



# REGULATORY SERVICES COMMITTEE

2 February 2017

# REPORT

**Subject Heading:**

P1840.16: Market Place, Romford

New A3 restaurant including a roof terrace for customer use, together with ancillary facilities for restaurant and to support daily operation of the market (application received 21 November 2016)

**Ward**

Romford Town

**Lead Officer**

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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	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

## **SUMMARY**

The proposal is for a new building within Market Place to be used primarily as a restaurant (Class A3). The application has been submitted on behalf of the Council although this has no material bearing on the planning considerations relevant to this application. Although the application is solely in respect of the proposed new building, the development forms part of a wider strategy for the rejuvenation of Romford Market. Key issues include the wider context of regeneration of the market and the impact of the development on the character and appearance of the Romford Conservation Area and on the setting of nearby listed buildings. Other material issues include the acceptability of a new restaurant use in principle, impact on amenity, parking and servicing issues.

The material planning considerations are addressed in the report below and it is recommended that planning permission be granted, subject to conditions.

## **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 would be £4,120.00 (subject to indexation). This is based on the creation of 206m<sup>2</sup> of new gross internal floor space.

That planning permission is granted subject to the following conditions:

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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

### 3. External Materials

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building, and details of the durability and long term maintenance arrangements, are submitted to and approved in writing by the Local Planning Authority. In submitting the details it is expected that they will accord fully with the details set out in Sections 3.7 and 3.8 of the Design & Access Statement/Planning Statement/Heritage Statement, dated November 2016, prepared by DK-CM Ltd. They shall also include the provision of a 1 square metre minimum sample panel of the proposed cladding to be erected on site for inspection and assessment by the Local Planning Authority. The development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

### 4. Archaeology

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority in writing. For land that is included in the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A: The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B: The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:-

The planning application lies in an area of archaeological interest. Submission of the WSI prior to commencement of development will ensure that the archaeological interest of the site is conserved.

5. Plant and Machinery

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

Insufficient information has been submitted regarding the potential noise from plant and machinery. Submission of this information before the equipment is installed will prevent noise nuisance to adjoining/adjacent properties.

6. Playing of Music

The playing of amplified music shall not take place at any time within either the external first floor roof terrace or the ground floor external seating area. The playing of non-amplified recorded or live music shall not take place within the external first floor roof terrace until details of noise levels and measures to control and verify the noise levels have been submitted to and approved in writing by the Local Planning Authority. The playing of non-amplified music shall then operate in accordance with the approved details at all times thereafter.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

7. Hours of Use (ground floor of restaurant)

The ground floor of the restaurant hereby approved (excepting the first floor terrace and outdoor seating area referred to under conditions 8 and 9 below) shall not be used outside the hours of 08:00 to 23:30 hours on any day without the prior consent in writing of the Local Planning Authority. The folding doors to the premises, shown on the approved drawing nos. 1606-S3P-005; 008; 009; 010 and 011, shall be kept in a closed position after 21.30 on any day.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

8. Hours of Use (roof terrace)

The first floor roof terrace area shall not be used outside the hours of 08:00 to 21:30 hours on Sundays to Wednesdays and on Bank and Public Holidays; and the hours of 08:00 to 22.30 hours Thursdays to Saturdays without the prior consent in writing of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

9. Hours of Use (ground floor outdoor seating area)

The ground floor outdoor seating area of the restaurant shall not be used outside the hours of 08:00 to 21:30 hours on Sundays to Wednesdays and on Bank and Public Holidays; and the hours of 08:00 to 22.30 hours Thursdays to Saturdays without the prior consent in writing of the Local Planning Authority. The external seating shall be removed from the pavement outside of these hours.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

10. Refuse Storage

The refuse storage area shown on drawing number 1606-S3P-004 shall be provided before the use hereby approved first commences and shall be permanently retained thereafter for the storage of refuse connected with the operation of the restaurant hereby approved.

Reason:-

In order to protect local amenity and to ensure the development accords with Policies DC61 and DC56 of the Development Control Policies Development Plan Document.

11. 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.

## 12. Construction Methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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;

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

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

## 13. Wheelwash

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

#### 14. Ventilation/Extraction Equipment

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as:

*Extractor on window*

*Not window extract but below eaves, discharge at or below 10 m/s.*

*Discharging 1m above eaves at 10 -15m/s.*

*Discharging 1m above ridge at 15 m/s.*

Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reason:-

Insufficient information has been provided with the application to determine the suitability of the equipment proposed. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises.

#### 15. Interpretation Boards

Before the development hereby approved is first brought into use, heritage interpretation boards shall be installed on site (either within the building or on adjacent land within the control of the applicant), in accordance with details that shall have been previously submitted to and agreed in writing by the Local Planning Authority and retained permanently thereafter for the life of the development or unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In order to better reveal the historic significance of the market place and to enhance the wider public benefits of the development.

