

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0504.24

WARD: Rainham & Wennington **Date Received:** 10th April 2024

ADDRESS: 12 King Edward Avenue
Rainham

PROPOSAL: Permission for change of use from a single residential dwelling (C3) to Sui Generis -House in Multiple Occupation, to provide supported living care for up to 7 people

DRAWING NO(S):

RECOMMENDATION: It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

SITE DESCRIPTION: The application site's features a two-storey detached dwelling, which originally was a bungalow, fronting King Edward Avenue. The street scene is dominated by residential dwellings, all of which vary in terms of scale and architectural design. The subject dwelling has been altered an extended in various way, and has benefited from a box dormers to the front and rear roof slopes, a single storey rear extension, and an outbuilding to the rear garden.

Constraints

- 015 Aero Safeguard Zone.
- 028 APZ.
- 035 Waste 250m buffer.
- 038 Boundary South.
- 068 Rainham & Wenn RW.

The London Borough of Havering, 'the Council' approved an application for a licence for the house in multiple occupation known as 12, King Edward Avenue, Rainham, RM13 9RJ "the house". The decision to approve the licence was made on 02 April 2024.

The Council is of the opinion that the following matters have been satisfied and these are the reasons for granting the licence:

- The house is reasonably suitable for occupation by not more than the maximum number of households or persons specified, or that it can be made so suitable by the imposition of conditions as detailed in the attached licence.
- The licence holder is the most appropriate person to be the licence holder of the house.
- The licence holder is a fit and proper person.

- The manager of the house is either the person having control of the house or a person who is an agent or employee of the person having control of the house.
- The manager of the house is a fit and proper person to be the manager of the house.
- The management arrangements for the house are otherwise satisfactory.

Total maximum permitted number of persons for the house: 7

Total maximum permitted number of households: 4

DESCRIPTION OF PROPOSAL

Retrospective permission is sought for a Change of Use from a single residential dwelling (C3) to Use Class C2, residential accommodation for supported living care for up to 7 people.

The purpose of the development is to utilise the dwelling as a supported housing scheme for vulnerable adults, adults aged from 18yrs or above.

Personal care is to be provided, and residents would be supported with cooking, washing and dressing, laundry, shopping, exercising, and other activities in order to meet the residents' daily needs. The premises will mostly be occupied by people in need of care as well as care workers when required, for up to 7 occupants at any one time. As the level of care varies from independent living to full time care depending on the individual's needs, correspondence received on 04/11/24 from the agebt confirms that there is no specific shift pattern or staffing levels.

On-site parking

Presently the site benefits from 4 on-site car parking spaces. The agent has confirmed that occupants use public transport or make use of the existing driveway parking arrangements that remain unchanged.

Bedrooms

The dwelling would benefit from x4 bedrooms at first floor level, one at ground floor level, and one within the annex to the rear garden.

Bathrooms

The site benefits from a communal bathroom room at ground floor level. One communal shower room would be located at ground floor level and within the annex. One of the bedrooms at first floor level would benefit from a private ensuite.

Living room / dining room / kitchen.

Under the subject scheme, a large open plan communal living room / dining room / kitchen is located at ground floor level.

Private amenity space

Private amenity space for occupants would be located to the rear of the main dwelling, within the site's private rear garden.

RELEVANT HISTORY

·P0386.16 - Retrospective planning application for a single storey outbuilding to rear of property; Approved with cons.

·P1414.21 - Variation of Condition No. 5 (Incidental Use) of Planning Permission P0386.16 dated 09/05/2016 to permit use as an annexe only. (Single storey outbuilding to rear); Approved with cons.

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment through direct notification. Representations have been received which raised the following objections:

Objections

- The proposed use is inappropriate given that the streetscene is composed of predominantly single family dwellings.
- The proposed business / care facility would result in significant harm to the residential, amenity of the surrounding neighbours, generating adverse levels of noise and disturbance.
- The proposal would adversely impact the safety and convenience of the local highway network. The proposal would result in adverse degrees of on street parking and motor vehicle movement.
- The proposal would be harmful to community cohesion.
- The proposed scheme would result in an increase of anti-social behaviours.
- The proposed scheme would harmfully effect the character and appearance of the street scene, not respecting the context.
- The proposal would result in the locality becoming less safe.
- Increased waste.
- Detrimental for property values.
- The proposal includes the use of the outbuilding, labelled annex in the plans, as a building for accommodation. However, the original application for the construction of the outbuilding, P0386.16, was granted on the condition that it shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation. Therefore, this proposal is contrary to the outbuilding's original approval conditions.

