

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

11 September 2024

REFERENCE: HW/FUL/24/00162

OFFICER: Mick Gavin

APPLICANT: Mr M Wigington

LOCATION: Crabbe Farmhouse
Crabbe Farm
Latton Common Road
Harlow
Essex
CM18 7HS

PROPOSAL: Change of use of residential dwelling and outbuilding from Use Class C3 (Residential Dwelling) to Use Class C2 (Residential Care Home for up to six children/young persons between the ages of 13-18 years of age) along with retrospective planning consent sort for the installation of replacement sash windows.

LOCATION PLAN



Reason for Committee Referral

More than two letters of objection have been received contrary to the officer recommendation of approval. The associated listed building application is also presented to Committee for determination.

Recommendation

The proposal seeks permission to change the use of a Grade II listed house and outbuilding to a care home for children. No physical works are proposed internally or externally apart from replacement windows to replace inappropriate UPVC windows. The proposed use is found to be acceptable in terms of amenity, traffic and heritage impacts and subject to conditions it is recommended for approval.

Details of the Proposal

Planning permission is sought for the change of use of residential dwelling and outbuilding from Use Class C3 (Residential Dwelling) to Use Class C2 (Residential Care Home for up to six children/young persons between the ages of 13-18 years of age) along with retrospective planning consent sort for the installation of replacement sash windows.

The proposal seeks a change of the use of the residential dwelling and outbuilding to a children's home (Use Class C2) for up to six children/young persons between the ages of 13 -18 years old.

The proposal does not involve any internal alterations to the dwelling or the outbuilding and the existing layouts would remain unchanged. There would be a maximum of four staff present on the site at any one time – the number of staff would depend on the number of children but with maximum occupancy by six children daytime staff would comprise three care staff and the facility manager, who would be present Monday-Friday between 9.00am - 5.00pm. Care staff would operate on a 12 hour rota system from 7.00am -7.00pm when the next set of staff would arrive to take over from the departing staff. The submission makes reference to 20 staff, which refers to the pool of 20 qualified staff to cover shifts and holiday times to avoid the use of agency staff to build a relationship of trust with the children.

Inappropriate UPVC windows have been installed at the property. The application seeks permission to replace these with appropriate windows. A concurrent application made under HW/LBC/24/00155 seeks listed building consent for these works.

Application Site and surroundings

The site sits on the north side of Latton Common Road and includes a two-storey house and a single storey outbuilding of ancillary residential outbuilding. There is a gated vehicular access and separate pedestrian access. Both the house and outbuilding are separately Grade II listed, dating from the mid nineteenth century. The house has four bedrooms and the outbuilding comprises two separate self-contained units. The site benefits from a parking area for up to six cars and a rear garden area.

The site was used in the past as a Harlow Council depot. Following that the house was in use as a supported care home. The site has been vacant for a number of years.

On the site's west side is a residential development at the cul-de-sac Clifton Hatch. Adjoining to the north are the rear gardens of houses fronting Upper Mealines. Adjoining on the east

side is Crabbe Farm Cottage, which prior to conversion to a dwelling had been an outbuilding to Crabbe farmhouse and part of the Council depot. Opposite across Latton Common Road to the south is Green Belt land forming a Local Wildlife Site

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/LBC/24/00155	Change of use of residential dwelling and outbuilding from Use Class C3 (Residential Dwelling) to Use Class C2 (Residential Care Home for up to six children/young persons between the ages of 13-18 years of age) along with retrospective planning consent sort for the installation of replacement sash windows.	PCO	
90/00014	GENERAL REFURBISHMENT OF OUTBUILDINGS INCLUDING RE-ROOFING	GTD	14.03.1990

CONSULTATIONS

Internal and external Consultees

Heritage – Place Services

Insufficient information was submitted, and further details were requested. See Heritage section below.

Essex County Fire and Rescue Service

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. Fire service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document “B” Fire Safety Volume 1. However, I have the following comments to make: • Access for a pumping appliance should be provided to within 45 metres of all points inside the dwellinghouse. In accordance with ADB, Volume 1, B5. In the case of the outbuilding the furthest point may exceed 45 metres. Dependant on point of access which is not identified within the current site plan. Recommend use of Automatic Water Suppression Systems.

Essex County Council - Highways

No response received to date. Any response received prior to the Committee meeting will be reported in the Update Sheet.