#### 16. Highways Stopping Up

Prior to the commencement of development hereby permitted an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and no development pursuant to this planning permission shall be carried out on that part of the application site which comprises adopted highway until and unless a stopping up order is confirmed by the Council as Highway Authority or the Secretary of State (on appeal) as appropriate.

Reason:-

To ensure that the impact of the proposed development in respect of public highway has been fully considered prior to any development commencing.

#### **INFORMATIVES:**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.



2. 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.
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 £4,120 (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. Further details with regard to CIL are available from the Council's website.
4. In satisfying condition 4 above, the applicant is advised that the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
5. Pursuant to condition 14 above, the applicant is advised that:

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety – [www.food.gov.uk/foodindustry/](http://www.food.gov.uk/foodindustry/)
- Occupational safety & health – [www.hse.gov.uk](http://www.hse.gov.uk)

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

[online.havering.gov.uk/officeforms/licence\\_food\\_business.ofml](http://online.havering.gov.uk/officeforms/licence_food_business.ofml) .

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is part of Romford Market Place. The proposal specifically relates to land at the western end of Market Place, to the west of Market Link. The site functions as part of Romford market on Wednesdays, Fridays and Saturdays and, at other times, is utilised primarily as a car parking area. The site is within the Romford Major District Centre
- 1.2 Market Place is situated within the Romford Conservation Area and the application site lies close to a number of historic buildings, including three listed buildings: the Church of St. Edward the Confessor (Grade II\*), Church House (Grade II) and the Lamb public house (Grade II). Aside from the listed buildings, there are predominantly commercial premises fronting on to the northern and southern sides of the Market Place.

### 2. Description of Proposal

- 2.1 The application is for the construction of a single, stand-alone building to be used primarily as a restaurant (use class A3). The ground floor of the building would provide restaurant floorspace, together with ancillary food preparation facilities, as well as a secure room with separate access, which provides storage for emergency items and similar equipment, to be used only by market staff and traders. The upper floor of the building would be effectively open-air and utilised as a roof terrace. There would be an overhanging upper floor element that covers a ground floor external dining area. Access to the first floor is via an external staircase or through-floor lift.
- 2.2 Externally, the building has been designed to follow the traditions of historic market houses. It will be of timber construction with hardwood-framed double glazed folding doors. The roof terrace will be enclosed by hardwood pre-fabricated rainscreen panels, perforated by a series of openings with steel, powder-coated balustrades. The building would be fitted with an overhead framework which would be capable of supporting a retractable fabric canopy roof.
- 2.3 The proposal has been submitted as part of a wider initiative to regenerate Romford market, although it is only the proposed building which forms part of this planning application.

### 3. History

- 3.1 There is no previous planning history of direct relevance to this planning application. Members will however note that a planning application has recently been made for a mixed commercial/residential development on a nearby site, 17-19 Market Place (LBH reference P1483.16). This has a

resolution to grant planning permission subject to conditions and the prior completion of a legal agreement. The implications of this for the proposed development will be assessed later in this report.

#### 4. **Consultation/Representations**

4.1 Prior to the submission of the application, the applicant undertook a range of consultation activities. This has included engagement with market traders through meetings, presentation and events and undertaking public consultation through staffed exhibitions in the Liberty shopping centre and in the market. These activities are summarised in the Statement of Community Involvement submitted with the application. Of the three alternative designs for the building shown at the public exhibitions, the scheme forming the current application was the preferred option of the majority of respondents.

4.2 The application has been advertised on site and in the local press as development affecting a conservation area and the setting of listed buildings. Neighbour notification letters have also been sent to occupiers of nearby property. At the time of writing this report 198 letters of objection have been received, together with a petition containing some 177 signatures, and a petition from the Romford Civic Society containing approximately 250 signatures, as well as some 77 pro-forma objections, raising the following issues:

- Will harm the character of the area and not in keeping with Market Place
- Siting harmful to setting of church and church house
- Harmful to the character of the conservation area
- Will obscure view of existing buildings
- Will harm the open character of the Market Place
- This open space should be protected
- Development out of scale with Church House
- Detrimental to a locally important view
- Should have been sited at the end of the market
- Building too big and high in front of existing commercial premises and recently approved residential development
- Restaurant will harm residents of proposed new residential development by way of overlooking, noise and disturbance, light loss and cooking smells
- Will obstruct views from planned residential development
- Development will harm existing commercial property by obscuring view and obstructing light
- Will block view of market place and shops from existing premises and proposed development
- Unlikely to be a commercial success
- Has financial viability of development been explored?
- What happens if development fails?
- Reduces parking
- Reduces value of properties

