

 <p>Havering LONDON BOROUGH</p>	<p>Strategic Planning Committee 25 February 2021</p>
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Application Reference:	P1125.20
Location:	Rainham Recreation Ground, Viking Way, Rainham, RM13 9YG
Ward:	Rainham & Wennington
Description:	Erection of a single storey building to provide a new leisure centre comprising: swimming pool, gym, fitness/dance studios and associated changing facilities; together with alterations to the existing layout of the remaining park area, including relocation of existing play and outdoor gym equipment.
Case Officer:	John Kaimakamis
Reason for Report to Committee:	The application is a significant development which has been submitted by the London Borough of Havering. The Local Planning Authority is considering the application in its capacity as local planning authority and without regard to the identity of the Applicant.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 There are no in principle objections to the proposals and through the application of conditions and a legal agreement officers are able to secure a good level of design and the use of high quality materials.

- 1.2 The approach to site layout, height and massing represents an acceptable approach given the location of the site. This initial scale and design was also reviewed by Members of the Strategic Planning Committee and the Council's Quality Review Panel.
- 1.3 The development would make an important contribution to the community with the provision of a new leisure facility, which also includes an improvement to the quality of the open space surrounding the new building.
- 1.4 Although there is an overall loss of open space as a result of the proposal, there are good standards of overall open space provision in the vicinity of the site and the proposal is accompanied by extensive landscape proposals to improve the existing conditions of the site. On balance, it is considered that the loss of open space accords with relevant planning policy and that any harm identified with the proposal is outweighed by the presumption in favour of sustainable development.
- 1.5 The recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated. Therefore officers consider that all matters have now been sufficiently addressed and the application is recommended for approval.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to:
 - a) No objection consultation response from the Environment Agency;
 - b) The prior completion of a legal agreement to secure the following planning obligations
 - 70% CO² and Carbon offset fund contribution in respect of shortfall of the 30% required to achieve a 100% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed;
 - The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
 - Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

completion of the Section 106 agreement to the date of receipt by the Council.

- 2.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above.
- 2.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time Limit
2. In Accordance With Approved Drawings
3. Material Samples (including entrance details, mortar, edge, canopies etc)
4. Hard and Soft Landscaping
5. Landscape Maintenance Strategy
6. Secured by Design
7. Boundary Treatments including defensible spaces.
8. Fire Strategy
9. Energy Strategy Compliance
10. Air Quality Neutral Assessment
11. Dust Risk Assessment
12. External Lighting Scheme
13. Noise Protection Buildings
14. Noise Protection Plant Machinery
15. Gas Protection Measures
16. Non-Road Mobile Machinery
17. Noise and Vibration Scheme
18. Surface Water Drainage Strategy
19. Ecology Appraisal
20. Biodiversity Method Statement and Enhancement Strategy
21. Sustainable Urban Drainage Systems (SUDs)
22. Water efficiency
23. Vehicle Cleansing
24. Cycle Parking Management Plan
25. Construction Method/Management Statement
26. Delivery and Servicing Plan
27. Travel Plan
28. Construction Hours (8am to 6pm Mon-Fri, 8am to 1pm Sat, none Sunday and Bank Holidays)
29. Refuse and Recycling Details (including Management and on site provision)

Informatives

1. Changes to the public highway
2. Highway legislation
3. Temporary use of the public highway
4. Adoption of roads
5. Surface water management
6. Highway approval required
7. Secure by design
8. Community Infrastructure Levy (CIL).
9. Planning obligations
10. NPPF positive and proactive
11. Thames Water Groundwater Risk Management Permit

3. SITE AND SURROUNDINGS

- 3.1 The site comprises the Rainham Recreation Ground (owned by the Council), which is located on the north side of Viking Way.
- 3.2 Rainham Recreation Ground is designated as Public Open Space, and comprises: open grassland used for informal recreation and play, together with a children's play facility, outdoor gym and enclosed ball court. The western boundary of the Recreation Ground is lined with a variety of small trees and shrubs.
- 3.3 Adjoining the west of the Recreation Ground is a Council-operated pay-and-display car park (freehold owned by Tesco) which provides 32 spaces including 3 disabled access spaces. It is understood that this car park is not heavily used.
- 3.4 Adjacent to the west of the Recreation Ground and pay-and-display car park is a very large private commercial car park associated with the Tesco Extra supermarket. The public can park for free in this car park for up to 3 hours.
- 3.5 To the north of the site runs the River Ingrebourne. A footpath through the Recreation Ground provides pedestrian access to the river area. Due to proximity to the river, the site lies with Flood Zone 3a & 2.
- 3.6 Adjoining the east of the Recreation Ground is the Rainham Village Primary School and Children's Centre, which comprises single storey buildings and large open tarmac play areas.
- 3.7 To the south of the site is Viking Way (a single directional carriageway) which connects the roundabout junction of Bridge Road and Lamson Road (to the

west) to Upminster Road South (to the east) and provides access to the Tesco supermarket.

