

Reference: 18/00316/FUL	Site: Montrose 168 Branksome Avenue Stanford Le Hope Essex SS17 8DE
Ward: The Homesteads	Proposal: Demolition of the existing bungalow and the construction of 7 new dwellings

Plan Number(s):		
Reference	Name	Received
01	Location Plan 1:1250	26th February 2018
02	Existing Site Layout	26th February 2018
03D	Proposed Site Layout	7th May 2018
04	Proposed Plans – Plot 1	26th February 2018
05	Proposed Plans – Plot 2	26th February 2018
06	Proposed Plans – Plot 3	26th February 2018
07	Proposed Plans – Plots 4 & 5	26th February 2018
10A	Proposed Plans – Plot 6	4th April 2018
08B	Proposed Plans – Plot 7	7th May 2018
09	Street Scene – Branksome Ave	26th February 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement - Planning Statement - Highway Note 	
<p>Applicant: Mr D Darby</p>	<p>Validated: 26 February 2018 Date of expiry: 23 April 2018 Extension of time: 04 July 2018</p>
<p>Recommendation: To Refuse</p>	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Coxshall and Harden with the agreement of

Chair T Kelly in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution due to concerns about overdevelopment, infill and conflict with H11.

1.0 BACKGROUND AND 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 seven dwellings. All dwellings would have first floor accommodation in the roof space except for Plot 6 which would be a single bungalow with two bedrooms. Three properties would be four-bed detached dwellings and one would be a three-bed detached dwelling. One pair of semi-detached houses with three bedrooms each is proposed.
- 1.2 Two properties would be located on the frontage of Branksome Avenue; the cul-de-sac road would run between the properties into the rear of the site. The remaining 5 units would face towards one another around the turning head.
- 1.3 The key elements of the proposals are set out in the table below:

Site Area (Gross)	0.2 ha						
Height	One- and two-storey						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses		1	3	3		7
	Flats						
	TOTAL						7
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Houses						
	Flats						
	TOTAL				0		
Car parking	Flats: N/A Houses: 14 Total allocated: 14 spaces (Average of 2 per unit) Total Visitor: 2 spaces (Average of 0 per unit) Total: 16						
Amenity Space	Minimum 75 sq.m Average between 75 sq.m to 100 sq.m Maximum 100 sq.m						

Density	35 units per ha
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2.0 SITE DESCRIPTION

2.1 The site comprises 0.2 ha within The Homesteads 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

3.1 There is no relevant history on the site. There is a current Enforcement enquiry regarding the temporary fencing which is on hold pending the outcome of this application.

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters.

Eighteen letters have been received. Concerns include the following –

- Proposal is contrary to CS policy H11
- Proposal is contrary to 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 para 53 protecting private gardens (suggests local authorities create policies to resist inappropriate development of private gardens)
- Cramped and over-developed
- Unacceptable impacts to immediate neighbours, particularly loss of privacy and outlook as well as some loss of light
- Proposal may prejudice a mature oak near proposed plot 7 which is covered by a TPO
- Planning Inspectors have opined that similar proposals would unacceptably harm the environmental quality of the Precinct
- Site is not a brownfield site
- Out of keeping

- Room sizes appear too small and no garages proposed (original Homestead properties are larger and include garages)
- No evidence of accessibility to emergency and refuse collection vehicles
- Loss of habitat
- Homesteads have a tendency to pond or partially flood, additional development would create surface water runoff issues to adjacent sites
- On-street parking is oversubscribed in the area, no visitors parking
- New road is too narrow and should not be shared with pedestrians
- Increased pollution from additional cars
- Additional burdens on services including sewer systems which do not appear sufficient to meet current density needs
- Additional impact on dentists and GPs,
- Impacts of the construction period

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.

Two letters queried the publicity carried out, but the process of public engagement has been compliant with internal procedures and legislative requirements.

4.3 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.4 HIGHWAYS:

The access is too narrow to allow both vehicles and pedestrians and there is insufficient parking overall.

4.5 LANDSCAPE AND ECOLOGY ADVISOR:

Refusal recommended. Objection as (1) the quantum of development does not allow for good quality landscape mitigation measures and (2) potential impacts to protected trees. Additional comment that a tree survey has not been provided.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 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:

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

5.2 Planning Policy 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

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:

THEMATIC POLICIES

- 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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

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.

5.6 Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The issues for consideration in this case 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 forms part of The Homesteads residential estate which was the subject of rapid house building in the 1960s – 1980s and extensive infilling and subdivision of large private gardens dramatically altered the character of the area.
- 6.3 Annexe 9 of the 1997 Local Plan was “saved” by the Council on 29th February 2012 for the determination of planning applications. This Annexe recognised the importance of retaining the original character of The Homesteads against further infilling and backland development.
- 6.4 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.
- 6.5 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

- 6.6 The proposed dwellings are 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

- 6.7 The gardens would be smaller in size than the surrounding properties and with the exception of Plot 6, would fall below the recommended minimum standards for dwellings of this size, contained in the Annexe 1 of the 1997 Local Plan.
- 6.8 Although they would provide useable space, the shortfall in size and difference in size between them and those of the adjacent dwellings are symptomatic of the overdevelopment of the site; which is out of character with the surroundings.
- 6.9 Annexe 1 (A1.2) sets out that new development must preserve existing private gardens and specifies a minimum distance of 20m from the window to the boundary. Private gardens in proposed housing should also be provided

with areas free from overlooking. The development would result in unacceptable overlooking from the upper floor windows of multiple dwellings into the private gardens of surrounding houses as well as the private gardens of the proposed houses.