Neighbours and Additional Publicity

Number of Letters Sent: 31

Total Number of Representations Received: 24

Date Site Notice Expired: 18 June 2024

Date Press Notice Expired: 13 June 2024

Summary of Representations Received

22 objections have been received raising the following material planning considerations:

- Harm to residential amenity of neighbouring residents due to significant increase in vehicle numbers and traffic, resulting in noise, disturbance and nuisance 365 days a year; 6-7 cars on site when shifts change plus school run minibus;
- Comparison to six-bedroom house disingenuous; intensity of use would create more noise than a family;
- Significant increase in rubbish/ litter and no mention how this would be managed;
- Harm to character and quality of area;
- Loss of housing stock, large family house;
- Safety fears, potential increase in anti-social behaviour and crime given children's age; concern at potential for absconding given open space opposite and need for police action; not suitable location for teenagers, no local facilities; no evidence given of stated contribution to social inclusion;
- Harmful windows inserted, should be replaced with as close to original as possible
- Unacceptable loss of privacy to occupiers of Crabbe Farm Cottage due to proximity of building – views afforded into kitchen, dining room and lounge and into garden particularly south facing front garden used for sitting out; also cooking smells from two self-contained studio flats.

These matters are addressed in the assessment below.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

The Local Plan in this instance is the Harlow Local Development Plan (2020).

Harlow Local Development Plan 2020

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

- SD1 – Presumption in Favour of Sustainable Development
- PL1 – Design Principles for Development
- PL2 – Amenity Principles for Development
- PL7 – Trees and Hedgerows
- PL8 – Green Infrastructure and Landscaping

PL9 – Biodiversity and Geodiversity Assets
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
PL12 – Heritage Assets and their Settings
H4 – Loss of Housing
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

Harlow Design Guide (2011) and Harlow Design Guide Addendum 2021

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

The following are material planning considerations in the determination of applications and appeals:

National Planning Policy Framework (NPPF) (2023)

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 NPPF is a material consideration in the determination of applications.

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

Essex Parking Standards (2009)

ECC Development Management Policies (2020 - living document with regular updates).

HGGT Guidance

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for larger scale (housing) development. Of particular note is the emphasis on; existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

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.

SUMMARY OF MAIN ISSUES

The key planning matters considered relevant to the determination of this application are as follows:

- Principle of development;
- Impact on residential amenity;
- Standard of accommodation;
- Design, character and appearance;
- Heritage;
- Parking and highways;
- Biodiversity; and
- Flooding and drainage

Principle of Development

Para.124 of the NPPF (2023) states that planning decisions should *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.*

The building has been vacant for a considerable number of years and its reuse to meet specialist housing needs complies with this NPPF guidance.

Policy H4 of the Local Plan (2020) relates to the loss of housing, seeks to resist the loss of buildings in residential use. The proposed use is a specialist residential use and does not conflict with policy H4. No internal alterations to the building are proposed and reversion to a family home in the future if circumstances change is not precluded.

Policy L2 supports provision of community facilities where:

(a) there is evidence of a demonstrable need for the use and/or facility or a benefit to the local community;

(b) the use and/or facility is easily accessible by all sectors of the community by both public and private transport;

The supporting statement explains the rising demand for child support services and includes an expression of support from the Essex County Council Placement Services – Children’s Residential Care Strategy Team, who state there is a need for additional children’s homes in Essex – ‘*Essex County Council (ECC) support service development to increase the sufficiency of residential placements in Essex.*’

In terms of public transport, as set out above a Travel Plan is proposed to be secured by condition to ensure active and public transport is maximised as far as possible. The nearest bus stop is approximately 150m away.

Officers therefore consider that the proposal is policy compliant having due regard to the relevant policies, as listed above and the principle of development is therefore supported.

Impact on residential amenity

Policy PL2 of the Local Plan (2020) seeks to protect the amenities of residents.

A number of objections have been received from local residents, as summarised above, which have carefully been considered in reaching a recommendation on this application. In terms of traffic generation and associated noise and disturbance, it is accepted that the

proposed maximum occupation by four adults and six children during daytime hours would be a somewhat more intense use on the property than that expected from an average six-bedroom house. It is not considered, however on balance, that the resulting activity and car movements would be such as to have an unacceptable impact as to warrant the development unacceptable. The main issue would be likely to be the shift change at 7.00am when overnight staff leave, and daytime staff arrive. It is not considered however that six traffic movements would cause undue noise and disturbance. The applicant refers to efforts to minimise traffic for example by car sharing. A Travel Plan can be required by condition to ensure that formal efforts to reduce car use are secured and monitored.

