

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
1 July 2020

REFERENCE: HW/FUL/20/00036

OFFICER: Patricia Coyle

APPLICANT:

LOCATION: Kings Acre
Third Avenue
Harlow
Essex
CM18 6YL

PROPOSAL: Change of use and extension to existing bungalow (Use Class C3) to a rehabilitation centre

LOCATION PLAN



REASON BROUGHT TO COMMITTEE

The application has been called-in to committee by a Councillor David Carter due to its wider public interest.

PROPOSED DEVELOPMENT

Change of use and extension to existing bungalow (Use Class C3) to a rehabilitation centre

Application Site and Surroundings

The site comprises Kings Acre, a 2-storey, 4-bedroom detached house with a garage and other outbuilding.

The application site is located with a green wedge and there is substantial green screening to the boundaries.

The site has a vehicular access onto Third Avenue

Details of the Proposal

The proposal is for the conversion and extension of the existing house to form an 18-bed ancillary rehabilitation centre ancillary to nearby Passmores House. The extension would involve the demolition of the existing outbuildings. Five parking spaces are proposed.

RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site. Passmores House was granted consent for a Residential Care Home and Day Centre in 2006 (Ref.s HW/PL/06/00397 and HW/LBC/06/00395).

CONSULTATIONS

Internal and external Consultees

Essex County Council - Highways

The proposal does not mention servicing and deliveries which might be expected. The turning area should be increased to a Size 3 Turning Head to provide access for servicing, delivery and fire and refuse vehicles. A suitable condition can be attached to ensure that the Turning Head is of sufficient size.

Place Services - Heritage

Kings Acre is situated in the grounds of Passmores House, a Grade II listed building dating from the mid-18th Century along with its associated 18th century outbuildings (also listed). A scheduled monument also occupies the site demarking the former moated site. NPPF Section 16 is relevant.

The proposed development is not small in scale as there would be a significant increase in footprint. However, it would be largely screened by the wooded area between the designated heritage assets and the existing building.

The design elements will also be largely screened and, as the proposal is single-storey it will not result in any significant harm to the setting of Passmores House and designated heritage assets.

The undeveloped nature of the green wedge should be preserved.

I have no objections to the application subject to the additional of conditions to ensure the buildings is of a high quality, including samples of material to be submitted.

Place Services - Archaeology

Passmores House Moated Site is a Scheduled Monument and the Historic Environment Record shows that the proposed development is located within an area of known archaeological significant. A condition is recommended that no work is undertaken until a programme of archaeological work is submitted and approved.

HDC - Cleansing and Environment

No objections. Commercial waste would not be collected.

Tree Consultants -

Following an assessment of the documents and plans submitted as part of the proposed development, it is evident that whilst the trees have not sufficiently been considered (i.e. no tree survey or Arboricultural Impact Assessment), the impacts to trees and green infrastructure is low – specifically, this is because no trees will be removed, which is detailed within the Landscape & Visual Appraisal (LVA). Therefore, the proposed development can be considered for consent. However, it will be necessary for a pre-commencement planning condition to secure a fit-for-purpose Arboricultural Method Statement (AMS).

Thames Water

Providing the sequential approach to the disposal of surface water is followed, there are no objections to the proposal. Prior approval from Thames Water will be required if discharge is to be to a public sewer. Works near public sewers would need to be undertaken in line with Thames Water's guide.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 1

Date Site Notice Expired: 6 March 2020

Date Press Notice Expired:

Summary of Representations Received

One piece of correspondence was received from a Community Group supporting the proposal. While not a planning issue, the Group also ask if Harlow Council would be willing to purchase the site if it comes up for sale in future.

PLANNING POLICY

BE1: "Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

BE3: "Sustainable Development" development on previously developed land at a higher density than that existing will be supported providing; it is accessible by public transport or is in a sustainable location relative to proximity to supporting services and/or employment sites; does not result in over development; is compatible with the character of the area and urban design policies and guidance.

