



Application Reference:	P1499.20
Location:	Gidea Park Rugby Club Rear Of 3-41 Crow Lane Romford RM7 0EP
Ward:	Brooklands
Description:	2x one storey, 2-bed, detached dwellings, with associated parking and amenity space.
Case Officer:	Jessica Denison
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 an additional development, following on from P1915.19 which allows for the 'Erection of four, 4-bed detached dwellings with associated parking and amenity space' at the north of the site. It was called into the planning committee and approved on 30 July 2020 subject to officer recommendation.
- 1.2. This type of residential 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 additional housing in the borough.
- 1.3. The proposed dwellings would be adequately designed and provide a good quality of accommodation as well as satisfactory associated parking and amenity spaces. The development would not have an unacceptable impact on the streetscene or the amenity of neighbouring properties.
- 1.4. The subject land is considered an 'overflow' car park for the Rugby Club as indicated in the planning application for this car park (P0140.09). More recently the Club made an agreement to lease out some of the area / spaces to Royal

Mail, which in fact was a breach of conditions. However, this proves that the Rugby Club cannot / do not rely on this space for its members. Therefore, the loss of the land and the parking spaces would not have an unacceptable impact on the Rugby Club.

- 1.5. Following on from the conditions that were imposed on the previous approval, 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) Time period: The development to which this permission relates must be commenced not later than three years from the date of this permission.
- 2) Approved 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).
- 3) Land contamination: 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) Construction management: 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) Archaeology: 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) Tree Protection: No works shall take place in relation to any of the development hereby approved until an Arboricultural Report for the protection of preserved trees on the site as indicated in the submitted Landscape Plan (dated 9 September 2020) is submitted to and approved in writing by the Local Planning Authority. 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.
- 7) Car parking: 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.
- 8) 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, unless otherwise agreed in writing by the Local Planning Authority.

- 9) External materials: Prior to any above ground works, samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 10) Cycle storage: No building shall be occupied or any use commenced until cycle storage is provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.
- 11) Refuse and recycling: No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
- 12) Obscure glazing: 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 thereafter be maintained.

### **Informatives**

- 1) Archaeology: 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.
- 2) Metropolitan Green Belt: The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.
- 3) CIL: The application proposes 2 new residential units, and new floor space of approximately 170sqm. The application would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
  - £21,250 LB Havering CIL
  - £4,250 Mayoral CIL

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 3.1. The application is seeking planning permission for the construction of 2x single-storey, 2-bedroom detached bungalow dwellings with associated parking.
- 3.2. The dwellings would be positioned to the rear of the 4 double-storey dwellings previously approved under P1915.19, creating a total of 6 dwellings on the brownfield site.
- 3.3. The proposed buildings would have an eaves height of approximately 2.30m, a ridge height of approximately 4.95m, a maximum width of approximately 10.20m and length of approximately 12.20m.
- 3.4. The dwellings would comprise 2 bedrooms, 2 bathrooms, a kitchen and open plan living area across an area of 85sqm each. The bungalows are proposed to be finished with 'Hardiplank Cobblestone' and 'Graven Red Multi Brick' walls, 'White UPVC' windows, fascia and soffit, 'Composite Cream' front door and a 'Plain Clay Tile' hipped roof.
- 3.5. Vehicle access would be provided via the existing roadway which leads to the Rugby Club further south. They would each be provided with a 2 off-street car parking spaces, a designated area for waste and refuse storage, as well as their own private rear gardens of approximately 175sqm for each house.

#### **Site and Surroundings**

- 3.6. 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.
- 3.7. The site lies in the Archaeological Priority Area but does not contain nor would the proposal affect the setting of any other heritage assets. The site is within the Metropolitan Green Belt, and in an area identified for hazardous substances.

#### **Planning History**

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

P1915.19

APPROVED on 3 August 2020 allowing 'Erection of four, 4-bed detached dwellings with associated parking and amenity space'. Was called into the planning committee and approved on 30 July 2020 subject to officer recommendation. Conditions 3 (Contaminated land) and 8 (Materials) have been partially discharged. All other conditions remain.

P1507.14

REFUSED on 2 June 2015. Had sought 'Retention of various works including (i) additional floodlights on six previously approved columns, (ii) two storage containers, (iii) earth bunds to parts of western and southern site boundaries, (iv) hard and soft landscaping and associated pedestrian paths, and (v) parking area; proposed construction of timber screen fencing to parts of eastern and western boundaries of parking area.'

P0140.09

APPROVED on 23 March 2009 allowing 'Use of overspill car park on an unrestricted basis. (Deletion of condition 14 attached to planning permission P2155.06)'

P2155.06

APPROVED 3 January 2007 allowing 'Proposed extensions & alterations to existing clubhouse with associated parking'.

P1705.05

APPROVED on 9 November 2005 allowing 'retention of car parking area'.

