

REGULATORY SERVICES COMMITTEE

REPORT

25 October 2012

Subject Heading:

P0680.12 – 44 Herbert Road, Emerson Park – Demolition of existing building; redevelopment of site to form four detached dwellings, formation of vehicular access and car parking (received 18 June 2012; revised plans received 30 August 2012; further information received 12 September 2012; revised layout plan received 19 September 2012)

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 demolition of the existing dwelling and the erection of four detached houses with new access road and car parking. The proposal has been called-in by Councillor Steven Kelly on the grounds of overdevelopment in a back garden. 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 conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403.08m² (which excludes the existing dwelling's 340.42 sq.m) which equates to a Mayoral CIL payment of £28,506. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion 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 Act 1990.

2. 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.

3. 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.

4. 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. Prior to completion of the development 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.

6. The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of the NPPF.

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and shall be permanently retained and maintained thereafter to the satisfaction of the

Local Planning Authority. In addition, until the proposed hedging to the eastern boundary attains the height of at least 1.8m, a screen fence of 2m in height shall be maintained on that boundary.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. 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

10. The landscaping scheme as shown on drawing No. BAN 18182 – 11B (dated: 11/10/12) hereby approved shall be implemented. All planting, seeding or turfing 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 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 order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

11. 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, in order that the development accords with Policy DC60 of the LDF Core Strategy and Development Control DPD and SPD on the Protection of trees during development. Such a 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 and/or 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.

12. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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):

a) 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) 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 two parts:

Part A - Remediation Scheme 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.

c) 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

d) 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 ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

13. 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 the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

14. Before commencement of the proposed development, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

15. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

17. 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.

18. 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 under Class A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), 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.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. 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).

2. The Highway Authority requires the Planning Authority to advise the applicant 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. The Highway Authority requests that these comments are passed to the applicant. 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.

3. 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.
4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC37, DC55, DC60, DC61, DC62, DC63, DC69, DC70 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 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 £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403.08m² (which excludes the existing dwelling's 340.42 sq.m) which equates to a Mayoral CIL payment of £28,506. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a single storey detached dwelling with accommodation in the roofspace and some outbuildings including a double garage at 44 Herbert Road. The site is located to the southern side of Herbert Road, on the western side of its junction with The Lombards. The site is within Sector 6 of the Emerson Park Special Policy Area. The site area is 0.48 ha. There is a relatively new fence to the south of the application site, beyond which is an area of land which appears to be part of the rear garden of No.44 Herbert Road.
- 1.2 The surrounding area otherwise is of large mainly 2 storey detached houses on large plots fronting onto Herbert Road, including some recent new-builds, and to The Lombards and Fairlawns Close on generally smaller plots also within Sector 6. There are smaller properties on smaller plots to the rear in Channing Close and Beverley Close (in Sector 5).
- 1.3 TPO 16/06 covers the application site. There are a large number of trees on site to the boundaries and rear garden area.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings including the existing dwelling and construction of 4, 2-storey houses with a new access road, car parking and amenity space.
- 2.2 The proposed layout is with the spine road to the west of the application site. The proposed dwellings would be laid out with one fronting onto Herbert Road and the other 3 facing west towards the spine road. Each plot would have a minimum width of 23m with a depth of 30m – 37m.
- 2.3 Each house (excluding the proposed garages) would be approximately 14.4m wide and 15.3m deep at ground floor with the upper floor being a maximum of approximately 11.5m. The house on Plot 1 would have a fully pitched roof with a maximum ridge height of 11m above ground level with dormer windows to the front and rear elevations. Those to the rear would have a section of flat roof and would have a maximum height of 9.6m above ground level with dormers only to the rear elevation.
- 2.4 The proposed rear amenity areas would be a minimum of 10m and 12m deep and 24m-32m wide.
- 2.5 The proposed cul-de-sac road would have a length of 94m and width of 4m. There would be a turning head provided which would use the area to the front of Plot 3's garage. Plot 1 would have its own new access onto Herbert Road, to the east of the application site.