H13: "Existing Housing Areas" permission will be granted for demolition of satisfactory residential accommodation, change of use of buildings or land in residential use, or allocated for residential development if: the proposal facilitates the development of additional housing or redevelopment at a higher density except where the development proposals facilitates regeneration; the change of use is necessary to secure the preservation of a listed building; the existing building is unfit or sub-standard and cannot be economically improved and brought into housing use; the proposal is for essential public open space; the development provides essential new public amenities.

CP1: "Community" major new housing development should set aside land and make financial contributions for the provision of associated community facilities such as schools, community centres, health centres and churches. These facilities should be sited in local centres or other sustainable locations.

CP5: "Community" additional provision and expansion of health care facilities will be support in established health centres. New medical, dental or other health facilities will be permitted elsewhere if: it can be shown it will improve health care in the locality; it will not be detrimental to current provision; it would not be detrimental to the amenities of adjacent homes and properties.

T9: "Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

NE1: "Green Wedge" will be protected from inappropriate development. Permission will be granted, for small scale development proposals or replacement buildings that do not have an adverse effect on the roles of the Green Wedge.

T6: "Cycling and Walking" new developments, including re-developments, changes of use and town centre and transport interchange improvements will be required to provide: safe, direct cycleways within the development; appropriate contributions to improve and develop cycleways serving the development; links to the existing cycleway network; safe, secure and convenient cycle storage; other facilities for cyclists as appropriate.

BE13: "Archaeology" the desire to preserve the remains and setting of a site with archaeological remains of lesser importance will be a material consideration. This will be balanced against the importance of the remains; the need for the development; the possibility of preservation in situ and/or the appropriateness of an archaeological excavation for 'preservation by record'.

BE14: "Archaeology" proposals that affect a site where archaeological remains exist will only be determined after an archaeological field evaluation has been undertaken.

BE6: "Listed Buildings" proposals for the extension or alternation of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following: the character that forms its value as being of special architectural or historic interest; particular physical features that justify its protection; its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas.

BE7: "Listed Buildings" permission for development that would necessitate the demolition of a listed building, or buildings, or compromise its/their character or setting, will not be granted.

BE8: "Listed Buildings" permission may be granted for the change of use or conversion of a listed building, even if it conflicts with other policies, if it can be shown that this is the only way

to preserve the building by providing an income for the upkeep and repair. Justification should not be made on increased revenue or property values.

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between 12 March and 31 May 2020. The Inspector is considering the representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council's Adopted Development Management Policies (2011)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

Summary of Main Issues

The key considerations in determining this application are: the principal of the development, the design and its impact on the character and appearance of the area, including on the setting of the nearby listed building, Passmores House; the impact on trees and other landscaping; the impact on amenity of local residents; and access, parking and highway safety concerns.

Principal of Development

The proposal would result in the loss of a residential property (Use Class C3) to a residential institutional use within Use Class C1. Policy H13 of the Adopted Replacement Harlow Local Plan (2006) indicates that planning permission will be allowed for the change of use of buildings or land in residential use providing the proposal meets the criteria which are: that there would be additional housing provided; the change of use if necessary to secure preservation of a threatened listed building; the existing building is unfit; the proposal is essential for public open space; or, the development provides new public amenities. Policy CP5 indicates that “...*New medical, dental or other health care facilities will be permitted outside established health centres*” This is subject to 3 criteria which are that it would improve provision of health care in the locality, would not be detrimental to existing provision and would not be detrimental to the amenities of adjacent homes and properties; none of which are that housing would be lost as a result.

The emerging Harlow Local Development Plan Policy H4 also indicates that the change of use of residential land and buildings must meet 4 criteria but with the final criteria being “*d) the development would be essential for facilitating development in conjunction with policies in the Local Plan*”. The proposed residential institutional use is akin to a health-care facility and Policy L2 of the HLDP indicates that community uses and facilities will be permitted where “*a) there is evidence of a demonstrable need for the use and/or facility or a benefit to the local community*;..

The proposal would result in a change of use and the building to a residential institutional use providing additional rehabilitation centre beds which would be ancillary to the main Passmores House facility. As such, the proposed conversion and extension of the building would provide mainly bedrooms. There would be 18 bedrooms, a communal lounge and a small clinic room.