- 6.10 The rear garden at 170 Branksome Avenue is currently free of overlooking. The rear bedroom window on Plot 1 would overlook the garden at a distance of less than 8m.
- 6.11 The rearmost side dormer on Plot 1 would overlook the private garden at Plot 2, also at a distance less than 8m
- 6.12 Additionally, the bedroom windows on the rear of Plot 2 would overlook the private garden at Plot 6 at a distance of approximately 10.4m.
- 6.13 The bedroom windows on the rear of Plots 4 and 5 would overlook the private garden at no172 Branksome Avenue at a distance of less than 10m (however an intervening outbuilding and indicative tree planting would mitigate views somewhat); and the rear bedroom windows at Plot 7 would overlook the garden at no166 Branksome Avenue, also at a distance of less than 10m.
- 6.14 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. However, the loss of privacy identified above is contrary to Policy PMD1 and Annexe 1 of the Thurrock Local Plan 1997, which safeguards the amenity of current and future occupants of both existing and proposed dwellings.

IV. IMPACT UPON PROTECTED TREES

- 6.15 The adjacent site is covered by individual and area Tree Preservation Orders. One Oak in particular is within close proximity to the site of plot 7 and, as no Tree Survey was submitted with the application, the impact on the adjacent tree has not been determined. Due to the proximity of the tree to the proposed house, there would likely be pressure to reduce or remove the tree to prevent shading. The density of the proposal would also provide insufficient space for effective landscape mitigation measures.
- 6.16 In light of the above, the proposal is contrary to Policy PMD2 in that it may result in the damage or loss of a significant tree and landscape character and would fail to offer opportunities for new landscaping.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.17 The proposal indicates the new estate road would be 4.8m wide and a shared surface. This is considered potentially hazardous as there are limited refuge facilities for pedestrians when confronted with a vehicle accessing the site. This raises issues of road and pedestrian safety particularly in the early section of the site.

- 6.18 The scheme proposes an access for the main cul-de-sac and two individual access for the properties fronting Branksome Avenue. The close proximity of these accesses has been identified by the Council's Highway Officer as an area of concern as the multiple accesses would make it difficult for pedestrians to negotiate. The development is considered to be contrary to Policy PMD9, and would be harmful to highway safety.
- 6.19 Each property, regardless of size, is shown to have 2 parking spaces. The spaces proposed are however slightly undersized and due to the layout would be difficult to enter/exit. The Council's Highway Officer requires 19 spaces throughout the site however the proposal provides just 16. Failure to provide sufficient, accessible parking spaces further points towards overdevelopment of the site, contrary to Policy PMD8 of the Core Strategy.
- 6.20 Furthermore, the application has not demonstrated how large vehicles such as refuse vehicles could access the site without overrunning areas outside the extent of the carriageway, including the footway. The scheme is therefore also considered to represent a potential safety risk to pedestrians. The proposal is therefore not considered to provide safe access for large vehicles, which would be contrary to Policy PMD2;

VI. OTHER MATTERS

- 6.21 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.
- 6.22 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units or more and no contribution requirements have been identified though the consultation process.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposal is unacceptable in principle as it would erode the character of the area, contrary to Policies PMD2, CSTP22 and CSTP23. In terms of further harm, the proposal would result in overlooking of private gardens, fail to ensure safe access/egress arrangements, fail to provide sufficient parking and be likely to result in a threat to nearby protected trees.

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 7 dwellings in a cul de sac formation within the 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.
- 2 The proposal would result in unacceptable overlooking of private garden spaces at no's 166, 170 and 172 Branksome Avenue and would create an unacceptable level of overlooking from Plot 1 into Plot 2 and from Plot 2 into Plot 6 contrary to policy PMD1 of the Core Strategy.
- 3 The layout of the site is deficient in highways terms:
 - (a) The proposed three accesses off Branksome Avenue are considered to present a risk to highway safety contrary to policy PMD9 of the Core Strategy.
 - (b) The proposed access lacks footpaths and requires pedestrians, cyclists and motorists to share the 4.8m wide access which is considered poor, potentially hazardous, design contrary to policy PMD2 of the Core Strategy.
 - (c) The proposal would fail to make adequate provision for off street parking which would result in vehicles being displaced on-street to the detriment of highway safety and efficiency contrary to policy PMD8 of the Core Strategy
 - (d) It has not been demonstrated that large vehicles, including refuse vehicles, would be able to enter and exit the site without overrunning the carriageway. This presents a risk to pedestrian safety and is contrary to policy PMD2 of the Core Strategy.
- 4 The proposal, by reason of the proximity between Plot 7 and a protected Oak tree in an adjacent established plot, fails to demonstrate compatibility with protected trees near the boundary with no166 Branksome Avenue and may result in the damage or loss of a significant tree or pressure for inappropriate pruning works or removal in the future contrary to policy PMD2 of the Core Strategy.

Informative(s)

- 1 Positive and Proactive Statement

Town and Country Planning (Development Management Procedure) (England) Order 2015 - 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: 18/00316/FUL

Montrose

168 Branksome Avenue

Scale: 1:2,500 Date printed: 22/05/2018

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