- 2.6 It is proposed to provide each house with an attached garage. Those to the rear would be provided with a double garage whereas that to the Herbert Road frontage would have a triple garage.
- 2.6 The proposal would result in trees being removed. The proposal would include 36 replacement trees, mainly to the western side of the proposed cul-de-sac road and to the boundary with The Lombards. In addition hedging would be located to the front and rear boundaries of the proposed properties; that to the rear boundaries with The Lombards is to be maintained at a height of 1.8m.
- 2.7 A Tree Report and Ecological Survey were also submitted with the application.
- 2.8 The main differences between the current scheme and that dismissed at appeal are:
- reduction in number of proposed dwellings from 6 to 4
 - re orientation of houses to either front Herbert Road or the west
 - reduction in the ridge height of the properties to the rear
 - increase in depth for individual properties from 14.45m to 15.3m and increase in width from 13.6m to 14.4m

3. **History**

- 3.1 P1870.11 – demolition of the existing bungalow and construction of 6 detached houses with associated vehicular access and landscaping – refused 9/2/12; subsequent appeal dismissed 7/8/12.

4. **Consultation/Representations**

- 4.1 46 neighbouring occupiers were notified of the proposal. There were 5 replies objecting to the proposal on the following grounds:
- Trees on the boundary of the property should be protected to provide a screen between the proposed and existing residential development
 - The proposed dwellings are inconsistent with existing properties
 - Loss of wildlife
 - Visual intrusion due to three-storey design and close proximity to existing development, particularly if boundary trees are removed
 - Back garden development is not in accordance with the Emerson Park SPD
 - Proposed density is not supported by the Emerson Park SPD
 - The scheme suggests that this is a smaller development than the 6 house scheme but each house is much bigger
 - Children walking along Herbert Road to School will be affected by large industrial vehicles going in and out
 - Possible accident hot spot
 - Loss of all trees on the eastern boundary would result in an unacceptable loss of privacy and security both during and after construction
 - Loss of trees (subject to a preservation order 16/06) resulting in detriment to the character of the area
 - The Council should not require developers to remove trees from this site

- There are no properties in Emerson Park with accommodation in their roofspace and this is therefore inconsistent with existing development
- The additional floorspace would increase the selling potential of the scheme
- Noise intrusion
- the site forms the northern part of a larger site where further development is likely to the south which can be accessed from Fairlawns Close.

A letter was received in response to the revised plans reiterating the above objections.

- 4.3 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure. Essex and Suffolk Water indicate that their apparatus does not appear to be affected by the proposed development and given consent subjected to a new water connection being made to their network for each new dwelling.
- 4.4 The Metropolitan Police Crime Prevention Design Advisor has written to advise that he has concerns regarding the vulnerability of the proposed garages/parking spaces as they lack natural surveillance. He requests the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted. This has been communicated to the applicants.
- 4.5 The Fire Brigade (LFEP) indicate that access should meet 16.3 of ADB Volume 2 but if this cannot be achieved a fire main should be provided in accordance with 15.3 and access meet 16.6 with a fire hydrant within 90m of the inlet to the fire main. These are the Building Regulations documents and a separate application would be needed.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, CP17, DC2, DC4, DC33, DC35, DC36, DC60, DC61, DC63, DC69 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Emerson Park Policy Area, Residential Design and Planning Obligations (draft) are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF. The Planning Inspector's Decision letter dated 7 August 2012 in relation to the refused/dismissed scheme is also relevant.
- 5.2 *Principle of development*
- 5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that back garden do not form "brownfield" sites and that the proposal would, as it involves a back garden form of development, would be unacceptable in principle. The NPPF does not however preclude all development of back gardens and if there are material circumstances which

suggest that development might be appropriate then this can be considered as an exception.

- 5.2.2 The NPPF nonetheless indicates that sustainable development should normally be granted planning permission and, while the PTAL is low, the site would be in a sustainable location. The details of the scheme will therefore be paramount in deciding whether the proposed development can be considered as an exception, with the main consideration being whether the proposal would accord with the character of the area in which it is located, i.e., Sector 6 of the Emerson Park Policy Area (Policy DC69) and the guidance set out in its related SPD.
- 5.2.3 The Emerson Park Policy SPD indicates that in Sector 6 “Infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with surrounding properties. Redevelopment of a number of properties or backland development generally result in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted.”
- 5.2.4 The Planning Inspector in dismissing the 6 house scheme in August 2012 did not specifically consider the issue of whether the proposal was acceptable in principle, nonetheless she did address the issue of how the scheme related to the design aims of the NPPF, and in this respect she effectively identified that the scheme was not unacceptable in principle, only in respect of the details of the previously dismissed scheme.