- 3.8 On the southern side of Viking Way is a small area of open grassland with a public footpath, providing connection for pedestrians from Tesco supermarket and the north, to Upminster Road South, heading towards the centre of Rainham Village. South of the grassland is a small two-storey terrace of 10 houses which front Upminster Road South.
- 3.9 The historic centre of Rainham Village and the Rainham Conservation Area are located to the south of the site. The northern boundary of the conservation area extends close to the south of the site. The conservation area is centred around the Grade I listed Norman Church of St Helen & St Giles. Views of the church tower are protected as the setting of the Grade I listed building and the setting of the conservation area.
- 3.10 The site is located within the boundary of Rainham Town Centre and is covered by the Specific Site Allocation SSA16 for Rainham Central.

4 PROPOSAL

- 4.1 The application seeks planning permission for the erection of a single storey leisure centre building located on the west side of Rainham Recreation Ground to the north of Viking Way.
- 4.2 The building would provide a swimming pool, gym and fitness/dance studios, together with associated changing facilities.
- 4.3 The proposal includes landscaping and reconfiguration of the remaining park area, including relocation of the existing play and outdoor gym equipment.
- 4.4 Staff and service user parking, including disabled parking, is proposed to be provided within the adjacent Council-operated pay-and-display car park located to the west of the site.
- 4.5 The building would be accessed from the south off Viking Way.
- 4.6 The building would be serviced from the northwest corner via the adjacent Tesco car park.

5 PLANNING HISTORY

- 5.1 There is no recent relevant planning history that relates to the current proposals at the site.

6 STATUTORY CONSULTATION RESPONSE

6.1 A summary of consultation response are detailed below:

- **Environment Agency:** No comments received.
- **Thames Water:** No objection subject to informatives.
- **London Fire and Emergency Planning Authority:** No comments received.
- **LBH Environmental Health (Land Contamination, noise, air quality):** No objection subject to conditions governing contaminated land, air quality neutral, non-road mobile machinery, noise and sound insulation.
- **LBH Highways:** No objection subject to conditions governing works to the public footpath, highways works and vehicle cleansing.
- **LBH Refuse Officer:** The business should have a suitable waste collection/contract to meet the requirements of the business.
- **LBH Flood and Drainage Officer:** No objection subject to further details regarding drainage being secured by condition.

7 COMMUNITY ENGAGEMENT

7.1 In accordance with planning legislation, the developer has consulted the local community on these proposals as part of the pre-application process.

7.2 Local residents were invited to give their views on their preferred location for the proposed development. An online survey was made available from 31st October 2019 to 17th November 2019. This is discussed further in section 10 of this report.

7.3 Drop in sessions were also held at Rainham Library on 11th and 15th November 2019.

7.4 Discussions were also held with local councillors.

8 PREAPPLICATION DISCUSSIONS

Quality Review Panel (QRP) Comments

8.1 The application was presented to the Havering Quality Review Panel on the 20th May 2020. The following comments were made by the QRP:

- The panel recognises the scheme will be a valuable community facility, one that has the potential to enhance an equally valuable asset, Rainham Recreation Ground, which is a valuable community resource in its own right. However, the current proposals do not yet realise this second opportunity and the design team will need to work harder to integrate the building, landscape and place if the opportunity is not to be missed. This will require an approach that sees the building as part of its setting, not simply in it.
- The panel would like to see the design team revisit the building's specific location within the park, to explore the possibility of locating the building to the west side of the park adjacent to the school.
- The panel would like the design team to explore the potential for stacking some of the internal uses to create a two-storey building with a smaller footprint in the park.
- The panel would like to see greater links between the internal uses of the facility and the park beyond, building on the introduction of a window looking out from the gym to create a landscaped connection between the interior and exterior, so that the view out is as attractive as can be.
- The landscape design should be an important part of this scheme, but currently is neglected within the proposals. Used creatively, landscape could help to integrate the building with its setting and also be used to create more satisfactory level access, rather than the engineered ramp proposed.
- The potential for accessing additional funding to support a high quality park landscape should be explored with LBH, including the possibility of drawing on grant funding or S106 contributions from nearby development in the Beam Park area.
- The current layout and orientation is driven by simple assumptions about the internal functions and servicing of the facility, without proper regard for its setting. As a consequence, the proposed layout creates pinch points and awkward spaces, rather than making best use of the site.
- Currently the rationale for the location of the entrance is unclear, and it is hard to make sense of the arrival point. To address this, and to improve the building's relationship with the park, the entrance could be moved to the southeast corner, with the internal configuration transposed accordingly.

- The panel feels that attempts to reference the smaller, suburban scale of Rainham village, rather than the neighbouring superstore, is the right approach. However, the attempt to recognise this context in the pitched roof has resulted in an overcomplicated solution. The panel would rather see a simpler building, using a small palette of local materials without unnecessary embellishment, such as the inverted canopy over the entrance, with resources diverted to integrating the landscape into the scheme.
- There is currently insufficient information, in the form of verified views, to make any definitive comment on the impact of the scheme on the neighbouring Conservation Area, but providing the building does not intrude upon views of the church, it is likely to be acceptable.

