



**Havering**  
LONDON BOROUGH

**Planning Committee**  
**17 December 2020**

<b>Application Reference:</b>	<b>P1189.20</b>
<b>Location:</b>	<b>13 Burntwood Avenue, Hornchurch</b>
<b>Ward:</b>	<b>Emerson Park</b>
<b>Description:</b>	<b>The demolition of the existing care home and the erection of 4 detached houses.</b>
<b>Case Officer:</b>	<b>Habib Neshat</b>
<b>Reason for Report to Committee:</b>	<b>A Councillor call-in has been received.</b>

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**1. BACKGROUND**

- 1.1 The application has been called in by Councillor Roger Ramsey, on the grounds that the site has an extensive planning history, the proposed revised sizes of the three rear dwellings would seriously impact upon the privacy and amenities of the adjoining occupiers.

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposed development is considered to be acceptable in principle. It is considered that the proposal would not result in material harm to the character and appearance of the area, would integrate satisfactorily with the streetscene, would not adversely affect neighbouring amenity or create 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 to secure the following matters:

**Conditions**

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.

2. Remove permitted development rights for extensions, alterations and outbuildings
3. No works shall take place in relation to any of the development hereby approved until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.
4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved.
5. Refuse and recycling to provided prior to the occupation.
6. Details of wheel washing facilities during the construction work to be provided and approved prior to commencement of work.
7. No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.
8. The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.
9. No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority.
10. An internal survey of the building(s) including the roof areas for bats must be undertaken by a licensed bat worker prior to any demolition works and between May and September.
11. Prior to above ground works, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved
12. Ultra-Low NOx boilers to be provided prior the first occupation of the development.

13. No above ground works shall take place in relation to any of the development hereby approved until the details of all materials to be used in the external construction of the building are submitted to and approved.
14. No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping.
15. Before the buildings hereby permitted is first occupied, details of all proposed walls, fences and boundary treatment to be provided.
16. Before the buildings hereby permitted is first occupied, a scheme for a bat sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning
17. No above ground works shall take place in relation to any of the development hereby approved until details of surfacing materials for the access road are submitted to and approved.
18. For the protection of birding nests, the demolition and/or removal of trees, hedgerows, shrubs or tall herbaceous vegetation shall be undertaken between October and February inclusive.
19. The proposed development shall be implemented in accordance with the Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment).
20. As depicted on the submitted drawings, in addition to the proposed garages the proposed dwellings should each be provided with two parking spaces prior to the first occupation of the development hereby approved. The parking spaces shall then be retained as such thereafter
21. All dwellings hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.
22. All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
23. Within two months from the commencement of the development hereby approved, the details of privacy screen for the proposed terrace with respect to the plot 4, be submitted and approved in writing by the council. The approved privacy screen shall be constructed prior to the first occupation of the site and shall remain as such thereafter.
24. There shall be no opening on the flank elevations of the dwellings or any openings to the rear and east side of the detached garage at the far end

of the development here by approved, unless it is first submitted and approved in writing by the local planning authority.

25. The windows to the front and rear of the approved annex to plot 4 shall be obscured (level 4 of the obscurity scale) and fixed to the height of 1.7m from the finished floor level.

### **Informative**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraph 38 of the National Planning Policy Framework 2018, improvements required to make the proposal acceptable were negotiated with the agent via email.

### **CIL**

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The Mayoral CIL levy rate for Havering is £25/m<sup>2</sup> and is chargeable for each additional square metre of residential gross internal [floor] (GIA). Based upon the information supplied with the application, £67,325 would be payable due to result in a new residential property with net addition of 2,693m<sup>2</sup> of GIA, however this may be adjusted subject to indexation. The proposal is also liable for Havering Council's CIL. Havering's CIL charging rate for residential is £125/m<sup>2</sup> (Zone A) for each additional square metre of GIA. Based upon the information supplied with the application, £336,625 would be payable, subject to indexation.

These charges are levied under s.206 of the Planning Act 2008. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website. You are also advised to visit the planning portal website where you can download the appropriate document templates at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

### **Surface water management**

- 3 With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is

proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.

