

<p>Reference: 20/00342/FUL</p>	<p>Site: Land Adjacent 43 And To Rear Of 45 To 47 River View Chadwell St Mary Essex</p>
<p>Ward: Chadwell St Mary</p>	<p>Proposal: Proposed 4 no 2 bedroom flats with access and associated parking and amenity spaces</p>

Plan Number(s):		
Reference	Name	Received
Bld-1416-LP	Location Plan	30 th July 2020
Bld-1416-1	Ground and First Floor Plans	30 th July 2020
Bld-1416-2	Roof Plan and Section	30 th July 2020
Bld-1416-3	Elevations	30 th July 2020
Bld-1416-4	Block Plan	21 st September 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement 	
<p>Applicant: Mr Tony Bowers</p>	<p>Validated: 7 April 2020 Date of Expiry: 30th November 2020 (agreed extension of time)</p>
<p>Recommendation: Refuse</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application has been called in by Councillors Muldowney, Chukwu, Worrall, Fish, Rice and Fletcher (in accordance with Part 3 (b) 2.1 (c) of the Council’s constitution) to consider the application in relation to: overlooking to neighbouring occupiers, parking issues, impact on neighbours, loss of outlook for neighbours, impact on highways safety and impact on the character of the area.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the erection of a 2-storey building containing four 2-bedroom flats. 9 car spaces are shown on the proposed site plan; 4 of these would be allocated to the proposed flats, 1 would be for an existing flat in one of the frontage buildings, whilst the remaining 4 spaces would be for visitors. Bin storage for 3 communal bins is proposed adjacent to rear boundary of No 43 Riverview.
- 1.2 The proposed building would sit on a rectangular base with communal amenity space to the rear, within which there are cycle lockers adjacent to the eastern boundary.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on the southern side of River View, to the rear of Nos 43 to 47 which currently consists of first floor flats over a row of shops and offices and a flat on the ground floor. The site itself consists of an area of hardstanding and an outbuilding.
- 2.2 The surrounding area is predominantly residential in character, with the site bounded to the east and south by the rear gardens of the semi-detached dwellings fronting Thames Drive and Stour Road respectively.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
18/01063/OUT	Outline planning application for the erection of a block of 7 flats to rear of 45 / 47 River View with associated hardstanding parking, and amenity space (all matters reserved)	Refused on grounds of: overdevelopment; lack of amenity space; amenity impact; unsatisfactory residential standards; and insufficient parking provision.
15/01379/FUL	Retention of rear ground floor flat	Approved
13/00706/FUL	Change of use from B1 (office) to A5 (hot food takeaway)	Refused
10/00519/ETL	Extension of time limit to permission 07/00619/FUL - 16 no one bedroom flats and 2 no two bedroom flats and 4 no shop units on the site of 43 - 53 Riverview.	Approved - Not implemented
07/00619/FUL	16 no one bedroom flats and 2 no two bedroom flats and 4 no shop units on the site of 43 - 53 Riverview.	Approved - Not implemented
04/00123/FUL	Ground floor rear infill extension. and change of use from class A2 office to class B1 office (revised scheme)	Approved - Not implemented
93/00111/FUL	Change of use to residential from	Approved

	office	
No 43 Riverview		
15/00298/FUL	Conversion of detached house into 2 no 2 bedroom flats (retention of development)	Approved

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

PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and a site notice. Ten (10) representations were received objecting to the proposal on the following grounds:

- Overlooking property;
- Possible additional noise;
- Access to site;
- Environmental pollution;
- Additional traffic;
- Out of character;
- Litter/smell; and
- The impact on the value of neighbouring properties

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

HIGHWAYS:

No objection subject to conditions.