Developer Presentation to Strategic Planning Committee (25th June 2020)

8.2 A summary of comments from the Committee Members were as follows:

- Concern over the positioning of the building in relation to Viking Way in order to protect the value of the existing open space
- Should investigate the options to obtain land from the school to minimise impact on loss of open space
- Design needs to be appropriate, high quality and be sympathetic to the site's location near a conservation area
- Concern over the potential implications for the development of the proposed car parking not being in the applicants control
- Preference for the development to be single storey not two storey in height given its location and nearby conservation area
- Upgrading the land to the south of Viking Way could in part help to off-set the loss of open space
- Do not support the relocation of the Centre adjacent to the school due to the adverse impact this would have on the school
- Proposals should as part of the development consider relocation of the existing MUGA
- Given the sites location on a floodplain the design needs to ensure that this issue is fully taken into consideration

8.3 Following these presentations and Members comments, the applicant has provided the following response:

SPC Comments	Applicant Response
<p>Concern over the positioning of the building in relation to Viking Way in order to protect the value of the existing open space.</p>	<p>The building has been moved further back on the site from Viking Way compared to the original scheme presented during the community engagement. Due to the mound near to the MUGA this is as far back from Viking Way as we can move the centre. We have considered other locations for the centre on the overall site, and this is considered to be the best location.</p>
<p>Should investigate the options to obtain land from the school to minimise impact on loss of open space.</p>	<p>We have discussed this previously with Rainham Village Primary School, and in principle they considered that they might take this to their Governing Body. We can ask them if they are still willing to consider this. It should be noted that the levels between the Recreation Ground and the school site are considerable and steep. Investigation as to whether it is viable to move the fence line further back onto the school site needs to also be considered.</p>
<p>Design needs to be appropriate, high quality and be sympathetic to the site's location near a conservation area; and Preference for the development to be single storey not two storey in height given its location and nearby conservation area</p>	<p>We consider that a single storey building is more sympathetic to the Conservation area. A single storey building is also preferred operationally and for maintenance. A two storey building would be more expensive to build, and would require further revenue to maintain.</p>
<p>Concern over the potential implications for the development of the proposed car parking not being in the applicant's control.</p>	<p>The existing Council managed car park is remaining that provides 32 parking spaces (including disabled parking spaces). There is a S106 agreement that allows the Council to manage and operate that car park, with access rights through the entrance of the Tesco car park to the Council car park. There will be further conversations with Tesco –</p>

	<p>conversations to date have indicated that leisure centre users can park in the Tesco car park but that if they stay beyond 3 hours, they will receive a parking ticket. It is hoped that future conversations offering Tesco staff a corporate rate for membership of the new centre will be aligned with an agreement that leisure centre users can park in the Tesco car park. That has certainly been the case in discussions to-date.</p>
<p>Upgrading the land to the south of Viking Way could in part help to off-set the loss of open space.</p>	<p>This is in our plans, with the current proposal to carry the landscaping treatment at the front of the centre over Viking Way to the area of land opposite. We note, and concur, with the need for fencing.</p>
<p>Do not support the relocation of the Centre adjacent to the school due to the adverse impact this would have on the school.</p>	<p>We agree with this having looked at various locations on the overall site for the centre.</p>
<p>Proposals should as part of the development consider relocation of the existing MUGA.</p>	<p>The proposal is to leave the MUGA in its current location. The play equipment will be re-located. We propose to hold further community engagement with local residents to determine the preferred location for this.</p>
<p>Given the sites location on a floodplain the design needs to ensure that this issue is fully taken into consideration.</p>	<p>This has been noted by the applicant and they have engaged with the Council's drainage officer to ensure that the proposal would not have an adverse impact.</p>

9 LOCAL REPRESENTATION

- 9.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days between 04 and 25 November 2020.
- 9.2 A formal neighbour consultation was also undertaken with 104 neighbouring properties being notified of the application and invited to comment. No comments have been received to date.

Procedural issues

- 9.3 No procedural issues were raised in representations.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning considerations are considered to be as follows:

- Principle of Development
- Design and Conservation
- Landscaping and Ecology
- Inclusive Design
- Environmental Protection
- Parking and Highways
- Energy and Sustainability
- Flooding and Drainage
- Community Infrastructure Levy

Principle of Development

10.2 The proposal seeks to build on the green open space of Rainham Recreation Ground. Approximately 0.2 hectares of open space would be lost, however the proposal seeks to improve the overall leisure offer at this location. The recreation ground is designated as Public Open Space, which is protected from loss or development by adopted Havering and London Plan policies, except in exceptional circumstances. The loss of open space is a significant consideration and does therefore need to be carefully assessed in relation to planning policy as well as in the overall balance, should there be any factors weighing in favour of the proposal.

10.3 In assessing the proposal, it is important to note the background which has led to the current planning application. Following closure of the Chafford Sports Complex in June 2019, Havering Council has been seeking a new location for a leisure centre in the borough. Two sites were identified as feasible to potentially accommodate a new leisure centre. One site was the Havering College grounds off New Road and the other the current application site.

10.4 The Havering College grounds site was discounted on the basis that it was not likely to be available for sale until 2021 and with no guarantees that the Council would be the successful bidder. The application site is already under the ownership of the Council and there was also potential to benefit from the adjoining car park which is operated by the Council.

