

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
10 April 2024

REFERENCE: HW/FUL/24/00057

OFFICER: Mick Gavin

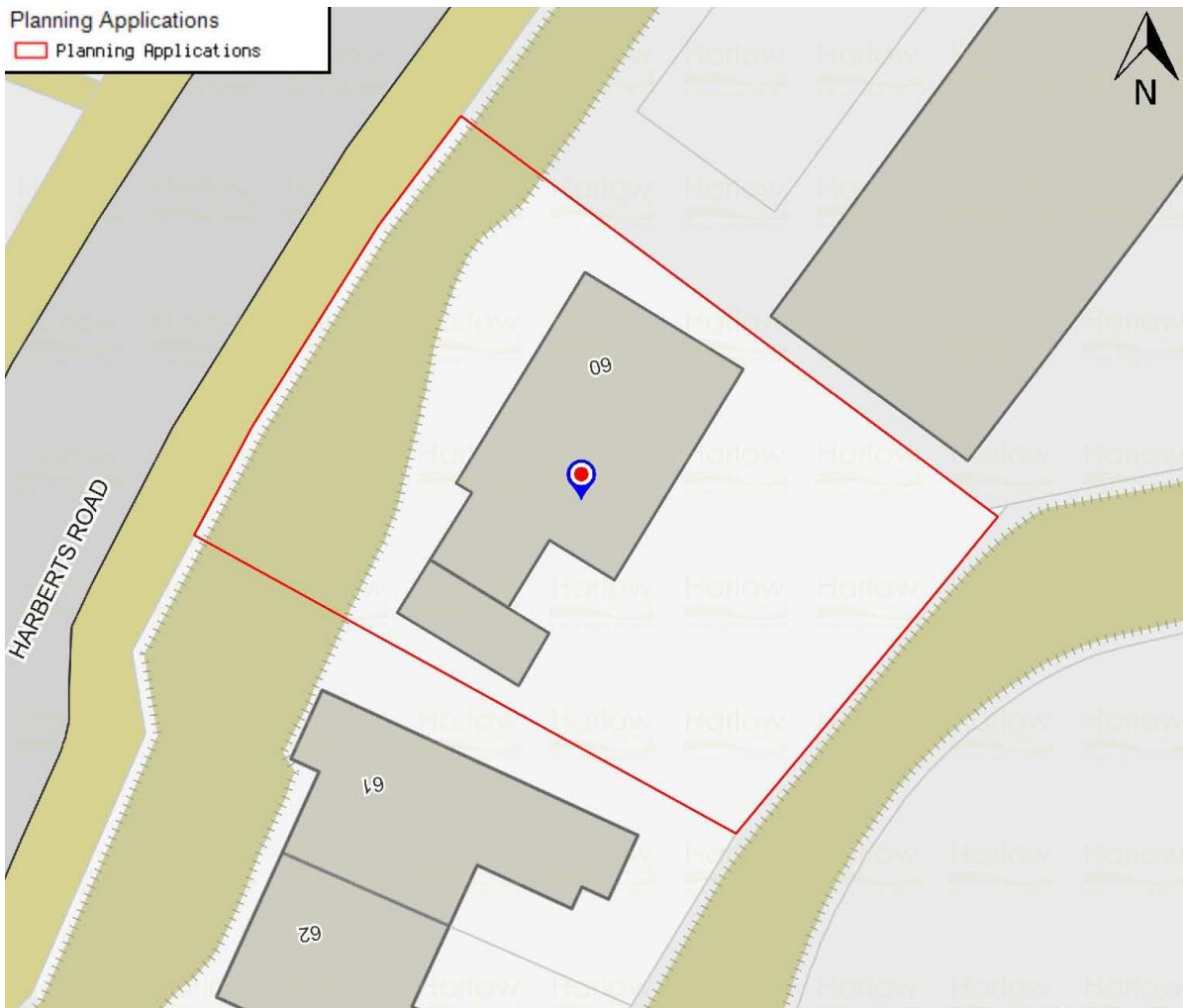
APPLICANT: Mr Bob Purton

LOCATION: 60 Hare Street Springs
Harlow
Essex
CM19 4AP

PROPOSAL: Conversion of existing House of Multiple Occupation into 3 no. two-bedroom flats and 1 no. one-bedroom flat along with the construction of two-storey side and rear extensions and a single storey rear extension. Including the repositioning of windows and the relocation of the front door, above which a new canopy is proposed to be erected.

