



Application Reference:	P1915.19
Location:	Gidea Park Rugby Club, Rear Of 3-41, Crow Lane, Romford, RM7 0EP
Ward:	Brooklands
Description:	Erection of four, 4-bed detached dwellings with associated parking and amenity space.
Case Officer:	Sam Cadman
Reason for Report to Committee:	<ul style="list-style-type: none"><li>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</li></ul>

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## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1. The proposed development is acceptable in the Metropolitan Green Belt as it falls within the exceptions set out in the National Planning Policy Framework 2019. The application would have a benefit to the delivery of housing in the borough; particularly given that the developer has indicated that these houses could be delivered within a reasonable timescale (9 months, although this was at the time of submission).
- 1.2. The proposed development would be adequately designed, and provide a good quality of accommodation. The development would not have an unacceptable impact on the streetscene or the amenity of neighbouring properties. The proposed development would have an acceptable impact on the highway, and the road network more generally.
- 1.3. The existing car park was considered an 'overflow' car park for the Rugby Club as indicated in the planning application for this car park (P0140.09), and the car park had been leased out for a number of years. As the Rugby club has not used the land for parking cars, the loss of the land and the parking spaces would not have an unacceptable impact on the Rugby Club.
- 1.4. However, further details are required in relation to land contamination and construction management to ensure that the land is safe for residential uses, and to ensure that there would not be an unacceptable hindrance to the

operation of the Rugby Club during construction. These details can be required by way of imposing a condition on any grant of planning permission.

## **2 RECOMMENDATION**

- 2.1. That the Committee resolve to GRANT planning permission subject to the suggested planning conditions.

### **Conditions**

1) The development to which this permission relates must be commenced not later than three years from the date of this permission.

2) 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).

3) No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been

carried out satisfactorily and remediation targets have been achieved.

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and
- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

4) 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;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

5) No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by the Local Planning Authority, in accordance with the "watching brief" proposals agreed

pursuant to this condition and shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

6) 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, unless otherwise agreed in writing by the Local Planning Authority.

7) The scheme for the protection of preserved trees on the site as indicated in the submitted Arboricultural Report (Dated 19<sup>th</sup> December 2019) and the Landscape Plan shall be implemented before development commences and kept in place until the approved development is completed. If any of the trees die, they would need to be replaced by a tree of the same species during the next appropriate planting season.

8) No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

9) No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

10) Before the buildings hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

11) The proposed windows in the side elevations of the buildings hereby permitted shall be permanently glazed with obscure glass not less than level 3 on the standard scale of obscurity and shall be retained thereafter.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, - or any other development order repealing or amending the said Order - other than porches erected in accordance with the Order, no extension or enlargement

(including additions to roofs) shall be made to the new dwellinghouses hereby permitted, or any detached building(s) erected, without the express permission in writing of the Local Planning Authority.

### **Informatives**

1) Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2019, additional information on the impact of the proposals on the operation of the rugby club were sought from the agent; who provided an additional amended design and access statement to address and overcome these concerns.

2) The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological "watching brief" to take place during all new foundation and other below-ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and to allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures.

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1. The application is seeking planning permission for:  
*Erection of four, 4-bed detached dwellings with associated parking and amenity space.*
- 3.2. The proposed buildings would be two storey, and have an eaves height of approximately 5m, a maximum height of approximately 7.3m, a total width of approximately 11m, and a length of approximately 12m.
- 3.3. Each of the proposed dwellings would have two off-street car parking spaces, waste and refuse storage and cycle storage, as well as their own private rear gardens over 100sqm in area for each house.

### **Site and Surroundings**

- 3.4. The site is located on the southern side of Crow Lane, does not contain any buildings, and due to the historic use of the land (and an application from 2009), the site forms part of the car park for the Gidea Park Rugby Club.
- 3.5. The site lies in the Archaeological Priority Area, but does not contain or affect the setting of any other heritage assets. The site lies in the Metropolitan Green Belt, and in an area identified for hazardous substances.

## **Planning History**

- 3.6. The following planning decisions are relevant to the application:

LHAV/566/82 Provision of 4 rugby pitches and 2 new clubhouses / changing rooms

Approved and development implemented.

P2155.06 Proposed extensions and alterations to existing clubhouse with associated parking

Approved and development implemented.

P0140.09 Use of overspill car park on an unrestricted basis. (Deletion of condition 14 attached to planning permission P2155.06)

Approved and development implemented.

## **4 CONSULTATION RESPONSE**

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".

