



# Havering

LONDON BOROUGH

## PLANNING COMMITTEE AGENDA

<b>7.00 pm</b>	<b>Thursday 6 February 2025</b>	<b>Havering Town Hall, Main Road, Romford</b>
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Members 6: Quorum 3

**COUNCILLORS:**

**Conservative Group  
(2)**

Jacqueline McArdle  
Carol Smith

**Havering Residents' Group  
(3)**

Bryan Vincent (Chairman)  
Robby Misir (Vice-Chair)  
Philippa Crowder

**Labour Group  
(1)**

Matthew Stanton

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

**Taiwo Adeoye - 01708 433079  
taiwo.adeoye@onesource.co.uk**

**To register to speak at the meeting please call 01708 433100  
Before Tuesday 4 February 2025 on the week of the meeting**

**Please would all Members and officers attending ensure they sit in their allocated seats as this will enable correct identification of participants on the meeting webcast.**

***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 (Pages 7 - 10)**

To approve as a correct record the minutes of the meeting of the Committee held on 19 December 2024 and to authorise the Chairman to sign them.

**5 APPLICATIONS FOR DECISION** (Pages 11 - 14)

See attached document

**6 P0887.24 - 67-71 VICTORIA ROAD, ROMFORD (ST ALBANS)** (Pages 15 - 36)

Report attached.

**7 P1456.23 - 42 DYMOKE ROAD, HORNCHURCH (ST ALBANS)** (Pages 37 - 50)

Report attached.

**Zena Smith**  
**Head of Committee and Election**  
**Services**

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# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
Havering Town Hall, Main Road, Romford  
19 December 2024 (7.00 - 7.20 pm)**

**Present:**

**COUNCILLORS:**

<b>Conservative Group</b>	Jacqueline McArdle
<b>Havering Residents' Group</b>	Bryan Vincent (in the Chair) Philippa Crowder and +Stephanie Nunn
<b>Labour</b>	Matthew Stanton

Councillor Jane Keane was also present for the meeting.

Unless otherwise indicated all decisions were agreed with no vote against.

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

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

Apologies were received for the absence of Councillor Robby Misir and Councillor Carol Smith.  
+Councillor Stephanie Nunn substituted for Councillor Misir.

**10 DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

**11 MINUTES**

The minutes of the meeting held on 22 August 2024 were agreed as a correct record and signed by the Chairman.

**12 P1153.24 - HYLANDS PRIMARY SCHOOL, GRANGER WAY, ST ALBANS**

The report before Members sought a variation of condition No.1 (Car Park Use) of planning permission ref P0645.22 dated 10 February 22 to permit car parking on a permanently basis for the wider community.

The application stated that the intended use of the car park will include the following:

1. Staff employed at the school can use the car park during the school day. This includes the time when breakfast club, after-school clubs, parents evening, any other school events etc. are taking place;
2. Parents of pupils with accessibility needs (and parents with accessibility needs) have been issued passes to allow them to pick up and drop off. They are not permitted to park long term.
3. Community use during evenings and weekends on the days and hours when the school is open for visitors using the school facilities;
4. Coach access by both the school and community use;
5. Church parking during out of school hours, as per agreed schedule with the school;
6. Any other occasional lettings of the car park that will be agreed between the school and any other third party.

Members noted that the proposed variation of condition would widen the scope of use of the car park for community use, only when the school would not be in operation.

It was noted that at a previous Planning Committee meeting, temporary permission was granted to monitor road safety issues. It is therefore concluded that the application should be approved because there has not been any incident associated with use of the car park since the Committee approval.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant.

A Councillor call-in has been received which accords with the Committee consideration criteria.

The application had been called-in by a Ward Councillor. With its agreement Councillor Jane Keane addressed the Committee stating that no objection to the church using the car park, that it is far safer that attendees do use the car park.

Following consideration, it was resolved to grant planning permission subject to the conditions set out in the report.



13 **P1845.23 - 63/65 BUTTS GREEN ROAD, EMERSON PARK**

The application related to a parcel of land to the rear of the commercial buildings fronting onto Butts Green Road. The proposal is to provide a portable cabin to be used as an independent office use.

The application was called in by Councillor David Godwin but he has since the publication of the agenda withdrawn the call-in. There are no other speakers registered. As a result, the application will now be determined by the Director of Planning, in accordance with the Committee rules.

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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

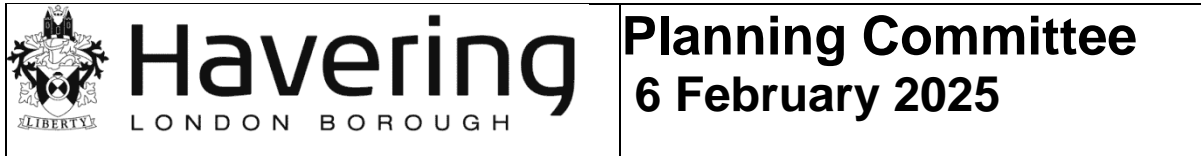
**Late information**

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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<b>Application Reference:</b>	P0887.24
<b>Location:</b>	67-71 Victoria Road, Romford
<b>Ward</b>	St Albans
<b>Description:</b>	“Full planning application for demolition of the existing buildings and the redevelopment of the site to provide a mix of residential units (Use Class C3), including access works, car and cycle parking, refuse storage and amenity space.
<b>Case Officer:</b>	Habib Neshat
<b>Reason for Report to Committee:</b>	A Councillor call-in has been received which accords with the Committee Consideration Criteria

## **1 BACKGROUND**

- 1.1 The application follows a number of schemes which have all been refused with respect to overall massing, scale, the adverse impact upon the amenities of the adjoining occupiers and the highways conditions. The most recent refusal has been subject to a planning inspectorate scrutiny on an appeal. The inspector’s comments in the determination of the current application are a material consideration. In summary the appeal inspector considered the refused scheme, in terms of its, bulk, scale, design, as well its impact upon highways conditions, and living conditions for the future occupiers of the site were acceptable. However, the appeal was dismissed on the adverse impact upon the amenities of the adjoining occupiers, in particular with respect to the loss of unacceptable degree of sunlight to the rear garden 1 Corbridge Mews. The current scheme has sought to address the concern raised by the inspector.

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

- 2.1 Given the shops are outside the designated shopping centre, there could be no objection raised to the loss of retail / commercial building in this location. The proposed scheme would be in line with general policies in the Local Plan, the London Plan and the National Planning Policy Framework with respect to the provision of much needed housing in a sustainable location. By taking into consideration the comments raised by the inspectorate, on balance, subject to appropriate conditions, it is considered that the proposal would have an acceptable impact upon the highways condition, the character and appearance of the area and the amenities of the adjoining occupiers.

### **3 RECOMMENDATION**

- 3.1 That the Committee resolve to grant planning permission subject to the following terms of legal agreement and conditions;

That the Committee resolve to approve reserved matters subject to:

The completion legal agreement to secure the following planning obligations: “

- To ensure the future occupiers of the site would not be able to acquire Residential Parking Permit in the Controlled Parking Zone.
- A financial contribution (to be agreed) to be paid by the developer to the Council to reimburse the Council’s legal costs associated with the preparation of the planning obligation and a further financial obligation (to be agreed) to be paid to reimburse the Council’s administrative costs associated with monitoring compliance with the obligation terms.

