



ITEM NUMBER:

12

PLANNING COMMITTEE DATE:

25 October 2023

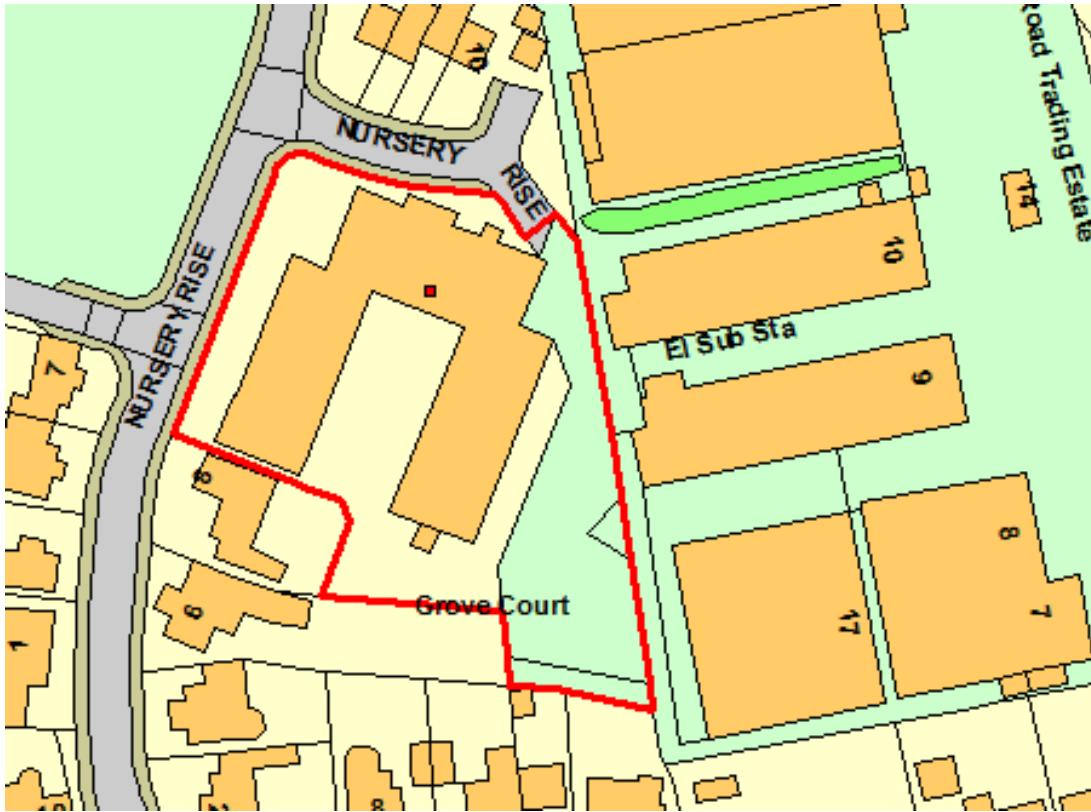
REFERENCE NUMBER:

UTT/23/0068/FUL

LOCATION:

**Grove Court, Nursery Road,
Dunmow,**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: October 2023

PROPOSAL: Alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25 replacing bedsits with one and two bedroom flats; formation of a new access ramp to the main entrance and refurbishment of the main entrances; formation of a new secondary access to the courtyard garden and renewal of the landscaped gardens.

APPLICANT: Ms Julia Chukwuma

AGENT: Mr Warren Green

EXPIRY DATE: 2 August 2023

EOT Expiry Date 29 September 2023

CASE OFFICER: Tom Gabriel

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The scheme seeks planning permission for alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25, replacing bedsits with one and two bedroom flats; the formation of a new access ramp to the main entrance and the refurbishment of the main entrances; the formation of a new secondary access to the courtyard garden and the renewal of the landscaped gardens.
- 1.2** The purpose of the development is to provide a form of accommodation in the home that is in keeping with the other homes provided by Sanctuary Housing Association.
- 1.3** The proposed development is acceptable in all regards and will provide enhanced accommodation in the home for its residents.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site comprises a purpose- built two storey care home built in 1990 which has not been significantly altered since. It comprises three wings around a landscaped courtyard. While it fronts onto Nursery Rise and has an entrance from there, its main entrance is at the rear served by the access road to the rear car parking area for the property. The site falls within the development limits of Great Dunmow.
- 3.2** The properties surrounding the site comprise a mixture of detached, linked- detached and semi- detached dwellings, and short terraces of dwellings, in plots of differing sizes in a pleasant, landscaped setting. To the rear of the site is the Ongar Road Trading Estate.
- 3.3** The site is located within Flood Zone 1 which is at the lowest risk of flooding.

