

Reference: 21/01427/CV	Site: Cedarwood Court And Elmwood Court Southend Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Application for the variation of condition no. 12 (Landscaping) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))

Plan Number(s):		
Reference	Name	Received
1951_01 Revision A	Proposed Site Plan	18 January 2022
1951_02	Location Plan	25 August 2021

The application is also accompanied by:

- Application Form

Applicant: Churchgate Stanford Limited	Validated: 20 September 2021 Date of expiry: 25 April 2022 (Extension of Time Agreed)
Recommendation: Approve subject to S106 agreement.	

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 PROPOSAL

1.1 Planning permission was granted at the site for the erection of two buildings containing 17 flats under the terms of application 11/00020/FUL. That planning permission was subsequently varied by planning permissions 15/00012/CV and 16/01332/FUL.

- 1.2 The planning permission granted under the terms of application 16/01332/FUL was implemented. Condition 12 of that permission, and the reason for that condition was as follows:

All specifications of hard and soft landscaping including the lighting and paving shall be strictly in accordance with details approved under reference 13/00648/CONDC.

Reason: In the interests of the character and appearance of the area in accordance with policies PMD1, PMD2 of the Core Strategy and guidance within the NPPF.

- 1.3 As far as is relevant to this application, the details approved under the terms of application 13/00648/CONDC included the following:

- The planting of 4 trees adjacent to the north west boundary of the site.
- Shrub planting within beds immediately adjacent to the north west elevation of the rearmost building at the site.
- Planting within beds around and within the parking areas that are central within the site, consisting of several shrubs and 5 trees.
- Shrub planting to the front of the building with one tree and the south east corner of the site.

- 1.4 It has been identified that the approved landscaping has not been implemented in accordance with the approved plan. Instead, there are the following soft landscaping features at the site:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and no trees.
- Low level planting beds within the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with no planting.

- 1.5 The applicant therefore submitted the application to try to regularise the provision of the planting that is set out above instead of that which was approved. This was identified by officers to be unacceptable, and the applicant has therefore amended the landscaping proposal to the following:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and two trees.

- Low level planting beds, including two trees, adjacent the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with four trees.

2.0 SITE DESCRIPTION

2.1 The site is located within Stanford Le Hope and contains two buildings as set out above. The buildings contain a total of 17 flats and are 3 and 4 storeys tall. The site is accessed from Southend Road with hardstanding to the front and side of Cedarwood House which leads to a parking area between the respective buildings. The soft landscaping present at the site is described above.

2.2 The site is surrounded by residential properties consisting of two storey dwellings and three and four storey buildings containing flats.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
11/00020/FUL	Demolition of existing structures and erection of two no. residential buildings, consisting of 7 x one-bedroom flats and 10 x two-bedroom flats and the provision of access and the laying of car parking and amenity.	Approved
13/00648/CONDC	Discharge of Conditions of application 11/00020/FUL. Condition 2 (materials) Condition 3 (final ground level of the site and finish floor level of the buildings) Condition 4 (landscaping) Condition 7 (wheel cleansing) Condition 8 (temporary hard standing)	Conditions Discharged.
15/00012/CV	Variation of condition for (11/00020/FUL) Condition 2 - window material to be white upvc - from grey aluminium Condition 3 - Finish floor level of block B	Approved
16/01332/FUL	Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV)	Approved
19/00066/CONDC	Application for the approval of details reserved by condition nos. 11 (Bin	Approved

	Storage) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))	
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- 3.2 Enforcement case 17/00288/BUNWKS was raised on the grounds of an allegation that the building was being built closer to neighbouring properties than approved. That case was closed. Enforcement case 18/00318/BUNWKS related to the lack of progress in relation to the provision of fencing and a boundary dispute.

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 and the positing of a site notice. No representations have been received.

At the time of writing, the amended plan was subject of a further phase of public consultation which continues until 11 April 2022. Any further comments received prior to the Planning Committee Meeting will be reported verbally.

4.3 HIGHWAYS:

No objection.

4.4 LANDSCAPE AND ECOLOGY ADVISOR

The initial proposals with no tree planting was found unacceptable and not supported. However, it has subsequently been confirmed that, provided the eight trees now proposed are provided, it is not a concern if the other two previously approved trees are not provided, particularly given the level of works that would be required to provide them.

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:

- 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. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The principle of the overall development at the site has been found acceptable previously and the development has occurred. This application relates solely to the variation of the condition which requires soft and hard landscaping to be in accordance with details that were previously approved.

