

REGULATORY SERVICES COMMITTEE

15 December 2011

Subject Heading:	P1623.11 – Grass verge adjacent to 32 Pettley Gardens, Romford
	One four bedroom detached house (Application received 25th October 2011)
Report Author and contact details:	Helen Oakerbee (Planning Control Manager) 01708 432800
Policy context:	Local Development Framework
Financial summary:	None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the site is Council owned. The application seeks planning permission for one four bedroom detached house. Staff conclude the proposal to be within the realms of acceptability. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

1. 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. No development shall take place 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:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

3. Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted 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.

6. The proposed first floor window on the eastern flank of the dwelling shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained 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.

7. The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

8. Before the building(s) hereby permitted is first occupied, 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 the Development Control Policies Development Plan Document Policy DC33.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008, Article 3, Schedule 2, Part 1, Class A and E, no enlargements, improvements or other alteration shall take place to the dwellings and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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 the LDF Development Control Development Plan Document Policy DC61.

10. Prior to the first occupation of the development hereby permitted, boundary treatment shall be carried out in accordance with drawing No.s 2622_PL01A, 2622_PL04 and 2622_PL05 and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

12. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:-

To protect the trees on the site subject to a Tree Preservation Order.

14. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which

has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

15. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

16. Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:-

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

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and with subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

18. **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC3, DC33, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Development Plan Document together with PPS1 Delivering Sustainable Development and PPS3 on Housing.

2. Surface Water Drainage – With regard to surface water drainage is it the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

3. Water comments – With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is – Essex and Suffolk Water Company, Hall Street, Chelmsford, Essex, CM2 0HH. Tel: 01245 491234.

4. In aiming to satisfy condition 15, the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development

and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

5. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

REPORT DETAIL

1. **Site Description:**

1.1 The site comprises of a grass verge, which is a maximum of 7 metres in width and 12.2 metres in depth and is located on the junction of Cottons Approach and Pettley Gardens. There is an EDF enclosure and electrical sub station to the north east of the site. There is a two storey detached dwelling to the east of the application site, 32 Pettley Gardens, which is divided into two flats (No. 32 on the ground floor and No. 32A on the first floor). There are two four storey blocks of flats to the west of the site. There is a two storey block of flats located north of the site entitled Cottons Court.

2. **Description of development:**

2.1 The application seeks planning permission for one four bedroom detached house, with a width of 6.6 metres, a depth of 12.5 metres and a height of 7.8 metres. There is a front door on the western flank of the dwelling. There are two parking spaces at the front of the dwelling.

3. **Relevant History:**

No relevant planning history for the site.

No. 32 & 32A Pettley Gardens – Attached one bedroom dwelling – Refused.

4. **Consultations/Representations:**

4.1 117 neighbouring occupiers were notified of the planning application. At the time of drafting this report, no letters of representation had been received, although the neighbour notification period has yet to expire. Members will be verbally updated on the evening of any further representations received.

4.2 Crime Prevention Design Advisor – Recommends a condition and an informative if minded to grant planning permission.

4.3 English Heritage advise that Roman remains may present on the site and recommends a condition if minded to grant planning permission.

5. Staff Comments:

- 5.1 The main issues in this case are the principle of development, the impact on the streetscene, the impact on neighbouring amenity and any highway and parking issues.
- 5.2 Policies CP1, CP2, CP17, DC3, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material, together with the Residential Design Supplementary Design Guidance, PPS1 Delivering Sustainable Development and PPS3 on Housing. Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing Choice), 6.13 (parking), 7.13 (safety, security and resilience to emergency) and 7.4 (local character) from the London Plan 2011 are relevant.

6. Principle of Development

- 6.1 The application site is previously developed land within a predominantly residential area. The site is considered to be suitable in principle for residential development in accordance with Policy CP1, subject to the detailed design of the proposals. The proposed residential redevelopment of the site would contribute to the London Plan objective of increasing the overall supply of housing, specifically relevant is Policy 3.3.
- 6.2 If minded to grant planning permission, a condition will be imposed requiring an investigation of any potential contamination of the site.

7. Site Layout

- 7.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. The dwelling has approximately 167 square metres of amenity space. Amenity space provision for the dwelling accords with the Supplementary Planning Guidance on Residential Amenity Space. Details of boundary treatment have been provided and will be secured by condition if minded to grant planning permission.

8. Design/impact on street/Garden scene

- 8.1 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. Development should, amongst other things, respond to distinctive local building forms and respect the scale, massing and

height of surrounding physical context, complement or improve the character of the area through its appearance and integration with surrounding land and buildings.

