REFERENCE: HW/FUL/17/00097  OFFICER: Jade Clifton-Brown

APPLICANT: Sapphire (Harlow) Nominee Limited

LOCATION: Proposed Redevelopment Of Land At Harvey Centre, West Gate, Market Square and Broad Walk
West Gate
Harlow
Essex

PROPOSAL: Demolition of the existing buildings and comprehensive re-development of the site to provide a mixed-use development (including 4 new buildings ranging from 3 to 16 storeys) comprising 447 residential units, circa 4,000 sqm of flexible retail floorspace, communal amenity space, a new pedestrian boulevard, car parking, cycle parking, with associated hard and soft landscaping, revised access and servicing arrangements.

LOCATION PLAN:

REASON BROUGHT TO COMMITTEE: Major development of significant public interest and more than 2 representations contrary to officer recommendation have been received.
**Application Site and Surroundings**

The application site includes 1.5ha located within Harlow Town Centre, and is shown by the Adopted Replacement Harlow Local Plan (ARHLP) Proposals Map as being within Town Centre Central and having Primary and Secondary shopping frontages.

The application site comprises three blocks of development bounded by The Harvey Centre to the south, West Gate to the west, East Gate to the north and Broad Walk to the east. Harlow Council owns the land between the three blocks.

The entire site comprises of previously developed land, and accommodates 40 ground floor commercial units within shop (Class A1) and financial services (Class A2) uses, with ancillary storage on the upper floors. There is one property within the site in office use (Class B1a).

The buildings are generally three storeys in height, built as part of the ‘New Town’ development.

The main vehicular access to the site is via West Gate, which is accessed from Haydens Road.

The site is located 1.4km south of Harlow Train Station, and immediately west of the bus station.

The site is situated within Flood Zone 1 (as defined by the Environment Agency) with a less than 1 in 1,000 annual probability of river flooding.

The site is not located within a Conservation Area. A Grade II listed statue is within the application site, and another is adjacent.

**Details of the Proposal**

The proposed development consists of the demolition of the three existing blocks, and the construction of a mixed use development including 4 new buildings ranging from 3 to 16 storeys (called Buildings A to D).

In order to achieve an appropriate balance between residential and retail elements of the scheme, the plans were amended to increase the amount of retail floorspace at ground floor, with residential units now only above ground floor. The key elements of the proposal are as follows:

- A total of 447 residential dwellings including a mix of units (26 x studios, 193 x 1 beds, 209 x 2 beds and 19 x 3 beds).
- Circa 4,000 sqm of flexible retail space (51% within Use Classes A1-A3 and 49% in Use Classes A1-A5, with one A1-A5 unit also possibly a crèche and another also possibly a medical centre).
- The scheme would provide 354 car parking spaces (194 spaces within the site and 160 within the Harvey Centre Multi Storey car park), 468 resident cycle spaces and 59 visitor cycle storage spaces.
- Private and communal amenity space would be provided in the form of balconies, courtyards and roof terraces.
- A new pedestrian boulevard which would connect Broad Walk and West Gate (in roughly the same location as the former Little Walk).
- Associated hard and soft landscaping would be provided throughout the site.

At the time of writing the report, amended landscaping details have not been submitted to reflect the changes to the proposed ground floor plan.
RELEVANT PLANNING HISTORY:

Application Reference Number: HW/PL/14/00267
Proposal: First Phase Demolition of Existing Buildings at Little Walk
Application Status: Approved.
Date Application Decided: 21 July 2014

CONSULTATIONS:

Internal and external Consultees

HDC – Consultant Arborist
No objection as the proposed development provides an opportunity to regenerate the arboreal features of the area.

HDC – Environmental Health
No objection if the proposal is carried out in accordance with the submitted plans and documents.

HDC – Cleansing And Environment
No objection.

HDC – Forward Planning
There are clearly benefits and detriments to the proposed development. The Forward Planning Team is concerned with the loss of retail floorspace in such a prominent location and the potential for the development to prejudice any large-scale scheme which may be set out in a future Town Centre Area Action Plan. However, there are clearly benefits of bringing a mixed use scheme forward including the provision of additional residential use in the Town Centre and what would be a significant improvement to the public realm. These benefits may catalyse future regeneration in the northern part of the Town Centre.

HDC – Housing Services
No comment received.

HDC – Regeneration
Overall, there is no doubt the proposals provide a catalyst for change in the Town Centre and through redevelopment goes some way to achieve Town Centre regeneration; the density of housing and loss of retail floor space will change the existing Town Centre landscape but provide an opportunity to potentially realise future growth and investment.

Harlow Civic Society
Objection as a scheme for the entire Town Centre is required.

Essex County Council – Highways
The Highway Authority has considered the above planning application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to current National/Local policy and safety criteria.

The applicant has submitted a Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development would be an acceptable level. It is considered that the TA has
assessed a worst case scenario in terms of traffic generation which is considered to be robust. The junction that would be impacted upon most severely has been provided with appropriate mitigation which will increase its capacity, with the effect of a nil detriment scenario. The impact on the other junctions that have been assessed are considered to be within acceptable levels, especially as the actual vehicle movements are likely to be less with the implementation of the Travel Plan.

The parking provision is considered to be more than acceptable given the location of the site and its position in terms of easy access to other modes of sustainable methods of travel.

Therefore the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

Recommendation: No objection subject to conditions and informatives being added to any permission granted.

**Essex County Council – Sustainable Drainage**

No objection.

**Essex County Council – Archaeology**

No objection.

**Essex County Council – Heritage**

The proposal could enhance the setting of two listed statues.

Recommendation: No objection subject to a condition relating to the protection of two listed statues.

**Essex County Council – Infrastructure Planning Officer**

A contribution of £146,056 would be required to mitigate the impacts on local Early Years and Childcare provision. A further contribution of £432,471 would also be required to mitigate its impact on secondary school provision.

**Environment Agency (Thames Region)**

No comments received.

**Essex Police**

No comments received.

**NHS – England**

A contribution of £177,100 would be required to mitigate the impacts on the NHS.

**Essex County Fire & Rescue Service**

No objection subject to the proposal complying with Building Regulations. Water supplies and sprinkler systems should be incorporated for additional protection against firefighting.

**Natural England**

No comments to make.

**Essex Wildlife Trust**
No comments received.

**Thames Water Utilities Ltd**

If the site owner finds shared drainage, the sewers may need to be diverted.