Passmores House provides a rare facility which specialises in rehabilitation on a residential basis. It is considered to provide a high level of care and is supported by a local community group.

It is not proposed to provide a direct access between Passmores House and the ancillary accommodation at Kings Acre. This is in part due to there being a substantial wall and water feature to the southern boundary adjoining the application site and also as there is access via the vehicle access and public footways. As this would be on public footpaths the facility would not be self-contained. The applicants indicate that those housed at Kings Acre would be in the final stages of their treatment and that staff would be on hand or could be called in to deal with any issues should they arise.

Given that the proposal would provide an increased level of service for the community in Harlow reflecting a local need (although it would also be available more widely) and that it is juxtaposed with the main residential care facility at Passmores House, it is considered that the loss of one residential property to a residential institutional use would not have a significant impact on the provision of housing generally in the District such that its loss would, in this case,

be acceptable. It is considered that this would be in accordance with Policy CP5 of the ADHLP (2006) and the emerging plan's Policies H4 and L2.

While the proposal is considered to be acceptable in this case, the ancillary nature of the proposal and specialised use should be appropriately controlled by the use of a suitably-worded restrictive condition so that the Council can retain control over any future use of the application site.

Design and Impact on the Character and Appearance of the Local Area

The proposal involves the demolition of outbuildings and the erection of an extension and change of use of the existing dwelling into residential bedrooms in association with Passmores House, an existing rehabilitation centre which is located to the north-east of the application site, directly abutting the shared boundary.

While the proposal is for a change of use, the relevant part of the Harlow Design Guide (2011) relates to residential extensions. Principle 47 indicates that *"Proposals for the extension of properties should respect the size, grain, height, materials, features and layout of the building to be extended, as well as the surrounding buildings. Overshadowing of neighbouring properties should be minimised and consideration should be given to their visual amenity in developing proposals."* and specifically for single storey rear extensions for detached properties at para. 4.12.13 *"Extensions should ensure that there is no detrimental effect in terms of overshadowing or overlooking on nearby properties"*.

Also within the Green Wedge, Policy NE1 indicates that permission will not be granted, except for small scale development and building replacements which do not have an adverse effect on the roles of the Green Wedges.

The extension proposed would be single-storey. While it would have a flat roof which would not match that of the house itself, it is considered that the flat roof would give the extension a lower profile and less bulk. The proposed change of use to Use Class C1 (residential institutional use) which would be ancillary to the main Passmores House facility would result in the proposed conversion and extension of the building mainly being bedrooms for residential institutional use, rather than the normal facilities for general residential housing use. As such, the proposal layout of the 18 bedrooms would be around a central area/courtyard and with the proposed extension being single-storey and not extending beyond the envelope of the existing house and outbuildings, it is considered that it would not have an increased impact on the character and appearance of the surrounding area. In particular with significant screening to the boundaries, it is not considered that the single storey extension would result in any significant impact on the Green Wedge in which the application site (and Passmores House) is located such that it would continue to meet the roles identified by retaining the open character, preserving the setting of the historic site of Passmores House and continuing to separate the neighbourhoods, housing area and industrial areas in line with Policy NE1.

It is considered that the design and appearance of the proposed development accords with the provisions of saved Policies BE1 and NE1 of the Adopted Replacement Harlow Local Plan (2006) as well as the design principles of Harlow Design Guide (2011).

Impact on Trees and other Landscaping

The site has a large amount of tree screening to all its boundaries.

The applicant has submitted a visual and landscape assessment in support of the scheme. The Council's Arboricultural Consultant has indicated that the impacts to trees and green infrastructure is low as no trees are identified for removal. Therefore, the proposed

development can be considered for consent subject to a condition being attached to require the submission of an Arboricultural Method Statement.

It is considered, given that the boundary trees would be retained that this would ensure that the amenity value of the site and its relationship with adjacent development and green wedge would not be adversely impacted on, in accordance with Policy NE11 of the ARHLP (2006).

