

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/FUL/23/00036

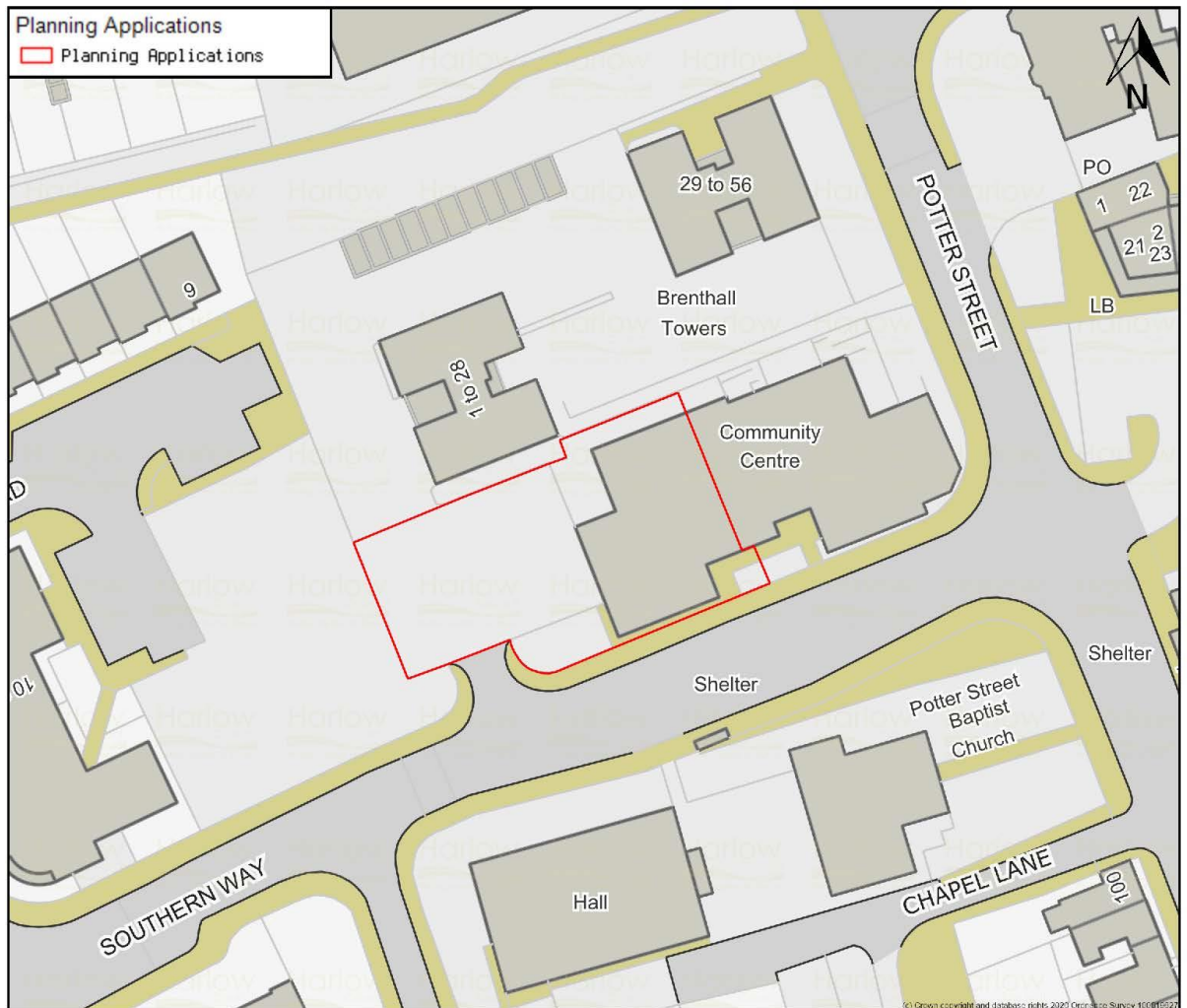
OFFICER: Mick Gavin

APPLICANT: Mr Andrew Start

LOCATION: 96 Potter Street
Harlow
Essex
CM17 9AQ

PROPOSAL: Conversion of existing offices into 1 x one bedroom flat and 4 x two bedroom flats. Creation of thirty eight additional regular parking bays and three electric vehicle charging points and two disability parking bays.

