

Reference: 19/00379/FUL	Site: Montrose 168 Branksome Avenue Stanford Le Hope SS17 8DE
Ward: The Homesteads	Proposal: Demolition of the existing bungalow and the construction of 5 new dwellings with associated access road, hardstanding, landscaping and two vehicular access points (resubmission of 18/00316/FUL Demolition of the existing bungalow and the construction of 7 new dwellings)

Plan Number(s):		
Reference	Name	Received
1564/01	Site Location Plan	12 March 2019
1564/02	Existing Block Plan	12 March 2019
1564/P03 Rev A	Proposed Block Plan	14 May 2019
1564/P04	Proposed Plot 1	12 March 2019
1564/P05	Proposed Plot 2	12 March 2019
1564/P06	Proposed Plot 3	12 March 2019
1564/P07	Proposed Plot 4	12 March 2019
1564/P08	Proposed Plot 5	12 March 2019
1564/P09	Existing & Proposed Street Scenes	12 March 2019

The application is also accompanied by:

- Arboricultural Report
- Design & Access Statement
- Highways Note

Applicant:

Mr D Darby

Validated:

12 March 2019

Date of expiry:

7 June 2019 (Extension of time agreed with applicant)

Recommendation: Refuse

This application is scheduled for determination by the Council's Planning Committee because the proposal represents a similar scheme to an earlier

application (reference 18/00316/FUL) which was recently determined by the Planning Committee.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission to demolish the bungalow at no.168 Branksome Avenue and construct a cul-de-sac of five detached dwellings. All dwellings would have first floor accommodation in the roof space. The development would comprise 4 x four bedroom and 1 x three bedroom properties.

1.2 Two properties would be located on the frontage of Branksome Avenue. One would be served by a new vehicular access point. The cul-de-sac road would then run between these properties into the rear of the site. The remaining three properties would face towards one another around the turning head at the rear of the site.

1.3 This application is a resubmission of an earlier application (reference 18/00316/FUL) which was refused by the Council's Planning Committee in June 2018 for the following reasons:

- Principle of infilling within The Homesteads
- Overlooking to 166, 170 and 172 Branksome Avenue
- Proximity to preserved trees

2.0 SITE DESCRIPTION

2.1 The site comprises 0.2 ha within The Homesteads ward in Stanford Le Hope. The site is an 'L' shape, fronting Branksome Avenue and then including land beyond the rear of no 170 Branksome Avenue. There is residential development on all sides.

3.0 RELEVANT PLANNING HISTORY

Application reference	Description	Decision
18/00316/FUL	Demolition of the existing bungalow and the construction of 7 new dwellings	Refused and dismissed on appeal (PINS reference APP/M1595/W/18/3207492)

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

4.2 PUBLICITY:

This application has been advertised by way of a site notice and individual neighbour notification letters. There have been nine letters of objection. The objections raised are:

- Proposal is contrary to Local Plan policy H11 and CS policies PMD1, PMD2 and CSTP22 in failing to respond to the sensitivity of the site and its surroundings and to contribute positively to the character of the local context and surroundings;
- Contrary to NPPF paragraph 70 protecting private gardens;
- Cramped and over-developed;
- Unacceptable impacts to immediate neighbours, particularly loss of privacy and outlook as well as some loss of light;
- Planning Inspectors have decided that similar proposals would unacceptably harm the environmental quality of the precinct. Previous application dismissed on appeal;
- Site is not a brownfield site;
- Out of keeping;
- Sewerage and drainage;
- Additional impact on dentists and GPs;
- Impacts of construction.

Other concerns which are not material to the consideration of the application include impacts to property values, reduced security to no.172 from adjacent rear gardens, civil covenants restricting each parcel of land to a single dwelling and damage to underground perforated piping system from use of diggers.

4.3 ARCHAEOLOGY:

No objection.

4.4 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.5 HIGHWAYS:

No objection subject to conditions and s106 agreement.

4.6 LANDSCAPE AND ECOLOGY ADVISOR:

No objection.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land

5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Use of Planning Conditions

5.3 Local Planning Policy Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in January 2015. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD16 (Developer Contributions)²

Note: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of the Development
- II. Design and Layout
- III. Amenity and Impact of Development
- IV. Impact upon Protected Trees
- V. Traffic Impact, Access and Car Parking
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is identified in the Adopted Interim Proposals Map accompanying the LDF Core Strategy (2011) and Focused Review (2015) as part of the Homesteads Ward. Core Strategy Policy CSTP23 protects residential precincts such as The Homesteads where the original spacious pattern of development has been eroded by significant infilling and backland development.

6.3 Policy H11 of the Thurrock Borough Local Plan 1997 is not a saved policy but provides a good background to the situation – that the Homesteads ward was the subject of rapid house building in the 1960-1980s, which dramatically altered the character of the area. Specifically, the Homesteads ward has suffered with extensive infilling and subdivision of large private gardens.

6.4 The policy then refers to Annexe A9 which is saved and relevant as it links to Core Strategy Policy CSTP23. The Annexe restricts development which would harm the character of The Homesteads. This Annexe recognised the importance of retaining the original character of The Homesteads against further infilling and backland development.

6.5 The application site is not identified in Annexe 9 as one where development would be acceptable and the current proposal represents development of the character the policy seeks to guard against. There is therefore a fundamental and in-principle objection to intensification of use of this site and the proposed backland development.

6.6 The previous application for seven houses (18/00316/FUL) was refused by the Council's Planning Committee and later dismissed at appeal.

In dismissing the appeal, the Planning Inspector determined that "*the extent of the encroachment, the intended layout and intensity relative to the existing*

development pattern, and the degree of hardstanding required would be in stark contrast and incongruous with the prevailing circumstances.”

