



**REGULATORY
SERVICES
COMMITTEE**

REPORT

08 September 2011

Subject Heading:

P0768.11 – Raphael Park, Romford

The construction of a new kiosk housing public toilets, and a refreshment serving hatch adjacent to the children's play area (Application received 24th May 2011 and revised plans received 23rd August 2011)

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of

Raphael's Park. Several planning applications have been made seeking consent for the provision of new park facilities in connection with the funding award. This application seeks planning permission for the construction of a new kiosk building housing public toilets and a refreshment serving hatch on land adjacent to the existing children's play area to the north end of the park.

The proposed building is judged to be of an acceptable design and would not detract from the Gidea Park Conservation Area. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be 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 accord with the approved plans, particulars and specifications.

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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Materials – Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC68.

4. Hours of use – The kiosk building hereby approved shall not be used for the purposes hereby permitted other than between the hours of 0800 and dusk on any day without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Secure By Design - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

6. Equipment to disperse odours - 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 authorised working hours.

Reason: To protect the amenity of occupiers of nearby occupiers and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8 metres of the top of the bank of Black's Brook, designated a main river.
2. In aiming to satisfy condition 5 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
3. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP17, CP18, DC20, DC34, DC35, DC48, DC58, DC60, DC61, DC62, DC63 and DC68 of the LDF Core Strategy and Development control Policies Development Plan Document as well as the provisions of Planning Policy Statement 5 and Policies 2.18, 5.12, 6.10, 7.4, 7.5, 7.8, 7.18 and 7.30 of the London Plan.

REPORT DETAIL

1. Site Description:

- 1.1 The application site is located to the northern end of Raphael Park adjacent to the existing children's playground at the head of the former Spoon Pond. The site comprises a parcel of open grassland flanked by mature trees and soft landscaping. The site is set back approximately 70 metres from the park's boundary with Parkway. The park is bounded predominantly by 20th century suburban housing. The nearest residential house to the application site is located at no. 33 Parkway a distance of approximately 88 metres from the site. The park and adjoining land to the east forms part of the Gidea Park Conservation Area.

2. Background Information:

- 2.1 The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. The money will fund a complete refurbishment of the park and will involve improving and restoring the entrance gates, benches, walkways and protecting the parkland and the wildlife. The proposed works would also see the alteration and extension of the former park keeper's lodge building to accommodate a new café, park offices and community facilities. Two other planning applications and an application for demolition have been made in connection with the Heritage Lottery Fund works for various aspects within the park as outlined within the history section of this report.

3. Description of Proposal:

- 3.1 This application seeks planning permission for the construction of a single storey kiosk building to house public toilets and a refreshment serving hatch. The proposed building which would be sited adjacent to the existing children's play area would have external dimensions of 9.2 metres in width by 9.2 metres in depth. The proposed building would be covered by a pitched roof measuring 2.6 metres in height at the eaves and 6.2 metres at the ridge. The proposed building would be constructed from facing brickwork with a hand-made clay tiles to the roof slopes. The fascias, soffits and door frames would be timber with the doors being metal faced.
- 3.2 The layout of the proposed building is such that a refreshment kiosk would be sited towards the front of the building with a serving hatch facing out onto

the footpath and adjacent children's play area. The proposed serving hatch would be covered by shutter doors which could be folded back to display information during periods when the kiosk is open. On the left hand side of the building a path is proposed to provide access to a female toilet, an accessible toilet and a baby change room. On the right hand side of the building a path is proposed to provide access to a male toilet and to a staff entrance for the refreshment kiosk. A dedicated enclosed refuse store is proposed built into the flank wall of the building.

- 3.3 The applicant has advised that the proposed refreshment kiosk would be open October to February inclusive every weekend during park opening hours and during the months of March to September inclusive every day during Park opening hours. The proposed toilets would be open everyday during park opening hours. The operator of the kiosk is to manage the toilets when this is open otherwise the Council's Park's Service would manage the toilets during periods when the kiosk is closed.

4. Relevant History:

- 4.1 The following planning applications are currently under consideration:

P0769.11 - Restoration and extension of the former park keeper's lodge to form a facility for park visitors, including a cafe, toilets, community meeting space and accommodation for park staff

P0770.11 - Construction of a timber bridge over Black's Brook adjacent to the Parkland Avenue entrance to replace an existing concrete culvert together with soft landscaping works and footpath realignment

C0001.11 - Conservation Area Consent for the demolition of the existing café and toilet block and restoration of land to park

5. Consultations/Representations:

- 5.1 Neighbour notification letters have been sent to eleven local addresses and the application advertised. A site notice has also been displayed at the Parkway park entrance. At the time of drafting this report the neighbour notification period, for the notification of revised plans, has not yet expired but will have done prior to consideration of this application by the Committee (consultation period expires 6th September).