#### Highways

4. Changes to the public highway (including permanent or temporary access);
  - The developer is notified that they must enter into a Section 278 (s278) Highways agreement prior to commencing civil work on the Highways.
  - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

#### Highway legislation

5. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

#### Temporary use of the public highway

6. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

## **4 Proposed Development**

- 4.1.1 The application is for the demolition of the existing care home and the erection of four dwellings and an access road. The development consists of one large detached dwelling house fronting onto Burntwood Road, and 3 dwellings located on a north to south axis in the northern part of the site. The access road would be located adjacent to the eastern boundary of the site.
- 4.1.2 Two car parking spaces would be provided for each house plus a private garage.
- 4.1.3 Each house would incorporate waste storage space; however, an area to the front of the access road would be allocated for waste collection on the date of the refuse removal.

## **4.2 Site and Surroundings**

- 4.2.1 The application site comprises a substantial building known as St. Mary's Convent, which was formerly a care home. It has wide frontage of approximately 50 metres with the site area of approximately 6,862 square metre.
- 4.2.2 This building is not listed nor does it have any features of architectural or historical merit. There is a substantial outbuilding to the rear with a driveway to it along the eastern side of the site. The rear of the site is relatively flat and open with a number of trees and shrubs around the perimeter and within the site, a number of which to the front are subject to a Tree Preservation Order (TPO).
- 4.2.3 The application site lies within sector 6 of Emerson Park which is one of the borough's most mature residential areas characterised by detached dwellings set in spacious and well landscaped grounds. There is no other designation applicable to the site.

## **4.3 Planning History**

- 4.3 The application site has been subject to a number of schemes since 2013. Two planning permissions have been granted for a 4 dwelling units, and one for a 5 dwelling units on appeal. The council has also granted planning permission for a 5 dwelling scheme.

The following planning decisions are relevant to the application:

- i. Full planning permission ( Ref;P0226.19) for the demolition of the existing building and the erection of, 5-detached dwellings, with associated parking and amenity space, was submitted on 13-02-19, a number of revised schemes followed however, which was not considered acceptable by the officer. This scheme was finally withdrawn on 24th August 2020.

- ii. Outline planning permission (Ref; P0463.18) was granted for the demolition of the existing care home and the erection of 4 dwellings in a layout that sees the provision of two dwellings fronting on to Burntwood Avenue with a driveway providing access to two further plots to the rear (13.09.2019).
- iii. Outline planning permission (RefP1673.16) for the demolition of existing care home and the erection of 5 dwellings and an access road was refused by the council on 06-10-2017 but was approved by the planning inspectorate on 17-08-18
- iv. Outline planning permission (Ref; P0809.14) was refused for the “demolition of the existing care home and the erection of 4 dwellings and an access road refused by the council on 22-08-2014 but was approved by the inspector on 19-08-15
- v. P1330.13 –Outline planning permission for the demolition of the existing care home and the erection of 4 dwellings and an access road (outline application), was refused by the council on 05-03-2014

## **5 LOCAL REPRESENTATION**

- 5.1 A total of twenty-two neighbouring properties were notified about the application and invited to comment.
- 5.2 Four representations have been received from neighbours, in response to notifications and publicity of the application, citing the following concerns;
  - This site has had numerous planning applications. This time the scheme is more harmonious to the surroundings.
  - There is a concern with respect to the height and sizes of dwelling. Previous schemes were two stories only.
  - The proposed scheme would appear cramped and obtrusive
  - The communal bin idea is maybe good in theory but it does not work practically in this situation. Plots 2, 3 &4 are situated a long distance away from the bins.
  - Residents of 4 large detached properties will produce significant refuse. If there is a build-up of domestic refuse it will attract rodents, pests etc. in vicinity of bins.
  - The refuse vehicle having to reverse down the narrow access road to carry out the rubbish.

- The same narrow track/road has to allow emergency services access also to the properties at the rear.
- The third floor accommodation/first floor balconies would have line of sight into adjoining gardens, resulting in loss of privacy and undue harm to day to day Amenity.
- The design and access statement falsely claims there are significant trees along the boundaries between the buildings to prevent overlooking. This is not the case and the proposal would lead to loss of privacy
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- Access is now positioned along the eastern boundary
- There would Noise and nuisance issues

5.3 Furthermore, Councillor Roger Ramsey has expressed concern with respect to the schemes. The following concerns were as follows:

The main concern is the revised sizes of the three rear dwellings which would seriously impact on the privacy and amenities of adjoining houses.