4. PROPOSAL

- 4.1** This planning application is for alterations and refurbishment of the existing supported living housing block to reduce the number of units from 31 to 25, replacing bedsits with one and two bedroom flats (17 one person and 8 two person); the formation of a new access ramp to the main entrance and the refurbishment of the main entrances; the formation of a new secondary access to the courtyard garden and the renewal of the landscaped gardens. The purpose of the development is to provide a form of accommodation in the home that is in keeping with the other homes provided by Sanctuary Housing Association.
- 4.2** The development would comprise the reconfiguration of the existing bedsit rooms to form one and two bed flats with better kitchen facilities including washing machines. The flats would include wet floor shower facilities. The accommodation is to be provided as accessible and adaptable dwellings in accordance with Approved Document M4 (Category 2). The works would include alterations to selected windows to suit the amended internal layout and the replacement of all existing windows.
- 4.3** The communal accommodation is to be rationalised in order to be able to increase the number of flats in the development. The communal lounge, servery and accessible WC are to be retained.
- 4.4** The existing entrances to the building are to be enhanced with new cladding, balustrading and canopies. A new access ramp is to be provided to the Nursery Rise entrance along with a secondary pedestrian access. The works would also involve the refurbishment of the courtyard garden with a secondary access to it from the building.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposed development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/1877/89	Erection of 26 bedsits, 2 staff flats & associated facilities for the elderly	Granted

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 From a highway and transportation perspective, the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1. An informative is suggested however;

8.1.2 'All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU'.

8.2 ECC Ecology

8.2.1 No objection subject to securing biodiversity mitigation and enhancement measures.

9. TOWN COUNCIL COMMENTS

9.1 Wishes to support the proposal.

10. CONSULTEE RESPONSES

10.1 **Anglian Water**

10.1.1 We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.

10.2 UDC Environmental Health

10.2.1 If any new plant (kitchen extraction, air conditioning, air source heat pumps) is to be installed as part of the development, there is potential for it to impact on the residential properties adjacent. Applications which include noise generating plant when there are nearby noise sensitive receptors should be accompanied by an acoustic assessment carried out in accordance with BS4142:2014 + A1:2019 methodology. A noise assessment condition is recommended.

10.2.2 There are residential properties adjacent to this site. A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction. A construction method statement condition is recommended.

10.2.3 Conditions regarding external lighting and air quality are also recommended, as is an informative about energy saving and renewable technology.

10.3 Essex Police

10.3.1 We note that on the eastern side of the proposed development there are apartments that have doors opening into external shared private amenity space, a plan shows a hedge between it and public areas. It is important for the security of those residents and the rest of the building that this boundary is more than just a symbolic boundary and does provide adequate security. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.4 UDC Housing

10.4.1 Support this application as it enhances the sheltered accommodation upon the site by replacing the bedsits with one and two bedroom accommodation.

11. REPRESENTATIONS

11.1 Neighbours were notified of the application by letter.

11.1.1 Four letters have been received objecting and commenting on the following grounds;

- the location of the refuse area, which is currently where the kitchen is, would result in smells for the neighbouring properties.
- is the kitchen fan to be moved? It can be heard from inside the neighbouring properties.
- How will the additional parking be managed? 12 spaces for 25 flats? There is already overflow parking from the site. Nursery Rise will become less safe.
- Not all of the fence around the property is in the ownership of the property, some of it belongs to the adjoining neighbour. There is also a covenant that the hedge alongside the fence is kept to the same height of the fence.
- increased noise and light pollution and security issues.
- details of the proposed new fence are requested.
- Party Wall agreements need to be entered into.
- the Pendunculate Oak on the site needs trimming; and the likely increase in on- street parking that would arise from the scheme may make the access to the proposed ramp difficult;

