

**SUPPLEMENTARY DOCUMENTS FOR  
DEVELOPMENT MANAGEMENT COMMITTEE  
Wednesday 3 June 2020 at 7.30 pm  
Zoom - Online**

The attached documents are due to be considered at the meeting listed above and were unavailable for circulation when the agenda for the meeting was published. The agenda items to which the documents relate is noted below.

**AGENDA**

3. Minutes (Pages 2 - 4)
7. HW/REM/19/00494 - CP2B, CP2, Barnfield Way, New Hall (Pages 5 - 7)
8. HW/FUL/19/00426 - New Frontiers Leisure Club, Paringdon Road (Page 8)

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE  
HELD ON**

27 May 2020

7.30 - 9.12 pm

**PRESENT**

**Committee Members**

Councillor Phil Waite (Chair)  
Councillor Nancy Watson (Vice-Chair)  
Councillor Jean Clark  
Councillor Mike Danvers  
Councillor Bob Davis  
Councillor Michael Garnett  
Councillor Michael Hardware  
Councillor Maggie Hulcoop  
Councillor Sue Livings  
Councillor Clive Souter

**Officers**

Jade Clifton-Brown, Principal Planning Officer  
Patricia Coyle, Principal Planning Officer  
Hannah Criddle, Governance Support Officer  
Alex Chrusciak, Planning and Building Control Manager (Interim)  
Nicholas Fu, Planning Officer  
Julie Galvin, Assistant Solicitor  
John Harrison, Senior Development Management Officer  
Simon Hill, Head of Governance  
Sangeeta Ratna, Senior Planning Officer  
Adam Rees, Governance Support Officer

1. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

None.

2. **DECLARATIONS OF INTEREST**

Councillor Bob Davis declared a non-pecuniary interest in agenda item 8 as a Mark Hall Ward Councillor.

Councillor Mike Garnett declared a non-pecuniary interest in agenda items 8 and 10 as Harlow North County Councillor.

Councillor Michael Hardware declared a non-pecuniary interest in agenda item 7 as a Staple Tye Ward Councillor.

Councillor Clive Souter declared a non-pecuniary interest in agenda item 7 as his lives in the Staple Tye ward.

3. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 15 January 2020 are agreed as a correct record and signed by the Chair.

4. **MATTERS ARISING**

None.

5. **WRITTEN QUESTIONS**

None.

6. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

**RESOLVED** that the procedure for the conduct of the meeting is noted.

7. **HW/FUL/18/00064 - ENTERPRISE HOUSE, PERRY ROAD**

The Committee received a report and application (HW/FUL/18/00064) on the change of use from B8 storage and distribution to Sui Generis (gym studio and beauty space).

**RESOLVED** that the application is **DEFERRED**. The deferment is to allow for further engagement with the Applicant on possible changes to the application in order to address the concerns raised.

8. **HW/FUL/19/00257 - SERVICE INDUSTRY BAYS, THE STOW**

The Committee received a report and application (HW/FUL/19/00257) on the re-development of existing service bays (employment use) into a mixed use development comprising of 88 no. 1 and 2 bedroom apartments, 10 no. live/work unites and 545 sqm of B1 use. The proposals also incorporate an Undercroft Car Parking, Mews Courtyard and Residential Gardens.

**RESOLVED** that planning permission is **GRANTED** subject to the applicant entering into an appropriately worded Section 106 legal agreement to secure:

- (i) A £50,000 contribution towards the requirements indented by the NHS and Essex County Council;
- (ii) The provision of a management company to ensure that waste is moved at the appropriate times to the required locations to allow for its collection by Council operatives; and the conditions detailed in the supplementary documents.

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9. **HW/FUL/20/00049 - TELECOMMUNICATION MAST, JUNCTION WITH TILLWICKS ROAD, SOUTHERN WAY**

The Committee received a report and application (HW/FUL/20/00049) on a proposed telecommunications upgrade for a Phase 7 monopole complete with wraparound cabinet at based and associated work.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions detailed in the report.

10. **HW/FUL/20/00095 - BURNT MILL COMPREHENSIVE SCHOOL, FIRST AVENUE**

The Committee received a report and application (HW/FUL/20/00095) on the retention of a modular classroom block to provide 4 classroom accommodation block for Sir Fredrick Gibberd College for an additional one academic year granted a temporary planning permission with reference HW/FUL/19/00074.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions detailed in the report.

11. **HW/HSE/20/00037 - 34 SHELDON CLOSE, HARLOW**

The Committee received a report and application (HW/HSE/20/00037) on a single storey side and rear extension.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions detailed in the report.

12. **REFERENCES FROM OTHER COMMITTEES**

None.

13. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**Committee Update - HW/REM/19/00494 - CP2B, CP2, Barnfield Way, New Hall**

Additional representation received - Applicant

Reviewed the report and comment as follows:

Affordable Housing – A summary viability assessment was submitted with the s106 submission.