10.5 Paragraph 97 of the National Planning Policy Framework (NPPF) states that existing open space and sports land should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 10.6 London Plan policy 7.18 (Protecting Open Space & Addressing Deficiency) directs that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area. Replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate.
- 10.7 Havering Core Strategy Policy CP7 (Recreation & Leisure) seeks to: retain open space, recreation and leisure facilities; address quantitative and qualitative deficiencies in open space and recreational facilities; and improve opportunities for creative play and physical activities in open spaces and parks.
- 10.8 Havering Development Control Policy DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities) seeks the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership. Any proposed loss of public open space would need to be robustly justified through demonstration that it is surplus to requirements to meet existing or projected future need, together with clear and deliverable proposals for improvement to the quality of open space in the vicinity or to remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough.
- 10.9 The site is located within the Specific Site Allocation SSA16 for Rainham Central. The Site Allocation directs that any redevelopment within the area should 'Protect and improve the existing open space'.
- 10.10 In support of the proposal, the applicant has provided the following information with regard to open space provision. Overall within the borough there is 7.79 ha of open space and 3.32 ha of public park provision per 1,000 population. In Rainham (and Wennington) there is 8.87 ha of open space and 1.04 ha of public park provision per 1,000 population (the aim being 1.84 ha per 1,000).
- 10.11 This would appear to suggest that Rainham has a low public park allocation, however this is misleading as confirmed in an assessment of greenspace needs conducted by Atkins for the council. The 13.15 ha parks of The Brettons and Hornchurch Country Park are on the border of Rainham and Elm Park, which in effect means that Rainham has access of up to 14.19 ha of public park provision (per 1,000).

10.12 Specifically, Paragraph 5.7 of the Havering Green Spaces, Sport and Recreation Study states:

“It should be recognised, however, that ward level comparisons are potentially misleading and should be viewed in the context of overall levels of open space provision and the pattern of land uses within each ward. For example, Elm Park has 13.15ha of public park provision per 1,000 population because the ward includes 2 Metropolitan Parks; Site no.45 (The Brettons) and site no. 31 (Hornchurch Country Park). However, neighbouring Rainham & Wennington ward has just 1.04ha of public park provision per 1,000 population. When these figures are looked at in isolation, the residents of Elm Park seem to have access to far more public park provision than their Rainham & Wennington counterparts. However, the 2 Metropolitan parks within Elm Park are located on the border between the two wards and so access to these spaces from the south of the Elm Park is as adequate as access to these spaces from the North of Rainham & Wennington.”

10.13 Knight, Kavanagh and Page undertook an Open Space Assessment Report for the Council in November 2016. This report considered the supply and demand issues for open space provision across the London Borough of Havering. The report identifies that Rainham Marshes (79.19 ha) is not included within the amount of quantity of natural and semi-natural greenspace due to its restricted access and opening times. Nonetheless, it still does represent a form of recreational provision within the local area.

10.14 The application seeks to enhance the current recreational provision by maximising usable space. All of the existing provision including outdoor gym equipment, children’s play area, MUGA and footpaths will be retained or reprovided. The proposal also incorporates a landscape proposal with substantial new planting and elements to encourage wider use of the space and improve its biodiversity. Some of the proposed elements of the scheme include native planting to park boundaries and edges, Viking Way park frontage improvements, sensory garden entrance space, community orchard, community garden at school entrance, outdoor sports zone, incidental natural play opportunities and habitat features, circular paths and routes, grassed events space and a children’s play area.

10.15 The applicant has explored different options in finding a location for the leisure centre. This also included siting the new building over the Council operated car park immediately to the east but this was considered unfeasible due to ownership issues. Additionally, building over the car park would result in the loss of those car spaces. The loss of approximately 0.2 ha of open space must also be considered in the context of other planning considerations such as design and conservation. The site sits just outside the historic Rainham village

centre and Rainham Conservation Area. Therefore, the way the height, bulk and massing of the building relate to the surrounding townscape and long views into the Conservation Area are important considerations, and these matters are dealt with in subsequent sections of this report. In order to reduce the footprint of the building this would consequently result in a higher building at two-storey level that could have a detrimental impact in terms of its relationship with the surrounding area. In summary, it is considered that the siting of the building in the context of the various surrounding uses and the proposed one-storey height and massing is appropriate given the surrounding designations, and as such represents an appropriate balance between competing policy considerations and minimising the extent of open space loss.

10.16 Additionally, it is considered that the provision of a new leisure centre would be a valuable asset for the local community and the extensive landscaping proposals to improve the existing offering must also be considered in the context of the loss of open space.

10.17 In assessing the loss of open space against national planning policy:

- It is considered that the proposal would not meet the requirements of Paragraph 97(a) of the NPPF in that it has not been demonstrated that the open space is surplus to requirements. However, this should be seen in the context that Rainham has access of up to 14.19 ha of public park provision (per 1,000) for the reasons outlined above.
- The proposal does not meet criteria (b) of paragraph 97, in that a similar quantity open space is not being provided, given that approximately 0.2 ha of open space is to be lost, however this is due to the provision of a new leisure facility for the community. However, the NPPF does not require all criteria to be met.
- In respect of criteria (c) of paragraph 97, it is considered that the proposal for a leisure centre consists of an alternative sports and recreational provision as required by the policy. When considered in the context of the landscaping proposals to improve the existing park space, retention of existing recreational infrastructure and the provision of a valuable local asset in the form of the leisure centre, the benefits of the proposal would clearly outweigh the existing conditions of the site.
- In conclusion, it is considered that the proposal does accord with paragraph 97(c) of the NPPF.

