



Havering
LONDON BOROUGH

**Strategic Planning
Committee
6 October 2022**

Application Reference:	P1591.20
Location:	The Verve Apartments, Mercury Gardens, Romford
Ward:	St Edward's
Description:	The retention of 22 apartments
Case Officer:	Habib Neshat
Reason for Report to Committee:	The scheme has been previously presented to the Strategic Planning Committee with the resolution to grant planning permission subject to legal agreement, however, the applicant wishes to amend the terms of legal agreement as previously recommended and this needs further consideration by the committee.

1 BACKGROUND

- 1.1 This scheme was presented to the Strategic Planning Committee on 12th August 2021. At the meeting it was resolved to grant planning permission subject to conditions and terms of legal agreement. (previous committee report attached)
- 1.2 The terms of legal agreement included that the development be car free and prevented the occupiers of the 22 units on the upper floors to have access to car parking spaces within the court yard.
- 1.3 Since the committee resolution, the applicant, due to legal reasons, has not been able to sign the section 106 agreement. The current proposal seeks approval of the same scheme. However, the proposal is to allow the occupiers of the top floors to be able to park within the court yard. Also the scheme would

no longer be car free, which means the residents would be able to apply for parking permit on adjacent roads.

- 1.4 The scheme now offers 86 car parking spaces, in comparison with the scheme presented to committee which only provided 27 car parking spaces. 60 car parking spaces would be provided on land to the side of the building within the demise of the applicant and forming part of the application site, in addition to the 26 car parking spaces within the court yard.
- 1.5 Also the scheme provides a consolidated approach with respect to the provision of cycle parking spaces as well as refuse storage space for the all flats.
- 1.6 The scheme is brought to committee because it does not accord with committee's previous resolution.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The council has already resolved to grant planning permission for the existing 22 flats. There is no physical change to the main building since the committee's resolution to grant planning permission.
- 2.2 The attached August 2021 committee report concludes that 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 the local plan.
- 2.3 The proposal would now offer, 86 car parking spaces, which would be in line with the previous requirements (secured by conditions) for car parking provision for the conversion of the building to 115 flats and the provision of 22 flats on two floors above the main building.

3 RECOMMENDATION

- 3.1 The proposal is acceptable subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers. The s.106 is required to seek contributions for affordable housing.
- 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
- The Developer/Owner to pay the Council's monitoring cost.
- The Developer/Owner to pay the Council's reasonable legal costs associated with negotiating and drafting the Legal Agreement.

Conditions;

- 1 Within two months from the date of this permission, the cycle storage space as well as the refuse and recycle storage space shall be laid out in accordance to drawings numbered 1940-DS-01-00-DR-A-P702, 1940-DS-01-00-DR-A-P703 and 1940-DS-01-00-DR-A-P704 hereby approved, and the facilities shall then be retained thereafter, unless an alternative scheme shall have been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of occupiers of the development and also the locality generally.

- 2 Within one month from the date of this decision, the surface of the car parking spaces shall be made of smooth hard surface materials with parking spaces to be marked by water base paint, or other conventional methods. Thereafter the car parking spaces as shown on the drawing numbered 1940-DS-01-00-DR-A-P702 hereby approved shall be retained for the sole benefit of all the residents of Verve Apartments and for no other purpose, unless agreed in writing by the Local Planning Authority.

Reason; In order to provide appropriate car parking provision suitable for all residents including those people with impaired mobility and as part of the equality agenda.

Informatives

CIL and Planning obligations

4. Site and Surroundings

- 4.1 The application site is located on the south western corner of Mercury Gardens and its intersection with Western Road. 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).