The following conditions;

1. Time for commencement
2. Scheme to be carried out in accordance to plans
3. No additional windows on the flank elevation facing Jane Court / and the windows shall be constructed as specified on the drawings hereby approved.
4. Materials
5. Car parking to be provided according to plan
6. Landscaping
7. Trees on the boundary of the site to be protected
8. Boundary treatment (walls and fences) surrounding the site.
9. Refuse and recycling
10. Cycle storage



11. Hours of construction
12. Construction management
13. Sustainable drainage, including; Surface water management
14. Electric Charging
15. Secure by design
16. Boiler
17. Water efficiency
18. External lighting
19. Energy to secure reduction in CO2
20. Ecological enhancement scheme.
21. Inclusive design in terms of access;
22. Maximising the use of PV
23. Air Source Heat Pump (ASHP Feasibility)
24. Noise – from plant and machinery.
25. Noise The building(s) shall be so constructed as to provide sound insulation
26. Land contamination;
27. Archaeology

#### **4. Site and Surroundings**

- 4.1 The application site comprises a relatively narrow and deep plot. It is located at the junction of Victoria Road where it meets Mercury Gardens.
- 4.2 To the west the site is bound by Romford Ring Road – Mercury Gardens. To the east there is a more recent development incorporating blocks of flats; Corbridge Mews and Jane Court Flats together with its associated access. To the rear the site is bound by the elevated section of the railway lines running from Romford to Gidea Park/Emerson Park.
- 4.3 Mercury Gardens, dates from circa 1960s and contains many new buildings with taller development compared with the Victoria Road, with lower density and comprising a mixture of flatted development as well as traditional two storey buildings.
- 4.4 The buildings on the application site are currently low key in terms of their volume and are used for commercial purposes. One of the buildings is being used as a wedding shop the other an aquatic centre. Both shops have been running for a considerable period of time and are particularly popular among the local residents and wider area.

- 4.5 The application buildings originally formed a pair of two storey semi-detached buildings, with a gap in between. However, the corner building has been cut in half (to accommodate the construction of Mercury Gardens). Further, the pair of the semi-detached buildings have been linked together at the first floor level, thereby creating an under-croft which allow access to the original rear gardens. The area to the back is entirely covered in hard surface and is primary used for car parking purposes. There is a deep single storey rear addition to the building used for the aquatic centre.
- 4.6 There is a small grassed area separating the building from Mercury Gardens, which slopes down below the railway bridge towards the end of the site.
- 4.7 The application site lies approximately 0.5 mile from Romford town centre a short walk to Romford Station.
- 4.8 The area surrounding the site is in a mix of residential and commercial uses. The prevailing residential typology is 1930s semi-detached terraces, though there are significant number of newer flatted developments including three to four storey apartment blocks in particular larger buildings facing Mercury Gardens.
- 4.9 The site has a Public Transport Accessibility Level (PTAL) of 6B, with access to bus routes and train services to Central London (Elizabeth Line), Liverpool Street, Shenfield and Upminster are available from Romford Station.
- 4.10 The current shops are not within a designated shopping centre in the local plan. The application site does not fall within a conservation area, there are no listed buildings on or near the site and there are also no Trees. Generally the surrounding roads are subject to parking restrictions including residential control parking Zone 2.

## 5 PROPOSAL AND LOCATION DETAILS

- 5.1 The proposal is to demolish all building and to redevelop the site to provide new dwellings comprising two separate blocks;
- To the front of the site facing Victoria Road, a block of flats, three storey high, comprising 6 x 2 bed dwelling.
  - The area between the blocks incorporates communal amenity space. There is also communal amenity space to the rear of the proposed rear block backing onto the railway embankment.
  - A terrace of three storey buildings, to the rear, comprising 1 x 2 bed house and 2 x 3 bed houses

- Each of the proposed terrace houses would benefit from rear garden. The proposed flat block would include balconies and terraces.
- Refuse and recycling and cycle storage would be provided to the front part of the site, along the boundary with the adjoining building.
- The proposal would include one disabled parking space, with vehicular access from Victoria Road through the ground floor (under-croft) of the proposed front block.
- Provision of 18 secure cycle parking spaces for residents including space for large cycles and additional visitor parking for 2 cycles;
- The proposed buildings would incorporate Sustainable design features through provision of green roof, Sustainable Urban Drainage Systems (SuDs) and roof-top PV panels and Air Source Heat Pumps (ASHPs).

5.2 There would be no on-site service provision. All services would be provided from the road - including servicing with respect to refuse / recycling.

## 6. **Planning History**

- 6.1 The site (including the main buildings) has been subject to a number of recent pre-application discussions and planning applications. The planning applications have all been refused. There has been a prior approval scheme for the conversion of the existing buildings into flats comprising 9 units (permitted development).
- 6.2 Planning application (Ref; P0970.22) was refused on 06-01-23 for "demolition of the existing buildings and redevelopment of the site to provide a 15 residential units (Use Class C3), including access works, and provision of car and cycle parking, refuse storage and amenity space." The scheme was refused by reason of its scale, bulk, height and the proximity to the shared boundaries and the impact upon highways condition as well as causing adverse impact upon the amenities of the adjoining occupiers.
- 6.3 Planning application, Ref; P0487.23- for demolition of the existing buildings and redevelopment of the site to provide a mix of residential units (C3) including access works, car and cycle parking, refuse storage and amenity space was refused on 22/05/2023. The subsequent appeal Ref; 23/3324488- to this scheme was Dismissed on 13/03/2023.
- 6.4 The appeal was dismissed because of the identified harm on the living conditions of occupants of No. 1 Corbridge Mews. This was due to the loss of sunlight and overshadowing to the rear garden of this house. The Inspector

found the scheme to be acceptable on all other matters that LB Havering had raised objection against.

**A summary of the Inspector's findings includes the following:**

- The scale and massing were considered to be acceptable;
- The design incorporating brickwork and articulation of brickwork was accepted;
- The materials and colour palette were accepted;
- No adverse impact upon the character and appearance of the area was found when considering the massing, bulk and variation in mass of the rear terrace building;
- The height of the brickwork to the top floor of the terrace building and its relationship with the dormer windows adds an element of interest and would not cause harm;
- The roof form and variation of roof form to the rear terrace was accepted;
- Elevations, including flank walls, when viewed in the context of the area as a whole would not cause harm;
- The servicing arrangement for refuse and recycling as well as car parking arrangement was considered acceptable.
- The living conditions of all proposed units were found acceptable in terms of light, outlook and privacy;
- Unacceptable harm would not be caused to living conditions in relation to daylight, sunlight and privacy of rooms of surrounding dwellings with respect to Jane Court and two properties at Corbridge Mews;
- However, the scheme was refused on the basis of unacceptable harm due to the loss of sunlight and overshadowing that would be caused to the rear garden of 1 Corbridge Mews — this is the ground upheld and ultimately led the Inspector