In terms of potential anti-social behaviour, crime and potential abscondment, the care home would be monitored by OFSTED and the Care Quality Commission and would need to operate to satisfy all their requirements. Management and staff would be appropriately qualified and trained. Officers have no reason to believe that such issues would arise. The applicant advises that a Local Risk Assessment is required to be submitted to OFSTED, although that is beyond the scope of this application for planning permission and covered by separate legislation requirements.

The concerns of the occupiers of Crabbe Farm Cottage, the adjoining dwelling to the east, regarding overlooking and loss of privacy are also acknowledged. However, no changes to the layout or window positions of the building are proposed and any occupation of the site, including as a family home, would give rise to the same impact such is the relationship between the buildings.

Overall, it is concluded that no unacceptable adverse impact to neighbours' amenities would result and the proposal is therefore considered to comply with policy PL2.

Standard of accommodation

Policy PL2 of the Local Plan (2020) requires an appropriate level of amenity for future occupants.

Six rooms of appropriate size for occupiers exist and would remain unaltered. The property has a generous garden area for outdoor use and health and wellbeing. Care and management staff would occupy the two reception rooms at ground floor.

The proposal is acceptable in this respect and accords with policy PL2.

Design, character and appearance

Local Plan policy PL1 (Design Principles for Development) requires a high standard of urban and architectural design for all development.

Other than replacement of the existing inappropriate windows with windows of suitable design and quality, which would enhance the appearance of the buildings, no external changes to the buildings or the site are proposed.

The appearance and character of the buildings and site would be maintained, and the proposal is considered acceptable pursuant to policy PL1.

Heritage

Policy PL12 seeks to protect the significance of heritage assets and their settings.

Inappropriate UPVC windows have been inserted into the building's existing openings. The application includes new timber windows to rectify this. Following submission of further detail on the proposed windows, including the need for integral glazing bars, the Council's Heritage Consultant advises that the proposal is now satisfactory and would reinstate fenestration of appropriate design and quality.

The proposal also ensures re-use of a listed building which has been vacant for a considerable period, thereby ensuring ongoing maintenance of these heritage assets. The proposal thereby reinstates the building's previous appearance and quality and accords with policy PL12.

A concurrent application for listed building consent for these works is considered at HW/LBC/24/00155.

Parking and highways

Policies IN2 and IN3 require that development demonstrates adequate and safe parking and servicing.

The Essex parking standards require six spaces for the development, four for staff and two for visitors. The required six spaces exist on site. No alterations are proposed to the existing access.

A condition is proposed to secure cycle parking. Inadequate detail is provided on waste and recycling storage and provision but there is more than adequate space for this to be provided at the site and a condition to require full details is considered sufficient.

In terms of traffic generation, as acknowledged above the number of movements is likely greater than that associated with a six-bedroom house, but it is not considered it would be significantly greater and no highway safety implications are considered to arise. The submission explains that efforts would be made to minimise car trips for example by car sharing and use of public transport – a condition to require a Travel Plan is considered appropriate as a mechanism to help achieve this aim.

Biodiversity

The proposal involves no physical works to the building or site, other than replacement windows, and is therefore exempt from Biodiversity Net Gain.

Flooding and drainage

The site is within Flood Zone 1, the area at lowest risk. No change to areas of existing hard surface and building cover are proposed and there are therefore no implications for drainage at the site.

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 proposal is compliant with relevant Development Plan policies and is considered acceptable. The concerns raised by local residents are acknowledged and have been diligently considered in the balancing of the application. It is however considered that the benefits outweigh the harm and the application is favourably considered.

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 first use of the development details of covered and secure cycle parking shall be submitted to and approved in writing by the local planning authority and the cycle parking shall have been implemented in accordance with the approved details and shall thereafter be retained for that purpose for the lifetime of the development.
REASON: To ensure that appropriate cycle parking is provided to provide a sustainable transport option.
3. Prior to first use of the development details of waste storage facilities including location and capacity shall be submitted to and approved in writing by the local planning authority and the facilities shall have been implemented in accordance with the approved details and shall thereafter be retained for that purpose for the lifetime of the development.
REASON: To ensure that adequate servicing of the site and to safeguard the amenities of neighbouring residents.

4. Prior to first use of the development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall thereafter be adhered to for the lifetime of the development.

REASON: To maximise active and sustainable travel modes and reduce dependency on the car for access to the site.

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

INFORMATIVES