



# Haverling

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

7.30 pm

Thursday  
13 April 2023

Council Chamber -  
Town Hall

Members 7: Quorum 4

### COUNCILLORS:

**Conservative Group  
(3)**

Philippa Crowder  
Robby Misir  
Carol Smith

**Haverling Residents' Group  
(3)**

Reg Whitney (Vice-Chair)  
Gerry O'Sullivan  
Bryan Vincent (Chairman)

**Labour Group  
(1)**

Matthew Stanton

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**For information about the meeting please contact:**

**Christine Elsasser 01708 433675  
christine.elsasser@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
Before Tuesday on the week of the meeting**

***Under the Committee Procedure Rules within the Council's Constitution the Chairman of the meeting may exercise the powers conferred upon the Mayor in relation to the conduct of full Council meetings. As such, should any member of the public interrupt proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room and may adjourn the meeting while this takes place.***

***Excessive noise and talking should also be kept to a minimum whilst the meeting is in progress in order that the scheduled business may proceed as planned.***

### **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **4 MINUTES 09 FEBRUARY 2023 (Pages 1 - 4)**

To approve as a correct record the minutes of the meeting of the Committee held on 9 February 2023 and to authorise the Chairman to sign them.

### **5 APPLICATIONS FOR DECISION (Pages 5 - 8)**

See attached document

**6 P1991.22 - 73 BRENTWOOD ROAD, ROMFORD (Pages 9 - 20)**

Report attached.

**7 P0229.22 - LAND TO THE REAR OF 88 HARROW DRIVE, HORNCHURCH (Pages 21 - 30)**

Report attached.

**8 P0867.22 CORBETS TEY ROAD UPMINSTER (Pages 31 - 38)**

Report attached.

**Zena Smith  
Democratic and Election Services  
Manager**

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# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Council Chamber - Town Hall  
9 February 2023 (7.30 - 9.00 pm)**

**Present:**

**COUNCILLORS:**

**Conservative Group** Philippa Crowder, Robby Misir and Carol Smith

**Havering Residents' Group** Bryan Vincent (Chair), Reg Whitney (Vice-Chair) and Gerry O'Sullivan

**Labour** Matthew Stanton

Councillors Jane Keane, Juddith Holt, and Councillor John Crowder were also present at the meeting.

2 members of the public were present.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

**57 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

There were no apologies for absence received.

**58 DISCLOSURE OF INTERESTS**

There were no declarations of interest received from Members of the Committee.

**59 MINUTES 12 JANUARY 2023**

The minutes of the meeting of 12 January 2023 were agreed as a true record of the same and the Chair was authorised to sign them.

**60 APPLICATIONS FOR DECISION**

**61 P1723.22 14 WAYSIDE CLOSE ROMFORD**

The Committee reconsidered the report that was brought back following the 12 January 2023 meeting. The report contained further conditions as

requested and it was noted that the application had been called - in by Councillor Robby Misir.

In accordance with the public speaking arrangements, the Committee was not addressed by an objector or the applicant; and as Councillor Robby Misir spoke on the application previously. Therefore the application went straight to a vote.

Following consideration it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

The vote for the resolution to grant planning permission was granted unanimously with no objections and 1 abstention. Councillors P Crowder, O'Sullivan, Smith, Stanton, Vincent and Whitney voted in favour. Councillor Misir abstained from voting to due to having called the application in.

**62 P0645.22 HYLANDS PRIMARY SCHOOL GRANGER WAY**

The Committee considered the report.

In accordance with the public speaking arrangements, the Committee was addressed by an objector and was given 3 minutes to speak.

A general debate raised issues on whether conditions should be imposed and it was noted that this application had been granted with conditions by the Committee in 2017. A Motion was proposed (Councillor Stanton) and seconded (Councillor P Crowder) that those 2017 conditions be further added to this application and that the situation be monitored for 18 months.

Following consideration and a motion raised by Councillor Stanton and seconded by Councillor Crowder it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

The motion requested that the conditions from the 2017 planning application were to be implemented and monitoring by the Council for a period of 18 months would be required to ensure this.

The vote for the resolution to grant planning permission was granted by 4 votes in favour and 3 votes against with no abstentions. Councillors P Crowder, Smith, Stanton and Vincent voted in favour. Councillors Misir, O'Sullivan and Whitney voted against.

**63 P2062.21 LAND TO THE SOUTH OF FERRY LANE SOUTH (INCLUDING RIVERSIDE WALKWAY AND EMBANKMENT**

The Committee considered the report.

The Committee requested the application went straight to a vote.



Following consideration it was **RESOLVED** that **PLANNING PERMISSION BE GRANTED**.

The vote for the resolution to grant planning permission was granted unanimously with no objections or abstentions. Councillors P Crowder, Misir, O'Sullivan, Smith, Stanton, Vincent and Whitney all voted in favour.

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**Chairman**

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## Agenda Item 5

### Applications for Decision

#### Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

#### Advice to Members

#### Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
  - London Plan Adopted March 2021
  - Havering Local Plan 2016 – 2031(2021)
  - Site Specific Allocations (2008)
  - Site Specific Allocations in the Romford Area Action Plan (2008)
  - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
  - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
  - Works within the highway are controlled by Highways Legislation.
  - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
  - Works on or close to the boundary are covered by the Party Wall Act.
  - Covenants and private rights over land are enforced separately from planning and should not be considered.

#### Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

#### **Public speaking and running order**

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
  - b. Registered Objector(s) speaking slot (3 minutes)
  - c. Responding Applicant speaking slot (3 minutes)
  - d. Ward Councillor(s) speaking slots (3 minutes)
  - e. Officer presentation of the material planning considerations
  - f. Committee questions and debate
  - g. Committee decision
16. The items on this part of the agenda will run as follows where there are no public speakers:
- a. Where requested by the Chairman, officer presentation of the main issues
  - b. Committee questions and debate
  - c. Committee decision

**Late information**

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

**Recommendation**

18. The Committee to take any decisions recommended in the attached report(s).

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 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee</b></p> <p><b>13<sup>th</sup> April 2023</b></p>
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<b>Application Reference:</b>	<b>P1991.22</b>
<b>Location:</b>	<b>73 Brentwood Road, Romford</b>
<b>Ward:</b>	<b>St Albans</b>
<b>Description:</b>	<b>Use of property for use as a large HMO for up to 8 residents (sui generis) or as a parent assessment unit for up to 5 residents (class C2), allowing a flexible use between the two uses for a period of 10 years, after which the use in force at the time will become the lawful use, in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015</b>
<b>Case Officer:</b>	<b>Adèle Hughes</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received which accords with the Committee Consideration Criteria.</b>

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

- 1.1 It is considered that the use of the property as either a large HMO for up to 8 residents (Sui Generis) or as a parent assessment unit for up to 5 residents (Class C2) would be acceptable. The proposal would not adversely affect neighbouring amenity or result in any highway or parking issues. This application is recommended for approval subject to conditions.