**Neighbours and Additional Publicity**

Number of Letters Sent: 591  
Total Number of Representations Received: 5  
Date Site Notice Expired: 28 April 2017  
Date Press Notice Expired: 4 May 2017

**Summary of Representations Received**

Five representations have been received in total. A summary of the responses is as follows:

**Specsavers, Broad Walk (3 objections)**

- Specsavers would need to be demolished.
- Short term consequences for businesses, employees and their families.
- The loss would impact hearing and eye care services.
- Specsavers occupies all three floors.
- Insufficient parking spaces.
- Decrease parking spaces for Town Centre customers/visitors.
- Impact the viability of the Town Centre.
- Too much emphasis on residential instead of retail.
- Disjointed design.

**Member of public, 189 Spring Hills (1)**

No affordable housing.

**Member of public, 224 Torkildsen Way (1)**

Supports the proposal as the Town Centre needs attention, and retail on the ground floor would spur development of adjoining properties.

**PLANNING POLICY:**

BE1: "Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

BE2: "Quality, Legibility and Public Realm" permission for major new development will be granted when: new buildings are designed as part of a group creating a sense of enclosure; public spaces should relate to the scale, appearance, location and function of the buildings around it; layout of buildings, routes and spaces are clearly related; fronts of buildings provide primary access and clearly define streets and public spaces; public spaces are distinguished from private areas; the ground floor encourages activity and interest that is appropriate to the location and character of the area; pedestrian, cycling and, horse riding routes are shown on the development layout and link to the existing network.
BE5: “Crime Prevention and Personal Safety” proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These should be integral to the design.

BE14: “Archaeology” proposals that affect a site where archaeological remains exist will only be determined after an archaeological field evaluation has been undertaken.

BE15: “Contaminated Land” permission will not be granted for developments on or affected by ground that is known to be contaminated until fully investigated.

BE16: “Light Pollution” external lighting will not be granted if: it is unacceptably intrusive; its use would cause an unacceptable disturbance to the surrounding area; it causes danger to road safety; it is proven to have an adverse effect on sites of wildlife importance. Where permission is granted, means of reducing light spillage should be adopted.

BE17: “Noise Pollution” permission will be granted if noise sensitive developments are located away from existing noise sources and potentially noisy development are located in areas where noise will not be such a consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated and experienced by others.

BE20: “Shopfronts, Signs and Advertisements” proposals to alter an existing shopfront, sign or advertisement should have regard to the following: a new or refurbished shopfront should be designed to take account of design, style and proportions of the building and character of the streetscene; advertisements, signs and noticeboards must be appropriate in scale, design and materials to the character and appearance of the building of which it forms part of and the character of the streetscene; proposals for external security measures on shopfronts will be resisted unless the need can be adequately demonstrated; new shopfronts should be accessible by wheelchair users and disabled people; hanging or projecting signs must not interfere with the visibility requirements of existing CCTV cameras; advertisements should present no threat to public or highway safety.

CP1: “Community” major new housing development should set aside land and make financial contributions for the provision of associated community facilities such as schools, community centres, health centres and churches. These facilities should be sited in local centres or other sustainable locations.

CP2: “Community” where new development generates the need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions that are reasonably related in scale and nature to the proposed development are secured through a legal agreement. Contributions will be sought for: on site facilities to meet the needs of new residents; and/or where on site is not possible consideration to offsite provision.

CP12: “Public Utilities” development that will be at risk of flooding, or will contribute to flood risk or has an adverse impact on the river corridor will be resisted.

H4: “House Types” new housing and conversions will be required to accommodate a range of dwelling types which reflect the housing need requirements for Harlow.

H5: “Affordable Housing” on site of 15 or more dwellings or more than 0.5 of a hectare affordable housing provision will be negotiated. 33% affordable housing is the baseline for such negotiations.

H7: “Special Needs Housing” all new developments will be required to take account of the needs of those with disabilities and special needs.

IMP1: “Planning Obligations” permission will only be granted for any development if the provision is secured for related infrastructure, services, facilities and environmental protection which are fairly and reasonably related to the scale and in kind.
L2: "Open Space and Playgrounds/Play Areas" for new development the following provisions will be sought: on residential developments of more than 10 dwellings, public open space and inclusive playgrounds/play areas are required to be provided; offsite contributions may be considered where it is not possible to provide it on site due to the circumstances of the development, or if there are particular deficiencies in the surrounding area; open spaces/playgrounds should be offered for adoption to the Council, with an agreed maintenance contribution.

L13: "Public Rights of Way" the existing network will be safeguarded. New footpaths, bridleways and cycleways will be required as part of new developments and will need to link with existing routes to provide better access to the countryside and wider areas of woodland within the Town and beyond. The highest standard of design, accessibility and personal safety.

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

NE12: "Landscaping" major developments shall be accompanied by details of landscaping features and wildlife habitats and suitable landscaping schemes to mitigate against any impact, along with new landscaping.

NE20: "Protected and Rare Species" applications should be supported by appropriate surveys. Permission will not be granted which will have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Habitats Regulations 1994 and other rare species, unless it can be demonstrated that the need outweighs the need to safeguard the species.

RTCS3: "Town Centre and Regeneration" permission will be granted for proposals that strengthen the role of the Town Centre by: improving the range and quality of facilities including retailing, employment, leisure, entertainment and culture to encourage a vital and vibrant Town Centre environment; increasing diversity, quality and inclusive nature of employment opportunities, leisure, social, educational and cultural facilities, to meet the needs of the local population; managing road traffic and improving access and road safety, while improving facilities for passenger transport users, pedestrians, cyclists and those with special needs and providing car parking where appropriate; enhancing the Town Centres character and appearance; improving facilities for disabled people, elderly people and carers with babies and children; providing mixed use development including residential or other suitable uses on vacant or underused upper floors; retaining key facilities.

RTCS4: "Town Centre and Regeneration" permission will be granted for proposals that will produce and improvement in the environmental quality of the Town Centre, or otherwise be of benefit to those working, visiting or residing within the centre.

RTCS7: "Town Centre Central" a comprehensive Masterplan for the area is required which shall address all relevant issues for the area. There should be no loss of key facilities that contribute to the range of offer in the Town Centre or facilities that act as anchors or catalysts.

