

## **OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY**

**APPLICATION NO:** P0698.22

**WARD :** Mawney/Hav-atte-B

**Date Received:** 28th April 2022

**ADDRESS:** 12 Hog Hill Road  
Collier Row

**PROPOSAL:** Construction of two storey building to create 5 x 2 bedroom and 1 x 1 bedroom flats with associated car parking and amenity areas

**DRAWING NO(S):** SLP  
2885/31  
2885/30  
2885/01

**RECOMMENDATION :** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **SITE DESCRIPTION**

Application site is a plot of land set forward of a commercial use to the rear, located on the northern side of Hog Hill Road closet to the junction with Lodge Lane. The site was historically in use as a petrol station.

### **DESCRIPTION OF PROPOSAL**

Consent is sought for the formation of a detached building to facilitate 5no 2 bedroom units and 1no 1 bedroom unit, associated landscaping and vehicle parking.

This application follows to earlier decisions at the site, each recommended for refusal and subsequently dismissed through the appeal process. The most recent application made addressed some of the areas of concern raised by the Council however presented the following issues which formed grounds for refusal:

1. The proposed development would by reason of its visual dominance, reliance on excessively wide gabled projections and lack of symmetry, present as an overly dominant and visually intrusive feature harmful to the appearance of the surrounding area contrary Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. There would also be conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which states that developments should function well, add to the overall quality of the area and be sympathetic to local character.

2. The proposed development would fail to demonstrate an acceptable living environment for future occupants, through shortfalls in prescribed standards, low quality private and communal amenity areas and internal layout, factors which are conducive to a cramped overdevelopment of the site which would be detrimental to the amenity of future occupiers. The proposal is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and Policy D6 of the London Plan 2021. There would also be conflict with paragraph 127 of the National Planning Policy Framework which seeks to ensure a high standard of amenity for future users of development.

The subsequent appeal was dismissed by the Inspector found in favour of the Council in both design/character impacts of the development and the quality of living environment for future occupants. The current schemes reduces the development footprint, alters the form of the

building and reduces the number of units by two self-contained flats for a total of six units.

## **RELEVANT HISTORY**

- P0136.21 - Erection of 2 storey building to include 6 x 2-bed flats and 2 x 1-bed flats with associated parking and amenity space  
Refuse 24-03-2021
- P1871.19 - Erection of a 3 storey building to include 8 x 2-bed and 1 x 1-bed self-contained flats with associated parking and amenity space.  
Refuse 03-04-2020
- P1688.19 - The erection of 11 flats (4 x 1 bed and 7 x 2 bed) with associated landscaping on former BP petrol station site  
Withdrawn - Invalid 09-12-2019

## **CONSULTATIONS/REPRESENTATIONS**

Neighbouring occupiers were consulted through direct notification with four letters of representation received. The comments made are summarised below:

- Noise/disturbance
- Insufficient parking
- Security/safety

OFFICER RESPONSE: Security/fear of crime is a material consideration where it can be evidenced. In this instance, there is no compelling evidence before officers to indicate that the provision of self-contained accommodation would diminish security or lead to increased fear of crime. The proposals would offer natural surveillance over currently what is an undeveloped site and would bring vacant land back into use. Where material other considerations above will be considered within this report.

In addition the following comments were made by other stakeholders:

Environmental Protection - No comments  
Highway Authority - No comments  
Fire Brigade - No objection  
Waste/Refuse - No objection

## **RELEVANT POLICIES**

Havering Local Plan 2016-2031 Policies 7, 23, 24, 26 and 34  
London Plan 2021, in particular Policies H1, D1, D4, D6, T6.  
NPPF

## **MAYORAL CIL IMPLICATIONS**

Contributions would be required under CIL regulations. The proposals, disregarding existing floor-space would result in a net increase of 480m<sup>2</sup>.

This would translate to a Mayoral CIL (MCIL2) contribution of £12,000 (x £25 per sqm).

As of September 1st 2019, Havering adopted its on community infrastructure levy (HCIL) which has a chargeable rate of £125 per sqm in this location. This translates to a contribution of £60,000

Each contribution would be subject to indexation.

## **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The London Plan notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality accommodation. The provision of additional accommodation is consistent with the NPPF and the objectives of the Havering Local Plan 2016-2031 which at Policy 3 is supportive of housing provision in sustainable locations. In addition the London Plan 2021 notes the pressing need for housing and the general requirement to improve housing choice, affordability and quality at Policy H1 whilst also acknowledging that development should optimise housing output subject to local context and character at Policy D1.

In addition to the above the Housing Delivery Test results found that the Council has seen a shortfall in the level of housing delivery compared to the housing requirement over the measured three years. Thus, given the nature of the proposed development, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. Paragraph 11(d)(ii) requires an assessment of the proposal against the policies in the Framework taken as a whole. Having regard to the above and mindful of the provision of additional housing contributing to unmet need there is no in principle objection to the redevelopment of the site.

