



# REGULATORY SERVICES COMMITTEE

30 April 2013

# REPORT

**Subject Heading:**

**P1468.12: Site at Romford Ice Rink,  
Rom Valley Way, Romford**

**Proposed foodstore within Class A1  
(retail) use, petrol filling station,  
associated parking and landscaping,  
alterations to existing access to Rom  
Valley Way and formation of new  
access/egress onto Rom Valley Way;  
and outline planning application for a  
residential scheme of up to 71 units  
comprising a mix of 3 bedroom town  
houses and two blocks of 1 and 2 bed  
flats (access only to be considered)  
[application received 29 November  
2012]**

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**Policy context:**

**National Planning Policy Framework  
London Plan  
Havering Corporate Plan (2011-2014)  
Local Development Framework**

**Financial summary:**

**None**

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

Ensuring a clean, safe and green borough  
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  [ ]

## SUMMARY

This application relates to proposed development on the site of the existing Romford Ice Rink in Rom Valley Way. The proposal is a hybrid application, consisting of a full application for a new supermarket and petrol filling station and an outline application for residential development of up to 71 units. The proposals have been made possible through a land transaction, which enables the Council to separately pursue the redevelopment of a site in Western Road to provide a new public leisure facility, including a swimming pool and an ice rink. Whilst both applications are separate there is a strong degree of linkage between the proposals, such that each should be considered with regard to the other.

The application has been through all of the statutory consultation processes, including referral to the Mayor and Staff are satisfied that the proposed development is acceptable in principle, although this is predicated on ensuring delivery of a leisure facility to replace that being lost from the application site i.e. securing a replacement for the existing ice rink. There is a need for a legal agreement to ensure the delivery of the leisure element. A sequential test approach has been applied to the acceptability of providing a new retail supermarket outside of the existing town centre, in line with the National Planning Policy Framework, and the location of the proposed development is considered to be justified and appropriate.

Consideration has been given to a wide range of planning issues, including factors such as design, layout, parking, access issues, relationship with neighbouring land uses and environmental factors. Detailed consideration has also been given to the loss of the existing ice rink and the consequent impact on the current users of the facility.

Staff are satisfied, having regard to all material factors, that the proposals are acceptable in principle and it is recommended that planning permission be granted, subject to no contrary direction from the Mayor for London or call in from the Secretary of State under the referral procedures, the prior completion of a legal agreement and conditions.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to

A: No direction to the contrary on referral to the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008);

B: No direction to the contrary on referral to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009: and

C: Prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

\* Provision of the new leisure facility

\* Use of reasonable endeavours by the applicant to negotiate with the NHS Trust to enable provision of a more direct public footpath link to the site from the existing bus interchange at Queens Hospital and should the appropriate owner(s) dedicate the pedestrian route for highway use, that the appropriate owner(s) enter into the appropriate highways agreement under Section 38 or Section 25 of the Highway Act 1980 to secure the provision of a pedestrian link open to the public

\* Provision of a training and recruitment scheme for local people to be employed during the construction period and during the operation of the supermarket and petrol filling station.

\* Payment of a financial contribution of £6,000 per dwelling unit created on the residential element of the site to be paid prior to commencement of construction of the first residential unit in accordance with the Planning Obligations SPD.

\* Payment of a financial contribution (which is still subject to negotiation and will be confirmed on or before the date of the committee) to secure highway and transportation related improvements within the vicinity of Queens Hospital

\* Submission of a travel plan, which shall include provision for monitoring and review

\* Restriction on occupiers of the residential development, save for blue badge holders, from obtaining residential parking permits within any current or future proposed controlled parking zone within which the site is located.

Subject to recommendations A), B) and C) above that planning permission be granted subject to the following conditions:

## **GENERAL**

1. The foodstore development must be commenced within 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. The proposed residential development to which the outline permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Application for the approval of the details of the appearance of the buildings, scale and landscaping of the residential element of the site (hereinafter called the 'Reserved Matters') shall be submitted to the Local Planning Authority with three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans, save for the proposed pedestrian link from the bus interchange within the site of Queens Hospital to the store as set out in condition 5, unless otherwise agreed by the Local Planning Authority:

- Existing Site Plan - E0-100 Rev B
- Proposed Site Plan – P0 – 101 Rev J
- Existing Elevations – E3-100
- Proposed Ground Floor Plan – P1-101 Rev Q
- Proposed First Floor Plan – P1102 Rev J
- Proposed Mezzanine Plan – P103 Rev F
- Proposed Roof Plan – P1-105
- Proposed Sections 2 – P2-101
- Proposed Sections 3 – P2-102
- Proposed Elevations 1 – P3-100
- Proposed Elevations 2 – P3-101
- Proposed Elevations - PFS – P3-102
- Proposed Details 1 – P4 – 100
- Proposed Details 2 – P4 – 101
- Landscape Proposals – SF2065 LL02 - Rev B
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Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

5. The proposed pedestrian link from the bus interchange within the Queens Hospital site to the foodstore shall be as set out on the proposed site plan P0-101 Rev J unless alternative details are submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with such alternative details that may be approved pursuant to this condition.

To ensure that the development provides a high quality pedestrian link into the site and to accord with LDF Development Control Policies Development Plan Document Policy DC61.

## PRE-COMMENCEMENT APPROVALS - GENERAL

6. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed New Superstore And Residential Development, Rom Valley Way, Romford, RM7 0AE Flood Risk and Drainage Assessment (FRA) (September 2012, Revision B) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use. The scheme shall include a restriction of surface water discharge to greenfield rates and surface water attenuation being provided on site as outlined in the FRA.<sup>1</sup>

Reason: To reduce the risk of flooding on and off site and to ensure that surface water is managed and disposed of appropriately.

7. Prior to the commencement of the development or each phase of development as appropriate approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority no development), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- I. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- II. A site investigation scheme, based on (I) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- III. The results of the site investigation and detailed risk assessment referred to in (II) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- IV. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (III) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme incorporating the remediation measures shall be implemented as approved.<sup>2</sup>

Reason: This condition is required to protect ground and surface water and to ensure any historic contamination is cleaned up as a result of this development. The secondary aquifer in the drift deposits are in continuity

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<sup>1</sup> As required by EA in letter to LB Havering dated 22 January 2013  
<sup>2</sup> As required by EA in letter to LB Havering dated 22 January 2013

with the River Rom, therefore any contamination present may pose a risk to these surface waters so this must be considered as a receptor as part of the risk assessment and remediation.

8. Prior to the commencement of development a scheme to protect and enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall only then be implemented in accordance with the approved scheme.

Reason: To protect groundwater and to ensure that any necessary remediation is carried out appropriately. To ensure that the development does not inhibit remediation of the land.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme for investigation, which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall only then be implemented in accordance with the approved scheme and shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the approved scheme and provision made for analysis, publication and dissemination of the results and archive deposits have been secured. Any archaeological works shall be carried out by a suitably qualified investigating body agreed with the Local Planning Authority.

Reason: heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic building recording), in accordance with recommendations given by the Borough and in the NPPF.

10. Prior to the commencement of development, details for the phasing of the development 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 that full details of the relevant phase of the development are submitted for approval.

11. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase II (Site Investigation) Report if the Phase I Report, having previously been submitted by the developer, confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) 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 of 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.

c) 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 include in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination, in accordance with LDF Core Strategy Policy CP15 and Development Control Policies Development Plan Document Policy DC53.

### **PRE-COMMENCEMENT APPROVALS - FOODSTORE SITE ONLY**

12. Prior to the commencement of the foodstore development hereby approved a Construction Method Statement (including Construction Logistics Plan and development phasing plan) shall be submitted to and approved in writing by the Local Planning Authority. This shall include - but not be limited - to the following:

- details of site access arrangements during construction;
- hours of operation – including usage of machinery, power tools and vehicles;
- the parking of vehicles of site operatives and visitors;
- the loading, unloading and storage of plant and materials;
- the erection and maintenance of security hoarding including decorative displays, where appropriate;
- measures to control noise, dust and dirt during construction (including details of wheel washing facilities); and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

The foodstore development shall then be undertaken in accordance with the Construction Management Plan as so approved.

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

13. Prior to the commencement of the foodstore development hereby approved, full details of the vehicular and pedestrian accesses to the site from the public highway shall be submitted to and approved in writing by the Local Planning Authority. These should reflect the parameters and principles set out in Mayer Brown Plan Refs CJFRomford.1/11 Rev H and CJFRomford.1/14 Rev B, as well as any revisions to the approved layout submitted pursuant to condition 5 of this permission. The accesses to the foodstore site shall be implemented in accordance with the approved development prior to first occupation of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

14. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway and /or the adoption of public highway shall be entered into prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. The changes to the primary vehicular junction on the Rom Valley Way shall be subjected to the 4-stage full road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges, details of which and any recommendations arising from the road safety audit shall be submitted to and agreed in writing by the Local Planning Authority. Any recommendations arising from this shall be reasonably dealt with. A Stage 1/2 RSA shall take place prior to the construction of the new junction, details of which to be submitted to the Local Planning Authority prior to the commencement of construction works on the new junction.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. Prior to the commencement of the foodstore development details and samples of the external materials to be used in the construction of the foodstore building shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details unless agreed in writing with the Local Planning Authority.



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

17. Prior to the commencement of foodstore development and notwithstanding the illustrative landscape scheme submitted with the application and hereby approved, a detailed scheme for the hard and soft landscaping of the foodstore site shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
- Planting plans including species, numbers size and density of planting;
  - Details and samples, where appropriate, of hard surfacing
  - Boundary treatment; and
  - An implementation and future maintenance programme.

The scheme shall be then carried out as approved no later than the first planting season following first occupation or completion of the development, whichever is the sooner.

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 Development Control Policies Development Plan Document Policy DC61

18. Prior to the commencement of the foodstore development a detailed Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. This Assessment shall include - but not be limited - to noise associated with operation of the service yard (including vehicle engines, reversing beepers, loading and unloading activities) and noise impacts of the proposed ventilation systems and extraction plant. The report shall clearly set out any mitigation measures necessary to reduce identified noise impacts to acceptable levels on noise sensitive receptors - including the amenity of existing residents and potential future residents of the proposed residential scheme. The mitigation measures in the approved Noise Impact Assessment shall be implemented in their entirety before the foodstore opens for trading and retained thereafter in accordance with the approved details.

Reason: To protect the amenities of neighbouring properties, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC55.

19. Prior to the commencement of the foodstore development details of the Sustainable Energy Programme (including full details of the energy and sustainability measures to be incorporated in the development) shall be submitted to and approved in writing by the Local Planning Authority. This Programme shall be in accordance with the parameters and principles set out in the Sustainable Design and Construction Statement and the

Sustainable Energy Statement prepared by b:ssec that accompanied the application and shall (as a minimum) achieve the carbon emissions savings indicated in these documents consistent with the relevant policies in the Development Plan. The foodstore development shall be implemented in accordance with the approved Sustainable Energy Programme.

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

20. Prior to the commencement of the foodstore and petrol filling station development hereby approved, details of existing and proposed ground levels of the proposed foodstore and petrol filling station shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the development has a satisfactory appearance and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

21. Prior to the commencement of the foodstore and petrol filling station development hereby approved, details of the proposed fire strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the London Fire and Emergency Planning Authority. This shall include, but not be limited to:
- details of fire appliance access routes around the store
  - location of fire mains
  - fire fighting arrangements within the service yard/loading bay
  - access arrangements
  - provision of water supply

The development shall then be carried out in accordance with the approved details.

Reason; To ensure that the proposed development makes acceptable provision for fire safety.

22. Before the commencement of the foodstore development or of any phase of the foodstore development hereby permitted, as appropriate, a detailed Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a detailed strategy for waste management and minimising of waste, including recycling of waste and for managing the associated impacts of construction related traffic. The development shall be operated in accordance with the approved Site Waste Management Plan.

Reason: In the interests of amenity and sustainability and to reduce the impact of the construction on the local road network.

## **PRE-COMMENCEMENT APPROVALS - RESIDENTIAL SITE**

23. Prior to the commencement of the residential development a Construction Method Statement (including Construction Logistics Plan and development phasing plan) shall be submitted to and approved in writing by the Local Planning Authority. This shall include - but not be limited - to the following:
- hours of operation – including usage of machinery, power tools and vehicles;
  - construction traffic management plan – including parking of vehicles of site operatives and visitors;
  - the loading, unloading and storage of plant and materials;
  - the erection and maintenance of security hoarding including decorative displays, where appropriate;
  - measures to control noise, dust and dirt during construction (including details of wheel washing facilities);
  - a scheme for recycling/disposing of waste resulting from demolition and construction works.

The residential development shall then be undertaken in accordance with the Construction Management Plan as so approved.

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

24. Unless satisfactory details are approved as part of the appearance reserved matters submission/approval, prior to the commencement of the residential development details and samples of the materials to be used in construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details unless agreed in writing with the Local Planning Authority.

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

25. Prior to the commencement of the residential development hereby approved, full details of the vehicular and pedestrian access to the site shall be submitted to and approved in writing by the Local Planning Authority. These should reflect the parameters and principles set out Mayer Brown Plan Refs CJFRomford.1/13 Rev B. The access shall be implemented in accordance with the approved development prior to first occupation of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

26. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway and/or adoption of public highway shall be entered into prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

27. The landscape scheme to be submitted as a Reserved Matter shall include – but not be limited to – the following:
- Proposed finished ground and building slab levels;
  - Planting plans including species, numbers size and density of planting;
  - Details, and samples as appropriate, of proposed hard surfacing; and
  - An implementation and maintenance programme.

The scheme shall be carried out as approved no later than the first planting season following first occupation or completion of the development whichever is the sooner.