LHAV/566/82

APPROVED in 1982 allowing 'Provision of 4 rugby pitches and 2 new clubhouses / changing rooms'.

#### **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 Waste & Recycling**

Sacks will need to be presented by 7am at the driveway entrance on Crow Lane, on the scheduled collection day.

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

No objection subject to conditions in relation to land contamination matters.

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

No objection subject to condition relating to construction hours and noise.

##### **Haven House**

No objection

**Anglian Water Services Ltd**

No objection

**Network Design & Consultation**

No objection

**London Fire Brigade (Hydrant)**

No additional hydrants or further action required.

4.3. All had previously been consulted as part of the application P1915.19.

## **5 LOCAL REPRESENTATION**

5.1. A total of 31 neighbouring properties were notified about the application and invited to comment. A site notice was also installed.

5.2. The number of representations received in response to notification and publicity of the application were as follows:

5.3. No of individual responses: 3 Councillor comments.

5.4. The following Councillors made representations:

- Councillor Benham objected on the following grounds:
  - Impact on the greenbelt
  - Cramped design, backyard development
  - Stealth application
  - Cumulative impact
  - Parking issues when the Rugby Club has games and hosts events
  - Lack of public transport, 499 bus only goes in a westerly direction away from the Romford Town Centre
  
- Councillor Ryan and Councillor Persaud also supported the above call-in and objection.

5.5. No public representations were received.

## **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 overflow 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**

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.

6.8. The red line area identified as part of this application lies to the rear of this 'ribbon development' area, directly behind the 4 double-storey dwelling previously approved as part of application P1915.19. The 2 new single-storey dwellings would not extend beyond the existing rear boundary line and would align with other neighbouring buildings and plots.

6.9. Consequently, the proposals would fall within the exemption criteria of NPPF paragraph 145(e) and considered acceptable development in the MGB.

6.10. There is an identified need for additional housing to be delivered in the borough, 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.

6.11 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 dwellings and garden areas. Furthermore, the land has not been used for community services in the past, nor would the removal of this hinder the operation of the Rugby Club. The proposed development of dwellings and ancillary garden areas is considered to 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 regarding the protection of, and access to, recreation, sports and leisure facilities including open space are not sufficient to warrant refusal of the scheme on this basis.

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

6.12 There are similar developments in the area in terms of character, and the proposed bungalows 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 previously approved dwellings north of the site and retain the characterful open nature of the wider streetscene.

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 280sqm each in area), and would be regular, easy to use, and practicable for future occupants.

6.14 There is no information regarding sustainable design. Although given the limited scale of the proposed development, it is not considered necessary to require additional information.

6.15 The location of the waste and refuse storage provision would be acceptable, and practicable for future occupants. The provision of the storage prior to occupation would be secured by a planning condition.

### **Impact on Neighbouring Amenity**

6.16 The site lies on the southern side of Crow Lane and is positioned to the rear of those dwellings approved under application P1915.19. The closest dwellings would be to the north, positioned over 17 metres away, which is considered to alleviate any major privacy impacts.

6.17 The closest distance to the shared side boundaries on both of the proposed new bungalow dwellings is 1.6m, and given the layout of neighbouring properties, these would not directly impact any private amenity space. Furthermore, the single storey form lessens 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.

6.18 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.

6.19 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**

6.20 The site has a Public Transport Access Level (PTAL) of 1a (very poor), and given the size of the proposed dwellinghouses, 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.

6.21 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 cycle parking would need to be provided in line with the London Cycle Design Standards. Such provision should be provided prior to occupation and is secured by condition

6.22 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 to ensure adequate access remained for all users of the internal road.

6.23 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 area to be used as primary car parking provision for the club. It has been confirmed that the 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.

6.24 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.

6.25 Furthermore, the Highways Authority has not objected to the scheme on highways grounds, and therefore the development complies with HCS policies DC32 and DC33

### **Financial and Other Mitigation**

6.26 The application proposes 2 new residential units, and new floor space of approximately 170sqm. The application would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £21,250 LB Havering CIL
- £4,250 Mayoral CIL

6.27 Given the size of the site (less than 0.13ha), 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**

6.27.1 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.”

- 6.28 Condition 14 was then removed as part of application P0140.09, and replaced with a new condition 7 which states:

“7. 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 only. The scheme shall be implemented in accordance with the approved details.”

- 6.29 It is worth noting that neither the original condition 14 nor replacement condition 7 prevented or precluded 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 previous conditions are adequately addressed or mitigated on any subsequent application, then this should not inhibit the decision.

- 6.30 The LB Havering Environmental Protection Officer consultee as part of previous application P1915.19 suggested a condition in relation to the scheme as the site lies on a previous unlicensed landfill site. Officers agree that this remains of concern, and that the recommended conditions are required for this application (included as proposed Condition 3: Land contamination).

- 6.31 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 (included as proposed Condition 5: Archaeology).

- 6.32 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**

- 6.33 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 carefully given to such implications.
- 6.34 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).