11.2 **Comment**

11.2.1 All material planning merits will be considered in the following report.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to:

- a) the provisions of the development plan, so far as material to the application,
(aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 **The Development Plan**

12.3.1 Essex Minerals Local Plan (adopted July 2014)

Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Planning Policy for Travellers Sites (2015)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon neighbourhood Plan (made Dec 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 Policy S1 – Development Limits for the Main Urban Areas
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards

13.3 Great Dunmow Neighbourhood Plan

13.3.1 Policy LSC1: Landscape, Setting and Character

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- A) The Principle of Development**
- B) Character and Design**
- C) Residential Amenity**
- D) Parking and Access**
- E) Landscaping and Biodiversity**
- F) Other Issues**

14.2 A) The Principle of the Development

14.2.1 The application site is located within the town of Great Dunmow where development, including the enhancement of existing buildings, is acceptable in principle, subject to compliance with the relevant local and national planning policies.

14.3 B) Character and Design

14.3.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 126 'The creation of high- quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the Local Plan and Policy LSC1 of the Great Dunmow Neighbourhood Plan.

14.3.2 The majority of the works involved in this application would be internal and would therefore not affect the external appearance of the building. The external works – the altered and replacement windows and openings, the new entrances to the building and the new access ramp – would have a reasonably significant impact upon the appearance of the building but would enhance it. The impact upon the street scene and the character of the area would be acceptable, in accordance with Policy GEN2 of the Local Plan, Policy LSC1 of the Neighbourhood Plan and Section 12 of the NPPF.

14.4 C) Residential Amenity

14.4.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan state development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.4.2 The proposed alterations to the building would not have an adverse impact upon the amenities of the occupiers of the neighbouring residential properties by virtue of their limited nature. The new and replacement windows would not result in any material change to the privacy levels enjoyed by the surrounding properties while the changes to the entrances of the building and the access ramp would not harm the outlook for those properties. While the proposed combination of the one and two bed flats in the development would result in a small increase the number of people living in the property (33 – 17 x 1 person flats and 8 x 2 person flats – as opposed to the existing 31 bedsit units), this would not have an adverse impact upon residential amenity given the type of accommodation proposed and the limited increase in activity that would arise from the development. It is not considered that the development would result in an

increase in the levels of light or noise pollution arising from the premises, subject to a condition regarding a noise assessment.

14.4.3 The amenities of the trading estate to the rear of the site would similarly not be adversely affected due to the limited nature of the proposed works.

14.4.4 It is therefore considered that the proposed development would not have a harmful impact upon the amenities of the surrounding occupiers in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005) and the NPPF.

14.5 D) Parking and Access

14.5.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they do not compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle. Policy GEN8 of the Local Plan requires development to comply with the Council's parking standards.

14.5.2 The development would result in a reduction in the number of residential units from 31 to 25 and while eight of the units would be two bedroom, the development would not have a material impact upon the level of parking required for the site. The Council's maximum park standards for residential care homes are one space per resident staff and one space per three bed spaces/ dwelling units. This equates to 11 spaces. The site contains 12 spaces, thereby complying with the standards. It is not considered that the parking needs managing as this is private property.

14.5.3 No alterations are proposed to the vehicular entrance to the site and together with the negligible change in the intensity of use of the site that would arise from the development, this would not have an adverse impact upon highway safety, in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (2005).

14.6 E) Landscaping and Biodiversity

14.6.1 Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species, and requires the potential impacts of development be mitigated.

14.6.2 The proposed development includes upgrading the landscaping in the internal courtyard and at the front of the site, around the proposed access ramp. The works include the creation of a bee lawn, and the planting of native hedgerows and tree planting. These will enhance the biodiversity of the site, as would the proposed installation of bird boxes, bat boxes and a hedgehog dome. The landscaping and biodiversity measures may be secured by condition.

14.6.3 The new planting would provide a pleasant living environment for the future residents of the site, would enhance the appearance of the site along Nursery Rise and would help increase the biodiversity of the site, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (2005).