10.18 In assessing the loss of open space against London Plan Policy:

- Policy 7.18 of the London Plan requires that equivalent or better quality provision be provided in the catchment area. In respect of this there would be significant improvements to the existing open space via landscaping proposals whilst the loss of 0.2 ha would be for recreational purposes in the form of a leisure centre.
- The proposed leisure centre and enhanced landscaping proposals could be considered to be equivalent or better quality provision, although this is largely a matter of judgement as the policy and associated commentary give no further guidance on how equivalency or quality should be assessed other than to say that one open space should not be replaced by another without an up to date needs assessment.
- In conclusion, it is considered that the proposal is partially compliant with policy 7.18 of the London Plan.

10.19 In assessing the proposal against Havering Development Plan Policy:

- Similar to paragraph 97 (a) of the NPPF, Policy DC18 allows for loss of open space where it is surplus to requirements with an additional requirement that any loss be accompanied by improvements in the vicinity. Whilst it may not have been demonstrated that the open space is surplus to requirements, this should be seen in the context that Rainham has access of up to 14.19 ha of public park provision (per 1,000), which represents good standards of overall open space provision in the vicinity of the site.
- The open space to be lost is due to the provision of a new leisure facility for the community and would represent a land use appropriate for the locality and comply with the policy provision that priority will be given to other recreation/leisure uses.
- The policy states that any loss of open space to a non-recreation/leisure use must be accompanied by an improvement to the quality of the open space. In this instance there is no loss to a non-recreation/leisure use but the proposal is accompanied by extensive landscape proposals to improve the existing conditions of the site.
- In conclusion, it is considered that the proposal satisfies the requirements of Policy DC18.

10.20 In conclusion, the loss of open space proposed is considered to be in accordance with national and Havering planning policies, although it is a matter of judgement as to whether the London Plan policy expectation is met. If there are other factors in favour of the proposal that outweigh the loss of open space, and any other harm identified, then this may be determinate in this case. These other considerations are covered elsewhere in this report.

Design and Conservation

10.21 The NPPF 2019 attaches great importance to the design of the built environment. Paragraph 124 states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

10.22 Policies 7.4 and 7.6 of the London Plan state that new development should be complementary to the established local character and that architecture should make a positive contribution and have a design which is appropriate to its context. Policy 7.7 states that tall building should be limited to sites close to good public transport links and relate well to the scale and character of surrounding buildings, improve the legibility of an areas, have a positive relationship with the street and not adversely affect local character.

10.23 Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

10.24 The prominent and exposed location of the application site make all elevations of any proposed building highly visible from the public domain. It is considered that the height, bulk and massing of the proposed building are considered to represent an appropriate response to the townscape context. The application site is located just outside the historic village centre, and the proposed height, bulk and massing relates appropriately with its surrounds as the single storey nature of the building reduces the visual impact. The saw-tooth roof form helps to break down the mass of the building. The flank elevations to the east and west have also been articulated in a manner to break down the mass and sit comfortably within the context of the historic village. The siting of the building has been located appropriately to the eastern part of the site adjacent to the Council operated car park allowing for visual separation distances from the school to the west and Viking Way to the south and not impacting on the existing multi-use games area to the north. As such, it connects successfully with the

public footpath from Viking Way to Upminster Road South that draws pedestrians into Rainham village from Tesco and the north.

- 10.25 The placement of the building entrance to the south-east corner of the building provides a better level of activity and interaction with the adjacent public park space with natural surveillance, whilst the design of the entrance creates a visual interest that breaks up the bulk of the building. This is also enhanced by the placement of an outdoor seating area to the east of the building entrance as part of the wider landscape proposals. The proposed entrance also accommodates the level change to the main entrance within the landscape for level access, which is a particularly positive inclusion within the development.
- 10.26 In terms of materials, the proposal comprises of a simple palette of materials that respond to the local context and responds to officer comments made during pre-applications discussions. The scheme has also evolved with positive changes following the Quality Review Panel in order to address comments that were made.
- 10.27 The materials are considered acceptable for the location, however officers have some concerns regarding the use of the timber and references to composite panels in the Design and Access Statement. Officers have some minor concerns relating to the timber detail to the underside of the eaves in terms of its durability and whether this could be employed successfully in the long term. Further, some of the submitted documentation makes references to cheaper alternatives to charred timber, such as composite panels, and these are unlikely to achieve the same effect or quality of appearance, and therefore, use of these are not recommended. Nevertheless, samples and specifications of all materials are to be agreed via condition should planning permission be granted.
- 10.28 The site is also in close proximity to the Rainham Conservation Area to the south. For the reasons outlined above, it is considered that subject to conditions securing a high quality finish the development would preserve the setting of the conservation area, including views out of the conservation area and longer distance views from the historic village area, as well as the view of the church spire from the north.

Landscaping and Ecology

- 10.29 The application incorporates a wider landscape proposal with substantial new planting and elements to encourage wider use of the space and improve its biodiversity. Some of the proposed elements of the scheme include native planting to park boundaries and edges, Viking Way park frontage improvements, sensory garden entrance space, community orchard, community garden at school entrance, outdoor sports zone, incidental natural

play opportunities and habitat features, circular paths and routes, grassed events space and a children's play area. The above strategy seeks to improve the open area facilities through a combination of retaining existing features and incorporating new elements.