- 4.2 The building is in U-Shape, with a court yard in the middle offering 26 car parking spaces. The land (car parking spaces) to the south of the building is also within the demise of the application site. This land was part of the approved schemes, to accommodate car parking spaces as well as providing refuse and cycle storage for the flats. However, until recently the land been boarded up and had been used as construction site. There is temporary provision for the accommodation for waste storage, with no provision for cycle stores.
- 4.3 However, in past couple of months, the boarded fence around the site have been removed. The originally hard surface has been covered by gravel. Planks of wood have placed on land to mark the car parking bays.
- 4.2 The wider area is characterised by town centre activities. The site has a Public Transport Accessibility Level of 6b. There are bus stops directly in front of the application site and Romford Station is located 300m to the south west. (for further description of the site please refer to the attached committee report).

Proposal

- 5.1 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 to modify the planning application which has been approved for 20 flats by creating one additional unit on each of the fourth and fifth floors. The scheme has created 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. There is no increase in the height, volume or floor space, in comparison with the approved scheme.
- 5.2 The proposal seeks that all residents of the flats, including those occupying the top floor to have access to car parking spaces offered to the entire site.
- 5.3 The proposal would include 146 cycle storage space, immediately to the south of the building for the entire 137 dwellings.
- 5.4 The proposal would now offer, 86 car parking spaces, which would be in line with the previous requirement of car parking provision for all the conversion of

the building to 115 flats and the provision of 22 flats on two floors above the main building.

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 obtaining parking permits 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.
3. A planning application to variation of condition application (ref P0851.20) was submitted in June 2020 to seek to reduce the number of car parking spaces for the Prior Approval homes from 60 spaces down to 27 spaces. This was refused by the Council on 11th January 2022 due to there being no mechanism to restrict occupiers of the units from parking on-street and would significantly increase the risk of on-street parking demand which will have a detrimental impact upon the safe and free flow of traffic.

6.2 For more detailed older relevant planning history of the site please refer to the committee report

7 Consultation

7.1 The scheme has been subject to three rounds of consultation. The details with respect to two previous round of consultations are contained within the attached committee report. In August 22, all residents of the block of flats were notified. The notification letters were sent explaining the reason for re-consultation as follows;

1. Revised location for cycle parking, refuse and recycle storage and parking layout.
2. Additional information provided in design and access statement indicating lack of demand for car parking spaces by the residents.

In response the council has received comments from residents as follows;

- This is a malicious attempt to take away the parking rights of the residents.
- They claim the take up of parking is low however the reason for this is the extortionate prices they are charging of £1000 per year for a very low quality and low security parking space.
- Low quality parking spaces, as the tarmac is covered with gravel which is both unsightly and inappropriate for those with mobility issues.
- The applicant has installed rather bizarre wooden planks as some kind of divider, between cars
- If the parking spaces were fit for purpose and charged at a reasonable cost then take up would be much higher.
- It is felt this is yet another attempt to short change the residents after the previous failed planning application for which they have engaged in spiteful acts including refusing to do any maintenance on the building and refusing to pay for fire maintenance works which puts our safety at risk.

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 proposal in terms of its land use, the mix of dwelling units as well as the quality of the accommodation has already been acceptable as detailed in attached earlier committee report.

8.3 Design and appearance;

8.3.1 It has been recognised the scheme in physical terms has an acceptable visual appearance.

8.4 Impact on neighbour amenities;

8.4.1 It has also been concluded that the addition of the two units would have an acceptable impact upon the amenities of the existing flats or the adjoining occupiers.

8.5 Impact upon highways condition

8.5.1 The major issue with respect to the current scheme, concern the provision of on-site car parking spaces and the impact upon the highways condition.

8.5.2 With respect to the scheme presented at the August 2021, the committee agreed to grant planning permission subject to terms of legal agreement including;

- 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.
- 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

8.5.3 The reason for inclusion of the above clauses, were due to the fact that there was an anticipation that only 27 car parking space would have been available for the entire site. Given the loss of 33 parking spaces, the management had decided to reserve the 27 car parking spaces for the existing occupiers of the Verve Apartment.