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 Development Control Policies Development Plan Document Policy DC61

28. Prior to the commencement of the residential development a scheme for the provision of playspace to be provided on site in line with prevailing local and regional policies shall be submitted to and approved in writing by the Local Planning Authority. The development shall only then be implemented in accordance with the approved scheme.

Reason: To ensure that adequate provision for play space is provided within the site, in order to accord with the policies of the London Plan.

29. Prior to the commencement of the residential development a scheme for reducing crime and the fear of crime shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. The development shall only then be implemented in accordance with the approved scheme, which shall be retained thereafter in accordance with the approved details.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17, DC33 and DC63 LDF Core Strategy and Development Control Policies Development Plan Document.

30. Prior to the commencement of the residential development, details of existing and proposed ground levels and the finished floor levels of the proposed dwellings and flats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the development has a satisfactory appearance and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

31. The number of units within the residential development hereby approved shall not exceed 71. Of these a minimum of 35% of the total number of units shall be 3 or 4 bedroom single family dwelling housing.

Reason: To accord with the provisions of the Design & Access statement (Section 6.1), to ensure a suitable density of development and to create an acceptable unit mix on the site in accordance with Policies DC2 and DC3 of the LDF Development Control Policies Development Plan Document.

32. In submitting details pursuant to condition 3, the maximum height of development shall not exceed three storeys, with the exception of development on that part of the site adjoining Rom Valley Way, extending not more than 25m back into the site (westwards) from the eastern site boundary, as set out in condition 33 below.

Reason: To accord with the provisions of the Design and Access Statement (Section 6.1) and to ensure the development has a satisfactory impact on local character and amenity and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

33. In submitting details pursuant to condition 3 development on that part of the site adjoining Rom Valley Way, extending not more than 25m back into the site (westwards) from the eastern site boundary, shall not exceed 5 storeys and 16 metres in height.

Reason: To accord with the provisions of the Design and Access Statement (Section 6.1) and to ensure the development has a satisfactory impact on local character and amenity and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

34. Prior to commencement of the residential development hereby approved, details of the proposed car parking provision, including details of parking for blue badge holders, 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 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 Policies DC32 and DC33.

35. In submitting details pursuant to condition 3, the internal layout of the proposed dwellings shall comply with the internal size standards set out within Policy 3.5 of the London Plan, unless acceptable alternative details are otherwise submitted to and approved in writing by the Local Planning Authority. Detailed justification for non-compliance with the provisions of the London Plan will be required to be submitted.

Reason: To ensure the proposed residential units are of satisfactory design and living quality and to accord with Policy 3.5 of the London Plan.

36. In submitting details pursuant to condition 3, all proposed dwellings and flats within the site will be required to be constructed to Lifetime Homes standard, unless otherwise submitted to and justified in writing to the Local Planning Authority.

Reason: To ensure the proposed residential units are of satisfactory design and living quality and to accord with Policy DC7 of the LDF Development Control Policies Development Plan Document

37. In submitting details pursuant to condition 3, a minimum of 10% of the proposed new homes shall be designed to be wheelchair accessible or easily adaptable to residents who are wheelchair users.

Reason: To ensure that provision is made within the development for wheelchair users and to accord with Policy DC7 of the LDF Development Control Policies Development Plan Document.

### **CONDITIONS TO BE DISCHARGED PRIOR TO FIRST OCCUPATION**

38. No occupation of any part of the foodstore development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation in that part of the site has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.<sup>3</sup>

Reason: To protect groundwater and to ensure that any necessary remediation is carried out appropriately. To ensure that the development does not inhibit remediation of the land.

39. The foodstore development shall not open for trading until the car parking provision has been laid out in accordance with the approved site plan,

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<sup>3</sup> As required by EA in letter to LB Havering dated 22 January 2013

including the provision of 26 spaces for disabled users, one of which as a minimum shall be retained for the use of disabled store employees.

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 Policies DC32 and DC33.

40. The foodstore shall not be open for trading unless and until a scheme for the management of the store car park has been submitted to and agreed in writing with the Local Planning Authority. The foodstore development shall then be operated and managed in accordance with the approved car park management scheme unless otherwise agreed in writing by the Local Planning Authority.

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 Policies DC32 and DC33.

41. The foodstore development shall not open for trading until at least 40 parking spaces equipped with Electric Vehicle Charging Points (EVCPs) have been provided, of which 10 shall be active and the remaining 30 passive. Subsequent usage of these spaces must then be monitored by the applicant and a report submitted to the Local Planning Authority on an annual basis for three years after opening and the additional passive spaces made active if justified by the submitted report.

Reason: To encourage more sustainable travel in accordance with LDF Core Strategy Policy CP10 and in order that the development accords with London Plan Policy 6.13.

42. The foodstore development shall not open for trading unless and until a detailed scheme for the provision of a minimum of 40 on-site cycle parking spaces has been submitted to and approved in writing by the Local Planning Authority and such provision as approved has been provided.

Reason: In the interests of providing a wide range of facilities for non-motor car using residents, in the interests of sustainability and to accord with the Development Control Policies Development Plan Document Policy DC35.

43. The foodstore development shall not open for trading unless and until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. The proposals in relation to delivery hours shall have regard to the conclusions of the Noise Impact Assessment, which is required to be undertaken and submitted pursuant to the requirements of condition 18. The foodstore development shall then be operated and managed in

accordance with the approved Delivery and Servicing Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the development does not have an adverse impact on the environment, road network or neighbouring amenity and to accord with Policy 6.14 of the London Plan and Policy DC61 of the LDF Development Control Policies Development Plan Document.

44. The foodstore development shall not open for trading until a scheme for the collection and storage of refuse is submitted to and approved in writing by the local planning authority and the refuse storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

Reason: To ensure that refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Development Control Policies Development Plan Document Policy DC40.

45. The foodstore development shall not open for trading unless and until details of all permanent external lighting and a schedule for its control and use has been submitted to and agreed in writing by the Local Planning Authority. The lighting then installed shall be implemented, used and maintained in accordance with the approved details.

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

46. The foodstore development shall not be open for trading unless and until a scheme to minimise crime and the fear of crime has been implemented in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. This scheme shall be in accordance with the parameters and principles set out in Section 10 of the Design and Access Statement submitted in support of the application.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17, DC33 and DC63 LDF Core Strategy and Development Control Policies Development Plan Document.

47. The foodstore development shall not be open for trading unless and until a scheme of CCTV has been installed across the site of the store, petrol filling station and associated car parks in accordance with a scheme to be previously submitted to and agreed in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. The CCTV scheme shall be retained thereafter in accordance with the approved details.



Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17, DC33 and DC63 LDF Core Strategy and Development Control Policies Development Plan Document.

48. The proposed foodstore development shall meet the 'Very Good' standard using the generic Building Research Establishment Environmental Assessment Method (BREEAM). Design stage certification of this standard shall be provided to the Local Planning Authority prior to the occupation of the foodstore.

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

### **Prior to Occupation conditions - Residential**

- 49 No occupation of any of the residential dwellings shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation in the residential part of the site has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.<sup>4</sup>

Reason: To protect groundwater and to ensure that any necessary remediation is carried out appropriately. To ensure that the development does not inhibit remediation of the land.

50. The residential element of the proposed development shall meet the Code for Sustainable Homes Level 4. Certification of this standard shall be provided to the Local Planning Authority prior to first occupation of the residential development.

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

51. The residential development shall not be occupied or brought into use until a scheme for the collection and storage of refuse is submitted to and approved in writing by the local planning authority and the refuse storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

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<sup>4</sup> As required by EA in letter to LB Havering dated 22 January 2013

Reason: To ensure that refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Development Control Policies Development Plan Document Policy DC40.

52. The dwellings hereby approved shall not be occupied unless and until a scheme for the allocation and management of the car parking has been submitted to and agreed in writing with the Local Planning Authority. The residential development shall then be managed in accordance with the approved car park management scheme unless otherwise agreed in writing by the Local Planning Authority.

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.

53. The dwellings hereby approved shall not be occupied, until external lighting has been installed and made operational on the residential site, in accordance with details which shall previously be submitted to and agreed in writing by the Local Planning Authority. The lighting shall then be maintained in accordance with the approved details.

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

54. Prior to the first occupation of the dwellings hereby approved details of proposed treatment to all boundaries of the residential site and the boundaries between properties shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the boundary treatment is installed in accordance with the approved details which shall thereafter be maintained as approved.

Reason: To protect the visual amenities of the development, create a safe living environment and to prevent undue overlooking of adjoining properties, and to accord with Policy DC61 of the LDF Core Development Control Policies Development Plan Document.

55. Prior to the first occupation of the dwellings hereby approved, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car using residents, in the interests of sustainability.

56. The residential development hereby approved shall not be occupied until the parking spaces for at least 20% of the dwellings have been equipped with active Electric Vehicle Charging Points (EVCPs). The parking spaces for a further 20% of the units are to have passive provision of EVCP's.

Reason: To encourage more sustainable travel in accordance with LDF Core Strategy Policy CP10 and in order that the development accords with London Plan Policy 6.13.

### **General Conditions – Foodstore**

57. The net retail sales area of the foodstore hereby approved shall not exceed 3,760 square metres, of which not more than 20% shall be used for comparison goods sales. (For the purposes of this condition the net retail sales area comprises all internal areas accessible to the customer and excludes the area in which checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts that are sited where these are not used for the sale of groceries).

Reason: In order to control the amount and range goods sold from the premises, and maintain the primary function of the premises as a retail food store, in the interests of maintaining retail vitality and viability.

### **Informatives**

Thames Water advise that devices to avoid the risk of backflow are incorporated into the development. The developer is also advised to contact Thames Water Development Services on 0845 850 2777 to obtain the necessary consents for discharge of surface water drainage from the site. The use of petrol/oil interceptors across the site is recommended.

The Fire Brigade (water team) recommend the provision of 4 private fire hydrants on the site to be sited within the footpath (further information is available from the LPA).

The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed.

The developers is advised that this permission 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 any temporary works) required during construction of the development.

In aiming to satisfy conditions 29, 46 & 47 above, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control Service. It is the policy of the Local Planning Authority to consult with the Borough CPDA in the discharging of community safety conditions.

## **CIL informative**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £[CIL AMOUNT] (to be confirmed) CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

## **Informative re. negotiation**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## **Reason for Approval**

This decision to grant planning permission has been taken:

- (i) having regard to the provisions of the National Planning Policy Framework, specifically Sections 1, 2, 4, 6, 7,10 and 11; Policies .6-2.8, 3.3, 3.4, 3.5, 3.6, 3.8, 3.9, 3.10-13, 3.16, 3.19, 4.1, 4.6, 4.7, 4.8, 5.1-5.3, 5.7-5.9, 5.12, 5.13, 5.18, 5.21, 6.1-5, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.13, 7.14, 7.15, 7.19, 7.21 and 8.2 of the London Plan; Policies CP1, CP2, CP4, CP5, CP7, CP9, CP10, CP15, CP16, CP17, DC2, DC3, DC6, DC7, DC15, DC18, DC19, DC20, DC32-36, DC40, DC48, DC49-50, DC51, DC52, DC53, DC55, DC58, DC60, DC61, DC62, DC63, DC66, DC70 and DC72 of the Core Strategy and Development Control Policies Development Plan Document, as well as Policy SSA7 of the LDF Site Specific Allocations Development Plan Document.
- (ii) for the following reasons:

The proposed development is in an out of town centre location and, in line with the provisions of the National Planning Policy Framework, a 'sequential test' of alternative town centre sites and a retail impact assessment has been submitted with the application. Based on independent analysis of these reports, the Council is satisfied that the location of the proposed store and its impact on Romford Town Centre is acceptable and policy compliant.

The proposal will involve the loss of an existing ice rink building from the site but the development also enables the provision of a major new leisure facility elsewhere within the centre of Romford, which is the subject of a separate but related planning application. This new leisure facility is considered to mitigate for the loss of the existing ice rink and will be secured through a legal agreement. On this basis, the proposal is considered to be compliant with policy. The temporary loss of the existing facility is not material grounds on which to refuse the proposals.

The proposed foodstore development is a high quality, architect-designed scheme, which contributes to local character. It is considered acceptable in all key respects, including highway and parking related issues, impact on amenity and environmental impacts.

The proposed residential development is in outline form but is for a quantum of development that is considered to be acceptable in terms of density and unit mix. The indicative scale of development is in keeping with local character and the proposal is considered acceptable in all key respects, including highway and parking issues, the impact on amenity and environmental issues.

There is judged to be no material conflict with any national, regional or local planning policies.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is located on the western side of Rom Valley Way and occupies an area of 2.9 hectares. Existing development on the site consists of the Romford Ice Rink, which is housed in a substantial, single storey building on the northern half of the site and associated surface car parking on the southern half of the site. The site itself is relatively level, although there is a slight slope from north-west to south-east and the site is higher than the adjacent pavement level in Rom Valley Way. The site is largely hard surfaced, although there are grassed areas within the site and some trees and other vegetation, mainly around the site edges.
- 1.2 The site is presently accessed from a signal controlled junction on Rom Valley Way. This junction also provides general pedestrian and vehicular access to Queens Hospital, which is sited to the western side of the application site. There is a roundabout set approximately 60m in from the junction with Rom Valley Way, from which it is possible to turn right to enter the ice rink site or proceed straight ahead to the hospital.
- 1.3 To the Rom Valley Way frontage of the site, the character is predominantly formed by large retail buildings, such as Homebase and Mothercare World. To the north/north-west of the application site is a car park, which also has an east/west public right of way between the hospital site and Rom Valley Way. This extends to the west into a linear park, which includes the helicopter landing area for the air ambulance. Beyond the car park, to the north, is a residential development (Blade Court) and adjacent to this, extending west, a terrace of houses fronting onto Oldchurch Road. Planning permission has recently been agreed for a residential flatted development (the issuing of planning permission is awaiting the completion of a Section 106 legal agreement) on the site of the former Paynes warehouse, which lies on land between the car park and the terraced housing to the north of the site.