Officers do not consider that there is an in principle objection to the site being brought forward for redevelopment subject to design, amenity and highways considerations.

## **DENSITY/SITE LAYOUT**

Policy D6 (Housing Quality and Standards) of the London Plan advises that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. To that end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights. The minimum gross internal floor area requirements and room sizes takes into account commonly required furniture and the spaces needed for different activities and moving around.

New dwellings must also demonstrate an acceptable arrangement of private amenity space. The Adopted Residential Design SPD states that private amenity space should be provided in single, high quality, usable, enclosed blocks which benefit from both natural sunlight and shading. The Residential Design SPD does not prescribe fixed standards for private amenity space, which can be restrictive on small and awkward sites. The London Plan (2021) offers guidance on this matter in the sense that minimum standards are present in Policy D6. It states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

These standards are reflected in the Havering Local Plan 2016.2031 at Policy 7 which requires compliance with the space standards referenced above.

Applying those standards to each unit, the dwellings would meet or exceed the minimum standards set out including gross internal areas, room sizes and outside space requirements.

There is some question over whether the proposals make best use of the site, in particular how the design approach results in a one bedroom unit at ground floor with ample garden space whilst the first floor accommodation would be reliant on terraced areas which only meet the minimum outside space requirement. However; whilst these outcomes are noted by officers they do not amount to an unacceptable or poor quality living environment. Rooms on balance would benefit from adequate natural light and the dwellings would in contrast to earlier submissions have dual aspect through the reduction in the amount of units.

The development complies with Policy D6 of the London Plan 2021 and consequently Policy 7 of the Havering Local Plan 2016-2031.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to set out that good design is a key aspect of sustainable development, in so far as that it creates better places in which to live and work and helps make development acceptable to communities. However an overarching consideration is the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. The framework requires that permission is refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Policies 7 and 26 of the Havering Local Plan 2016-2031 are also applicable and relate to residential design and the urban environment.

Officers and Inspectors have not opposed the provision of self-contained accommodation on the site, no concerns have been expressed broadly over the massing of the development as such in earlier iterations. Decision making has concentrated broadly on the design concept and features which were not considered to add positive new character or improve upon existing character. The Inspector identified two key elements previously, noting the dominant gable features to the front and weak entrance feature which contributed to the development adversely harming local character. The overall height of the building remains consistent broadly with earlier decision making, however the gabled features to the front have been narrowed in line with the Inspector's observations of surrounding character. Officers consider that the development would not be detrimental to local character and would have only a neutral impact. It represents an appropriate response to earlier decision making and planting to the front would have the potential to contribute positively.

Whilst the new building would represent a more prominent feature, it would not be to the detriment of local character having regard to the variety of built form in the locality. In the event of an approval, samples of all materials to be used in the external construction of the building would be required by condition to ensure its appearance and external finish is as intended. Details of landscaping would also be required by condition to ensure that a suitably high quality is achieved.

Underpinning the above, the National Planning Policy Framework promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The scheme represents an acceptable response to the constraints of the site and officers consider that the development would align broadly with the objectives of the Havering Local Plan 2016-2031, the NPPF and London Plan 2021.

## **IMPACT ON AMENITY**

Policy 7 of the Havering Local Plan 2016-2031 (HLP) states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy, noise, vibration and disturbance to existing and future residents. This policy is to be read in conjunction with Policy 26 however the objectives are reflected in Policy 34 also which states that development will not be permitted where it would unduly impact upon amenity, human health and safety and the natural environment by noise, dust, odour and light pollution, vibration and land contamination.

Turning to the immediate impacts of the development, they would be limited to the premises on either flank. To the east the site is in commercial use at ground floor, with residential accommodation at first floor level. The impacts are limited solely to the first floor level residential accommodation. One flank window is present however does not serve a primary room. Whilst projecting deeper into the site than previously considered, having reapplied the tests set out in the Residential Extensions and Alterations SPD (notional line at two metres from the boundary, three metres depth) the notional line would not intersect with any of the development. The projection into the site is not regarded as giving rise to any unacceptable loss of light or level of overshadowing. Nor, having applied the tests set out within the Residential Extensions and Alterations SPD would the development harm outlook to first floor windows which may be in residential occupation.

The neighbour to the west would be separated by the vehicular access. The footprint of the development has been sympathetically considered to the extent that it would be difficult to reason that material harm would arise. Flank windows at high levels have been omitted and where there would be overlooking from first floor balconies this would be to the site frontage and would not be unneighbourly to that end. To the rear of the site is a commercial unit. Comments received from residents express concern over potential overlooking and inter-visibility however at the distances involved it would be difficult to substantiate a decision to refuse permission on this basis. It is accepted that the development proposals would introduce new views, however they would after consideration be at an acceptable distance and would not be representative of an unusual or especially harmful arrangement given the level of separation involved.

