



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

---

## 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 22<sup>nd</sup> 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 7.5m<sup>2</sup> for single occupancy and 11.5m<sup>2</sup> for double/twin occupancy, plus further dimension criteria for such spaces. The 2021 London Plan Policy D6 (Housing quality and standards) and the Housing SPG echo such requirements and the SPG provides further criteria to ensure an acceptable quality of accommodation is provided for users including in relation to entrance and approach routes, access to private open space, outlook, daylight and sunlight.
- 8.2.2 The resulting density is in line with the aims of Policy DC2 which states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this town centre location. The quantum of floor area has remained unchanged, but the internal layout has been reconfigured to create the two additional units.
- 8.2.3 The technical housing standards require that new residential development conforms to nationally prescribe minimum internal space standards - the proposed development meets these.
- 8.2.4 It is considered that overall the proposed amenity space in the form of balconies and terraces would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. The amount of sunlight and daylight received is considered to be adequate. The proposal would provide acceptable living conditions for the future occupants.

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

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

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

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

### **8.5 Impact upon highways condition**

- 8.5.1 With respect to the approved scheme the proposal would have benefited from the provision of 60 car parking spaces which would have been shared with the 115 dwelling units of the Verve Apartment already in occupation. However, the total number of car parking spaces have now been reduced to 27 car parking spaces for the entire development.
- 8.5.2 Given the loss of 33 parking spaces, the management has decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment.

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 1<sup>st</sup> September 2019. CIL is chargeable on the relevant net additional floorspace created by the development. The charge is non-negotiable and is calculated at the time that planning permission is granted. In this case the proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) and Havering CIL (HCIL). Mayoral CIL is calculated at £25.00 per square metre, subject to indexation. HCIL is charged at an approved rate of be £125/m<sup>2</sup> of GIA, subject to indexation.
- 9.4 The net additional floor space would be 1291m<sup>2</sup>. The development would be liable for a Mayoral CIL at the rate of £32,275 and Havering CIL at rate of £161,375 (subject to final detailed review of the calculation).
- 9.5 Given the CIL position there would be no longer any requirement for education contribution. However granting retrospective planning permission to retain 22 units would require a further Deed pursuant to Section 106 to secure affordable housing contribution of £264000.
- 9.6 The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;

- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

## **10 Conclusions**

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