LOCATION PLAN

Planning Applications
□ Planning Applications



Proposed Development: Proposed conversion of existing House of Multiple Occupation into three two-bedroom flats and one one-bedroom flat along with the construction of a two-storey side and rear extensions and a single storey rear extension. The proposal includes the repositioning of windows and the relocation of the front door, above which a new canopy will be erected.

Reason for committee

The application is reported to Committee because the applicant is Harlow District Council.

Recommendation

It is considered that the proposal accords with National and Development Plan policies and it is recommended to the Development Committee for approval, subject to appropriate planning conditions as set out below.

Site and surroundings

The site is located on the western side of Hare Street Springs and is roughly rectangular in shape, extending to a total area of approximately 530m². It is occupied by a two-storey building finished in white render with a tiled gable roof. It was most recently used as an HMO but appears to have been vacant for a considerable period of time and is in poor condition.

The front garden is open to the street and largely laid to lawn. The land here rises steeply and a set of stairs positioned towards the northern boundary provides pedestrian access. At the southern boundary is a driveway and single parking space from Hare Street Springs. A mature tree occupies a central position within the frontage. The rear garden is laid to lawn but is enclosed by fencing on its northern, southern and eastern sides. Dense vegetation also lines the boundary.

Land use in the surrounding area is mixed. A pair of semi-detached houses occupy land adjoining to the south and a youth centre is set close to the north boundary. To the south-east adjoining the rear garden is a playground and to the west, on the opposite side of Hare Street Springs, is a church. More widely the area is predominantly residential and made up of two storey dwellings of various ages and styles.

The site is not within a conservation area and is not near any heritage asset. It is within Flood Zone One.

Details of proposal

The proposal is for the erection of extensions and alterations to facilitate conversion from an HMO into four flats comprising three flats with two bedrooms and one one-bedroom flat. A summary of the proposed accommodation is set out in the table below:

Unit	Floor	Type	GIA	Amenity
1	GF	2-bed / 4-per	70 m ²	60 m ² (garden)
2	GF	2-bed / 4-per	70 m ²	60 m ² (garden)
3	1F	1-bed / 2-per	50 m ²	7 m ² (balcony)
4	1F	2-bed / 4-per	70 m ²	10 m ² (balcony)

The two-storey side extension would extend the south side elevation by 5.4m, maintaining the depth, gable end pitched roof form, and eaves and ridge heights of the existing building

The two-storey rear extension would 4.7m deep, 5.4m wide and set under a pitched and hipped roof. The single storey extension would extend across the remainder of the existing/ proposed rear elevation, would be approximately 3m high with a flat roof (to serve as balconies for the upper floor flats).

The ground floor of the building would be brick with the first floor rendered. The existing grassed bank at the front would be laid out with an access ramp for wheelchair access and a bin enclosure on the front boundary.

RELEVANT PLANNING HISTORY

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/16/00270	Demolition of Garage and Outbuilding and Construction of Single Storey Extension to Existing HMO Block Increasing Capacity from 6 Bedrooms to 8 Bedrooms.	WDN	03.05.2018
HW/FUL/18/00490	Demolition of Garage & Outbuilding & Construction of Two Storey Side & Single Storey Rear Extension to Existing Temporary Accommodation Facility to Increase Capacity from 6 Bedrooms to 9 Bedrooms (Amended Description)	GTD	18.10.2019

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

There is no acceptable cycle parking being provided, it is shown as being within each flat which is not appropriate, especially upstairs. High quality cycle parking is required that is safe, secure and covered, with convenient access to it.

HDC Environmental Health Services

N objection subject to condition to control construction phase noise and working hours..

HDC - Consultant Arborist

The loss of two trees, and the hedgerow of vegetation along the boundary reduces the site to one retained tree, and most likely soft landscaping of a smaller scale.

It is in principle agreed that the tree on the front is not suitable for retention in the long term, as has outgrown its location, has been coppiced and forgotten leading to poor form, and limited amenity value.

It is evident that the design of this site will encroach into the garden spaces and reduce potential for design to mitigate and improve the landscaping with more trees and hedging. The BNG assessment shows that there is a significant loss in habitat, and this is most likely due to the removal of trees and hedging.

