

# **PLANNING COMMITTEE SUPPLEMENTARY AGENDA**


**24 September 2020**

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

**6A P0195.20 - 221A LONDON ROAD** (Pages 1 - 8)

**Andrew Beesley**  
**Head of Democratic Services**

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|  <b>Havering</b><br>LONDON BOROUGH | <b>Planning Committee</b><br><b>24 September 2020</b> |
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| Application Reference: | P0195.20  |
| Location:              | 221a London Road, Romford, RM7 9DX  |
| Ward:                  | Brooklands  |
| Description:           | Change of use from a single family dwellinghouse (Use Class C3) to a 3-person HMO (Use Class C4). |
| Case Officer:          | Sam Cadman  |

Reason for Report to Committee:

- A Councillor call-in has been received. The Assistant Director of Planning has directed that the call-in is acceptable, and should be honoured.

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## **1 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 1.1. The application proposes a change from 2 occupants to 3 occupants.
- 1.2. The change of use is not opposed in principle by any policies of the development plan, and given the scale of the proposed increase in occupation (just one person, to a total of 3 persons), the development complies with policies DC4 and DC5 of the Havering Core Strategy.
- 1.3. The residential unit currently has three bedrooms, and there is no need for additional services or amenity space beyond the existing provided services. Along with the marginal increase in the service needs for one person, there is no need for any additional conditions.
- 1.4. The description of development has been amended, and officers recommend a condition on any grant of planning permission to limit the number of occupants. This will effectively stop any more than 3 occupants from living at the property at any one time, and can be addressed in the future by way of a Breach of Condition Notice; to which there is no right of appeal.
- 1.5. The Council cannot defend an appeal against a refusal of the scheme, and the change of use is acceptable subject to the suggested conditions.

## **2 RECOMMENDATION**

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

### **Conditions**

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

2) The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans (as set out on page one of this decision notice).

3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), no more than three occupants are permitted to reside at the property (being 221a London Road, Romford, RM7 9DX), and shall have no greater levels of occupancy whatsoever - including any greater numbers permitted within use Class C4 of the Order - unless otherwise agreed in writing by the Local Planning Authority.

### **Informatives**

1) Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework 2019.

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1. The application is seeking planning permission for:  
*Change of use from a single family dwellinghouse (Use Class C3) to a 3-person HMO (Use Class C4).*
- 3.2. There would not be any external or internal alterations to the building.

### **Site and Surroundings**

- 3.3. The site is located on the southern side of London Road, and contains a two-storey semi-detached building which appears to have a historical use as two self-contained flats. The application site is the first floor flat, which is in use as a single family dwellinghouse.
- 3.4. The site lies in an Archaeological Priority Zone, but does not contain or affect the setting of any other heritage assets. The site also lies in an area with an identified landfill site, and in the aerodrome safeguarding zone.

### **Planning History**

- 3.5. There is no relevant planning history, and the conversion of the property into two flats has not been subject to a planning application. Whilst it is not clear if the property was initially built as two flats - or if that was the Original use (i.e. as it was in June 1945) - it is clear upon a review of the records of the LB Havering that this situation has existed for some time. However, the lawfulness of the existing situation on site in terms of the layout of the flats cannot be conclusively determined.

## **4 CONSULTATION RESPONSE**

- 4.1. The views of the Planning Service are expressed in section 6 of this report, under the heading "MATERIAL PLANNING CONSIDERATIONS".
- 4.2. The following were consulted regarding the application:

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

- 4.3. No objections to the scheme.

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

- 4.4. No objections to the scheme.
- 4.5. "Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing London Road on the scheduled collection day."

### **LB Havering Environmental Protection**

- 4.6. No objections on air quality grounds subject to imposing the following condition if permission is granted:
- "Details shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.  
Reason: In the interests of the living conditions of occupiers of nearby properties and future occupants of the site."
- 4.7. This comment was made prior to the change in the description of development. The service need for one additional occupant could be supplied by the existing situation on site and would not require control over the boilers that are installed as suggested by the consultee. Any such condition could not be imposed as it  
Is not relevant to the proposed development or necessary.