RTCS10: "Primary and Secondary Frontages" within the Town Centre primary shopping frontage changes of use from A1 to A2 and A3 may be permitted if: no more than 15% of the primary frontage may be occupied by non-retail uses; maximum number of adjoining A3 uses is 2 units and no more than 2 units out of every 5 are to be in non-retail uses; the use is appropriate to the Town Centre; it should not affect the retail function and character; it is not detrimental to the vitality and viability of the Town Centre; there is not loss of key facilities.
RTCS11: "Primary and Secondary Frontages" within the Town Centre secondary frontage, changes of use to the following will be granted permission: A1 (shops); A2 (financial and professional services); A3 (food and drink); D1 (non-residential institutions); D2 (assembly and leisure); Sui Generis (amusement centres), providing the use does not result in the loss of key facilities; does not have a detrimental visual impact on the area; does not cause unacceptable levels of noise and disturbance to surrounding facilities.

SD3: "Sequential Test" land allocation should have regard to the promotion of sustainable development; social inclusion, quality of life and wellbeing; preference given to previously developed land and existing buildings; facilitation of regeneration and there should be no loss of BAPs or damage to valuable ecology or biodiversity.

SD4: "Mixed Uses: Integrating Development and Travel" supports mixed use development within the Town Centre if the criteria are met: the proposals is for compatible uses; there is no loss of retail or other business uses, which would adversely affect the vitality or viability of the centre or result in the loss of community, cultural or leisure uses; car parking standards may be reduced or not required for residential development in centres.

SD6: "Mixed Uses: Integrating Development and Travel" where there is concern regarding future potential adverse effects from intensification of use, a condition or legal agreement will be required to control later changes of use.

T3: "Transport Impact Assessments" major developments generating the equivalent of 50 passenger car units or more per hour will be required to produce a TIA, developments will be refused where significant impacts are identified and not mitigated against.

T4: "Green Commuter Plans" a green commuter plan will be required where an application: generates 30+ staff employments; 10+ additional parking spaces; extensions to existing premises where 10+ additional staff generated results in 30+ staff being employed; other instances where the location and/or nature of the development are particularly sensitive.

T6: "Cycling and Walking" new developments, including re-developments, changes of use and Town Centre and transport interchange improvements will be required to provide: safe, direct cycleways within the development; appropriate contributions to improve and develop cycleways serving the development; links to the existing cycleway network; safe, secure and convenient cycle storage; other facilities for cyclists as appropriate.

T8: "Passenger Transport" provision of adequate public transport access and facilities will be secured at major developments. These shall be provided at an early stage of the development process, or as identified via a TIA.

T9: "Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2012) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)
Affordable Housing SPD (2007)
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council’s Adopted Development Management Policies (2011)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT:

The key issues to assess in the determination of this application include the principle of the proposed development including its impact on the vitality and viability of the Town Centre; the layout, design and landscaping; neighbouring amenity; archaeology and Listed Buildings; access, parking and highways matters; flooding; refuse; natural environment; ecology and planning obligations.

Summary of Main Issues

Principle of Development

The proposed development would redevelop a significant portion of the Town Centre.

Policy SD4 of the Adopted Replacement Harlow Local Plan (ARHLP) states that proposals for mixed use development within the Town Centre will be granted planning permission if all of its criteria are met. The criteria require proposals to be for compatible uses, including retail uses, and residential uses which are required to be on the upper floors as part of redevelopment proposals; that there is no loss of retail or other business uses which would adversely affect the vitality or viability of the centre or result in the loss of community, cultural or leisure uses; and that car parking standards may be reduced or not required for residential development in centres and adjacent to public transport.

Similarly, ARHLP policy RTCS3 states that permission will be granted for proposals that strengthen the role of the Town Centre by improving the range and quality of facilities to encourage a vital and vibrant Town Centre. Policy RTCS3 is supportive of mixed use development including residential or other suitable uses on vacant or underused upper floors.

Policy RTCS4 states that permission will be granted for proposals that will produce an improvement in the environmental quality of the Town Centre, or otherwise be of benefit to those working, visiting or residing within the centre.

In addition, policy SD3 states a range of criteria which should be taken into consideration in development proposals, including the promotion of sustainable development, the facilitation of regeneration and social inclusion and the improvement of quality of life and well-being.

At national level, the National Planning Policy Framework (NPPF) encourages, as core planning principles, the effective use of previously developed land and the promotion of mixed use development. Section 2 of the NPPF also stresses the need to ensure the vitality of Town Centres. Notably, the NPPF states that needs for retail, leisure, office and other main Town Centre uses should be met in full and not be compromised by limited site availability. It states that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of Town Centres and sets out policies to encourage residential development on appropriate sites and, where Town Centres are in decline, plan positively for their future to encourage economic activity.

The proposal is for a mixed use development on brownfield land, and seeks to redevelop a significant part of the Town Centre in need of regeneration. As a result of the amended plans the proposal includes retail uses at ground floor with residential uses above and would not result in the loss of community, cultural or leisure uses. In these respects the proposal is considered to accord with the NPPF and ARHLP policies SD3, SD4, RTCS3 and RTCS4.
This is an important material consideration weighing significantly in favour of the scheme. The impact on the vitality and viability of the Town Centre is considered in more detail below.

The acceptability of the principle of development is thereby dependent on the compliance of the proposal with the above mentioned policies, and all other relevant national and local planning policies and considerations.

**Vitality and Viability of the Town Centre**

The applicant has submitted a Retail Study to explain the approach to the redevelopment of the Town Centre.

The Retail Study indicates that the application site, positioned within the northern half of the Town Centre, is under-utilised, with low visitor numbers, low occupancy levels (60% of the application units are temporarily let), vacant units (30%) and no major retailers. The Retail Study indicates that the northern half of the Town Centre provides a surplus of secondary (manufacturing) and tertiary (service) retail floorspace, and this is reflected in the vacancies and temporarily let units within the application site. The applicant considers this to be due partly to the opening of The Water Gardens in 2004, which drew focus from the northern half of the Town Centre by attracting retailers due to its large unit sizes, a supermarket, car park, landscaping and restaurants. Out of town shopping centres and online shopping are considered to have further detrimentally impacted on the Town Centre.

The Council’s Retail Study 2016 identifies anticipated retail floorspace requirements to support the emerging local plan. A comparison goods (Class A1) capacity requirement for the Harlow District of between 16,300 and 18,100 sqm net by 2026 is identified. The study recommends that the Town Centre should accommodate the majority of the identified comparison goods capacity. This is consistent with the role and function of the Town Centre as the highest order centre in the District, and the need for continued investment and development to ensure its long term vitality and viability. It is not considered that the proposal would prejudice the Town Centre’s ability to meet the required amount of comparison goods floorspace within the Town Centre and from that perspective the future vitality and viability of the Town Centre would not be undermined.