5.4 OFFICER COMMENT: These issues are addressed within the body of the assessment as set out in section 6 below ('Material Planning Considerations'). The relevant section to the points above are indicated in the report, and precedes the relevant heading or paragraph.

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

The highways department raised concerns about potential risks associated with the driveways in relation to the school and footway, however is supportive of the proposal subject to the applicant entering into a section 278 agreement to undertake the required modifications to the highway/public domain to improve safety. The modifications include a speed table and reducing the radius of the kerb as well as introducing a pedestrian crossing. Other modifications to public infrastructure include relocating the existing bin and modifying the existing gully. All costs associated with are the responsibility of the developer.

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

No objections were raised to the scheme.

"Waste storage to be provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing Marlborough Gardens on the scheduled collection day."



**LB Havering Environmental Protection**

No objections subject to conditions relating to a Construction Environmental Management Plan, Non-Road Mobile Machinery and Low Emission Boilers.  
No objections relating to land contamination or noise.

**London Fire Brigade**

Fire Safety - no objections subject to full compliance with Approved Document B, B5. Hydrants - no additional hydrants are required and no further action is required.

**Highways**

The Highways Authority has no objection to the proposals. Request conditions regarding a pedestrian visibility splay, vehicle cleansing and informatives.

Street Care Department – requires the waste to be presented to the allocated located on collection day at 7am.

**Historic England**

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

**6 MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of development
- The impact upon the character and appearance of the area
- The impact on amenity arising from the proposed development.
- Implications for highways, pedestrian access and parking
- Ecology and Trees
- Financial and other mitigation

**6.2 Principle of Development/Green Belt considerations**

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of one new dwelling would therefore not be unacceptable in land use terms.

6.2.2 When reviewing the merits of this application, consideration was given to the housing provision of the proposal against the Council's Housing Position Statement and housing supply, including the presumption in favour of

sustainable development in accordance with the National Planning Policy Framework.

- 6.2.3 The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the NPPF is relevant.
- 6.2.4 The NPPF does offer support for new housing in sustainable locations that represents an efficient use of land. Paragraphs 124-131 of the NPPF is also relevant, which among other things seek to achieve well-designed places that are sympathetic to local character and provide adequate amenity for neighbours and future occupants. Consequently, any proposed development would need to meet these objectives of the NPPF and other relevant planning policies in order to benefit from the presumption in favour of sustainable development.
- 6.2.5 The provision of additional housing is consistent with the NPPF and CP1 of the Havering Core Strategy as the application site is within a sustainable location in an established urban area with no significant constraints to the site and therefore the proposal is considered acceptable in principle in land use terms. Notwithstanding, the acceptability of the proposal is subject to a detailed assessment of the impacts of the proposal.

### **6.3 Impact upon character appearance**

- 6.3.1 The application relates to a significant building known as St. Mary's Convent. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and therefore, there is no principle objection to its demolition.
- 6.3.2 The site is located in Sector 6 of the Emerson Park Policy Area. The Council's document entitled 'Emerson Park Policy Area Supplementary Planning Document' (SPD) describes the area generally as having a distinctive character of varied and well maintained single family detached dwellings in spacious and well landscaped grounds.
- 6.3.3 In relation to Sector 6, the SPD states that infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene, and its massing and architectural style is in keeping with surrounding properties. It goes on to state that backland development generally results in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted.