### **Metropolitan Police, Design Out Crime Officer**

4.8. No objections subject to the following conditions imposed on any grant of planning permission:

- \* "Prior to the occupation of the HMO residents, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing Out Crime Office, demonstrating how Bronze Secure by Design Certificate will be achieved for this scheme. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason: In the interests of creating safer, sustainable communities."

4.9. This comment was made prior to the change in the description of development, and it is clear that requiring these on any grant of planning permission would not be warranted given the limited increase in occupation levels at the site.

## **5 LOCAL REPRESENTATION**

5.1. A total of 6 neighbouring properties were notified about the application and invited to comment. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

5.2. No of individual responses: 2, both are Councillor Comments, one being a Councillor call-in request.

5.3. The following Councillors made representations:

- Councillor Tim Ryan objecting on the following grounds:
  - Over-subscribed HMO saturation
  - Parking
- Councillor Viddy Persaud objecting on the following grounds:
  - Over Development:- Planning application is going through for another 100 flats across the road.
  - No Parking:- the surrounding roads are all residents parking and no parking on the main road.

5.4. Officer comment: the application must be assessed on its own merits, and other developments in the area – which may or may not be brought forward or built out – cannot be used to prejudice the assessment of this scheme.

### **Representations**

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

### **Objections**

- 5.6. It must be noted that officers can only take into account comments that concern relevant material planning considerations and not those based on personal dislikes, grievances, land disputes, values of properties, covenants and non-planning issues associated with nuisance claims and legal disputes, etc.
- 5.7. As such, the comments on the application can be summarised below:
- Point 1 – Overdevelopment, and the number of HMOs in the area.
  - Point 2 – The impact on parking stress and parking provision.
- 5.8. OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the points above are indicated in the report, and precedes the relevant heading or paragraph.

## **6 MATERIAL PLANNING CONSIDERATIONS**

- 6.1. The main planning issues raised by the application that the committee must consider are:
- Principle of Development
  - Density and site layout
  - Built Form, Design and Street Scene Implications
  - Impact on Neighbouring Amenity
  - Transport
  - Financial and Other Mitigation
  - Other Planning Issues

### **Principle of Development (Point 1)**

- 6.2. HCS policies DC4 and DC5 allow the change of dwellinghouses to HMOs subject to meeting several criteria. At the core of these criteria, the HMO use should not give rise to any greater disturbance to neighbouring occupants over that of typical a single family, and that there is good access to public transport, and adequate parking for residents and visitors. There is no information to suggest that there is a proliferation of HMOs in this area, and to take such a view would be prejudicial to the assessment of the application particularly given that HCS policies DC4 and DC5 allow for such uses.

- 6.3. Whilst the subject premises is not detached (a specific requirement of HCS policy DC4), this is not considered to be a barrier to the proposed change of use. The acceptability of the development is however subject to further design, character, amenity and highways considerations.
- 6.4. As the application would not be proposing any new housing, the presumption set out in NPPF paragraph 11d) is not applicable. Even if the presumption of NPPF paragraph 11d) would be applicable, the NPPF has other aims; such as the need to achieve well designed places and that development integrates well into its surroundings; which broadly applies to the criteria of HCS policies DC4 and DC5.

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

- 6.5. The site as existing is laid out with a spare bedroom, and the site could easily incorporate an additional occupant to the property without taking up or removing the existing floorspace for the kitchen, bathroom or other amenity areas. The existing bathroom and kitchen areas are sufficiently large to accommodate one additional resident without placing unreasonable restrictions on the use and safe operation of the residential unit more generally, and does not pose an unacceptable impact on the existing occupants. It is considered that the development would be adequately laid out and would generally comply with HCS policies DC4 and DC61, and the guidance contained within the London Plan.