LANDSCAPE & ECOLOGY:

Raised no objections but expressed concerns at the lack of opportunities to provide adequate screening on the boundaries to mitigate the visual effects on neighbouring properties. Nonetheless, recommended the payment of tariff towards Essex Coast RAMS mitigation.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF) 2019

The NPPF was published on 27th March 2012 and most recently amended on 19th 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:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) 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. The PPG contains a number 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

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 (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP7 (Network of Centres)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

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

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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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

BACKGROUND

- 6.1 An outline planning application for 7 flats (Ref: 18/01063/OUT) with details of the design, layout, parking and access was previously considered and refused for the following reasons:

- 1) *The proposed development, would, by reason of its siting, scale, extent of built form on the site, layout and insufficient amenity space result in an incongruous and overly dominant form of development. It would also appear cramped and contrived resulting in the overdevelopment of the site adversely impacting upon the character of the area. The proposal would be contrary to the policies PMD2 and CSTP22 of the Core Strategy 2015 and the National Planning Policy*

Framework 2019.

- 2) *The proposed development would, by reason of its siting, layout, limited light and outlook to habitable rooms and lack of amenity space result in and an unacceptable living environment adversely impacting upon the amenities of any future occupiers of the proposed flats. The proposal would be contrary to policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 3) *The proposed development, would, by reason of its siting, layout and scale result in an overbearing impact and overlooking of the private amenity space of the adjacent neighbouring properties on Stour Road and Thames Drive which would adversely impact upon the amenity of these neighbours. The proposal would be contrary to policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 4) *The proposed development, would, by reason of its siting and layout result in the loss of the existing amenity space for the flats on River View resulting in an unacceptable living environment and adverse impact upon the amenities of occupiers of the existing flats. The proposal would be contrary to the policies PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*
- 5) *The proposed development would fail to provide adequate car parking spaces for both existing and proposed units on the site. The development would also result in the intensification of use of the existing site access which would cause unacceptable adverse impact on the highways safety. The proposal would be contrary to policies PMD8 and PMD9 of the Core Strategy 2015 and the National Planning Policy Framework 2019.*

6.2 This application represents a revised scheme which seeks to address the previous reasons for refusal.

6.3 The assessment of the current application covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Impact on neighbours
- IV. Living standards
- V. Traffic Impact, Access and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT

6.4 The application site is previously developed land as defined in the NPPF. It lies in a predominantly residential area, although there are commercial and non-residential facilities close by. The site is in a relatively sustainable location and provides an opportunity for redevelopment to add to the housing stock in the area. There would be no loss of any retail facility within the designated neighbourhood frontage if the proposal were to proceed. In the circumstances, the proposed development is acceptable in principle subject to compliance with the relevant Development Plan policies and taking into account any other material considerations.

II. DESIGN AND LAYOUT

6.5 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively

to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.6 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.7 The layout, scale and design, particularly the fenestration and roof profile of the proposed building are similar in many respects to the dwellings and buildings at Thames Drive and River View. With respect to the previous proposals, there were concerns about the layout, scale and size of the building. These have now been addressed by reducing the size and reorientating the building by taking the site constraints into account. The footprint of the previously proposed building measured 20.8m by 12.2m, whilst now the proposed footprint would be 16.5m by 12.2m.
- 6.8 The design of the proposed building is unremarkable, however it is not considered to be unacceptable. High quality materials would need to be used in the construction of the building and the parking court. With the above considerations in mind and the imposition of materials and landscaping conditions to control the appearance of the building and the site, it is considered the design and layout of the proposal would be acceptable.

III. IMPACT ON AMENITY

- 6.9 The proposed two storey building would be located towards the rear of the site. The closest residential properties would be the the flats at first floor level, located above the commercial units along River View.
- 6.10 The distance between the proposed building and the existing dwellings on Stour Road would be at least 35m and those on Thames Drive would be approximately 22m from the proposed building. These separation distances from the boundaries and between the proposed building and existing buildings are sufficient to ensure that the proposed building does not have an overbearing impact on the neighbours nor result in the loss of light.
- 6.11 There would be 2 small bathroom windows on the eastern elevation of the proposed building and facing the rear gardens of the Thames Drive properties. If permission were to be granted, to safeguard the amenity of the neighbours a condition could be imposed to ensure that the windows are obscure glazed and fixed shut in perpetuity. Although there are habitable windows on the south elevation of the proposed building, it is considered that the separation distance from the dwellings on Stour Road is sufficient to prevent mutual overlooking.
- 6.12 The north elevation of the proposed building would face towards the rear of buildings on River View. Given the separation distance between these windows and the nearest properties on River View it is considered that there would not be a significant loss of privacy. It is concluded therefore that the proposed development accords with PMD1 of the Core Strategy and the NPPF.