Neighbours and Additional Publicity

Number of Letters Sent: 13

Total Number of Representations Received: 0

Date Site Notice Expired: 21 March 2024

Date Press Notice Expired: 21 March 2024

Summary of Representations Received

None received.

PLANNING POLICY

National Planning Policy Framework (NPPF) (2023) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies 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.

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.

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). The relevant policies referred to in the determination of this application are as follows:

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 Usage
PL7 – Trees and Hedgerows
PL8 – Green Infrastructure and Landscaping
PL9 – Biodiversity and Geodiversity Assets
PL10 – Pollution and Contamination
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
H2 – Residential Development
H5 – Accessible and Adaptable Housing
H6 – Housing Mix
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

Harlow Design Guide (2011); and
Harlow Design Guide Addendum (2021).
Essex Parking Standards Design & Good Practice (2009)

SUMMARY OF MAIN ISSUES

The main issues are as follows:

- Principle of development;
- Standard of accommodation;
- Design, character and appearance
- Parking and highways
- Impact on neighbours
- Green Infrastructure
- Energy & sustainability
- Equalities

Principle of development

One of the core principles of the NPPF is that planning should encourage the effective use of land. Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for new homes. NPPF Paragraph 70 supports the development of windfall sites within existing settlements, such as the application site, for new homes.

The proposal is a Council-led scheme which would add to the town's stock of affordable dwellings in a sustainable location.

The principle of development is supported.

Standard of accommodation

Policy PL2 of the Local Plan aims to promote high standard of amenity for future occupants of development sites.

Internal

The Nationally Described Space Standards (NDSS) set out the requirements for the Gross Internal Area of new dwellings across all tenures. The NDSS is also supported by the Harlow Design Guide Principle DG46.

All the proposed flats would meet the minimum gross internal floor area requirements set out within the NDSS: 50sqm for the one bedroom two-person unit and 70sqm for the two bedroom four persons units. All the units would be triple aspect which would provide passive ventilation and good natural light and outlook.

Private External Amenity Space

The Harlow Design Guide Addendum SPD. The minimum standard for flats is 20sqm, which can include balcony space. In this case, the ground floor flats would each be provided with private gardens measuring 60m², which is well in excess of the standard. The two upper floor flats would have balconies measuring only 7m² and 10m² respectively. While this is below the requirement it is recognised that the site is immediately adjacent to a playground and beyond this is a large public open space with a hard surfaced games area and grassed playing fields.

The proposal is acceptable in the quality of accommodation proposed and complies with Policy PL2.

The applicant confirms that the flats would meet Part M4(2): Accessible and Adaptable dwellings standard, which meets the needs of occupants with differing needs and allows for ready adaptation to meet changing needs of occupants over time. The proposal is compliant with Policy H5.

Design character and appearance

Policy PL1 requires that all development meet a high standard of urban and architectural design.

The most visually prominent element of the proposal would be the two-storey side extension. This would measure only a little over half the width of the existing house (10m existing vs 5.4m extension). The pitched roof gable end form of the existing building would be carried through with matching eaves and ridge heights and materials. A gap of 1.0m would be maintained to the side boundaries and the extension would not cause the building to appear cramped within the plot.

The rear extensions would be largely hidden from view in the street scene. Some views would be possible from the playground to the rear but these would be at a greater distance and obscured by vegetation. In any event, they would appear as proportionate additions and would integrate well with the existing design of the house.

The building would be rendered to match the design of the semi-detached properties to the south of the site.

The existing grassed bank frontage would need to be substantially altered to accommodate a ramp access and bin store. Subject to a condition to ensure high quality surfacing and landscaping this element of the proposal is considered acceptable.

Overall, the proposed development is considered acceptable in scale, form and appearance and is compliant with Policy PL1.

Parking and highways

Policy IN3 of the HLDP requires that vehicle parking be provided in accordance with the Essex Parking Standards 2009.

The proposed mix results in a requirement for seven spaces. None are provided on site, but the supporting statement includes a proposal to provide four spaces to the rear of 2 Collins Meadow, approximately 100m to the south. This has not been formally included within the submission and it is unclear whether these spaces would prove convenient or whether they would result in displaced parking by existing users. Notwithstanding, it appears three on-street spaces would remain available to the front of the site, and in addition the location is such that a reduction in parking provision would be acceptable here: a lower level of provision may be considered where the site is in a highly sustainable location. In this case, the site is located directly opposite a bus stop and within 50m of a parade of local shops on the corner of Harberts Road and Helions Road. It is also in the immediate vicinity of a church, youth centre, children's centre and primary school. Harlow town centre is located just 450m away and easily accessible.