LOCATION PLAN



PROPOSED DEVELOPMENT: Conversion of existing offices into 1 x one bedroom flat and 4 x two bedroom flats. Creation of thirty-eight additional regular parking bays and three electric vehicle charging points and two disability parking bays.

Reason brought to committee.

The applicant is Harlow District Council.

Summary

The proposal would provide additional dwellings within a currently vacant building which is located close to community facilities and services. It would also provide additional car parking to address issues of on-street parking congestion. The proposal is considered to comply with Development Plan policies and it is recommended that permission be granted.

Details of Proposal

Permission is sought for conversion of a vacant two-storey building to five flats, rearrangement of existing parking on building's west side and creation of a link from this to an area of new parking, to comprise an additional 32 parking spaces, on land adjoining to the west. This adjacent area is currently scrub land, separated from no.96 by a row of trees along the boundary.

The five flats would comprise two two-bedroom flats at ground floor and two two-bedroom and a one-bedroom flat at first floor.

The total number of spaces created by the revised layout and new parking would be 39, including disabled person spaces and electric vehicle charging points.

Site and Surroundings

No.96 is a two-storey building, attached to the Potter Street Community Centre on its east side, at the junction of Potter Street and Southern Way. The building is currently vacant. It was previously occupied as a Council Estates and Facilities neighbourhood office. In 2017 an application for use as a nursery was refused, and no information is provided to indicate that the building has been occupied since then.

Adjacent to the site on its north side are two eight-storey residential blocks known as the Brenthall Towers. On the other side of Potter Street is the Prentice Place Hatch. The Potter Street Baptist Church sits on the opposite side of Southern Way. The Church is a Grade II listed building and the site falls within its setting. The site is not within a conservation area.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/20/00017	Change of use of ground and first floor offices into a community day nursery including an external play area and associated fencing and awning.	RF	14.05.2020
HW/PL/85/00154	Residential Development Of 4 Houses, 6 One-Bedroom Flats, 14 Car Parking Spaces	GTD	05.06.1985

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

There is no cycle parking proposed. High quality cycle parking provision is required for each flat, that is safe, secure and covered, in line with the provision within the Parking Standards. In absence of this objection is raised.

HDC - Cleansing And Environment

Inadequate information is provided. The applicant should inform the Council how the waste will be stored, where it will be located, where would the collection vehicle attend to service the bins, what the distances are, and obstructions may inhibit their safe use/transfer to the bins. Waste Management cannot support this proposal until the applicant elaborates extensively on how they will manage waste at the site. We object to the proposal until such time that a suitable waste strategy has been proposed.

HDC Environmental Health Services

No Comment Received.

HDC - Consultant Arborist

The Council's consultant states that the proposed development has not sufficiently considered the impacts to trees and green infrastructure, which runs contrary to policies PL1, PL7, PL8 and WE1. Specifically, there is an established line of trees in the area between the two proposed car parking areas made up of mainly hornbeam trees and other regeneration trees which provide a significant green screen.

The proposal for access to parking cuts into the middle of this line of trees. This impact is not discussed clearly or assessed for feasibility in an arboricultural impact assessment. If tree loss is proposed, then it must be assessed, and mitigation implemented to account for this loss. It would be preferable that this line of trees is not removed.

Therefore, the application must be supported by an Arboricultural Impact Assessment (AIA) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. Where appropriate, the identified and measured impacts to the surveyed trees will impact upon the proposed development's massing and arrangement. This AIA should include at least (subject to the degree of detailed design completed) generalised tree protection measures within a tree protection plan.

Until a suitable AIA is provided, this application should be considered only for refusal.

Heritage Officer Place Services

The proposal site is in close proximity to 18th century Grade II Listed Baptist Chapel. The proposal would not involve any external alteration and is therefore not considered to affect the setting of the identified heritage asset.

Neighbours and Additional Publicity

Number of Letters Sent: 67

Total Number of Representations Received: 4

Date Site Notice Expired: 12 October 2023

Date Press Notice Expired: 12 October 2023

Summary of Representations Received

Four representations, three objections and one neutral have been received, which are summarised below

Objections

- Will cause disruption, a lot of traffic in area including heavy vehicles
- Not the right place for flats
- Adverse impact on residents in blocks and local area
- Too many parking problems when people want to use community centre – Brenthall Towers hasn't got many spaces for tenants; obstruction to on street parking and local bus service
- Object if private housing – council housing is needed

Neutral

- Adequate sound proofing needed to party wall to community centre; welcome parking but want clarification that spaces will not be subject to restrictions on time or require permits

PLANNING POLICY

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2023 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The relevant strands are considered further in the report.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the Harlow District Local Plan (HDLP).

