

<p>Reference: 21/01277/FUL</p>	<p>Site: 36 High Street Stanford Le Hope SS17 0HQ</p>
<p>Ward: Stanford Le Hope West</p>	<p>Proposal: First floor rear extension to the existing property to provide HMO rooms and kitchen space, with parking beneath for existing HMO rooms.</p>

Plan Number(s):		
Reference	Name	Received
1261_PL01D	Existing Plans and Elevations	29/10/2022
1261_PL02E	Proposed Plans and Elevations	29/10/2022
1261_PL03E	Existing and Proposed Block Plans with Location Plan	29/10/2022

The application is also accompanied by:

- Application Form
- 1261_3D – 3D Visualisation – 25 May 2022

<p>Applicant: Mr P Grayer</p>	<p>Validated: 24 August 2021 Date of expiry: 24 October 2022 (Extension of Time Agreed)</p>
<p>Recommendation: Refuse</p>	

This application is scheduled for determination by the Council’s Planning Committee because it has been Called-In by Councillors Anderson, Collins, Duffin, Hebb and Huelin (in accordance with Part 3 (b) 2.1 (c) of the Council’s constitution) because of local interest.

1.0 DESCRIPTION OF SITE

1.1 The application site is located at the junction of King Street and High Street within the ‘Shopping Centre and Parade’ of Stanford Le Hope as defined by the Council’s Policies Map. The site forms part of a terrace of buildings that extend along High Street, being the two properties closest to Kings Street. The building features accommodation over two floors. The part of the overall terrace that is within the application site measures 13 metres wide and 8.6 metres deep, with a pitched roof.

- 1.2 To the rear of the site, and accessed from King Street, is a service yard area that is flat and laid to hardstanding. It is understood that this part of the site is used as a parking area in associated within the ground floor shops at the application site and, anecdotally, it is understood that the occupiers of the first floor residential accommodation at the site have also used this car parking area.
- 1.3 To the west of the application site, on the opposite side of King Street, is The New Courthouse public house. A four storey block of timber clad and rendered flats (Maple Court) is located adjacent to that site and adjacent to the highway, within the grounds of the public house, is a large tree that is the subject of a Tree Preservation Order. To the north of the site is a terrace of commercial and residential properties and to the east of the site is the remainder of the terrace that includes the application site. To the east is a further tree that is the subject of a Tree Preservation Order which fronts the northernmost part of High Street but is also visible from King Street.

2.0 DESCRIPTION OF PROPOSAL

- 2.1 The application seeks planning permission for the erection of an extension to the rear of the building in order to provide additional first floor accommodation. The main part of the extension would measure 8m deep and 11m wide, with a pitched roof to partially replicate the form of part of the existing roof. To the rear of the main part of the extension would be a further 3.7m projection which would provide a terrace area and be enclosed with vertical timber slats.
- 2.2 Beneath the extension, cycle parking and a private courtyard would be provided. The extension would feature four columns that would act as stilts and a wall beneath part of the extension that would face King Street, to give the impression that the development would appear as an extension. A 2.7m tall, 4.5m wide opening is proposed to enable access to King Street. Cycle parking for 8 bicycles is shown as well as space to store four 1100 litre bins. Gaps would be provided between parking spaces to enable access to the cycle parking and bins. The applicant has clarified that vehicle access to the private courtyard is no longer proposed.
- 2.3 The resultant building would be used as a House in Multiple Occupation (HMO) with a total of nine bedrooms. The existing first floor accommodation would feature four bedrooms, a shower room, a kitchen and a shared dining area. The new element of the building would feature five bedrooms, showers, a toilet and a communal area that would include kitchen facilities.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
68/00276/FUL	Taxi Booking Office	Approved
68/01026/FUL	Taxi Booking Office - Renewal of THU/276/68	Approved
70/00015/FUL	Taxi Booking Office - Renewal of THU/1026/68	Approved
71/00028/FUL	Taxi Booking Office - Renewal of THU/15/70	Approved
94/00069/FUL	36-40 High Street change of use of first floor (above shops) to use as offices	Approved
21/01112/PAOFFR	Change of use of first and second floors from offices use (Class E) to residential use (Class C3).	Approved

