



Havering

L O N D O N B O R O U G H

PLANNING COMMITTEE AGENDA

7.30 pm	Thursday 1 August 2024	Havering Town Hall, Main Road, Romford
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Members 6: Quorum 3

COUNCILLORS:

**Conservative Group
(2)**

Carol Smith
Ray Best

**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:

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**To register to speak at the meeting please call 01708 433100
before Tuesday 30 July 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.



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 18 April 2024 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 11 - 14)

See attached document

**6 P0685.23 - LAND TO THE REAR OF 12/26 HAROLD COURT ROAD, ROMFORD
(Pages 15 - 30)**

Report attached

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

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**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Council Chamber - Town Hall
18 April 2024 (7.30 - 9.00 pm)**

Present:

COUNCILLORS:

Conservative Group

**Havering Residents'
Group**

Bryan Vincent (in the Chair) Reg Whitney (Vice-Chair)
and Gerry O'Sullivan

Labour

Matthew Stanton

Apologies were received for the absence of Councillors Philippa Crowder, Carol Smith and John Crowder.

11 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.

15 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

Apologies were received for the absence of Councillors and John Crowder.

16 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

17 MINUTES

The minutes of the meeting held on 24 February 2024 were agreed as a correct record and signed by the chairman.

18 P1413.23 - LAND ADJACENT TO 7 FERNDOWN, HORNBURCH

The report before Members detailed an application that sought planning permission for the erection of a 1 x two storey, 2-bed, detached dwelling with two car parking spaces and associated works.

The report stated that following concerns that were raised, it was suggested that the car parking layout be revised so as for the number of spaces proposed within the site to be reduced to one and to also replace the soft landscaping proposed directly to the front of the dwelling with hardstanding in order to provide more space for vehicles to manoeuvre within the site.

There were also concerns raised about the amenity impacts of the proposed developments on no. 9 Ferndown, particularly in relation to loss of day and sunlight as the scheme originally proposed a gabled roof. It was noted that the applicant was advised to revise the scheme to feature a hipped roof instead. The report stated that applicant's agent agreed to both amendments.

In officers view the proposed dwelling would be acceptable from a design standpoint and would not have a detrimental impact on the surrounding street scene. The report asked that the Committee grant planning permission subject to suggested planning conditions.

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 Laurence Garrard addressed the Committee. In response to the issues raised by Councillor Garrard, it was clarified that a covenant was not a material planning consideration but was covered under other legal entity in its own respect and covered under other legislation. Members sought clarification if the application was in keeping with the Emerson Park planning restrictions. Officers confirmed that this was a matter for the judgement of the Committee but that, in Officer's opinion, the application was policy compliant.

Members had concern about the length of the drive way that 3 residents will have to share if this application was passed.

Other issues raised by members related to the drainage of excess water from the drive way and the suitability of the driveway to deal with surface water run off Officers clarified that a planning condition was proposed which was considered adequate to deal with this matter.

The condition that members were concerned about and that was subsequently discussed related to the material for hardstanding proposed within the site

Following consideration, it was resolved not to grant planning permission. The vote for the resolution not to grant planning permission was 2 in favour and 2 votes against. Councillors Whitney and Vincent voted in favour while Councillors O'Sullivan and Stanton voted against.

The application not to grant planning permission was decided on the Chairman's casting vote.

The Committee debated aspect for refusal of the application in order to move a substantive motion.

Member discussed the following issues:

- The shared nature of the dropped kerb and access road.
- The relationship that the shared nature would create.
- The character of the proposal and how it will integrate to the streetscene
- That the access is congested and not suitable for 2 cars, parking issues. Safety of getting on and off the drive especially in winter. Large development in relationship to No 7 & no 9 properties.
- Will change the way these resident feel about their property
- Is out of keeping with policy
- Emerson Park policy area SPD in particular the close relationship and close proximity of the property relative to its neighbours and makes it out of keeping with the Emerson Park policy.