## **2 RECOMMENDATION**

- 2.1 That the Committee resolve to grant planning permission subject to conditions.
- 2.2 That the Assistant Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

## **Conditions**

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
3. Maximum number of occupants– During any use of the property as a parent assessment unit, there shall be no more than five residents (total not including children).
4. Restricted use – Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), any C2 use of the premises (being either part of flexible use for a 10 year period or the use in force after a period of 10 years in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015) shall be restricted to a parent assessment unit for up to 5 residents (total not including children).
5. Refuse/recycling: No use of the property as a parent assessment unit shall take place until details of refuse and recycling facilities are submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities as agreed shall be implemented and retained for the lifetime of the development thereafter.
6. Cycle storage - No use of the property as a parent assessment unit shall take place until details of cycle storage are submitted to and approved in writing by the Local Planning Authority. The cycle storage measures as agreed shall be implemented and retained for the lifetime of the development thereafter.
7. Vehicle access – No use of the property as a parent assessment unit shall take place until vehicular access improvements to the highway have been completed in accordance with the details that are to be submitted to and approved in writing by the Local Planning Authority.
8. Control of noise – No use of the property as a parent assessment unit shall take place until details of a scheme of noise mitigation measures are submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the site to achieve the following standard: The internal and party walls shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.
9. Landscaping – No use of the property as a parent assessment unit shall take place until the current fencing subdividing the rear garden area is removed and a scheme of hard and soft landscaping, (including all boundary treatments), which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season



with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

10. Secured by Design (1) – Prior to the first use of the property as a parent assessment unit, 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 the Secured by Design Certificate will be achieved for this scheme.
11. Secured by Design (2) – The development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

### **Informatives**

1. Approval – No negotiation required
2. Fee informative
3. Secured by Design informative

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1 This is a full planning application for the use of property as a large house of multiple occupation (HMO) for up to 8 residents (Sui Generis) or as a parent assessment unit for up to 5 residents (class C2), allowing a flexible use between the two uses for a period of 10 years, after which the use in force at the time will become the lawful use, in accordance with Class V, Part 3, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015.
- 3.2 The application is submitted on behalf of “Children in Mind”, which is a social care organisation that supports vulnerable children and parents. The application proposes a flexible use under Class V, namely the new use proposed or the retention of/reversion to the existing 8-person HMO in order to protect the established use of the property if Children in Mind were to vacate it in the next ten years.
- 3.3 It is planned that the premises would be used as a parent assessment unit for up to five parents and their infants. Parents can have up to two children. If they have more than two children a risk assessment will need to be undertaken to assess if the unit can support a family with three or more children at that time. There can be two family groups at any one time, which comprises of two parents together and their infant/s.
- 3.4 The unit will be managed by a Registered Manager, who will be a qualified social worker, who will be supported by a Deputy Manager and a team of seven family support workers and four night staff, who will work a rota system. The unit will also have ad hoc staff. There will be at least two members of staff on each day shift, but the number of staff on each shift will reflect the needs of the parents and infants according to their individual risk assessments.

Referrals will be carefully selected, depending on the needs of the parent/s and infants already in the home, to ensure that there is not a high level of dependency in all of the parents as this will lead to the unit being overcrowded, which would not be conducive to providing a stable and calm atmosphere for the infants. There may be one waking night staff with a sleep-in member of staff. However, if the unit was at full occupancy, there would be two waking night staff, who would observe families throughout the night and offer assistance and guidance when necessary.

- 3.5 The purpose of the use would be to assess the capacity of parents in a controlled environment, in order to safeguard the welfare of children for up to 12 weeks. The parent assessment unit would accommodate parents/families mainly within Havering but also other boroughs.

#### **Site and Surroundings**

- 3.6 The application relates to a two storey end of terrace property at No. 73 Brentwood Road, Romford, which has been previously extended by way of a two storey side and single/two storey rear extension. The site is located on the junction of Brentwood Road and George Street. The property is in use as a HMO accommodating up to eight residents. The surrounding area is characterised by two storey semi-detached and terraced properties and two storey flats. Brentwood Road Local centre is located opposite the site.

#### **Planning History**

- 3.7 P1668.09 – Rear of 71 & 73 Brentwood Road, Romford – Proposed two bedroom detached house – Refused.

P1716.01 – Two storey side and single/two storey rear extension – Approved.

It is noted that there was an enforcement case investigation in 2020 (Ref: ENF/171/20). The site was investigated as there was no planning permission in place for the change of use to a sui generis HMO. The case was closed in March 2020, as there was evidence from Council records that the property had been used as an HMO for more than 10 years with up to 8 people in the property.

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 Havering Children's Services support the application, as it is a needed provision in the borough. 2021 Census data shows that over the last decade, Havering saw the second highest growth in the 0-4 population of all local authorities in England. The data is there to support the need.
- 4.3 Public Protection Department— No objection in principle regarding the application, but there are concerns regarding the impact that the noise from the proposed use may have on the attached neighbouring properties, particularly regarding "normal living noise" from babies. There are concerns that due to the nature of the proposed use, the neighbouring property will be

affected by crying babies through the night all of the time, not just for a limited period of time as the child grows up (as with a normal family house). As the property was built before the 1984 building regulations were implemented, the sound insulation between this property and the neighbouring attached property would not be up to the current standards. Similarly, the insulation between bedrooms will need to be considered and improved to ensure that the noise from one residential unit does not significantly affect the other units (particularly due to the sensitivities of the proposed occupiers). As such, it is recommended that a condition be imposed regarding details of a scheme for the control of noise emanating from the site if minded to grant planning permission. In terms of air quality, the Public Protection Department has advised that it's unclear if the heating provision is to be changed. The agent has advised that there are no current plans to change the boiler. Therefore, it is not deemed reasonable or necessary to impose a condition regarding the installation of an Ultra-Low NOx boiler. There are no contaminated land concerns.

- 4.4 The StreetCare Department wish to ensure that there is sufficient numbers of refuse and recycling bins at the site, suitable storage areas and that the collection crew access requirements are adhered to, in particular, with the distance to the bin store. The Streetcare Department would require a drop down kerb to be installed. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately.
- 4.5 Designing Out Crime Officer – No objection subject to specific concerns being addressed and Secured by Design planning conditions and informative being attached if minded to grant planning permission.
- 4.6 Highway Authority – The proposals include parking in the front garden, however, there is not a lowered kerb to provide a vehicle crossover. The proposals should include the provision of a formal vehicle crossover, which should be secured by condition. The application and approval of a vehicle crossover is subject to a separate Highway approval process. The proposals should include secure cycle parking and secured by condition in keeping with policy requirements to meet its obligations to promote sustainable travel.