As a result of the amended plans, residential units are now proposed only on upper floors which is supported by ARHLP policies SD4 and RTCS3. In addition there would not be a loss of community, cultural or leisure uses, which accords with policy SD4, so there would be no impact on the vitality or viability of the Town Centre in those respects.

The demolition of the existing buildings would result in the loss of around 9,203 sqm Class A1; 1,281 sqm Class A2 (Financial and Professional Services) and 2,566 sqm Class B1a (Office) floor space within the Town Centre. However, much of the floorspace to be lost includes vacant or redundant upper floors. It is believed that only around 6,000 sqm of existing floorspace would be classed as active ground floor retail, and this includes vacant units. The proposal includes circa 4,000 sqm of retail floorspace (Use Class A), and the minimum net loss of active retail floorspace at ground floor (Class A1 and A2 combined) may therefore be less than 2,000 sqm. The Council’s Regeneration Department confirms the high levels of vacant, underused and undesirable upper floor retail space. The existing office floorspace is also underused and contributes little to the health of the Town Centre. It is therefore not considered that the loss of floorspace would undermine the vitality or viability of the Town Centre.

The Council’s Regeneration Department also confirm that Town Centre regeneration is a priority for Harlow Council. Given current public sector financial pressures and its lack of commercial ownership in the Town Centre, the Council welcomes ambitious development proposals that seek to create a diverse and vibrant regenerated area. With very little development land available, significant regeneration can only occur by utilising existing assets either in the form of property refurbishment or demolition and redevelopment. It is stressed that the Town Centre has an important role within the district and wider area and
that the Town Centre should be more than just a place to shop, but a place to live, work and play; enhancing economic activity, prosperity and wellbeing.

It is considered that redevelopment as a whole would act as a catalyst to draw in additional retail provision and trade, and would activate major regeneration to the north of the Town Centre. The proposed retail units would be formatted to current standards and operational requirements and are therefore more likely to be desirable to retailers to occupy. It should be noted that the applicant has recently redeveloped the vacant Marks and Spencer unit, which attracted new retailers to the Town Centre.

The proposal would not necessitate the loss of any current occupiers from the Town Centre as existing units which would be removed such as Specsavers, could occupy the new units.

It is not considered that the loss of the existing retail occupiers at ground floor would result in significant impacts on the vitality or viability of the Town Centre as the current occupiers are not considered to be ‘key facilities’ or ‘anchor units’ within the town, as described within ARHLP paragraph 12.5.5 (typically larger retailers such as Marks & Spencer and BHS), with a similar range of uses on offer elsewhere within the Town Centre.

The retail units are proposed to be restricted with 51% of the floorspace for only Use Classes A1-A3 and 49% restricted to Use Classes A1-A5. The more restricted units would front Broad Walk and the new boulevard. This is not dissimilar to the existing scenario as Broad Walk and Little Walk are currently designated as Primary Frontages by the ARHLP Proposals Map and tend to feature units within Use Classes A1-A3. The other frontages are classed as Secondary by the ARHLP Proposals Map and are less restricted. In addition, one of the A1-A5 units would have the option of becoming a crèche and another would have the option to becoming a medical centre. These uses are considered to be of benefit of the Town Centre and the prospective residents and would contribute to the vitality and viability of the Town Centre. A condition shall be attached to any consent granted to ensure the units are only used for the proposed purposes to ensure the vitality and viability of the Town Centre is secured.

Additionally, a condition can be added to prevent the use of permitted development rights which allow shops to be turned into residential units (which can occur with the existing shop units via a Prior Approval process), which would ensure that the vitality and viability of the Town Centre is retained.

In addition, as recognised by the NPPF, it is considered that the proposed retail units would be complemented by the increase in residential units. Residential units in Town Centres encourages footfall, increases expenditure in centres, provides natural surveillance of surrounding streets, regenerates areas of decline and attracts additional retailers to a centre. The design and layout of this proposal helps to implement these positive objectives.

A condition shall be added to any permission granted to ensure that a Construction Management Plan is submitted to and approved by the Local Planning Authority prior to the commencement of development, to ensure that development would be built out with minimal disruption to the operation of the Town Centre.

Therefore, although there would be a loss of floorspace in the Town Centre, this has been minimised and overall, it is considered that the proposal would act as a catalyst for change in the Town Centre and would provide an opportunity to create future growth and investment.

The proposed development would not therefore have a negative impact on the vitality or viability of the Town Centre. The proposal is considered to accord with ARHLP policies SD3, SD4, RTCS3 and RTCS4.
Design, Layout and Landscaping

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and paragraph 57 encourages high quality design for individual buildings and public and private spaces.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Policy BE1 of the ARHLP stipulates that proposals should not result in adverse harm to the character and appearance of the local area. Policy BE2 provides urban design requirements for major development.

ARHLP policies NE11 and NE12 relate to trees and landscaping, with specific regard to major development. Principles DG4 and DG5 of the Harlow Design Guide SPD state that streets and public spaces should be landscaped and convenient to use.

The submitted Design and Access Statement shows an evolving design rationale for the proposed development which is robust, clear and logical.

The proposed design has been heavily influenced by the ‘New Town’ design of the Town Centre, with key features incorporated and re-interpreted in a modern way. For example, the proposed scheme includes the Town Centre’s three main building types- marker buildings; corner blocks and long, repeating units, which would rise from 3 to 16 storeys from Broad Walk to West Gate.

The increase in building height east to west would be gradual and create consistency between the proposed buildings. West Gate already accommodates buildings similar in height including Joseph Rank House. Furthermore, tall buildings exist towards the edges of the Town Centre, including Terminus House, and these mark significant places and create focal points within the town. The proposed development would create two marker buildings on the western boundary presenting a gateway into a comprehensively redeveloped area within the town. Broad Walk comprises buildings of various heights, and the proposed buildings fronting Broad Walk would add to this variation north to south.

The proposed buildings would include key features of the Town Centre such as defined gables; textured brickwork; coloured tiles; corner details; horizontal openings; grid forms; balconies and canopies. These features would help to provide variation and rhythm, and would provide visual interest and reduce the visual mass of the proposed buildings. The proposed buildings would relate well to the surrounding townscape in terms of bulk, scale and massing. The proposal would be constructed with high quality materials including brick, aluminium and metal.