Condition 1 – This proposed condition does not make sense. There is no section within a Reserved Matters application form that requires the materials to be set out in detail, this level of information is only required within a full planning application form. Full details of the materials are contained within the material strategy plan. Should this condition be amended?

Condition 3 – This reiterates condition 14 of the outline permission. We are also not sure what is being referred to in respect of marked out, you will note that Newhall avoids lines and markings and uses materials to delineate the spaces. The condition is considered to be surplus.

Condition 4 – This re-iterates the content of outline permission condition 8 and is therefore surplus.

Condition 5 – I am not sure why we need a condition listing the plans, as a s73 is not possible against a REM submission. If this is a necessity, can you confirm that the condition will list all the plans?

Officer response

Affordable Housing - There is a separate legal agreement submission which relates to the affordable housing contribution for this tranche of development. The submission indicates that there is only viability for 15% of the properties to be provided as affordable housing. This is below current Policy requirements for 30% affordable housing, nonetheless it is in line with the minimum indicated in the legal agreement as being appropriate for the Newhall Neighbourhood and, as it has been considered acceptable elsewhere across the area, is therefore considered to be acceptable for this tranche of development.

Condition 1 – As the outline scheme did not include appearance, while a general palate of colours and materials were agreed, this scheme does have a material not within the general palate – black brick. It is therefore not unreasonable that the proposed materials for this tranche of development are conditioned to be provided in accordance with the details submitted. It is however proposed to amend proposed wording to refer to the Material Strategy Plan, as follows:

- 1. The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the Material Strategy Plan submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing*

*(including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials other than those materials specified on the Material Strategy Plan are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.*

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

Conditions 3 and 4 – The outline scheme did not include access, appearance, layout, scale or landscaping for each tranche of development.

Condition 8 of outline approval HW/PL/04/00302 reads as follows:

*“All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings within each phase of the development hereby permitted”*

Landscaping details are provided with this reserved matters application (rather than under an earlier related condition) and it is therefore appropriate and necessary for a condition to require the implementation of the planting scheme in accordance with plans submitted with this application for approval.

Condition 14 of outline approval HW/PL/04/00302 reads as follows:

*“The garage or parking area shall be provided and maintained for the benefit of occupiers of the attached residential accommodation for the parking of vehicles and no trade or business shall be carried out therefrom.*

**REASON: Any other use of the garage or business use would not be acceptable”**

It is reasonable that conditions are attached to secure areas for parking and turning as part of the reserved matters approval. However, it is noted that there are no on-street markings for parking areas within Newhall and it is agreed that proposed Condition 3 can be amended to remove reference to markings, as follows:

3. *All parking areas shall be hardsurfaced and sealed. All vehicle parking and turning areas shall be identified through the use of differentiating materials as specified and retained for that purpose.*

**Reason: In the interests of Highway Safety**

No change to proposed condition 4.

Condition 5 - The recent Court of Appeal decision, R (on the application for Fulford Parish Council) v City of York Council [2019] EWCA Civ 1359, provides authority for both non-material amendments to reserved matters approvals (RMAs) (save for the extension of time) and for the conditional grant of RMAs. The Judgement makes it clear that there is scope for the attachment of, and the amendment of, conditions attached to a reserved matters approval either through S73 (minor material amendments) or S96A (non-material minor amendments).

## Recommendation

The recommendation is that the application be **APPROVED** subject to: the revised conditions 1 and 3 set out above; and conditions 2, 4 and 5 as set out in the published report.

**Committee Update - HW/FUL/19/00426 - New Frontiers Leisure Club, Paringdon Road**

Additional representation received - Applicant

As with many other organisations in our sector, we have been very badly hit by the pandemic. As our site is closed we cannot charge people membership fees and obviously we have no events, sports or other activities active at present.

The only income we have is a small reduced amount from the car dealer, and some container rent from a couple of the units. They can obviously access the site with their own gate keys without needing to enter the building.

However, we are still having to pay our rent (our landlords have given us longer to pay, but will not reduce the amount). We also have an electric bill coming in, insurance to pay and we are having to maintain a level of security, albeit very reduced.

All of this adds up to any reserves we had before the pandemic are being eaten into and our plans for summer restoration work on our pitches will now not happen. It is this type work that would normally be financed by the income from the containers and the tennis courts.

Officer response

It is acknowledged that development helps to support the financial viability of the leisure centre and this has been taken into account in the committee report. However, such (supporting) development would be required to be ancillary to or support and/or enhance the existing facility in order to accord with Policy L3 of the Adopted Replacement Harlow Local Plan. The change of use of tennis courts to car storage space and the location of the number of containers on site do not accord with this criteria. Additionally they adversely affect the role of the Green Wedge and the visual amenity of the occupiers of nearby dwellings and the users of the facility.

Recommendation

The recommendation remains as set out in the published agenda papers.