## **2. Description of Proposal**

2.1 The proposed development of the site has been submitted as a hybrid application, comprising of two elements – a full application for the construction of a new supermarket, with associated petrol filling station and an outline application for residential development on the northern part of the site of up to 71 units, with access only to be considered at this stage.

### **2.2 Proposed foodstore development:**

2.2.1 This is a full application for a new foodstore, which will be located towards the centre and southern end of the application site. A petrol filling station is also proposed to the south of the foodstore building. The existing ice rink building will be removed from the site.

2.2.2 The existing vehicular access to the site from Rom Valley Way will be retained but will be modified by replacement of the existing signal controlled junction between the site and Rom Valley Way with a roundabout. There would be three lanes of entry into the site from the proposed new Rom Valley Way roundabout. The existing roundabout leading off the principal access road will also be modified. The right hand turn from the roundabout, that currently leads to the ice rink building, would effectively be retained but improved to form vehicular access and egress to the proposed new foodstore, with a third lane giving vehicular access to the petrol filling station.

2.2.3 The proposed new foodstore is effectively built on a podium, with the frontage of the building elevated above street level in Rom Valley Way, such that the ground floor of the development is primarily given over to car parking, servicing and access. A total of 400 customer parking spaces are proposed, which include 26 wheelchair accessible spaces, 12 parent and toddler spaces and 10 electric vehicle charging spaces. Pedestrian access to the store is from the front of the site in Rom Valley Way and also from the western side of the site, where an existing bus station is located, by utilising a proposed pedestrian route crossing the site in an easterly direction. Servicing and delivery vehicles would enter the site from Rom Valley Way. A proposed enclosed service ramp to the north side of the building provides vehicular access to an elevated service yard located towards the rear of the building. Plant rooms would also be located to the rear of the building.

2.2.4 The sales floor of the proposed store is situated at first floor level, reached by internal travelators located towards the front of the building. The store also includes a mezzanine floor level and provides an overall 3,760 square metres of (tradable) retail floor area.

2.2.5 The proposal will provide employment opportunities for local residents, both during the construction and operational phases. The store is expected to provide around 300 new job opportunities, in both full and part time

positions, across a range of roles. The company also offers a range of training programmes for employees across the workforce.

- 2.2.6 The proposed store has a primary frontage on to Rom Valley Way and will present a double height glazed atrium to the front façade, which wraps around the north and south facing return elevations of the atrium. Whilst pedestrian access to the store from Rom Valley Way will be provided at grade, the atrium is supported on a raised podium that sits between 900mm to 1200mm above street level in Rom Valley Way, necessitating a sloped access to the travelators housed within the atrium. This change in levels is managed through the provision of a stone clad plinth with a black, powder-coated woven mesh style balustrade, together with the provision of hard and soft landscaping. From within the atrium there is opportunity to reach the first floor retail area by the travelators, lift or stairs.
- 2.2.7 The store is designed with a striking, undulating roof form. The roof overhangs the atrium to the store frontage, before rising and falling in height as it extends towards the rear of the site. The roof of the building is proposed to be constructed of grey cladding (Kingspan or similar) with aluminium flashing/trim and the use of LED lighting strips (yellow) to the building perimeter around the soffits. The proposed store would also have distinctive glass fins to the glazed front façade of the atrium, which would project from the building at upper floor level. A digital clock would also form part of the detailing of the upper floor level.
- 2.2.8 The building is predominantly glazed where viewed from public vantage points in Rom Valley Way. The proposed roof line dips lower further back from the site frontage (some 19m back from the front façade of the store) and this sets the predominant character of the flank elevations of the store. To the northern side and rear of the store the edge of the development will be formed by proposed yellow coloured acoustically insulated panels, which will clad the proposed service yard. These elevations will also be detailed with vertical larch battens, such that the service yard areas have a distinctive architectural treatment from the store itself.
- 2.2.9 Detailed landscaping proposals have been submitted with the application. Towards the southern elevation of the proposed building a relatively formal landscaping scheme of false acacias is proposed, with more informal arrangements elsewhere in the site. At the proposed roundabout junction the proposed scheme of planting includes a group of fastigiated beech, with the intention of creating a visually conspicuous junction. Boundary planting of hedges and trees are proposed to the boundaries that do not have a frontage on to Rom Valley Way.
- 2.2.10 The proposed petrol filling station is located to the south of the proposed new foodstore. It will also be accessed from the existing roundabout, from which a separate filter lane into the filling station will be created. The petrol filling station will provide 6 no. double pumps, together with jet wash and air/vacuum facilities. It is designed to complement the appearance of the

proposed store, constructed in matching grey panels with yellow LED lighting strip and replicating the undulating roof design. The petrol filling station will include a sales kiosk.

### 2.3 **Proposed residential development (outline application)**

2.3.1 The residential development is proposed on the northern part of the application site. The application is in outline form with all matters other than access reserved. The proposal is for a development of up to 71 residential units, to comprise up to 25 no. 3 or 4 bedroom houses and 46 no. 1 or 2 bed apartments, together with 54 residential parking spaces.

2.3.2 Access to the residential development is proposed from Oldchurch Rise, off Oldchurch Road. There are no detailed layouts or elevations of the proposed residential development submitted as part of the scheme, commensurate with its outline nature. However, illustrative proposals have been provided to demonstrate the manner in which the quantum of development sought, could be achieved on the site. These illustrative proposals have been arrived at in response to a number of key considerations, which include:

- a need (identified by the Council) for a varied unit mix, including the provision of family housing
- the provision of a public pedestrian route through the development connecting Rom Valley Way with Oldchurch Rise and routes beyond including to Romford Town Centre
- options for providing vehicular access
- providing a suitably strong urban edge to the site, as viewed from Rom Valley Way
- site constraints and relationship with neighbouring land uses
- parking and amenity space requirements

2.3. The illustrative layout indicates a development comprising a five storey (36 unit) apartment block at the eastern end of the site fronting on to Rom Valley Way. A further apartment block, three storeys high and providing 10 units, is indicated at the western end of the site, adjacent to the proposed vehicular access. The remaining units within the indicative layout are shown as an arrangement of terraced dwellings, all with private rear amenity space. A pedestrian link running west/east through the site is shown at the northern end of the layout, adjacent to the existing car park north of the site.

## 3. **Relevant History**

3.1 The site has been used for a number of years in connection with the Rom Valley Ice Rink. Other applications of relevance to the current proposals are as follows:

F0002.12 Prior approval request for the proposed demolition of Rom Valley Ice Rink – granted.



Z0010.12 Screening opinion for mixed use development – EIA not required.

Z0011.12 Screening opinion for Environmental Impact Assessment for demolition of Rom Valley Ice Rink – EIA not required.

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

4.1 The application has been advertised on site and in the local press and neighbour notification letters have also been sent to 1280 local addresses. A petition containing over 7,000 signatures has been received by the Council. This raises a number of issues not all of which are directly related to this application. Matters raised of particular relevance to these proposals relate to the loss of the existing ice rink, the timing of demolition of the existing facility and the lack of continuity of ice rink provision in the Borough. Additionally 49 letters of representation have been received objecting to the proposal on the following grounds:

- Queens Hospital already affects amenity, this will make it even worse
- No need for another food chain, should have more parking for hospital
- Will give no chance for Queens to expand if needed in future
- Proposal will encourage car use in this location
- Council has shown it is unable to run and maintain such facilities (refers to former Dolphin site)
- Proposal will add to financial difficulty in town centre for other traders, leisure centre operators etc.
- Proposal reduces parking available locally
- Morrisons should be sited at the junction with Crow Lane, not here.
- Closure of ice rink for a period of some 18 months with no alternatives provided
- Parking problems and issues of traffic and congestion in the locality
- Impact on local school admissions
- Impact on local facilities
- Will it affect helicopter landing facilities at Queens
- Opinion that planning department will ignore objections.
- Oldchurch Gardens section of the park (comprising 7 blocks) should be bought and redeveloped
- Overdevelopment of land with no green open areas or native trees
- Shop sited very close to footpath and carriageway and feels overcrowded
- Will glazing result in glare that distracts motorists
- Will snow/rain run-off front roof slope onto pedestrians and motorists?
- Housing element looks cramped, little civic space and facing A&E access is unappealing

4.2 Objections to the proposals have been made on behalf of the NHS Trust, who are responsible for the operation of Queens Hospital, on the following grounds:

- adverse impact on emergency, patient and visitor access to the hospital
- lack of public open space and consequent impact on usage and maintenance of linear park. S106 contributions needed to pay for this.
- contrary to Policy SSA7 as no leisure provision on site
- TA does not consider location of hospital and bus station
- insufficient pedestrian linkage
- no queue length information, affects accuracy of traffic impact assessment
- blocking back of existing internal roundabout not adequately taken into consideration
- potential for hospital parking to use Morrisons car park not fully considered, potential knock on effect on hospital access arrangements
- residential access adequate but details needed, including pedestrian access
- development turns its back on the hospital

Following receipt of initial representations from the NHS Trust further discussions have been ongoing in respect of the issues raised and outcome of this will be addressed in later in this report.

4.3 Councillor Curtin, the Cabinet Member for Culture, Towns and Communities, has written in support of the proposals on the basis that the development supports policies CP3 (places to work) and CP17 (design). He is supportive of the new employment opportunities arising from the proposal and considers the proposed development to be a pleasing and attractive design

4.4 Staff have worked closely with the Greater London Authority (GLA) on the development of the overall package of proposals encompassed within this application and that for the leisure development in Western Road to assist in ensuring they are acceptable in terms of the GLA's planning policies. The GLA has advised that it considers the proposal to be generally acceptable in strategic planning terms. It recognises that the proposals are linked with a separate application, submitted by the Council, for a new leisure facility which, in principle, provides mitigation for the loss of the existing ice rink. The mitigation would justify the proposal in terms of the requirements of Policy SSA7 of the Site Specific Allocations DPD and Policy CP8, which supports the retention or re-provision of community facilities. The GLA would support measures to ensure that continuity of provision is maintained in the intervening period between the closure of the existing facility and the provision of the new leisure centre. However, it acknowledges that the long

term benefits of the new facility outweigh the temporary loss of ice skating provision and accepts the Council's position that any temporary facility would have to be undertaken with the input of the local community, particularly in the current economic climate. The proposal is considered acceptable in terms of strategic planning policy.

The GLA identified in their Stage I response the following issues that required further consideration:

- A review of the viability submission needs to be completed by the GLA, both in terms of affordable housing provision and wider development contributions by the applicant;
- A strategy for child play space within the residential development is required
- Further work required to ensure the pedestrian environment around the site functions efficiently
- Climate change mitigation is still under review by GLA officers
- Transport issues require further work (see detailed TfL comments below).

Further work has been undertaken to address the issues raised in the GLA's consultation response and this will be explained in detail later in the appropriate sections of this report.

4.5 Transport for London (TfL) have expressed concern regarding potential impact on local road network and some aspects of the modelling work undertaken. Further work has been requested in this respect. Principally comments may be summarised as follows:

- There is a strong desire to create a pedestrian link from the bus station to the site and would like to see what options there are for trying to secure this.
- Further detail of proposed pedestrian routes through the site should be provided and there needs to be clarification of the design and management of such routes in order to create acceptable standard of pedestrian accessibility.
- Concern regarding the trip generation methodology used - the principle of a revised access junction is acceptable but needs to be further supported in planning terms
- No need for a separate petrol tanker egress
- Risk of pick up/set down occurring on Rom Valley Way rather than within site
- Amount of parking is excessive and not justifiable in this location

- Needs to be parking provision for disabled employees too
- Insufficient electric vehicle charging points provided
- More cycle parking required
- Improvements to bus infrastructure will be welcomed and a financial contribution secured by legal agreement has been requested
- Request conditions relating to Construction Logistics Plan, Delivery & Servicing Plan and also detail of how travel plan will be secured and delivered.

Following receipt of the applicants response to these issues a further response from TfL has been received since receipt of the above comments. This will be addressed in the highway section of this report.

- 4.6 Sport England have considered this as a non-statutory consultation. They note the new leisure centre proposed represents a sizeable investment in sports facilities in the locality and raise no objection in principle. However, would like to be assured it is delivered, through S106 agreement and would like to be consulted on the draft legal agreement. A condition for phasing of the development is also requested.
- 4.7 The Fire Brigade (access) is not satisfied with the proposals and queries provision for fire appliance access routes and fire fighting arrangements. Access around the premises and to the petrol filling station appears satisfactory. In respect of water provision an additional 4 hydrants are required. Staff suggest these issues could be subject of a planning condition.
- 4.8 The Environment Agency have no objection to the proposals subject to planning conditions.
- 4.9 English Heritage (Archaeology) advise some parts of the site have higher archaeological potential than other parts and request planning conditions for further site investigation.
- 4.10 Thames Water raise no objection but advise measures will be needed to avoid sewerage surcharge to ground level; developer is responsible for making provision for surface water drainage, and consideration should be given to use of petrol/oil interceptors. These are not material planning issues but should be identified to the developer by way of informatives
- 4.11 Network Rail have no comments on the application.