The new public space would include the creation of a pedestrian landscaped boulevard from Broad Walk to West Gate, which would increase the permeability of the area and create a strongly defined route west to east through the town, encourage the use of the proposed retail units and would form an uninterrupted retail zone from Broad Walk to the north entrance of the Harvey Centre. The proposed layout is considered to respect the Town Centre by maintaining retail frontages, with service yards and car parks hidden from view.

The proposal would result in the loss of four, low quality trees. The Council’s Arborist states that the proposed scheme provides an opportunity to improve the quality and quantity of landscaping in the immediate area.

The plans show well designed private amenity spaces within the residential blocks. As a result of the amendments to the proposed ground floor layout plan, the landscaping scheme at ground floor is required to be updated; however, the landscaping information which was
submitted originally suggests that comprehensive landscaping within publicly visible locations would be achievable.

A condition is recommended to ensure that an appropriate hard and soft landscape scheme is submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. In addition, a condition to require details and samples of all materials to be used in the development and a condition to remove permitted development rights for the installation of renewable energy equipment and aerials without first obtaining consent from the Local Planning Authority would ensure that the development is of a high quality appearance.

Overall it is considered that the proposal would be of high quality design and would respond to local character through the incorporation of key features of the Town Centre in a modern way. It is considered that the proposal would enhance the environmental quality of the Town Centre and would improve the character, image and perception of the Town Centre.

The proposed development is therefore considered to be compliant with the NPPF, policies BE1, BE2, NE11 and NE12 of the ARHLP and the Harlow Design Guide SPD.

**Amenity**

Private amenity space would be provided in the form of balconies, courtyards and rooftop gardens. Every dwelling would have private amenity space.

Play spaces would be incorporated in public and private spaces including natural spaces, play equipment and space for socialising. The amenity spaces proposed are considered to be acceptable.

Two Daylight and Sunlight Assessments have been submitted which conclude that the proposed residential units, and amenity spaces, would benefit from acceptable levels of daylight and sunlight levels. Furthermore, the proposal would not significantly overshadow other surrounding buildings.

The proposed buildings would be insulated and would include suitable glazing to minimise noise levels. A Noise Impact Assessment has been submitted which concluded that noise would not have a significant impact on the tenants of the proposed development.

An Air Quality Impact Assessment and a Preliminary Investigation Report relating to ground conditions and land contamination have been submitted. The Council’s Environmental Health department reviewed the documents and raised no objection.

A condition would be added to any permission granted to ensure that details are submitted with regards to the vents/chimneys of any proposed Class A3, A4 or A5 uses. The opening hours of the ground floor units would be decided under separate Licensing legislation. In any event, the development would be brought forward as a whole, and prospective residents would be aware of the likelihood of retailers occupying the ground floor units.

It is not therefore considered that the proposal would result in detrimental impacts to the amenity of the potential future occupiers, and would not detrimentally impact neighbouring properties.

**Archaeology and Listed Statues**

There are unlikely to be any archaeological features at the site due to the existing development of the Town Centre. Essex County Council’s Archaeological Advisor raised no objection to the proposal.

The Grade II Listed Elisabeth Frink statue is positioned within the application boundary. The layout of the development would enhance the setting of the statue, and would increase its prominence and make it more publically accessible.
Another Grade II statue, Meat Porters, is positioned to the north of the application site. The proposed development would sustain and potentially improve the existing setting of this statue.

Essex County Council’s Historic Environment Advisor reviewed the information and raised no objection, subject to a condition relating to the protection of the Elisabeth Frink statue.

Therefore, the proposed development would not result in detrimental impacts to archaeology and would preserve or potentially enhance the setting of the listed statues.

**Parking and Highways**

The proposed development should comply with policies T6 and T9 of the ARHLP and the Essex Parking Standards.

The proposed development would provide 354 total parking spaces:

- 61 parking spaces at Building A.
- 133 parking spaces at Building B.
- 160 spaces within the top level of the Multi Storey Car Park (owned by the applicant).

The scheme would provide 100% of the required disabled parking spaces (23), and an over-provision of cycle spaces (468) and visitor cycle spaces (59).

The proposed development would provide 52% of the standard parking spaces required by the Essex Parking Standards. No visitor parking spaces would be provided. However, the Standards state that for main urban areas, including Town Centre locations, a reduction to the vehicle parking standards may be considered, particularly for residential development.

In addition, ARHLP policy SD4 states that the parking standards may be reduced or that no parking may be required where sites are located in centres and adjacent to public transport. This approach has been confirmed in appeal decisions relating to 1-7 Burnt Mill and ‘The Angle’ (references HW/FUL/16/00400 and HW/FUL/15/00193).

The application site is located within the Town Centre, and the proposed residential units would be positioned above or adjacent to retail uses. The application site is positioned within close proximity to the bus station and the Town Centre allows access to employment opportunities, healthcare and education (notably Harlow College and the University Technical College), and is accessible by cycle and foot. The site is therefore considered to be in a highly sustainable location, and a reduction in parking is therefore considered to be acceptable.

There are parking restrictions on the roads surrounding the application site, which would prevent on-street parking from occurring. Furthermore, it is considered that residents and visitors could park in the car parks within the Town Centre, which would further discourage on-street parking.

It is noted that 160 parking spaces within the Harvey Centre multi-storey car park for visitors of the Town Centre would be used for resident parking. The Transport Statement submitted with the application states that there is capacity within the car parks within the Town Centre to accommodate this loss, with other car parks being underutilised even at peak times. It is not therefore considered that the loss of these 160 spaces would result in a lack of parking for visitors to the Town Centre. The off-site car parking proposed would need to be secured via a legal agreement.

The Highway Authority has been consulted and has no objection to the proposed development. The Highway Authority believes that the level of parking provision is ‘more than’ acceptable, especially as actual vehicle movements would be less with the implementation of the travel plans, which would be secured via conditions.
Therefore, the parking provided is considered acceptable within its Town Centre location and the proposal would not result in any significant detrimental impact to the highway due to parking restrictions, and the availability of parking within car parks within the area. It is not therefore considered that the proposed parking arrangements would result in a significant detrimental impact to pedestrian or highway safety.