- 10.30 London Plan Policy 5.10 states that development proposals should integrate green infrastructure to contribute to urban greening and the public realm. It is considered that green infrastructure forms an integral part of the wider landscape proposals and as such be in accordance with the above policy.
- 10.31 Emerging London Plan G5 (Urban Greening) consolidates the current policy and also introduces an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening in new developments. Until local targets are set by boroughs, the London Mayor recommends a target score of 0.3 for predominantly commercial developments. In this instance, the proposal would have an UGF of 0.39 based on the respective surface cover types.
- 10.32 Policy DC60 of the Havering Core Strategy and Development Control Policies DPD seeks to retain trees of amenity value. An Arboricultural Impact Assessment has been submitted with the application that identifies the trees and hedges which may be affected by the proposed development.
- 10.33 Two (2) individual trees, one (1) tree group and a hedgerow would be removed as part of the proposals. None of the trees or existing vegetation on or adjacent to the site are within a conservation area or protected by a Tree Preservation Order. There are also no veteran trees. The loss of the above trees and vegetation would be mitigated by the planting of new trees and hedgerow that would exceed the total lost. The wider landscape proposals also include substantial landscape improvements that will improve the biodiversity value of the open space.
- 10.34 A condition is recommended regarding protection of remaining trees, their canopies and roots during construction, as well as a condition for specific details relating to the landscape proposals. As such, it is considered that the proposal makes adequate provision for the retention and protection of trees and for the planting of new trees, in accordance with Policy DC60 of the DPD.
- 10.35 Policy DC58 of the Havering Core Strategy and Development Control Policies DPD seeks protect and enhance designated sites of interest, whilst Policy DC59 seeks enhancements to biodiversity as an integral part of new development. An Ecological Assessment has been submitted with the application that states that the closest designated site to the application site is the Ingrebourne Marches SSSI, which lies approximately 40 metres to the north. The report highlights that there is the potential for indirect impacts on the

Marshes as a result of surface runoff and dust deposition from the construction of the proposed building. Should planning permission be granted there would be a condition requiring all drainage details be submitted for approval, while a Construction Management Plan would also be sought via condition to mitigate against any detrimental impacts.

10.36 The ecological report also recommend a range of enhancements to the biodiversity of the site through landscaping, a community orchard, community garden, sensory gardens, wildflower meadow and additional hedgerow planting, the provision of which would be sought through condition.

10.37 It is considered that the impact on biodiversity is acceptable, in accordance with Policies DC58 and DC59 of the DPD.

Inclusive Design

10.38 It is considered that the development has incorporated inclusive design and best practice approach to accessibility, with both the building and landscaping being designed to be fully inclusive. The proposed single storey building would be provided with level access across the whole site, while accessible facilities within the leisure centre and a split level reception desk are also provided.

10.39 As such, the proposal would satisfy the requirements of Policy CP17 of the DPD.

Environmental Health

10.40 The Council's Public Protection Team have raised no objections in relation to any historical contaminated land issues, air pollution or noise subject to suitable conditions.

10.41 The proposed development is located within an area of poor air quality which suffers from high concentrations of nitrogen dioxide. Therefore it has been designated as an Air Quality Management Area (AQMA). To safeguard against additional unnecessary impacts to air quality, conditions are recommended to mitigate future impacts during the construction and operational phases of the development, including details to protect the internal air quality of the buildings as well as a requirement for ultra-low carbon dioxide boilers.

10.42 The submitted Draft Construction Management Plan states that the development site has been classed as 'Low' risk site, in relation to dust emission impacts, however there is no justification for this classification. As such, it is considered that a Dust Risk Assessment and Dust Management Plan

are submitted in order to verify whether any mitigation measures would be required during the course of construction. This shall be secured via condition.

10.43 Furthermore, the site is located within a 250m radius area of a former unlicensed landfill (East of Dovers Corner). In order to minimise any potential risks of ground gas migration, it is recommended a condition securing suitable gas protection measures to be employed on site be imposed should planning permission be granted.

10.44 Finally, with regards to noise considerations, the Councils Public Protection Officer has recommended three conditions securing a scheme for the control of noise emanating from the site, a scheme for controlling the transmission of noise and vibration from any mechanical ventilation system, as well as a compliance condition requesting any plant or machinery not exceed appropriate noise levels. These conditions are secured in the event planning permission is granted.

Parking and Highways

10.45 Policies CP9, CP10 and DC32 require that proposals for new development assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking. A Transport Assessment has been submitted with the planning application as is required for all major planning applications.

10.46 The proposed site would be located in an area close to existing bus routes, a mainline rail station, cycle routes and within appropriate walking distances to local services. The Transport Assessment confirms that during the busiest peak period that traffic movements would generate 42 two-way vehicle movements, which over the course of an hour would be a minimal increase in traffic compared to existing conditions given its location next to a large food retail store. The applicant has provided a Travel Plan with the Transport Assessment which is welcomed. This will be secured by conditions with the aim of encouraging sustainable methods of transport for staff and visitors.

10.47 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Staff and service user parking, including disabled parking, is proposed to be provided within the adjacent Council-operated pay-and-display car park located to the west of the site. This car park provides 32 spaces including 3 disabled spaces. In addition to the above, as the site is directly adjacent to the large Tesco supermarket car park, where 3 hour free public parking is available, many leisure users would choose to make use of this free parking service, which also removes the need for on-site parking provision.

Given the site's location within designated Public Open Space, it is considered that the above arrangements are appropriate for the proposal as it also removes the need to provide for further hardstanding surfaces and parking areas within the open space land. No neighbour comments or objections have been received on the grounds that the proposed development would lead to increased parking pressures within the vicinity.

