

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
14 October 2020

REFERENCE: HW/FUL/20/00121

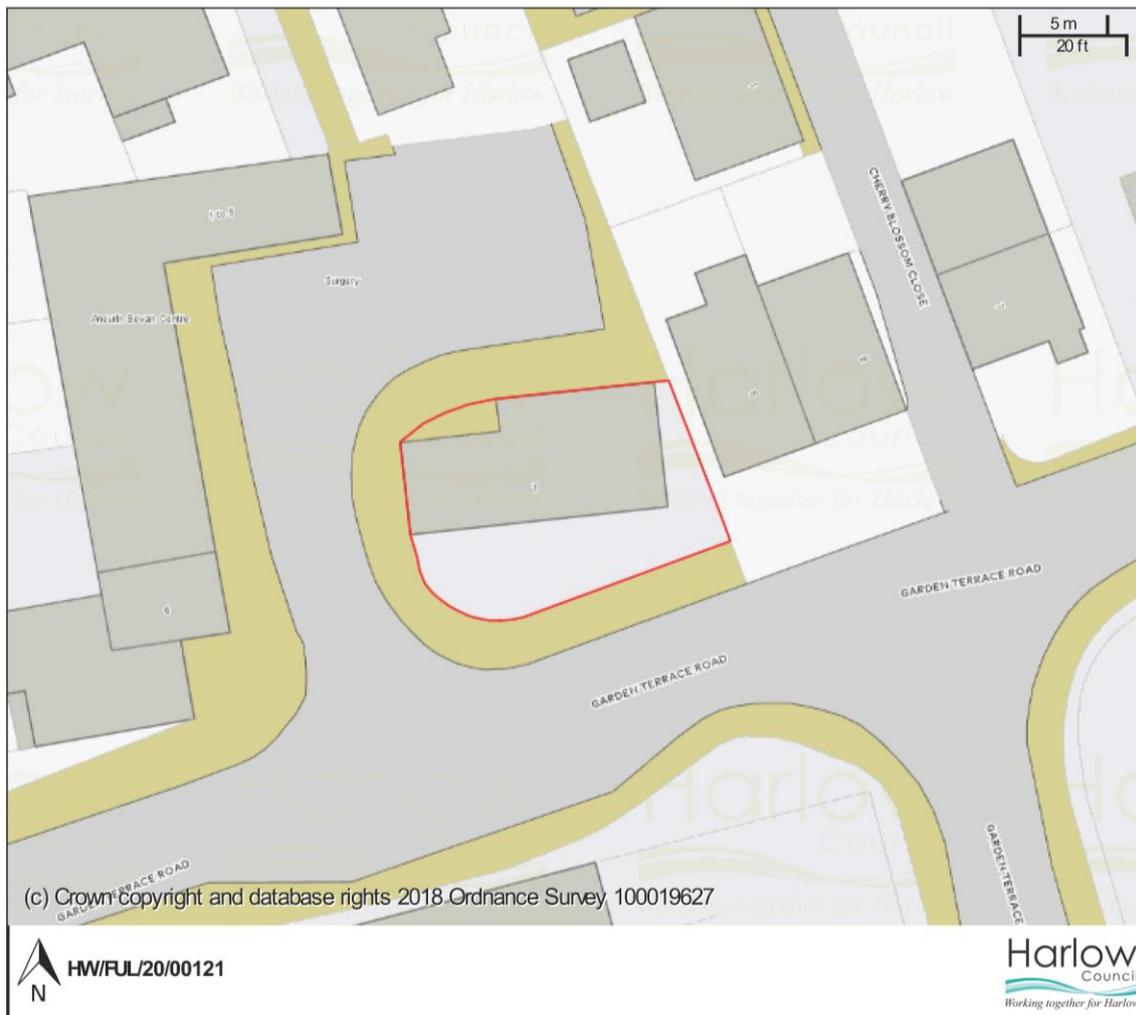
OFFICER: Nicholas Fu

APPLICANT: Mrs Linda Reynolds

LOCATION: 7 Garden Terrace Road
Harlow
Essex
CM17 0AT

PROPOSAL: Change of use to convert redundant launderette into a daycare nursery

LOCATION PLAN



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REASON FOR COMMITTEE

More than two objections have been received which are contrary to the officer recommendation

Application Site and Surroundings

The application relates to a single storey building on 7 Garden Terrace Road. The building was used by the Old Harlow Launderette and Dry Cleaners until recently. The frontage of the application site is occupied by overgrown vegetation.

The site sits within an area which appears to have been designed as a small service bay with a number of separate units and a small parking area. It appears that most of these units were combined and is now occupied by a childcare centre, except for the takeaway at the corner and the application site which is a launderette.