## **5 LOCAL REPRESENTATION**

- 5.1 A total of 9 neighbouring properties were notified about the application and invited to comment.
- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:  
  
No of individual responses: 4 (which consists of 4 objections).
- 5.3 The following Councillor made a representation:

This application has been called in by Councillor Holt on the grounds of:

- 1) Overdevelopment of the site – As an HMO, 73 Brentwood Road has housed “up to 8 people in the property”. However, the recent electoral register shows only two adults registered, suggesting it has not been full. Converting it to a residential institution means that there will potentially be ten residents, including babies, possibly more, as parents will be allowed “up to two children”, plus at least “2 to 3” staff, possibly more. Extra rooms are planned for the building, such as a play room, living room and communal room. This is an over-development.
- 2) The plans claim “The proposal does not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties. Number 71 Brentwood Road is joined on to No. 73, with numbers 69 and 67 further along the terrace, with numbers 128 and 126 George Street to the rear. In the light of reason 1, particularly as babies and children are involved, there is very unlikely to be more noise.
- 3) Land use – A family assessment unit in a residential area is not the right location for such an institution. The roads off Brentwood Road – including George Street, Albert Road, Craigdale Road and Douglas Road and the surrounding roads are part of a residential area of closely-built, mostly semi-detached and terraced houses built primarily at the turn of the twentieth century.
- 4) Outdoor amenity space – there seems to be no reference to any outdoor amenity space e.g. the back garden, neither in the plans nor the Supporting Statement Guide.

### **Representations**

- 5.4 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

- Queried the illegal use of the premises as an HMO, which has been in use for at least the last year.
- No letter from planning to residents advising of this application have been received. (Officer response: Consultation letters were sent to 9 neighbouring properties on 30<sup>th</sup> December 2022).
- The suggested use is inappropriate for a residential area.
- Traffic.
- Parking.
- Commercial uses would diminish the streetscene and quality of life for residents in the area.
- There is litter, fly tipping and anti-social behaviour in the locality of the site.

#### **Non-material representations**

- 5.5 The following issues were raised in representations, but they are not material to the determination of the application:  
Regularisation of the property as an HMO would be preferred. However, if the property has been operating without a licence and outside of the council schemes, it may be appropriate for the property to revert back into a single

dwellinghouse. (Officer response: There was an enforcement case, ENF/171/20, regarding an HMO without planning permission. The use of the property as a HMO was established well before the Article 4 Direction came into force and as such, there was no breach and the enforcement case was closed in March 2020. The existing use of the property as an HMO is lawful.

- Queried what happens to the current tenants of the property.

## **6 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- The principle of development, density/site layout, the impact on the streetscene and impact on amenity and any highway or parking issues arising from the proposed development.

### **Principle of development**

6.2 The enforcement case for the HMO was closed, as there was evidence in the Council records that the property had been used for more than 10 years with up to 8 people in the property. Evidence includes: records of numerous occupiers from 2002, when the extensions were completed; reference in records to the property being an 8 bedroom HMO; a representation from an occupier of the property stating they have been a tenant for 15 years. Therefore, the use of the property as an 8 person HMO is considered to be lawful. Policy 8 (Houses in Multiple occupation) of the Havering Local Plan recognises that HMOs can make a valuable contribution to the private rented sector by catering for the housing needs of specific groups. Therefore, as the HMO use for up to 8 residents is considered lawful, no consideration on the merits of this continued use is included in an assessment of the application. However, a comparison of the proposed parent assessment unit to the lawful 8 resident HMO would be relevant to the consideration of the application.

6.3 The proposed parent assessment unit is considered to fall within Class C2 as defined by the Use Classes Order 1987 (as amended) is the use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.

6.4 Policies 1, 3 and 5 of the Havering Local Plan 2016-2031 - housing stock in the borough and housing delivery (including shortfall) are considerations. At Policy 3 (Housing Supply) it requires that decision making resist the net loss of residential development and at Policy 5 (Housing Mix) it reinforces that there is a shortage of family housing. At Policy 6 (Specialist Accommodation) of the Havering Local Plan 2016-2031, it is recognised that specialist accommodation (that being which has been specifically designed and built to meet the needs of the elderly, disabled, young or vulnerable adults) is required and that work is currently underway to identify the demand for supported housing as part of the Council's housing development programme work. Policy H12 of the London Plan, 2021 (LP) also supports the delivery of supported and specialised housing which meets an identified need.

- 6.5 However Policy 6 (Specialist accommodation) requires that, in addition to there being an identified need amongst other considerations that the proposals
- Have access to essential services and shops by walking and cycling;
  - The site is well served by public transport;
  - The site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care;
  - An appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook;
  - Consideration has been given to future needs and the development can be easily adapted to meet the needs of future occupants;
  - The proposal does not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties;
  - The proposal meets the parking requirements set out in Policy 24 and it will not have an unacceptable impact on parking conditions and traffic congestion in the area; and
  - Adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters.
- Matters of quality of accommodation, amenity for future occupiers and highways/parking matters then require further consideration.
- 6.6 Policy S2 (Health and social care facilities) of the London Plan states that development proposals that support the provision of high-quality new enhanced health and social care facilities to meet the identified need and new models of care should be supported.
- 6.7 Children's Services support the application, as it meets a needed provision in the borough. 2021 Census data shows that over the last decade, Havering saw the second highest growth in the 0-4 population of all local authorities in England. The data is there to support the need.
- 6.8 The proposal will be the first parent assessment unit within Havering. The supporting information refers to a letter from Havering Council Joint Commissioning Unit stating that there is a local need for Residential Parenting Units. In addition, the supporting information refers to minutes of a meeting held in August 2022 between the applicant and personnel of Havering Council consisting of Children's Services, Joint Commissioning Unit, Intervention and support and a social worker which confirmed that there is a need for the parent assessment unit, although it is unlikely that the demand would extend to requiring accommodation for 5 families, the unit would usefully serve the wider North East London area.
- 6.9 Given that there is a local and regional need for the unit and the Development Plan policies that support such care facilities, it is considered that a change of use from an HMO to a parent assessment unit (allowing flexible use between the two uses for a period of 10 years, after which the use in force at the time would become the lawful use) would be acceptable in principle.