- 6.3.4 However, in this case, as previously considered by the appeal's inspector the application site is notably larger than the surrounding plots in the immediate area.
- 6.3.5 The current application provides one large dwelling to the front facing onto Burntwood Avenue. This would better reflect the frontage widths and the relationship to the road that is characteristic of the neighbouring dwellings, in comparison with the previously approved schemes which allowed two houses.
- 6.3.6 The proposed three new plots to the rear would be smaller than the front plot. However, it is considered these would be broadly commensurate with the plot sizes of nearby properties on, for example, Porchester Close and Tall Trees Close, as may be seen from the submitted site location plan. With respect to the previous scheme, the principle of smaller plots to the rear have been considered acceptable.
- 6.3.7 The proposed dwellings to the rear would maintain the separation distance requirement in accordance to the policies. Therefore, the spaciousness that is a feature of the area would be maintained.
- 6.3.8 It has been considered by the previous inspector that whilst the new driveway would suggest the presence of the rear dwellings, they would not be visually intrusive within the wider area, and thus the scheme would not result in a cramped appearance to the street scene.
- 6.3.9 With respect to the previous schemes, there were some concern to the formation of backland development. However, this issue was dismissed by the appeal inspector who explained, the council's planning policies and the National Planning Policy Framework do not forbid backland development but do require any development retain the character and appearance of the area. The inspector concluded that the proposal would satisfy the criteria set out in the EPSPD and considered, the provision of the houses to the rear would not represents an unacceptable form of backland development. The inspectors have held that reasonable gardens lengths would be provided in respect of the proposed development and so the scheme would be assimilated into the area without undue detriment.
- 6.3.10 The appeal inspector, in consideration of the more generous plot for the site, also concluded that in this case the characteristics of the site are unlikely to be replicated elsewhere and dismissed the idea that the proposal could set a precedent.
- 6.3.11 The current application unlike the previous outline schemes have been submitted in full. The proposed plots appear to be sufficiently large and would allow opportunity for landscaping in keeping with the character of the area.

6.3.12 The design, approach is traditional to reflect the design of the local vernacular. The applicant has been in particular, cooperative in avoiding the formation of any crown roof for the proposed buildings, offering fine ridge line to the generally hipped roofs for all dwellings.

6.3.13 Whilst the officers encouraged the applicant to consider a modern design, the proposal development would display a traditional Neo Georgian style development. The proposed design would nonetheless be in keeping with the character of the area and would have an acceptable impact upon the street scene and the visual amenity.

6.3.14 It is therefore concluded that the proposal in terms of its impact upon visual amenities will accord with Policy DC61 of the London Borough of Havering Core Strategy which –inter alias- requires development to respond to distinctive local building forms and patterns of development, and respect the scale, massing and height of the surrounding physical context, and DPD Policy DC69, insofar as it requires development to maintain, or enhance, the special character of the Emerson Park Policy Area.

#### **6.4 Impacts on amenity**

6.4.1 The main impact of the development would be upon the 6 neighbouring buildings directly adjoining the application site; 11 and 15 Burntwood Avenue, 4 and 6 Porchester Close and 1 and 3 Tall Tree Close. The previous inspectors have considered that the impact upon these neighbouring buildings in terms of the loss of privacy, visual intrusion and the noise associated from cars access-way to be considered acceptable. However, the proposed scheme in terms of its layout, sizes of the buildings and the position of the access-way differs from the previously allowed schemes. In particular the proposed access-way is now shifted from the western boundary to the eastern site and the front and rear gardens have swapped places. Hence, the impact upon these neighbouring buildings require the appropriate reassessment.

##### **Loss of daylight and sunlight**

6.4.2 All the proposed dwellings would be two stories with accommodation within the roof space. The proposed building to the front would not extend beyond the rear building line of the adjoining houses. Therefore, the proposed front dwelling will not result in loss of daylight or sunlight to the adjoining neighbouring buildings.

6.4.3 The proposed buildings to the rear would be set well away from the boundaries of neighbouring buildings, given their orientation and layout, there would be no significant loss of daylight to the neighbouring buildings.

6.4.4 The proposal would include a single storey pitched roof garage at the far end of the application site, close to the boundary with number 4 and 6 Porchester

Close. However, due to its height, it would not cause any significant loss of daylight to these adjoining neighbours.

- 6.4.3 Therefore by reason of their distance to the boundary and their height, scale and bulk, layout and their orientation the proposed buildings would not result in significant loss of daylight and sunlight to the neighbouring buildings.

### **Loss of privacy**

- 6.4.3 The major issue here is the loss of privacy to the adjoining buildings, which are considered below.

### **15 Burntwood Avenue**

- 6.4.4 This neighbour is set on the east side of the application site. Given the orientation of this dwelling in relation to the proposed development (plots 2 and 3) there would not be any direct overlooking onto any habitable rooms in this building. But, there would be opportunities from the front rooms of the proposed houses (plots 2 and 3) onto the garden of this neighbouring building. However, No. 15 benefits from a 19m deep wing to its rear adjacent to the application site with other ancillary buildings on its western boundary, which to some extent would mitigate against direct overlooking, onto its garden. In any event the proposed buildings would be about 14m away from the garden boundary of this house, which is considered to be an appropriate distance to avoid any significant loss of privacy to this neighbour.