10.48 The proposed leisure centre would be serviced from the northeast corner via the Tesco car park, while a lay-by is proposed on the northern side of Viking Way for safe and accessible provision to taxi and bus/coach drop off for school groups using the swimming pool. Cycle parking spaces for users and staff has been incorporated into the proposal at the entrance of the leisure centre fronting Viking Way and changing room facilities for cyclists are contained within the centre. The footpaths within the application site area that are used by both pedestrians and cyclists have been retained and provide wider connections to Rainham Primary School, Ingrebourne River, the London Loop and the wider open space network.

10.49 Finally, a Construction Management Plan condition is recommended to be attached to ensure neighbouring amenity is safeguarded and the highway network is not prejudiced during works.

Energy and Sustainability

10.50 In recognising the importance of climate change and the need to meet energy and sustainability targets, as well as the Council's statutory duty to contribute towards the sustainability objectives set out within the Greater London Authority Act (2007), Policy 5.2 of the London Plan requires all major developments to meet targets for carbon dioxide emissions. This is targeted the eventual aim of zero carbon for all non-domestic buildings from 2019. The policy requires all major development proposals to include a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy.

10.51 Moreover, the Mayor of London's SPG on Sustainable Design and Construction (2014) provides guidance on topics such as energy efficient design; meeting carbon dioxide reduction targets; decentralised energy; how to off-set carbon dioxide where the targets set out in the London Plan are not met.

10.52 In terms of Local Plan Policy DC50 (Renewable Energy), there is a need for major developments to include a formal energy assessment showing how the development has sought to ensure that energy consumption and carbon dioxide emissions are minimized applying the principles of the energy hierarchy set out in the London Plan.

- 10.53 An Energy Report has been submitted and reviewed by officers. This has been undertaken to demonstrate how the development shall reduce the carbon emissions by at least 35% over a similar gas heating system in relationship to Building Regulations Part L1A 2013 as required by the London Plan. Additionally, the approach to sustainable development is to improve the energy efficiency of the building beyond the requirements of Building Regulations. This follows the most recognised method of achieving sustainability through the energy hierarchy.
- 10.54 The Energy Strategy proposes to reduce the total regulated carbon dioxide emissions by a total of approximately 70% when compared with Building Regulation Part L. This would exceed the London Plan requirement of reducing the development's overall regulated predicted carbon dioxide emissions by at least 35%. The remaining regulated carbon dioxide emission reductions should be met through a legal agreement contribution to the Council's offset fund in order to meet the zero carbon target. In light of this, officers will secure the remaining 30% by planning obligation for off-site contributions charged at £60 per tonne, which amounts to £38,571 in this instance.
- 10.55 Policy 5.3 of the London Plan seeks that developers utilise the highest standards of sustainable design and construction to be achieved to improve the environmental performance of new developments. Guidance of how to meet the requirements as presented from the above policy is further discussed within SPD Sustainable Design Construction (2009). This encourages developers to consider measures beyond the policy minimum and centred around development ratings, material choice, energy and water consumption. Policy 5.9 of the London Plan emphasises that major development proposals should reduce potential overheating and reliance on air conditioning systems.
- 10.56 The development incorporates measures to deliver a low carbon and a sustainable resource efficient development. A BREEAM Pre-Assessment report has been carried out and highlights that the proposed building would achieve a 'Very Good' rating.

Flooding and Drainage

- 10.57 Guidance under the NPPF seeks to safely manage residual risk including by emergency planning and give priority to the use of sustainable drainage systems.
- 10.58 In order to address current and future flood issues and minimise risks in a sustainable and cost effective way Policy 5.12 of the London Plan emphasises that new developments must comply with the flood risk assessment and

management requirements and will be required to pass the Exceptions Test addressing flood resilient design and emergency planning as set out within the NPPF and the associated technical Guidance on flood risk over the lifetime of the development. Furthermore, Policy 5.13 of the London Plan stresses that development should utilise sustainable urban drainage systems (SUDS) and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

- 10.59 In terms of local planning policies, policy DC48 emphasises that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. The policy highlights that the use of SUDS must be considered. Further guidance of how to meet the requirements as presented in the Core Strategy is supplemented under LBH's SPD on '*Sustainable Design Construction*' 2009 which encourages developers to consider measures beyond the policy minimum and centred on Flood risk.
- 10.60 Policy DC51 seeks to promote development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems. Whilst policy CP15 (Environmental Management Quality) seeks to reduce environmental impact and to address causes of and to mitigate the effects of climate change, construction and new development to reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; whilst having a sustainable water supply and drainage infrastructure.
- 10.61 The application site is located within Flood Zones 2 and 3a. The National Planning Practice Guidance classifies leisure facilities as a 'less vulnerable development' and as such are considered appropriate within Flood Zones 2 and 3a. The applicant has carried out a Flood Risk Assessment which concludes that the application site is at negligible to low risk from all sources of flood risk and as such no mitigation measures are required.
- 10.62 The Council's drainage and flood officer has been consulted and confirmed that further drainage details are required in order for the development to be considered acceptable. The applicant's engineers have noted that the ground investigation has shown the site is not suitable for soakaways, mainly due to the high ground water table which has been found at 1.8m below ground level. Therefore, groundwater monitoring is currently ongoing to confirm this is a typical level. A preferred solution agreed by the council's drainage officer would be to divert the highways drainage around the proposed building through the park and connect it into the culvert to the north. Owing to the existing

levels/depths of the highway drainage and culverted watercourse, and also the unknown upstream catchment, SUDS features such as a swale or pond were discounted.