## **7 CONSULTATION RESPONSE**

### **LOCAL REPRESENTATION**

- 7.1 70 letters of notifications were sent to the adjoining occupiers. Neighbour notification letters were sent to nearby properties. One objection has been received, concerning the lack of car parking spaces, in particular with respect to family housing provision in the scheme.
- 7.2 A representation has been received from the Romford Civic Society, objecting for the following reasons: By virtue of its bulk and massing the proposed front

apartment block has a negative impact on the streetscene of Victoria Road and the ring road and is excessive in comparison with the existing properties adjacent to it in Victoria Road. The scheme has a comparatively low Urban Greening Score. The scheme proposes no Biodiversity gain. Should the scheme be approved, then particular care should be taken with detailing and quality of materials and finishes on the edge of the site - pathways, path edges, walls and adjacent areas etc. and also with the detail and suitability of planting. The Society welcomes the provision of terraced dwellings at the rear of the site

### **Councillor Call-In**

7.3 Councillor Judith Holt has called-in the application for the following reasons;

1. The impact on the immediate neighbourhood would remain negative. In terms of siting, 67-71 Victoria Road lies on a fairly narrow strip of land which tapers to the rear, with the busy ring-road, Mercury Gardens, to one side, and the houses and low-rise flats of Corbridge Mews to the other. The existing building on site is two-storey : two shops with some low-ceilinged small rooms above. There is a small car park to the rear. Altering these, extending backwards and replacing the shops with a block of six flats, three houses, vehicular access, parking, cycle storage, four small gardens and refuse disposal areas, with the buildings rising to three storeys at each end, is still over-development.
2. There would continue to be a great change in design, layout and external appearance, the final result of which would not be conducive with the area (see point 1 above);
3. There would still be loss of light and privacy plus an overbearing impact on the neighbouring flats and houses in Corbridge Mews, plus the block of shops and flats opposite on the corner of Victoria Road;
4. In terms of infrastructure, there is a lack of parking; only one space is provided for six flats and three houses, and this is for a Blue Badge holder. Parking is already very pressurised in neighbouring Corbridge Mews, Albert Road, King Edward, Hearn and Alexandra Roads, with only resident and pay-and-display bays. Most people today have cars; the notion of "car-free developments" is a fantasy;
5. From a Heritage view point, 67-71 Victoria Road is a quirky, characterful building, very much in the style of "Old Romford". It will be detrimental to lose yet another long-established building of character to more bland-looking flats.

### **Internal and External Consultation:**

- 7.5 Thames Water; there are public sewage within 15m, hence any piling work should be subject to condition. The surface water treatment shall be in accordance to London Plan policy SI13 sustainable drainage. The developer should ensure the discharge to public sewage. With regards to water supply this comes under Essex and Suffolk water company.
- 7.6 Anglican Water company; not within our jurisdiction
- 7.7 Lead Local Flood Authority - Drainage - no objection rec.

### **Environmental health -**

Scheme acceptable subject to conditions with respect to air quality , contaminated land and noise.

### **Historic England;**

- 7.8 There is a potential for historically valued artefacts due to a possible settlement here and hence, condition is recommended with respect to Written Statement of Investigation and if the Stage I WSI identified potential historic remains, then a Stage II WSI should be required through appropriately worded condition.

### **Waste and Recycling -**

- 7.9 Please ensure there is sufficient numbers of refuse and recycling bins at this site, suitable storage areas, and that the collection crew access requirements are adhered to in particular with the distance to the bin store. Bins are not provided by Havering Council, nor is Havering Council liable for them. Bins need to be purchased and maintained privately. Please adhere to the attached guidance.
- 7.10 **Highways** -Car free scheme acceptable. There would be potential issue with servicing the flats, as it would be very close to the busy junction.
- 7.11 Fire Brigade (water) - no additional hydrants required,
- 7.12 **MET Police** - request condition relating to community safety/secure by design standards
- 7.13 **Network Rail;**
- There may be hidden railway infrastructure. The developer to contact Network Rail prior to any works. Mitigating measure to ensure; no damage to stability of the railway structure, no glare to drivers' vision, no effect upon human health

from high powered power line, possible interference with electronic equipment, and to ensure secure access for future works to the railway lines including the provision of new fence.

7.14 **Transport for London** (TfL) raises no objection

7.15 **Place Services** - landscaping and trees; There would be impact upon the roots of the trees outside the site, these would need further pruning as a result of the development. There is not sufficient details with respect to landscaping. Whilst there are 15 new trees suggested, there is no information with respect to the species or how these could be accommodated.

## **8 MATERIAL PLANNING CONSIDERATIONS**

The main issues for consideration are:

- The principle of development
- Scale, height, bulk and design
- Quality of the proposed accommodation
- Parking and Highways Issues
- Housing Mix - size
- Affordable Housing
- Impact on Neighbouring Amenity
- Environment Issues
- Sustainability
- Flooding and Drainage
- Community Infrastructure Levy

### **8. The principle of development -**

8.1 The site is currently in commercial use. Both units are trading for retail purposes. The shops appear to be quite popular with residents. With previous applications, there were a significant number of objections with respect to the loss of the retail units. However, the site is not located within a designated shopping centre in the Local Plan. Hence, there would be no policy grounds for their protection.

8.4 Neither the local plan nor the London plan specifically offer any protection with respect to the loss of the retail units. Hence, whilst the shops may be popular, there are no sound planning grounds to resist the loss of retail units

8.5 Further policies 3 and 4 of the adopted Local Plan, aims to maximise the potential for housing supply (market and affordable). To this end, given there are no policy grounds to resist the loss of retail, the site is considered suitable for housing, in support of the aims and objectives of strategy to maximise the supply of housing - albeit- the development would need to be subject to compliance with other relevant policies of the development plan.

## **9 Mix of dwelling unit - size;**

9.1 Policy 5 states, the Council will support development proposals that provide a mix of dwelling types, sizes and tenures. All housing schemes should include a proportion of family sized homes and reflect the recommended housing mix identified in Table 4 of the Plan unless it can be robustly demonstrated that a variation to the mix in Table 4 is justified having regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities.

9.2 The proposed scheme would provide 2 three bedroom houses with the remainder 2 bedroom dwelling. The mix of dwelling would not strictly comply with the provision of 64% 3 bedroom family accommodation. However, given the location of the site, and further the provision of significant number of 2 bedroom dwellings, mix of dwelling units are considered acceptable.

## **10. Layout, scale, bulk and Design**

10.1 In principle, the strategy to provide two blocks with associated car parking space and amenity space in between is considered acceptable subject to an appropriate scale and massing.

10.2 The scheme would provide part 2 part three 3-storey town houses to the rear, thereby providing much needed family housing in the area.

10.3 To the front the proposed block would be three storey high with modern design features which is generally considered appropriate given the three storey blocks on the east of the site.

10.4 The application site is located on the corner junction between Victoria Road and Mercury Gardens, in a highly prominent position. The fact that the site is slightly elevated from street level adds to its prominence.



