



REGULATORY SERVICES COMMITTEE

REPORT

6 June 2013

Subject Heading:

P1200.12 – Land at Kings Grove Rear of 5-11 Carlisle Road, Romford – Application for the variation of Condition 5 (accordance with plans) of P1875.10 and the variation of the related Section 106 agreement dated 15th December 2011 to enable the substitution of amended plans – development of 4 x 2-bedroom houses (received 14 December 2012; additional information received 16 May 2013)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns an application for the variation of condition 5 of P1875.10 to enable the retention of a block of 4 x 2-bedroom houses as so built (not in accordance with approved plans). This is a material amendment to the original scheme. The proposal includes the provision of a new vehicular access onto Kings Grove, together with a raised parking area. Normally such applications would be considered under delegated powers, nonetheless the application comes before Committee the Section S106 legal agreement dated 15th December 2011 relating to the original scheme needs to be varied to refer to the current scheme. Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to the variation of the Section 106 legal agreement and conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the variation of the Section 106 agreement dated 15th December 2011 pursuant to planning permission reference number P1875.10 by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved in the following terms:

- That the definition of Planning Permission be amended to include reference to Planning Reference P1200.12 or P1875.10 whichever is implemented as appropriate.
- Any other consequential amendments to that above as appropriate.
- All other clauses in the Section 106 Agreement shall remain in full force and effect.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed.

That Staff be authorised to vary the Section 106 legal agreement to secure the above and that upon completion of that agreement, grant planning permission subject to the following conditions:

1. Time: 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. Cycle storage: cycle storage shall be permanently retained.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

3. Visibility splays: The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of Highway safety.

4. Landscaping: All planting, seeding or turfing comprised within the approved scheme (drawing no. OS241-11.1 Rev C) shall be carried out in the first planting season following approval of the as so built scheme and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in accordance with Policy DC60 of the LDF Core Strategy and Development Control Policies DPD.

5. Permitted development restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place to the units hereby approved under Classes A, B, C, D or E 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.

6. Window restriction: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

7. Obscure glazing: The windows to the flank elevations of the properties hereby approved shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

8. Accordance with Plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (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. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Reason for approval:

The proposal accords with Policies CP1, CP17, DC2, DC3, DC61 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Documents, the London Plan and the NPPF.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £97.00 is required per submission pursuant to discharge of condition.

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF

Mayoral CIL

As an amendment to an approved scheme, the proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

REPORT DETAIL

1. Site Description

- 1.1 The application site contains a terrace of 4 houses with ancillary parking behind hoardings at the time of the site visit. This was formerly the rear gardens with some outbuildings including garages of No.s 5 -11 Carlisle Road which fronted onto the western side of Kings Grove. The latter is a small cul-de-sac of 2 houses and 8 flats. Prior to the new buildings, there were no existing houses fronting the western side of Kings Grove.
- 1.2 The area is residential in character with mainly 2-storey terraces, semi-detached and detached housing with flats in Kings Grove and fronting onto Carlisle Road/Victoria Road. There is a slight fall to the rear of the site (west).
- 1.3 A Tree Preservation Order covers 4 trees on/ in the vicinity of the application site.

2. Description of Proposal

- 2.1 The application is for a variation of Condition 5 (accordance with plans) of planning approval P1875.10 which is a proposal for 4, 2-bedroom houses. The houses have been constructed but do not accord with the approved plans under P1875.10. The reason for this is that original ground levels were different to those shown on the original plans. The current scheme is an application for the variation of condition to substitute plans which show the material amendments sought in order to retain the houses as built and also relates to a deed of variation of the Section 106 legal agreement in relation to a parking assessment/restriction of occupiers from purchasing residential parking permits, to link it to the current application.
- 2.2 The terrace of 4, 2-bed houses is located parallel to Kings Grove at just under 10m back from the carriageway and 1m from each side boundary. The terrace is 18m wide and 9.8m deep with a pitched roof with gable ends (as previously). The ridge height from the rear elevation has increased to 9.4m above immediate ground level due to the existing slope in ground level being incorporated into the submitted drawings; the ridge height when measured from the front elevation is 8.75m above ground level. Previously the approved drawings indicated the ground being level with the ridge height at 8.8m above ground level at all points adjacent to the building, as shown on the approved plans. Two external steps have now been provided to the rear of each property as finished floor level is now 0.75m above ground level at the rear of the properties.
- 2.3 There is no change to the size of the rear gardens which have a depth of either 10m or 11m and the communal parking area to the front of the houses with one space allocated to each property together with a bin storage area has been constructed as originally approved.

- 2.4 A preserved tree has been removed (as approved) and a replacement will be provided in the rear garden of plot 4 (see also below). The remaining preserved tree is retained and SUDS-compliant surfacing materials have been provided to the front hardstanding area.
- 2.5 A new landscaping scheme (drawing no. OS241-11.1 Rev C) has been submitted with this application
- 2.6 The main differences between this and the previously approved scheme are:
- rear and part of the side elevations have increased to a maximum of height of 9.4m; and maximum height of 8.75m to the front elevation (from 8.8m for both elevations) to accommodate the slope of the land.
 - 2 external steps have been added to each of the 4 properties to enable occupiers to access the garden area from the now raised rear door/finished floor level
 - new landscaping scheme

3. History

P1446.07 – 6 no. 2 bed and 5 no. 1 bed flats with 5no. car parking and bin store - Withdrawn

P0322.08 – 4, 1-bed flats and 2, 2-bed flats - refused 15-04-2008; subsequent appeal dismissed 10-11-2008