The surrounding area is mixed-use in character. The Cherry Blossom Close dwellings are located to the immediate east of the site. The Harlow War Memorial Institute is located further east beyond the residents. To the north of the application site, and beyond the parking area, is the Vince Dunn Mews residential development which is accessible through a footpath. The Old Harlow Health Centre is located to south of the site on the opposite side of Garden Terrace Road. There is a public car park next to the Health Centre. To the further west of the application site to the end of Garden Terrace Road is the rear service area for the shops and restaurants on High Street.

The application site does not sit within a Conservation Area, but it is in close proximity to the Harlow Garden Village Estate Conservation Area and the Old Harlow Conservation Area. There are also a number of Listed Buildings within the wider setting, including the Grade II Listed Barclays Bank on Station Road which is approximately 50m west of the site.

Details of the Proposal

This application seeks planning permission for a change of use from launderette to a daycare nursery. The applicant, Home from Home Childcares, is the operator of the existing day nursery adjacent to the site. It is understood that the proposal would be an extension to their existing operation. The application indicates the proposal is for 20 children and would have 3 full time and 1 part time staff. The original front amenity area, which is now occupied by overgrown vegetation, would be turned into a 'garden area' with high level fence. The proposal includes mostly internal alterations, but some existing windows and external decorative features would be replaced.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Internal and External Consultees

Essex County Council Highways Section

No objections - The applicant has undertaken a Parking Beat Survey which has confirmed, to the satisfaction of the Highway Authority, that the proposal will not cause a highway safety issue in the locality. Especially given the small scale and the times of opening, will spread pick up and drop off times.

Neighbours and Additional Publicity

Number of Letters Sent: 75

Total Number of Representations Received: 52

Date Site Notice Expired: 31 July 2020

Date Press Notice Expired: 30 July 2020

Summary of Representations Received

The application received 52 public letters, including 42 supportive comments, 9 objections and 1 observation letter.

Reasons in support of the application:

- Good use of a vacant unit
- This would improve the existing childcare facility
- The children of the existing nursery need an outdoor space
- The removal of overgrown at the frontage is an improve the street scene

Reasons for objection:

- The proposed nursery would exacerbate the existing parking problems within the area
- The rear parking area is also used by the residents of Vince Dunn Mews, and there are not enough spaces
- The proposal would generate additional traffic and cause highway safety concerns
- Some road users prefer on-street parking to avoid paying for the public car park
- Impacts on living condition including access to sunlight/daylight, overbearing impact, privacy and noise
- The children from the existing nursery uses the public amenity spaces with Vince Dunn Mews without permission from the residents
- Not a practical site for nursery
- Loss of trees and habitats
- Littering from the staff and parents

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.

BE19:"Environmental Improvements" Two areas for regeneration have been identified: Northbrooks Regeneration Area and Old Harlow Area of Opportunity.

NE11:"Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

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.

BE10:"Conservation Areas" new development within or affecting a Conservation Area will be granted consent subject to: it not harming the character or appearance of the Conservation Area; the scale, height, form, massing, elevation, detailed design, materials and layout respect the character of the Conservation Area; the proposed land use is compatible with the function and activities of the Conservation Area.

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, were consulted upon between 12 March and 31 May 2020. On the 8 September 2020: Harlow Council published a new report relating to housing need. A consultation on this report ran for 2 weeks until 25 September 2020. Subject to receipt of the Inspectors report, is anticipated the Plan will be formally adopted by the Council in Autumn 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.

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)

The Essex Parking Standards: Design and Good Practice (2009)

Essex County Council's Adopted Development Management Policies (2011)

Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

The main considerations for this application are the principle of development, the impacts on the character and appearance, neighbour amenity, and parking and highway safety concerns.

Principle of development

The Adopted Replacement Harlow Local Plan (ARHLP) and the Emerging Local Plan are silent regarding the development principle of a change of use to nursery/preschool in this location. The acceptability of the proposal would therefore be dependent on other material considerations.

On 1st September 2020, the Government introduced a new 'Commercial, business and service' use class (Class E), which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices (B1) use classes. Uses such as gyms, nurseries and health centres (previously in use classes D1 Non-residential institutions and D2 Assembly and leisure) and other uses which are suitable for a town centre area are also included in the class.

Should the application site was being used as other shop and services falling within the previous Class A, the applicant would be entitled to convert the application site into a day nursery without full planning permission from the Local Planning Authority in accordance to the new use classes order.

Planning permission is required in this instance as the existing use of the application site is a launderette, which is a Sui Generis use. It is, however, recognised that through the introduction of the new use classes order, the Government's objective is to bring various commercial business and service together and give businesses greater flexibility to adapt to changing circumstances, prevent vacant units and to respond more quickly to the needs of their communities. This is considered to be a material consideration weight in favour of the proposed development.

