



# REGULATORY SERVICES COMMITTEE

# REPORT

**Subject Heading:**

**P1498.12: Woolpack Inn and car park,  
Angel Way, Romford.**

**Report Author and contact details:**

**Variation of conditions 7, 9, 24, 25, 38  
and 40 of planning permission  
P0759.11 (application received 10  
December 2012)  
Helen Oakerbee, 01708 432800  
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**Policy context:**

**NPPF  
London Plan  
Local Development Framework  
None**

**Financial summary:**

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

Ensuring a clean, safe and green borough	[X]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

## SUMMARY

Planning permission was granted in March 2012 (reference P0759.11) for the redevelopment of this site to build 70 new residential units, as well as to refurbish the former Woolpack public house, including the provision of 4 flats on the upper floors of the building. This application seeks to vary some of the planning conditions forming part of this planning permission. Staff consider that the proposed variations of condition are acceptable and recommend that planning permission be granted. As the original planning permission was subject to a S106 legal agreement, a deed of variation to the original S106 agreement will be required, before planning permission can be issued.

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## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 29 March 2012 in respect of planning permission P0759.11 by varying the definition of Planning Permission which shall mean either planning permission P0759.11 as originally granted or planning permission P1498.12.

The Developer / Owner shall bear the Council's legal costs in respect of the preparation of the deed of variation irrespective of whether or not it is completed.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 29<sup>th</sup> March 2012 will remain unchanged.

That Staff be authorised to enter into a Deed of Variation to secure the above and upon completion of the agreement to grant planning permission subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall be carried out in accordance with the following approved plans, particulars and specifications:

MLA-261-P-001; 002, 020; 021; 120 Rev A; 121 Rev A; 122 Rev A; 123 Rev A; 124 Rev A; 125 Rev A; 126 Rev A; 127; 128 Rev A; 130; 300 Rev A; 301 Rev A and 320, other than as amended by the following plan numbers:

R6660-SK450; R6660-SK03 Rev P1; R660-SK400; R6660-SK401 Rev P5

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before any dwellings in the new building hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Disabled parking - Before dwellings in the new building hereby permitted are first occupied provision shall be made within the site for 7 no. disabled car parking spaces in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan .

5. Vehicle Charging Points - Provision shall be made within the development for a minimum of 20% of parking spaces to be fitted with active provision of electric vehicle charging points before the occupation of the development.

Reason: In the interests of sustainable transport and to accord with Policy 6.13 of the London Plan.

6. Materials - Before any external finishes are applied to the building, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of external doors and window frames, railings, balustrades and external stairs/access deck, reconstituted stone surrounds and colour samples for the window reveals and town house entrances, and details of pointing and mortar mix, which are expected to accord with the information within the approved design and access

statement and its addendum. Thereafter the development shall be constructed with the approved materials.

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

7. External Bricks – The external bricks to be used within the development shall comprise:

Town Houses – Brunswick Wilton Yellow  
Apartments – Ibstock Surrey Russet  
Entrance to apartment block – White painted render

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

8. Landscaping – Prior to the first occupation of the development hereby approved, the site shall be landscaped in accordance with a scheme of hard and soft landscaping, to be previously submitted to and approved by the Local Planning Authority. Such scheme shall include full details of the proposed landscaping to the podium area, including the design and height of the proposed raised planters. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

9. Children's Play Equipment –The proposed children's play equipment shall be provided on site prior to first occupation of the development, in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority. The play equipment shall be retained thereafter in accordance with the approved details.

Reason: To ensure a satisfactory living environment and to comply with Policies DC20 and DC61 of the LDF, the Residential Design SPD and Policy 3.6 of the London Plan.

10. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which have previously been approved under condition discharge application reference Q0165.12, or as

otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location according to details which have previously been approved under condition discharge application reference Q0218.12, or as otherwise submitted to and agreed in writing by the Local Planning Authority shall be provided on site and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

12. Boundary treatment - Prior to the first occupation of the development hereby approved, boundary treatment, shall be erected on site in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

13. Secure by Design – The development shall be carried out in accordance with the Secured by Design details submitted to and approved by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

14. External lighting – Prior to the first occupation of the development hereby approved, the scheme shall be externally lit in accordance with a scheme for the lighting of external areas of the development, which shall have been previously submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

15. Biodiversity – The development shall be carried out in accordance with the method statement for the implementation of the bat survey and mitigation scheme, as submitted to and approved by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: In order to ensure that the proposed development has an acceptable impact on protected species and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

16. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

17. Wheel washing – The development shall be carried out in accordance with the wheel scrubbing/wash down facilities submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

18. Construction methodology – The development shall be carried out in accordance with the Construction Method Statement submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

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

19. Land contamination – The development shall be carried out in accordance with the detailed proposals for dealing with land contamination as submitted to and approved by the Local Planning Authority under condition discharge

reference Q0218.12. The development shall also submit for written approval:

- a) 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 it 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.

- b) 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
- c) 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.

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

20. Sustainability - Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum Code for Sustainable Homes Level 3 rating has been achieved (the Interim Code Certificate having already been submitted and approved under condition discharge request Q0218.12).

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document.

21. Renewable energy - The renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the

Local Planning Authority prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

22. Noise Insulation – Prior to first occupation, the commercial parts of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

23. Plant/Machinery – Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB. The scheme shall be implemented prior to occupation of the commercial unit and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

24. Noise Protection – Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, a scheme for protecting the proposed dwellings on the upper floors of the converted Woolpack building from noise from any adjacent commercial activities and their associated plant and machinery shall be submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any of the permitted dwellings on the upper floors of the converted Woolpack are first occupied and retained thereafter.

Reason: To prevent noise nuisance to adjoining properties.

25. Extract ventilation - Prior to first occupation of the commercial unit hereby approved, advance notice of which shall be given to the Local Planning Authority, suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises



26. Noise and Vibration - Before a permitted A3 (café/restaurant use) commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

27. Road noise – The development hereby approved shall be carried out in accordance with the scheme detailing measures, which are to protect occupants from road traffic noise, which has previously been submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: To protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, “Planning and Noise”.

28. Restricted Use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the commercial use hereby approved (i.e. on the ground floor of the former Woolpack public house) shall be for uses falling within Classes A1, A2 and A3 of the Order only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

29. Hours of Use - The commercial premises shall not be used for the purposes hereby permitted other than between the hours of 08.00 and 20.00 hours on Mondays to Saturday and 08.00 and 18.00 hours on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity.

30. Archaeology - The development shall be carried out in accordance with the archaeological reports submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological evaluation to inform determination of any detailed planning consent.

31. Windows/doors to Woolpack - Prior to the commencement of any works to the former Woolpack public house detailed drawings or samples of materials, as appropriate, in respect of the following, shall be submitted to, and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details:

- a) proposed replacement windows
- b) proposed external doors

Reason: To preserve the character and appearance of this heritage asset and to enhance the Romford Conservation Area and to accord with Policy DC68 of the Development Plan Policies LDF.

32. External brickwork to Woolpack – Prior to commencement of any works to the former Woolpack public house the following shall be undertaken:

- i) a method statement detailing how the existing paint to the external brickwork of the building will be removed, which shall include details of the cleaning system to be used, shall be submitted to and approved in writing by the Local Planning Authority;
- ii) once the method statement has been approved, a patch test shall be carried out on site to assess the condition of the brickwork and the results of this patch test shall be reviewed on site by the Local Planning Authority;
- iii) following the review of the patch test results by the Local Planning Authority, final details of the proposed external elevational treatment, including details of pointing and mortar mix where relevant, shall be submitted to the Local Planning Authority. No work to the former Woolpack building (save for the above mentioned testing) shall be undertaken until the external elevational treatment has been approved in writing by the Local Planning Authority and the work must thereafter be carried out in accordance with the approved details prior to occupation of the development.

Reason: To ensure the character of the building and the Romford Conservation Area is enhanced and to accord with LDF Policy DC68 and the provisions of PPS5.