8.5.4 In support of the application the applicant has claimed;

- They have now provided the car parking spaces as required by the previous scheme and have offered it to the leaseholders, or tenants. But it would appear that there is a lack of demand for the full 60 spaces originally identified as being provided for the Prior Approval homes
- There are on-street car parking spaces being available within CPZ.
- The streets available for parking spaces within the designated Residential Control Parking Zone, are located at a distance not suitable for the residents of the Verve apartment, hence there would be insignificant opportunity for over spill onto the street.

8.5.5 However, regardless of the claims above, the application scheme, incorporates the provision for 60 car parking spaces on the land adjacent to the site and 26 spaces within the court yard, in total providing 86 car parking spaces. This level of provision is in accordance to the previous requirement for the flats granted under prior approval and the subsequent scheme for the 20 flats.

8.5.6 It should be noted a variation of condition application (ref P0851.20) seeking to reduce the number of car parking spaces for the Prior Approval homes from 60 spaces down to 27 spaces was refused by the Council on 11th January 2022. There has been no appeal against this decision and the prescribed period to appeal against the decision has lapsed.

8.5.7 The council enforcement team has now served a breach of condition notice for the applicant failing to provide the 60 car parking spaces as originally envisaged. However, the prosecution is on hold pending the outcome of this application.

8.5.8 Currently 26 spaces have already been laid out within the courtyard of the application building.

8.5.9 Further, the land to the south of the Verve apartment, which was originally comprised of hard surface has been covered by gravel with planks of wood placed on land to mark the car parking bays. This rather unconventional method of car parking provision would not be considered acceptable as it would look rather odd and would be likely to prevent the full use of the car parking spaces, in particular with those with mobility impairment. Hence, a condition is recommended for appropriate hard surfacing and marking of parking bays.

8.5.10 Given the number of car parking spaces proposed, there would be no longer a rational to incorporate requirement to prevent access to the car parking spaces within the court yard.

8.5.11 The proposed number of cycle storage and its location immediately to the south of the building is acceptable. The proposal to extend the refuse storage space for the residents is also considered acceptable.

8.5.12 The highways section have raised no objection to the scheme, subject to the scheme being car free. However, in this instance the availability of significant degree of on-site car parking provision is considered to obviate the need for a car-free scheme here for the following reasons;

- In total there would be 137 flats with provision of 86 on-site parking space. This would provide a ratio of over one space per two dwellings. It is considered this ratio is acceptable in this central location and would prevent over-spill of cars onto the CPZ area, in the absence of legal agreement to achieve a car free scheme.
- The residential controlled parking zone on the map indicates that there are no Resident parking permit bays close to the site. The closest permit bays are located on Junction Road (to the east), approximately 315m from the application site, and George Street (to the south) which is just over 370 metres from the application site.
- Studies suggest that residents typically wish to park within 200 metres of their property since this provides them with comfort that they can access their vehicle promptly should they wish to and also minimises the distance travelled when carrying food or other goods between their vehicle and home. The fact that there are no resident permit bays within this cordon, means that the existing residents or future occupiers the application site would not be likely to opt for parking within the CPZ area so long as alternative on-site parking spaces would be readily available. The applicant has provided information that the demand for parking spaces is particularly low and that the proposed offer 86 parking spaces would meet the demand of the residents. Therefore, so long as the car parking spaces as offered is made available with suitable surfacing and maintained as such thereafter, there would not be likelihood of over spill parking onto the CPZ.

8.5.13 Therefore, it would be difficult to conclude that there will be a high uptake of permits such that it would be difficult to conclude an impact on the highway

9 CIL and other Financial and Mitigation measures

- 9.1 The issue with respect to CIL and s.106 was considered at the previous committee and it was resolved the granting retrospective planning permission to retain 22 units would require a further Deed pursuant to Section 106 to secure affordable housing contribution of £264,000.
- 9.2 The scheme would also be CIL liable. 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).

- 9.3 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. The provision of 86 car parking spaces in the absence of legal agreement to make the scheme car free is considered acceptable. 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