- 4.2. The following were consulted regarding the application:

### **LB Havering Street Management (Highways)**

- 4.3. "With regards to the above application, we have no objection."

### **LB Havering Waste and Recycling**

- 4.4. No objections to the scheme.

- 4.5. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property, at the driveway entrance on Crow Lane, on the scheduled collection day."

### **LB Havering Environmental Protection Officer**

- 4.6. "The application site is located on a former unlicensed landfill [site]. The applicant indicated on the planning application form that land contamination is not an issue, a phase 1 assessment should have been provided on validation. A land contamination assessment must be undertaken to ensure the site is suitable for residential use. I recommend standards condition SC65 be applied should approval be granted."

- 4.7. "I have no objection on air quality grounds."

### **LB Havering Public Protection Officer**

- 4.8. "[I] recommend refusal on noise grounds unless the following conditions can be attached and enforced:

*The building(s) shall be so constructed as to provide sound insulation of 45DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority*

*Reason: to prevent noise nuisance to adjoining properties”.*

- 4.9. OFFICER COMMENT: The proposed level of occupancy is not considered to be a level beyond that of the existing sports pitch use or that of the car park. In the normal course of use, the noise emanating from a house – or even four houses - would not be sufficiently harmful to neighbouring properties to warrant specific measures to protect against noise nuisance. Any airborne noise from the houses would be at a time when occupants and residents are using their gardens, at which point the requirement for acoustic insulation on the house would be rendered useless. In this situation, the consultee has not provided sufficient reasoning or justification for imposing the condition, and officers consider that this would fail the six tests for imposing conditions (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects).

#### **London Fire Brigade – Hydrant Officer**

- 4.10. No objections to the scheme.
- 4.11. “I can confirm no additional hydrants are required and no further action is required by our office. We are happy for the works to go ahead on site as planned.”

#### **London Fire Brigade – Fire Safety Regulation**

- 4.12. No objections to the scheme.
- 4.13. “The Commissioner is satisfied with the proposals in relation to access and facilities for the fire service. The commissioner strongly recommends that sprinklers are considered for new developments and major alterations existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses for developers and building owners to install sprinkler systems in order to save money, save property, and protect the lives of the occupier.”

#### **Anglican Water Services Ltd**

- 4.14. No objections to the scheme.
- 4.15. “The applicant should check for any Anglican Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure map on Digdat. [...] Please note if diverting or crossing over any of our assets permission will be required.”

#### **Essex and Suffolk Water**

- 4.16. No objections to the scheme.

- 4.17. "Our records show that we do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection for the new dwellings is made onto our Company network for revenue purposes".
- 4.18. OFFICER COMMENT: Commercial interests are not planning considerations. Consequently, as the objection is conditional on the installation of an 'Essex and Suffolk Water' utility connection, this shall not be taken as an objection to the scheme.

## **5 LOCAL REPRESENTATION**

- 5.1. A total of 26 neighbouring properties were notified about the application and invited to comment. Furthermore, the application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The application has also been publicised in the local press.
- 5.2. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:
- 5.3. No of individual responses: 4, of which, 4 objected
- 5.4. The following Councillor made representations:
- Councillor Robert Benham objecting on the following grounds:
    - Issues with increased noise and nuisance arising from 4 additional dwellings.
    - Impact on loss of parking. When rugby matches and large events take place, the current car park isn't sufficient and results in overspill parking on Crow Lane. So this loss would have a detrimental effect.
    - Impact on neighbours. Loss of enjoyment from their garden, due to the proposed dwellings.
    - Possible loss of green belt / open spaces.

### **Representations**

- 5.5. The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### **Objections**

- Point 1 – Development on (and loss of) green belt land and open space.
- Point 2 – Impact on neighbouring amenity.



- Point 3 – Increased noise and nuisance from the additional dwellings.
- Point 4 – Concerns over parking issues; specifically the displacement of parking need by the rugby club, particularly on match days and at large events.
- Point 5 – Conflict with condition 14 of application P0140.09.
  - OFFICER COMMENT: application P0140.09 was only subject to 9 conditions. However, application P2155.06 was subject to 18 conditions, and it is presumed that this is the relevant permission.

5.6. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the five points above is indicated in the report, and precedes the relevant heading or paragraph.

## **6 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of Development
- Green Belt and Open Land Issues
- Built Form, Design and Street Scene Implications
- Impact on Neighbouring Amenity
- Transport
- Financial and Other Mitigation
- Other Planning Issues

### **Principle of Development**

6.2. New housing utilising brownfield (previously developed) land is generally supported by policies of the Development Plan. The application would also preserve community facilities (sports facilities), although the level of parking would be impacted.