Councillor Stanton raised a substantive refusal motion which was seconded by Councillor O'Sullivan.

The vote to refuse planning permission was carried by 3 votes to 1 against. Councillors Whitney, O'Sullivan and Stanton voted in favour while Councillor Vincent voted against.

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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 Havering LONDON BOROUGH	Planning Committee 1 August 2024
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Application Reference:	P0685.23
Location:	Land to the rear of 12-26 Harold Court Road, Romford
Ward:	Harold Wood
Description:	Variation of the approved siting of P0818.20 for 4 No. x 3 bedroom as built dwellings
Case Officer:	Adèle Hughes
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria.

1. BACKGROUND

- 1.1 This application was last brought to the 8th February Planning Committee. At that meeting, Members resolved to defer a decision on the application pending a site visit. Members queried if the garage walls on the perimeter of the site can be re-built to the same height. In addition, further information was requested regarding who owns the boundary walls and who will maintain the boundary walls of the site.
- 1.2 A site visit was undertaken with Members on 21st March 2024. In response to the queries above, the agent has agreed, on behalf of the applicant, that the garage walls on the perimeter of the site can be re-built to the same height. Those parts of the site on the northern and western boundaries which did not have garages will have new brick walls constructed. The agent has used a measured survey company to produce an existing wall drawing with accurate heights. The applicant has stated that they own the boundary walls. The garage walls are within the boundary of the site. The agent has provided a copy of the applicant's deeds for the application site. The applicant will maintain the boundary walls of the site. The proposed wall would replicate the existing brick wall.

- 1.3 The agent has provided revised plans showing the existing brick boundary wall rebuilt to the existing height and new sections of brick wall. Neighbours and consultees were re-consulted for fourteen days. Condition 3 (boundary treatments) has been amended and Section 6 – Local representation and paragraph 7.24 of this report has been updated. The remaining sections of the report set out below are the same as that reported on 8th February 2024.

2 SUMMARY OF KEY REASON FOR RECOMMENDATION

- 2.1 It is considered that the variation of the approved siting of P0818.20 for 4 No. x 3 bedroom as built dwellings is acceptable. The repositioned dwellings do not adversely affect the streetscene, neighbouring amenity or result in any highway or parking issues. This application is recommended for approval subject to conditions.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to conditions.
- 3.2 That the Director of Planning & Public Protection is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
2. Materials - The external wall and roof materials to be used in the construction of the dwellings hereby approved shall be those detailed in the Materials section of the application form and on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
3. Boundary treatments - Prior to the first occupation of the dwellings hereby permitted:
 - new brick walls shall be constructed and the existing brick boundary walls on the perimeter of the site shall be removed and re-built to the same height and material finish with new sections of brick wall;
 - new fencing shall be erected and/or existing fencing retained;in accordance with the approved plans including Drawing No.'s 1918/01 Revision H and 1918/04 Revision E. The boundary treatments shall be retained permanently thereafter.
4. Landscaping - Prior to the first occupation of the dwellings hereby approved, a scheme of hard and soft landscaping, 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.
5. External lighting - Prior to the first occupation of the dwellings hereby approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.
6. Hard surfaces to be porous - All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or

- provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
7. Car parking – No dwelling shall be occupied until the areas for car parking and turning have been laid out and surfaced in accordance with the approved plans. These areas shall be retained permanently thereafter and shall not be used for any other purpose.
 8. Cycle storage – No dwelling shall be occupied until cycle storage is provided in accordance with details to be submitted to and approved in writing by the Local Planning authority. The cycle storage shall be permanently retained thereafter.
 9. Refuse/recycling – No dwelling shall be occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
 10. No windows or roof windows and no dormer windows – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no windows or roof windows (other than those expressly authorised by this permission) shall be created and no dormer windows shall be constructed on any of the dwellings hereby permitted.
 11. No upward extensions - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no upward extensions shall be constructed and no alterations, extensions or additions to the roof of any of the dwellings hereby permitted shall take place.
 12. Obscure and fixed glazing – No dwelling shall be occupied until the large first floor bedroom windows in the rear elevation of the dwellings in Plots 1-4, as shown on Drawing No.'s 1918/02 Revision C and 1918/03 Revision B have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall thereafter be maintained as such.
 13. Hours of construction
 14. Electric vehicle parking
 15. Fire hydrant – Prior to the first occupation of the dwellings hereby permitted, one fire hydrant shall be installed within a footpath to the front of No. 26 Harold Court Road. The new hydrant reference number is 128930. The hydrant should be sited within a footpath - not in a grass verge, flower bed, carriage way or parking area.

Informatives

1. Approval following revision
2. Approval and CIL
3. Street naming and numbering

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site comprises of a parcel of land to the rear of No.'s 12-26 Harold Court Road, Romford. To the north east are the terraced houses of Harold Court Road, with some of the rear gardens abutting the application site

and to the south-west are the rear gardens of the houses in Thurso Close. There is an access road to the site located between No.'s 26 and 28 Harold Court Road, which slopes away from Harold Court Road in a southwest direction.

Proposal

- 4.2 This is an application under Section 73A of the Town and Country Planning Act for development already carried out without planning permission – specifically the variation of the approved siting of P0818.20 for 4 No. x 3 bedroom as built dwellings. In comparison with the dwellings allowed on appeal under planning application P0818.20, the dwellings on Plots 1 and 2 have moved 4 metres further from the side boundary of No. 10 Harold Court Road. The dwellings on Plots 3 and 4 have moved 4 metres closer to the side boundary of No. 28 Harold Court Road.
- 4.3 During the course of the application, revised plans were received. The main changes to the plans are summarised below:
- A block plan showing the development in the context of the neighbouring properties in Thurso Close and Harold Court Road has been provided.
 - The existing brick boundary wall (on the perimeter of the site) will be replaced with a 2m high close boarded timber fence. The plans have been further revised following deferral of the application by Committee as set out in paragraph 1.3.

Planning History

- 4.4 N0077.22 - Retaining dwellings as built – Withdrawn.

Q0282.21 - Discharge of Conditions 4 boundary walls, Condition 5 boundary treatment, Condition 6, Condition 15 Land contamination, Condition 17 Construction Method Statement from P0818.20 appeal reference APP/B5480/W/20/3262088 – All decisions issued.

P1531.21 - 2 x two storey, 3-bed dwellings, 1 x two storey, 3-bed dwelling, and 1 x two storey, 2-bed dwelling, with associated parking and amenity space, involving demolition of existing garage buildings – Withdrawn.

P0818.20 - Demolition of redundant garage buildings and the erection of 4no dwellings with associated access, parking and landscaping. Resubmission of application P1328.19 – Refused. Allowed on appeal.

P1328.19 - Demolition of redundant garage buildings and the erection of 4no. dwellings with associated access, parking and landscaping – Refused. Appeal dismissed.

It is noted that there is an enforcement case, reference ENF/110/22 for without planning permission the construction of 4 dwellings, which is under investigation and resulted in the submission of the current application.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 Street naming and numbering - The application will require to be street named and numbered.
- 5.3 Thames Water – No comments.
- 5.4 StreetCare Department – A colleague in the StreetCare Department has met the developer on site. The access road is too narrow for a refuse collection vehicle. The walk from the bin store to the end of the drive is more than 25 metres. It is suggested that knee high bins are used and presented on the boundary of the drive on the collection date.
- 5.5 Fire Brigade Water Team – Consideration has been given to the provision of fire hydrants and it will be necessary to install one new fire hydrant. The proposed hydrant is to be installed in the location as indicated in red on the attached plan.
- 5.6 The Fire Brigade is not satisfied with the proposals in relation to the fire precautionary arrangements. However, it is noted that the Planning Inspectorate upheld an appeal for development of this site, P0818.20 and the above application is no worse for fire service access. It is noted that yet again the Planning Inspectorate was either not aware of the Fire Authority's concerns re access or did not consider it as a concern.