- 10.63 It was agreed between the council's drainage officer and the applicant's engineers that if levels in Viking Way can be raised the diversion would be designed to work under gravity and to discharge to the watercourse unrestricted. If levels do not permit the diversion would include an adopted pumping station on the site. It was agreed that technical details would be submitted for formal approval by the Council. These are to be secured via the imposition of a planning condition.
- 10.64 At the time of publishing this report, no formal response has been received from the Environment Agency (EA). Given the considerations as outlined above, it is not envisaged that the EA would raise significant concerns on flooding grounds. However, it is recommended that Members resolve to grant planning permission subject to no objection being received from the EA. Should an objection be received which is not resolved, the application will be reported back to this committee for resolution.
- 10.65 Policy 5.13 of the London Plan states that developments should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and applicants should aim for greenfield run-off rates. The applicant makes provision for SUDs through the use of large areas for attenuation. Final details would be secured via condition.

Community Infrastructure Levy

- 10.66 The Mayor has established a CIL charging schedule with a recent amendment that came into force from 1st April 2019. The amendment increases the CIL contribution by £5 per square metre to £25. The proposed development would be liable for this charge. The development would result in 1,963 square metres. Therefore a mayoral levy of £49,075 is applicable.
- 10.67 The London Borough of Havering's CIL was adopted in September 2019. The proposed use as a leisure facility would be classed as Use Class F2 and would fall within the 'All other development' category in the Havering CIL Charging Schedule. This category is not chargeable and no local CIL would be applicable.

11 FINANCIAL AND OTHER MITIGATION

- 11.1 Policy DC72 of the LDF emphasises that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 11.2 From a sustainability perspective, the proposal is accompanied by an Energy Strategy. The reports outline an onsite reduction in carbon emissions by 70%. As the requirements are for 100% reduction, this would result in a shortfall of 30%. Therefore the Mayors calculation of a financial contribution of £60 per tonne in lieu of on-site carbon reduction measures is applicable. In the event of an approval and in compliance with the hereby attached conditions a final sum will be calculated. The mechanism for this will be secured via a planning obligation in a legal agreement in accordance with Policy 5.2 of the London Plan.
- 11.3 In light of the above and discussions in other parts of this report the proposal would attract some necessary legal planning obligations to mitigate the impact of the development on the wider infrastructure within the Borough.

12 EQUALITIES AND DIVERSITY

- 12.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2 For the purposes of this obligation the term “protected characteristic” includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 12.3 The proposed development will provide all members of the community with access to sport and recreational facilities to encourage active and healthy lifestyles to reduce health inequalities. Existing play provision within the recreation ground will be maintained which is free and accessible to the Rainham community as well as surrounding areas.

- 12.4 As such, the proposed development will improve access to community infrastructure for all ages and abilities. Inclusive design has been considered with level access. The facility is set over a single storey to ensure it is accessible to those with impaired mobility. Outdoor facilities includes an outdoor seating area, gym equipment for adults, a children's playground, multi-use games area and community orchards, ensuring the site is accessible to all ages.
- 12.5 It is considered that there would be no "protected characteristics" that would be significantly or unduly harmed by the proposals.
- 12.6 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.
- 12.7 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

13 CONCLUSIONS

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Mayor's London Plan and the Development Plan, as well as other relevant guidance and material considerations, have been carefully examined and taken into account by the Local Planning Authority in their assessment of this application.
- 13.2 Local residents were invited to give their views on their preferred location for the proposed development. Two sites were identified as feasible to potentially accommodate a new leisure centre. One site was the Havering College grounds off New Road and the other the current application site. Approximately two-thirds of respondents preferred the recreation ground.
- 13.3 The preliminary proposals for the site were subject to consideration by the Council's Quality Review Panel and Strategic Planning Committee and comments made in these forums have had input into the development.
- 13.4 As conditioned, the proposal would not compromise the character of the locality or any nearby historic environments or buildings. It accords with the relevant development plan policies and conforms to the design principles and parameters established by the Council's policies and the London Plan.

- 13.5 The design of the development is considered appropriate for its location, which also provides for a good level of variety and legibility in the built form. The materials, layout and building relate well to the surrounding area resulting in a development that would be aesthetically pleasing subject to conditions securing detailed material elements of suitable quality.
- 13.6 It is considered on balance that the provision of the new leisure facility on this site and the enhancements to the play facilities and to the landscaped environment and biodiversity of the park, are such that these benefits to the local and wider community sufficiently outweigh the harm resulting from the loss of the 0.2ha of public open space.
- 13.7 It is considered that in this context, the loss of open space is not in conflict with planning policies, or that the conflict does not cause such harm to outweigh the benefits of the proposal. It is therefore considered that in this case, the proposal does benefit from the presumption in favour of sustainable development set out in the NPPF.
- 13.8 In light of the above, the application is **RECOMMENDED FOR APPROVAL** in accordance with the resolutions and subject to the attached conditions and completion of a legal agreement.