- There has never been a permanent building in the Market Place
- Not being considered consistently as Historic England objected to another (objectors own) application and concerns raised about impact on Church House
- Proposed building should be re-sited
- Will affect existing parking and already difficult to park in town centre
- Nearby business will suffer loss of passing trade
- Does this breach the Royal Charter
- Should use other vacant buildings locally, such as former Littlewoods store
- No need for a further restaurant
- How is it being funded?
- It is the market itself that will bring viability, not this development
- Makes a busy area more congested
- There are alternative ways of improving the market
- Should spend money on a new pedestrian bridge across A12 at Rise Park
- What consultation has taken place?
- Will set a precedent for more buildings
- Detrimental to the quality of the environment
- Will impede motor vehicle access to church
- Will it affect disabled access to the church and Church House?
- Will affect the functioning of the Church
- Wind turbulence
- Disruption caused by the construction works
- Money needs to be spent on Romford but not in this manner.
- Outlook from the terrace would be ugly.
- No need for more buildings and is a waste of TfL money.

*Staff Comments:*

Those issues that are material planning considerations will be addressed in the report below. A number of comments have been made that are not material to the consideration of this planning application.

Comments regarding alternative ways of regenerating the market place are not matters to be considered as assessment of this application as planning staff may only consider the application before them, although it should be noted that the Council has looked a number of different options for regeneration of Romford Market, and the proposals form only part of that wider strategy. Whether there has been a building in the Market Place previously is not grounds to refuse this application, the acceptability of the proposed building must be considered on its merits having regard to all material considerations. The cost of the development and nature of funding, or alternative ways of spending the funding also are not a material planning consideration, neither is the Royal Charter as this is not a planning matter. Devaluation of property is not a material planning consideration. Disruption during construction work is not a material planning consideration, although conditions can be imposed to manage the construction methodology and timing of works. The building is not of

sufficient scale to cause material harm through wind turbulence. Whether there is a need for a further restaurant or the vacancy of other buildings is not relevant to the consideration of this application as the proposal must be considered on its merits, nor can the likely viability of an additional restaurant be taken into consideration, although market research has been undertaken and it is understood that soft market testing of the likely demand from operators to run the restaurant has been undertaken by the Council. Devaluation of property is not a material planning consideration. Each planning application is considered on its own merits as one development proposal is rarely identical to another and the views of planning staff and also of consultees, such as Historic England, will therefore necessarily reflect the specific issues raised by each individual application. This is not indicative of any inconsistency of approach.

10 letters of support, including 7 from local businesses, making the following comments:

- Will enhance visitor experience to the town centre
- Positive contribution to wider proposals to revitalise the market
- Increases footfall and generates increased spending
- Anything will improve the market place
- Market needs an improvement and this will help
- People can enjoy views of church from new roof terrace

4.3 Historic England (HE) advise they do not wish to comment in detail but offer general observations. HE note the proposals form an important component of the proposed market renewal and wider aspirations for the market square. It is acknowledged this is a sensitive part of the Romford Conservation Area and will affect the setting of several designated heritage assets. HE supports the vision for the market square and notes the extensive design process undertaken and aspiration for a high quality modern building which will enhance local character, whilst respecting key views and integrate with wider proposals for the market place. HE consider the quality of design finish and materials to be fundamental to securing a high standard of design and this should be ensured through submission of details if the scheme is approved, as failure to deliver a high quality scheme could harm the character of the conservation area. The development should not set a precedent for further development in the market square.

4.4 The Greater London Archaeological Advisory Service (GLAAS) advises that the site is within an area of archaeological interest. Although it may cause some harm to archaeological interest it is not sufficient to justify refusal providing a condition is applied to require an investigation to be undertaken to advance understanding.

4.5 LBH Heritage Advisors note the Romford Conservation Area is currently on Historic England's Heritage at Risk Register and the proposed building forms part of a wider council-led initiative to regenerate Romford Market. The logic of placing a pavilion in the proposed location is accepted in

principle, however it remains a highly prominent and sensitive site with the potential to cause significant harm to the character and appearance of the conservation area and the setting of St. Edwards Church. It is considered the building needs to appear as a modern intervention and will need to be considered as an exception and not precedent for further built structures. The building is substantial in terms of height so will cause a degree of harm, although it has some permeability and is subservient in height to surroundings. The proposed materials are accepted but it is important to minimise maintenance and promote longevity. The wider landscaping is an enhancement and the holistic approach to improving public realm is welcomed. The degree of harm caused in this instance is considered less than substantial and must be weighed about public benefits or secure the heritage assets optimum use. The conservation area is on the 'At Risk' Register and significant investment is required in public realm and high quality modern architecture, both issues being addressed by the proposed scheme.