The Highway Authority's comments on cycle parking are noted. The plans show internal cycle storage but also include two external sheds to the rear of the building which would accommodate cycles.

In the circumstances it is considered that the proposal can be accepted without on-site car parking. No concern is raised by the Highway Authority in terms of any safety issues.

Impact on neighbours

Policy PL2 of the Local Plan seeks to protect the amenity of existing neighbours.

No part of the building would be closer to the side boundaries than 1.0m. There are no facing side windows in youth centre to the north and no facing first floor side windows serving a habitable room at the adjacent house to the south. Boundary treatment to be secured by condition would provide privacy and security. No material harm would result to the amenities of the occupiers and users of these neighbouring properties.

The proposal complies with Policy PL2.

Green Infrastructure

While the comments of the Arboriculture Consultant have been carefully considered, the tree within the rear part of the plot is to be retained, as will the trees providing a significant screen just beyond the rear boundary. A Condition requiring a Method Statement is proposed to ensure protection during the construction phase. The reduction in biodiversity is noted but as recommended in the biodiversity submission a condition is proposed to require details of green walls to enhance provision.

Energy & sustainability

A condition is proposed to ensure compliance with the energy and water efficiency performance requirements set out in Policy PL3 of the Local Plan.

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.

The proposed dwelling is designed to meet optional technical standard M4(2), which means it would be readily adaptable to meet the needs of a disabled occupant. Officers consider that the application does not give rise to any other concerns in respect of equalities.

CONCLUSION

The proposed development would provide a valuable addition to the Council’s housing stock and subject to appropriate conditions the scheme is considered acceptable.

RECOMMENDATION

That Committee 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 work above ground commencing details of all materials to be used for the external faces of the building shall be submitted to and approved in writing by the local planning authority and the work shall be carried out in accordance with the approved details.
REASON: In the interest of visual amenity and to accord with Policy PL1 of the Harlow Local Development Plan 2020.

3. The work shall be carried out in full accordance with the tree protection measures set out in the submitted Arboricultural Report, 27th November 2023 by Andrew Day Arboricultural Consultancy. Prior to work commencing specific additional details of tree protection measures to ensure protection and retention of trees T1-C2 and G1-C2 in accordance with BS 5837:2012 – Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the local planning authority and the work shall be carried out in full accordance with the approved details.

REASON: To protect existing trees and vegetation and to accord with policies PL7 and PL8 of the Harlow Local Development Plan 2020.

4. Prior to the first occupation of the development hereby permitted, a hard and soft landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Materials and finishes of access ramp and associated furniture
- Boundary treatments
- Planting of trees, shrubs, plants including species, size, density
- Green wall details to building and/ or boundary treatment

The approved hard landscaping/ boundary treatment shall be implemented prior to occupation.

The approved soft landscaping and green wall shall be implemented during the first planting season following completion of the development hereby permitted.

REASON: To ensure high quality landscaping is achieved in the interests of the appearance of the site and the provision of green infrastructure and to comply with Policies PL1, PL7, PL8 and PL9 of the Harlow Local Development Plan 2020.

5. No demolition or construction work that involves the production of noise capable of being heard beyond the property boundary is conducted outside of the hours of 07.00 to 19.00 Monday to Friday and 08.00 to 13.00 on a Saturday. No works to be carried out on a Sunday or public/bank holiday.

No bonfires are to be held on site.

REASON: To protect the amenities of neighbours and to comply with Policy PL2 of the Harlow Local Development Plan 2020.

6. The cycle parking enclosures shall be provided and available for use prior to occupation of the building.

REASON: To promote sustainable travel and to comply with policy IN1 of the Harlow Local Development Plan 2020.

7. Prior to occupation of the development details of measures to ensure that the development shall achieve an improvement of at least 19% upon the requirements of Part L of the Building Regulations 2010 in terms of emissions rate and water usage of no more than 110L per person per day shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of sustainable design and to accord with Policy PL3 of the Harlow Local Development Plan 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.
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. In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:

Intentionally kill, injure or take a bat;

Sell, hire, barter or exchange a bat, dead or alive;

Be in possession or control of a bat or anything derived from them.

As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

Disturb a bat;

Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.