4.0 CONSULTATION 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:

4.2 This application has been advertised by way of individual neighbour notification letters. Three representations have been received, two of which have been received from the occupier of an adjacent property and object on the following grounds:

- Overlooking of neighbouring property;
- Noise from building works, disturbing the two young children that occupy the neighbouring property;
- Noise from the use of the communal terrace;
- Loss of light;
- Extension would be visually unattractive;
- Noise and fumes from vehicles at the site;
- Bins could not be collected from within the site and leaving them for collection within the highway could cause obstruction and be a potential danger to highway safety;

- If the bins are not collected they could cause litter and smells and attract unwanted wildlife.

The other representation received supports the proposal on the grounds that the building would be refurbished and modernised. It is stated that the development would be good for local businesses.

HIGHWAYS:

4.3 An objection is raised on the grounds that

- The proposals show insufficient consideration of the existing parking arrangements at the site, do not adequately clarify what will happen to the existing parking at the rear of the site and do not show that the retained ground floor space would be adequate for the existing commercial uses to be supported and serviced as they currently are.
- The applicant has indicated that the proposal would be a car-free development but previously suggested that parking permits in an adjacent public car park could be sought. Moreover, it is considered that developments being 'car-free' cannot be secured.
- At least two parking spaces would be required in association with the use of the building as a HMO.

The lack of parking would cause parking within King Street which would be unacceptable. The cycle parking provision is acceptable.

ENVIRONMENTAL PROTECTION TEAM

4.4 No objection. Conditions are recommended in relation to construction times and preventing bonfires. It is also highlighted that a HMO License would be required.

PRIVATE HOUSING PROPERTY LICENSING OFFICER:

4.5 No objection has been raised but it has been identified that the kitchen would not be of adequate size to meet licensing requirements and ventilation to the bathrooms is not shown.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

9. Promoting sustainable communities;
12. Achieving well-designed places;

5.2 National 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. 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
- Making an application
- Natural environment
- Use of planning conditions

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015. The following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

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

Thematic Policies:

- CSTP7: Network of Centres
- CSTP8: Vitality and Viability of Existing Centres
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout

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. 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.

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 material considerations for this application are as follows:

- I. Principle of the development.
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Living Conditions of Future Occupiers
- V. Highway Safety and Parking
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site is located within the town centre where the overall principle of extending buildings and undertaking residential development is considered to be acceptable.
- 6.3 As the proposal relates to the first-floor accommodation and parking area to the rear of the commercial buildings at the site, the proposal would not cause a loss of ground floor retail floorspace in such a way that the proposal would conflict with the vitality or viability of the shopping centre or undermine the shopping parade designation that is referred to above.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.4 The proposal would be dependent on a rear extension that would be visible from High Street and King Street. The area in which the extension is built is of minimal visual amenity value as it hosts an area used for servicing and car parking. The absence of built form at this part of the site results in the rear of the existing terrace being visible within the public domain as well as the side elevation of the terrace to the north east. The absence of built form at the site enables the two large protected trees that are described above to be visible from the public domain of King Street. Otherwise, the site does not make a substantially positive contribution to the character of the area.
- 6.5 The proposed extension would have a form that shows suitable regard for the existing building at the site, with vertical timber cladding to the elevations that would represent a more modern representation of the horizontal cladding of the existing building. The extension would be set back from the King Street elevation of the terrace and, as such, would show an adequate degree of subservience relative to the existing built form. Given the varied character of the built form within the surrounding area, including the timber clad flats of Maple Court, it is considered that the architectural style that is proposed would sit comfortably within its context and create visual interest. The timber slatted enclosure of the proposed communal terrace would also achieve this.
- 6.6 At ground floor, there would be a substantial undercroft area that could have had the potential to appear as a large void area. However, the provision of a façade to the King Street frontage is considered sufficient to address this elevation and ensure that the undercroft, private courtyard area that is proposed is of no worse visual appearance than the existing open area at that part of the site.

