



REGULATORY SERVICES COMMITTEE

2 June 2016

REPORT

Subject Heading:

P1768.15 - Hexagon House and Chaucer House, Mercury Gardens, Romford

Erection of 10 Flats on top of the Existing Building. (Received 30/11/15 and revisions received 22/12/15, 23/02/16, 04/03/16 and 12/05/16)

Ward:

Romford Town

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- Havering will be clean and its environment will be cared for []
People will be safe, in their homes and in the community [X]
Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the erection of 10 flats on top of the existing Hexagon House building.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the parking arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 895m² and amounts to £17,900.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £60,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 60 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Refuse and Recycling

The flats hereby permitted shall not be occupied or until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use 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.

6. Cycle Storage

The flats hereby permitted shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;

- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. Energy Statement

No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The statement is required to demonstrate that the development will meet the 'Minimum Improvement on 2013 Building Regulations of 35 per cent'

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

10. Accessible and Adaptable Dwellings

At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

11. Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..

2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved amendments the drawings to show 10 units. The amendments were subsequently submitted on 23 February 2016 and 12 May 2016.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £17,900.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is within Romford Town Centre and is located to the south side of Western Road, to the eastern side of its junction with Grimshaw Way. The site is generally flat, although there is a gentle slope towards the southern end of the site. The site has an area of 0.57 hectares. It comprises the existing 4/5 storey office buildings, known as Hexagon House and Chaucer House, together with an associated car park of around 112 spaces to the rear of the buildings.
- 1.2 To the north of the site lies Western Road, with a multi-storey car park on the opposite side of the road and beyond that the Liberty shopping centre. There are bus stops directly in front of the application site. 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 the location for the new Romford

Leisure Development 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.

- 1.3 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.

2. Description of Proposal

- 2.1 The proposed development involves the erection of 10 flats on top of the existing building at Hexagon House and Chaucer House. The flats would be arranged in an informal layout on the roof accessed from within the existing building and would consist of 9 no. 3-bed units and 1 no. 2-bed unit.
- 2.2 Amenity space in the form of balconies would be provided to the proposed flats.
- 2.3 The Technical Note Transport Statement provided as part of the application advises that the resultant building at Hexagon and Chaucer House would have 60 parking spaces for the 125 flats (current proposal for 10 units plus the previously approved 115 units under J0026.15) in the building at a ratio of just under 0.5 parking spaces per flat. No changes are proposed to the existing access arrangements for vehicles off Grimshaw Way. The main access points for pedestrians would remain off Mercury Gardens and Western Road.
- 2.4 The applicant has stated that 125 secure cycle spaces would be provided which would amount to 1 per flat when considering the existing units as well as the proposed units. A condition will be added to request details of the cycle storage to be submitted prior to commencement on site, in the event of an approval.
- 2.5 No details of refuse storage have been submitted and this will be requested as part of a condition in the event of an approval.

3. Relevant History

- 3.1 P0177.16 - Raised Wall to Parapet & New Windows - Under consideration
- 3.2 P0071.16 - Erection of 20 Flats on top of Existing Building - Under consideration
- 3.3 J0026.15 - Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats - Prior approval given

3.4 F0003.13 - Application for prior notification of demolition of electricity substation - Planning permission not required

3.5 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

3.6 The following applications affecting the adjacent surface car park are also relevant:

Z0008.12 - Screening opinion for current car park to be developed for Leisure Centre to include swimming pool and ice rink - EIA not required.

P1492.12 - Construction of a new leisure centre comprising an ice rink, 25m swimming pool, training pool, multi-purpose dance studio, fitness suite and ancillary café with associated disabled car parking and cycle parking - Approved with conditions

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press. Neighbour notification letters have also been sent to 16 local addresses. No letters of objection were received.

4.2 The following consultation responses have been received:

- Highways - no objection
- Waste and recycling team - requested clarity on bin storage and access
- Thames Water - no objection.
- London Fire Department - no objection.
- Environmental Health - no objection.

5. Relevant Policies

5.1 The National Planning Policy Framework, specifically Sections 2 (ensuring the vitality of town centres), 4 (promoting sustainable transport), 7 (requiring good design) and 8 (promoting healthy communities) are material to this application.

5.2 Policies 2.6 - 2.8 (Outer London: Vision and strategy, economy and transport), 2.15 (town centres), 4.2 (offices), 4.7 (retail and town centre development), 5.18 (development waste management), 6.1 (transport), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.2 (an inclusive environment), 7.4 (local character), 7.5 (public realm) and 7.6 (architecture) of the London Plan are material planning considerations.

5.3 Policies CP4 (town centres), CP5 (culture), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC15 (town centres), DC32 - 36 (transport), DC40 (waste recycling), DC55 (noise), DC61 (urban design), DC62 (access), DC72 (planning obligations) of the Core Strategy

and Development Control Policies Development Plan Document are material considerations.