- 4.6 The Metropolitan Police Designing Out Crime Advisor has no concerns from a community safety point of view.
- 4.7 Essex and Suffolk Water raise no objection to the application.
- 4.8 Highways raise no objections but advise that the highway in which the building will sit will need to be stopped up and the process successfully completed before works can commence.
- 4.9 The Fire Brigade (water office) confirm no new fire hydrants will be required.
- 4.10 The London Fire and Emergency Planning Authority confirm that the fire brigade is satisfied with the proposals.
- 4.11 Environmental Health recommends conditions relating to noise from plant and machinery and opening times for the proposed first floor roof terrace. There are no objections in respect of contaminated land or air quality issues. Conditions will be required in respect of new ventilation and extraction equipment.

## 5. **Relevant Policy**

- 5.1 National Planning Policy Framework (NPPF), specifically Sections 1, 2, 7 and 12.
- 5.2 Planning (Listed Building and Conservation Areas) Act 1990.
- 5.3 Policies 2.15 (town centres), 4.7 (retail and town centre development), 6.13 (parking), 7.2 (an inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.9 (heritage-led regeneration) of the London Plan.

- 5.4 Policies CP4 (Town Centres), CP5 (Culture), CP10 (Sustainable Transport), CP17 (Design); CP18 (Heritage), DC15 (Locating Retail and Service Development), DC23 (Food, drink and the evening economy), DC33 (Parking), DC34 (Walking), DC36 (Servicing), DC55 (noise), DC61 (Urban design), DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC68 (Conservation Areas), DC70 (Archaeology) of the Core Strategy and Development Control Policies Development Plan Document.
- 5.5 Policies ROM6 (Respecting the Historic Environment), ROM7 (Market Place), ROM8 (Day and Evening Economy), ROM9 (Romford Metropolitan Centre), ROM20 (Urban Design), ROM21 (Public Spaces) of the Romford Area Action Plan, as well as the Heritage SPD and the Romford Development Framework

## **6. Staff Comments**

- 6.1 The issues arising from this application are the impact of the development on the special character and appearance of the Romford Conservation Area, as well as the impact on the setting of Grade II\* listed St. Edward the Confessor's Church and Grade II listed Church House. Other material planning considerations are the acceptability of a proposed new restaurant in retail impact terms and having regard to the potential impact on local amenity, as well as parking and highway issues, including servicing.

## **6.2 Background**

- 6.2.1 The development under consideration is solely that for a new restaurant building within the Market Place. However, the context within which the application is made, which is as part of wider regeneration proposals for the market place as a whole, is relevant to a detailed assessment of the proposals.
- 6.2.2 Romford Market is a key part of the identity of Romford. The existence of a market here dates back hundreds of years and the location of Market Place, in the historic core of the Romford Conservation Area, is a key focal point of the town. However the market has been in steady decline for some time, with the number of licensed traders falling, a lack of unique product offer and competition from the value chain stores. If this trend continues, it has been identified that there is a real risk the market will decline irrevocably. In July 2015, the Council approved the Romford Development Framework which, whilst not fully adopted planning policy, does carry some weight as regards the Council's intentions for future development within Romford Town Centre. The Framework sets out the Council's aspirations and commitment to rejuvenation of Market Place, to bring new vibrancy and activity whilst respecting and capitalising on its heritage.
- 6.2.3 The Framework identifies opportunities within the 'historic core' of Market Place to provide a civic space within Romford, which combined with consolidation of car parking and reorganisation of the market space, can

enable the creation of a high quality public square. Part of this would include new restaurant/café space that would encourage visitors to spend more time within the market area.

6.2.4 In November 2015 a report was considered by (LBH) Cabinet that focussed on proposals for the transformation of Romford Market. This followed on from a detailed review of the challenges currently facing the market and future potential. The report identified a number of changes that could be made, including better market stalls, better operational management, encouraging additional traders, the creation of an improved public space and introduction of high quality food and beverage options.

6.2.5 Details submitted with the application demonstrate the wider environmental improvements that are now proposed, together with the proposed new restaurant building, aimed at rejuvenating Romford Market. These proposals include new public realm works, including new hard and soft landscaping and development of children's play space, together with changes to the siting and design of market stalls and a rationalisation of parking within the market. The wider public realm works are not part of this application and Members are required only to assess the acceptability of the proposed new restaurant. However, the proposal must be judged in the wider context of the regeneration proposals for the Market Place which, in Staff's opinion, do provide justification for the principle of a new building in this location. As such, the proposal should not be seen as setting a precedent for any further new buildings within Market Place.