- 4.12 The Borough Crime Prevention Design Advisor notes that crime prevention measures have been taken into consideration in the design of the proposals. It is recommended that the detailed boundary treatment proposals, when submitted, are adequate alongside the eastern boundary of the proposed car park. This, along with other community safety issues, can be dealt with by condition
- 4.13 Environmental Health have requested conditions relating to land contamination and air quality.
- 4.14 LBH Highways have raised no objection to the proposals. They have been involved with discussions regarding the highway implications with both the developer and TfL at pre-planning stage and are supportive in principle of the changes to the junction arrangements on to Rom Valley Way. They have considered the submitted traffic modelling data and raised no objection to the conclusions of this. Highways consider the proposal to be acceptable in terms of both public transport accessibility and parking/cycling provision. No objections are raised in principle to servicing arrangements. Planning conditions and a restriction on the ability of residents of the development to apply for parking permits (through S106 agreement) are requested if permission is granted.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework, 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), 10 (Meeting the challenge of climate change, flooding and coastal change) and 11 (Conserving and enhancing the natural environment) are relevant to these proposals.
- 5.2 Policies 2.6-2.8 (Outer London: Vision and strategy, economy and transport), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (play and informal recreation), 3.8 (housing choice) 3.9 (mixed and balanced communities), 3.10-13 (affordable housing), 3.16 (protection and enhancement of social infrastructure), 3.19 (sports facilities), 4.1 (developing London's economy), 4.6 (support for and enhancement of culture and sport provision), 4.7 (retail and town centre development), 4.8 (supporting a successful and diverse retail sector), 5.1-5.3 (climate change), 5.7-5.9 (renewable energy/energy efficiency, 5.12 (flood risk management), 5.13 (sustainable drainage), 5.18 (development waste management), 5.21 (contaminated land), 6.1-5 (transport), 6.9 (cycling), 6.10 (walking), 6.11 (traffic flow), 6.12 (road network capacity), 6.13 (parking), 7.1 (building neighbourhoods & communities), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture), 7.7

(tall buildings), 7.13 (emergency), 7.14 (improving air quality), 7.15 (reducing noise), 7.19 (bio diversity), 7.21 (trees) and 8.2 (planning obligations) of the London Plan are material planning considerations.

- 5.3 Policies CP1 (housing supply), CP2 (sustainable communities), CP4 (town centres), CP5 (culture), CP7 (recreation and leisure), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP16 (bio diversity), CP17 (design), DC2 (housing mix & density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes) DC15 (town centres), DC18 (protection of open space, sports, leisure and recreation facilities), DC19 (location of cultural facilities), DC20 (access to recreation and leisure), DC32-36 (transport), DC40 (waste recycling), DC48 (flood risk), DC49-50 (sustainability), DC51 (water supply), DC52 (air quality), DC53 (contaminated land), DC55 (noise), DC58 (biodiversity), DC60 (trees), DC61 (urban design), DC62 (access), DC63 (safer places), DC66 (tall buildings), DC70 (archaeology) and DC72 (planning obligations) of the Core Strategy and Development Control Policies Development Plan Document are material considerations.
- 5.4 Policy SSA7 of the Havering Local Development Framework Site Specific Allocations Development Plan Document is relevant to consideration of this application. In the context of the 'sequential test' undertaken to assess the acceptability of the proposal, the Romford Area Action Plan of the Local Development Framework is also relevant.
- 5.5 The Havering Landscape SPD, Designing Safer Places SPD, Protecting and Enhancing Diversity SPD, Sustainable Design and Construction SPD and Protection of Trees during Development SPD are also supplementary planning documents that are relevant to consideration of this application. Regard should also be had to the Council's Local Implementation Plan which set out the Council's transport policies and programmes and the Havering Culture Strategy (2012-2014).

## **6. Background**

- 6.1 The application site has been allocated for redevelopment for a mix of uses comprising residential, leisure and retail facilities under Policy SSA7 of the Site Specific Allocations DPD. As part of the Council's long held ambition to provide a new public leisure facility within Romford this site has been the subject of discussions for redevelopment in the past. The site had been the subject of a tender process in 2007/2008 aimed at achieving the Council's objective of funding the provision of a new leisure centre on part of the site, from the proceeds of a high density residential scheme developed alongside the proposed new leisure facility. As a result of the subsequent economic downturn these proposals became unviable and the Council was forced to abandon this particular project.
- 6.2 The Council's aim to provide a new leisure centre however remained. The Council's Corporate Plan 2011-2014 includes a specific objective under the

Towns and Communities Goal for the Council to work with the private sector to deliver a new leisure facility in Romford.

- 6.3 In the meantime the applicant had obtained a site in Western Road, with the intention of developing the site to form a new food store. The Council recognised this as an opportunity to establish a partnership approach and entered into negotiations with the owners of the Western Road site to acquire that site for the development of a new leisure centre, with an alternative site (i.e. the Romford Ice Rink site) identified for a potential new food store development.
- 6.4 A separate application has been submitted for the development of a new public leisure facility on the site in Western Road. Whilst the respective applications are separate, there are clear linkages between the proposals, in particular the key opportunity that is presented for important town centre regeneration objectives to be secured. The proposals, in tandem, are able to facilitate the Council's long-held aspirations to develop a new leisure centre in Romford, and the economic benefit that this brings to the town centre and it is important for the policy issues raised by both proposals to be considered within that overarching context.

## **7. Staff Comments**

- 7.1 The proposals have been submitted as a hybrid application, comprising a full application for a new foodstore with associated development, including a new petrol filling station and an outline planning application for residential development. Whilst they form part of one planning application the commercial and the residential elements of the proposal will be addressed separately in this report.

### **7.2 Foodstore development (including petrol filling station)**

- 7.2.1 The issues arising from this application are the principle of the development in this 'out of town centre' location, including issues relating to retail impact and the viability of the town centre; the loss of the existing leisure facility from the site; matters relating to the impact on the public highway, including on strategic road networks, access and egress arrangements, site accessibility and sustainable transport links, functioning and servicing of the development; the design and visual impact of the proposed development; the impact on the functioning of the adjacent Queens Hospital and the impact on neighbouring amenity generally; environmental issues, including sustainability and ecological impact.

### **7.3 Principle of Development**

- 7.3.1 The application site has been allocated for redevelopment for a mix of uses comprising residential, leisure and retail facilities under Policy SSA7 of the Site Specific Allocations DPD in the Havering Local Development Framework. However, it is acknowledged, under the definitions set out in the National Planning Policy Framework (NPPF), to be outside of Romford

town centre. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to applications for "main town centre uses" that are not within a designated centre and are not in accordance with an up-to-date development plan. This is essentially supported by the provisions of Policy 4.7 of the London Plan and Policy CP4 of the LDF Core Strategy.

- 7.3.2 Whilst the site is outside of the town centre it does have a strong degree of connectivity, being some 750 metres walking distance from the train station and the Brewery retail park. Staff are currently developing proposals with Transport for London to enhance pedestrian links alongside Romford Brewery (known as The Battis) with the objective of enhancing pedestrian connectivity between areas beyond Waterloo Road and Romford Town Centre. It is therefore relevant in undertaking the "sequential test" in this particular instance to recognise, if the absence of suitable town centre sites can be demonstrated, the degree of preference the NPPF gives to edge of centre and then out of centre sites that are well connected to an existing town centre over locations elsewhere.
- 7.3.3 The Council has previously commissioned GVA to undertake a Retail and Commercial Leisure Needs Assessment (RCLNA), linked to the LDF review and on-going work which will inform planning and regeneration policies and strategies for Havering. This was completed in 2012. It provides the most up to date evidence of shopping patterns in the Borough. With regards to convenience goods, the Study identified global capacity to support approximately 1,675 sqm net of additional convenience goods floorspace by 2017; increasing to 3,762 sqm net by 2022, and 5,746 sqm net by 2027. It was identified that this capacity is largely generated by the strong performance of out-of-centre Tesco stores at Gallows Corner and Hornchurch Road. For comparison goods, the Study identified capacity to support c.2,781 sqm net additional floorspace by 2017, increasing to c.14,968 sqm net by 2022; and to c.28,080 sqm net by 2027.
- 7.3.4 With specific reference to Romford town centre, the Study found the centre to be performing well and fulfilling its role as a Metropolitan centre, as defined in the London Plan. However, moving forwards the centre will face a number of challenges, including increased competition from rival destinations, such as Lakeside and Bluewater (both of which are earmarked in the future through planning applications and planning policies for further significant expansion in terms of their retail floorspace). Responding to these issues, the Study recommended a strategy for Romford Town Centre which seeks to differentiate Romford's offer and raise the diversity and quality of retail and leisure provision and the quality of its environment. The provision of a new leisure centre within the town centre could therefore play a part in achieving this objective and this would conform to Policy CP4 of the LDF, which seeks to promote and enhance Romford and the network of centres across the Borough by directing retail, cultural and service development towards town centres in line with national policy. Reflecting the principles of sustainable development, the Council's aim is also to minimise the need to travel, to provide a diverse range of services in the one central location and to make facilities accessible to all. This



approach is intended to sustain and enhance the vitality and viability of town centres.

#### 'Sequential Test' consideration

7.3.5 In line with the advice in the NPPF, the applicant has submitted a sequential test and have looked at three alternative sites. The scope of the sequential assessment and the sites to be assessed was discussed with the Council as part of pre-application discussions. When considered alongside the background of this application and the opportunity to secure a new leisure facility within the centre of Romford, Staff consider that the alternative sites considered are appropriate and, to the best knowledge of the Council, are the only sites which would reasonably fit the sequential test criteria. In looking at alternative sites the applicant has have looked at other town centre locations where the proposed foodstore may be accommodated, separate to any residential development which forms part of the submitted scheme. The sites have been identified based on size and proximity to the town centre and have been appraised on the basis of their availability, suitability and their viability. The Council has had the sequential test independently appraised by GVA. The GVA appraisal accepts the method of looking at alternative sites and the sites chosen for further consideration and considers that the sequential test undertaken accords with the requirements of the NPPF. Staff are therefore satisfied that the proposals adequately respond to the provisions of the NPPF in terms of methodology.

7.3.6 The three alternative sites considered are referred to as Mercury Gardens (land at the junction of Western Road and Grimshaw Way); Angel Way and Como Street, which vary in size and which were in the course of the sequential test examined in terms of suitability, viability and availability.

#### a) Mercury Gardens site

7.3.7 In respect of the Mercury Gardens site, this is located in the Romford Office Quarter (as defined in the Romford Area Action Plan) and comprises offices and a surface level car park. This is the site currently owned by the applicant, where the Council is seeking separately to obtain planning permission for the new Romford leisure centre. The site is edge-of-centre in policy terms. Owing to contract arrangements with the Council the whole of the site is not necessarily available for development. The remainder of the site has an area of 0.6 hectares and the case is made that this is not a sequentially preferable site as the remaining site area would be unable to accommodate the proposed retail unit, even allowing for reasonable flexibility, and so is unsuitable for the proposed foodstore development. The proposed foodstore has a net floorspace of 3,760 square metres, which it is not considered could fit on the remaining 0.6 hectare site. The proposed store is already significantly smaller in terms of net floorspace than other town centre competitors, such as Sainsbury and Asda and it is considered that the site area that is available for development would not be sufficient to support a viable development. Consequently, the size of the

site and its impact on retail viability of the proposed store is judged to render the site unsuitable for the development proposed.

7.3.8 This is considered to be a reasonable approach and in line with the provisions of NPPF and established case law. Furthermore, as an edge-of-centre site, the Mercury Gardens site is suitable for both retail and leisure uses and it is reasonable for the Council to consider its priorities for town centre development. Through the Corporate Plan (including the 'Living Ambition') and its planning and regeneration strategies, the Council has a clear vision that, as well as other objectives, seeks to promote Romford town centre as a cultural destination and a preference to encourage cultural use within the centre of Romford. As such, the promotion of part of this edge of centre site for a leisure-led development is entirely appropriate and in accordance with the Council's adopted strategy. The site is also located within the Romford Office Quarter as defined by Policy ROM13 of the Romford Area Action Plan and commercial evidence would need to be submitted that would justify pursuing use of the remainder of the site for retail rather than office purposes. The Council's legitimate decision to pursue planning permission for a leisure centre on this site effectively renders the site unavailable for alternative development and the remainder of the site of inadequate size to accommodate a foodstore, the site is considered to fail the three criteria of availability, suitability and viability. In accordance with the NPPF, it is considered this site may be justifiably dismissed as a preferable alternative in terms of the sequential test.

#### b) Angel Way site

7.3.9 The Angel Way site is situated to the north of the town centre, within the boundary of the ring road but just beyond the defined Retail Core. The site is therefore regarded as edge of centre in retail policy terms. The site is allocated under Policy ROMSSA1 of the Romford Area Action Plan for a mix of residential, retail, leisure and commercial development and there is an extant planning consent to deliver a residential-led mixed use scheme including a hotel and ground floor retail uses which has yet to be implemented. There is a condition on the planning consent restricting the gross floor area of any single retail unit to no more than 750 sqm. This is partly owing to concerns regarding the manner of servicing and delivery arrangements if the site were to be developed to form a large retail store, as the approved development relies on a relatively tight access via Angel Way. The development included a hotel and concerns were raised regarding conflict with the servicing arrangements of the hotel development taking place alongside the operational needs of a major retail store. These constraints may well affect the degree to which the site can be considered to be suitable.