Officer response: The Fire Brigade was consulted on 16th June 2020 for planning application P0818.20, but according to Council records, no response was received.

- 5.7 Public Protection Department– It is noted that that there are minor amendments to the location/siting of the development compared to P0818.20, and as such there are no comments to make from Public Protection, providing the required conditions as imposed by the Planning Inspectorate are included. However, it is noted that no condition regarding the requirement for ultra-low nox boilers was imposed by the inspectorate, and therefore it is recommended that the standard condition regarding these and the requirement for EVC to be included, to ensure that the development meets the Air Quality Neutral requirements of the London Plan.
- 5.8 Highway Authority – No objection.

6 LOCAL REPRESENTATION

- 6.1 A total of 24 neighbouring properties were notified about the application and invited to comment.
- 6.2 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: 35 (which consists of 35 objections).

6.3 This application has been called in by Councillor Wise on the grounds of the following planning matters:

- It's only right that residents get their say on this application as there have been numerous issues here and the council themselves put a stop order on the development.
- There are a number of reasons but one of the main ones is overlooking/loss of privacy/loss of light/overshadowing.
- The original application which was rejected by LBH Planning with one of the reasons being loss of privacy to the garden of No. 8 Harold Court Road. The Planning Inspector (on behalf of the Secretary of State for Levelling up, Housing and Communities) then approved as to address this concern the internal layout of plots 1 and 2 has been amended resulting in each dwelling having only one first floor bedroom window and one en-suite bathroom window facing the garden of No 8, as opposed to the two bedroom windows previously proposed. In addition to the partially obscure glazed window, the master bedrooms in plots 1 and 2 would also each have 2 high level roof lights.
- The original plans stated two high level obscure windows; the houses built have four low level clear windows. With the developer's disregard for the plans, we now have four windows looking directly into our garden, running from one garden border to the other. For all residents of both streets (Harold Court Road & Thurso Close) these houses represent a complete loss of privacy, not just No. 8 Harold Court Road that the appeal was approved on so for residents the appeal is void and should be re-evaluated
- In particular, for the houses in Harold Court Road, whose gardens are now in complete shade, but even those in Thurso must be re-considered for loss of light, with the houses now being in a different position to that approved.
- Also there is an issue of the boundary wall and the safety of this.

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

Impact on amenity

- The height of the two storey buildings.
- Overlooking.
- Loss of privacy.
- The original plans showed two high level obscure windows.

- Object to 4 clear glazed roof lights to all the dwellings, which are lower in the pitch of the roof. These windows need to be high level and obscured.
- The roof lights should be moved to the other side of the roof of the dwellings.
- Design with windows facing onto gardens.
- Loss of light.
- Overshadowing and loss of sunlight to the rear gardens of neighbouring properties (including No. 22 Harold Court Road).
- Layout and density of buildings – the site is too small for four houses.
- Drainage issues to neighbouring gardens.
- Queried where the street lighting will be placed, as this will affect neighbouring properties.
- Impact on neighbouring amenity and quality of life.
- The block plan doesn't show the neighbouring properties in Thurso Close.
- The dwellings are too close to neighbouring properties.
- Requested the Case Officer to visit their property.
- The new houses will have much smaller gardens.
- Vermin.
- Queried why the sunlight assessment was only carried out on one property, which doesn't have any outbuildings and is not directly opposite the plots.
- Queried why the sunlight assessment has not been carried out on neighbouring properties in Thurso Close.
- Queried why the sunlight assessment was carried out on Tuesday 21st March.
- Queried if the dwellings will be knocked down and built in the original positions, as per the Secretary of State's original approval.
- Queried if planning application P0818.20 had two bedroom houses, whereas the current application has 4 x three bedroom houses.