### **6 Porchester Close**

- 6.4.5 This neighbour is set to the east of the application site and its western flank would face the proposed houses (plot 3 and 4) at the far end of the site. Given the orientation of this house, there would be no direct overlooking onto the habitable windows of this house. But there would be opportunity for overlooking onto the side and rear garden of this house, which also benefit from a swimming pool in close proximity to the boundary of the application site. The distance from the first floor front room of the proposed houses to the boundary of the garden of this neighbouring building would be about 18m, which together with the proposed boundary fence and a degree of tree screening is considered to be an acceptable separation distance to prevent significant overlooking onto this neighbouring buildings.

### **4 Porchester Close**

- 6.4.6 This neighbour is located to towards the south east of the application site. The proposed plot 4 dwelling would be located at an angle to this house. The separation distance from the front room of the proposed dwelling to the rear habitable window of this house would be about 23m, which together with

consideration of the orientation, it is considered the loss of privacy to the habitable rooms would not be significant.

- 6.4.7 The distance to the boundary of the site from the rear habitable room would be over 11m, which together with the proposed boundary fence and the acute angle of vision there would not be a significant loss of privacy. A condition is recommended to ensure the proposed bathroom window within the roofspace of the single storey annex to the north of plot 4 is fixed and obscured to a height of 1.7m from ground level to prevent any direct overlooking to the gardens of this neighbour.

### **22 Woodland Avenue**

- 6.4.8 This neighbour is located to the rear of the application site (to the north), with the main building being well away from the boundary of the site and there would be no overlooking onto the habitable room of the application building. However, this neighbour benefits from a swimming pool and recreational amenity space at the far end of its garden adjacent to the application building. Currently the recreational amenity space is well protected from any undue overlooking allowing a significant degree of privacy. The proposed plot 4 dwelling incorporates a terrace at its rear which together with the associated patio door, at first floor level, at a distance of about 9m to the boundary wall of this neighbour, would cause a degree of overlooking and loss of privacy to this secluded area. In order to reduce the overlooking from the terrace and the patio door it is recommended to provide privacy screen on the southern side of the proposed terrace. This would be secure through imposition of a condition.
- 6.4.9 A condition is also recommended so that the windows to the WCs at the annex to the side of the application site to be fixed and obscured to prevent overlooking onto the garden amenity space of the neighbouring building. It is considered that subject to these conditions the proposal would not adversely result in loss of privacy to warrant a refusal of the scheme.

### **1 and 3 Tall Tree Close**

- 6.4.10 These neighbours benefit from relatively deep gardens and are set well away from the proposed buildings (approximately 20m to the garden boundary and 40m to the windows serving habitable rooms). Given the separation distance, the mitigating boundary fence and a degree of tree screening, it is not considered that the proposed dwellings would result in a significant loss of privacy to these buildings.

### **11 Burntwood Avenue**

- 6.4.11 This neighbour is set towards the western side of the application site. There are a number of outbuildings adjacent to the boundary of the application site comprising; a storage building (housing guard dogs) and two granny annexes.

These buildings would shield the gardens of number 11 from overlooking by the proposed buildings to the rear. Further, there would be no loss of privacy to the existing granny annexes, because there are no openings facing the application site.

### **Noise and disturbance**

6.4.12 In general terms, it is noted that the development would create activity along the proposed access road and also increased activity at the site with the creation of new dwellings. This activity is however for a low density residential development and the level of activity would not be out of keeping or at odds with those expected within this residential area.

6.4.13 The proposed driveway is now along the eastern boundary of the site. Much of the impact of the proposed driveway would be upon number 15 Burntwood Avenue. This adjoining neighbour benefits from a deep wing to its rear adjacent to the proposed driveway housing a swimming pool. Beyond the swimming pool along the boundary with the application site, this building benefits from ancillary outbuildings. These structures to a degree would shield the impact of the proposed driveway upon the patio area of the neighbouring building as well as the main habitable part of the dwelling. Furthermore, the proposal would incorporate a green edge along the eastern boundary which provide a buffer to further mitigate the impact of noise and light to the adjoining building.

