Havering LONDON BOROUGH	**Strategic Planning Committee 22 April 2021**

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 There is a significant planning history in relation to the application site. Prior Approval to convert the original office building to flats was given in 2015. Subsequently, planning permission was granted for the erection of a two storey addition over the roof of the original office building to provide 20 flats. However, by re-arranging internal layout 2 additional units have been formed. The approved scheme would have benefited from 60 car parking spaces shared by the occupiers of the existing converted flats.

1.2 Currently works of construction are taking place within the centre of court yard. Upon the completion of these works which appears to be imminent the 27 car parking spaces would be formed and available for use by the existing residents.

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

1.3 There is a concurrent application for the retention of two additional flats over the roof of the block which have already been formed as a result of internal arrangement to an approved scheme which intended to provide 20 flats. This application is also presented to this committee under separate report for consideration.

1.4 Councillor Joshua Chapman, has called in the application, concerning the loss of car parking spaces as originally envisaged for the scheme.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

2.1 The proposal would not involve any physical alteration (internal or external) to the main building.

2.2 The proposed variation to condition would result in the provision of 27 car parking spaces instead of 60 car parking spaces. Given the location of the site within a highly accessible parking zone, this level of car parking spaces would be acceptable. Subject to suitable conditions replacing that to be removed, the impact of the proposed development upon highways condition would be acceptable.

2 RECOMMENDATION

3.1 The proposal is acceptable subject to the following conditions

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

Reason;

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

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

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

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

Reason;

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

4 Proposal

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

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

4.2 The variation/removal of conditions would result in a reduction in the number of parking spaces from 60 to 27.

4.3 There is a concurrent application for the retention of 22 residential flats at the roof level without the provision for any car parking spaces. This application is subject of separated report presented to this committee.

5. Site and Surroundings

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

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

5.2 To the north of the site, on the opposite side of Western Road is a multi-storey car park and beyond that the Liberty shopping centre. To the immediate east of the site is Mercury Gardens, which forms part of the ring road around Romford Town Centre. West of the site is Sapphire Ice and Leisure Centre and Grimshaw Way, which is bordered on the other side by the 5 storey Sovereign House and 4 storey Scimitar House beyond. A narrow private access road lies to the south with the 4 storey St James House and 2 storey Romford & District Synagogue beyond.

5.3 The wider area is characterised by town centre activities and includes a number of shopping centres, including the Liberty and Brewery, reflective of the status of Romford as a Metropolitan Town Centre (as identified in the London Plan). The site also lies within the Romford Office Quarter as identified in the Romford Area Action Plan. The site has a Public Transport Accessibility Level of 6b (highest). There are bus stops directly in front of the application site and Romford Station is located 300m to the south west.

6 Planning History

6.1 There is a lengthy planning history on the site including appeal decisions by the Planning Inspectorate. The most relevant scheme with respect to this application, relates to:

1. Planning permission (Ref P0071.16), granted for the erection of two storey roof extension to provide 20 Flats on top of Existing Building. This permission was subject to a condition requiring the provision of 60 car parking spaces as well as financial contribution for the provision of education and affordable housing.

2. A prior approval scheme (Ref J0026.15) dated 28/10/15 for the change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats. The scheme was also subject to condition, requiring the provision of 60 car parking spaces.

6.2 In addition there are also recent and concurrent applications with respect to the building as follows;

1. P1851.18; minor material amendment to provide 22 units instead of 20 units.

2. P0850.20; to vary a condition seeking to reduce the number of car parking spaces for the approved 20 dwelling units.

3. P0851.20; the Variation of condition No. 2 (parking) of a prior approval scheme (Ref J0026.15) dated 28/10/15 to allow a reduction in parking spaces to 27, which allowed the Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats.

6.3 Application Ref: P1851.18 was submitted before the construction of the roof extension. This was a section 73 application, seeking an amendment to the approved scheme and it was resolved to grant planning permission subject to conditions and a legal agreement. However, following a High Court ruling, which confirmed s.73 applications could not change the description of the development, this application could no longer be pursed and is now withdrawn.

6.4 The second application (Ref; P0850.20) would remain in abeyance pending the outcome of the current application.

6.5 The application in respect of 3 above has been submitted a while ago, but could not be determined, pending an outcome of application for the retention of the 22 dwelling unit, which is the subject of this report.

6.6 The focus of this particular application is the internal rearrangement of 20 units approved on the roof of Verve Apartments (formerly Hexagon house) enabling their subdivision to create an additional 2 units.

Other related

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

7 Consultation

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

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

Non-material representations

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

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

Internal and External Consultation:

7.3 The following internal consultation has been undertaken:

- Highways - no objection subject to conditions requiring new or amended Traffic Order is made that specifically excludes the property from any existing or future controlled parking zone, the making of such Order to be facilitated through an agreement with the Highway Authority.

- Environmental Health: No Objection subject to conditions

- Waste and Recycling: No objection subject to the provision of suitable and compliant waste and recycling facilities.

- Thames Water: No comment

8 MATERIAL PLANNING CONSIDERATIONS

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

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

The principle of development;

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

Impact upon highways condition

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

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

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

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

8.7 London Plan Policies seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. P0licy T6.1 (Residential Parking Standard) of London Plan 2021 requires all schemes within areas subject to PTAL 6 rating to be car free. This is also echoed by DC33 of Havering Councils CS and DCPDPD which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network.

8.8 Accessibility Level (PTAL) for the site is set at 6b meaning that the site is classified as having the best access to public transport. Policy 24 of Havering's draft Local Plan requires that outside of PTAL's 0-2, the London Plan parking standards be applied. Car free development is therefore in accordance with planning policy.

8.9 Officers consider the provision at 0.2 to be acceptable given the high PTAL rating for the site and the town centre location. The Highways Authority has not raised an objection to the application subject to amendment to the Traffic Management Order. Basically, there is a risk that current or future occupiers of the property might be able to request the building to be within a Controlled Parking Zone in the vicinity of the site. Controlled Parking Zone RO6 includes Grimshaw Way where the vehicular access to the site is located. It should be noted that the nearest Residential Car Parking Zone, is already significantly over-subscribed. It is therefore recommended that conditions be imposed requiring that the parking and cycling facilities shown as being provided be in place as part of the Prior Approval Technical Note until such time as a Traffic Order is confirmed that specifically excludes this site from any existing or future parking zone. Usually control can be exercised through a S106 agreement entrenching powers under Section 16 Greater London Council (General Powers) Act 1974. However, in this case the building has multiple leaseholders through the sale of flats and the applicant has indicated that it would be extremely unlikely that all those with an interest in the land would enter into such an agreement. An amended or new Traffic Order can be arranged and paid for by the applicant as a separate process, so a suitably worded condition is considered reasonable in this case.

8.10 Currently, there is an issue with the provision of waste storage facilities at present. There is a temporary provision which fails to meet the requirement of the existing occupiers. Hence, recommendation for the additional conditions, although this could be on a temporary basis whilst the fate of the adjacent land is decided and followed by an arrangement on a permanent base.

9 CIL and other Financial and Mitigation measures

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

10 Conclusions

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