The proposed road leading to Block B would be shared between vehicles and pedestrians. This has been designed for use at very low speeds, and is similar to other shared surfaces within Town Centres across the UK including St Marks Square in Bromley and Princesshay in Exeter, as indicated within the submitted Design and Access Statement, and does not raise any highway safety concerns.

The vehicular access to the site from West Gate would not be altered by the proposed development though its use would be intensified, but this is not considered to be detrimental to the surrounding roads due to the capacity of the surrounding highway network.

A condition shall be added to any consent granted to ensure that the parking is provided in accordance with the approved plans, and that the developer provides Residential Travel Packs to encourage the potential future residents to use sustainable modes of transport.

Therefore, the level of parking is considered acceptable by virtue of the highly sustainable location of the application site within the Town Centre near to a bus station, the parking restrictions and prevalence of car parks surrounding the site and provision of cycle spaces. Furthermore, the proposed development is not considered to result in a significant detrimental impact to highway safety and would not detrimentally impact the servicing of the adjacent retail units. The proposal is considered to comply with ARHLP policies RTCS4, T6 and T9.

**Natural Environment and Ecology**

The developer requested a formal Screening Opinion by the Local Planning Authority as to whether an Environmental Impact Assessment (EIA) would be required for the proposed development.

The Council considered that the overall scale and nature of the impacts that would arise from the scheme would not require an EIA, and that the environmental issues arising from the development could be dealt with as part of the usual planning process.

The proposal would benefit local ecology and biodiversity by including trees, roof gardens, planters, bat boxes, bird boxes and insect hotels across the scheme.

An Ecology and Biodiversity report has been submitted which concludes that the proposal would not result in significant detrimental impacts to ecology or biodiversity.

Natural England had no comments to make with regards to the proposed development.

Therefore, the proposal is not considered to result in detrimental impacts to the natural environment or ecology, in compliance with policies NE15 and NE20 of the ARHLP.

**Flooding**

The application site is located in Flood Zone 1 where there is a low probability of flooding.

A Flood Risk Assessment has been submitted. The proposal would include green spaces, planting and roof top gardens to help prevent flooding. Essex County Council’s Sustainable Drainage department have no objection to the scheme.

Permission would be required from Thames Water with regards to sewers. This will be added as an informative to any consent granted.

**Waste and Servicing**
The proposed residential units would have exclusive access to their own secure waste storage area in each building core. A Management Company would be responsible for moving waste to designated points for collection.

The waste and servicing arrangements are considered to be acceptable. A Management Plan including details relating to waste and servicing would need to be included in a legal agreement.

The Council’s Streetscene department reviewed the information and hold no objection. The Highway Authority has recommended conditions to ensure that the delivery/servicing arrangements are suitable.

**Other**

Essex County Fire and Rescue Service have been consulted and state that detailed observations on access and facilities for the Fire Service shall be considered at Building Regulations stage. An informative shall be added in this regard.

**Planning Obligations**

The following obligations are considered to be required:

- 33% of the scheme as affordable housing, in accordance with the Affordable Housing SPD.
- £2,500 yearly fee for residential travel plan monitoring and a one-off fee of £5,000 for the workplace travel plan monitoring by Essex County Council.
- £146,056 contribution towards the provision of Early Years and Childcare places.
- £432,471 for provision towards local secondary school places.
- £177,100 towards healthcare services.

All financial contributions would be index linked.

With regards to open space contributions, the Community Infrastructure Levy Regulations 2010 limits the number of proposals from which the Council may seek generic contributions towards certain types of infrastructure. Taking this into consideration and that the proposal would provide large amounts of open space within the application site, it is not considered that a contribution towards open space off-site would be required in this instance.

In addition, the proposal requires the creation of a management company. The management company would be responsible for moving waste for collection and the maintenance of the surface water drainage systems and landscaping within the site.

A Viability Assessment was undertaken by the developer following concerns that the contributions would make the scheme unviable. In order to confirm whether the proposed scheme would be unviable, the Local Planning Authority had the assessment independently assessed by a viability professional. The consultant determined that the proposed scheme is unviable.

A second opinion was sought from the Valuation Office Agency (VOA), an executive agency sponsored by HM Revenue & Customs. The VOA provides the Government with the valuations and property advice needed to support taxation and benefits. District Valuer Services (DVS), the specialist arm of the VOA, provide independent valuation and professional property advice to bodies across the entire public sector. The DVS assessed the viability reports produced by the developer and the viability professional acting on behalf of the Local Planning Authority.

The VOA/DVS report confirmed that the proposed scheme was financially unviable. The report recommends provision for a clawback mechanism which would enable obligations to be sought if the development should yield more value in the future. With the clawback
provision in place, the Council could benefit from the returns contributing to Affordable Housing.

It is not possible to detail the contents of the reports due to the commercially sensitive nature of the information.

The NPPF and policy H5 of the ARHLHP stipulate that it is not appropriate to require obligations to a level at which a scheme would become unviable. Furthermore, the Planning Practice Guidance indicates that to incentivise redevelopment of brownfield sites, the Local Planning Authority should take a flexible approach in seeking levels of planning obligations and other contributions. In accordance with the NPPF, it is considered that the Local Planning Authority cannot require the provision of affordable housing or financial contributions. Appeal decisions since the adoption of the NPPF for the schemes at 1-7 Burnt Mill and 'The Angle' (references HW/FUL/16/00400 and HW/FUL/15/00193) have confirmed that refusal of planning applications in such circumstances is unreasonable. The refusal of the current proposal on the basis of viability or not providing affordable housing would likely result in an award of costs against the Local Planning Authority.

The travel plan monitoring fees which ensure initiatives to reduce the reliance on cars and therefore parking provision, and the creation of the management company differ from the other obligations as they are considered to form an integral part of the scheme. A S106 agreement is therefore required to secure the travel plans and the creation of the management company. The S106 agreement would also be required to secure the arrangements for parking off-site to ensure that the arrangements are suitable and retained in associated with the proposed residential development.

The S106 agreement shall also include the recommended clawback provision to enable planning obligations, principally affordable housing, to be provided should the development yield more value in the future.

CONCLUSION:

In conclusion, the proposal offers a mixed-use development involving new retail and residential units which would regenerate the Town Centre, and act as a catalyst for wider change. Furthermore, the proposal would respond to local character through the incorporation of key features of the Town Centre in a modern way, and would include the creation of a significant new landscaped boulevard. It is considered that the proposal would enhance the environmental quality of the Town Centre and would improve the character, image and perception of the Town Centre.