Impact on Amenity of Local Residents

Principle DG48 of the Harlow Design Guide (2011) indicates that "*Rear, side and front extensions will be assessed in terms of:.... Their effects upon the neighbouring property (if relevant)*"

The nearest existing residential occupiers are located to the south of the application site in Kingsland and the proposed extension would be to the south of the existing building, replacing existing outbuildings.

Given the distances involved, including a brook and intervening tree screening and as the proposal is for a single-storey development within the envelope of the existing buildings/ outbuildings, it is not considered that there would be any harm to existing residential occupiers from the building/extension itself.

Given that the proposal would involve at least 18 people sharing this building, it is likely that noise and activity would be greater than that associated with a single residential property. However, the access and parking area is located away from the nearest boundary from adjoining residential properties and there would be over-sight of the ancillary facility from Passmores House itself to help ensure any short-term residents do not cause any undue harm to existing residential amenities.

It is therefore not considered that the proposal would give rise to unreasonable harm to local residents' existing amenities, in accordance with Policy BE1 and the Harlow Design Guide.

Access, Parking and Highway Safety Concerns

The vehicle access point is from Third Avenue along a single driveway (shared with Passmores House which would remain as currently).

It is proposed to provide limited parking with 5 parking spaces shown on the submitted plans. As parking for residents is limited to that at Passmores House, this provision would be for staff or servicing. The outside spaces have capacity to serve as disabled spaces such that there would be sufficient spaces for any disabled residents or staff. This could be formalised through the attachment of a suitably-worded condition.

It is not known how many parking spaces or staff are associated with Passmores House, however, it is not intended to increase the staff complement in relation to the proposal. However, the applicants do not consider that more than 5 additional spaces are needed in relation to the ancillary accommodation.

Essex County Council Highway Authority raised no objection to the scheme as it is not contrary to the Highway Authority's Development Management Policies (2011) and the traffic and highway safety impacts of the development are considered to be acceptable, subject to conditions.

Refuse

A Refuse Strategy Plan has been submitted to demonstrate that storage capacity will be provided in accordance with the Building Regulations. The Council's Street Scene Manager has been consulted and no objection has been received although the Council do not normally collect commercial waste.

CONCLUSIONS

The scheme would result in the loss of a single general market house, however, the use would provide an increased service to local residents as well as those from elsewhere. The loss of the house to a residential institutional use is considered to be acceptable in this case.

The scheme is considered to have an impact on the green wedge, however the conversion/extension would be contained in the existing building envelope and significant screening on the site boundaries prevents this from having a wider impact on the character of the area and on existing residential amenities.

There would be no significant adverse impact on local amenity and no access, parking or highway safety concerns.

It is therefore recommended that planning permission is granted.

RECOMMENDATION

That Committee resolve to APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.
REASON: In the interest of visual amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.
- 3 The development hereby permitted shall only be for the use identified within Use Class C1 as a rehabilitation facility ancillary to the main facility at Passmores House and for no other use.
REASON: To retain control over the future use of the application site
- 4 No development shall take place before the applicant, their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full in accordance with the approved scheme.
Reason: To ensure that any archaeological remains are properly recorded in line with Policies BE13 and BE14 of the Revised Adopted Harlow Local Plan (2006)
- 5 No development shall take place on site, including site clearance, tree works, demolition or any other works, until the details relevant to the safe retention and protection of on-site and any relevant off-site trees are submitted within an

Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Following the written approval of the AMS, the proposed development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority (LPA) in writing. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.

The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

Reason: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and Policy NE11 of the Local Development Plan.

- 6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 7 Prior to first occupation, details shall be submitted for a Level 3 Turning Head for approval by the Local Planning Authority. Once approved, the Turning Head shall be implemented prior to first use of the facility and shall be retained thereafter.

REASON: In the interests of Highway Safety.

- 8 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
	--	Location Plan	24.01.2020
19.15.202	--	Proposed Site Plan	24.01.2020
19.15.203	--	Proposed First Floor Plan	24.01.2020
19.15.204	SOUTH WEST	Proposed Elevations	24.01.2020
19.15.205	NORTH WEST	Proposed Elevations	24.01.2020

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.