In addition, the following comments were received from other stakeholders:

- Waste & Recycling - Waste and recycling sacks will need to be presented by 7am on the boundary of the property facing King Edward Avenue on the scheduled collection day. Please refer to the planning guidance document attached.
- Highway - No comments received.
- Environmental Health - No comments received.
- Place Services (ecology) - No objections.
- Designing Out Crime Officer - No objections to what is proposed. If planning permission is to be granted, secured by design conditions are to be imposed.

RELEVANT POLICIES

Havering Local Plan 2016-2031 (HLP 2016)

- Policy 3 (Housing supply).
- Policy 5 (Housing mix).
- Policy 7 (Residential design and amenity).
- Policy 16 (Social infrastructure).
- Policy 24 (Parking provision and design).
- Policy 26 (Urban design).
- Policy 32 (Flood management).
- Policy 35 (On-site waste management).

The London Plan 2021

- Policy D1 (London's form, character and capacity for growth).
- Policy D4 (Delivering Good Design).
- Policy D6 (Housing quality and standards).
- Policy D11 (Safety, security and resilience to emergency).
- Policy D14 (Noise).
- Policy GG4 (Delivering the homes Londoners need).
- Policy H9 (Ensuring the best use of stock).
- Policy SI 12 (Flood Risk Management).
- Policy T6 (Car parking).
- Policy T6.1 (Residential parking).

Other Relevant Policy

- The National Planning Policy Framework December 2023. (NPPF)
- National Planning Policy Guidance. (NPPG)
- East London Houses in Multiple Occupation.

MAYORAL CIL IMPLICATIONS

There is no CIL liability as the development relates to existing floor space.

STAFF COMMENTS

The main issues in this case for consideration are the principle of development, density & site layout, visual amenity, residential amenity, and highway safety.

PRINCIPLE OF DEVELOPMENT

The proposal has been described as a "Change of Use from Use Class C3 to Sui Generis however,

given how the residents would live together, and the degree of care and support required, the proposed use is deemed by officers C2, not Sui Generis, and is being assessed as such.

Having concluded that the proposed use is C2, an assessment is needed whether such use represents a material change of use requiring planning permission - it is not always the case that a change of use requires planning permission if it is deemed not to be materially different in character and impact than the lawful use. In terms of character, the property would retain its external appearance. However, due to the number of occupiers the property would be markedly different to a C3 use. It is therefore considered that the change of use is material and planning permission is required.

Use Class C2 (residential institutions) is defined as a "use for the provision of residential accommodation and care to people in need of care".

The definition of "Care" in Article 2 to the UCO is that "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment". The Use Class Order does not specify what "care" comprises, how it is delivered or by whom it is delivered. There is no pre-requisite that the staff delivering care are nurses or social workers for example or that the care is delivered by permanent staff, as opposed to agency staff.

Policy H12, the London Plan supports the delivery, retention and refurbishment of supported and specialised housing which meets an identified need should be supported. The form this takes will vary, and it should be designed to satisfy the requirements of the specific use or group it is intended for.

Policy 6 of the Havering Local Plan 2016-2031 requires consideration of the following when assessing Specialist Accommodation:

The provision of appropriate housing to meet the specialist needs of local people will be supported where it can be robustly demonstrated that:

- i. There is an identified need within the borough;
- ii. The site has access to essential services and shops by walking and cycling;
- iii. The site is well served by public transport;
- iv. The proposal contributes to a mixed, balanced and inclusive community;
- v. The site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care;
- vi. An appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook;
- vii. Consideration has been given to all possible future needs and the development can be easily adapted to meet the needs of future occupants;
- viii. The proposal does not have any adverse impacts on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties;
- ix. The proposal meets the parking requirements set out in Policy 24 and it will not have an unacceptable impact on parking conditions and traffic congestion in the area; and
- x. Adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters.