- 5.2 Four letters of representation have been received. Several of the letters raise objection to the location of the proposed kiosk being in close proximity to residential properties in Parkway and the fact this could lead to smells. It is for this reason that the applicant has chosen to revise the submitted plans to relocate the proposed building further away from the park boundary. Letters of representation also question the location of the kiosk adjacent to the children's playground as this could cause difficulty for those parents trying to encourage their children to eat healthily. Several letters question why the existing café and toilets are not retained and refurbished.

- 5.3 The Gidea Park and District Civic Society advises that the improvements to the existing children's play area has inevitably and properly greatly increased its use. At the same time this increase in use has increased noise and on street car parking within Parkway. The Society raise no objection to the proposed building but request that it is sited further away from Parkway and adjoining residential properties. As stated above the proposed building has been relocated and revised plans submitted showing the building sited further into the park.
- 5.4 In addition to the consultation undertaken through this application public consultation was undertaken with residents and local interest groups by the Council's Parks Service as part of the Heritage Lottery Fund bid.
- 5.5 English Heritage has no comments to make on the application and advise that the application should be determined in accordance with national and local policy guidance.
- 5.6 The Borough Crime Prevention Design Advisor considers that crime prevention has been taken into account in the design of the proposed building and as such no objection is raised subject to a planning condition about the Secure by Design award scheme.
- 5.7 Councillor Curtin has submitted an email of support for this application setting out the proposal takes full account of the Conservation Area and the park landscape.

6. Relevant Policies

- 6.1 Policies CP7 (recreation and leisure), CP17 (design), DC18 (protection of public open space, recreation sports and leisure facilities), DC20 (access to recreation and leisure), DC58 (biodiversity and geodiversity), DC61 (urban design), DC63 (safer places), DC68 (conservation areas) and DC71 (other historic landscapes) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 3.6 (Children and young people's play and informal recreation facilities), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.18 (protecting open space and addressing local deficiency), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodland) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 5 "Planning for the Historic Environment" and Planning Policy Guidance Note 17 "Planning for open space, sport and recreation" are also relevant.

7. Staff Comments

- 7.1 This proposal is put before the Committee due to the application being submitted by and for land in Council ownership. The main issues to be considered by Members in this case are the principle of development;

design/street scene issues; amenity implications and parking and highways issues.

7.2 Principle of Development

7.2.1 Policy DC18 of the LDF states that the Council will seek the retention and enhancement of existing leisure and recreation facilities and will encourage the provision of additional such facilities. This proposal relates to the provision of a new building which would house a refreshment servery and public toilets. Staff are of the view that the proposal is acceptable in principle as it would assist in the Council's aim of enhancing existing leisure facilities.

7.2.2 Policy DC22 of the LDF and Policy 7.18 of the London Plan seek to retain existing public open space. The proposed building would result in the loss of approximately 109 square metres of parkland. The land to be lost is presently open amenity grass and does not form part of a designated sports pitch. As part of the wider Heritage Lottery Fund works proposed within the park the existing toilet block and café are to be demolished and the park in these locations restored to grass. In view of this there would be no net loss of parkland and as such the proposal would not conflict with policy.

7.3 Design/Impact on Street scene

7.3.1 The proposed building would be set back from the park boundary with Parkway and as such would not appear as a significant addition to the street scene. Views of the building from Parkway would be restricted by the existing boundary fencing and landscaping, both existing and proposed. The design and external materials to be used in the construction of the building would, in staffs' view, be sympathetic to the character of the surrounding area. Staff consider on balance that given the design of the building and the mitigating effect of landscaping, the proposal would not have a materially harmful impact on local character or the street scene.

7.4 Heritage Implications

7.4.1 Raphael Park was one of the key components of the Romford Garden Suburb and was Romford's first municipal public park (officially opened in 1904). Comparatively little has changed in the intervening years and the overall layout and character of the park are still largely intact today. Since 1970 the park and adjoining suburban housing area to the east has been designated a Conservation Area. Raphael Park is also designated a Historic Park of Local Interest.

7.4.2 The proposed building would be sited adjacent to the existing children's play area at the head of the former Spoon Pond. Members may agree that a building of the nature proposed is not uncommon within a parkland setting such as this where ancillary facilities are provided for visitors. The proposed building would be of a traditional design and external appearance whilst serving a functional purpose. Staff are of the view that the proposed building would be of a suitably high quality and would not appear at odds

with the character of the Conservation Area. It is recommended that details of external materials are secured via condition in the event that Members are minded to grant planning permission. Staff are of the view that the siting of the proposed building would not be materially harmful to the historic parkland landscape. Furthermore the siting of the proposed building would not, in staff's view, be harmful to existing views either into the park or from within the park towards the neighbouring 1911 Exhibition and Competition Housing areas. Staff consider, as a matter of judgement, that the impact of the proposed building meets the test of preserving the character of the Conservation Area. In this respect it is not therefore considered that there is a conflict with the provisions of Policy DC68 of the LDF or PPS 5.