- 10.5 The surrounding area contains a wide range of building designs of various scales and mass. On the north-west corner of the junction between Victoria Road and Mercury Gardens is a rather large block of flats which follows the curvature of the corner. This block has various four storey and three storey sections. Opposite the appeal site are two storey properties of a similar scale to those on the application site, and a purpose-built block of flats with two and three storey sections and roof level accommodation.
- 10.6 On the other section of Victoria Road, west of the junction leading to Romford Town Centre, are a range of buildings and uses including three and four storey buildings which include commercial units and residential flats. To the east the adjacent Corbridge Mews development contains 3no. three storey residential blocks on the Victoria Road frontage which drop to two storeys as they extend deeper into the site, where there are two storey dwellings along the rear, parallel with the railway line. The proposed development would take on a similar form and siting whereby a three storey block fronts onto Victoria Road and dwelling-houses are situated at the rear. The proposed site plan shows how the block of flats would follow a similar building line to the adjacent Jane Court, and the dwelling-houses would follow a similar building line to the dwellings to the rear of Corbridge Mews.
- 10.7 Given the context of the surrounding built environment, the scale and mass of the proposed development would not appear as particularly dominant, and would not cause harm to the character and appearance of the area. Furthermore, the design approach, incorporating recessed balconies with palette of materials and colours would ensure a high-quality scheme. Appropriate conditions are recommended to ensure sufficient reveals to the windows and doors as well as materials used in external finishes would be achieved.
- 10.8 The councils were particularly concerned with respect to the design of the rear block. In particular with roof form incorporating partially crown roof and the blank flank elevation fronting Mercury Garden. However, the appeal inspector with respect to this feature explained, “although such a feature is not readily apparent in the surrounding area, there are hipped roof properties in close proximity and a significant variation of roof forms in the wider surroundings. Therefore, whilst it would be an apparent different roof form, for these reasons, it would not cause harm.” With respect to the largely blank side elevation facing towards Mercury Gardens, explained; “ the side elevation would rarely be viewed in isolation, with most views also encompassing the more detailed front elevation or the proposed block of flats. Therefore, having regard to the scheme as a whole and its context, this would not cause harm.”

The inspector who considered the appeal scheme explained, “The proposed development therefore would not cause harm to the character and appearance of the area. It would comply with Policies 7 and 26 of the Havering Local Plan (2021) and Policy D6 of the London Plan (2021). Collectively, these policies require, amongst other things, that residential development is of high-quality design, respects and complements the distinctive qualities, identity and character of the site and the local area; provides creative and site-specific design solutions; and responds to distinctive local building forms and patterns of development having regard to the established scale, mass, building lines and heights of the surrounding physical context. The proposed development would also comply with the requirement of the Framework that developments are of high-quality design, sympathetic to local character.

## **11 Quality of the housing provision**

- 11.1 Policy D6 of the London Plan stresses that, housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. And that the qualitative aspects of a development are key to ensuring successful sustainable housing.
- 11.2 The dwellings are provided with balconies, private garden and communal amenity space -albeit, there is no provision for child play space. All dwellings would comply with internal space standard. The flats would either comply with Part M4(2) or M4(3)of the standard of mobility with respect to building control regulation.
- 11.3 With respect to the refused scheme there was a concern with respect to levels of outlook and privacy for the future occupants of the units in particular with units 4 and 5.
- 11.4 In terms of privacy, the window to bedroom 2 of unit 4 would be positioned on the side elevation adjacent to the access leading to the three dwellinghouses to the rear of the site. Since the original decision, the appellant has introduced some defensible planting and part obscured/part tinted glazing to the fenestration. The inspector who considered the appeal, explained “It is not wholly uncommon in dense urban environments that habitable rooms of dwellings are in close

proximity to footpaths and passers-by. The addition of planting and part obscured/part tinted glazing would also serve to mitigate the impact”.

- 11.5 Having regard to unit 5, the Council considered that there would be unacceptable outlook from the main bedroom. The scheme has subsequently amended the layout so that the main bedroom is at the front of the property and the smaller second bedroom is at the side. The window to the second bedroom would be very close to the boundary wall, a distance of 0.9m. The plans show, however, that only the lower half of the window would face directly towards the boundary wall, with the upper half being unaffected.
- 11.6 Having regard to this arrangement, the appeal inspector concluded that the proposed development would provide acceptable living conditions for future occupants in terms of light, outlook and privacy. It would comply with Policy 7 of the Havering Local Plan (2021) which seeks, amongst other things, to ensure developments achieve a high standard of amenity. The proposed development would also comply with the requirement of the Framework that developments seek to ensure a high standard of amenity for future users.

## **12 Impact on Neighbouring Amenity**

- 12.1 Policy 7 states the council will not support applications where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, vibrations and disturbance.

### **Noise**

- 12.2 This site is in commercial use. However, it appears that it has never given any significant concern in terms of its noise impact upon the amenities of the adjoining occupiers from the operation use of the site. The use of the site for residential purposes along with restriction in the number of car parking spaces would mean that there would be no significant noise issues.

### **Daylight / sunlight**

- 12.3 With respect to the appeal scheme, the council was concerned that there would be loss of daylight / sunlight to the windows of Jane Court as well as the sunlight to the rear garden of 1 Corebridge Mews.
- 12.4 With respect to Corebridge mews, the appeal scheme would have resulted in over 60% of loss of sunlight to Window R2/10 with over 60%

loss of VSC with the average sun on ground to the garden being significantly impacted, reducing from 61% to 25%. The inspector came to the conclusion that the window to room identified as R2/10 is a secondary window and hence the overall light to the room would remain acceptable, but the reduction of sunlight to the garden was significant with severe impact and hence the refusal of the scheme.

- 12.5 The revised scheme has resulted the reduction of the height of the end terrace house adjacent to number 1 Corbridge Mews. The reduction has significantly improved the loss of sunlight to the neighbouring to a degree that there would no longer be a technical loss. Nevertheless there would be still remain minor to moderate adverse impact to southwest side window which would be the currently primary source of daylight, and minor to moderate adverse impact to sunlight at one room (but not clear if this is a living area).
- 12.6 With respect to the loss of daylight and sunlight to Jane Court the council found that there were significant daylight/sunlight impacts to 7-10 Jane in particular with respect to a number of rooms, in particular the R5/20 with over 60% loss of VSC to Jane Court.
- 12.7 The inspector who considered the scheme, explained the following; Having regard to the small kitchens, my attention is drawn to the Mayor of London Housing Supplementary Planning Guidance (2016) which sets out that there is no statutory definition for kitchens to be counted as a habitable room, nor is there any statutory size threshold. It identifies that many boroughs, however, include a figure of between 13 and 15 square metres, and that any kitchen above that minimum is usually counted as a habitable room. In the Jane Court properties, the evidence shows that the kitchens are well-below this threshold. I therefore do not consider that the impact on them is unacceptable, as these are not primary habitable rooms. The Council's assessment draws specifically on the impact in relation to units 7 to 10. There are 6 windows that are affected by the proposed development. Four of these are kitchen windows which I have considered above. The other two are bedroom windows to the main bedroom and are identified as rooms R5/20 and R5/21. In each case the window is a bay window with three faces W5/W6/W7. The report acknowledges that there would be a reduction in daylight and sunlight to these rooms as a result of the development. Having regard to the overall layout of the units and the findings of the report, I consider that the units

would retain acceptable levels of daylight and sunlight. Having regard to the language in Policy 7 of the local plan, whilst there would be a minor element of harm, for the reasons given, it would not be of a level that would constitute unacceptable harm

- 12.8 However, the loss of daylight and sunlight to the scheme, has been further considered by the Council's consultant (British Research Establishment - BRE) funded by the applicant with the following conclusion;

**7-10 Jane Court;**

Minor adverse impact to annual sunlight to one room and major adverse impact to winter sunlight at five rooms, overall this could be considered a moderate adverse impact to sunlight.