While there is no compelling evidence that there is not a need for the use proposed, given the site has a PTAL of 1b the proposal is considered in conflict with criteria ii. (The site has access to essential services and shops by walking and cycling) and iii (The site is well served by public transport). As the development is not considered meet the required standards outlined in Policy 6 of the Havering Local Plan 2016-2031, the development is not within a suitable location and is therefore not acceptable in principle.

Having regard to the other criteria, namely the proposal's impacts on the character of the locality, on residential amenity, and on highway safety / parking requirements, these other matters will be considered in the following sections of this report.

DENSITY/SITE LAYOUT

Given the minor nature of the proposed works, it is considered that the proposal would not result in any noteworthy alterations to the built density or layout of the site.

Key requirements of Policy 6 of the Havering Local Plan 2016-2031 are that the proposed building/site is suitable for the intended occupiers in terms of the standard of facilities, the level of independence, and the provision of support and/or care. It also requires that an appropriate level of amenity space is provided to meet the needs of the intended occupants taking account of the need for an attractive outlook.

Policy D6 of the London Plan 2021 outlines that proposals should be of high quality design and provide adequately sized room with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.

Policy D6 of the London Plan 2021 outlines gross internal space standards for residential dwellings, outlining that a two storey dwelling with six bedrooms and 7 occupants must have a minimum culminative floor area of 123m². The proposed scheme would have a total floor area of approximately 105m² when rounded up, and therefore is considered of a substandard scale, and contrary to Policy D6.

Private outdoor amenity space

Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

The proposed rear garden area has a depth and width greater than 1.5m, and has a total area greater than 11m².

East London Houses in Multiple Occupation guidance outlines the accepted internal space standards within the Borough of Havering. The proposed scheme will be accessed against the internal space standards below:

Bedrooms

A bedroom is a room within a building used for sleeping, and which does not contain any of the basic facilities. The facilities are either provided in separate rooms and are shared with other people living in the HMO, or are provided in separate rooms but for the exclusive use by the occupiers of the bedroom.

According to East London HMO guidance, a two bedspace double (or twin) bedroom must have a floor area of at least 13m²:

Proposed bedroom 1 is deemed unacceptable, as it would have a total floor area of 9.6m².

Proposed bedroom 3 is deemed unacceptable, as it would have a total floor area of 12m².

Proposed bedroom 4 is deemed unacceptable, as it would have a total floor area of 8.5m².

Proposed bedroom 5 is deemed unacceptable, as it would have a total floor area of 6.8m².

Proposed Annex bedroom is deemed unacceptable, as it would have a total floor area of 12m².

Living and dining rooms

According to East London HMO guidance, If dining facilities are combined with the living room, the room should be at least 14m² for three people, plus 1m² for every additional person. Given that the proposed scheme would have 7 occupants, the proposed living / dining area must be at least 18m². The proposed living room / lounge located at ground floor level exceeds 18m², and thus is deemed compliant.

Kitchen

Kitchens must be of an adequate size and shape to enable safe use of food preparation by the number of occupiers and the following guidelines for shared kitchens applies: A kitchen shared by 7 occupants must have a minimum floor area of 9.5m². The proposed kitchen's total floor area exceeds 9.5m², and thus is compliant.

Personal Washing and W.C. Facilities

A bathroom and water closet (w.c.) should be within one floor of all lettings, and where shared, must be accessible from a common area.

Within an HMO that is shared by 6 - 10 occupants, 2 bathrooms with WHBs in each bathroom must be provided. One of the bathrooms must contain a bath and the other a shower which may be a fixed over-bath type.

Under the subject scheme, two communal bathrooms would be provided, two at ground floor level. The proposal is therefore considered to be compliant with policy.

Overall, the proposed scheme is considered to be unacceptable, given that the proposed gross internal floor space would be substandard, below 123m², and as all of the proposed double bedrooms fail to comply with East London HMO guidance as the proposed bedrooms would have a total floor area below 13m². The proposed scheme is therefore not in compliance with Policy D6 of the London Plan 2021, and East London HMO guidance.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the proposal would not adversely affect the visual amenity of the site or wider locality, as there would be no notable external changes. The premises would have the appearance of a single dwelling house within a residential environment. There is no evidence before officers that the use of the site for the purposes intended would be conspicuous or materially harmful to the residential character of the area.

IMPACT ON AMENITY

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 7 of the Havering Local Plan 2016-2031 outlines that the proposed use must not have any unacceptable adverse impacts on the surrounding area and not give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties.