7.3.10 On the basis of its location and proximity to the defined Retail Core, this site would be regarded as suitable for retail development. However, in terms of scale, at just 0.8ha, it is judged that this would be too small to accommodate the scale of foodstore proposed (at 3,760 sqm net) without a significant and

impractical degree of flexibility and compromise on the part of the retailer. In terms of flexibility of approach, the applicant has already disaggregated the proposed residential element of the submitted scheme. However, a further reduced scheme in respect of smaller retail floorspace is likely to mean that the proposed development could not effectively compete with existing foodstore provision in the town centre, which includes the 5,667 sqm net Sainsbury's at The Brewery and the 4,745 sqm net Asda at Dolphin Approach. The store, as proposed, is already c.30-40% smaller than the existing town centre stores and, given it is unlikely a further reduction in the scale of the proposed foodstore would be feasible, the Angel Way site is judged to be an unsuitable alternative. Furthermore, there is no evidence that this site is actually available, in policy terms. Given the existing extant residential-led planning permission. The site is not obviously available and owing to size is considered to be neither suitable or viable. In accordance with the NPPF, it is considered this site may be justifiably dismissed as a preferable alternative in terms of the sequential test

#### c) Como Street site

- 7.3.11 The third site considered is that of the Como Street Car Park, which is situated to the north of the town centre, beyond the boundary of the ring road but within less than 100m from the defined Retail Core. The site is therefore regarded as edge of centre for the purposes of the NPPF. The site is allocated within the Romford Area Action Plan under Policy ROMSSA3 for residential development with ancillary fringe retail uses along North Street. The site specific allocation for the site for residential use may preclude use of the site for retail purposes and, to this extent, it may be judged that the site is both unavailable and unsuitable for the proposal.
- 7.3.12 The site comprises 0.6ha and therefore, like Angel Way and the residual part of the Mercury Gardens site, may be regarded as unsuitable, by virtue of its limited size, to accommodate the proposed foodstore. As explained in paragraph 7.3.10 above, the proposed foodstore at 3,760 square metres is already c30-40% smaller than that of its competitors (Sainsbury at The Brewery and Asda at Dolphin Approach). The proposed store size would have to be reduced further to be accommodated on the Como Street site, which is judged to be unviable and thereby requiring an unreasonable degree of flexibility on the part of the applicant. The size of the site therefore renders the site unsuitable for the proposed development.
- 7.3.12 Having regard to the factors considered above, Staff consider that it has been adequately demonstrated that there are no sequentially preferable sites available to accommodate the proposed foodstore development. It is considered that, in terms of the availability of other sites and the Council's wider regeneration objectives for the town centre, the proposed location of the new foodstore is acceptable in principle under the provisions of the NPPF and Policy CP4 of the LDF. The proposal is also consistent in principle with the London Plan, which encourages "a proactive partnership approach" to identifying, and then bringing forward, town centre-related uses within, or on the edges of, existing centres as a means to support and

develop the role of town centres. This proposal, in combination with the separate leisure centre application, could be considered to fulfil this objective.

7.3.13 In terms of impact on the viability and vitality of the town centre, the Council has had the retail impact assessment submitted with the proposals independently assessed. The appraisers (GVA) are well aware of the health of the town centre having recently undertaken the Council's Retail Study, in connection with the future LDF/new Havering Local Plan, and conclude that the proposal is likely to contribute to the level of investment in main town centre uses within and on the edge of the town centre. This conclusion is drawn from the absence of other new food retailing proposals in the locality and the financial benefits overall to the town centre that would accrue through the investment in a new public leisure facility. Taken in the round, it is judged that, on balance, the proposals are likely to contribute to the level of investment in main town centre uses within, and on the edge, of the town centre.

7.3.14 The appraisal finds that the applicant's assessment of impact on town centre vitality and viability is informed by up-to-date health checks of those centres which are most likely to be affected by the application proposals. It is judged that the greatest level of trade diversion from existing stores would be from the catchment areas closest to the site, potentially affecting stores such as Sainsbury's, The Brewery; Asda, Dolphin Approach; Tesco, Hornchurch Road; and Tesco, Gallows Corner. Clearly some of these stores are located out-of-centre for the purposes of the NPPF and impact on these stores is not therefore a material consideration. Therefore the main concern would be the impact on the town centre stores in Romford.

7.3.15 The appraisal of the Retail Impact Assessment assumes that there would be a reasonable degree of trade diversion from the main foodstores in Romford town centre, potentially more so even than identified within the applicant's assessment. However, in judging the significance of this impact it considers it reasonable to have regard to the wider role of Romford town centre, in particular its prominent comparison shopping function but also its role as a leisure and cultural destination. Having regard to this wider role, it is judged that the centre is likely to be resilient to the effects of the proposal. Even allowing for a greater level of impact on the convenience role than estimated in the RIA, the overall impact is still likely to be less than 5%. Furthermore, it is concluded that whilst there will inevitably be some loss of linked trips between the Asda and Sainsbury's and the rest of the town centre, there is potential for this to be offset by additional footfall attracted to the Council's proposed leisure scheme. Increased choice and competition will also be a matter for consideration as this has potential to stimulate improvements in the existing stores in the town centre and to drive down prices which will benefit local consumers.

7.3.16 Overall, on balance, staff support the conclusion in the appraisal that the benefits associated with the proposals in terms of increased choice and competition and enabling the delivery of the Council's leisure scheme in an

accessible town centre location, will contribute towards offsetting any negative impact on the town centre's convenience turnover. The introduction of the proposed leisure scheme will add to the centre's diversity which is consistent with local policy objectives. The proposal is therefore judged to be acceptable in principle in land use terms and consistent with the NPPF, the London Plan and Policy CP4 of the LDF.

## **7.4 Loss of Existing Leisure Facility**

- 7.4.1 As previously identified, the site is has been allocated for mixed use development consisting of residential, leisure and retail under Policy SSA7 of the Site Specific Allocation DPD. The written justification for Policy SSA7 recognises that there are limited opportunities to provide new leisure facilities within the Borough and that this site offered the opportunity to do this, in conjunction with an enabling residential development. The justification further identifies that this site may create the opportunity to provide a replacement swimming pool (for the Dolphin site closed in 1995).
- 7.4.2 The principle of retail development on this site has been addressed under Section 7.3 above and the principle of residential development will be covered later in this report. The proposal will involve the loss of the existing ice rink facility on the site. There will be no replacement leisure facility on the application site although, as already identified in this report, a separate planning application has been submitted on behalf of the Council for the provision of new leisure facilities, including a new ice rink in Romford, at Western Road.
- 7.4.3 National and local planning policy seeks to retain and improve the provision of sports and recreation facilities. Policy 4.6 of the London Plan supports the provision of such facilities, whilst Policies CP7 and DC18 of the LDF state the Council's commitment to retention and enhancement of sports and leisure facilities. The Council recognises the role that the facilities provided by the existing Romford ice rink plays in the lives of local residents, as well as other users of the facilities who travel from outside the Borough to use the ice rink. The existing ice rink is home to the Romford Raiders ice hockey team and is well used for a variety of ice sports, including hockey and figure skating. It is acknowledged that this is a popular and well supported venue within the community.
- 7.4.4 However, the current ice rink is an ageing building and is no longer fit for purpose in the long term. The Council has actively explored the possibility of retaining the existing ice rink but the costs of doing such work are prohibitive, both in terms of the short term work and ongoing maintenance. The Council is therefore satisfied that the only feasible option, long term, is a new purpose-built leisure facility, which would include new, state of the art, ice skating facilities. Whilst there would be a period of time during which the Borough would be without an ice rink, provided a replacement facility is provided, Staff consider that the proposal would be acceptable within the terms of Policies CP7 and DC18.

- 7.4.5 The Council has had a long-standing commitment to the provision of a new public leisure facility in Romford. This forms part of the Council's Corporate Plan 2011-2014, which is the formal basis of the Havering 2020 Vision and underpins many of the themes in the LDF Core Strategy. However, it is considered for a number of reasons that such development should rightly be located within the heart of Romford Town Centre. In policy terms, this is consistent with the sequential test set out in the NPPF, as well as the provisions of Policies 2.7, 3.19 and 4.6 of the London Plan and Policies CP4 and DC19 of the LDF. Furthermore, it fits with the Council's objective of strengthening the vitality and viability of Romford town centre, making it better able to compete with other shopping centres on an economic basis, improving the character and quality of the town centre, the night time environment of the town and promoting regeneration. The location of such development in the centre of Romford is also consistent with sustainability objectives, benefitting from the strong public transport links within the town centre.
- 7.4.6 This application has been submitted alongside proposals for a new public leisure facility in Western Road, which is being considered concurrently with these proposals. The provision of a new leisure facility in the form of a pool and ice rink at Western Road was identified in the GVA study as a positive contribution to the town centre. Staff note that, if the proposed leisure facility in Western Road is approved, then it will be in the heart of the town centre and have greater accessibility than a leisure proposal at Rom Valley Way. It will have the potential to complement other town centre uses and enable town centre users to make linked trips within the heart of the town centre, which will add to the vitality and viability of Romford and should improve its economy. Staff consider that, on balance, in the context of these linked proposals, these advantages provide compelling reason to discount the conflict that the application proposal has with Policy SSA7 in so far as it does not include a leisure use.
- 7.4.7 It is acknowledged that, to satisfy the requirements of Policies CP7 and DC18, as well as London Plan Policy 3.16, the acceptability of the loss of the existing ice rink is dependent on ensuring that replacement facilities will be secured. The Council is committed to the provision of the new facilities, which will significantly improve upon the quality and range of facilities being provided by the current ice rink site. It is intended that this be achieved by a legal agreement.
- 7.4.8 It is further accepted that the proposal would see the Borough without ice rink facilities for a period of some 18 months. However, the existing ice rink requires significant work and financial investment in its current condition, which is simply not viable. The current proposals represent an opportunity to secure a state of the art facility that will serve Romford for the future. The existing ice rink operator has agreed to vacate the site by the end of May, which means the rink will need to close during April. Planning permission is not required for the demolition of the ice rink building. The applicant need only obtain prior approval from the Council in respect of the method of

demolition and restoration of the site. Such approval has previously been given under application reference F0002.12

7.4.9 The Council has explored the feasibility of providing a temporary ice rink facility. During the process of completing the Feasibility Study the Council has met with a number of ice rink operators, managers of existing ice rinks in the sub region and local stakeholders who have an interest in the provision of a temporary facility (i.e. people involved in ice hockey and ice skating).

7.4.10 The feasibility study considered a number of different types of facilities and associated costs, as well as potential sites across the borough. It concluded that the Broxhill site in Harold Hill would be the best site for a temporary facility and identified a range of costs from approx. £750k to £1.5m, depending on the type and quality of the facility to be provided. Other possible sites would have been more expensive. The facility would also need to be the subject of a planning application.

7.4.11 The Council does not have any identified capital funding for the provision of a temporary ice rink facility and has concluded that the costs of providing a temporary ice rink would place an unreasonable burden on tax payers, particularly in the current climate of financial austerity. It is noted that the GLA acknowledges this position and is supportive of the Council's stance in this respect. Nevertheless, in recognition of the impact on existing users of the ice rink, the Council has offered to consider providing a site (rent free) and a serviced building to house a temporary ice rink, subject to planning permission being secured, providing the stakeholders can find the funding to fit out the facility and are prepared to run it at no risk to the Council. Despite an initial positive response the stakeholders have not yet been able to confirm they have funding or the capacity to manage a temporary facility.

7.4.12 Whilst, at the time of writing this report, no final decision has been taken on whether to provide a temporary ice facility, or not, it looks increasingly likely that such a facility will not be provided. The Council has however been talking to other ice rink operators in the sub region (Chelmsford, Alexandra Palace and Lee Valley) to explore a transfer of the ice activities currently taking place at Romford. Whilst the concerns of local users of the facility regarding a gap in provision is understandable, this does not constitute material grounds to object to the proposals for a new leisure development and ice rink facility. Meanwhile, the Council is committed to working with the ice rink stakeholders to ensure that, in due course, a new ice rink facility is provided, which will provide top class training and facilities.

7.4.13 In summary, it is considered that the loss of the existing ice rink that the current proposal entail is acceptable in principle provided the loss is mitigated. Such mitigation is provided by virtue of the proposed replacement leisure centre facility in Romford and would be sufficient to ensure that the provisions of local planning policies, specifically SSA7 and CP7, and London Plan policies are addressed. The interim absence of an ice rink facility in Romford is regrettable but is unavoidable in this instance.

The proposals will however make it possible to achieve a high quality replacement leisure facility for the Borough.

## **7.5 Highway and Parking Issues**

- 7.5.1 The development proposes alterations to the existing junction access to the site from Rom Valley Way, which is currently a traffic signal controlled junction. This would be altered to form a roundabout. There would be three lanes of entry into the site from the proposed new Rom Valley Way roundabout extending to an existing 'internal' roundabout. This existing roundabout leading off the principal access road is also proposed to be modified, so that the right hand turn from the roundabout, that currently leads to the ice rink building, would effectively be retained but improved to form vehicular access and egress to the proposed new foodstore, with a third lane giving vehicular access to the petrol filling station.
- 7.5.2 TfL and the Council's Highway Engineers are satisfied in principle with the proposed alterations to the Rom Valley Way junction and the change from a signal controlled access to a roundabout. The Council's Highway Engineers advise that the ARCADY modelling results demonstrate that the roundabout offers significantly improved capacity compared to the existing signalised junction and this will accommodate significant background traffic growth and / or increased demand caused by the hospital or retail park opposite the site in Rom Valley Way. They advise that the proposals have been road safety audited and no major problems have been highlighted. However, when notified about the proposal, concerns have been raised by the NHS Trust regarding the impact of the access arrangements on the effective functioning of the hospital. In particular, the Trust refers to the 'blocking back' of the secondary, internal roundabout, which it considers will be exacerbated by the additional traffic connected with the proposed foodstore. The NHS Trust consider that the inclusion of an additional lane, providing access to their car park, would alleviate these problems.
- 7.5.3 Modelling of the junction arrangements has been undertaken by transport consultants acting on behalf of the applicant and also by separate consultants acting on behalf of the NHS Trust. While both consultants recognise that some queuing back currently occurs within the site, the impact of the development on these queues is disputed. The Council's Highway Engineers support the view that queuing from the internal roundabout towards Rom Valley Way tends to occur occasionally during peak times of patient and visitor use of the hospital on midweek mornings, rather than due to a conflict with rush hour traffic, and is predominantly symptomatic of a general shortage of public car parking within the hospital grounds and the time required to clear the hospital barrier system.
- 7.5.4 TfL, in its most recent response, has indicated that there is benefit to the alternative put forward by the NHS Trust i.e. the provision of an additional lane. TfL considers that such changes would reduce the risk of congestion associated with the development, impacting upon hospital operations, bus



operations and the wider highway network, as well as shoppers at the new supermarket. Whilst the proposals are considered to be acceptable in their current form, Staff acknowledge that the opportunity should be taken to see to what extent the Trust's concerns should be addressed and, if so, how. Discussions in this respect have been ongoing and are not yet completed. Members are requested to note that options for enabling an additional lane to be provided are still being considered.. Through ongoing discussions TfL have indicated that they may reconsider their position in respect of the scheme in the event that the scheme delivers the preferred additional lane. At the time of writing this report there are no detailed amendments to the access arrangements on which to consult TfL but Staff will provide Members with an update on this position and the on-going negotiations at the meeting.