Conditions

- Appeal APP/B5480/W/20/3262088 was allowed on appeal subject to conditions and these conditions have not been followed by the developer.

Boundary wall

- There is no structural engineers report for the existing wall.
- Part of the garage wall has been demolished and badly repaired by the development and there are concerns regarding its impact on the safety of local residents and has affected the use of their rear gardens.
- Concerns regarding the broken garage walls, which may collapse and be harmful to people's safety.
- The Council need to enforce a complete re-build of the boundary wall. Reference was made to condition 4 of the appeal decision for planning application P0818.20, which states that "Within 1 month of the existing garages being demolished new boundary walls, to replace those currently formed by the existing garages, shall be constructed along the external site boundaries (to the rear of Harold Court Road and Thurso

Close) in accordance with the details that shall first be submitted to and approved in writing by the Local Planning Authority”.

- Queried if the structural engineers report has been created by a Certified Structural Engineer and what their qualifications are. Queried if the foundations of the brick garage wall conform to current building regulations. It is alleged that there are inaccuracies in the structural engineer report, which states that “We found no evidence of any excessive movement or rocking to the walls”.
- Requested the developer to carry out an independent survey report regarding the retained garage walls.
- The existing boundary wall is 2.5m high and a structure of a similar height should be installed.
- The replacement of the walls at the bottom of the neighbouring gardens with a 2m high fence is not suitable, as it doesn't offer enough security or stability and could be easily damaged.
- Queried who will be responsible for the boundary walls/fences on the boundaries of the site.

Impact on trees

- It is alleged that the developer has ignored the Arboricultural Impact Assessment and Method Statement, which is resulting in harm to the existing trees.
- Any further work to the trees must be done by a qualified tree surgeon and in accordance with the Arboricultural report and method statement.
- Proximity of the trees to the dwellings (and their foundations) and concerns that more trees will need to be removed, so branches don't obstruct the windows of the dwellings.
- Queried if the new position of the houses has been taken into account in relation to mature trees when constructing the foundations.
- Concerns that works to the trees have not been carried out by qualified Tree Surgeons.
- Tree T2 (willow tree) is incorrectly shown in No. 14 Thurso Close, instead of No. 16 Thurso Close. Queried if the tree roots will affect the houses.

Building Control

- It is alleged that private Building Control (Approved Inspector) is not inspecting the site. The Council's Building Control Department should take over and inspect the site.
- Queried if fire resistant materials have been used in the build, as the houses are closer to the trees.
- There is not adequate fire protection for new or existing residents, with only a sprinkler system fitted and no access for a fire engine.

Parking, highway and access

- Parking.
- Highway safety.
- Traffic.
- Access to the site is not suitable for large vehicles, deliveries or emergency services.

- Queried if refuse lorries will access the site.
- There is only one access to the site and queried if this will be safe for pedestrians and vehicles at night with no street lighting.

Ecology

- Nature conservation – bats and hedgehogs live in neighbouring gardens.
- Queried if a bat survey has been carried out.

Renewable Energy

- There is no solar panel provision for these new builds.

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 views.
- The original plans were rejected three times until they were eventually passed. If they were previously rejected, it was queried if the site is unsuitable for development.
- The application is retrospective.
- May prefer two single storey properties.
- Disruption and traffic during construction works.
- Impact on property value.
- Damage to neighbouring property and trees.
- Traffic and access issues during construction.
- Reference was made to party wall agreements.
- It is alleged that private Building Control (Approved Inspector) is not inspecting the site. The Council's Building Control Department should take over and inspect the site.
- If previous applications were rejected, then the site is unsuitable for development.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 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, any highway or parking issues arising from the proposed development and trees. In particular, whether the changes from the original approval raise any significant issues.