14.7 F) Other Issues

14.7.1 The proposed development would not result a material increase in the degree of drainage arising from the site and would therefore not have a material impact upon the local drainage system. The amount of hardstanding on the site would also not significantly increase and therefore the runoff from the site would not materially change.

14.7.2 It is not considered that the access to the new ramp would be hindered by any on- street parking (either existing or arising as a result of this development) as the ramp would not be located immediately adjacent to the pavement passing the site. The base of the ramp would be around 5m from the back edge of the pavement and access to it would therefore not be unduly hindered.

14.7.3 The security of the site with regards to access from the pedestrian entrance to the south of the property may be addressed by the provision of a lockable/ keypad-controlled gate (is it the Case Officer's understanding that this is the intention of the site owners). The comments from Essex Police regarding the use of hedges or fences to delineate the external shared private amenity space and public areas are noted. However, the hedge separates a footpath serving the flats on the eastern side of the development from the access road to the parking area. This area of the site is well away from the public realm along Nursery Rise. It is not considered necessary to require this hedge to be changed to a fence for reasons of security given that this area of the site is away from the public realm and would only be used by residents or visitors of the site.

14.7.4 The ownership of the boundary fence and its replacement and maintenance is not a planning issue but is an issue between the relevant parties. The presence of a covenant concerning the height of the hedge is also not a planning issue.

14.7.5 The distance between the building and the neighbouring properties is such that the siting of the refuse area would not result in smells reaching the neighbouring properties.

14.7.6 Whether a Party Wall agreement needs to be entered into as a result of the proposed development is not a planning issue and therefore need not be considered in this application.

14.7.7 Whether the Pendunculate Oak on the site needs trimming is not an issue for consideration in this application.

14.7.8 This development has the potential to cause noise and dust impacts on the existing surrounding residential properties and a condition is recommended to protect the amenity of existing residential properties close to the site.

14.7.9 The development is not proposing to make a connection to the water supply as the property is already connected to it.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application and no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been considered in the determination of this application.

16. PLANNING BALANCE AND CONCLUSION

16.1 The proposed development would provide enhanced accommodation for the future occupiers of the site and would be in keeping with Sanctuary Housing Association's standard form of accommodation provision in their care homes. The development would have a limited and acceptable impact upon the street scene and would not harm the amenities of the occupiers of the neighbouring or surrounding properties as a result of its limited nature. Sufficient parking would be retained for the site. Harm to highway safety would not arise from the scheme.

- 16.2** Economic and social benefits in terms of the construction of the development and supporting local services and amenities providing investment in the local economy would arise from the development. There would also be net gains for biodiversity arising from the proposal. It is considered that significant weight to the benefits of the development should be added.
- 16.3** It is not considered that material adverse impacts would arise from the proposal. Therefore, the benefits of granting planning permission would significantly and demonstrably outweigh the adverse impacts of the development. The proposal would therefore represent sustainable development in accordance with the NPPF.
- 16.4** It is acknowledged that the Great Dunmow Neighbourhood Plan (GDNP) is a material consideration in the determination of this application. Whilst out of date, as per the provisions of Paragraph 14 of the NPPF, the proposal has been assessed against its relevant policy and has been found to meet the policy criteria outlined above.
- 16.5** Overall, the proposal is in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit. It is therefore recommended that the application be approved subject to the suggested conditions laid out below.

17. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policy GEN2 of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. The materials to be used in the development hereby approved shall be as in the submitted documents.

REASON: In the interest of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved statement shall be adhered to throughout the construction period.

REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

5. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

6. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

7. A single electric vehicle charging point shall be installed for each of the parking spaces on the site. These shall be provided, fully wired, and connected, ready to use before the first occupation of the development.

REASON: The requirement of the charging points is required to mitigate the harm for poor air quality due to the increase in vehicles in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005).

8. The landscaping and biodiversity enhancement measures contained in the approved plans and the submitted Preliminary Ecological Appraisal (MKA Ecology Ltd, April 2023) shall be installed in their entirety in the first planting season following the completion of the development and retained thereafter.

REASON: In the interest of the amenities of the occupiers of the site and the biodiversity of the site, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).