Character and appearance

The surrounding area is mixed-use in character. The site is an existing launderette. There is a health care centre to the south of the site, a takeaway to the west and residential developments to the east. To the north of the site in an area which appears to have been designed as service bays, but it is occupied by a daycare nursery. The current proposal is to use the site as an extension to the existing nursery. Given the mixed-use nature of the area, and that the proposal would be used in connection with the existing nursery, it is considered the proposed change of use would be in keeping with the character of uses within the surrounding area.

The proposed alterations are mostly internal works. The proposed drawings indicate some replacement uPVC windows and decorative panels, which are considered to be acceptable works to the aging buildings. The overall appearance of the main building would not be significantly changed. A condition requesting sample materials would ensure the appearance of the development was appropriate and would not detrimentally impact on the surrounding area.

The front curtilage of the application site is currently occupied by overgrown vegetation including a tree. The proposal includes a high level fence enclosing the front curtilage, which would become the main feature onto Garden Terrace Road replacing the existing vegetation. Although the application does not include any arboricultural information, the proposed drawing indicates the front curtilage to be an enclosed 'garden area' and it is obvious that some of the vegetation would be removed. This would have some impacts on the visual amenity of the streetscene. However, the landowner could at any time reduce this overgrown vegetation without planning permission, as there is no tree preservation order (TPO) and the site is not within a conservation area. The Council's Landscape Architect was consulted and does not indicate the tree is worthy of protection by a TPO. It is therefore not considered justified to refuse the application on arboricultural grounds.

The Council's Landscape Architect recommended a condition on Arboricultural Method Statement, but this is considered to be an unreasonable burden on the applicant due to the status of the tree as explained above. A condition on detailed landscape scheme should be imposed to ensure an acceptable visual amenity quality.

Moreover, the proposed fence is arguably more important to the appearance of the streetscene. Although the appearance of the fence is not provided, it would be very prominent within the streetscene and in some way create a 'dead frontage' onto a main pedestrian route. The appearance of the streetscene would be weighed against the needs of the proposed nursery, in this case child safety. It is therefore important that the boundary treatment would be of high quality. In order to mitigate the impact on public visual amenity quality, and in view of the existing appearance of the site, it is considered that the condition on detailed landscape scheme should also include detailed design of a high quality fence, and request greenery to be planted on the outer side of the fence.

The application site is located just outside of the boundaries of two Conservation Areas which include a number of Listed Buildings. This application relates to the change of use of an existing building and the proposed alterations to the external appearance of the site, as discussed above, are also considered to be acceptable. Given the setting of the application site and its immediate surrounding, it is considered that the proposal would have a neutral impact to the character and appearance of the Conservation Area. Although there are some Listed Buildings within the wider area, there are spatially and visually separated from the application site. It is considered that the proposed change of use would not detract from the setting of these heritage assets.

Neighbour amenity

There are some residential developments within close proximity of the site. Particularly nos. 1, 8 & 9 Cherry Blossom Close would be most affected as they have boundaries shared with the proposal site. The proposal would not increase the size of the existing building, and does not include any new windows facing its neighbours. It is therefore considered that the proposal would not result in any loss of sunlight/daylight, privacy and overlooking issue. The main concerns on the impacts on amenity of neighbouring properties would be mostly relating to noise, traffic and other form of disturbances.

The proposed drawings indicate a new enclosed 'garden area'. Given the nature of a daycare nursery, it is reasonable that this 'garden area' would be used as an outside play area for the children. This area would be within the front curtilage and enclosed by high level fence. Although the applicant indicate there would be up to 20 children, it is also understood that the proposal would be used as an extension to the existing nursery adjacent to the site. The relatively small size of this outdoor area means that it is unlikely that a large number of children would be playing outside at the same time. The application property has a similar front building line as the neighbouring houses on 8 & 9 Cherry Blossom Close, the disturbances such as noise due to the use of this outdoor area would be mostly contained within the front area adjacent to the highway.

The nature and character of the noise disturbance are associated to the proposed use, and in this instance would be day-time noise and unlikely to have any night time use. This is not considered have an adverse impact to the living condition of the neighbouring residents. Moreover, the application site is also positioned within an existing mixed-use area where a certain degree of commercial disturbances would be expected. The opening hours of the existing day nursery next door are 7:30am to 6pm Monday to Friday. As the proposed development would be used as an extension to the existing unit, it is consider reasonable to impose an opening hours condition which is the same as the exiting opening hours of the existing unit. This would prevent unacceptable impact to neighbour amenity at unreasonable hours.

Residents from Vince Dunn Mews are concerned about the public amenity space within their estate would be used by the children without their permission. This is however not a reason to refuse the application as: 1) this is private civil matters between two parties; and 2) behaviour of individuals would not form a refusal reasons unless it is a direct result of the application.

While the proposed nursery would result in some disturbances which could affect the living condition of the neighbours, in this instance this is not considered to be significant to a degree which would warrant the application a refusal.