5.3 *Density/Site Layout*

- 5.3.1 The proposal is to demolish the existing detached property and replace it with 4 houses; one fronting onto the existing highway and the other three fronting onto a new cul-de-sac road to the western side of the application site. Clearly the density of the site would increase, in this case to 8.8 dwellings per hectare. Policy DC29 indicates that the density ranges in Policy DC2 do not apply in the Policy Area since the character of area generally is of large houses on larger plots, and it is the special character of the area which the Policy seeks to ensure is not undermined by proposed development, nonetheless the proposed density is similar to other development within the Emerson Park area.
- 5.3.2 The Emerson Park SPD indicates that new development should be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area.
- 5.3.3 The Planning Inspector indicated that “the southern side of Herbert Road is more densely developed than the opposite side. ... To the east of the appeal site is a short cul-de-sac of three detached houses, and further west is a larger cul-de-sac that appears more close-knit and suburban than most of the frontage housing on Herbert Road.” Given the presence of other cul-de-sacs in the vicinity, the Inspector took the view that the principle of this pattern of development would not conflict with the aims of Policy DC69.

- 5.3.4 The acceptability of the development therefore rests on it being of a high standard of design and layout. In dismissing the previous appeal, the Inspector took the view that six dwellings of the footprints proposed meant that none would be perceived as having a particularly spacious plot. This perception, in the Inspector's view, would be exacerbated by the height and scale of the dwellings and overall would give rise to an excessive amount of development compared to the general pattern in the vicinity.
- 5.3.5 To address the Inspector's comments, the current proposals have reduced the number of houses proposed from six to four. Only one dwelling is proposed at the site frontage to Herbert Road, rather than the two previously proposed. Within the rear portion of the site, three houses are proposed in a linear arrangement facing westwards, whereas previously there were four houses facing both west and north. Ridge heights are also generally lower, for example plot 2 and 3 dwellings have reduced from 10.2m to ridge to 9.6m. Plot 4 reduces from 10m to ridge to 9.7m.
- 5.3.6 Staff consider that these changes significantly improve the spaciousness of the proposed development. To the site frontage the reduction from two dwellings to one creates a more generous plot that is in keeping with the character of Herbert Road. The reduction in unit numbers to the rear of the site leads to more separation from the eastern site boundary compared to the previous scheme and more space between the dwellings. Combined with the reduction in ridge heights and alterations to the design of the dwellings, Staff consider that the resultant development is compatible with the spacious character of this part of Emerson Park and would overcome the grounds for dismissal of the earlier appeal.
- 5.3.7 The London Plan indicates at Policy 3.5 (Table 3.3) that 2-storey houses with 4 bedrooms for 6 people should have a minimum gross internal floorspace of 107sq.m and for a 3-storey property with the same number of bedrooms/people, 113 sq.m. Each of the proposed properties would have 5 bedrooms on three floors of accommodation (one in the roof area) with a floorspace of approximately 526 sq.m. Staff consider that the houses are significantly larger than the minimum size but would be for larger/wealthier families and that they would be of a similar size to others in Sector 6 such that they would be of appropriate floorspaces for the likely future occupiers.
- 5.3.8 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and / or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. Although the SPD does not stipulate any size requirements, the aim is to encourage developers to bring forward schemes involving imaginative and innovative provision of amenity space. In this case, the proposal should meet guidance in the SPD on Emerson Park Policy Area which indicates that properties should be provided in well landscaped grounds. The proposed amenity space for each property ranges from approximately 370sq.m to around 465sq.m and existing trees would be retained. Staff therefore consider that the amenity space would be similar to

existing amenity areas of the majority of properties to this side of Herbert Road which is appropriate to the nature and size of the proposed units such that this scheme would provide an acceptable level of amenity space.

5.3.9 Staff consider that the proposed density and the new layout (reducing the scheme from 6 houses to 4 houses) would be similar to other existing development, in particular The Lombards. The proposed density/layout now proposed would, in Staff's view, overcome the previous refusal reasons as the proposal would not now be for an overly cramped form of development in the Emerson Park Policy Area.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The Sector 6 guidance is that "In relation to new dwellings in this sector the following criteria will apply:

- Be of detached, single family, large and architecturally varied dwellings;
- Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

In relation to new dwellings and extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings.