Principle of development

7.2 On the 19th December 2023, the Government published the Housing Delivery Test result for 2022. The Housing Delivery Test Result for 2022 is 55%. In accordance with the NPPF the "Presumption" due to housing delivery therefore applies.

7.3 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.

- 7.4 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.
- 7.5 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 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.
- 7.6 The dwellings offer a modest contribution to housing supply and delivery and this would weigh in favour of the development. The principle of development was previously approved under planning application P0181.20, which was allowed on appeal.

Quality of accommodation for future occupiers

- 7.7 The proposed dwellings would each have a gross internal floor area of 106 square metres, which meets the minimum gross internal floor area of 93 square metres for a two storey, three bedroom, 5 person dwelling contained in the Technical Housing Standards. The proposal meets the remaining criteria of the DCLG Technical Housing Standards. It is considered that the dwellings receive adequate natural light and outlook.
- 7.8 Policy D6 of the London Plan states that "Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m". The dwellings have access to adequately sized private gardens of between 47 and 132 square metres. The rear garden area shown would significantly exceed the minimum standard set by the London Plan. It is considered that the amenity space provision is acceptable. Originally, the plans showed a 2m high close boarded fence separating the gardens of the dwellings. Although condition 6 (landscaping) was discharged in part under application Q0282.21, given that the siting of the dwellings has changed, a landscaping condition will be imposed if minded to grant planning permission. Following deferral by Committee, the plans now show that the existing brick boundary wall on the perimeter of the site would be replaced with a new brick wall at the same height as existing.

Impact on the streetscene

- 7.9 It is considered that the dwellings are not directly visible in the streetscene, given the backland nature and siting of the development. The development is largely screened by No.'s 12-26 Harold Court Road. The materials comprise of Marley smooth grey concrete interlocking roof tiles, white silicone render, gunmetal grey windows and vertical timber composite oak finish cladding, which are deemed to be acceptable.

Impact on residential amenity

Daylight/sunlight

- 7.10 It is considered that building the dwellings approximately four metres further forward (to the south east) in the site, than the dwellings allowed on appeal under planning application P0818.20, has not resulted in material harm to neighbouring dwellings. The size and height of the dwellings are the same as planning application P0818.20. A Daylight, Sunlight and Overshadowing Assessment for surrounding properties was submitted with the application, which concluded that the proposed development would not greatly impact on the daylight and sunlight of neighbouring properties.
- 7.11 There is a minimum and maximum separation distance of approximately 16-19 metres between the flank wall of the dwellings in Plots 1 and 3 and No.'s 10-26 Harold Court Road (including the rear access to their rear gardens, which is outside of the site). There is a minimum and maximum separation distance of approximately 30-32 metres between the flank wall of the dwellings in Plots 2 and 4 and No.'s 14-28 Thurso Close. Staff consider these relationships to be acceptable.
- 7.12 The separation distances between the flanks of the dwellings and the side boundaries of the site remain unchanged. There is a separation distance of between approximately 1 metre and 2.9 metres between the flank wall of the dwellings in Plots 1 and 3 and the north eastern boundary of the site. There is a separation distance of between approximately 1 metre and 3.3 metres between the flank wall of the dwellings in Plots 2 and 4 and the south western boundary of the site.
- 7.13 According to the plans, there is a separation distance of between approximately 10-12.5 metres between the rear elevations of the dwellings in Plots 2 & 1 respectively and the north western boundary of the application site which is the side boundary to the rear garden at 10 Harold Court Road. According to the plans, there is a separation distance of between approximately 11 and 14 metres between the rear elevation of the dwellings in Plots 3 and 4 and the south eastern boundary of the site, which is the side boundary to the rear garden at 28 Harold Court Road. Taking these separation distances into account, Staff consider these relationships to be acceptable.