### **6.3 Principle of Development**

6.3.1 The site is situated within the retail core of Romford Town Centre. As such, and given also it is the creation of new floorspace (as opposed to a change of use of existing premises) there is no objection in principle in land use terms to the provision of a new A3 use in this location. The proposal also has the potential to improve commercial viability within the town centre. As such it is considered to be consistent with the NPPF, as well as policies 2.15 and 4.7 of the London Plan, Policies CP4 and DC15 of the LDF and Policy ROM9 of the Romford Area Action Plan.

6.3.2 In terms of the heritage implications, as mentioned above, the principle of the building is considered acceptable in the context of the wider regeneration aspirations which underpin this proposal, subject to detailed consideration of the impact of the development on heritage assets. In terms of the Romford Area Action Plan, this was adopted in 2008 and to some extent will have lesser relevance strategically than the 2015 Romford Development Framework. Nevertheless, there is judged to be no material conflict with Policy ROM6, which aims to protect the historic environment. Policy ROM7 relates more to the creation of a public space at the eastern end of the market but does also require any new development with a frontage to Market Place to respect the scale and massing of existing buildings. The issue of scale and massing will be considered later in this



report. The proposal is compliant in principle with Policy ROM8, which seeks to secure more restaurants in the town centre.

#### **6.4 Impact on Designated Heritage Assets**

- 6.4.1 Romford Conservation Area is a designated heritage asset. The proposed building is within a sensitive part of the conservation area and is also judged to affect the setting of Grade II\* St. Edward's Church and Grade II listed Church House, which are also designated heritage assets.
- 6.4.2 Paragraph 129 of the National Planning Policy Framework (NPPF) requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset). They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise the conflict between heritage assets conservation and any aspect of the proposal.
- 6.4.3 Paragraph 132 of the NPPF states that great weight should be given to the assets conservation and, the more important the asset, the greater the weight should be. Paragraph 133 advises that where a proposed development will lead to substantial harm or total loss of significance to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm or loss is outweighed by substantial public benefit or specified criteria apply. Paragraph 134 advises that where less than substantial harm will occur, this should be weighed against the public benefits of the proposal.
- 6.4.4 The Planning (Listed Building and Conservation Area) Act 1990 requires a local planning authority, where considering applications affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering development that affects a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.4.5 LDF Policy DC68 sets out criteria for new development in conservation areas. The main issues are that it should not involve demolition of a building that makes a positive contribution to the conservation areas and that new buildings should preserve or enhance the existing character and are well designed.
- 6.4.6 LDF Policy DC69 relates to development involving Listed Buildings and/or their setting. Such development will only be allowed where it does not involve the demolition of a Listed Building or it does not adversely affect a Listed Building or its setting.
- 6.4.7 The significance of the heritage asset is documented in the heritage statement submitted with the planning application. The Romford

Conservation Area was designated in 1968 and the Romford Conservation Area Character appraisal comments that the main purpose of designation was to protect a group of historic buildings at the western end of the Market Place, which include the Church and Church House. The reason for extending the conservation area to adjoining streets was to protect the setting of this principal group. The Appraisal sets out that the principal special interest continues to be as originally defined: the existence of a group of high quality historic buildings at the western end of the Market Place, some of which are listed, which focus on the parish church. The Appraisal notes how the character of the market place changes on market days, from an 'otherwise relatively negative and diffuse urban space' to something which 'acquires logic and relevance'. On non-market days the area is described as dominated by parked and moving traffic.

- 6.4.8 The Grade II\* listed St. Edward's Church was built in 1849. Its distinctive spire and the open setting to the building are particularly notable. The Grade II Church House dates back to the 15<sup>th</sup>-16<sup>th</sup> century and together with the adjacent Church and frontage trees creates an attractive enclosed group.
- 6.4.9 In considering the proposed siting for the building, the proposals have been through a significant design process. The intention is to create a more focussed 'market square'. Given that the heart of the conservation area lies around the cluster of historic buildings at its western end, it is judged appropriate that the development seeks to focus this market square around the historic core, meaning that the new building is more rightly situated towards the western rather than far eastern end of the Market Place. Consideration was given to locating the building close to the historic crossroads, close to the historic location of the former (demolished) Market House, but the spatial constraints were deemed too tight and this was not judged to help to define the proposed Market Square as a welcoming civic space. The building's scale and location has also been determined such that all required turning circles, deliveries and emergency access can be facilitated, and in a way that can co-exist with market stalls on market days.
- 6.4.10 The siting of the building has been deliberately positioned to the east of the Church and its open, tree-lined frontage, so that this frames a new space in front of the church, creates a pedestrian route (rather than simply a pavement) along the frontage of Church House and its neighbours, and aligns with the new layout of market stalls, reinforcing the 'central route' which is inherited from the former roadway and which is judged important to the feel of the market.
- 6.4.11 The intention of the selected location is partly to create positive pedestrian relationships with its historic neighbours, and create meaningful public spaces to its north, west and south elevations, whilst somewhat enclosing the proposed 'market square' and making a distinctive, enclosed pedestrian environment at the west end, shielded from cars.