5.4.2 The minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor. It is emphasised, however, that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded."

5.4.3 The proposed dwellings would be of exactly the same footprint. The front property has a fully pitched roof and a triple garage whereas the 3 properties behind would have a section of flat roof (crown roof) and a double garage and minor architectural detailing differences, e.g., window details and external materials. Otherwise, the properties would be very similar in scale, massing and form.

5.4.4 The proposed properties would however be similar to those in the cul-de-sac to the east in respect of there being very little difference in the architecture of these properties. The properties would nonetheless be detached, single family and large.

5.4.5 The proposed plot widths would be between 23m (Plots 2 and 3) – 33m (Plot 1) and would meet the SPD's minimum requirement and each property would be at least 1m from the boundary at ground floor and 2m from the flank boundary at first floor. Staff thereby judge that the proposal would maintain the characteristic spaciousness of the locality.

5.4.6 It is proposed to retain a number of trees which are protected under the Tree Preservation Order 16/06 and to replace the existing hedge to the eastern boundary. It is considered that in respect of visual amenity, the proposal would result in the loss of poorer quality and some self-seeded trees from the application site but would retain good quality trees which are of public amenity value. The hedge to the east of the site has not been well maintained and has become significantly overgrown over time. Given that if it was now significantly cut back it would be likely to not regrow, the proposal to replace the hedge is considered to be appropriate. Staff consider that while limited, the retention of existing trees, together with the provision of a new hedge with other new landscaping would ensure that the proposal has an acceptable impact on visual amenity in the streetscene. A suitable condition is proposed to be attached to any grant of planning permission to ensure that new landscaping becomes established.

5.4.7 Staff therefore consider the proposal for large 2-storey houses with some accommodation in the roof space to be similar to other development in the vicinity and that it would not be harmful to local character.

5.5 *Impact on Amenity*

5.5.1 There are existing residential occupiers to the east, west and north (on the opposite side of Herbert Road). The nearest being those to the two cul-de-sacs of The Lombards and Fairlawns Close. The Planning Inspector considered in relation to the dismissed scheme for 6, 2.5-3 storey houses that “with appropriate boundary treatment sufficient separation would be retained from existing properties to avoid material loss of privacy or overshadowing.”

5.5.2 Staff consider that the current proposal would have a suitable boundary treatment and given the existing separation, there would similarly be no material loss of privacy or overshadowing, such that there would be no undue harm to residential amenity from the proposed development.

5.5.3 Noise during construction and general everyday noise and activities associated with new residential development of this scale are not reasons to refuse planning permission. Noise insulation details would be required by a suitably-worded condition to prevent the occupiers being affected by noise caused from outside.

5.6 *Highway/Parking/Servicing*

5.6.1 The proposed new cul-de-sac road would be 4m wide and 94m long. It would have a turning head.

5.6.2 Within this area, Policy DC2 indicates that between 1.5 and 2 parking space should be provided for each property. At least 2 parking spaces per dwelling would be provided.

5.6.3 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

5.6.4 Vehicle tracking details have been submitted (drawing no 0532/ATR/001/A) which show that a refuse vehicle can enter and turn within the proposed cul-de-sac. Refuse storage details would be required by an attached condition.

5.6.5 There are no highways objections to the proposed development.

6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £18,000 (3 additional houses).

7. *Mayoral CIL*

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,403m² and amounts to which equates to a Mayoral CIL payment of £28, 506.

8. *Other Issues*

8.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.

9. **Conclusions**

9.1 The proposal is for the demolition of a single house and its replacement with 4 houses together with a new cul-de-sac road. It is considered that the proposal would be acceptable in principle, particularly having regard to the recent appeal decision. It is further considered that the design, density, impact on neighbouring occupiers' amenity, trees and highways/parking would be acceptable in respect of the site's location in Emerson Park and that the proposal would overcome the concerns raised by the Planning Inspector in her recent Decision. It is considered that the proposal would be acceptable in accordance with Policy DC2, DC3, DC33, DC60, DC61, DC69 and DC72 of the LDF Core Strategy and Development Control Policies and SPDs on Emerson Park Policy Area, Landscaping and Residential Design such that it would not result in any significant adverse impact.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 18 June, 30 August, 12 and 19 September 2012.