Overlooking and loss of privacy

- 7.14 For planning application P0818.20, there were two first floor windows on the rear elevation of Plots 1 and 2, which served Bedroom 1 and an en-suite. A condition was imposed by the Planning Inspector on the appeal decision, which stated that "No dwelling shall be occupied until the large first floor

bedroom windows in the north west elevation of the dwellings in Plots 1 and 2.... have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall be maintained as such”.

- 7.15 The dwellings allowed on appeal under planning application P0818.20 each had four roof lights, which were secondary light sources to Bedrooms 1 and 2 and were 1.564m above the finished floor level of the dwellings. The appeal decision for P0818.20 stated that “The master bedrooms in plots 1 and 2 would also each have 2 high level roof lights, which given their height would not need to be fixed or obscure glazed”. The appeal decision stated that the Inspector did “not consider it necessary to... require non habitable bathroom windows or high level roof lights to be obscure glazed or permanently fixed shut”.
- 7.16 The internal layout of the dwellings remains the same as planning application P0818.20. There are two first floor windows on the rear elevation of Plots 1-4, which serve Bedroom 1 and an en-suite. A condition can be imposed stating that “No dwelling shall be occupied until the large first floor bedroom windows in the rear elevation of the dwellings in Plots 1-4, as shown on Drawing No.’s 1918/02 Revision C and 1918/03 Revision B have been fixed and glazed with obscure glass of not less than level 4 on the standard scale of obscurity for the lower three quarters of their height. These windows shall thereafter be maintained as such” if minded to grant planning permission. The en-suite windows on the rear elevations of Plots 1-4 are shown as being obscure glazed on the plans.
- 7.17 The dwellings for this application each have four roof lights, which are secondary light sources to Bedrooms 1 and 2 and the base of the roof lights are located 1.72m above the finished floor level of the dwellings. The Case Officer has visited the site with an Enforcement Officer and has viewed the dwellings internally. It is considered that the roof lights of the dwellings do not result in overlooking or loss of privacy to neighbouring properties, as they are high level. It is noted that the Inspector did not consider it necessary to require the high level roof lights to be obscure glazed or permanently fixed shut, which were 1.564m above the finished floor level of the dwellings. Therefore, it is considered that it is not reasonable or necessary to require the roof lights to be obscure glazed or fixed shut by condition.

Permitted development rights

- 7.18 The appeal decision for planning application P0818.20 stated that permitted development rights were removed for upward extensions, roof extensions, dormer windows and flank windows “to ensure that development remains low rise and does not result in unreasonable level of overlooking”. However, the Inspector did not consider it necessary to remove all permitted development rights. Conditions can be imposed to state that no windows or roof windows (other than those expressly authorised by this permission) shall be created and no dormer windows shall be constructed on any of the dwellings hereby permitted and to ensure no upward extensions shall be constructed and no

alterations, extensions or additions to the roof of any of the dwellings shall take place if minded to grant planning permission.

Boundary treatments and security

- 7.19 Condition 4 of the appeal decision for planning application P0818.20 stated that “Within 1 month of the existing garages being demolished new boundary walls, to replace those currently formed by the existing garages, shall be constructed along the external site boundaries (to the rear of Harold Court Road and Thurso Close) in accordance with details that shall first be submitted to and approved in writing by the local planning authority”.
- 7.20 Condition 5 of the appeal decision for planning application P0818.20 stated that “Details of all other boundary treatments, not covered by condition 4, shall be submitted to and approved in writing by the Local planning authority prior to their commencement and shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved”.
- 7.21 Details of boundary walls and boundary treatments for conditions 4 and 5 were submitted under application Q0282.21. Representations were received from some residents who had concerns regarding a fence on the boundaries of the site and expressed a preference for the flank garage walls on the perimeter of the site to be retained. Following negotiations with the agent, revised plans were received for Q0282.21, which showed the existing brick wall forming the rear of the garages to remain as existing and structurally enforced as engineer specification and existing fence panels to be replaced with new close boarded panels 1.8m in height with 0.3m high trellis above.
- 7.22 Representations have been received with concerns regarding the very poor condition of the garage walls and the impact on people’s safety. Following the deferral of the application, the applicant has confirmed that the existing garage walls will be rebuilt to the same height and new brick walls constructed to the western and southern boundaries in the areas where garages were not present. A condition is recommended to require that this takes place prior to occupation of the dwellings.
- 7.23 Condition 17 of the appeal decision for planning application P0818.20 requested the submission of a construction method statement and this was discharged in part under application Q0282.21.