The development is regarded as being in compliance with the Residential Extensions and Alterations SPD, Policies 7, 9, 26 and 34 of the Havering Local Plan 2016-2031, as well as the objectives of the Framework.

## **HIGHWAY/PARKING**

Parking provision and matters of highway consideration are represented in Policies 23 and 24 of the Havering Local Plan 2016-2031. The PTAL rating for the site is 2 which translates to relatively poor access to public transport.

Public Transport Accessibility Levels (PTALs) are used by TFL to produce a consistent London wide public transport access mapping facility to help boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels. There is evidence that car use reduces as access to public transport (as measured by PTALs) increases. Given the need to avoid over-provision, car parking should reduce as public transport accessibility increases. London Plan Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.

Whilst comments made by residents are noted, no objection has been made by the Highway

Authority over parking in the location shown. Practicality aside and whether the arrangement and shared access are conducive to an attractive setting, in the absence of an objection by the Highway Authority it is not considered that there are any grounds with which to withhold permission on the basis of highways/parking matters. This view is reinforced by appeal decision making which also did not raise this matter as a concern. The earliest appeal at the site under P1871.19 (APP/B5480/W/20/3249879) in contrast to the Council found that the location of parking was not detrimental to the amenity of future occupants and subsequently this has not been a consideration. Whilst there has been a material change in policy in the intervening period it is not considered that this provides adequate justification to find fault in this arrangement.

The amount of parking provided would exceed that of the London Plan standards in total (requirement of 4.5 spaces), however in this location officers do not consider there to be unacceptable over provision. It is considered that parking space 9 could be omitted in the event of approval as there would be benefits to a landscaped frontage. No objections are otherwise held as to the arrangement shown.

Cycle and refuse storage could be secured by condition. The details shown are insufficient to judge the acceptability, however it is recognised that an acceptable arrangement is capable of being secured.

## **KEY ISSUES/CONCLUSIONS**

Having regard to the above and in doing so all relevant planning policy and material considerations, APPROVAL is recommended accordingly.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. Time limit 3yrs**

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

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Accordance with plans**

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

### **3. Construction Methodology - Pre Commencement**

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. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity.

#### **4. Materials**

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the buildings are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area..

#### **5. Landscaping**

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, 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. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development achieves a satisfactory level of landscape quality.

**6. Refuse and recycling**

Notwithstanding the details shown on submitted drawings no building shall be occupied or use commenced 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.

Reason:-

Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally.

**7. Cycle Storage**

Notwithstanding the details shown on submitted drawings 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.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

**8. SC82 (External lighting) (Pre Commencement)**

No building shall be occupied or use commenced until external lighting of the access road is provided in accordance with details previously 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.

Reason:- Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity.

**9. Non Standard Condition 1**

Hard surface porus/run-off - application site - 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.

Reason: In order to ensure no water run-off from the hard surface which would contribute to risk of flooding.

**10. Non Standard Condition 2**

Prior to first occupation of the development hereby approved, details of all proposed

walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development and prevent undue overlooking of adjoining property.

**11. Non Standard Condition 3**

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity.

**12. Non Standard Condition 4**

Prior to the first occupation of the proposed dwellings hereby approved, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with Policy 24 of the Havering Local Plan.

**13. Non Standard Condition 5**

Building Regulations - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy 7 of the Havering Local Plan and Policy D7 of the London Plan.

**14. Non Standard Condition 6**

Water efficiency - All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy SI 5 of the London Plan..

**15. Non Standard Condition 7**

Before the development here permitted is first occupied details of privacy screening to be installed/and finish of terraced areas hereby permitted shall be agreed in writing with the Local Planning Authority. Such measures as agreed shall be maintained permanently thereafter.

Reason:- In the interest of the amenity of surrounding and future occupiers of the development and matters of design.

**16. Non Standard Condition 8**

Notwithstanding the details shown on submitted plans before the dwellings hereby permitted are first occupied, provision shall be made within the site for eight car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority. Space 9 shown on drawing no. 2885/31 shall be omitted.

Reason:- To ensure that adequate car parking provision is made off street in the interests of highway safety.

**17. Non Standard Condition 9 (Pre Commencement Condition)**

Prior to the first occupation of the proposed dwellings hereby approved, details of how the parking area would be secured and how access would be provided to future occupants shall be submitted to and approved in writing by the Local Planning Authority. Such as measures as agreed shall be retained permanently thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: - In the interest of amenity of future occupants.

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**INFORMATIVES**

**1 Approval and CIL**

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, £12,000 would be payable due to result in new properties with a combined gross internal floor area of 480m<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 £125m<sup>2</sup> (Zone A for each additional square metre of GIA. Based upon the information supplied with the application, £60,000 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/whattosubmit/cil>

**2 Approval - No negotiation**

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

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**Authorising Officer:** Neil Goate

08-07-2022

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08-07-2022