7.4.3 The application site is located within an Archaeological Priority Area and as such an archaeology assessment has been submitted with the application. English Heritage has been consulted on the application and raised no objection to the proposals. Staff therefore consider the proposals be acceptable in respect of archaeology.

7.5 Community Safety

7.5.1 Policy DC63 of the LDF advises that new development should address issues of community safety. From a public safety point of view the design of the proposed building has been carefully planned to ensure that the doorways into the toilets and baby changing facilities are visible from the pathway and not hidden out of sight. The proposed building is to be constructed from facing brickwork rather than render in an effort to provide a less inviting surface for graffiti. Low level shrub planting is also to be planted around the rear and flanks of the building to deter anti-social behaviour such as vandalism/graffiti. The proposed doors and serverly shutters are to be metal faced. Staff are of the view that the choice of finishes and materials to be used would provide a robust defence against potential vandalism.

7.6 Biodiversity

7.6.1 Raphael Park as a whole is designated a Site of Local Importance for Nature Conservation. The park contains a number of important habitats and features including Black's Lake and a range of mature trees. Policy DC58 of the LDF seeks to ensure that development proposals protect and enhance biodiversity throughout the Borough. In this case the proposed building and associated works result in the loss of some amenity grassland (approximately 109 square metres in area). The area of grass which would be lost is judged to be of low ecological value and as such no objection is raised to its loss. The submitted plans indicate that additional shrubbery would be planted around the perimeter of the building which staff consider would compensate for the loss of the grassed area. The siting of the proposed building avoids any negative impact upon existing trees.

7.7 Impact on Amenity

- 7.7.1 The proposed building would be sited within the confines of the park approximately 88 metres from the boundary with the nearest residential dwelling. Having regard to the single storey nature of the proposed building and its separation from adjoining residential properties staff consider that the proposal would not have an adverse impact on visual amenity nor result in a loss of light.
- 7.7.2 The proposed building would be sited adjacent to the existing children's play area and sports pitches which can both give rise to periods of noise associated with their use at different times of the day. The proposed refreshment kiosk would be open October to February inclusive every weekend during park opening hours and during the months of March to September inclusive every day during Park opening hours. The proposed toilets would be open throughout the year during park hours. In view of the buildings location, well removed from the boundary with neighbouring residential properties, staff consider that any noise associated with the operation of the kiosk would not be materially harmful to residential amenity.
- 7.7.3 Public toilets can be a source of smell nuisance. In order to limit any problem from arising in this case a regular cleaning programme would be undertaken by the applicant and suitable extraction equipment provided. The proposed refreshment kiosk would include a kitchen area where food could be cooked. In order to ensure that cooking smells do not result in a nuisance specialised extract units over the kitchen equipment are proposed within the ceiling space of the building with a small output vent proposed within the rear roof slope. A planning condition seeking further details of the equipment is recommended in the event that Members are minded to grant planning permission.

7.8 Parking and Highway Issues

- 7.8.1 No dedicated car parking is proposed for staff or customers. Based on the maximum parking standards contained within the LDF one parking space should be provided per 50 square metres of floor space. The proposed building would provide supporting facilities for users of the park. On street parking is readily available within Parkway and the park is accessible by a range of modes including walking, cycle and buses. In this instance staff consider that the absence of dedicated on site car parking is acceptable.
- 7.8.2 Servicing of the proposed kiosk building would take place from the street in Parkway. Given the scale of the proposed refreshment kiosk deliveries are likely to take place by small vans on an infrequent basis. Staff are of the view that the proposed servicing arrangements are acceptable and comply with the provisions of Policy DC36 of the LDF.

6. Conclusion

- 6.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to provide a new kiosk building is

acceptable. Staff are of the view that the proposal would not be materially harmful to the character or appearance of the Gidea Park Conservation Area. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning consent be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on merits and independently from the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed kiosk has been designed to be accessible to all members of the community. The kiosk refreshment servery counter would be at two heights to cater for adults, children and wheelchair users. The proposed toilet facilities comprising male, female and accessible toilets and baby changing room would have level thresholds to their external doors and door widths to accommodate wheelchairs and buggies. Colour contrast between sanitary ware, ironmongery, signage and their related backgrounds would be such to assist users with visual impairment.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 24th May 2011 and revised plans received on 23rd August 2011.