6.4.14 The previous appeal inspectors have considered that whilst the new dwellings on the rear of the appeal site would create some vehicular movements they would nevertheless be limited in numbers. It is considered that the associated disturbance from the vehicular movement would not result in an unacceptable level of noise or disturbance to the occupants adjoining buildings. During the course of the process of the application, the applicants were requested to provide details of surface materials. The proposed materials for the proposed driveway are considered to significantly reduce the noise from contact of tyres to the road. Furthermore, conditions are recommended with respect to the boundary treatment to ensure that vehicle lights and movements are not visible to the occupants of the adjoining occupiers.

6.4.15 It is not considered this activity would be unreasonable or harmful in this suburban residential context.

### **HIGHWAY/PARKING**

6.6.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle

movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

- 6.6.2 London Plan Policy 6.3 and Policies T1 - T6 of the Draft London Plan seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. This is also echoed by DC33 of Havering Councils Core Strategy and Development Control Policy DPD which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network. The London plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use.
- 6.6.3 The site has a PTAL rating of 2 and the density matrix set out in the Parking Addendum to Chapter 6 of the London Plan indicates that up to 2 spaces per unit could be provided. The proposal would provide two parking spaces per dwelling. Each house will also benefit from a garage (two integral and one detached). Given the level of car parking provision it is considered there would be no over spill onto adjacent road. The level of car parking spaces for the proposed dwelling of this scale is deemed to be acceptable.
- 6.6.4 There are currently two access way to the site which would be retained (one being widened). These would serve the larger house to the front. A new access-way would be created for the proposed houses to the rear. The proposed access-way would be 4.5m wide and will incorporate a layby which would allow two cars to safely pass each other.
- 6.6.5 The proposed layout indicate turning head at the northern end, which is suitable to allow refuse and emergency vehicles to enter and egress in forward gear. The layout also indicates the provision of turning space at the northern end within the site, ensuring private as well as refuse and emergency vehicle could enter and leave the site in forward gear. It is also demonstrated that there would be sufficient visibility splay allowing safe access to Haynes Road.
- 6.6.6 The volume of the car trips generated from the proposed use of the site would not be significant. It is considered that the use of the access track to serve the proposed dwellings would be unlikely to result in material harm to highway safety of Haynes Road. The Highways officers have been consulted and cannot substantiate any reason for refusal and have not raised any objection.
- 6.6.7 The proposal also includes the details of cycle storage, which could be secured by condition if minded to grant planning permission. There has not been any objection from The London Fire Brigade.



- 6.6.8 The Council's refuse service has requested that the refuse is delivered to the front of the site. The application has indicated that refuse storage areas are located within a satisfactory distance for refuse to be collected. Therefore, there would be no need for the refuse vehicle to enter the site and collection can safely take place on the street. A condition is recommended in respect of storage of refuse and recycling awaiting collection if minded to grant planning permission.
- 6.6.9 Taking the above factors into account, officers consider that the proposal would be acceptable in terms of parking provision and would not create any undue highway, parking, access or pedestrian safety issues.

### **Ecology**

- 6.7.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available
- 6.7.2 Ecological and tree surveys have been submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. However, conditions are recommended to ensure the wildlife on site would be protected during construction work. As such a condition is recommended to carry out an internal survey of the building for bats before any work takes place and another regarding the timing of demolition/vegetation clearance in respect of breeding birds.

### **Trees**

- 6.8.1 There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme. Some trees are in poor condition and in need of remedial tree surgery. The application has submitted an arboricultural report which indicates a significant number of trees would remain. It is considered even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO and non-TPO) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed through imposition of

conditions and also a condition is recommended regarding the protection of the preserved trees.

## **7 Financial and Other Mitigation**

- 7.1 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development. The net addition would be 2,693sqm. According the application would be liable for £67,325 Mayoral CIL towards Crossrail and £336,625 Havering CIL.

## **8 Conclusion**

- 8.1 The proposed development is deemed to be acceptable with respect to impacts on the street scene, neighbouring amenity, the amenity of future occupiers and highway and parking considerations, and broadly in line with relevant planning policy, as outlined throughout the report.
- 8.2 In their advice, the Planning Inspectorate indicates that when refusing an application, the Local Planning Authority must also consider the implications of whether or not the application would succeed at appeal (paragraph 1.2.2 of the “Procedural Guide Planning appeals – England [July 2020]”). Officers consider the application acceptable on its own merits. However, if the Planning Committee intend to refuse the application then consideration would need to be given to the implication of this.
- 8.3 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.