- 6.7 For these reasons set out above, it is considered that, subject to the comments below with respect to refuse storage and cycle parking, the proposal would have an acceptable effect on the character and appearance of the area. The proposal would, therefore, accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.8 The ground floor properties of the terrace that includes the buildings at the application site are not used for residential purposes and, as such, the effect of the extension and the proposed use would not have any impacts on residential amenity with respect to those properties.
- 6.9 At first floor, the adjacent property (34A High Street) appears to have been extended following the grant of planning permission under application 17/00083/FUL. A small window on the two storey rear projection of that building faces the application site and would face towards the proposed extension. That window serves a bedroom. However, the approved plans for that development show that the bedroom is also served by a window on the other side elevation (facing east). As such, even though the extension would have a substantial effect on the small, west facing window that is described above, it is considered that the affected room would still receive adequate light to be usable and, as such, a reason for refusal on that ground could not be substantiated.
- 6.10 No windows are proposed at the side elevation that would face 34A High Street. As such, the proposed extension would have no effects on privacy.
- 6.11 To the north of the application site is a terrace of residential properties that were converted to residential use under the terms of application 15/00971/FUL. The plans available show that the rooflight and windows in the elevation facing the application site serve a hallway and as such do not serve a habitable room. Accordingly, the effect on light and outlook would not be unduly harmful to living conditions. The proposed communal terrace would enable elevated views towards the terrace to the south, but there are no first floor windows in the side elevation of that building, the single storey elements at that property would largely obscure views into the amenity areas at the rear of that terrace and, to prevent overlooking and ensure the privacy of future occupiers, it would be possible to impose a condition to require either a privacy screen to be provided or the slatted enclosure to be increased in height to achieve the same protection from overlooking.

- 6.12 Concerns have been raised by a neighbouring objector in respect of noise, particularly as a result of the times that children sleep during the day. Whilst these comments are noted, construction noise would not be a reasonable ground for the refusal of the application and, although there would be a substantial number of residents within a close proximity, there is no basis to conclude that this would generate noise that would exceed what would reasonably be expected in this relatively busy location.
- 6.13 No other residential properties would be harmfully affected by the proposal to an extent that would justify the refusal of the application.
- 6.14 For these reasons, it is considered that the proposal would not be harmful to the living conditions of nearby residents to an extent that could be found unacceptable. The development therefore would remain in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF in that respect.

IV. LIVING CONDITIONS OF FUTURE OCCUPIERS

- 6.15 In many respects, the standard of accommodation for future occupiers would be a matter for the HMO licence which is addressed under the terms of other legislation and, in terms of matters such as room sizes, bathroom facilities and kitchen provisions, it is considered that these matters are sufficiently addressed by other legislation and are not matters that are to be controlled by the Local Planning Authority. From this basis, whilst the comments of the Property Licensing Officer above are noted with respect to the size of the proposed kitchens, this would not be a reasonable ground to object to the planning application and it is noted that conditions and subsequent internal amendments that would not require planning permission could address this matter if necessary.
- 6.16 A concern was previously raised in relation to the poor outlook for one of the proposed bedrooms, but the internal layout and the window positions have been revised and, therefore, the living conditions for future occupiers would be acceptable in planning terms.

V. HIGHWAY SAFETY AND PARKING

- 6.17 The proposal would involve the development of land that is currently used as a parking and servicing area for the adjacent commercial uses. As set out above, it is anecdotally understood that occupiers of the existing first floor

accommodation have been using the parking area and, in this regard, it is noted that the application form for application 21/01112/PAOFFR stated that the *“existing parking spaces allocated to the office will be transferred to the first floor flat.”* The plans submitted with that application showed that four parking spaces would be available.