The NPPF (2023) is a material planning consideration and also states in paragraph 47 that:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

Paragraph 38 of the NPPF further states that:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

This is echoed in policy SD1 of the HDLP which advises that development that is in accordance with the Local Plan should be supported unless material considerations indicate

otherwise, any adverse impact significantly (my emphasis) outweigh the benefits or specific national policies indicate that development should be restricted.

For the purposes of this application, the Development Plan consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP). Policies of most relevance to the proposal are:

SD1 – Presumption in Favour of Sustainable Development
HS1 – Housing Delivery
PL1 - Design Principles for Development
PL2 - Amenity Principles for Development
PL3 – Sustainable Design, Construction and Energy Use
PL7 – Trees and Hedgerows
PL8 - Green Infrastructure and Landscaping
PL10 – Pollution and Contamination
PL11 – Water Quality, Water Management, Flooding and Sustainable Urban Drainage Systems
PL12- Heritage Assets
H2 - Residential Development
H5 – Accessible and Adaptable Housing
H6 – Housing Mix
L2 - The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities
L4 – Health and Wellbeing
IN1 – Development and Sustainable Modes of Travel
IN2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
The Harlow Design Guide Addendum SPD (2021)
Essex Parking Standards Design and Good Practice (2009)
ECC Development Management Policies (2020 – living document with regular updates)

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of garden city principles and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a garden city principles sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

Assessment

Principle

The application site is located within the defined settlement boundary of Harlow and located close to the Prentice Place Hatch. Paragraph 120 of the NPPF states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Policy H2 of the HDLP encourages additional windfall residential development subject to meeting the following criteria:

- (a) the development would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings;*
- (b) off-street parking and access arrangements can be provided for both existing and proposed dwellings, in accordance with the adopted Harlow Design Guide Supplementary Planning Document (SPD) and adopted Vehicle Parking Standards;*
- (c) the development would make adequate provision for refuse storage and collection; and*
- (d) the development would not prejudice the potential for comprehensive development of adjacent land.*

These matters are addressed further below, but it is considered that the proposal is compliant with policy H2 of the HDLP. The application site is located within the defined settlement boundary of Harlow, sustainably sited adjacent to the Prentice Place Hatch, and the proposal includes reuse of an existing vacant building to contribute to Harlow's housing stock. The principle of development is supported.

Design, character and appearance

Policy PL1 of the HLDP is relevant and requires that development:

- (b) it protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;*
- (c) it responds to the scale, height, massing, architectural detailing, materials and front boundary treatments of the surrounding area and is visually attractive;*

The conversion of the building involves minimal external alterations comprising five new or enlarged windows on the front and side (west) elevation.

The comments of the Council's Arboriculture Consultant have been considered. The proposal involves loss of some trees in the row along the west boundary to no.96 to facilitate access to the larger new parking area. While regrettable these trees are not protected so could be removed in any case. It is considered that the proposal is acceptable subject to a condition requiring a detailed Arboricultural Impact Assessment (AIA), including a Tree Protection Plan for those trees retained. The AIA should also address the tree screen along Southern Way boundary where it appears the small trees here are sited very close to the footway and therefore may be able to be retained. While these specimens are not of intrinsic value their retention would provide a degree of green screening and visual relief of the parking area in views from Southern Way.

Details of the surface material are also proposed to be reserved for approval by condition.

Subject to conditions the proposal is considered pursuant to policy PL1 of the HLDP 2020.

Parking and highways

Policy IN2 of the HLDP 2020 requires development to preserve highway safety, including provision of adequate and safe access points. Policy IN3 requires parking to be provided in accordance with the Essex Vehicle Parking Standards 2009.