6.4.12 Historic England has provided advice in respect of the wider masterplan and supports the vision for the market square. They have been involved with the evolving design process. Historic England comment that the proposals form an important component of the proposed market renewal and the wider aspirations for the better management and the promotion of greater vibrancy within the market square. As such Historic England has raised no objection to the principle of the proposed development or the intended siting of the building. The Council's heritage advisors accept the proposal is sited to allow for the continued use of the Market Place whilst defining a new public space in front of the church and, as such, the logic of the siting is accepted.

6.4.13 In terms of the appearance of the building, the design has been developed to emulate the traditions of market houses and staff consider this to be an acceptable design approach. The scale of the building has deliberately been kept low, with the first floor used as an open roof terrace, and it is lower than other buildings in the locality. As a matter of judgement, the proposal could be considered to cause some harm as it alters the existing spatial arrangement, reducing the current openness. However, the roof terrace design of the upper floor helps to lessen the mass of the building and it remains subservient in height to other buildings. The proposal would introduce a roof terrace that would also provide new perspective on the historic market place from a different vantage point. As a matter of judgement, Staff do not consider the scale and massing of the building to be such that it would visually overwhelm nearby Church House. The building is sited over 10m from the frontage of Church House and it is judged that, in the context also of the wider public realm improvements - the enhanced surfacing works and the removal of car parking from this part of the market place - that whilst the proposals would have some impact on views of Church House and St. Edwards Church this would not be to an extent that results in substantial harm.

6.4.14 The proposals have been through an extensive design process and the building, whilst based on traditional market house design and materials, is considered to be a suitably, high quality but modern addition to Market Place. This is judged to be an acceptable approach to development within a historic setting. Historic England comment that the aspiration is for a high quality modern pavilion building, which will enhance local distinctiveness through reflecting local character, whilst respecting key views, and integrating with the wider proposals for greater activity and better market management.

6.4.15 Historic England also comment that the quality of design finish and materials are fundamental to the success of any such project and in the event permission is given urge the local authority to ensure that the development is delivered to the highest standards of design. Staff share this view. The proposal is intended to be constructed with a timber frame with hardwood frames and treated rainscreen panels, which staff are satisfied would be durable and hard wearing. It is however imperative that the quality of all external materials and finishes are maintained in the

eventual construction and conditions would be applied to ensure this is the case.

6.4.16 Having regard to all material factors, Staff are satisfied that the proposals are for a high quality development of a suitable design and that the siting of the building is such that key views within the conservation area would be protected and the character of this ensemble of historic buildings would not be materially harmed. Staff consider, as a matter of judgement, that the proposals do not lead to substantial harm or total loss of significance to a designated heritage asset. In accordance with the NPPF, where harm is considered to be less than substantial, it should be weighed against the public benefits of the proposals. The view is taken that the proposal forms part of significant wider regeneration proposals for Market Place and given the documented decline of Romford Market, the public benefits arising from the proposal do outweigh the impact on the heritage assets. Historic England is supportive of the wider regeneration proposals for the market. The proposal is part of a significant investment into the public realm and to the provision of a high quality modern building. It is judged to contribute to local distinctiveness and will give potential to better reveal the special interest of the area, which could be supplemented through the use of heritage interpretation boards, which will add to the public benefit of the proposals. The character and appearance of the Romford Conservation Area and the setting of nearby listed buildings is judged not to be materially harmed. As such, the proposal is considered to comply with Policies DC68 and DC69 of the LDF and there is no material conflict with the Heritage SPD. The proposal is considered to comply with Policy ROM20 as it is judged to respect the scale and massing of existing buildings in the Market Place and preserve the view of the spire of St Edward the Confessor and add to a sense of place. Having regard to all key issues it is therefore judged that the proposal is acceptable in terms of its heritage impact.

## **6.5 Impact on Amenity**

6.5.1 With regard to the physical impact of the proposed building, the siting of the building within the market square, is such that it is set well away from the majority of existing developments with a frontage onto Market Place. The building will be sited just over 10m from the front façade of 15 Market Place (Church House) and 17-19 (Upper Cut hair salon). Representations have been made, particularly from the hair salon, that the development would adversely affect the existing businesses, as it would obstruct the view of the premises from passing trade, it would obstruct light received into the premises and would adversely affect views out of the premises onto Market Place. Consideration has been given as to whether there is any scope to alter the siting or size of the proposed building to alleviate the concerns of the salon owner. However, the location of the building is constrained by below-ground services, notably a gas main to the south which limits the building from being moved any further south than it already has been (following earlier consultation the building already moved south from earlier iterations). As previously explained, moving the building east beyond Market Link, would disconnect the new building from the new public space,

several limiting its viability and potential to play a role in the public life of the town and would cause issues with vehicular access to Market Place at Market Link.. Moving the building further west would encroach upon the open churchyard frontage of St Edward the Confessor which is not supported in design terms. To reduce the floorspace of the building could adversely affect its viability as a restaurant.