- 7.5.5 In terms of the design of the site layout and accessibility, TfL are keen that the development takes advantage of its relationship with Queens Hospital and the public transport interchange that exists within the site. Staff acknowledge the importance of this objective but remain supportive of the design of the scheme, including how it relates to the hospital and the Rom Valley streetscene. Nonetheless, the quality and safety of public accessibility to the store and the option to use a range of modal access remains a high priority.
- 7.5.6 There is a public transport interchange that is located just west of the proposed store. Passengers arriving at the site by bus looking to use the store will need to cross the internal access road from the bus stops and reach the store from through/adjacent to the parking area. The proposed footpath link is considered to be staff to be acceptable although not the most direct route possible. This is a result of land ownership issues as some of the land that would be required to enable that direct link to be created is in the ownership of the NHS Trust rather than the applicant. It is understood that there have been discussions between both parties to try to reach agreement on the use of this piece of land as part of the footpath but these are not, at the time of submission of the application, successfully concluded.
- 7.5.7 The applicant has explained that it has always been the intention to create as direct a link as possible between the bus interchange and the store and that works has been done to improve the quality of pedestrian linkages, namely the removal of 50 parking spaces from their original pre-submission proposals, which enables provision of a 5 metre wide tree-lined pedestrian boulevard; the provision of a wide raised at-grade crossing over the store access road and a re-design of the petrol station to remove pedestrian desire lines from the forecourt.
- 7.5.8 Staff recognise the importance of providing a strong pedestrian link to the store from within the hospital site and share the aims of TfL and the applicants to ensure the best possible pedestrian linkage is provided. However, it is mindful of the fact that agreement must be reached with the NHS Trust in order to provide the more direct link, as the NHS Trust are owners of the land in question. This issue is also recognised by TfL.

7.5.9 Whilst TfL, in their latest correspondence, suggest that a condition could reasonably be imposed requiring that prior to the opening of the food store a direct link including a safe crossing between the food store and bus interchange is provided, Staff are not convinced that it is reasonable to impose a condition affecting land which is outside of the applicants direct control. Staff consider that the access arrangements currently proposed, although not the optimal solution, are nonetheless well considered, safe and provide an acceptable and convenient standard of public accessibility to the store. The proposal is therefore considered to be capable of approval in its current form and without the planning condition suggested by TfL. Recent communication suggests that the NHS are willing to work with the applicant and TfL to provide a direct link between the proposed food store and the bus interchange. In turn, the applicant has confirmed that they are willing to use 'reasonable endeavours' to secure the preferred route of pedestrian access across the land owned by the NHS Trust. In the circumstances therefore Staff consider it appropriate that the applicants be required to enter into a legal agreement obligating them to use 'reasonable endeavours' to achieve this (as set out in the recommendations to this report). A condition is also recommended that allows a degree of flexibility regarding the detailed layout of this part of the site, so that the layout can be revised with minimal difficulty if the preferred pedestrian access route can be secured.

7.5.10 TfL, in their most recent response, requested a capped contribution of £50,000 to facilitate the upgrade of existing bus shelters at the Interchange which operates on the NHS site. TfL have indicated that they may be prepared to reconsider this position, depending on the outcome of related discussions in respect of the site access arrangements. Members will be updated on the matter verbally at the meeting.

7.5.11 TfL have not raised any detailed objections to the day to day operation of the proposal, for example issues relating to deliveries, servicing, refuse collection etc. The Council's Highway Engineers, advise that although the servicing entrance and exit are combined with the customers exit, given the relatively low number of vehicles serving the store they are satisfied with the proposals in this respect. Details of waste management, delivery and servicing strategies should be secured by condition, as requested by TfL. Staff consider that consideration of delivery hours can be undertaken when details are submitted pursuant to the relevant condition. A separate condition requires the submission of a detailed noise impact assessment, which can be used to inform a final decision about appropriate delivery hours to the store.

7.5.12 TfL has advised it does not support the location of the proposed egress point for petrol tankers on to Rom Valley Way on the basis that this creates a further access on to this road (part of the Strategic Route Network), which can lead to further disruptions to the flow of traffic. Whilst Staff acknowledge that it is preferable not to create additional accesses where possible, it is difficult to route tankers through the site or back out to the main access due to manoeuvring constraints within the layout. This

would result in a significant, and in the opinion of the Highway Engineers unnecessary, re-design of the proposals. Given also that the number of vehicle movements created by petrol tankers is expected to be very low, it is not considered that this would have a significant impact on the functioning of the SRN and therefore a requirement to re-design the proposals is not justified.

7.5.13 The store would have 400 parking spaces of which 26 are for disabled users and 12 are parent and child spaces. The store is on the boundary of the Romford 5-6 PTAL zone. The parking provision for the new store has been proposed by the applicant on the basis of using the District Centre approach rather than the Romford Town Centre standard in Appendix 2 of the Local Development Framework. Staff are satisfied with this approach given the proximity of the site to the boundary of the Romford high PTAL zone; the local environment and parking attraction levels caused by nearby uses, especially Queens Hospital. On this basis the level of parking provision is judged to be under the maximum parking standards in the LDF for a new food store, which would allow up to 437 spaces (based on one space per 18 square metre of floorspace maximum) .

7.5.14 It is acknowledged that this exceeds the maximum level of provision specified by the London Plan. The number of parking spaces has been reduced from that originally required by the applicants. However, TfL consider that the provision of 400 spaces remains too high and should be reduced to no more than 314. TfL also consider that the parking accumulation study submitted does not provide a valid analysis of likely car parking demand, as it should demonstrate the build up and turnover of vehicles arriving / leaving the site across the day, based upon the floorspace of the store.

7.5.15 Staff have considered the points raised by TfL but note that levels of parking within the development have been reduced from that originally proposed prior to submission. Furthermore, given demand for parking locally, the location of the site outside of the town centre and the particular relationship of the site with Queens hospital Staff consider that the level of parking proposed is acceptable. It is noted that the NHS Trust has raised concerns about the adequacy of parking provision and potential knock on demand from hospital patients and visitors that cannot find a parking space at the hospital, leading to further congestion of the circulation routes around the hospital. Whilst it is considered that pressure for parking spaces by users of the hospital can be controlled through the store's own management of the car park, details of which can be secured by condition, it is considered that this presents further justification for the amount of parking proposed. No objection is therefore raised in this respect, although it is judged that in addition to a condition relating to the management, operation and charging procedures for the car park, there should be a requirement for a travel plan, to reduce the level of vehicular trip attraction especially by members of staff, which should be secured through legal agreement.

7.5.16 The proposal provides acceptable levels of parking for disabled users and at least one space is retained for a disabled employee, as requested by TfL. The applicant has also confirmed that, through their own store management procedures there is scope to provide more parking for disabled staff members if the need arises..

7.5.17 TfL consider the proposed ratio of Electric Vehicle Charging Points (EVCPs) unacceptable and advise that the London Plan requires 10 per cent of all parking spaces to be provided with active provision (i.e. 40 spaces), with a further 10 per cent of spaces (a further 40 spaces) to be provided with passive provision. The applicants propose to provide a total of 40 EVCP's within the site, which equates to 10% provision. Of these, 10 would be provided as active EVCP's before the store opens for trading. The remaining ECVP's would be passive (i.e. not fully operational) but the applicant is committed to a regular review of the need for further active provision. Staff consider this to be a reasonable approach to the provision of EVCP's within the site and raise no objection on these grounds subject to a suitable condition.

7.5.18 The application provides 22 cycle storage spaces. TfL requires the provision of 63 cycle spaces, although it is noted this is based on the town centre rather than out of town centre standards. Staff note that the site is served by a dual use footway / cycle track on the west side of the Rom Valley Way and the new roundabout will include a toucan crossing to ensure cycle access to the store is provided for. Additionally, the Authority requires a number of secure cycle parking facilities be provided as close to the store entrance as reasonably practical. Based on the Council's cycle parking standards, the amount of cycle parking exceeds that required for an out of town retail food store (approx. 11 spaces) but is less than that required for a town centre store (around 30 spaces). Based on consideration of the location of the store, staff have requested that the applicants provide a total of 40 cycle storage spaces which is considered sufficient to meet the likely demand for cycle parking and it is proposed that this be secured by condition.

7.5.19 TfL have requested conditions relating to a Construction Logistics Plan, Construction Management Plan and Delivery and Servicing Plan. These will be included in any permission granted, as referred to in paragraph 7.5.11 above.

7.5.20 The Fire Brigade have commented that they are not presently satisfied with the fire strategy for the site, although the access around the premises and to the petrol filling station appears to be acceptable. Additional water hydrants are also needed. It is not uncommon for the fire strategy for major developments to require further detailed design at this stage in the application and it is therefore suggested that a condition be imposed that requires further details of the fire access strategy to be submitted for approval.

7.5.21 Staff therefore conclude that the proposed new access arrangements are acceptable and that the proposal is acceptable in terms of parking and cycle storage provision. Further work is however ongoing to see if the provision of an additional lane into the site can be secured. No objection is raised in principle to the detailed layout and functioning of the site in highway and accessibility terms, although it is acknowledged that there is potential to create better pedestrian linkage to the store from the western side than currently proposed. Subject to the applicants being required to proceed with efforts to secure an improved pedestrian access, reasonable endeavours for which can be secured by legal agreement, it is considered that the proposal is acceptable in terms of its highway and access implications.

## **7.6 Design and Visual Impact**

7.6.1 In terms of the scale, bulk and massing, the proposed architect-designed food store is considered to work well within the streetscene. The store is raised above pavement level by a podium that ranges from approximately 900 mm to 1200mm above the street. This change in levels, designed to reflect the existing on site levels, is managed through the provision of sloped accesses to the store created by a combination of hard and soft landscaping. This is considered to provide an attractive setting to the development. The design of the store is particularly well designed in that, although from the rear it is designed to sit over the proposed customer car park, from the site frontage it relates well to the pedestrian environment and contributes strongly to the Rom Valley Way streetscene. It is acknowledged that criticism has been made, in representations from the NHS Trust, that the development unreasonably 'turns its back' on the hospital. Staff however consider that the greater priority should be for the building to address Rom Valley Way and are keen that the development takes the opportunity to significantly improve the character and visual interest of its streetscene, which is currently considered to be relatively poor for such a primary access route into the town centre. Staff are therefore supportive of the design principles adopted for the development.

7.6.2 The front entrance to the site leads into a double height glazed atrium, which provides access to stairs, lifts and travelators, leading to the first floor sales area. A customer café is also proposed at first floor looking out towards Rom Valley Way. In addition to the attractive glazed frontage, the development has a very distinctive undulating roof profile. This is considered to add a welcome degree of visual interest to the development such that it is judged to create a strong architectural statement in the streetscene. The roof is designed to have a low profile in Rom Valley Way, which further integrates the scale of the building into the streetscene; the roof then rises and further dips in height setting the predominant character of the flank elevations of the building. Viewed in the round therefore the store is considered to relate well to its surroundings in respect of bulk, scale and massing.

7.6.3 In terms of detailed design, the proposed external materials are relatively simple grey, micro-rib cladding but this is considered to work well with the

detailed feature elements of the design, which include aluminium flashing/trim and the use of yellow coloured LED lighting strips to the building perimeter around the soffits. The proposed store would also have distinctive glass fins to the glazed front façade of the atrium, which would project from the building at upper floor level and a digital clock would also form part of the detailing of the upper floor level. The quality of the materials are considered to give rise to a development that would make a positive contribution to the character and quality of the Rom Valley Way streetscene. The building has the potential to be particularly striking at night due to the use of LED lighting and views into the building through the glazed atrium. Details of store advertising have not been submitted at this stage but it is envisaged this could be sensitively designed, including the potential for the use of 'super graphics' which would be displayed within the store but visible through the glazing.

- 7.6.4 Whilst the return and rear elevations of the store effectively provide a screen for the service areas, they are nonetheless finished in a manner which is aesthetically pleasing. To the northern side and rear of the store the edge of the development will be formed by proposed yellow coloured acoustically insulated panels, which will effectively clad the proposed service yard. These elevations will also be detailed with vertical larch battens, such that the service yard areas have a distinctive architectural treatment from the store itself.
- 7.6.5 The proposed petrol filling station is located adjacent to the main site entrance so will have a visual impact in Rom Valley Way. The petrol filling station is considered to incorporate a degree of architectural interest as it has been designed to complement the character and appearance of the retail store, in terms of its orientation on site, the use of a similarly sloping roof profile and the use of complementary materials. This degree of assimilation between the design of the store and the associated petrol filling station is unusual and is considered to reflect the overall high quality design of the proposed new development.
- 7.6.6 The GLA has commented that the architecture of the store is generally supported and Staff would concur with this view. The proposed built form of the new development is considered to be entirely acceptable in terms of scale, bulk and mass and creates a visually attractive development that will enliven the character and appearance of this part of the Borough.
- 7.6.7 A detailed landscape strategy has been prepared and submitted in connection with the development. This proposes a mix of both formal and informal arrangements of tree planting within the site. It is recommended full details of the proposed planting be secured by condition.

## **7.7 Impact on Neighbouring Amenity**

- 7.7.1 The development site does not have any immediately neighbouring development to its southern side, with the nearest residential properties some considerable distance from the site boundaries.