P1160.10 – 4, 2-bed houses – withdrawn

P1875.10 – 4, 2-bed houses – (resolution to approve subject to a S106 legal agreement at Committee 3/2/11; planning permission issued 15/12/11)

4. Consultation/Representations

- 4.1 32 neighbouring and nearby properties were notified of the application for a variation of both Condition 5 and the Section 106 legal agreement. One reply has been received objecting to the amended scheme in general.
- 4.2 The Metropolitan Police Design Advisor has written to request that conditions and an informative attached to the original approval in relation to Secured by Design are similarly attached to the current application.
- 4.3 Thames Water has written to remind the developer that they are responsible for the proper provision of drainage to ground, water courses or a suitable sewer. They also indicate that there are public sewers crossing or close to the application site and that their approval would be needed if any works would come within 3m of a public sewer, but it would be likely to be refused for any new buildings.
- 4.4 The Fire Brigade (LFEPa) indicate that they recommend the provision of domestic sprinklers as they have concerns regarding the access arrangements. Subsequently the Fire Brigade confirmed that they are not able to insist that sprinklers are provided as an Approved Inspector has

decided they were not necessary and has issued a completion certificate under the Building Regulations.

5. **Staff Comments:**

5.1 The main issues including the principle of the development, density, preserved trees, secured by design and access to the highway and parking and serving provision were addressed previously and were considered to be acceptable. The issues arising from this application relate only to the changes to the original scheme and their impact in the streetscene and on residential amenity. Policies CP1, CP7, CP17, DC2, DC3, DC61 and DC72 of the Local Development Framework Core and Development Control Policies Development Plan Documents are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF.

5.2 *Design/Impact on Street/Garden Scene*

5.2.1 The 2-storey terrace is located opposite a semi-detached pair and at right-angles to the maisonette development which is located at the northern end of the Kings Grove cul-de-sac. The building is located 10m back from the Kings Grove carriageway and to the south-west of the maisonettes. Staff consider that, given the separation distances the amendments which result in a slightly lower ridge height in relation to the streetscene view, would not have any further impact on visual amenity in the streetscene than the approved scheme.

5.2.2 The rear elevation of the proposed building is located 22.6m from the nearest elevation of the existing properties fronting onto Carlisle Road. The SPD on Residential Design does not identify any specific back-to-back distances for residential properties. It does however identify that relationships with existing development should reflect those in the locality. There are few direct back-to-back relationships in this locality where main roads are interspersed with cul-de-sac development. However the semi-detached pair to Kings Grove do have such a relationship with properties fronting onto Princes Road where the closest distance is approximately 23m. It is considered that while the rear elevation would be some 0.6m taller than before, the ridge height is the same relative position as originally approved with the increased height being set below finished floor level. Staff therefore consider that, with the augmented planting in the revised landscaping scheme to the rear gardens, the proposed development would have an acceptable impact in the rear garden environment.

5.3 *Impact on Residential Amenity*

5.3.1 The nearest residential properties are the houses/flats to the end of Kings Grove and the properties in Carlisle Road. The amendments reduce the relative height of the front elevation and there are no changes to the fenestration to the front elevation. This was previously considered to have an acceptable impact on residential amenity and, Staff consider that the amendments do not result in any significant loss of amenity for the occupiers of the existing maisonettes or semi-detached properties.

5.3.2 The terrace is located a minimum of 22m from the nearest rear elevation of properties fronting onto Carlisle Road. The rear elevation of the proposed development is taller by approximately 0.6m than that approved, however, as the increase is below finished floor level, relatively, the ridge position relative to the existing development has not altered. Subject to greater screening of the elongated rear wall, and given the distances involved, Staff consider that there would be no undue loss of residential amenity from the amendments to these existing occupiers.

5.4 *Section 106 agreement*

5.4.1 It is considered that the proposal would increase the use of this narrow cul-de-sac such that there is concern that the existing on-street parking at the junction with Kings Road may result in congestion. It is recognised that the applicants have already paid the £5,000 contribution towards the costs of undertaking an investigation into possible amendment of parking restrictions in close proximity to the development. However, until the results of this investigation are known (to be begun on full occupation of all units) the occupiers are to be restricted from applying for residents parking permits. The investigation will take up to 2 years to complete and depending on the outcome of the investigation, this restriction is either to be lifted or permanently applied. The existing Section 106 legal agreement dated 15th December 2011 is to be varied to refer to the current application.

6. **Conclusions**

6.1 The proposal is for the variation of Condition 5 (accordance with plans) of planning approval P1875.10. The amendments arise from the inaccuracy of the original plans; nonetheless Staff consider that the maximum 0.6m difference in ground level and therefore apparent height of the rear elevation would have an acceptable impact in the street scene and there would be no undue impact on residential amenity. The proposed landscaping is considered an improvement and would help to soften the development's increased height rear elevation from views from the west in Carlisle Road. Other details, including density, highways and parking details and the treatment of the preserved tree have not altered and remain acceptable. It is considered that the proposal is acceptable in relation to the policies contained in the LDF Core Strategy and Development Control Policies DPD, subject to the variation of the Section 106 agreement to cover the costs of a highway review, if needed, together with restricting access to residential parking permits in the intervening period.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

7.1 None

8. Legal Implications and risks:

8.1 A variation of the Section 106 legal agreement dated 15th December 2011 would be needed for the highway investigation and, as necessary, to possibly restrict access to residential parking permits.

9. Human Resource Implications:

9.1 None

10. Equalities and Social Inclusion Implications:

10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as received on 14 December 2012 and additional information received 16 May 2013.