6.5.2 With regard to impact on passing trade, this is a subjective judgement. Whilst the building would lie parallel to the frontage of both buildings, both would still remain visible from within Market Place, although this would be an angled view rather than direct on. The proposals would see the removal of the vehicle parking that takes place in front of the premises on non-market days and allow for proper pedestrian routes to be created around the building and in front of the adjacent premises, thereby arguably improving accessibility and prominence of the buildings to local shoppers. The wider aim of the regeneration proposals is to increase customer footfall and encourage people to spend longer in the market place, benefitting local traders and staff do not consider the potential for harm to passing trade is of sufficient weight to outweigh the merits of the application. With regard to impact on views out of neighbouring property, there is no protected right to a view and given the views in question are from non-residential property it is not considered this represents material grounds for refusal. With regard to obstruction of light, there is potential for some impact as the proposed building lies to the south of these properties. However, the impact is mitigated by the low height of the building and the 10m separation distance. Although natural light may be beneficial for the operation of a hair salon staff are not convinced it has such a material bearing on the ability of the business to function that it would constitute material grounds for refusal.

6.5.3 Staff are also aware that the Committee has also recently resolved to grant planning permission for a mixed use development on the site at 15-17 Market Place. Planning permission has not yet been given, pending the agreement of planning conditions and the completion of a S106 legal agreement, nevertheless the resolution to approve does carry some weight as a material planning consideration. It should be noted that the resolution to approve was given post-submission of the Market Place application. The mixed use development comprises an A1 retail unit (intended to continue as a hair salon) on the ground floor with flats above. Staff have considered the impact of the proposed new building in relation to the proposed development. The impact on the A1 ground floor retail unit would be no different to that set out in the paragraph above. The proposed building would lie to the south of the nearest first floor flat. This flat will have two windows directly facing towards the proposed new building. It is noted however, that both windows serve an open-plan lounge/kitchen and that this room has a third light source, comprising a set of patio doors that open out onto the flat's east facing balcony. Having regard to the internal layout and the arrangement of the fenestration and balcony it is not judged that the proposed building would materially harm the privacy and amenity of the proposed nearest first floor flat. The situation with regard the nearest second floor flat would be very similar, although this flat benefits from two

balcony areas, one to the south elevation and one to the east, and the impact compared to that on the first floor unit, is lessened by the greater height of the second floor flat. Whilst the outlook from the south facing balcony would be more limited by the proposed development, this would be compensated by the existence of the east facing balcony.

- 6.5.4 In respect of the impact of the proposed use on amenity, the site lies within Romford Town Centre, where a reasonable balance must be struck between commercial interests and an acceptable degree of residential amenity. It is acknowledged that if the recently approved development at 15-17 Market Place goes ahead there will be residential units in relatively close proximity to the application site. However, residents in town centre environments must reasonably expect a greater degree of late night activity than can be anticipated in purely residential areas. The use proposed is as a restaurant, which is judged to be acceptable in principle in this location. The proposal does however include an upper floor outdoor terrace and it is accepted that this could give rise to greater levels of noise and disturbance than if this were a fully enclosed area. Mindful of the balance between residential amenity and town centre living, Environmental Health have raised no objection on noise grounds subject to conditions which prohibit the hours of use, particularly of the roof terrace and external seating, controls over the playing of music and also limit noise from any new plant or machinery. Subject to these conditions, Staff consider that the proposal would not result in a materially harmful impact on nearby residential amenity.
- 6.5.5 The proposal has been designed so as to make provision for the inclusion of ventilation and extraction equipment without harm to the visual appearance of the building. The extraction system has not been designed in detail as the end occupier of the building is not known but such details can be required by condition to ensure the development acceptably deals with issues of cooking odours.
- 6.5.6 The proposed development also includes the option of outdoor seating at street level. There are no objections to this in principle although conditions would need to be imposed to ensure outdoor seating is removed at a suitable time to protect amenity. The premises has been designed so that the ground floor entrance area to the building and external staircase can be closed off at night through the use of sensitively designed shutters, which will help protect from anti-social behaviour. The Metropolitan Police Designing Out Crime Advisors has confirmed the proposals are acceptable from a community safety perspective.
- 6.5.7 Staff therefore conclude, having regard to all material considerations, that neither the proposed building or its intended use would have a materially harmful impact on local amenity that would warrant refusal, subject to the imposition of appropriate planning conditions.