The Inspector concluded: *“the development would be an untypical form and intensity of development at odds with the area’s composition. I thereby conclude that the proposal would be harmful to the character and appearance of the area, and would materially conflict with the design objectives of policies PMD2, CSTP22 and CSTP23 of the Council’s Core Strategy and Policies for Management of Development (CS) and relevant advice within paragraph 127 of the National Planning Policy Framework.”*

- 6.7 Whilst the number of units would decrease by two from the previous application, the principle of the proposed development remains unacceptable. Therefore, the proposal, due to the loss of this spacious plot within the Homesteads, would be harmful to the character of the area and therefore contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and guidance in the NPPF.

II. DESIGN AND LAYOUT

- 6.8 The proposed dwellings would be generally designed to a high standard and each dwelling would be of its own character. There is no objection to the form, height, detailing or indicative materials palette. However, the positives of the scheme in terms of design do not overcome the harm that would be caused to the character and appearance of this part of the Homesteads.

III. AMENITY AND IMPACT OF DEVELOPMENT

- 6.9 The bedroom windows on the rear of Plots 3 and 4 would overlook the private garden at no.172 Branksome Avenue at a distance of 15m. Under the earlier scheme, this distance was less than 10m and the Inspector deemed the relationship unacceptable. The increased separation distance in the current scheme is considered to remedy this matter. There would be no loss of outlook, overbearing impact, and no unacceptable overshadowing due to the relative positions of the buildings and path of the sun.

IV. IMPACT UPON PROTECTED TREES

- 6.10 The Council’s Landscape and Ecology officer has confirmed that concerns raised under the earlier scheme have been adequately addressed by the current proposal. The reduction in the number of dwellings within the site means that it has been possible to move the dwelling on plot 5 further from the protected oak tree. This should ensure that there are no adverse effects on the tree. The pine situated in No.170, which is close to the boundary, would still require management to allow the construction of a dwelling at plot

1. This would not be significant so long as the work is undertaken sympathetically. The revised scheme would permit some additional tree and shrub planting which would help enhance the appearance of the site. The site does not contain any habitat features that would be suitable for supporting protected species. As a result the proposal is considered to be acceptable in terms of the impact upon TPO trees and ecology.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

6.11 The scheme proposes an access for the main cul-de-sac and two individual access for the properties fronting Branksome Avenue. The Council's Highway Officer has raised no objection and as such, the development is considered to comply with policy PMD9 in terms of highway safety and access.

6.12 Policy PMD8 and the Council's draft Parking Standards requires 2 spaces per dwelling and 2 visitor spaces for the level of development proposed but allows for an increase to 3 spaces for four bedroom dwellings.

In this instance, each property would be allocated two car parking spaces. The site would provide 12 parking spaces overall with no visitor parking. This level of provision is similar to that which was considered acceptable in the assessment of the previous application. Insufficient parking was not a reason for refusal on the previous application and the Council's Highway Officer has not objected to the current proposal. Similarly, the Inspector did not raise any concerns regarding this in the consideration of the appeal. In light of the above, and given that the development is for a smaller number of dwellings with a relatively similar number of parking spaces per unit, it is considered, on balance, that the level of parking would be acceptable.

6.13 The Council's Highway Officer has suggested that a financial contribution could be sought from the developer to fund a Traffic Regulation Order (TRO) which could be used to introduce yellow lining on Branksome Avenue to prevent vehicles parking close to the access point. However, a legal agreement to secure a financial contribution towards a TRO was not requested during the consideration of the previous application and it did not represent a reason for refusal. Furthermore, the Planning Inspectorate did not raise any concerns in relation to obstruction of the junction during the consideration of the earlier appeal. Given the current proposal is for a smaller number of dwellings it is considered unreasonable to introduce the lack of a legal agreement towards a TRO as a reason for refusal at this time.

VI. OTHER MATTERS

6.14 Policy PMD16 states that where needs would arise as a result of development; the Council will seek to secure planning obligations under

Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

- 6.15 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units or more. As discussed above the Council's Highway Officer has requested a contribution towards a TRO in order to mitigate the impact of parking close to the access point. However this was not requested in the consideration of the previous application and did not represent a reason for refusal. The proposal is for a smaller number of dwellings with similar access and parking arrangements. Therefore, in this instance it would not be reasonable to require such a legal agreement or to introduce this as a new reason for refusal.
- 6.16 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development would result in the intensive development of a site within the Homesteads Ward. Policy CSTP23 protects the particular character and overdevelopment of sites within such identified residential precinct particularly when a proposal relates to backland development. The current plot is spacious with a large rear garden which contribute towards the identified special character of the area. The proposal would therefore encroach into a large area of open garden space to the rear of properties on Branksome Avenue Third. This leads to an in principle objection to development of the site due to the adverse impact it would have upon the special character of the Homesteads Ward contrary to policy CSTP23.
- 7.2 In addition to the in principal objection to the intensive development of the Homesteads Ward the proposal would also result in the over development of the site and have a significant adverse impact upon the general character of the area. As a result the proposal would be contrary to policies CSTP22 and PMD2 of the Core Strategy and the NPPF.

8.0 RECOMMENDATION

8.1 To Refuse for the following reasons:

- 1 The application site is found within a part of the Homesteads precinct that is characterised by dwellings located on road frontages set in large grounds at a low density. The development of five dwellings in a cul de sac layout within this single residential plot would appear cramped, overdeveloped and out of keeping with the prevailing character of the area. Consequently the development would undermine the open character of the area, contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and guidance in the NPPF.

Informative(s):

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