6.3 Section 73A of the Town and Country Planning Act 1990 allows for applications to be made to regularise development that has occurred without

complying with a condition. If the variation of the condition is found acceptable, this would represent a new planning permission.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.4 The condition described earlier in the report was imposed on the basis that the hard and soft landscaping should be as approved in the interests of the character and appearance of the area.
- 6.5 As set out earlier in the report, the surrounding area is mostly residential in character with properties of varying scale and design fronting onto the busy route of Southend Road. The buildings of the area are set back from the road by varying amounts and their frontages are largely dominated by hardstanding albeit there are some areas of soft landscaping, most notably around Partridge Court at the opposite side of Southend Road and within a planting bed on public land opposite the application site. This character is largely repeated within Victoria Road to the rear of the site, and it is noted that the adjacent tandem flat block of Victoria Court is separated from the building in front of it by an expansive area of hardstanding. That building also features no trees around it.
- 6.6 In this context, whilst the reduction of soft landscaping at the frontage of the site results in the hardstanding being more prominent to the front of the site, it is not considered that the reduction of the area of soft landscaping and the provision of low-level planting only would be unduly out-of-keeping with the character and appearance of the site and the surrounding area. The provision of 8 trees: 2 less than previously approved, is a little unfortunate, but it is not considered that the presence of fewer trees at the site would cause the development to appear out of character within the locality.
- 6.7 For these reasons set out above, it is considered that 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 Although the condition that is the subject of this application was not imposed in the interests of protecting the living conditions of nearby residents, it is noted that the trees at the rear of the site would have provided some buffer between properties that could have reduced inter-visibility to some degree.

As set out above, the properties to the rear of the site include the flat block of Victoria Court and the semi-detached dwellings at 1 and 2 Gentry Close.

- 6.9 The trees that were approved were relatively low in height and, as such, any mitigation offered by those trees would have been minimal. The gap between buildings would remain as previously approved and, as such, it is not considered that the reduction in the number of trees on this boundary would be reason to find the effect on living conditions arising from the development unacceptable.
- 6.10 Furthermore, as the imposed condition did not specifically require the trees to be planted or retained, it is not considered that they could have been relied upon to offer any long-term mitigation to the residents of nearby buildings.
- 6.11 For these reasons, it is not considered that the variation of the condition and the approval of an alternative landscaping scheme would 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. OTHER MATTERS

- 6.12 The variation of the hard and soft landscaping at the site would not alter the access to the site and would not materially alter the parking layout. As such, the variation of the condition would not detract from highway safety.
- 6.13 As set out above, if approved, it would be necessary to impose a new schedule of conditions on any decision. A condition is now required to ensure that the soft landscaping shown on the submitted plans is provided. However, given that the development has been undertaken, it is considered that most other previous conditions are now unnecessary, with the exceptions being 8, 10 and 11 which relate to the glazing of windows, the erection of further fencing and the retention of the bin store.
- 6.14 As the previous permission was granted subject to a Section 106 agreement securing healthcare and education contributions, although the money has been collected and spent, a deed of variation to the previous Section 106 agreement is needed to reflect that a new permission would be granted if this application is approved.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 For the reasons set out above, it is not considered that undertaking the development in accordance with an alternative landscaping scheme to that which was previously found acceptable would cause the overall development to detract from the character and appearance of the area or the living conditions of the occupiers of neighbouring properties.

8.0 RECOMMENDATION

- 8.1 APPROVE planning permission, subject to:

1) The completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990, or a deed of variation to a pre-existing obligation, to secure the following heads of terms:

Health Contribution - £7000 towards health care facilities

Education Contribution - £25,000 for the expansion of St Cleres School

- 8.2 And the following planning conditions:

Soft Landscaping

- 1 All soft landscape works shown on plan 1951_01 shall have been completed prior to the end of the first available planting season (October to March inclusive) following this planning permission being granted. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable soft landscaping is provided at the site in accordance with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Obscured Glazing

- 2 The windows located in the north and south facing flank elevation of "Block A" hereby permitted shall be permanently fixed shut glazed with obscure glass. Furthermore, the windows located in the north and south facing flank elevation of "Block B" hereby permitted shall be permanently fixed shut below

a height of 1.7 metres above finished floor level and glazed with obscure glass. These windows shall be maintained and retained in that form without modification.

Reason: To safeguard the privacy of the adjoining resident(s).

Further Fencing Provision

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 and Section 55 of the Town and Country Planning Act 1990 (or any order amending or revoking such an order), there shall be no erection of fencing walls or other means of enclosure, other than those which have been previously approved. Furthermore, there shall be no formation of hardstanding or surfacing works without the additional planning permission first being obtained.

Reason: In the interests of the character and amenity of the development in accordance with policies CSTP22 and PMD2 of the Core Strategy.

Refuse Storage and Collection

- 4 The details approved in relation refuse storage and collection and under the terms of application 19/00066/CONDC shall be retained at all times without modification.

Reason: In the interests of highway safety in accordance with Policy PMD2 of the Core Strategy and guidance within the NPPF.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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>