### **Density/site layout**

- 6.10 The size and footprint of the dwelling would remain unchanged. The parent assessment unit will have a kitchen and two communal areas, which will comprise of a playroom/dining room and a living room. There are five double bedrooms, two of which are en-suite. There are two communal bathrooms and a staff office (the latter is labelled as 'Communal 1' on the ground floor plan). The agent has advised that if there were five bedrooms in use for clients, there would not be sleep-in night staff and there would be two waking staff in the office. If there were only up to four clients in the home, the fifth bedroom may be used by the sleep-in night member of staff. The unit will use CCTV to support staff to assess parents in their direct care of their infants. It is considered that the site is suitable for the intended occupiers of the parent assessment unit.
- 6.11 The plans show the rear garden of the property, which includes a garage. There is a timber fence that currently subdivides the rear garden into two areas, a patio and a parcel of land which is presently overgrown and contains a detached garage. The agent has confirmed that the boundary fence dividing the garden will be moved, so it is parallel with the flank wall of the garage, so it's kept separate from the garden space for the children. The applicant has advised that the garden will be maintained to provide appropriate amenity space for the parent assessment unit. Details of a landscaping scheme, (including all boundary treatments), to ensure that the amenity space will be usable for parents and children will be secured by condition if minded to grant planning permission.

### **Impact on the streetscene**

- 6.12 It is considered that the proposal would not adversely affect the streetscene, as it does not involve any external changes.

### **Impact on residential amenity**

- 6.13 A requirement of Policy 6 of the Havering Local Plan 2016-2031 is that the proposed use must not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties.
- 6.14 Care-related uses can run smoothly with no significant impacts on residential amenity if appropriately managed. Generally, residential areas are the most suitable place for uses as that proposed. They tend not to exhibit any outward appearances as to their use and the level of activity associated if managed correctly, can be no greater than that of a family home.
- 6.15 It is planned that the premises would be used as a parent assessment unit for up to five parents and their infants. Parents can have up to two children. If they have more than two children, a risk assessment will need to be undertaken to assess if the unit can support a family with three or more children at that time. There can be two family groups at any one time, which comprises of two parents together and their infant/s. Occupants of the parent assessment unit will stay for a set period of time, which is usually up to 12 weeks. The staff

team will work on a 24/7 rota system. There will be two to three staff on site at any one time, with two on the day shift and two on the night shift and management where appropriate.

- 6.16 When reviewing the merits of this application, consideration should be given to the existing use of the property as an 8 person HMO and the levels of activity associated with this. It is considered that the proposed use of the property as a parent assessment unit would not generate significant levels of general activity, such as comings and goings, above the existing use of the property as an eight person HMO and as such, would not result in material harm to the amenity of neighbouring properties.
- 6.17 In respect of noise, there is a concern that the noise of crying babies may be a source of disturbance to occupiers of the immediately adjacent property, particularly given that the proposed use will involve the continual care of babies for a long period compared to what may be expected from a typical family. The internal layout shows that none of the bedrooms are next to the party wall and this would assist in reducing noise potential. The supporting statement states that the needs of the infants will always override the needs of the parents and babies and infants will always be kept safe by the staff team. Therefore, babies will not be left to cry for long periods of time without staff intervening to support the parent, soothe their baby and meet their baby's needs. A pre-commencement condition will be imposed regarding details of a scheme for the control of noise emanating from the site if minded to grant planning permission.
- 6.18 The supporting statement outlines that the facility will be inspected and regulated by OFSTED. There will be a zero tolerance to any drug or alcohol use in the unit or in the local community and anyone found using drugs or alcohol risk their placements being terminated with immediate effect.
- 6.19 It is considered that the use of the rear garden by occupiers of the parent assessment unit would not generate significant levels of noise and disturbance over and above that of a family dwelling or HMO and as such, this would not be materially harmful to neighbouring amenity.
- 6.20 Overall, in respect of residential amenity, it is considered that the proposed use would not have a significantly detrimental impact on residential amenity compared with the existing situation.

### **Highway/Parking**

- 6.21 The site has a PTAL of 6a, which means that the site is accessible by public transport. There is at present one potential parking space to the rear of the site, although the current condition of the garage means that may not be possible. The front of the property is hardstanding and it is apparent that vehicles park to the front, although there is no dropped kerb. Any proposal to drop the kerb would have to be subject to separate Highways approval and specific planning permission.



- 6.22 The supporting statement states that clients (residents) of the proposed assessment facilities will not have cars, as they do not generally tend to own cars in any event due to age and circumstances.
- 6.23 With regard two day shift staff and the night shift staff and any management which may visit for a period of time, the supporting statement states that not all staff drive to the site, as it's well accessed by public transport.
- 6.24 When reviewing the merits of this application, consideration was given to the fact that the site has a lawful use as an 8-person HMO with no control over parking. Given that the site is within walking distance of Romford town centre and clients of the proposed assessment facility are not likely to have cars when they are being assessed, it is considered that the parent assessment unit would not generate significant levels of traffic or create any parking or highway issues compared to the current use. However, it is recommended that a condition be added to any approval requiring details of vehicular access before any assessment unit use commences, as the opportunity for staff off-site parking to the front would to a limited extent relieve pressure on on-street parking.
- 6.25 A representation has been received with concerns regarding litter, fly tipping and anti-social behaviour in the locality of the site. No details of refuse and recycling have been provided, although details of these will be secured by condition if minded to grant planning permission. The Council's Designing out Crime Officer was consulted and has no objection to the application subject to specific concerns being addressed. Two Secured by Design planning conditions and an informative would be imposed if minded to grant planning permission. Conditions will be imposed regarding vehicle access and cycle storage if minded to grant planning permission.

## **7 Equalities**

- 7.1 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 7.2 The proposed facility would offer care and support to parents and children, meeting an identified need for the facility and that weighs in favour of the proposal. Conversely, current residents of the HMO may lose their home, although there is no specific planning policy to retain HMO's. On balance, it is considered that the proposal raises no significant equality issues to justify the refusal of planning permission.

## **Conclusions**

7. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee</b> <b>13<sup>th</sup> April 2023</b></p>
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<b>Application Reference:</b>	<b>P0229.22</b>
<b>Location:</b>	<b>Land to the rear of 88 Harrow Drive, Hornchurch</b>
<b>Ward</b>	<b>Hylands</b>
<b>Description:</b>	<b>Single storey, 3-bed, detached bungalow with associated parking and amenity space</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li><b>A Councillor call-in has been received which accords with the Committee Consideration Criteria</b></li></ul>

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## **1. BACKGROUND**

- 1.1 The application was called in by Councillor Christine Smith.
- 1.2 The application was considered by members of the Planning Committee at the meeting held on 12 January 2023 where it was deferred to enable the applicant to provide further detail over the construction methods/adjust site plan to reflect surrounding development to enable access from Harrow Drive.
- 1.3 The report is now brought back to members with a summary of the response to the above matters set out in the following section of this report and feedback received through further consultation with neighbours.