Major adverse impact to sunlight to the open space between the Jane Court and the application site. . However, it would appear that the open space is used for drying washing but does not appear to be an amenity area of any quality (lack of benches or paraphernalia one would expect to see).

**1-6 June Court**

Up to moderate or major adverse impact to daylight to three rooms labelled as kitchens.

Therefore, there still remains a degree of concern with respect to loss of amenity to the occupiers of Jane Court.

A significant issue which need to be taken into account relates to site layout / orientation of Jane Court development. From a daylighting / sunlight standpoint it is possible to reduce the standards if the adjoining land has been positioned too close to the boundary, and oriented in a manner that relies upon receiving light from that land. The BRE guidance suggests, *"A well-designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy a similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed."*

In this case the adjoining land i.e. Jane Court has been developed in a manner which relies on the light from the application site, thereby justifying the lowering of the standards, in the light of other benefits

which the development would entail. Further it should be noted that the inspector only refused the scheme on grounds of loss of sunlight to adjoining garden of number one Corbridge Mews and considered the impact with respect to Jane Court to be acceptable. . The bulk, scale and proximity of the current scheme in relation to Jane Court is identical to the refused scheme, except for reduction of height of one part of the rear block by one storey. Hence, it is concluded that the situation is no different to what an Inspector has recently considered acceptable.

**Privacy;**

- 12.5 There would be a degree of overlooking from the flank windows of the rear wing of the proposed application building and the flank elevation of adjoining block (13m distance) which is not considered acceptable without any mitigating measures. The current scheme has ensured that the windows on the flank elevation facing Jane Court incorporate fixed obscured glazing to the lower part of the window to ensure there would be no loss of privacy.
- 12.6 Given the above, it is considered that overall, the scheme would to a certain degree adversely impact upon the living condition of the existing adjoining occupiers of the site. However, given the analysis above, and in particular the resulting benefits, on balance, it is judged that the benefit of the proposed scheme would outweigh the harm it would cause.

**13 The highway impact**

- 13.1 The site has a very good PTAL rating (6B), with direct access to the buses and train station in close vicinity as well as access to range of shops and entertainment uses. Hence, the site is located within sustainable location where a car free scheme would be acceptable. The proposal would provide one car parking space designated for people with impaired mobility which meets the standards set out in London Plan.
- 13.2 The applicant has agreed to sign a section 106 agreement to ensure that the future occupiers of the site would not be legible a Residential Parking Permit. The Unilateral Undertaking is currently being scrutinized by the LPA's legal team to ensure its effectiveness.

**Servicing;**

- 13.3 The proposal would provide dedicated spaces for refuse and recycling storage within the ground floor. However, on the day of refuse collection the refuse bins would have to be brought to the front of the building on Victoria Road frontage. The proposal would provide sufficient number of cycle storage in accordance to the London Plan Standards. Whilst concern has been raised in relation to the position of the site on a junction and servicing of the site, the inspector considered such arrangement in dense urban areas are considered acceptable.
- 13.4 It is now considered that the issue with respect to impact upon highways condition would largely be mitigated should there be no flaws with the Unilateral Undertaking.

## **14 Other issues;**

### **Flood Risk & Drainage**

- 14.1 The site is located within Flood Zone 1 (defined as indicating a 0.1% chance of annual flooding from rivers or seas), therefore no flood risk assessment was required to be submitted with the application.
- 14.2 The application includes study with respect to Sustainable Urban Drainage Strategy, which by implementing the drainage strategies, it can be concluded that the proposed development could be safely carried out without increasing the risk of flooding to itself or the surrounding area, aiming to meet policy SI13 of the London Plan.

### **Land Contamination**

- 14.3 A Phase 1 Desk Study Report has been submitted with the application to explain the anticipated ground conditions of the site. The site and surrounding land were historically used for manufacturing and gravel extraction. Like many similar brownfield sites, the application might contain contaminants.
- 14.4 Potential pathways through which contaminants might travel are identified, along with potential receptors - the impacts on whom are predicted to have a low to medium risk. The report recommends that a Phase 2 ground investigation be undertaken to better understand the ground conditions and identify any mitigation measures to further reduce

the risk of harm from contaminants during construction and operation of the site.

- 14.5 Subject to appropriate conditions (as recommended by LB Havering Public Protection Officers), the issue with Land Contaminations would be mitigated. .

#### **Energy Efficiency**

- 14.6 Information provided would address the issue with energy efficiency. The information provided would suggest incorporating mechanism such as air heat source pump, passive cooling including formation of balconies to combat overheating, introduction of solar panel and other measures to achieve 70% reduction in CO2 emission to comply with the London Plan policies. Given this is not a major scheme there would be no requirement for carbon offset contribution.

#### **Ecology and Biodiversity**

- 14.7 The applicant has submitted a study which evaluates the ecological value of the site and provided advice as how appropriate measure to be taken to safeguard the ecological value of the site.
- 14.8 The submitted study suggests the current site has a low quality ecological value. If the application were to be granted for approval conditions could be recommended for the completion of an Arboricultural Method statement and a detailed landscape plan with supporting strategy, prepared by a qualified Landscape Architect requiring; biodiversity enhancement measures to be incorporated into the landscaping scheme in order to maximise the ecological value of the site and that that the vegetation and building clearance need to be undertaken outside of the nesting season (generally taken to be March to September).

#### **Air quality**

- 14.9 An Air Quality Report (including air pollution impact) has been submitted with the application. The Environment Protection officers have examined the report and are satisfied that subject to conditions the proposal would be acceptable.
- 14.10 It is considered that through appropriate measures including the provision of suitable boilers the proposed development would not have significant negative effects on the environment.



### **Trees and landscaping**

- 14.11 Currently the site is generally covered by hard surfacing and does not benefit from any trees. However, there are trees on the adjacent public land which may be affected during the construction works. Hence, appropriate conditions are necessary to the protection of the trees. The proposal provides pockets of soft landscaping patches throughout the site. A landscaping scheme would be required to ensure an appropriate landscape scheme is achieved.
- 14.12 **The Urban Green Factor** (UGF) score of 0.34 has improved, but would still remain below the London Plan minimum guidance for a minimum score of 0.4. However, the London Plan (Policy G5) only requires all major developments to include urban greening as a fundamental element of site and building design.

## **15 EQUALITIES AND DIVERSITY**

- 15.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.
- 15.2 For the purposes of this obligation the term protected Characteristics includes: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 15.3 In recommending the application for approval, officers have had regard to the requirements of the Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty.