#### **Design and Street Scene Implications**

- 6.6. Given the limited scope of the application there would not be any greater impact or concerns over the quality of accommodation, internal space standards and the provision of external amenity space. Furthermore, given the limited increase in the occupation of the unit, there is no immediate concern that the development would materially affect the character or appearance of the area.
- 6.7. The Design Out Crime officer has specified that any grant of planning permission would require a condition in relation to Secure by Design standards, and the Environmental Protection consultee has required a condition on the installation of a sustainable / low-emission boiler on any grant of planning permission. Officers consider these requests overly erroneous on this application given the level of proposed occupancy; just one additional person which (cumulatively) would not be materially different to that of a small family. Furthermore, such conditions may prejudice the ability of the development to be delivered / built out; both practicably and financially.
- 6.8. The proposed development would be acceptable on design grounds and when assessed against HCS policies DC4, DC5 and DC61.



### **Impact on Neighbouring Amenity**

- 6.9. There would not be any alterations to the building, and as a result there is no concern over daylight, sunlight, outlook and sense of enclosure to neighbouring properties.
- 6.10. Whilst the number of occupants on the site would increase, given that it would be modest (1 additional person), this would not give rise to an increase in the number of comings-and-goings to a degree that would be quantifiable, let alone to a degree that can be considered harmful.
- 6.11. The use of the property for 3 persons would not be any different to that of a small family; which given that the site as existing has three bedrooms could be reasonably inferred. As such any impacts and levels of related activity and comings-and-goings (however minimal) would not be any different to that of a single family, and the intensification of the residential use would not have implications on the local character, and the impact on neighbouring amenity would be acceptable. Consequently, the change of use would comply with HCS policies DC4, DC5, DC55 and DC61 and the NPPF.

### **Transport (Point 2)**

- 6.12. The site lies in an area that has a Public Transport Access Level (PTAL) rating of 1b (low on the scale of 0 (Worst) to 6b (best)), and normally intensification of uses are not normally encouraged in these areas. However, the proposed development would be modest in magnitude, and would result in a low level of occupancy of the residential unit (just 3 persons). As a result of this, it would be reasonable to assume that any existing parking facilities could absorb any parking need of the one additional person. In any event, it is not considered reasonable or necessary to require additional information on this, or to impose the need for a s106 agreement for one additional occupant at the property; which would reasonably present a barrier to the development being carried out if approved.
- 6.13. Whilst the need for cycle parking should be required on any grant of planning permission, the limited number of additional occupants would not require this in the event that this application is granted planning permission.
- 6.14. Consequently, and on balance, the proposed development would be acceptable given the limited quantum of development proposed and the application would be acceptable when assessed against HCS policies DC33, DC35, and DC62, LP policies 6.9 and 6.13, and the NPPF.

### **Financial and Other Mitigation**

- 6.15. There would not be any additional floor space created by the application, and therefore the scheme would be exempt from any CIL liability (both Havering CIL and Mayoral CIL).

### **Other Planning Issues (Point 1)**

- 6.16. In relation to the proliferation of HMOs in this area, upon review of the granted HMO licences:
- There are no HMOs within a 200m radius of the site;
  - The site only has a HMO licence for 3 occupants for this address;
  - There are only two other HMO licences granted on London Road:
    - o 197 London Road – total of 5 occupants
    - o Crown Hotel, 260 London road (converted pub) – total 14 occupants
- 6.17. There is no evidence to support the claim that there is a proliferation of HMOs in this particular area. Whilst there may be others within the same ward (Brooklands has 43 HMO licenced properties, including the licence for this site), there are no HMO licenced properties in this area of the Brooklands ward.

### **Conclusions**

- 6.18. The proposed development is limited in scale and scope and would not change the character of the site or the area more generally beyond the existing situation. The scheme is acceptable subject to the controls put in place by limiting the description of development and by imposing a condition on the grant of planning permission.
- 6.19. In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this guidance.
- 6.20. All other relevant policies and considerations have been taken into account. It is recommended that planning permission be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION section of this report (section 2).