There are no concerns with regards to archaeology; listed statues; parking; highways; ecology; flooding and refuse.

The proposal is considered to be compliant with the NPPF and the relevant policies within the Adopted Replacement Harlow Local Plan, and is therefore recommended for approval subject to conditions and the applicant entering into an appropriately worded legal agreement to secure a clawback mechanism to enable planning obligations, principally affordable housing, to be provided should the development yield more value in the future.

RECOMMENDATION:

That Committee resolve to: GRANT PLANNING PERMISSION subject to the applicant entering into an appropriately worded Section 106 Legal Agreement based on the requirements identified within the report, including a clawback mechanism to enable planning obligations, principally affordable housing, to be provided in the future, and 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 any construction works above ground level, comprehensive details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, doors, soffits, guttering and mortar mix. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

3 Prior to the occupation of each unit for Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) purposes details of the siting, design and technical specification of the fume extraction and ventilation systems to serve the units together with details of any external flue(s) or ducting, specification of filtration, deodorising systems (where applicable), noise output and termination points shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be undertaken in accordance with the approved details prior to the occupation of the each unit for Use Class A3, A4 and A5 purposes and the extraction and ventilation systems shall be retained in the approved form and maintained in proper working order thereafter throughout the occupation of the units for Use Class A3, A4 and A5 purposes. The extraction equipment shall be in operation at all times when cooking is being carried out in each unit.

REASON: In the interest of the environmental quality of the Town Centre and those working, visiting or residing within it in accordance with policy RTCS4 of the Adopted Replacement Harlow Local Plan 2006.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the uses of the units shown at ground floor level shall be those shown on drawing 5469 T(20)P00C only and shall be used for no other purposes whatsoever.

REASON: To protect the vitality and viability of the Town Centre in accordance with policy SD4 of the Adopted Replacement Harlow Local Plan 2006.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no change of use permitted by Class M of Part 3 of Schedule 2 of the Order shall take place on the application site.

REASON: To protect the vitality and viability of the Town Centre in accordance with policy SD4 of the Adopted Replacement Harlow Local Plan 2006.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no installation or alteration permitted by Part 14 or Classes A, B, C and D of Part 16 of Schedule 2 of the Order shall be made on the application site.

REASON: To protect the character and appearance of the area in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

7 No development shall take place on site, including any ground works or demolition until details relevant to the safe retention and protection of the Elisabeth Frink and Meat Porters statues are submitted to and approved in writing by the Local Planning Authority.
Authority. The development shall thereafter be carried out in accordance with the approved details.

**REASON:** To protect Listed Buildings, in compliance with policy BE6 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before development to ensure the impacts of the development are acceptable.

8 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

**REASON:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, and in the interests of the vitality and viability of the Town Centre, in accordance with policies T9 and SD4 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before development to ensure the impacts of the development are acceptable.

9 Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.GA002 Rev A, dated 20 Dec 2016, shall be fully implemented, with all details being agreed with the Local Planning Authority in consultation with the Highway Authority.

**REASON:** To ensure appropriate access arrangements in the interests of highway safety, in accordance with the Highway Authority Development Management Policies.

10 Prior to the first occupation of the development the highway mitigation works to the Velizy/Fourth Ave/First Ave roundabout, as shown in principle in Appendix K of the Transport Assessment (prepared by Caneparo Associates Limited, received March 2017), shall be fully implemented, with all details being agreed with the Local Planning Authority in consultation with Essex County Council.

**REASON:** To make adequate provision within the highway for the traffic generated as a result of the proposed development.

11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

**REASON:** To ensure that appropriate parking and turning is provided, in accordance with policy T9 of the Adopted Replacement Harlow Local Plan 2006.

12 The cycle parking facilities hereby approved shall be provided prior to the first occupation of the development and retained at all times.

**REASON:** To ensure appropriate powered two-wheeler and bicycle parking is provided, in accordance with policy T9 of the Adopted Replacement Harlow Local Plan 2006.
Prior to the first occupation of the proposed development, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex County Council. The approved Residential Travel Plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy T4 of the Adopted Replacement Harlow Local Plan 2006.

Prior to the first occupation of the proposed development, a Workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex County Council. The Travel Plan shall be implemented as approved.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy T4 of the Adopted Replacement Harlow Local Plan 2006.

Prior to first occupation of the proposed development, a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with Essex County Council. The Residential Travel Information Pack shall include six one day travel vouchers per dwelling for use with the relevant local public transport operator.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy T4 of the Adopted Replacement Harlow Local Plan 2006.

Prior to the first occupation of the proposed development, details of the Delivery & Servicing Plan and Car Park Management Plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**REASON:** In the interests of highway safety and efficiency, in accordance with policy T4 of the Adopted Replacement Harlow Local Plan 2006.

No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details and locations of hard and soft landscaping.
- A method statement for implementation and maintenance
- Location of proposed above and below ground functional services
- Details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare.
- Details of all boundary treatments

The development shall thereafter be carried out in accordance with the approved details.

**REASON:** To ensure satisfactory landscape treatment of the site and to screen and enhance the development in the interest of visual amenity, in accordance with policies NE11 and NE12 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before development to ensure the impacts of the development are acceptable.
Any trees which within a period of five years from planting are removed, die or become seriously damaged/diseased shall be replaced in the next planting season with others of similar size and species.

**REASON:** To ensure satisfactory landscape treatment of the site and to screen and enhance the development in the interest of visual amenity, in accordance with policies NE11 and NE12 of the Adopted Replacement Harlow Local Plan 2006.