33. Details of Woolpack external materials – Prior to the commencement of any works to the former Woolpack public house, details/samples of the colour and finish of the proposed external render and samples of proposed external roof tiles, shall be submitted to and approved in writing by the Local Planning Authority and the work must thereafter be carried out in accordance with the approved details.

Reason: To ensure the character of the building and the Romford Conservation Area is enhanced and to accord with LDF Policy DC68 and the provisions of PPS5.

34. External Works to Woolpack - All new work and works of making good to the retained external fabric shall be finished to match the existing original work in respect of the methods used and to material, colour, texture and profile and in the case of brickwork facebond and pointing.

Reason: To preserve the character and appearance of the Listed Building and its setting.

35. Piling Method – The development shall be carried out in accordance with the piling method statement submitted to and approved in writing by the Local Planning Authority under condition discharge reference Q0165.12.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

36. Impact on Controlled Waters - If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters.

37. External Materials - Prior to the installation of the external finishes to the building hereby approved, details of the surface treatment to be applied to the proposed white render to the ground floor entrance shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory appearance and to comply with Policies DC61, DC63 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document. The necessary agreement, notice and/or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

38. Anti Graffiti Treatment - Prior to the installation of the boundary treatment to the site, details of the proposed anti-graffiti treatment to be applied to the external boundary walling of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure the development has a satisfactory appearance and to comply with Policies DC61, DC63 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

39. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no extensions, alterations or other development shall take place under Classes A-E in relation to the 2 no. dwellinghouses within the development (shown on the approved plans as unit nos 5 & 6), unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **INFORMATIVES**

1. The applicant is advised that one additional private fire hydrant will be required by the London Fire Brigade (Water Office). The Fire Brigade is satisfied with the proposals subject to the provision of a dry rising main in the core stairway.
2. If the ground floor of the former Woolpack building is used for A3 purposes the operator should contact the Food Section of the LBH Environmental Health service with detailed proposals regarding a Trade Waste Agreement, a Waste Oil Transfer Agreement, the provision of a grease trap and details of ventilation and extraction.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. In aiming to satisfy condition 13 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

6. The development of this site is likely to damage archaeological remains. An archaeological field evaluation will establish the extent and significance of any surviving remains and enable the mitigation of the impact of the development to be planned as part of detailed planning consent.

7. The applicant is advised that the consent of Thames Water will be required for discharge to a public sewer. A trade effluent consent will be required for any effluent discharge other than a domestic discharge. The use of a fat trap is recommended for all catering establishments. The applicant is advised to contact Thames Water direct.

8. Any proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

9. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

#### 8. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP4, CP9, CP10, CP15, CP17, CP18, DC2, DC3, DC6, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC66, DC67, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a viability appraisal (with planning application P0759.11), which has been independently tested and found to be sound.

The proposal is also considered to accord with the Romford Area Action Plan SPD, specifically policies ROM4, ROM6, ROM8, ROM9, ROM14, ROM15, ROM17 and ROM20. The proposal does not fully comply with Policy ROM19 as the building is more than 6 storeys high and not in one of the specified locations for a taller building. However, the height of the building is considered to be justified and the development to be of suitably high architectural quality.

In addition, the development is considered to comply with the Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Heritage SPD and Sustainable Design and Construction SPD are material considerations.

The development is considered to accord with the provisions of the National Planning Policy Framework, as well as Policies 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 6.14, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 and 8.2 of the London Plan. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which requires the maximum reasonable amount of affordable housing to be sought.

#### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site has an area of 0.27 hectares and is located on the south-western side of Angel Way. The site comprises a surface level car park, which provides 41 parking spaces for disabled users, comprising 27 'over-sized' spaces and 14 standard size parking bays, together with a former nightclub building (Secrets nightclub), which has recently been demolished and the former Woolpack Public House, which is a late nineteenth century building situated at the junction of Angel Way and High Street. The south-eastern part of the site is within the Romford Conservation Area and includes the majority of the Woolpack building. The site lies within the boundaries of Romford Town Centre.
- 1.2 Planning permission was granted in March 2012 for redevelopment of the site under application reference P0759.11. Works have commenced on the site with construction of the new residential building underway.
- 1.3 The site is adjoined to its south-eastern boundary by a two-storey Salvation Army building, which is used for worship and community activities. To the immediate south of the site is Headley Close, where there is a three storey community building, which provides youth facilities and short-stay residential accommodation. The amenity area to the rear of this building directly adjoins the southern-most boundary of the application site.
- 1.4 Directly opposite the site, in Angel Way, is a multi-storey car park. To the north-west of the car park is the Trinity Methodist Church. The church has a small car park to its southern side, at the end of Angel Way, which adjoins the application site. Within High Street, development is principally three or four storeys and predominantly comprises commercial units at ground floor with residential above. Romford Museum is also situated in High Street. On its western side the site has a return frontage on to St. Edwards Way.

## 2. Description of Proposal

2.1 Planning permission has previously been given for redevelopment of this site consisting of the retention and refurbishment of the former Woolpack public house, together with the erection of a new residential building, ranging between 3 and 8 storeys high. This application seeks variation of a number of the planning conditions forming part of this planning permission. These conditions and the proposed changes sought are as follows:

2.2 **Condition 7: External Bricks** – The external bricks to be used within the development shall be as set out in the submitted Planning Amendments Addendum dated October 2011 (page 12) and shall comprise:

Town Houses – Ibstock Birtly Old English Buff  
Apartments – Ibstock Birtly Millhouse Blend  
Entrance to apartment block – Ibstock Oyster White

The application seeks variation of this condition to enable the use of alternative external bricks, specified in the application as Ibstock Surrey Russet and Brunswick Wilton Yellow. Also, the white brick to the entrance of the apartment blocks would now be replaced with white render.

2.3 **Condition 9: Living Wall** – Prior to the commencement of the development full details of the proposed 'living wall' shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a specification for the construction, planting and on-going maintenance and management of the wall. The development shall then be carried out in accordance with the agreed details.

The application seeks removal of this condition as it is no longer intended to construct a living wall (this was proposed to the elevation fronting on to St. Edward's Way). It is proposed to replace the living wall element of the development with soft landscaping of the site frontage to St. Edward's Way, details of which would be formally submitted under a condition discharge request for condition 8 (landscaping).

2.4 **Condition 24: Plant/Machinery** - Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

The application seeks a variation of this condition so that details of the noise scheme does not need to be submitted until an occupier has been found for the unit.

2.5 **Condition 25: Noise Protection** - Before any development is commenced, a scheme for protecting the proposed dwellings on the upper floors of the

converted Woolpack building from noise from any adjacent commercial activities and their associated plant and machinery shall be submitted to and approved by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before any of the permitted dwellings is occupied and retained thereafter.

The application seeks a variation of this condition so that details of the noise protection scheme does not need to be submitted until an occupier has been found for the unit.

- 2.6 **Condition 38: Treatment of white brick** - Prior to the commencement of works on the new building hereby permitted details of the proposed surface treatment to be applied to the proposed entrance brick Ibstock Oyster White shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

The application seeks a variation of this condition to enable the use of white render to the ground floor entrance rather than the white brick originally stipulated.

- 2.7 **Condition 40: Enclosure to Play Area** - Prior to the commencement of works on the new building hereby permitted, details of a means of enclosure to the proposed children's play area shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for the ongoing maintenance of the enclosure. The enclosure shall be provided before the first occupation of the new residential building and permanently retained and maintained thereafter in accordance with the approved details.

The application seeks removal of this condition as the design of the landscaped podium area has evolved since the original permission and the provision of an enclosure around the children's play area is not considered compatible with the layout in terms of design or practicality.

### **3. Relevant History**

- 3.1 P0759.11 Change of Use of ground floor of No48 High Street to retail/financial and professional services/restaurant or cafe use (classes A1/A2/A3) and the conversion of the upper floors of this building to 4 no. dwellings; the erection of a part3/5/6/8 storey building to provide 70 No.dwellings, together with associated landscaping. amenity space, car and cycle parking – approved.