## **1.4 SUMMARY OF CHANGES**

- 1.5 In response to the above and the areas of concern raised by Planning Committee members the applicant revised the site location plan to incorporate

the whole of 92 Harrow Drive. Indication is made that access would be taken from Harrow Drive through the formation of an access road to allow vehicles to attend the rear of the site without using Hurstlands Close consistent with the debate members had. The development would be phased with the dwelling subject of the current application to be completed ahead of the construction of the pair of dwellings fronting Harrow Drive approved under ref: P1859.21.

- 1.6 The Construction Methodology outlines that 80% of deliveries/visits to the site would be conducted from Harrow Drive following demolition of the dwelling to facilitate the construction of the dwelling at the rear of 88 Harrow Drive. Due to the logistics of the build and constraints associated with the site the remaining deliveries (concrete pours/trusses) would be from Hurstlands Close. It is understood that members had concerns over vehicles attending the site from Hurstlands Close and the purpose of the CMS was to demonstrate that the majority of vehicles would not need to do this.
- 1.7 As outlined members will need to take into consideration that the dwelling that has already been approved in the rear garden of this site through appeal APP/B5480/A/14/2227815 and the replacement of the dwelling at 92 Harrow Drive (ref: P1859.21) are each capable of being constructed/completed without any further grant of permission. The proposals concern only the additional dwelling to the rear of 88 Harrow Drive.
- 1.8 The CMS provided seeks to mitigate where possible the impacts of the additional development and has been considered by the Council's Public Protection team and Highway Authority who have not objected to its content. It is advised that further detail is secured relating the management of dust and other particulates but this would be secured through condition in the event of approval.

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

- 2.1 The proposed dwelling would not result in any demonstrable material planning harm to amenity, local character or highway safety and would make a contribution to unmet housing delivery. The development would comply with the objectives of the Local Plan as well as the London Plan, NPPF and PPG.

## **3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

Time Limit – 3 Years

Accordance with Plans

Accordance with CMS (with details to be submitted to control dust and other particulates)

Materials Samples

Boundary Treatment

Landscaping  
Provision of parking  
Cycle Storage  
Refuse Storage  
Withdrawal of PD rights (Extensions including loft conversions and porches and outbuildings not permitted)  
Scheme of tree protection (Pre-commencement)  
Hours of construction  
Accessible dwelling  
Hard surfaces to be porous  
Water usage  
NOX Boilers

### **Informatives**

Standard approval informative  
Wildlife informative  
CIL Informative

## **4 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 4.1 Application site comprises of rear garden of 88 Harrow Drive which is currently occupied by a domestic outbuilding. The site is neither listed, nor within a Conservation Area. The site adjoins neighbouring rear gardens as well as the garage site serving Hurstlands Close.

### **Proposal**

- 4.2 Consent is sought for the subdivision of the existing plot and formation of a detached single storey dwelling with associated access/off-street parking and amenity space.

### **Planning History**

- 4.3 The following planning decisions are relevant to the application:

P0746.14 – Rear of 92 Harrow Drive - Erection of 1no. three bedroom bungalow with off street parking (REFUSED and subsequently allowed on appeal 24 February 2015). All conditions discharged and development was implemented and therefore remains capable of being progressed.

P1859.21 – 92 Harrow Drive - 2x Two-storey, 4-bedroom semi-detached dwellings to include 2x single storey rear outbuildings, patio to rear, extension of vehicular crossover to front with associated parking amenities and to involve demolition of existing dwelling – APPROVED WITH CONDITIONS

## **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:

- 5.3 Highway Authority – No objection made. CMS to require details of control of dust and other particulates. (OFFICER RESPONSE): Suitable detail could be agreed through condition.  
Environmental Health – No objection made  
Fire Brigade – No objection made

## **6 LOCAL REPRESENTATION**

6.1 A total of 19 neighbouring properties were invited to comment on receipt of the revised CMS and site location plan.

6.2 The outcome of all consultation is as follows (please note that this includes comments from the original consultation period):

No of individual responses: 55 of which, 28 objected, 7 supported and 4 commented

Petitions received: None submitted

6.3 The following Councillor made representations:

- Councillor Christine Smith objecting and calling-in on grounds of overdevelopment, access, privacy, pollution and precedent.

### **Representations**

6.4 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

- Harm to character/prevaling plot sizes
- Loss of privacy
- Overshadowing
- Loss of landscaping
- Noise
- Highway safety/insufficient parking
- Access for servicing/emergency vehicles
- Air pollution from vehicle movement
- Harm to wildlife
- Hours of construction
- Heritage impacts

OFFICER RESPONSE: The above matters will be considered within this report. On the matter of heritage, the site is not within an area of any specific designation, nor is it considered to have any heritage value as such. From review of the comments made on this point appear to stem more from the character impacts of the development through reduced plot sizes diminishing established patterns of development.

#### Supporting comments

- Regeneration

- Additional housing stock
- In keeping with other approved development
- Visual improvements to the Close/garage site

### **Non-material representations**

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Disturbance during works
- Financial gain for developer
- Loss of light/privacy and overshadowing arising from ref: P1859.21
- Character impacts of pair of dwellings approved under ref: P1859.21
- Potential for future works/speculation over ownership of adjoining sites
- Ownership of garage court/right of way

OFFICER RESPONSE: The proposals concern only the formation of a detached bungalow in this location, matters relating to amenity and other considerations association with the detached bungalow rear of 92 Harrow Drive ref: P0746.14 and pair of dwellings at 92 Harrow Drive P1859.21 were considered separately through consideration of those applications. Those developments remain capable of being implemented in the case of the pair of dwellings, or completed in respect of the detached bungalow which was commenced.

Some comments made bring into question the ownership of the garage court and whether access would be permitted over it. The applicant has through submission of the current application indicated that they would have access and there is no evidence before officers to indicate otherwise. Notwithstanding this, planning permission would not supersede property rights/land ownership. This is not a matter for which permission could be withheld at this stage as the development would not be capable of being implemented without the appropriate right of way/access.

### **Procedural issues**

6.6 The following procedural issues were raised in representations, and are addressed below:

- Resident was not consulted (OFFICER RESPONSE): The statutory requirement is to consult only those that directly adjoin an application site. The Council is satisfied that it has fulfilled its statutory obligations and has not prevented anyone with an interest from commenting on the application or making representations.
- Resident not consulted on historic development (OFFICER RESPONSE): The relevant historic cases cited have been looked over and Council records indicate that notification letters were generated for the resident. Unfortunately once letters are issued there is no way for the Council to track progress or to confirm receipt. Representations were made by others noted on the Council system which is indication that other letters reached their intended recipients.