- 5.4 Policies ROM13 (Romford Office Quarter), ROM19 (tall buildings) and ROM20 (urban design) of the Romford Area Action Plan are material to this application, alongside the Romford Development Framework which has been adopted for development management purposes.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development within the designated Romford Office Quarter, the impact on the vitality and viability of the town centre, the visual impact of the proposed works, amenity issues and parking and highway considerations.

6.2 Principle of Development

- 6.2.1 The site lies within the Romford Office Quarter, designated in the Romford Area Action Plan (AAP). Policy ROM13 of the AAP states that to increase the vitality and viability of the Romford Office Quarter higher densities will be allowed and residential and A3 uses encouraged provided that:

- There is no net loss of office space in any redevelopment of existing sites;
- New developments include a significant element of new office space within the scheme; and
- In line with ROM17 and ROM21, new developments incorporate tree planting and green amenity space, and new hard landscaped public spaces.

- 6.2.3 The current buildings benefit from a prior approval giving consent for a change of use from office space to residential; therefore there will no longer be an office use of the buildings. The current proposal would add two additional floors of residential accommodation on top of the existing building.

- 6.2.3 Officers do not consider the lack of any new office space within the development would justify a refusal of the application given that evidence suggests a steady decline in the Romford office market over recent years and a consequent over-provision of available office floorspace. It should also be noted that the subject building had a high level of vacancy prior to the change of use from office to residential. The Romford Development Framework identifies this site and the office quarter area as suitable for development height of around 8-10 storeys with a potential for mixed use development in close proximity to Crossrail.

- 6.2.4 The proposal for two additional storeys to create a 6-storey building would comply with ROM19 which allow buildings of 6-storeys and over to be located in the Romford Office Quarter.

6.3 *Density/Layout*

6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.3.2 The proposal would provide 10 no. residential apartments at a density, when adding the 115 units approved under prior approval, equivalent to approximately 240 dwellings per hectare. This 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 location.

6.3.3 In terms of housing mix, this is for two and three-bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.

6.3.4 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

6.3.5 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

7.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

7.3.7 Each flat would have amenity space in the form of either a balcony or terrace. With the provision of the balconies and terrace areas it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space.

7.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

7.4 *Design/Impact on Streetscene*

7.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

7.4.2 The proposal has been carefully considered to reduce any perceived mass or bulk. Given their recessed siting at the top of the existing buildings, Officers consider the additional floors to be in keeping with the context of the streetscene and the character of the area. The surrounding area has buildings of a variety of sizes, bulk and height such that the resultant building at Hexagon House and Chaucer House would complement the streetscene. It is considered that the modern appearance of the proposed development would improve the quality of the area as the proposal would represent a visual enhancement over and above the existing built form on the site. The proposal is considered to be in keeping with Policy DC61 as it would complement or improve the amenity and character of the area through its appearance and materials used.

7.5 *Impact on Amenity*

7.5.1 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.

7.5.2 The nearest residential dwellings are situated in Eastern Road with separation distance of approximately 94m between the proposed development and these neighbouring dwellings. The site is bordered to the west and south by office buildings, to the north by a multi-storey car park and to the east by the Liberty Bell hotel and restaurant.

7.5.3 The proposal is not considered to have an unacceptable impact on the proposed flats within the existing floors of Hexagon and Chaucer House.

7.5.5 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

7.6 *Parking and Highway Issues*

7.6.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 6b meaning that the site is classified as having the best access to public transport. Therefore flattened development in this location is required to provide parking provision of less than 1 space per unit.

7.6.2 The Technical Note Transport Statement provided as part of the application advises that the resultant building at Hexagon and Chaucer House would have 60 parking spaces for the 125 flats (current proposal for 10 units plus the previously approved 115 units under J0026.15) in the building at a ratio

of just under 0.5 parking spaces per flat. Officers consider this provision 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.

- 7.6.3 Secure cycle storage providing space for up to 125 cycles would be provided. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

7.7 *Affordable Housing*

- 7.7.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. The valuation has been independently appraised and that appraisal has agreed that the scheme cannot any support affordable housing.

7.8 *Mayoral Community Infrastructure Levy*

- 7.8.1 The proposed development will create 10 no. new residential units with 895m² square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £17,900 subject to indexation based on the calculation of £20.00 per square metre.

7.9 *Infrastructure Impact of Development*

- 7.9.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 7.9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 7.9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 7.9.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 7.9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 7.9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 7.9.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £60,000. for educational purposes would be appropriate.
- 7.10 Other
- 7.10.1 The applicant has stated that refuse storage and recycling capacity would be provided in accordance with the required standards. A condition will be

added requesting details to be submitted prior to commencement of development in the event of an approval.

7.10.2 The proposal will be in compliance with policy 7.2 of the London Plan in that it would achieve a high standard of accessible and inclusive design so that it can be used safely, easily and with dignity by all residents of disability. The flats would be accessed by means of lifts as well as ramped access at ground floor level. More than 10% of the flats would be accessible by and easily convertible to accommodation for disabled people in accordance with the London Plan requirements

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal is acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 30/11/15 and revisions received 22/12/15, 23/02/16, 04/03/16 and 12/05/16.