## **16 CIL and other Financial and Mitigation measures**

- 16.2 The net additional floor space would be 367m<sup>2</sup>. The development would be liable for a Mayoral CIL at the rate of £25 per square metre amounting to £9,175 and Havering CIL at rate of £125 per square metre amounting to £45,875
- 16.3 Given the CIL position there would be no longer any requirement for education contribution.
- 16.4 The proposed development would be car free, for which a legal agreement would be required to ensure the future occupiers of the site would not be able to use the parking spaces within the Residential Parking Zone. The application would be obliged to contribute to the drafting of the legal agreement as well as its monitoring cost.
- 16.5 The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

**Other matters;**

- 17.1 On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for Havering for 2023 is 61%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.
- 17.2 In terms of housing supply, based on the latest 2024 Housing Trajectory, Havering is able to demonstrate 3.4 years supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply. The Inspector's report concluded:
- "85. Ordinarily, the demonstration of a 5-year supply of deliverable housing land is a prerequisite of a sound plan in terms of the need to deliver a wide choice of homes. However, in the circumstances of this Plan, where the housing requirement has increased at a late stage in the examination, I ultimately conclude that the Plan, as proposed to be modified, is sound in this regard subject to an immediate review.

86. This is a pragmatic approach which is consistent with the findings of the Dacorum judgement. It aims to ensure that an adopted plan is put in place in the interim period before the update is adopted and the 5-year housing land supply situation is established.”

- 17.3 The Council is committed to an update of the Local Plan and this is set out in the Council’s Local Development Scheme. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the “Presumption” due to housing supply is applied.
- 17.4 The Presumption refers to the tilted balance set out in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.
- 17.5 Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

## **17 Conclusions**

- 17.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 17.2 The outcome of the Framework paragraph 11 d) process above indicates that the decision should be taken in accordance with the development plan.
- 17.3 The proposed development would result in an increase in the Council's overall housing number and would be in a sustainable location on previously developed land. When combined with the Council being

unable to demonstrate a five-year housing land supply, collectively, this matter carries significant weight in favour of the proposed development.

- 17.4 It is considered that on balance, the harm that has been identified that would be caused to the living conditions of occupants of existing residential properties would outweigh the benefits associated with the proposed development.

 <p><b>Havering</b> LONDON BOROUGH</p>	<p><b>Planning Committee 6 February 2025</b></p>
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<b>Application Reference:</b>	<b>P1456.23</b>
<b>Location:</b>	<b>42 Dymoke Road, Hornchurch</b>
<b>Ward</b>	<b>St Albans</b>
<b>Description:</b>	<b>Partial demolition of existing commercial building and conversion of retained building fronting Dymoke Road into two no. dwelling houses with pitched roof, rear dormer windows and shared rear projection.</b>
<b>Case Officer:</b>	<b>Cole Hodder</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 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
- Landscaping
- Provision of parking
- Removal of permitted development rights
- Cycle Storage
- Refuse Storage
- Flank window condition
- Demolition & Construction Methodology Statement (Pre-commencement)
- Hours of construction
- Accessible dwelling
- Hard surfaces to be porous
- Water usage
- NOx Boilers
- Electric Vehicle Charging Points
- Contaminated Land 1 (Pre-commencement)
- Contaminated Land 2 (Pre-commencement)

### **Informatives**

- Approval and CIL
- Highways informative
- UKPN informative

## **3 PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

- 3.1 Application site is comprised of a commercial building fronting Dymoke Road at the corner of Dymoke Road and Kyme Road. The subject building has a flat roof and shares a front rear building line with the adjoining residential property. A pitched roof element adjoins the building and stretches back into the site.
- 3.2 The full extent of the site is covered in built development or hard-standing. Whilst there is a designated industrial location beyond the boundaries of the site to the rear, the application site itself is not within any area of specific designation and the commercial element is somewhat of an anomaly. The site is neither listed, nor within a Conservation Area.
- 3.2 The surrounding area is predominantly residential, to the rear of the site is a designated industrial area as indicated but the subject building/site is outside of its established curtilage. The subject building is adjoined by an existing dwelling and shares a border with a shared access/the rear gardens of properties fronting Craigdale Road. There is a mixture of building types on Dymoke Road/Kyme Road with examples of semi-detached pairs, two storey terraced rows as well as detached buildings of varying scale.

## **Proposal**

- 3.2 Consent is sought for the partial demolition of the existing commercial building and the conversion/alteration of the retained building to form two self-contained dwellings and associated amenity space. The dwellings would feature a pitched roof, rear dormer windows and shared rear projection.
- 3.3 Revised plans were received 17-11-2023- Altering site layout/red-line plan. It was brought to the attention of officers that part of the site had been sold/was not in the ownership of the applicant. In addition the description of development was altered and further consultation was the undertaken for transparency.

## **4 Planning History**

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

P0314.07 - Demolition of existing factory building and construction of new 20 bedroom care home – REFUSED

OFFICER COMMENTS: The above was refused due to the visual and amenity impacts of the development. The loss of the commercial/industrial use was not resisted at that time.

## **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:  
Thames Water – No objection  
UKPN – Informative to be attached in the event of approval.  
LFB (Access/Hydrants) – No objection  
LBH Public Protection – Condition recommended  
LBH Waste/Recycling – No objection  
LBH Highway Authority – No objection

## **6 LOCAL REPRESENTATION**

- 6.1 A total of 28 neighbouring properties were invited to comment on the application submission.
- 6.2 The outcome of all consultation is as follows:
- |                             |                |          |   |          |     |    |                         |
|-----------------------------|----------------|----------|---|----------|-----|----|-------------------------|
| No of individual responses: | 15             | of which | 2 | objected | and | 13 | supported/made comments |
| Petitions received:         | None submitted |          |   |          |     |    |                         |

6.3 The following Councillor made representations:

Councillor Judith Holt

I should like to call-in this application to be determined by Committee, please, for the following planning reason:

1. Parking - there are only two parking spaces marked on the plans, for what the application describes as "2 Semi-Detached Self-Contained Residential Dwellings". "I would consider this to be insufficient for two houses. However, the application refers to "Dwellings" rather than houses. This suggests they could be something other than houses, e.g. maisonnettes, which would mean more vehicles. Dymoke Road and Kyme Road already have resident-only parking bays.

Further Comments

1. Returning to the phrase "2 Semi-Detached Self-Contained Residential Dwellings", I would like more clarification from the developer what is meant by the word "dwellings" and I feel this should be given before a decision is made. Does it mean houses, maisonnettes, flats or something else?
2. Whereas this is not a specific planning reason, some residents are concerned that the developer may be planning to build further on the land which still remains at the rear of the site of number 42 Dymoke Road. The driveway to the left of the two proposed new dwellings but not incorporated into the plan might seem to suggest this. However, I am aware that the decision can be made only on the plans which are actually "on paper".

(OFFICER RESPONSE: The London Plan standard for parking in this location for houses of this size is a maximum of one space per dwelling. The space to the front is quite constrained so it is unlikely that two spaces could be provided for each dwelling if it could be demonstrated that higher provision was justified. We do however note that the site is within a resident's permits zone.

In response to other queries, which whilst not necessarily forming part of the call-in raised some other concerns. The phrase dwelling is in reference to single-dwelling house. The properties under consideration are three bedroom family homes.