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

<table>
<thead>
<tr>
<th>Plan Reference</th>
<th>Version No.</th>
<th>Plan Type</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>C0051 L102</td>
<td>01</td>
<td>Proposed Second Floor Layout</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L103</td>
<td>00</td>
<td>Proposed Third Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L104</td>
<td>00</td>
<td>Proposed Fourth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L105</td>
<td>00</td>
<td>Proposed Fifth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L107</td>
<td>00</td>
<td>Proposed Seventh Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L108</td>
<td>00</td>
<td>Proposed Roof Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L131 00</td>
<td>--</td>
<td>Proposed First Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L132 00</td>
<td>--</td>
<td>Proposed Second Floor Layout</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L133 00</td>
<td>--</td>
<td>Proposed Third Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L134 00</td>
<td>--</td>
<td>Proposed Fourth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L135 00</td>
<td>--</td>
<td>Proposed Fifth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L137 00</td>
<td>--</td>
<td>Proposed Seventh Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>C0051 L138 00</td>
<td>--</td>
<td>Proposed Roof Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D01</td>
<td></td>
<td>Proposed Section</td>
<td>27.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D03</td>
<td>--</td>
<td>Proposed Section</td>
<td>27.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D04</td>
<td>--</td>
<td>Proposed Section</td>
<td>27.03.2017</td>
</tr>
<tr>
<td>5469 T(20) S08</td>
<td>A</td>
<td>Proposed Section</td>
<td>27.03.2017</td>
</tr>
<tr>
<td>5469 T(20) S09</td>
<td>--</td>
<td>Proposed Section</td>
<td>27.03.2017</td>
</tr>
<tr>
<td>5469 T(18) P00</td>
<td>--</td>
<td>Existing Ground Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S01</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S02</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S03</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S04</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S05</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(18) S06</td>
<td>--</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>Document Code</td>
<td>Sheet Type</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------------------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>5469 T(18)S07</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S01</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S02</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S03</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S04</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S05</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(10)S06</td>
<td>Existing Sections</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P00</td>
<td>Proposed Ground Floor Plan</td>
<td>18.08.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P01</td>
<td>Proposed First Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P02</td>
<td>Proposed Second Floor Layout</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P03</td>
<td>Proposed Third Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P04</td>
<td>Proposed Fourth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P05</td>
<td>Proposed Fifth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P06</td>
<td>Proposed Sixth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P07</td>
<td>Proposed Seventh Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P08</td>
<td>Proposed Eighth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P09</td>
<td>Proposed Ninth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P10</td>
<td>Proposed Tenth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P11</td>
<td>Proposed Eleventh Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P12</td>
<td>Proposed Twelfth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P13</td>
<td>Proposed Thirteenth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P14</td>
<td>Proposed Fourteenth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P15</td>
<td>Proposed Fifteenth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 T(20)P16</td>
<td>Proposed Roof Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed First Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Second Floor Layout</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P02</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Third Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P03</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Fourth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P04</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Fifth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Sixth Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5469 TAD(20)</td>
<td>Proposed Seventh Floor Plan</td>
<td>10.03.2017</td>
<td></td>
</tr>
<tr>
<td>P07</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document Code</td>
<td>Page</td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>---------------</td>
<td>------</td>
<td>---------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>5469 TAD(20) P08</td>
<td>--</td>
<td>Proposed Eighth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P09</td>
<td>--</td>
<td>Proposed Ninth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P10</td>
<td>--</td>
<td>Proposed Tenth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P11</td>
<td>--</td>
<td>Proposed Eleventh Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P12</td>
<td>--</td>
<td>Proposed Twelfth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P13</td>
<td>--</td>
<td>Proposed Thirteenth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P14</td>
<td>--</td>
<td>Proposed Fourteenth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P15</td>
<td>--</td>
<td>Proposed Fifteenth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TAD(20) P16</td>
<td>--</td>
<td>Proposed Roof Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P01</td>
<td>--</td>
<td>Proposed First Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P02</td>
<td>--</td>
<td>Proposed Second Floor Layout</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P03</td>
<td>--</td>
<td>Proposed Third Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P04</td>
<td>--</td>
<td>Proposed Fourth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P05</td>
<td>--</td>
<td>Proposed Fifth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P06</td>
<td>--</td>
<td>Proposed Sixth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P07</td>
<td>--</td>
<td>Proposed Seventh Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P08</td>
<td>--</td>
<td>Proposed Eighth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 TBC(20) P09</td>
<td>--</td>
<td>Proposed Ninth Floor Plan</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D01</td>
<td>--</td>
<td>Detail Bay Study</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D02</td>
<td>C</td>
<td>Detail Bay Study</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D03</td>
<td>--</td>
<td>Detail Bay Study</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) D04</td>
<td>--</td>
<td>Detail Bay Study</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) S01</td>
<td>--</td>
<td>Proposed Section</td>
<td>18.08.2017</td>
</tr>
<tr>
<td>5469 T(20) S02</td>
<td>--</td>
<td>Proposed Section</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) S04</td>
<td>--</td>
<td>Proposed Section</td>
<td>10.03.2017</td>
</tr>
<tr>
<td>5469 T(20) S06</td>
<td>A</td>
<td>Proposed Section</td>
<td>18.08.2017</td>
</tr>
<tr>
<td>5469 T(20) S07</td>
<td>A</td>
<td>Proposed Section</td>
<td>18.08.2017</td>
</tr>
<tr>
<td>5469 T(20) S08</td>
<td>C</td>
<td>Proposed Section</td>
<td>18.08.2017</td>
</tr>
<tr>
<td>5469 T(20) S03</td>
<td>B</td>
<td>Proposed Section</td>
<td>18.08.2017</td>
</tr>
</tbody>
</table>
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. The application is acceptable in principle and raises no significant concerns with regards to the vitality and viability of the Town Centre; design; layout; landscaping; amenity; archaeology; listed statues; parking; highways; natural environment; ecology; flooding; waste and servicing and planning obligations. The application accords with national policies and the Development Plan, with no outstanding material considerations. The application has been recommended for approval accordingly.

3. The developer shall pay as necessary for the making of any new, or amendments to the existing, Traffic Regulation Orders; together with provision of the associated signing and lining.

4. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.

5. If any highway requires Stopping Up then the proposed use shall not be commenced and subject land shall not be enclosed from the Highway until such time as an order has been confirmed extinguishing all highway rights therefrom to protect the public's right and ease of passage over the Highway. The applicant should establish title to the land.

6. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

7. 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: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

8. Essex County Fire and Rescue Service's Water Technical Officer should be contacted on 01376 576 344 with regards to water supplies for firefighting.

Existing Location Plan (with blue ownership boundary)

Proposed Location Plan & Ground Floor Plan
Proposed First Floor Plan

Proposed Second Floor Plan
Selection of Proposed Elevations/Sections

View from Market Square

View North from new boulevard

View from West Gate

Proposed Elevation/Sections Detail
Existing and Indicative Images (looking eastwards from West Gate)

Existing and Indicative Images (looking South from West Square)

Existing and Indicative Images (looking towards the ‘new street’ from West Gate)
Illustrative Ground Floor Landscape Sections

Illustrative Podium Garden Section
Proposed Second Floor Landscape Plan