6.3. The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the National Planning Policy Framework 2019 (NPPF) is relevant.

6.4. However, paragraph 11d) of the NPPF has two caveats, including the protection of the Metropolitan Green Belt (MGB) from unacceptable development; and Chapter 13 (in particular paragraphs 143-147) of the NPPF has significant planning weight in this respect. The other caveat refers to planning balance, and it is by this that the NPPF also has other aims, one such being the desire to achieve well designed places, and that development integrates well into its surroundings.

- 6.5. As a result, any proposed development would need to demonstrate compliance in relation to development in the MGB, and that the benefits outweigh any adverse impacts in order to benefit from the presumption under 11d). Therefore subject to further assessment the development is not opposed in principle, providing that the proposal is acceptable in all other material respects.

**Green Belt and Open Land Issues (Point 1)**

- 6.6. NPPF paragraph 145 states that new buildings are inappropriate unless they meet one of the exceptions as indicated a) to g). Exception e) applies, which states that new buildings are only acceptable when:

*'e) limited infilling in villages;'*

- 6.7. Crow Lane is a long road which has development either side of it; industrial uses to the northern side, and more residential to the southern side. In this situation, the site lies along this road, and is considered "ribbon development" which aligns with the other built up areas of Crow Lane. Similar situations can be found in areas of Havering-Atte-Bower (In particular North Road), and South Ockendon (In particular Church Lane). Consequently, for the purposes of assessment, this exemption applies to ribbon development which is built up along Crow Lane. The site lies in a small section of Crow Lane where there is a noticeable gap within the streetscene, and it is clear that the site would be infilling part of these gaps.
- 6.8. Consequently, the proposals would fall within the exemption criteria of NPPF paragraph 145(e) and would be acceptable development in the MGB.
- 6.9. There is an identified need for additional housing to be delivered in the borough; in particular four 4-bed houses which is an uncommon typology (size of dwelling) coming forward in applications. As a result, the presumption under NPPF paragraph 11d) is applied, and the strict criteria of HCS policy DC45 does not apply in this situation.
- 6.10. The site is designated as open land, and the application would see a dramatic improvement in the quality of the open space; from a car park to private gardens. Furthermore, the land has not been used by the community services in the past, nor would the removal of this hinder the operation of the Rugby Club. As a result of this, there would be a change in the nature of the open space, which would also result in better quality open space. Consequently, there would not be an unacceptable impact on open space, and the presumption found under NPPF paragraph 11d), and issues under DC18 and DC20 are not sufficient to warrant refusal of the scheme on this basis.

**Built Form, Design and Street Scene Implications**

- 6.11. There are similar developments in the area in terms of character, and the proposed buildings respect in terms of both the material choice and roof forms the surrounding vernacular design and character of the area.

Furthermore, the buildings would be set back from the front of the site, and retain the characterful open nature of the streetscene.

- 6.12. The site as existing has several trees which line the car park and the entrance to the site. The submitted drawing "Tree Protection Plan" indicates that several trees would be protected during construction and retained thereafter. This would be acceptable, and help create a green and verdant setting once completed. It would be necessary however to impose a condition to ensure that this will be applied; or if any of the trees die, they would need to be replaced by a tree of the same species during the next appropriate planting season.
- 6.13. The proposed units would meet the internal space standards as set out in policy 3.5 (and Table 3.3) of the London Plan, and the Technical Housing Standards, would have an acceptable, dual-aspect accommodation with suitable amounts of ventilation and outlook, and is of a suitable size for the level of proposed occupancy. The garden spaces would be expansive (over 390sqm in area), and would be regular, easy to use, and practicable for future occupants.
- 6.14. There is no information sustainable design, although given the limited scale of the proposed development, it is not considered necessary to require additional information on this.
- 6.15. The location of the waste and refuse storage would be acceptable, and practicable for future occupants.

#### **Impact on Neighbouring Amenity (Point 2)**

- 6.16. The site lies on the southern side of Crow Lane, and is set back from neighbouring properties and the boundaries of their own site. The closest house (No55 Crow Lane) is over 6m away, which is similar to other developments in the area. The windows on the side elevation facing No55 would be a similar distance from any windows of No55, and would be small in size, and in any event can be conditioned to be obscurely glazed if there are concerns over privacy. The closest distance to the side boundary on any of the proposed dwellings is 1.2m, and given the layout of neighbouring properties, these would not directly impact any private amenity space. Furthermore, the roof forms lessen the visual mass and built form at roof floor level, consequently, the proposed houses would have an acceptable impact on daylight, sunlight, outlook and sense of enclosure to neighbouring properties.
- 6.17. **(Point 3)** The increase in the number of residential units and occupants in this area would not increase the amount of noise or disturbance to neighbouring properties to an unacceptable level. The noise consultee did ask for additional noise insulation on the proposed dwellings to prevent airborne noise from emanating from the site. However, the only identifiable source of noise would be from occupants using their gardens, and there is no justifiable reason for imposing the condition.