### **4. Consultations/Representations**

- 4.1 The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 88 addresses. No letters of representation have been received.



## **5. Relevant Policies**

5.1 The National Planning Policy Framework (NPPF) is a material planning consideration, specifically Sections 1 (Building a strong, competitive economy), 2 (Ensuring the vitality of town centres), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment).

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (childrens play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

5.3 Policies CP1, CP2, CP4, CP9, CP10, CP15, CP17, CP18, DC2, DC3, DC6, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC66, DC67, DC68, DC70 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

The Romford Area Action Plan SPD is a material consideration, specifically policies ROM4, ROM6, ROM8, ROM9, ROM14, ROM15, ROM17, ROM19 and ROM20.

In addition, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Heritage SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the impact of the proposed variations/removal of conditions on the quality of the character and appearance of the development, on the appearance of the surrounding area and local amenity. The implications arising from the variations proposed to each of the individual conditions subject of this application are addressed in turn below:

## **6.2 Planning Condition 7: External Bricks**

- 6.2.1 The existing planning condition specifically identifies the external brick to be used in the construction of the development. The application seeks a variation of the condition to enable the use of alternative bricks. Samples of the bricks now proposed, Ibstock Surrey Russet and Brunswick Wilton Yellow, have been submitted.
- 6.2.2 The alternative brick materials proposed were discussed with planning staff and the Council's heritage officer prior to submission and agreed as suitable in principle. The proposed materials continue the design concept of the original development and are considered to maintain the integrity of the original design and be in keeping with the character of the surrounding area, including the Romford Conservation Area. Staff therefore recommend that this planning condition be varied to allow the use of alternative brick.

## **6.3 Planning Condition 9: Living Wall**

- 6.3.1 The original design concept for the development included a 'living wall' to the ground floor of the building fronting on to St. Edward's Way. A living wall is a design system that allows for walls to be entirely covered by irrigated living plants. This was an element of the development that the original scheme architects incorporated into the scheme. At the time the original application was considered, planning staff discussed concerns regarding the difficulty in achieving a successful living wall and the cost and maintenance issues this would create. However, the architects were insistent at the time that this remain within the scheme, hence the imposition of a planning condition requiring further details.
- 6.3.2 The applicants have now advised that they do not wish to proceed with the living wall element of the proposals, in view of the high costs associated with this and the difficulty in maintaining this long term. Good maintenance is essential if such a system is to work and Staff consider that, if there is no guarantee the living wall will be sufficiently high quality and well maintained it would be better, in the long run, to find an alternative way of managing the visual impact of the development in St. Edward's Way.
- 6.3.3 Discussions have taken place between planning staff, including the Council's tree officer, and the applicants, regarding alternative ways in which the St. Edward's Way frontage could be landscaped but still have a high quality visual appearance and it is considered that this could be achieved. A planting schedule of Photinia Red Robin has been suggested. This is considered to be appropriate in principle, as it would mature to provide a suitable hedge. Members should note however that the landscaping would not screen the external walls of the building but would soften the verge area between the elevation of the building to St. Edward's Way and the public footway. The landscaping also would not provide an instant hedge but would take some time to mature. However, this would equally be the case if a living wall were used and Staff consider, on balance, there is a stronger likelihood that the proposed landscaping would provide a

better finish to the development in the long run than the originally proposed living wall, given the issues raised regarding cost and maintenance.

- 6.3.4 Final details of alternative landscaping proposals are yet to be submitted, for example number of plants, size on planting etc. but Staff consider this could be secured under the existing landscaping condition (condition 8). Given the difficulty of securing a living wall of suitably high quality, which does bring with it high build costs, and maintaining it long term, Staff consider it reasonable to accept an alternative proposal that will bring greater assurance of a suitably high quality visual environment to the St. Edward's Way frontage. It is therefore recommended that this condition be removed.

