



REGULATORY SERVICES COMMITTEE

22 December 2016

REPORT

Subject Heading:

P1715.16 - 137-151 Montgomery
Crescent Land R/O, Romford

Erection of 3 attached chalet bungalows
(Received 26/10/16)

Ward:

Gooshays

Lead Officer:

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Planning Manager

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

The application seeks full planning permission for the erection of 3 no. chalet bungalows. This is a resubmission of an application (P1611.14) which was approved at the Regulatory Services Committee of 16 July 2015. The current application seeks to address the significant level changes on site which were not accurately shown on the previous submission.

The application raises considerations in relation to the impact on the character of the surrounding area, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and a legal agreement being completed.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 26 October 2015 in respect of planning permission P1611.14 by varying the definition of Planning Permission which shall mean either planning permission P1611.14 as originally granted or planning permission P1715.16.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 26 October 2015 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 26 October 2015 will remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That the Head of Regulatory Services be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

2. Parking Provision

No building shall be occupied until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that car parking 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 the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

The development hereby permitted shall be constructed with external materials as previously approved under application Q0033.16.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping

The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0033.16.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping

6. Boundary treatment

Prior to the 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, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. Standard flank window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

9. Wheel washing

The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0033.16. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

10. Cycle Storage

No building shall be occupied 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.

11. Refuse and Recycling

No building shall be occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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 and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; 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, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. Construction Methodology

The development hereby permitted shall be implemented in accordance with the construction methodology details as previously approved under application Q0033.16.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Secure by Design

The development hereby permitted shall be implemented in accordance with the secure by design details as previously approved under application Q0033.16.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

15. External lighting

No building shall be occupied until external lighting 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 and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. 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 5.15 of the London Plan.

17. Domestic Sprinklers

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the three dwellings. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason: In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

18. Obscure Glazing

The proposed windows to the northeast flank elevation shall be situated at least 1.7m above finished floor level and be permanently glazed with obscure glass.

Reason: In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the

application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. The Applicant is advised that 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. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under 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) required during the construction of the development.
5. 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 license from the Council
6. Please note that by virtue of Condition(s) 16, you are required to notify the relevant Building Control body of these conditions as part of any application.
7. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application site is a piece of land which is located to the rear of No's 137 to 151 Montgomery Crescent. The site is surrounded by residential dwellings. The ground level has a significant drop down from the west to east and south to north. The site has an overall area of approximately 1581m².

- 1.2 Development in the vicinity is characterised by 2-storey residential terraced dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.
- 1.3 At the time of the site visit it became apparent that the development approved under P1611.14 was in an advanced stage of construction.

2. Description of Proposal

- 2.1. The application seeks retrospective permission for the erection of a terrace of 3 no. 4-bed chalet bungalows with associated parking and amenity.
- 2.2 The dwellings are the same as approved under P1611.14 with the exception of the change in ground level which was not accurately reflected under the previous application. The proposed development has the same height at the southwestern elevation, as previously approved, but then gradually increases in height as the ground level falls away towards the north-eastern boundary. The terrace remains in the same position as previously approved and with an offset distance of 5.6m from the north-eastern boundary.
- 2.3 The proposal would retain the existing access to the site measuring approximately 3.2m in width.
- 2.4 There would be a bin collection point along the access road, approximately 33m from the front of the proposed dwelling and 25m from the edge of the highway.
- 2.5 Parking provision for 6 vehicles would be provided on a hardstanding along the north-eastern boundary of the site.
- 2.6 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 116m², 86m² and 153m² respectively.

3. Relevant History

- 3.1 P1611.14 - Erection of 3 attached chalet bungalows - Approved subject to a Legal Agreement
- 3.2 P0858.13 - The erection of 2 no. 2 bed chalet bungalows with associated parking - Approved

4. Consultations/Representations

- 4.1 Notification letters were sent to 60 neighbouring properties and 3 letters of objection were received raising the following concerns:
 - Overlooking
 - Loss of light to the rear gardens of neighbouring occupier
 - Additional noise and disturbance generated
 - Loss of property value

- Loss of outlook due to the increase in height as a result of ground levels

4.2 The following consultation responses have been received:

- The London Fire Brigade - concerns regarding the access arrangements.
- Highways - no objection subject to the addition of a vehicle access and vehicle cleansing conditions.
- Essex & Suffolk Water - no objection

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

6.1 Planning permission has previously been given for the development. The main difference between the previously approved scheme and this scheme relates to ground levels. The judgement is whether the change in ground levels will have a significant impact on neighbouring amenity in terms of loss of light and outlook. It is for this reason that the report focusses solely on the impact upon residential amenity.