In terms of developing the land to the rear, it is understood that the rear garden of the adjoining property was purchased, it is shown outlined in blue. It is possible that this land may be brought forward for redevelopment at a later date but this would be assessed on its own merits and subject to the usual planning processes. In our view it is not considered that the current proposals would be prejudicial to this coming forward. Mindful that the neighbouring garden has already been reduced in size through the sale of that land, the shortened rear gardens are not considered to be out of character.



### **Representations**

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are either responded to below and/or addressed in substance of this report:

#### Objections

- Use of land to the rear
- Shortened rear gardens
- Formation of terrace
- Not developing whole of site

(OFFICER RESPONSE: With regards to the land at the rear of the site, there is no requirement for the developer to disclose their intentions. The Council will have to consider whether the development proposed would be prejudicial to its redevelopment in the future. The shortened plot depths would be a material consideration as would the formation of a terrace in terms of the character impacts of the development.

### **Non-material representations**

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

- Loss of property value
- Disturbance during works
- Ownership/Land registry

(OFFICER RESPONSE: A demolition methodology statement will be secured through condition as it is anticipated that this would need to be managed and would have most potential to cause noise and disturbance. There is also a condition limiting construction hours.)

### **Procedural issues**

- 6.6 No procedural issues were raised in representations however it is noted that a matter over land ownership was raised with officers.
- 6.7 It was identified that the site plan was incorrect as land to the rear of 40 Dymoke Road had been purchased thereby shortening the length of this plot. This was raised with the planning agent who subsequently revised the site location and other plans accordingly to reflect this.
- 6.8 Further consultation was then undertaken by officers for a period of 21 days commencing 17-11-2023.

## **7 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of development
- Quality of accommodation/suitability
- Design
- Impact on amenity
- Highways/Parking
- Other issues
- Housing Supply/Delivery and Paragraph 11 of the NPPF
- Other issues

### **Principle of development**

7.2 Policy 20 of the Havering Local Plan 2016-2031 which relates to proposals where there would be loss of locally significant industrial sites and non-designated land. The Council will only support the loss of non-designated industrial land and floorspace in Havering where it can be demonstrated that:

- i. The change of use from industrial employment uses will not lower the industrial capacity of the borough below that necessary to meet projected demand over the planning period as estimated by the most up to date Havering Employment Land Review;
- ii. There is no market interest in the site following one year of continuous active marketing.
- iii. In considering proposals for the loss of LSISs and non-designated industrial land, the Council will take into account the wider land-use objectives of the Local Plan because the release of land which is no longer needed for employment use may assist in securing these.
- iv. The Council will require the re-provision of non-designated industrial land where it is located within a wider area of commercial uses (such as retail) in the event of proposals being submitted for redevelopment of the wider area except in cases where this policy accepts their loss.

7.3 With regards to 20(i) the site is very limited in terms of scale and the location is also a material consideration. There is no evidence before officers that there is a conflict with this aspect of the policy it is understood that the premises was most recently used unlawfully as an automotive garage. The applicant provided marketing information which confirmed that the site had been marketed continuously for a period of at least 12 months (20(ii)) and that the property had proven difficult to let or otherwise dispose of for its commercial use.

7.4 Having regard to the above criteria, on balance officers do not consider that there is an in principle reason to oppose the development proposals. In reaching this view it is recognised that there is an identified need in the borough for family homes, which is evidenced through the supporting justification for Havering Local Plan 2016-2031 Policy 5 and the most recent December 2024 Housing Delivery Test Results.

- 7.5 A further consideration for members and factoring into the recommendation of officers is the siting of the commercial unit in an area that is predominantly residential and which is adjoined by a residential dwelling. The partial demolition of the building and its conversion would offer other benefits to the amenity of surrounding residents also through reducing the amount and extent of development onsite.
- 7.6 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation.
- 7.7 The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.
- 7.8 In addition to the above the Housing Delivery Test results found that the Council has seen a shortfall in the level of housing delivery compared to the housing requirement over the measured three years. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. Paragraph 11 (d)(ii) requires an assessment of the proposal against the policies in the Framework taken as a whole.
- 7.9 The proposals seek to develop only part of the site that is within the applicant's control. Members will observe that the red-line plan takes in the subject site, but that an area of the adjoining site at no. 40 Dymoke Road is outlined in blue. It is understood that this was purchased prior to/during decision making and was only brought to light during assessment of the current proposals. Plot depth and patterns of development would be a material planning consideration and this is considered within this report.
- 7.10 It is not considered that the redevelopment of the application site would be prejudicial to this retained parcel of land to the rear.

## **8 Design/Street-scene**

- 8.1 Paragraph 135 of the NPPF, amongst other considerations requires that planning decisions should take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) and recognise the importance of securing well-designed, attractive and healthy places.
- 8.2 The Framework at Para 131 states that the creation of high quality and sustainable places and buildings, amongst other considerations, 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.

- 8.3 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.
- 8.4 The surrounding environment is composed of a variety of built form; however there is a general consistency in terms of scale and massing of two storey detached and semi-detached dwellings in the vicinity. The subject building is an anomaly in a street-scene featuring a flat roof to the street and high level boundary treatment. It presents as a commercial structure in an environment that is fundamentally residential in character.
- 8.5 The visual impacts of the commercial building are exacerbated by it adjoining a two storey pitched roof residential dwelling. A further consideration is the amount and extent of site coverage with the subject site virtually covered in development.
- 8.6 The proposals would seek to convert the subject building into a pair of semi-detached dwellings. The overall width of the building means that the proposed dwellings would have proportions generally in keeping with the surrounding environment. The overall ridge, eaves height and roof form would be consistent with the neighbouring dwelling. Whilst the detailing of the proposed dwellings would retain the character of the original building, rather than replicating the adjoining property this is not regarded as being objectionable.
- 8.7 The formation of a terraced row as would be the result of the proposals is not a common feature in Dymoke Road, however the surrounding area is made up of a number of typologies and whilst there is a consistency in terms of height/mass and plot layout there is a mix of building types. In Kyme Road to the immediate north of the subject site there are examples of two storey terraced rows. On balance it is not considered that the visual impacts of the development from the street could be capable of substantiating a decision to refuse permission.
- 8.8 The proposals would open up the site to the street through omission of high level boundary treatment and would present in a way which would integrate with the residential environment, removing a commercial use which was otherwise an alien feature. These benefits are considered to outweigh any perceived harm.
- 8.9 Revised plans were received 11 December 2024 which reduced the proportions of the rear dormer windows. It was considered that as submitted they were excessively sized. It is noted that they are indicated to be rendered as opposed to tile hung. Officers do not consider that the provision of render in this instance would be unacceptable but a condition could be imposed requiring that they are tile hung if members consider it appropriate.

- 8.10 The overall plot depth and width for each of the two dwellings is not regarded as being uncharacteristic or at odds with the existing urban grain. The overall depth and width of each plot respectively would not be far removed from those within the surrounding environment on Kyme Road. It is noted also that the adjoining dwelling would have the same plot depth as those proposed. Officers therefore consider that it would be difficult to identify grounds for refusal on this basis.