- 6.18 The submitted plans show an opening into the private courtyard in the same location as the existing vehicle access, but the opening within the built form would be limited to measure 2.7 metres tall and 4.5 metres wide. Earlier versions of the submitted plans included parking but, in each case, concerns were raised that the parking shown was not accessible. The applicant has therefore now chosen to show no parking at all.
- 6.19 Based on the above, it is considered that it would be necessary to proceed on the basis that the development would feature no usable parking; it is clear from the applicant's submissions that the development is proposed as a car-free scheme. The Highway Authority have identified that a development of this type should be served by 2 parking spaces and set out that the 'car-free' occupancy proposals of the applicant cannot be guaranteed or secured. In this instance, it is considered that there could be a degree of flexibility to the level of parking that is provided given that the site is well located with respect to shops, services, community facilities and public transport connections. However, it is unlikely that there would be no demand for parking within the site as a result of the proposed HMO use. As such, it is considered that there would be a shortfall of parking at the site and a likely increase of parking within the wider locality. Whilst this may be controlled by parking restrictions in some respects, there remains a significant concern that the development would be likely to be detrimental to highway safety.
- 6.20 With respect to the ground floor commercial uses, it is considered that the existing commercial area would need to be serviced and therefore, even if all residents chose to not have a car, it would still be necessary to ensure that parking and servicing areas are provided for the retained commercial units at ground floor. In this regard the applicant has clarified that customer car parking can occur within the nearby public car park and set out that loading bays are available within the highway forward of the application site. However, the public spaces within the highway that have been referred to are freely available parking spaces rather than designated loading bays and, as such, there is no guarantee that they would be available. Consequently, it is considered that the loss of the servicing area could lead to on-street parking by larger vehicles. Again, it is noted that parking restrictions apply within the locality, but these are not always applicable for delivery vehicles and it is

therefore a concern that the servicing of the ground floor commercial properties could result in a reduction of highway safety.

- 6.21 Previous iterations of the proposals showed the courtyard area as being used for parking and/or servicing. However, concerns have consistently been raised as a result of the obstructions caused by the proposed supporting columns, the enclosed access and the refuse and cycle stores. Therefore, even if that area were used for those purposes as the plans might suggest could be possible, it has not been demonstrated that this would be acceptable in terms of accessibility, usability or quantity of parking. Therefore, it is considered that conditions cannot be imposed to address the concerns that are raised.
- 6.22 A substantial cycle parking provision and refuse storage area would be included within the development and following modification, this is now covered and conveniently located. The proposal is, therefore, acceptable in this respect.

VI. OTHER MATTER

- 6.23 The applicant has stated that the proposed development would be highly insulated with the use of high performing materials within the development. It has also been stated that the applicant is considering the use of solar panels, PV panels and air source heat pumps. These considerations are noted, but the proposals do not include these provisions and no evidence has been provided to demonstrate that the sustainability credentials of the proposal are of such significance that the benefits of the proposal outweigh the objections that are raised above. Therefore, whilst acceptable and encouraged, this is not a reason to reach a different conclusion.
- 6.24 The applicant has identified that including a private amenity space reduces the need for future occupiers to travel. However, providing amenity space is considered to form part of providing appropriate living conditions which should be a conventional practice and does not overcome the objection raised with respect to the lack of parking.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 For the reasons set out above, it is considered that the development would result in insufficient parking and servicing provisions being available at the site and it is considered that this would be likely to result in harm to highway and pedestrian safety. Therefore, whilst the proposal would be acceptable in

other respects, it is considered that the proposal would be unacceptable and contrary to the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

8.0 RECOMMENDATION

8.1 REFUSE planning permission for the following reasons:

The proposed development would result in alterations to the provision of parking and servicing areas at the site which have not been satisfactorily replaced within the proposal and, as a result, it is a concern that the site would be served by an inadequate access and insufficient servicing and parking. This would be likely to lead to conditions that would detract from highway and pedestrian safety. The development would, therefore, be unacceptable and contrary to Policy PMD8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

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

Application No: 21/01277/FUL

36 High Street, Stanford Le Hope

Essex, SS17 0hQ

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