- 6.13 Some neighbours have expressed concerns about the potential for increased activity and vehicular movements in this area. However, the impact of these vehicular movements would be similar to the existing use of this site. Therefore, this does not constitute a substantive reason to refuse permission.

IV. LIVING STANDARDS

- 6.14 National Planning Policy Framework (NPPF) Paragraph 124 states that high quality places are fundamental to the planning and development process and paragraph 127 requires development to function in the long term, including spaces and promotes health and well-being through design and use of land.
- 6.15 Policy PMD1 indicates development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenities of the area or the amenity, health or safety of future occupiers of sites.
- 6.16 The internal layout of the 4 flats complies with both Thurrock and National Space Standards. The communal amenity space at the rear of the proposed building is approximately 80 square metres; the space provided would be a regular shape and usable for the occupiers of the new building. It is considered that the amenity space would be suitable for the potential future occupiers of the units.
- 6.17 The applicant owns number of other properties close to the site, including Nos 43a & 43b Riverview (a two storey building that was a single dwelling house, but converted into flats in 2015) and Nos 45 & 47 River View which form part of the parade of shops.
- 6.18 When permission was granted for the conversion of No 43 (see planning history) this was on the basis of a particular amenity area, of some 97sq.m. The plan for the current application shows that the majority of this amenity space would be lost to allow for the parking and bin store area for the development. The remaining amenity space would be deficient for the existing occupiers of Nos 43a and 43b River View resulting in a substandard living environment for the occupiers of those properties, contrary to Policy PMD1 of the Core Strategy and criteria in the NPPF 2019.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.19 There are 9 car spaces shown on the site plan; 4 of these would be allocated to the proposed flats, 1 would be for an existing flat in one of the frontage buildings, and the remaining 4 spaces would be for visitors. Cycle lockers would also be provided at the rear of the proposed building.
- 6.20 The Council's Highway Officer has advised that the parking provision is sufficient in compliance with Core Strategy policy PMD8. However the applicant has been advised of the need to ensure that the access is altered to 5m to ensure that two vehicles are able to pass at the access. Amended plan have since been received which shows a turning circle of 7.4m in-between the rows of car spaces. This sufficiently demonstrates that cars are able to pass side by side, enter and leave the site forward gear to ensure that highway safety is not undermined.

7.0 CONCLUSIONS

- 7.1 The current proposal has adequately addressed and overcome the concerns raised by the previous scheme in respect to design and highways matters. The proposed development would be in keeping with the character of the area and would have no adverse impact on the living conditions of the adjoining occupiers in terms of overlooking or loss of privacy. The internal layout of the dwellings is satisfactory and the amenity space provision is acceptable for occupiers of the new units.
- 7.2 However the site area would encroach on land that was part of the allocated amenity space for units at Nos 43a and 43b Riverview. The loss of part of the outdoor space would result in a harmful impact on the living conditions of those occupiers contrary to Policy PMD1 of the Core Strategy and the NPPF.

8.0 RECOMMENDATION

Refuse for the following reason(s):

- 1 The proposed development, would, by reason of its siting and parking layout result in the loss of part of the area of shared private amenity space which should be provided for the flats at Nos 43a and 43b Riverview, resulting in an unacceptable living environment and adverse impact upon the amenities of the occupiers of those flats. The proposal would be contrary to Policy PMD1 of the Core Strategy 2015 and the National Planning Policy Framework 2019 in that regard.

Documents:

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

<http://regs.thurrock.gov.uk/online-applications>