6.2 *Principle of Development*

6.2.1 The principle of development was already established with a previous approval under application P1611.14.

6.3 *Density Layout*

6.3.1 No changes are proposed to the density, site layout, internal floor area and amenity as previously approved under application P1611.14.

6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Montgomery Crescent street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.

6.4.3. The characteristic built form in the immediate surrounding area is mainly two storey terraced dwellings built from a mix of bricks and render.

6.4.4 The current proposal differs from the previous submission in that it shows an increase in overall height of the dwelling in relation to the north-eastern boundary. Although the height increase will result in an increased visual impact when viewed from the rear of the property at No. 45 North Hill Drive, Staff do not consider it to be sufficient to justify a refusal given the separation distance in excess of 7m between the development and this neighbouring dwelling. The proposal would also maintain a similar height to that of the dwelling at No. 45, despite the drop in ground levels.

6.4.5 In terms of its design and visual appearance, Staff are of the opinion that the development in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of acceptable heights, sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 Impact on amenity was assessed as part of the approved application under P1611.14 and was deemed acceptable. The only change to the current

proposal is the difference in ground level which results in an increase in the height of the development as the ground levels drop from the southwestern part of the site towards the north-eastern part. The neighbouring occupier most affected by the change in ground levels will be No. 45 North Hill Drive.

- 6.5.3 The proposed development would have an increased height (from 7m to 8.2m) and visual presence when viewed from the rear garden of this neighbouring occupier and Staff are mindful that it will result in an increase in impact from that which was previously approved. However a separation distance of 5.6m would remain between the new development and this neighbouring boundary and 7.45m between the development and this residential dwelling. Only high level windows are proposed to this flank elevation. A condition will be added to have these windows obscure glazed to further limit any possibility for overlooking the neighbouring rear garden.
- 6.5.4 Concerns have been raised from neighbours to the northeast objecting to the loss of light to their rear gardens. Staff acknowledge that there will be an impact in terms of loss of light to these properties given the increase in height and the orientation of these existing properties relative to the proposal. However, the proposal is not considered to result in an impact that would be so prejudicial to justify a refusal on the grounds of loss of light given that the biggest impact would be predominantly during the mid-afternoon onwards for most of the year (as per the diagrams submitted by an objector). Staff therefore consider the potential impact in terms of loss of light to be acceptable on balance, however this is a judgement and members may wish attach different weight to the impact on neighbouring amenity of the properties situated to the northeast.
- 6.5.5 Neighbouring properties to the southwest and southeast are separated from the proposed dwelling by approximately 14.4m and 24m respectively at the nearest point. Staff consider the separation distances to be acceptable and would not result in an unacceptable harmful impact in terms of overlooking. Any potential impact in terms of loss of light will be mitigated by the separation distance and favourable southern orientation. Also no windows are proposed at first floor to the flank elevation. The windows situated at ground floor will be located behind fencing. The rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation.
- 6.5.6 The nearest dwellings towards the north are situated approximately 9.5m away. The proposed development would not result in any impact on amenity in terms of overlooking to these properties as the rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation. Any impact on loss of light to these properties are also deemed acceptable given the favourable orientation of their rear gardens to the south and the separation distance between the development and the nearest residential garden of 6.3m.

- 6.5.7 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 3 x 4-bed bungalows would not give rise to an unacceptable level of vehicular activity. This level of activity was previously considered acceptable.
- 6.5.8 In terms of general noise and disturbance, it is not considered that the addition of 3 no. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. This level of activity was previously considered acceptable.
- 6.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the rear garden environment and amenities of neighbouring occupiers.
- 6.5.10 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Parking and Highway Issues*

- 6.6.1 No changes are proposed to the scheme which was approved under P1611.14.

6.7 *Mayoral Community Infrastructure Levy*

- 6.7.1 The applicant has already made a CIL payment as part of the previous approval. No increase in floor area is proposed.

6.8 *Infrastructure Impact of Development*

- 6.8.1 The applicant has already paid the educational contribution of £18,000 and no further contribution would be required.

6.9 *Other*

- 6.9.1 No changes are proposed to the refuse arrangements as previously approved.
- 6.9.2 Concerns relating to fire engines unable to access the site would be addressed by requesting the provision of domestic sprinklers to each dwelling by condition in the event of an approval. Objections relating to loss of property value are not a material planning consideration.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable on balance subject to conditions and the completion of the Deed of Variation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on Received on 26 October 2016.