In this instance, in view of the number of occupants (7 people) and employed care providers, the level of prospective occupancy is considered to be significantly greater than that of a single dwelling house C3. Thus, given the proposed number of adult occupants and care workers, officers considered that the proposed scheme would result in a greater level of comings and goings to the property than the existing use, which would result in a harmful effect on the residential amenity of the adjoining neighbouring properties.

The proposed use of the subject site by such a large number of residents in need of care would result in a significant intensification of the site's residential use, and as a consequence would result in a significant increase in any noise and disturbance generated on site, to the detriment of the amenity of the surrounding neighbouring occupants.

Thus, overall, from a residential amenity perspective, officers consider that the proposal would unduly harm the amenity of the surrounding residents, and would be detrimental to the sense of place, safety and community experienced by those residents. The proposals is therefore contrary to Havering Local Plan Policies 7 and 8, and to the objectives of the NPPF.

HIGHWAY/PARKING

Policy 6 of the Havering Local Plan requires that the site is well served by public transport, that the parking requirements set out in Policy 24 are met and that there would not be any unacceptable impact on parking conditions and traffic congestion in the area. It requires also that adequate provision for visitor and carer parking facilities is provided and where appropriate, provision is made for the safe and convenient storage of wheelchairs and mobility scooters. There is no parking standard as such, with Local Policy requiring assessments to be made for uses such as this to be made on an individual basis using a transport assessment.

The proposed use and nature of the use does not lend itself to occupants owning vehicles. It is

however likely that staff and other visitors such as social works/health professionals may attend the site by vehicle due to the low availability of public transport. How vehicles attend the site and when would need to be carefully managed by the applicant/property manager however there is no evidence before officers that the parking demand could not be accommodated within the site based on the level of prospective occupancy, staffing, and available existing on-site parking.

The site has a PTAL of 1b. Policy 24 of the Havering Local Plan 2021 outlines that "in areas of the borough that have low public transport access (PTAL 0-1) where no improvements are planned, the minimum residential parking standards for dwellings with 3 bedrooms or more, are 1.5 onsite parking spaces.

The information provided within the proposal's submitted application form states that the site presently benefits from a minimum of x4 existing available on-site car parking spaces, to the front of the property, and that the proposal would retain the existing car parking spaces.

Policy T5 of the London Plan 2021 states that a minimum of two on site cycle parking spaces must be provided for all dwellings with more than two residents and 1 bedroom.

No cycle storage spaces would be provided under the proposed scheme. However, if minded for approval a condition would be imposed obligated the applicant to provide two cycle parking / storage spaces on site.

With regard to waste and refuse storage, waste and refuse would be stored to the rear of the main dwelling, as indicated on the proposed plans.

No comments or objections were raised by the local highway authority.

Overall, the proposed development is considered acceptable from a highway safety perspective, and to be in accordance with Policies 8 & 24 of the HLP 2016, T6, and T6.1 of the London Plan 2021. Whilst the proposal would not be in compliance with Policy T5, this issue could be simply resolved through the imposing of a condition for the acceptable degree of on site cycle parking.

KEY ISSUES/CONCLUSIONS

This appraisal, which is informed by the policy and guidance set out above, identifies material planning issues which compromise the acceptability of this application. Thus, it is considered that the application is unacceptable and should be refused.

RECOMMENDATION:

It is recommended that **planning permission be REFUSED** for the following reason(s)

1 Reason for refusal - Noise and Disturbance

The proposal would, by reason of noise and disturbance caused by the significant intensification of the site's residential use with of adult occupants and care workers entering and leaving the premises, and the likelihood of vehicles parking and manoeuvring, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of

occupiers of adjacent properties, contrary to Policy 7 of the Havering Local Plan 2016-2031 and Paragraph 30 of the National Planning Policy Framework.

2 Refusal non standard

Given the site has a Public Transport Access Level of 1b, the proposal is in conflict with criteria ii. (The site has access to essential services and shops by walking and cycling) and iii (The site is well served by public transport) of Policy 6 of the Havering Local Plan 2016-2031. As the development is not considered meet the required standards outlined, the development is not within a suitable location and is therefore not acceptable in principle.

Authorising Officer:



Habib Neshat

1st October 2024