## **9 Quality of accommodation/suitability**

- 9.1 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 and meet the needs of Londoners without differentiating between tenures. To that end the policy requires that new residential development conform to minimum internal space standards.
- 9.2 There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.
- 9.3 These standards are reflected in the Havering Local Plan 2016-2031 at Policy 7 which requires compliance with the space standards referenced above.
- 9.4 Applying the standards to the proposed dwellings they would show compliance in terms of gross internal floor areas and headroom throughout. It is observed that at first floor level Bedroom 01 of Unit 1 is marginally below the required 11.50m (11.31m). Whilst this failing is noted on the whole bedroom size and mix is regarded as being compliant.
- 9.6 There is no evidence before officers that rooms would not receive adequate light and that outlook would be sufficient and consistent with that observed within the locality.
- 9.7 Whilst the proposals do not develop the whole site and there remains a parcel of land at the rear of the site, this applies to the adjoining dwelling also. In any case the amenity space provided exceeds the minimum standard and would comply with the objectives of the London Plan, particularly in respect of the qualitative elements of external amenity provision.

## **10 Impact on amenity**

- 10.1 Policy 7 (Residential Development) 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.

- 10.2 Policy 7 is to be read in conjunction with Policy 26 (Urban Design) and the wider objectives are reflected also in Policy 34. Therefore a fundamental requirement of any residential development is the impacts on the amenity of any surrounding neighbouring occupier whether existing or in the future.
- 10.3 Policy 34 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.
- 10.4 It is not considered that there would be any material impact on the adjoining premises. The proposals would partially demolish the existing structure bringing the main rear building line back level with the adjacent premises. A single storey rear projection is shown but this would comply with Council design guidance and therefore any impacts are capable of being regarded as not material.
- 10.5 Whilst the use of the property for residential purposes would see new views introduced at first and roof level rear facing windows these views would not be unusual in a suburban environment and could be likened to any other pair of semi-detached dwellings in the street/wider locality.
- 10.5 As above the partial demolition of the structure would remove a significant building from the landscape which would offer benefits both in terms of light/overshadowing of adjacent premises but would also enable natural surveillance of the adjacent shared access. This would otherwise be obscured by the form of the warehouse.
- 10.6 It is accepted that new views would be created at first floor and roof level and that these views would enable views at an oblique angle across the rear gardens of those properties fronting Craigdale Road. Separated by the shared access and the length of the gardens it is not considered that these views would be materially harmful in planning terms.
- 10.7 Building up the roof and the gabled end roof form would increase mass at a high level which would mean the resultant building and its flank wall would be more prominent in views from dwellings to the east fronting Craigdale Road. However in view of the level of separation involved from rear facing windows it is not considered that this would be harmful to outlook. There would be a minimum separation wall-to-wall of approx. 24 metres. On balance it is not considered that the building would be overbearing or visually intrusive from those adjacent rear gardens which would be separated by the shared access in any case.
- 10.8 Whilst the overall height and mass of the building would increase at roof level, it is not considered that the proposals would result in any material loss of light or level of overshadowing, particularly in view of the existing arrangement which would be removed. Given the degree of separation present a 25 degree notional line would not be impeded by the development when considering rear windows of those fronting Craigdale Road. Nevertheless, whilst there may be some impact over the existing in terms of overshadowing of the access/rear gardens it is not considered that this would be sufficient to withhold permission.

10.7 It is not considered that the proposals would unduly harm the amenity of surrounding residents, nor be detrimental to the sense of place, safety and community experienced by those residents. The proposals would on balance comply with Policies 7, 26 and 34 of the Havering Local Plan 2016-2031 as well as the objectives of the NPPF in particular Para 135 which requires a high standard of amenity for existing and future users.

## **11 Highways/Parking**

11.1 Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. However given the PTAL rating of 2, this engages the London Plan parking standards which are found at Policy T6.

11.2 Paragraph 116 of the NPPF allows development to be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

11.3 There is no evidence before officers that the development proposals would worsen or give rise to any new highway safety issues in this location. The development would seek to extend the existing crossover and open up the site frontage which is currently enclosed by high level boundary treatment. Where the corner turns to the front of the subject building there is a single yellow line. There would be no loss of on-street parking through extension of the existing crossover.

11.4 The proposals make provision for one space per dwelling. This aligns with the requirement set by London Plan Policy T6 for dwellings of this scale and in this location. On this basis it is not considered that any case could be made for under-provision and that refusal could be justified on this basis. The immediate surrounding area has no waiting restrictions in place and residents permit bays.

11.5 Cycle and refuse storage is shown to be sited at the front of each property parallel to off-street parking. In the absence of full details it is considered that the siting of cycle/refuse storage may be detrimental to the visibility of vehicles. However it is considered that an alternative arrangement might be secured through condition, for example by shifting the units forward to open up visibility splays.

11.6 Subject to the foregoing being agreed through condition there are not considered to be any grounds to withhold permission on matters of parking and highway safety. This view is supported by the absence of an objection by the Highway Authority.

## **12 Other Issues**

12.1 At Paragraph 136 of the NPPF it is recognised that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. The Framework requires planning policies and decisions ensure that new streets are tree-lined and that

opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. These objectives are reflected in Havering Local Plan Policies 27 and 30.

- 12.2 The application proposals through the demolition of the structure that returns into the site would represent an opportunity to introduce planting and landscaping to the site and to improve its contribution to the green character of the borough/suburban location. Whilst submitted prior to the adoption of mandatory biodiversity net gain it is considered on balance that there is opportunity to meet with this aspirations through a detailed landscaping condition which is recommended in Para 2.2 of this report.

### **13 Housing Supply/Delivery and Paragraph 11 of the National Planning Policy Framework**

- 13.1 On the 12th December 2024, the Government published the Housing Delivery Test result for 2023. The Housing Delivery Test Result for 2023 is 61%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.
- 13.2 Furthermore Havering cannot currently demonstrate a five year supply of deliverable housing sites. The Havering Local Plan was found sound and adopted in 2021 in the absence of a five year land supply and the Council is committed to an immediate update of the Local Plan. This is set out in the Council's Local Development Scheme. An update to the trajectory is being prepared but there is no firm date for the work to be completed. Therefore, in the meantime whilst the position with regard to housing supply is uncertain, the "Presumption" due to housing supply is applied.
- 13.3 The Presumption refers to the tilted balance set out in Paragraph 11(d) of the NPPF as if the presumption in favour of sustainable development outlined in paragraph 11(d) of the National Planning Policy Framework (NPPF) has been engaged.
- 13.4 Para 11(d) states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Fundamentally this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 13.5 The development is regarded as acceptable on its own merits however the foregoing lends further weight to the development receiving support. Whilst offering only a modest contribution to housing supply and delivery the proposals would nevertheless make a contribution to housing stock in the borough and would provide needed family dwellings.



**14 Environmental and Climate Change Implications**

14.1 Given the limited scale and nature of the proposals which concern the removal of a commercial use and formation of two residential dwellings, associated areas of landscaping, no specific measures to address climate change are required to be secured in this case.

**15 Financial and Other Mitigation**

15.1 None relevant.

**16 Equalities**

16.1 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

16.2 The proposals do not raise any known issues in relation to the above.

**17 Other Planning Issues**

17.1 None relevant

**18 Conclusions**

18.1 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.

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