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
- Visual and character impacts
  - Impact on amenity
  - Highways/Parking
  - Quality of accommodation for future occupants
  - Paragraph 11 of the NPPF/Housing delivery

**Visual and character impacts**

- 7.2 The site is located at the end of the long rear garden of the host dwelling and its subdivision would not unacceptably diminish the size of the plot.
- 7.3 There is no prevailing housing typology in the vicinity, Harrow Drive consists of mainly detached two storey dwellings, whilst those in Hurstlands Close consist of two storey flatted properties with two single storey dwellings at the southern end. Plot sizes at the end of Hurstland Close (those closest to the application site) are considerably smaller as are the rear gardens.
- 7.4 A material consideration is the decision made under ref: P0746.14 (APP/B5480/A/14/2227815) as outlined in the relevant history section of this report. An application was made for a single storey dwelling in the rear garden of 92 Harrow Drive which was allowed on appeal. Officers understand that this scheme was commenced and therefore remains capable of being completed. Reference is made to the implemented scheme on drawings submitted.
- 7.5 The proposed dwelling would front the existing parking court and be accessed through Hurstlands Close. As such it would form part of the Hurstlands Close street-scene where it would not be visually incongruous. In respect of its scale, height, plot size and general appearance it would not appear out of place in that context. Although it would be somewhat detached from the Hurstlands Close street-scene (as the dwelling to the rear of 92 Harrow Drive would also) this does not equate to any material harm visually which would be consistent with the observations of the appeal inspector when resolving to allow the dwelling in the rear of 92 Harrow Drive.
- 7.6 The garage court is enclosed by the access/boundary treatment framing the rear garden of the donor site. The provision of a bungalow here with associated parking and frontage would open this up which would bring both visual benefits as well as natural surveillance of the garages, benefits observed by the appeal Inspector when allowing the earlier appeal. Whilst a material consideration in the intervening period the adoption of the Havering Local Plan (specifically Policy 10 which relates to back-land development) officers do not consider there to be any conflict in design or character matters which would enable the scheme as submitted to be opposed.
- 7.7 The proposals would also represent an opportunity to seek improvements to landscaping which could be through condition in the event of approval. No trees are proposed to be removed from the site which is currently well maintained rear garden. There would be the loss of some shrubs/planting within the



application site however there is no compelling evidence before officers that this makes any positive contribution to public amenity. A scheme requiring details of landscaping would be secured in the event of approval.

### **Impact on amenity**

- 7.8 Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.
- 7.9 The proposed dwelling would be located at the rear most point of gardens of dwellings fronting Elmhurst Drive. Through the degree of separation from primary windows of surrounding dwellings it would not be detrimental to outlook, nor would it be overbearing, given it would be single storey with only the roof visible above any boundary treatment. With regards to loss of light and overshadowing, the overall height of the dwelling would be relatively low and the roof would be hipped away from shared boundaries. This serves to reduce visual bulk and potential for loss of light. Whilst there would be some overshadowing of rear gardens it is not considered that these impacts would be material.
- 7.10 The dwelling would be contained to a single storey and accordingly outlook would be restricted to ground level. The site would be framed by boundary treatment and through condition there could also be some degree of planting incorporated. It is not considered that there are any material considerations regarding privacy or overlooking and on this basis it would be difficult to oppose the development on these matters.
- 7.11 Further to the above the provision of an additional dwelling into a residential environment is unlikely to create significant levels of additional noise and disturbance. Noise and disturbance during construction works are not a material planning consideration.

### **Highways/Parking**

- 7.12 Access would be taken from Hurstlands Close and this is an arrangement for users of the garages currently and would also be the case for the approved dwelling on the adjoining site. The proposed dwelling would make adequate provision for vehicles to manoeuvre within the site.
- 7.13 The amount of parking provided would be consistent with the objectives of the London Plan which would be the relevant standard imposed for this site given the PTAL rating (1B). It is not considered that the formation of a single dwelling would generate significant vehicle movement.

- 7.14 Representations made express concern over emergency vehicles. These are matters which have been considered previously through the appealed scheme and whilst time has elapsed since that application was determined, there is no compelling evidence before officers which would enable an opposing view to be formed. It is not considered that the formation of a dwelling in this location raises any unacceptable highways/access impacts and the absence of an objection from the Highway Authority or Fire Brigade reinforces this.
- 7.15 Officers have considered occasions where larger vehicles might attend the site, however this would be limited compared to other general activity. Furthermore it would be unlikely to be for a sustained period of time and as a result it is unlikely to amount to a significant degree of interference to local residents, including those using the garage court, in terms of the turning and manoeuvring of their vehicles.
- 7.16 In representations made there are concerns over the prolonged impact on the highway arising from the construction of the proposed bungalow and implementation of the other approved/allowed dwellings at 92/Rear of 92 Harrow Drive. This would present in vehicles parking on Harrow Drive in association with the works. Whilst it is not disputed that the granting of permission would lead to increased trips to the site, the planning system does not regard this a material consideration.
- 7.17 In some circumstances a CMS may show areas of parking within the site for vehicles however a condition restricting parking associated with the works to the site only and not surrounding roads would not meet with the tests of the Framework. Further to this such a condition would be difficult to enforce. If driveways are obstructed this would be a matter for parking enforcement. There are otherwise no restrictions in place to prevent vehicles from parking lawfully on the road/surrounding roads.
- 7.18 No objection has been recorded by the Highway Authority, either in connection with the original consultation or the submission of the CMS as requested by members.

**Quality of accommodation for future occupants**

- 7.19 Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.
- 7.20 To that end there are minimum internal space standards and set requirements for gross internal floor areas for dwellings as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. Applying those standards the proposed dwelling would show compliance as a 3B 4P unit. The absence of dedicated internal storage is offset by the excess gross internal floor area. Rooms would receive adequate natural light and outlook from internal and external spaces would be acceptable.
- 7.21 New dwellings must also demonstrate an acceptable arrangement of private amenity space. The London Plan (2021) requires minimum outside

space/amenity provision based on prospective occupancy. The rear garden area shown would significantly exceed the minimum standard set by the London Plan.

- 7.22 Through compliance and in most cases in exceeding the minimum standards the proposed dwelling would make provision for an acceptable living environment for future occupants.

#### **Environmental and Climate Change Implications**

- 7.23 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.

#### **Paragraph 11 of NPPF/Housing Delivery**

- 7.24 An additional consideration is that the Council is unable to demonstrate a five year supply of deliverable housing sites. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged.

- 7.25 Paragraph 11(d) requires that decision makers assess the proposed development against the policies in the Framework taken as a whole. To refuse permission the adverse impacts of the development would need to significantly and demonstrably outweigh the benefits of the scheme. There are no material impacts identified which are capable of substantiating a decision to refuse permission as outlined in preceding sections of this report. Furthermore whilst only offering a minor contribution, the proposals would contribute towards unmet housing delivery which weighs in favour.