#### **6.4 Condition 24: Plant and Machinery**

- 6.4.1 This condition requires a scheme for new plant and machinery to be submitted to the Council to achieve a noise standard which ensures a suitable degree of amenity for the nearest residential properties.
- 6.4.2 The applicants have asked to vary the point in the works at which the scheme needs to be submitted. The reason for this is that any new plant or machinery would be associated with an end user of the proposed ground floor commercial unit (within the former Woolpack building, which can be changed to an A1-A3 use class under the existing permission). The nature of any plant or machinery to be used would not be known until the occupier of the premises and the nature of the use is known. The application therefore requests that the condition does not 'bite' until "prior to first commercial occupation". Staff consider this to be a reasonable request and recommend that the condition be varied as requested.

#### **6.5 Condition 25: Noise Protection**

- 6.5.1 This condition relates to protection of the proposed upper floor flats within the former Woolpack building from noise arising from future commercial use of the ground floor.
- 6.5.2 As with condition 24 above, variation of the condition is requested so that a scheme of noise protection needs to be submitted prior to occupation of the commercial unit, rather than prior to commencement of the development (as currently worded), on the basis that until a commercial occupier is found the details of likely noise and required equipment cannot be known. Staff consider this to be a reasonable request and recommend that the condition be varied as requested.

#### **6.6 Condition 38: External materials**

- 6.6.1 The approved development included an element of white brickwork to the ground floor entrance of the new flats. These materials were secured through condition 7 but there was also a further condition (condition 38 on the original approval) that required details of a surface treatment to be applied to these bricks. This condition was imposed as Staff wanted to

ensure that the white brickwork would not be prone to graffiti. A surface treatment was suggested to deal with this issue but Staff wanted to see how this would affect the surface finish of the brick.

- 6.6.2 The application requests a variation of this condition as it is now proposed to use a render finish in place of the originally proposed white brick. Visually, Staff have no objection to the proposed alternative material but suggest that the condition be revised so that details of proposed anti-graffiti treatment to the rendered section can be required to be submitted for agreement.

## **6.7 Condition 40: Enclosure to Play Area**

- 6.7.1 This condition was specifically imposed at the request of Members of the committee. The application requests that this condition be removed as the design of the play area, and the landscaped podium within which it is situated, has evolved since Members originally considered the proposals.
- 6.7.2 The landscaped podium and play area is the only outdoor amenity space within the development. The area of the podium is constrained and the amenity space it provides needs to be designed carefully so as to maximise its usefulness as a communal amenity area for the residents of the development but also to ensure it does not adversely affect the privacy or amenity of residents.
- 6.7.3 If the play area were enclosed by fencing, as required by the condition, this limits the overall quality of the layout of the amenity area and reduces its usability. A scheme has been designed which gives privacy to occupiers of the ground floor units and includes a play area, laid out as a playable landscape, which contributes to the overall character of the amenity deck. It should be noted that details of the actual play equipment to be provided are subject to a separate planning condition. Although Staff are happy with the layout of the decked area the quality of the play equipment could be improved and, notwithstanding the details shown on the submitted plan, Staff will require details of the actual equipment to be submitted and approved separately.
- 6.7.4 If the play area were enclosed the design quality of the amenity podium would be lessened and the safety of children using the play area potentially reduced, as an open playable landscape enables better visibility for parents to observe their children. It is not considered a fenced play area contributes to safety in this case as the amenity area is already enclosed by the confines of the new flats and would only be accessible to residents of the development. Staff therefore consider that removal of this condition would be to the benefit of the character and quality of the development, and the safety and amenity of residents. It is therefore recommended that this condition be removed.

## **7. Conclusion**

- 7.1** The proposal seeks removal or variation of some of the planning conditions forming part of planning permission P0759.11. For the reasons given above, Staff consider the proposal to be acceptable, subject to the prior completion of a deed of variation of the legal agreement forming part of P0759.11, and recommend that planning permission be granted.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

None arising from this application

#### **Legal implications and risks:**

Legal resources will be required for the completion of the Deed of Variation.

#### **Human Resources implications and risks:**

None arising from this application

#### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to equalities legislation. The variation of conditions proposed have regard to the quality of the living environment that will be created for all future occupiers of this development, which comprises a large proportion of affordable housing.

### **BACKGROUND PAPERS**