Parking and highway

According to the Essex Parking Standards, parking for child care centre should be provided at a level of 1 car parking space per full time equivalent staff plus drop off/pick up facilities.

To the rear of the application site is a small parking area, which is shared by the existing nursery and the takeaway. Some residents from Vince Dunn Mews also park here. The applicant indicates two of these spaces are designated to the application property. Nevertheless, there is no obvious parking restriction in place and the arrangement at the moment is rather informal. There is some existing on-street parking within this part of Garden Terrace Road.

The applicant undertook a parking survey which suggests that there are sufficient spaces within the surrounding area for parking and pick-ups and drop-offs, including both formal and informal provisions. Essex County Council's Highway Officer was consulted and he is satisfied with the parking survey. There is no objection from the highways perspective.

The applicant indicates there would be 3 full-time and 1 part-time staff, but the property only has 2 allocated spaces, which is not sufficient to meet the Essex Parking Standards. It is however noted that there are some public car parks within walking distance to the application site, with the closest one being on the opposite side of the road. The site is also within a suitable location with local bus route serving the Old Harlow area. Therefore a lower parking provision is acceptable in this instance.

Whilst the existing parking situation on Garden Terrace Road is less than ideal, the application site is located within a suitable location and served by public car parks. Some neighbours highlight that some road users prefer to park on the street to avoid paying for the public car park. However, it is not considered justified to refuse the application on individual behaviours. The Highway Authority has no objection on the application from the highway safety perspective. It is on-balance considered that the proposed development would not result in the degree of harm in parking and highway safety terms to warrant a refusal.

Other Issues

Children safety

Some representations concerned about the safety of children, especially the outdoor play area is within the frontage adjacent the highway. The front play area is enclosed by high level fence so it is unlikely that children would be running onto the main highway. Whilst the proposed nursery would be used in connection to the existing one, which is located on the other side of the access road, it is not considered reasonable to refuse the application on the assumption that children would be running between the two premises ignoring the highway conditions.

Individual behaviour

There are concerns on the undesirable behaviour regarding the childcare centre staff, parents and children. However, these are issues of the behaviour of individual, and not a direct result of the proposed development. It would not be reasonable to refuse the application on this basis.

CONCLUSIONS

The Local Plan is silent regarding the principle of the proposed change of use in this location. It is considered that the proposed use would be in keeping with the surrounding area which is mixed use in character. The proposal would result in the loss of the existing greenery within the front curtilage of the site and within the streetscene, but it is not considered to justify a reason on arboricultural grounds. Conditions requiring the submission of Arboricultural Method Statements, landscaping details and boundary treatment details would ensure an acceptable level of visual amenity quality.

There are some concerns on neighbour amenity, parking and highway safety. However, it is not considered that these concerns are significant to a degree which would warrant the application refusal.

Overall, it is considered that the proposed development does not contravene the ARHLP policies, the Harlow Design Guide SDP and the Essex Parking Standards. There is no policy ground to justify a refusal, and therefore the application is recommended for approval subject to conditions.

RECOMMENDATION

That Committee resolve to **Grant Planning Permission** 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 The proposed day nursery, hereby permitted, shall not operate outside 0730hrs to 1800hrs Monday to Friday. It shall not be opened on a Saturday, Sunday or public/bank holiday.
REASON: In the interest of neighbour amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

3 Prior to the commencement of the development hereby permitted, full details of both hard and soft landscaping proposals have been submitted to and approved by in writing the Local Planning Authority. These shall include:

- Details and locations of hard surfacing
- Details of all boundary treatments. The boundary fence for the front garden area, as marked on the proposed layout plan (reference 2/6, received on 10.03.2020) shall be no more than 2m in height.
- A method statement for implementation and maintenance
- Details of planting on the outer side of the boundary fence for the front garden area. The details shall include planting plans, schedule of plants to be used, planting techniques and programme of maintenance for a period of 3 years following completion of the scheme

The approved hard surfacing and boundary treatments shall be implemented prior to the first occupation of the development, and thereafter retained in perpetuity. The planning scheme shall be implemented during the next planting season following completion of the development, and thereafter retained in perpetuity.

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity, and in accordance with Policies BE1 and NE11 of the Adopted Replacement Harlow Local Plan, July 2006.

4 Prior to the commencement of development, comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, walls, roof, windows, doors, soffits, guttering and mortar mix. Where appropriate, a sample panel of a minimum 1m² shall be erected on site to demonstrate the use of materials proposed. The development shall thereafter be carried out in strict accordance with the approved details.
REASON: In the interest of visual amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

5 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
2/6	--	Proposed Layout Plan	10.03.2020
4/6	FRONT & REAR	Proposed Elevations	10.03.2020
6/6	--	Proposed Side Elevation	10.03.2020

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.