- 6.18. The existing car park was considered an 'overflow' car park for the Gidea Park Rugby Club as indicated in the permission which granted its' use (application reference P0140.09) ,and so the loss of the land and the parking spaces would not have an unacceptable impact on the Rugby Club.

### **Transport**

- 6.19. The site has a Public Transport Access Level (PTAL) of 1a (very poor), and given the size of the proposed dwellinghouse, it would be reasonable to assume that any future occupants would rely on private vehicles, and the quantum and design of the parking provided is acceptable and practicable.
- 6.20. The site does not have any areas set aside for cycle parking, and as sustainable modes of transport is promoted by policies of the Development Plan in general, details of this would need to be provided, and in line with the London Cycle Design Standards are secured by condition.
- 6.21. **(Point 4)** It is not clear if there would be adequate access to the rugby club during construction of the buildings, or how much space would be required during construction. Therefore, it would be necessary to impose a condition in relation to construction management on any grant of planning permission.
- 6.22. This section of Crow Lane is subject to parking restrictions; although these do not apply on Sundays. There are concerns over the displacement of parking provision for the rugby club, particularly on match days or days where there are large events. The permission in 2009 clearly indicated that this was used as an overflow car park, and therefore it was not intended for this to be used as primary car parking provision for the club. It has been confirmed that the pieces of land to be used for the new houses have not been utilised by the rugby club for some time, and that this overflow rugby club parking is not required for the rugby club to operate. Officers have reviewed the calendar of events for the Rugby Club during 2019, and it is clear that all of the rugby events occur on a weekend, with most occurring on a Sunday; when there is no parking restrictions on Crow Lane (Sundays). The loss of car parking may result in some additional on-street parking on a Sunday if particular events or activities are taking place. However, it is not significantly different from the current situation, and the extent of any detrimental impact would not justify a refusal of planning permission.
- 6.23. Furthermore, the Highways consultee has not objected to the scheme on highways grounds, and therefore the development complied with HCS policies DC32 and DC33.

### **Financial and Other Mitigation**

- 6.24. The application proposes new residential units, and new floor space of approximately 720sqm. The application would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
- £90,000 LB Havering CIL

- £18,000 Mayoral CIL

6.25. Given the size of the site (less than 0.5ha), the scale of the proposed development (less than 10 units), and the density of development (which falls within the requirements of policy DC2), there is no need for the scheme to make a contribution to any affordable housing under policy DC6, and DC72.

### **Other Planning Issues**

6.26. **(Point 5)** The planning permission granted for the use of the site as car parking (P2155.06) was subject to condition 14 which states:

“14. No development under this permission shall commence until a scheme for the control of car parking on the western side of the site entrance adjacent to 55 Crow Lane has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall provide for the use of this area as overspill car parking on match days only and during the hours of 12:00 and 19:00. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.”

6.27. This condition does not prevent or preclude the ability of future development from being carried out on the site, and any implementation of a new planning permission effectively extinguishes the previous permission and the condition attached to the previous permission. Therefore, so long as the issues used as part of the justification for the conditions are adequately addressed or mitigated on any subsequent application.

6.28. The LB Havering Environmental Protection Officer consultee suggested a condition in relation to the scheme as the site lies on a previous unlicensed landfill site. Officers agree that this is of concern, and that the recommended conditions are required.

6.29. It is not clear if the site would hold any archaeological artefacts of heritage interest, although given the historic use of the site for industrial purposes it is unlikely that there will be. However, it will be necessary to impose a condition for a “watching brief” in the event that such an artefact is found.

6.30. There is the possibility under the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended - or under any subsequent Development Order – for the houses as proposed to be altered, enlarged or otherwise changed. Whilst there are restrictions on this as the site lies in the Metropolitan Green Belt (“Article 2(3) land”), it would be necessary to limit the ability of any alteration or enlargement of the proposed developments by imposing a condition on any grant of planning permission.

### **Conclusions**

6.31. In their advice, the Planning Inspectorate indicated that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of

the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.

- 6.32. All other relevant policies and considerations have been taken into account. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).