- 7.7.2 To the eastern side of the site lies the Rom Valley Way Retail Park, which predominantly consist of retail warehouse style buildings. It is not considered these buildings, given the nature of their use and separation from the site across Rom Valley Way would be materially affected by the proposals.
- 7.7.3 The proposed development will have a direct relationship with the residential development proposed on the northern side of the site. The consequences of this for the residential amenity of future occupiers of the new residential units is addressed in Section 8.5 of this report.
- 7.7.4 There is also existing residential development and a live planning application(which has a Committee resolution to approve subject to prior completion of a S106 agreement) for residential development on land to the north of the application site (beyond the proposed new residential units). It is not considered these would be materially affected by the proposed new foodstore and petrol filling station due to their degree of separation from the site, the measures incorporated into the design of the northern boundary of the foodstore to provide acoustic screening and the routing of all customer and servicing traffic via Rom Valley Way (as opposed to using Oldchurch Rise). Having regard to these factors, no material harm to nearby residential amenity is considered to occur.
- 7.7.5 In terms of relationship with Queens Hospital, which lies to the west of the site, the proposed development is not considered to have a material impact in terms of size, scale and massing. The proposals (including the residential element) have been designed having regard to the operational requirements of the hospital, including the need to ensure continued accessibility for the air ambulance. The hospital is a 24 hours A&E and it is not considered that noise or activity resulting from the operation of the store and petrol filling station, even if trading 24 hours a day, would be materially harmful.
- 7.7.6 It is acknowledged that concerns have been raised by the NHS Trust in respect of the proposals. However, these largely centre around matters of site layout, access issues and open space requirements, which are addressed elsewhere in this report.

## **7.8 Environmental Issues**

- 7.8.1 In terms of sustainability, a detailed sustainable design and construction statement has been submitted with the application, which indicates that the commercial element of the development will achieve a BREEAM rating of 'Very Good'. At the time of writing this report the GLA were still reviewing the technical data. It is acknowledged that the GLA have initially raised concern regarding the loss of opportunity to connect to the existing district heating network at Queens Hospital. The submitted energy statement indicates that the Queens hospital energy centre and distribution network sizes are optimised for the expected demand from the residential development and that it is estimated that the capital cost of connection from

the proposed Morrisons store to the Oldchurch site's energy centre would exceed that of the alternative technologies available, rendering it non cost-effective. Members will be updated if any further comments are received from the GLA's technical team. Staff however consider the proposals acceptable in principle and recommend that a condition be imposed requiring the development to achieve a BREEAM standard of 'Very Good'. This shall be evidenced prior to first occupation of the development.

7.8.2 Other environmental matters, relating to issues such as land contamination, air quality, flood risk, archaeology and ecology are covered in Section 8.8 of this report below. It should further be noted that the site has previously been subject of a screening opinion request for under Environmental Impact Assessment regulations and the Council has determined that no significant environmental effects associated with the development are likely to occur.

## **7.9 Referrals**

7.9.1 The application has been referred to the Greater London Authority under the provisions of the Mayor of London Order 2008. If Members are minded to grant permission for the development the proposal will need to be referred back to the GLA as a Stage II referral before permission can be issued.

7.9.2 The retail element of the application is also referable to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009. If Members are minded to grant permission the Secretary of State is required to be notified under the provisions of the 2009 Direction and will have a period of 21 days (or such extended period he considers necessary) in which to decide whether to call in the proposals for determination or to enable the LPA to determine the application.

## **7.10 Mayoral CIL**

7.10.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL). It is also liable for a Crossrail contribution under the terms of the Mayor's Crossrail SPD April 2013 as it lies within 1km of Romford Station.

7.10.2 The Mayor's Crossrail SPD applies to retail, office and hotel development. Therefore, the retail element of the proposed development will be liable to the Mayoral SPD. The contribution is calculated on new retail floorspace over 500 square metres, at a currently discounted rate of £16 per square metre. At the current rate the SPD liability would be £149,200 (based on a GIA of 9825 less the first 500 square metres, charged at £16 per sqm).

7.10.3 The Mayoral CIL requirement is based on the gross internal area (GIA) of the development. The retail element of the development has a GIA of 9,825 square metres. From this, the existing floorspace of the ice rink building to be demolished may be subtracted as it has been used for at least 6 of the 12 months prior to determination of this application. The ice rink has a GIA of 4,652 square metres, giving a net increase in floorspace of 5,173 square



metres. The Mayoral CIL liability is therefore £103,460 (based on 5,173 sq.m. @ £20).

7.10.4 The Mayor is able to charge both CIL and the Crossrail tariff in tandem but has indicated that, where relevant, the CIL payment will be treated as a credit towards the Crossrail payment.

7.10.5 The residential element of the development will also be subject to Mayoral CIL (see calculations set out in paragraph 8.10.1 below). At the time of writing this report Staff are still assessing the overall Mayoral CIL and Crossrail SPD liability for the development as a whole and Members will be advised of the amount verbally at the meeting.

## **8. Residential Development**

8.1 The issues arising from this element of the proposals are the principle of development; the density and site layout, the bulk, scale and massing of the proposed development and likely visual impact; quality of the residential environment, impact on amenity, parking and highway issues, affordable housing and environmental issues.

### **8.2 Principle of Development**

8.2.1 In respect of the principle of residential use, the application site is allocated for mixed use development of retail, residential and leisure use under Policy SSA7 of the Site Specific Allocations DPD. Residential use on the site is therefore accepted in principle.

8.2.2 It is acknowledged that the site specific allocation encourages residential as part of a mixed use development, largely to enable the provision of the other land uses (i.e. retail and leisure) referred to in Policy SSA7. The proposed residential development does form part of a wider mixed use on the site but, for reasons explained earlier in this report, this proposal does not include leisure development. The Council considers the balance of the advantage lies in securing leisure uses on an alternative site, which is located within the town centre.

8.2.3 Accordingly, the proposed residential use on the site is considered to be acceptable in principle and it also conforms to the objectives of the NPPF, as well as Policy 3.3 of the London Plan and Policy CP1 of the LDF, aimed at increasing the supply of housing in the Borough.

### **8.3 Density and Site Layout**

8.3.1 The Site Specific Allocation sets out a preferred density of development, which is 167-275 units per hectare. Although the application is in outline form it does specify the quantum of development, 71 units, which gives a development density of 81 units per hectare on this 0.88 hectare site. This is below the range indicated within the site allocation.

- 8.3.2 The density of the proposed development is reflective of the fact that the proposed unit mix consists of both flats and family housing, recognising the particular need for the provision of family housing within the Borough. It is welcome that 25 of the proposed 71 units are family units, with private rear gardens, albeit that this reduces the ability of the site to achieve the stated densities in Policy SSA7. Staff consider this to be acceptable in principle and consider that the proposal reflects the variety of housing need required within the Borough. The density proposed, at 81 units per hectare, still represents a sustainable form of development that will contribute to a mixed and balanced housing stock. In principle this is consistent with Policies 3.4 and 3.8 of the London Plan, as well as Policies CP1 and CP2 of the LDF.
- 8.3.3 The layout of the proposed development is indicative but responds to a number of key design criteria, including the location of the proposed access (which is fixed), a requirement for a varied unit mix, connectivity through the site, creating a strong urban edge to Rom Valley Way, site constraints and relationship with neighbouring land uses and parking and amenity space requirements.
- 8.3.4 Access to the site is taken from Oldchurch Rise. The northern part of Oldchurch Rise is part of the adopted highway and provides connectivity to the existing Council-owned car park to the north of the existing ice rink building. Access to the proposed residential development would take place from the car park. In principle, access from this location is acceptable. The detailed highway and parking considerations are addressed further later in this report.
- 8.3.5 Although the layout is indicative, Staff consider that the proposal demonstrates an ability to develop the site in a manner that responds positively to the design criteria explained above, whilst achieving the quantum of development applied for.
- 8.3.6 The proposal provides a building, up to five storeys, to the site frontage on to Rom Valley Way. This would not be judged to constitute a 'tall building' in the context of Policy DC66 of the LDF, as these are defined as buildings or structures of 6 storeys or 18m in height or greater. This is considered appropriate in terms of urban design principles and would provide a strong urban edge to the development. The scale and massing of the building, at up to five storeys, is considered appropriate in principle in this location and would sit comfortably with the scale of the proposed food store as well as that of the existing Blade Court to the north, which rises to a maximum of five storeys, as well as proposed development ranging between three and four storeys high, on the former Paynes site, which has a resolution by the Council to approve but is subject to prior completion of a Section 106 agreement before permission can be issued.
- 8.3.7 The remainder of development within the site is indicated at being two to three storeys high which would sit comfortably within the context of surrounding development.

- 8.3.8 The layout of the site provides a good degree of connectivity between Rom Valley Way and Oldchurch Rise and includes a direct pedestrian route running between the two at the northern edge of the site. This is particularly important given the linkages of the site with the town centre and to benefit from the short walking distance between the site and town centre amenities, as well as Romford station.
- 8.3.9 Although detailed consideration will be required for a number of elements of the layout, which can be secured through the reserved matters submission, Staff are satisfied that the indicative layout pays due regard to issues such as a pedestrian linkage, creating a strong urban edge to the site boundaries, promoting defensible public realm and consideration of public safety and amenity issues.
- 8.3.10 The indicative layout provides for a mix of private and communal amenity space within the development. There are a number of houses (21) within the overall scheme and the indicative layout suggests each of these could have private rear gardens that would accord with the Residential Design SPD. Communal space can also be provided to the apartments that is capable of being well landscaped, forming a good quality setting for the development and functioning well as an amenity area. The individual design of flatted units is not known at this stage but Staff consider there would also be opportunity to seek the provision of private balconies for each flatted unit.
- 8.3.11 It is noted that the GLA have raised concerns regarding the absence of a playspace strategy for the site. The NHS Trust has also raised objection to the proposal in this respect and are concerned that a shortfall in play space provided on site will have a consequent impact on demand to use the Oldchurch linear park, thereby increasing maintenance costs for which the Trust has a responsibility. The Trust has requested that the applicants be required to make a financial contribution towards these costs. Whilst noting that the residential scheme is in outline form, an assessment has been made of the child yield anticipated by the illustrative proposals, based on the methodology set out in the Mayor's Supplementary Planning Guidance. This is calculated to be some 10 children under 5; 4 children between 5-11 and 2 children older than 12 equating to a play space requirement of 165.6 square metres over and above any local requirement.
- 8.3.12 Given the amount of open space available within the development, together with the fact that the majority of the family housing has private rear gardens, and the availability of open space in the wider area (including the Oldchurch Linear Park) it is questionable whether there is a demonstrable need for further on site play provision. However, in recognition of the outline nature of the scheme, it would be reasonable to condition the development so that play space provision is required to comply with the Mayor's SPG. In such circumstances, and given that the extent of the shortfall is currently estimated to be in the region of 165 square metres, Staff do not consider that, at this time, there would be justification in requiring a financial contribution towards the maintenance of the Oldchurch Linear Park.

8.3.13 The indicative layout demonstrates that it would be possible to create a suitable road layout which could also enable the provision of parking to a ratio of 0.75 spaces per unit. Detailed parking and highway issues will be considered later but, in principle, this would be acceptable for a site in this highly accessible location.

8.3.14 Whilst Members are reminded that only access and quantum of development are fixed, Staff consider that the indicative layout does show that the number of units proposed could be achieved in a manner that would result in an attractive and acceptable form of residential development on the site.

#### **8.4 Massing, Scale and Design**

8.4.1 In terms of design and visual impact, as referred to above, the massing of the development at predominantly 2-3 storeys, rising to a maximum of 5 storeys is acceptable in principle in this location and having regard to local context. A condition could be applied to restrict the maximum height of new buildings on the site.

8.4.2 The visual impact of the proposed residential development would be seen in the context of the proposed new foodstore to the southern side of the site and the existing development at Blade Court to the north. There is also a planning application for the Paynes site directly north of the Council-owned car park, which will be approved once the required legal agreement is completed.

8.4.3 In relation to the scale and massing of existing and possible future development to the north of the site, it is not considered the scale of the proposal would be out of character with this. There is scope to ensure that the new development relates acceptably with nearby building lines, including that which will be set by the new foodstore. The indicative layout also suggests that it would be possible to achieve a reasonable degree of set in from the boundaries of the site, thereby improving the relationship with neighbouring development.

8.4.4 The design and external appearance of the proposed residential development is a reserved matter so not known at this stage. It is considered that there is no strongly prevalent local character or building style, particularly as there is a lot of relatively new development locally, for example on the former Oldchurch hospital site, and likely to take place in the short term on the former Paynes site. Therefore it is not considered that any planning permission granted should seek to be unduly restrictive in terms of the design or architectural style of new development and the reserved matters submission should be considered entirely on its own merits.

8.4.5 In terms of scale and massing, the proposed frontage block is the highest element of the development at 5 storeys. This would be compatible with the height of the proposed new foodstore and existing development at Blade

Court. Development within the remainder of the site is indicated to be between 2 and 3 storeys. Again, this is compatible with existing development at Blade Court and that recently approved on the former Paynes site. Staff therefore judge that the quantum of development proposed and its likely scale, bulk and mass could be accommodated within the site without detriment to the character and amenity of the locality.