## **6.6 Highways and Servicing**

- 6.6.1 The proposed development is located within Romford Town Centre where, given its excellent levels of public transport accessibility and availability of town centre car parks, there is no requirement to provide dedicated parking for the proposed restaurant.
- 6.6.2 Members will however note that the proposal, partly owing to its siting and partly owing to the wider regeneration proposals, will significantly alter the existing non-market day parking provision that currently exists in Market Place. This is an issue that has been considered in detail but removal of parking and traffic generally from the western end of the Market Place is considered fundamental to the aims of creating a pedestrianised market square that will create a welcoming public space, encouraging visitors, particularly families, to spend time there. At present there are approximately 160 parking bays in Market Place. As part of the wider regeneration proposals, the Market Place to the east of Market Link will be re-designed and re-surfaced and parking will be more clearly marked and laid out. Different options for car parking as part of the wider regeneration are still being considered - one option is for providing parking on non-market days only, which would still retain 160 parking bays; the alternative is to provide parking on market days also, around 58 bays, with slightly less parking on non-market days, around 143 bays. It should be noted that the precise arrangements for parking can be determined as part of the wider regeneration proposals, and are not within the scope of this application. However, Staff are confident that the proposals would not materially affect town centre parking provision to an extent that would give rise to material grounds for refusal.
- 6.6.3 Provision for refuse storage is made within the building and the proposals have been designed so as to ensure suitable access for servicing and deliveries. There are delivery and servicing options for both market and non-market days and, as part of the Council's overall strategy for the functioning of the west end of the Market Place, there will be clearly defined times for loading and unloading to take place. Although outside the scope of this application, the wider public realm improvements are intended to improve pedestrian access and suitability of surfaces for disabled users, and would maintain necessary levels of access, including to St. Edward's Church. Highways raise no objection to the proposals although it should be noted that there will be a requirement for stopping up for the public highway and this process will need to be completed before the development can proceed.
- 6.6.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway issues and makes acceptable provision for deliveries and servicing.

## **6.7 Mayoral CIL**

- 6.7.1 The proposed development would create 206 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will

incur a charge of £4,120.00 (subject to indexation) based on the calculation of £20.00 per square metre.

## **7. Conclusion**

- 7.1 The proposed development has been submitted as part of a package of regeneration measures, aimed at halting the decline of the historic Romford Market and improving the character and quality of the Romford Conservation Area. In the context of the wider improvement proposals, of which this forms part, it is considered that the erection of a building within Market Place can be acceptable in principle, without setting a precedent for future development, providing it is a development of sufficiently high quality design and external appearance.
- 7.2 The proposals have been developed in full consultation with Historic England, as well as other stakeholders. The proposals aim to create a public square within Market Place, to reverse the harm to its character caused by the dominance of vehicle parking, and to restore a sense of place. Options for siting have been considered and staff accept, in principle, that the proposed siting is sufficiently well reasoned and justifiable and will not adversely impact on the key open area in front of St. Edwards Church. Staff are satisfied that the proposed building is well designed and sensitive in terms of scale, mass and character and, as a matter of judgement, consider that the proposal maintains the special character and appearance of the Romford Conservation Area and does not harm the setting of nearby listed buildings. As such, the proposal is considered to be compliant with the requirements of the NPPF, as well as policies forming part of the LDF.
- 7.3 The proposed restaurant use is acceptable in principle within the town centre and staff are satisfied that measures are included in the development to ensure it functions properly, such as adequate ventilation provision, servicing and delivery arrangements, refuse storage and community safety features. The proposal is judged acceptable in parking and highway respects. It is judged that the proposal will not materially harm the functioning of nearby businesses nor cause harm to amenity, either of existing occupiers or likely residents of proposed future development, subject to the use of appropriate planning conditions.
- 7.4 Having regard therefore to all material planning considerations, it is judged that the proposal is acceptable and it is recommended that planning permission is granted, subject to conditions.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**



There are cost implications for the Council arising from the capital investment required to carry out the regeneration proposals, although the proposal also benefits from some GLA funding. These issues do not have any material bearing on the consideration of the planning application.

**Legal Implications and risks:**

There will be legal implications arising from the regeneration proposals. These include the requirement for a stopping up order to be made. The application has been submitted on behalf of the Council. However, this has no material bearing on the consideration of this planning application, which is considered independently from the Council's role as applicant.

**Human Resource Implications:**

None arising.

**Equalities and Social Inclusion Implications:**

Planning applications are determined with full regard to equalities and diversity implications. The proposal is designed to meet accessibility requirements, ensuring it can be used by all sectors of the community.

**BACKGROUND PAPERS**

1. Application received 21 November 2016.