 01708 433100
Before 5.00PM Tuesday 10 August 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 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 15 July 2021 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 5 - 8)

6 P1591.20 - THE VERVE APARTMENTS, MERCURY GARDENS, ROMFORD (Pages 9 - 20)

7 P0851.20 - THE VERVE APARTMENTS, MERCURY GARDENS, ROMFORD (Pages 21 - 30)

Andrew Beesley
Head of Democratic Services

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**MINUTES OF A MEETING OF THE
STRATEGIC PLANNING COMMITTEE
Council Chamber, Town Hall, Main Road, Romford RM1 3BD
15 July 2021 (7.00 - 9.45 pm)**

Present:

COUNCILLORS 8

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

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

117 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

118 MINUTES

The minutes of the meeting held on 17 June 2021 were agreed as a correct record and signed by the Chairman.

**119 P0883.20 - HAVERING COLLEGE OF FURTHER AND HIGHER
EDUCATION TRING GARDENS**

The application before the Committee was identified as a Major Developed site in the Council's Core Strategy. The report outlined that policy DC46 states that when determining planning applications on these sites and that in the event of complete or partial redevelopment, the Council would seek proposals for residential use or community use, subject to relevant policies in the plan.

The report detailed the redevelopment of the site to provide 120 dwellings units in buildings extending to between 2 and 3.5 storeys in height together with associated car and cycle parking, hard and soft landscaping, open space, play space and infrastructure works involving demolition of existing building and structures.

The principal planning considerations arising from the proposals are the acceptability of the redevelopment of this Green Belt site in principle and its impact upon the Green Belt, the impact of the proposals in terms of design, layout, scale and appearance, landscaping proposals, environmental implications, affordable housing, mix and tenure, parking and highway issues, the impact on local amenity and on community infrastructure.

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2019), the policies of The London Plan (2021), Havering's Core Strategy and Development Control Policies Development Plan Document (2008) the emerging Local Plan, as well as to all relevant material considerations including the responses to consultation.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION** subject to the conditions contained in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 1 against.

Councillor Reg Whitney vote against the resolution.

120 **P1022.20 - FORMER RTS MOTORS, 84-86 NEW ROAD, RAINHAM RM13 8DT**

The application before the Committee sought planning permission for the redevelopment of the vacant former RTS Motors open scrap yard site, as a residential-led scheme comprising a 10 storey building, providing 54 new residential units with associated 345sqm of flexible retail/commercial floorspace at ground floor level, the creation of a bus loop and new pedestrian routes, together with associated access, servicing, cycle parking and landscaping, including provision of bus stop interchange with the new Beam Park railway station.

The Committee considered the report and **RESOLVED** to **GRANT PLANNING PERMISSION**, except that in relation to the Heads of Terms for ii. Sports Pitch Contribution, which should now read:

ii. Sports Pitch Contribution

A financial contribution of £150,000 to provide for compensatory sports pitch provision, such provision to be the subject of further negotiation between the applicant and Sport England to explore whether provision could be nearer to

the application site and what steps would be needed to enable such delivery.

The vote for the resolution to grant planning permission was carried by 5 votes to 1 against with 2 abstention.

Councillor Whitney voted against the motion.

Councillors Hawthorn and Williamson abstained from voting.

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 12 August 2021
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Application Reference:	P1591.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	Romford Town
Description:	The retention of 22 apartments
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 P0851.20, (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. This application now seeks the 22 units to be car free scheme.
- 1.4 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.
- 1.5 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 the prior completion of legal

agreement on the terms 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 negotiating and drafting 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 additional 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. 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; 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; P0851.20 should be determined in advance of this application as the recommended conditions may need alteration depending on the outcome of that application.

- 6.5 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 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 issues 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 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 7.5m² for single occupancy and 11.5m² 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.

However, in reality it would be very difficult to ensure that the parking available is not used by the occupants of the upper floors.

- 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 1st 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/m² of GIA, subject to indexation.
- 9.4 The net additional floor space would be 1291m². 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

 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)
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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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