#### **Financial and Other Mitigation**

- 7.26 None relevant aside from Mayoral and Havering Community Infrastructure Levy contributions to mitigate the impact of the development:

- £10,875 LB Havering CIL
- £2,175 Mayoral CIL

#### **Equalities**

- 7.27 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

- 7.28 The application, in this case, raises no particular equality issues.

### **8 Other Planning Issues**

- 8.1 Matters have been raised regarding wildlife and loss/damage to trees. The site is a well maintained rear garden and there is no compelling evidence that any protected species are at risk. The removal of shrubs as would be required by the proposals could be undertaken without permission. In any case this would not absolve the applicant from any responsibilities under the Wildlife and Countryside Act 1981. An informative is recommended in the event of approval reminding the applicant of their responsibilities.
- 8.2 With regards to the loss of trees and landscape features, this is a material planning consideration and an intrinsic part of national and local planning policy. However the proposals would not require the loss of any mature trees and as indicated the shrubs/planting has not been evidenced to be of any public amenity value. Instead the proposals represent an opportunity to increase greening and biodiversity through a scheme of planting to be secured by condition. The removal of trees in the adjoining site was considered through ref: P0746.14 and their loss balanced against the benefits of the scheme by the Appeal Inspector. Therefore a scheme for tree-protection is not considered to be appropriate or necessary.
- 8.3 With regards to air quality, as the development comprises only a single dwelling the impacts in planning terms are not considered to be significant.

## **9 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee</b> <b>13<sup>th</sup> April 2023</b></p>
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<b>Application Reference:</b>	<b>P0867.22</b>
<b>Location:</b>	<b>168 Corbets Tey Road</b>
<b>Ward</b>	<b>Upminster</b>
<b>Description:</b>	<b>Demolition of the existing dwelling with the construction of 2 No. x 5 bed detached dwellings with habitable loft spaces, rear dormers, off street parking, private amenity space with bin and cycle storage.</b>
<b>Case Officer:</b>	<b>Cole Hodder</b>
<b>Reason for Report to Committee:</b>	<ul style="list-style-type: none"><li><b>• A Councillor call-in has been received which accords with the Committee Consideration Criteria</b></li></ul>

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

- 1.1 The proposed dwellings would not result in any demonstrable material planning harm to amenity, local character or highway safety and would make a contribution to unmet housing delivery. The development would comply with the objectives of the Local Plan as well as the London Plan, NPPF and PPG.

## **2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission subject to:
- 2.2 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

## **Conditions**

Time Limit – 3 Years

Accordance with Plans

Materials Samples

Boundary Treatment

Arboricultural Method Statement (Pre-commencement)

Construction Methodology Statement (Pre-commencement)

Landscaping

Provision of parking

Withdrawal of PD rights (Extensions including loft conversions and porches and outbuildings of set scale)

Hours of construction

Accessible dwelling

Water usage

Hard surfaces to be porous

Flank window condition

Obscure glazing condition

## **Informatives**

Standard approval informative

Highways informative

Wildlife informative

CIL Informative

## **3 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 3.1 Application site comprises of a detached bungalow with associated amenity area and parking. There is a detached outbuilding within the site to the northern side of the existing bungalow fronting the road.
- 3.2 Mature trees are present to the fringes of the site and at the boundaries. There are no TPOs registered upon the site and the site is neither listed nor within a Conservation Area.

### **Proposal**

- 3.3 Consent is sought for the formation of a pair of detached dwellings. The redevelopment of the site would be facilitated by the demolition of the existing bungalow and detached garage.

### **Planning History**

- 3.4 The following planning decisions are relevant to the application:

P00713.21 - Erection of 1 No. 5-bed detached dwelling and 2 No. 5-bed semi-detached dwellings with off street parking, private amenity space with bin and cycle storage involving demolition of existing dwelling – REFUSED (DISMISSED AT APPEAL)

## **4 CONSULTATION RESPONSE**

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 4.2 The following were consulted regarding the application:
- 4.3 Highway Authority – No objection made  
Environmental Health – No objection made  
Fire Brigade – No objection made

## **5 LOCAL REPRESENTATION**

- 5.1 A total of 9 neighbouring properties were notified about the application and invited to comment.

- 5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 4 of which, 4 objected

Petitions received: None submitted

- 5.3 The following Councillor made representations:

- Councillor Linda Hawthorn objecting and calling-in on grounds of development appearing visually cramped and out of keeping with the area.

### **Representations**

- 5.4 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

- Harm to character/out of keeping/scale of street
- Overshadowing
- Insufficient parking/increased on-street parking
- Loss of landscaping
- Harm to wildlife
- Minimal contribution to housing delivery/need

(OFFICER RESPONSE: The above matters are considered within the following sections of this report).

- 5.5 The scheme was subject to a number of revisions, with a final set of drawings provided 7 February 2023. As the revisions reduced the scale of the development and addressed some matters raised within representations it was not considered necessary to re-issue further consultation letters.

### **Non-material representations**

- 5.6 The following issues were raised in representations, but they are not material to the determination of the application:

- Financial gain for developer
- Disturbance through noise etc from construction
- Alternative development proposals

**Procedural issues**

5.7 There were no procedural issues raised.

**6 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- Visual and character impacts
- Impact on amenity
- Highways/Parking
- Quality of accommodation for future occupants
- Paragraph 11 of the NPPF

**Visual and character impacts**

6.2 The scheme was revised a number of times over the lifetime of the application with a final set of revised plans received 7 February 2023. The extent of these revisions included alterations to the footprint and massing of Plot 1 (adjoining 178 Corbets Tey Road) and the omission of front dormers which were regarded as uncharacteristic features not prevalent in the locality.

6.3 The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. It is considered that subject to a condition requiring samples of any materials used in the external construction/finish that the proposed dwellings would align with this objective.

6.4 An overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

6.5 The earlier refusal at the site and subsequent appeal decision concerned development of greater overall scale and which had materially different impacts on the street-scene and local character more generally. The plot is generously sized and capable of accommodating a pair of detached dwellings without any undue harm to local character and the resultant plot sizes would not be out of keeping with prevailing patterns of development. That aside the surrounding environment is varied and there is no set housing typology and the proposals have taken some cues from the environment through bay features/porches.