## **8.5 Quality of Residential Environment**

- 8.5.1 The layout of the site is indicative. However, the known factors affecting the development site are the proposed residential foodstore to the south, the existing Council-owned car park to the north and the residential development (both existing and proposed) to the north of that.
- 8.5.2 In terms of how these affect the quality of the resultant living environment, the indicative layout has attempted to respond to these issues by creating strong boundaries to the site and providing an internal layout which includes the provision of private, defensible amenity space.
- 8.5.3 The indicative layout positions housing on the south side of the site some 13m in from the boundary with the site of the proposed foodstore development. The proposed foodstore has the servicing and delivery ramp adjacent to this part of the site. However, as explained in the previous section of this report, measures have been adopted within the design of the foodstore and the service ramp to protect the adjacent residential boundary from undue noise disturbance. Staff consider, having regard to the detailed design of the food store proposals and the scope to set dwellings within the residential part of the site away from the southern boundary, an acceptable degree of residential amenity could be provided and maintained.
- 8.5.4 To the west of the site is the Council car-park, from which access to the site will be taken. There will need to be consideration of how to provide a defensible edge to the residential aspect of the development, given it is next to the car park and also a footpath linking Rom Valley Way with Oldchurch Rise. The indicative layout suggests that new dwellings could be positioned so as to overlook the footpath, providing a degree of security and natural surveillance.
- 8.5.5 In principle it is considered that the indicative layout works but in any detailed proposals careful consideration would need to be given to the design of boundary treatment and lighting in order to ensure the footpath is suitably safe and that the amenity of residents adjacent to the footpath and car park is not compromised.
- 8.5.6 The western boundary of the site onto Oldchurch Rise is also potentially vulnerable to crime. Again, the indicative layout suggests development could face out over Oldchurch Rise to improve on natural surveillance but care would need to be taken with boundary treatment as there is a balance to be struck between connectivity through the site and providing secure boundaries.

- 8.5.7 The Borough Crime Prevention Design Advisor (BCPDA) has been involved in pre-application discussions. No objections are raised in principle to the development on a community safety basis, although the treatment of the site boundaries is a particular issue that will require detailed consideration at the detailed planning stage. Conditions relating to community safety issues are requested by the BCPDA if permission is granted.
- 8.5.8 On balance, and recognising that the layout of the development is potentially subject to change, Staff consider that the residential element of the site is capable of providing a suitably high quality living environment that would accord with the objectives of the LDF.
- 8.5.9 Matters such as detailed layout, hard and soft landscaping, lighting, distribution of parking spaces and the detailed relationship between dwellings within the development, for example in respect of matters such as privacy and light, will require further consideration when a reserved matters or discharge of condition submission is made.

## **8.6 Impact on Amenity**

- 8.6.1 In terms of impact on amenity, given the location of the site to the north of the proposed foodstore, west of the Rom Valley Way retail park and east of Queens Hospital, and the distance of the development from the respective neighbouring buildings, the impact on the amenity of these existing developments would be acceptable.
- 8.6.2 The impact of the development on the amenity of existing and proposed residential properties to the north of the site is therefore the key consideration.
- 8.6.3 The existing dwellings closest to the development are at Blade Court, which is a residential block rising up to 5 storeys located north of the site beyond the existing car park. The south facing elevation (towards the application site) includes French doors leading out onto balconies. These currently look out across the Council-owned car park at Oldchurch Rise.
- 8.6.4 The proposed development will change the outlook from these properties although, given that the proposed layout is indicative, to what extent cannot be fully addressed in this report. The factors that will remain constant is the distance of the site from the Blade Court properties, which is a minimum of approximately 38m, the maximum height of the proposed dwellings and location of the access. Having regard to these two factors, Staff consider that it is possible to develop the adjacent site in a manner which, although changing the living environment for existing residents, would not materially harm it.
- 8.6.5 The relationship between the proposed flats and Blade Court will need to be looked at in greater detail at reserved matters stage and it is possible that a sunlight/daylight assessment will be needed, having regard to the

orientation of the site south of Blade Court, although this will depend on the details of the layout and built form.

8.6.6 Turning to the relationship with the development recently proposed on the site of the former Paynes Brothers site (located immediately north of the Council car park). The proposal would have no material adverse impact on the amenity of the commercial building that currently exists. This site has a resolution for approval of residential development (application reference P1020.12) subject to prior completion of a legal agreement, which has not yet been completed. It is recognised that there is no certainty that this development will go ahead on the adjacent site. Nonetheless the impact on this scheme, or a future alternative redevelopment of the Paynes site, must be considered.

8.6.7 As with Blade Court, the only certainties of the proposed development with regard to amenity is the distance of the site from the boundary with Paynes and the height of development. The proposed site is a minimum distance of 24m from the nearest part of the proposed flats submitted under application P1020.12.

8.6.8 The development proposed on the Paynes site varies between 3 and 4 storeys in height; that proposed within the rear part of the application site is 2 to 3 storeys high. The proposed development on the Paynes site does include habitable room windows and balconies on the south facing elevations towards the development site. In principle, given the separation distance of at least 24m and the proposed 2/3 storey height of new development, it is considered that a relationship could be achieved that maintains a suitable degree of privacy and amenity between the relative sites. However, as with Blade Court, the detail of this would require closer scrutiny at reserved matters stage. It is recommended that this also includes a requirement for a sunlight/daylight assessment

## **8.7 Parking & Highways**

8.7.1 Access to the proposed housing development is not a reserved matter. The application indicates that access to the development will be taken from Oldchurch Rise, off Oldchurch Road via the existing Council-owned car park.

8.7.2 In terms of access arrangements, it is acknowledged that the proposal would therefore add to traffic already using Oldchurch Rise to access Queens Hospital, as well as potentially that arising from the redevelopment of the former Paynes site, if implemented.

8.7.3 Highways staff have identified that this particular junction can get congested but have also taken into consideration the relatively low additional trip rates that are likely to be generated by the proposed new residential development.

- 8.7.4 The Council is also separately considering a range of junction improvements, including the junction of Oldchurch Road/Oldchurch Rise and funding to achieve this is potentially available through part of the planning obligation for Queens Hospital. It should be noted that these proposals do not form part of this planning application. They are in an early stage and dependent on input from other stakeholders, such as London Transport and the London Ambulance Service. However, there is clearly scope to consider junction improvements in the locality of the site and Highways currently advise that despite localised congestion this is not seen as materially affecting the highway to an extent that would justify refusal. No specific objection to the proposal has been raised in this respect by TfL.
- 8.7.5 The application proposes a total of 54 parking spaces for a development of up to 71 units. This equates to a parking ratio of 0.76 spaces per dwelling. Staff consider this to be an acceptable standard of parking provision in this location, given its proximity to the town centre, and in accordance with the requirements of Policy SSA7 which is for 0-1.5 spaces per unit. TfL have not objected to the parking ratio for the site, although provision of Electric Vehicle Charging Points is requested by condition. It is nonetheless recommended that a parking allocation and management strategy be required as a condition of any approval so that the functionality of the detailed parking layout can be managed. TfL have also requested details of Blue Badge parking for disabled users to be provided, which can also be secured through condition.

## **8.8 Environmental Issues**

- 8.8.1 In terms of sustainability, information submitted with the application indicates that the residential development will achieve a Code for Sustainable Homes rating of 4. At the time of writing this report the GLA were still reviewing the technical data and Members will be updated if there is any further response. As the application is in outline stage it is recommended that conditions be applied to ensure that the resultant development achieves the required standards of sustainability and use of renewable energy.
- 8.8.2 The site is within an area of potential contamination. A phase 1 contaminated land assessment has been undertaken and a condition is recommended for further works relating to land contamination. The site is also within an air quality action management area and conditions relating to air quality are also recommended.
- 8.8.3 The site has potential for the existence of remains of archaeological importance and a condition is therefore recommended in respect of a programme of archaeological investigation.
- 8.8.4 The Environment Agency initially objected to the proposals as they were not satisfied with the proposals for Sustainable Urban Drainage (SUDS). However, following the submission of additional information, the EA has now



advised that the proposals are considered to be acceptable subject to the imposition of a number of planning conditions.

8.8.5 An ecological assessment of the site has been undertaken, including an extended Phase I habitat survey. Given the location, public use and managed nature of the site no significant ecological impacts are considered to occur. The site has the potential to support nesting birds but no presence of bats or other protected mammals. The development is not therefore considered to have a significant ecological impact although it creates the opportunity to enhance the ecology of the site through new landscaping. The proposal is therefore considered acceptable in terms of ecological impact subject to meeting the recommendations in the submitted ecological report regarding the timing of works to avoid impact on nesting birds.

## **8.9 Affordable Housing**

8.9.1 The proposal results in development for which affordable housing provision is required in accordance with the National Planning Policy Framework. The London Plan and Policies CP2 and DC6 of the LDF set out a borough wide target of 50% of all new homes built within the Borough to be affordable. The applicant has provided a financial appraisal with the application which, in the applicants view, justifies no affordable housing provision within the proposed development.

8.9.2 An independent economic viability assessment has been commissioned by the Council of the submitted appraisal. The appraisal has been carried out by GVA, who have carried out an appraisal of the whole scheme comprising the food store and residential units in line with the planning application. Whilst different assumptions have been made in both appraisals, GVA calculations of the value of the land accord with that set out in the submitted viability appraisal. GVA conclude that the residual land value remains significantly less than the agreed purchase price, which itself is not seen as unreasonable in the context of the proposals and current economic climate, and that therefore the scheme cannot viably support the provision of affordable housing.

8.9.3 At the time of writing this report it is noted that the GLA had not completed its own review of the submitted viability appraisal and the GVA assessment. However, based on the information available to Staff it is considered that the absence of affordable housing provision within the development is justified both by the submitted viability appraisals and the wider community benefits made possible by the proposed development.

## **8.10 Mayoral CIL**

8.10.1 The residential element of the development indicates a gross internal area of 6,849 square metres. The proposed development is liable for Mayoral CIL. Based on the current charges of £20 per square metres the residential development would attract a Mayoral CIL contribution requirement of

£136,980. The final amount to be paid would however depend on the floorspace of the proposed development as approved at reserved matters stage.

## **8.11 Planning Obligations SPD**

8.11.1 The proposed development will be liable to pay an infrastructure contribution under the provisions of the Planning Obligations SPD, which is currently £6000 per residential unit. This will require a maximum contribution of £426,000 and accords with the provisions of Policy DC72. This should be secured through legal agreement. As the residential element of the proposals is in outline form the precise amount to be paid will be dependent on the final nature of the scheme and it is recommended that the legal agreement enable this contribution to be paid only upon commencement of the residential element of the development.

## **9. Conclusion:**

9.1 This application relates to a hybrid application, which proposes a new supermarket and petrol filling station, together with outline proposals for a new residential development of up to 71 units. The proposals have been made possible through a land transaction, which has enabled the Council to submit a separate planning application for the construction of a new public leisure facility on land at Western Road, Romford. The Western Road site is now subject of a separate planning application, reported separately on this agenda. Whilst both applications are separate there is a strong degree of linkage between the proposals, such that each should be considered with regard to the other

9.2 The development site is identified in the Site Specific Allocations DPD as being suitable for a mix of uses comprising residential, leisure and retail facilities under Policy SSA7. At the heart of this was a notion that this site could enable the provision for a new public leisure facility to replace the previous Dolphin centre. This has not come to fruition, largely due to the recent economic downturn. This proposal does however, in part, due to a land deal that has been able to be achieved by the Council, enable the provision of a new leisure centre on a more central site in Romford town centre. This means that, providing the new facility is secured, there is justification in planning policy terms for not providing recreational or leisure facilities on the application site and also for a temporary interruption in the provision of leisure facilities. It is the Council's intention to enter into a legal agreement in respect of its own application for the Western Road site (P1492.12, reported separately on this agenda) with the Greater London Authority (GLA) to secure the provision of the replacement facility, such that the loss of the existing ice rink and replacement on an alternative site is considered to be justified.

9.3 The application site is outside of Romford town centre but, in terms of the location of the site for a new retail development, this is considered to be justified by a sequential test and retail impact assessment undertaken by the

applicant and independently verified by consultants employed by the Council. The approach to the development is in accordance with the provisions of the National Planning Policy Framework and the impact of the development on the vitality and viability of the town centre considered to be justified. The proposal will however be referred to the Secretary of State under the statutory departure regulations.

- 9.4 It is acknowledged that significant concern has been raised regarding the continuity of provision of ice skating facilities in Romford, both by local people and bodies such as the GLA and Sport England, until new facilities are constructed and open for use. Whilst there is genuine appreciation of the concerns and the Council is looking at options with stakeholders to address this issue, it remains the case that this does not constitute material grounds to refuse the application as replacement facilities are proposed via a separate application submitted by the Council and considered in tandem with these proposals. As referred to previously, safeguards can be put in place through the completion of appropriate legal agreements to ensure that the replacement facilities are provided.
- 9.5 The proposals are considered to be acceptable in all other material respects and it is therefore recommended that, subject to no contrary direction by the Mayor for London or the Secretary of State, and the prior completion of an appropriate legal agreement and planning conditions, that planning permission be granted.

## IMPLICATIONS AND RISKS

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

Notwithstanding the Council's interest in the site, its decision as a local planning authority is taken solely on the policies in the Development Plan and other material considerations. The Council will be financially affected, directly or indirectly, by planning resolutions. This will have no relevance to the planning decisions taken in respect of these proposals.

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

Legal resources will be required to complete the necessary legal agreements. The acceptability of the scheme is dependent on the legal agreement which, amongst other things, will bind the Council to undertake the construction of the associated leisure centre development if work subject of this application (P1468.12) is commenced.

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

None arising from this application.

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

The application will involve the loss of an existing public leisure facility from this site but it is possible to secure replacement facilities which, in terms of location, accessibility and detailed design will provide a significantly more inclusive facility, particularly with regard to the need of users with disabilities.

The proposed new supermarket is designed to enable use by all members of the community and offers high standards of inclusive access.

The proposed new residential buildings consist of a mix of accommodation types, designed to respond to the housing needs of the Borough, particularly the need for family housing, helping to provide for mixed and balanced communities. The dwellings will be constructed to the required standards for accessibility, as well as the provision of wheelchair accessible units and Lifetime Home units.

## **BACKGROUND PAPERS**

Application P1468.12 received on 29 November 2012