Other matters

- 7.24 The appeal decision for P0818.20 stated that “Owners and occupiers of multiple dwellings in the immediate surrounding area have strongly objected to the proposal, primarily on the grounds of highway safety (access, traffic, parking and emergency and refuse vehicle access), living conditions (overlooking, loss of light, loss of privacy, loss of outlook), effects upon trees and local wildlife, the effect on the character and appearance of the area, security concerns and disturbance during the construction phase of the development. These matters were considered in detail by the council and were found not to be justifiable reasons for refusals. I concur with these findings,

subject to suitable conditions, which would mitigate those concerns". It is considered that the impact of the dwellings on the living conditions of neighbouring properties is the main consideration for this application.

Highway/Parking

- 7.25 The site has a PTAL of 2. Since planning application P0818.20 was determined, planning policy has changed and the level of car parking provision has reduced from 2-1.5 parking spaces per dwelling to a maximum parking standard in Outer London 2-3 of up to one space for a 3+ bedroom unit. Although there are two car parking spaces per dwelling, this level of car parking provision is deemed to be acceptable in this instance, as it reflects an already approved position. The access to the site remains unchanged. The Highway Authority has no objection to the proposal. It is considered that the application does not create any highway or parking issues.
- 7.26 Policy T6.1 (Residential parking) of the London Plan states that "Where car parking is provided in new developments, provision should be made for infrastructure for electric or other Ultra-Low Emission vehicles in line with Policy T6.1 Residential parking". A condition will be imposed stating that "All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of two spaces shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.
Reason: Provision prior to first occupation of the proposed dwelling hereby permitted will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with Policy T6.1 of the London Plan" if minded to grant planning permission.
- 7.27 Whilst the proposed location of the bicycle and bin storage enclosures have been shown on the site plan, no elevations or materials have been provided for these structures and therefore these details will be secured by condition if minded to grant planning permission.
- 7.28 The access road would be resurfaced in permeable tarmac. A condition will be imposed to ensure that all hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site in order to ensure no water run-off from the hard surface which would contribute to risk of flooding if minded to grant planning permission.

Trees

- 7.29 There are no trees with Tree Preservation Orders on the site. An Arboricultural Impact Assessment and Method Statement was submitted and secured under condition 7 of appeal decision for P0818.20. The dwelling in Plot 4 is located closer to the existing tree T2 (weeping willow). The agent has confirmed that the development and works to the trees have been carried out in accordance with the Arboricultural Impact Assessment and Method Statement, Revision A, dated August 2019 (which was submitted for planning application

P0818.20). The agent has advised that there is no need to carry out any further works to the trees adjacent to the site. It is considered that an Arboricultural Method statement condition is not required, as the dwellings have already been built.

Contamination, ultra-low NOx boilers, water efficiency & minor space standards

7.30 Condition 15 of the appeal decision for planning application P0818.20 requested an assessment of the risks posed by any contamination and this was discharged in full under application Q0282.21. Therefore, it is not necessary to impose a condition regarding contamination.

7.31 The Inspector for P0818.20 did not impose conditions regarding ultra-low NOx boilers, water efficiency or compliance with any other Building Regulations and therefore, these have not been secured by condition for this application.

Financial and Other Mitigation

7.32 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £10,400 Mayoral CIL towards Crossrail
- £52,000 Havering CIL

8 Equalities

8.1 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

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

Conclusions

9 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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