- 8.2 At present, the grass verge occupies a prominent corner location. It is considered that this grassed area contributes to the open and spacious character of the streetscene. The dwelling would be located a minimum and maximum distance of approximately 0.4 metres and 1 metre from the western boundary of the site. Staff are concerned that the new dwelling would materially alter the character of the streetscene, given its two storey built form, its proximity to the western boundary and its corner location, although this is a matter of judgement for Members. It could be argued that the grass verge is not utilised in its present form and serves no purpose to the community, particularly as Cottons Park provides a recreation area which is 28 metres away. Therefore, the creation of a new dwelling would contribute to housing provision and provide a better use of the land.
- 8.3 The proposal originally featured a 1.8m high close boarded fence on the western boundary of the site. Following negotiations with the agent, the fence was changed to wrought iron railing with a total height of 2 metres, to enhance the appearance of the boundary treatment. In the event that planning permission is granted, a landscaping condition will be placed, which will include planting in front of and behind the railings on the western boundary of the site, which will provide screening for the amenity space and help soften the appearance of the new dwelling.
- 8.4 The proposed dwelling is of a mock tudor design with a two storey front projection and a gabled roof, which is very similar to 32 and 32A Pettley Gardens. It is considered that the design of the new dwelling would appear in character with the streetscene and the surrounding area.

9. **Impact on amenity**

- 9.1 No. 32 Pettley Gardens has a ground floor bay window on its western flank that serves an open plan living room and kitchen. The kitchen forms part of a single storey rear extension with windows and a door on the rear elevation of the dwelling. Although the rear façade of the dwelling would project approximately 4.4 metres beyond that of No.'s 32 & 32A Pettley Gardens, it is considered that the new dwelling would not result in a significant loss of light to No. 32 Pettley Gardens, as it would be located 8.4 metres from the western flank wall of this neighbouring property. It is considered that the new dwelling may result in some loss of early evening sunlight, as is located to the west of No. 32 Pettley Gardens, although this is deemed to be within acceptable limits. In addition, the living room window of No. 32 Pettley Gardens is not a primary light source given its open plan layout with the kitchen and there are windows and a door on the rear elevation of this flat.
- 9.2 No. 32A Pettley Gardens has a first floor bedroom window on its western flank, which is a primary light source. Although the rear façade of the dwelling

would project approximately 4.4 metres beyond that of No.'s 32 & 32A Pettley Gardens, it is considered that the new dwelling would not result in a loss of light to this bedroom window, as it is located on the first floor and there would be a separation distance of 8.4 metres between the eastern flank of the dwelling and the western flank wall of No. 32A Pettley Gardens.

- 9.3 The new dwelling has a first floor window on its eastern flank, which serves a landing and will be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission to avoid any undue overlooking or loss of privacy to No.'s 32 and 32A Pettley Gardens. It is considered that the new dwelling would not add to the overlooking that presently exists over and above existing conditions.
- 9.4 It is considered that the new dwelling would not result in a loss of amenity to the flats in Oak House, Fern Court and Cottons Court, as it would be a minimum of 11 metres from these neighbouring properties. It is considered that Romford and Gidea Park Rugby Football Club would not be adversely affected by the proposal, given that the building is used for sporting activities and as it is located on the opposite side of Pettley Gardens.

10. **Highway/parking issues**

- 10.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The dwelling would benefit from 2 no. driveway spaces, therefore no objection is raised in this regard. There is a Fire Gate that is in alignment with the eastern boundary of the site, although it is considered that the proposal would not create any highway or parking issues. A condition regarding the provision of a visibility splay in the front garden of the dwelling will be placed if minded to grant planning permission. The proposed site plan shows that access will be retained for the EDF enclosure and electrical substation, which are located to the north east of the site.

11. **Trees**

- 11.1 If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees. The Sycamore tree (T1) and Cherry tree (G1) on the north eastern boundary of the site are subject to a Tree Preservation Order 41-88. The trees are located on the common boundary between the application site and No.'s 32 and 32A Pettley Gardens. The Council's Tree Officer was consulted and the trees would not be affected by the development subject to protection measures, which are included in a condition for the protection of preserved trees.

12. **Archaeology**

- 12.1 The site is located within an archaeological priority area as specified in the London Borough of Havering's Local Development Framework on the projected alignment of the major Roman road from London to Colchester.

English Heritage (Archaeology) advise that a search of the Greater London Sites and Monuments Record also supports the potential for Roman remains to be present on the site. The site neighbours Bellway's Marks Lodge site to the immediate west where investigations in 2008 encountered iron age and Roman remains. Further such remains may extend into the application site. English Heritage therefore require a programme of archaeological work which can be secured by condition.

13. **Conclusion**

- 13.1 The principle of the development is deemed to be acceptable. Staff are concerned that the new dwelling would materially alter the character of the streetscene, given its two storey built form, its proximity to the western boundary and its corner location, although this is a matter of judgement for members. Although, it could be argued that the grass verge is not utilised in its present form and serves no purpose to the community, particularly as Cottons Park provides a recreation area which is 28 metres away.
- 13.2 It is considered that the proposal would not result in any material harm to neighbouring amenity. There are no highway or parking issues and amenity space provision is considered sufficient. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms and plans received 25/10/2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.