- 6.6 The design and appearance of the dwellings may not replicate existing built form, however the level of harm arising is not regarded as being capable of substantiating a decision to refuse permission. It is not a given development should replicate existing built form and Council guidance does not require this. The overall height and ridge height would be consistent broadly with similarly sized dwellings. The degree of lateral separation would also not be irregular visually. Revised plans omitted front dormers which were observed not to be a characteristic feature in the locality and would have potentially set a harmful precedent.
- 6.7 It is recommended that permitted development rights are withdrawn for extensions, including those to the roof.
- 6.8 Underpinning the above, the National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The scheme represents an acceptable response to the constraints of the site and officers consider that the development would align broadly with the objectives of the Havering Local Plan 2016-2031, the NPPF and London Plan 2021. The earlier refusal reasons and those which saw the earlier appeal dismissed have been overcome.

#### **Impact on amenity**

- 6.9 Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.
- 6.10 New views would be introduced, however after consideration they would not be regarded as being unusual within the suburban setting. With regards to views over greater distances, similarly the arrangement is not regarded as objectionable as it would be comparable broadly to those dwellings on Little Gaynes Gardens with outlook to the rear towards properties fronting Corbets Tey Road which feature rooms within the roof.
- 6.11 Turning then to the impacts of the development on neighbouring premises, alongside the semi-detached pair the unattached neighbour to the north is restricted to single storey level and has been extended at ground floor to the rear. Whilst there are observed to be flank windows present it is understood from Council records that they do not serve primary rooms and there is no evidence before officers or made in representations which would suggest otherwise.
- 6.12 Alongside the boundary parallel to the rear projection is an outbuilding with a pitched roof. The rear building line of the closest dwelling would not project

beyond the rear building line of this neighbour, nor the detached garage and the development above single storey level would be set back behind the ground floor foot-print of this dwelling.

- 6.13 It is not disputed that there would be some level of overshadowing to this neighbour (166) in the early part of the day however this would not be materially harmful in planning terms. The proposed dwelling would represent a departure from the existing and would be taller than this neighbour, however owing to the ground floor footprint it is not reasonable to conclude that the dwellings would materially harm outlook, or represent an overbearing feature as they would not be in views unless looking back towards the house from the rear garden. Similar relationships are observed to exist within the locality. Officers are mindful also that the impacts on this neighbour of a larger building overall (through appeal APP/B5480/W/21/3279474) were not regarded as unacceptable by the Appeal Inspector.
- 6.14 With regards to the other unattached neighbour to the south (178), there are no flank windows which would be impeded by the development. The impacts of the development on this neighbour had previously formed grounds for refusal and were upheld by the Appeal Inspector who dismissed the subsequent appeal. In the case of the current proposals the massing of the development is well reduced and in revisions received 7 February 2023 the proportions of the dwelling and projection into the site were reduced further to show compliance with Council design guidance. The relationship would comply with the guidance contained within the Residential Extensions and Alterations SPD and in doing so it is not considered that it would present as overbearing from this site. In being located to the south of the application site, loss of light and overshadowing are not considered to be material.
- 6.15 In light of revisions received which reduce the scale of the development where harm had been identified it is not considered that there are any grounds with which to withhold permission. Planning permission can only be refused where there is material harm and there is no evidence before officers which would indicate this. The development is regarded as being in compliance with the Residential Extensions and Alterations SPD, Policies 7, 9, 26 and 34 of the Havering Local Plan 2016-2031, as well as the objectives of the Framework.

#### **Highways/Parking**

- 6.16 Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031.
- 6.17 The amount of parking provided would be consistent with the objectives of the London Plan which would be the relevant standard imposed for this site given the PTAL rating (1A). It is not considered that the formation of an additional dwelling in this location would generate significant vehicle movement based on the evidence before officers and this is reinforced by the absence of an objection from the Highway Authority.

#### **Quality of accommodation for future occupants**

- 6.18 Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.
- 6.19 To that end there are minimum internal space standards and set requirements for gross internal floor areas for dwellings as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. Applying those standards the proposed dwellings would exceed the given standard for two storey, five bedroom dwellings. Rooms would receive adequate natural light and outlook from internal and external spaces would also appear to be acceptable.
- 6.20 New dwellings must also demonstrate an acceptable arrangement of private amenity space. The London Plan (2021) requires minimum outside space/amenity provision based on prospective occupancy. The rear garden areas shown would significantly exceed the minimum standard set by the London Plan in the case of each dwelling.
- 6.21 Through compliance and in most cases in exceeding the minimum standards the proposed dwellings would make provision for an acceptable living environment for future occupants.

#### **Paragraph 11 of NPPF/Housing Delivery**

- 6.22 An additional consideration is that the Council is unable to demonstrate a five year supply of deliverable housing sites. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged.
- 6.23 Paragraph 11(d) requires that decision makers assess the proposed development against the policies in the Framework taken as a whole. To refuse permission the adverse impacts of the development would need to significantly and demonstrably outweigh the benefits of the scheme. There are no material impacts identified which are capable of substantiating a decision to refuse permission as outlined in preceding sections of this report. Furthermore whilst only offering a minor contribution, the proposals would contribute towards unmet housing delivery which weighs in favour.

#### **Environmental and Climate Change Implications**

- 6.24 Given the limited scale of the proposals, no specific measures to address climate change are required to be secured in this case.

#### **Financial and Other Mitigation**

- 6.25 None relevant aside from Mayoral and Havering Community Infrastructure Levy contributions to mitigate the impact of the development:
- £39,125 LB Havering CIL
  - £7,825 Mayoral CIL

#### **Equalities**

6.26 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

6.27 The application, in this case, raises no particular equality issues.

## **7 Other Planning Issues**

7.1 Matters have been raised regarding wildlife and loss/damage to trees. The site is well maintained rear garden and there is no compelling evidence that any protected species are at risk. The removal of shrubs/planting and any trees on site could be undertaken without permission as there are no preservation orders on the site and it is not within an area of any designation which would prevent works. The absence of a preservation order in much the same way as a grant of planning permission would not absolve the applicant from any responsibilities under the Wildlife and Countryside Act 1981. An informative is recommended in the event of approval reminding the applicant of their responsibilities.

7.2 Notwithstanding the above it is the recommendation of officers that the applicant should submit for the approval of the Local Planning Authority an Arboricultural Method Statement prior to commencement in order to ascertain what trees have value in planning terms and what measures can be agreed to protect those retained trees during the course of development. Aside from this, a scheme of landscaping would also be required by planning condition in the event of approval. It is envisaged that a combination of retention of trees where feasible and where justification can be provided, in conjunction with a scheme of landscaping would mitigate any perceived harm and offer other benefits which would align with the objectives of the Havering Local Plan. These matters are otherwise not a barrier to the development receiving approval having regard to its limited scale.

7.3 With regards to air quality, as the development comprises a net increase of only one dwelling the impacts in planning terms are not considered to be significant.

## **Conclusions**

7.5 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.