The parking requirement for the new flats is nine spaces (ECC Parking Standards 2009). The area of existing parking adjacent to the building would be reconfigured to provide seven spaces. Given the site is sustainably located immediately adjacent to facilities of the Prentice Place Hatch, this shortfall is acceptable. The additional larger area of adjacent would be available for use for staff and visitors at the Community Centre, among others. The proposal would ease pressure on on-street parking capacity. Three disabled persons parking spaces would be provided as required, and three electric vehicle charging points would also be provided.

The Highway Authority's comment regarding cycle parking provision is noted and the applicant subsequently amended the proposed layout plan to clarify that two areas of cycle parking are proposed, providing a total of 20 cycle parking spaces, one either side of the site entrance. This provision exceeds the requirement for the new flats and provides additional spaces for Community Centre users.

The comments from HDC Cleansing and Environment are noted. There is an absence of information on waste storage and collection provision, but it is considered that this can be secured by a condition.

The proposal is considered acceptable pursuant to policies IN2 and IN3 of the HLDP 2020.

Residential Amenity

Policy PL2 states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported.

Existing neighbours

The affected neighbours are occupiers of the Brenthall Towers blocks. There would be no impact on these residents' outlook, light or privacy. Some additional impact would arise from intensification of vehicular activity from traffic movements associated with the new area of 32 parking spaces, but in the existing context of busy surrounding roads it is not considered any additional noise and disturbance would be significant or result in any material adverse impact. Dedicated garages and parking for these blocks is to the rear of the application site and would be unaffected by the proposal.

Future occupiers' standard of accommodation

The proposed two-bedroom flats would exceed the minimum internal space requirement for two-bedroom units set out in the Nationally Described Space Standards 2015. The proposed one-bedroom flat would meet the minimum requirement of 50sqm.

The proposal is considered acceptable pursuant to Policy PL2 of the HLDP 2020.

Flooding

The site falls within Flood Zone 1, that at the lowest risk of flooding. A condition is proposed to secure appropriate surface details which will ensure the site is sustainably drained in accordance with policy PL11 of the HLDP 2020.

Heritage

The site forms part of the setting of the 18th century Grade II Listed Baptist Chapel. The proposal involves minimal external alterations to the building at no.96, and the proposed additional 32 parking spaces on the adjacent plot is considered to have a neutral impact.

Therefore, the setting of the building would not be adversely affected and the proposal complies with policy PL12 of the HLDP.

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSION

The proposed new flats and new parking are considered to comply with Development Plan policy and subject to conditions the development is considered acceptable.

RECOMMENDATION

That Committee is recommended to resolve to grant 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. Prior to the commencement of any works an Arboricultural Implication Assessment (AIA) will be submitted to the Local Planning Authority and approved in writing. The AIA will consider the current and future relationships between the proposed development and the existing trees and will follow the recommendations set out within the current BS5837.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with policies PL1, PL7 and PL8 of the Harlow Local Development Plan, December 2020 and to ensure that damage to vegetation identified for retention is avoided and to allow proper consideration of the impact of the proposed development on the amenity of the existing site so as to protect and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

3. Prior to commencement of works details of the proposed surface materials to be used, including how these facilitate sustainable drainage of the site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.
REASON: In the interests of the appearance of the site and to secure sustainable drainage of the site, to comply with Policies PL1 and PL11 of the Harlow Local Development Plan 2020.
4. Prior to occupation of the dwellings hereby permitted the approved car parking and cycle parking facilities shall be laid out and provided and available for use and shall subsequently retained as such for these purposes unless otherwise agreed in writing by the local planning authority.
REASON: To ensure appropriate parking is provided and to comply with Policies IN2 and IN3 of the Harlow Local Development Plan 2020.
5. Prior to occupation of the dwellings hereby permitted details of the location, layout and design of waste and recycling storage and collection facilities, and a waste management strategy, shall be submitted to and approved in writing by the local planning authority and shall have been provided in accordance with the approved details and shall subsequently be retained unless otherwise agreed in writing by the local planning authority.
REASON: To ensure appropriate waste management is provided and to comply with Policy IN2 of the Harlow Local Development Plan 2020

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. 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.
2. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

Take, damage or destroy the nest of any wild bird while that nest is in use or being built

Disturb any wild bird listed on Schedule 1 * while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird

* For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).

If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

3. With reference to Condition 2, the AIA shall include a Tree Protection Plan and shall be addressed to both the area where trees are to be removed and the trees adjacent to the footpath along the Southern Way frontage.