

DEVELOPMENT MANAGEMENT COMMITTEE
Wednesday 30 September 2020 at 7.30 pm
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

AGENDA

1. Apologies for Absence and Substitutions

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 3 - 7)

4. Matters Arising

5. Written Questions

6. Procedure for Consideration of Planning Applications

At the discretion of the Chair, the following procedure will apply to the consideration of planning items:-

- * Planning Officer presents reports.
- * Comments invited from members of the public who have registered with the Governance Support Section (01279 446055) at least 24 hours in advance of the meeting, or have submitted a statement of up to 450 words by 9am the day before the meeting, as follows:
 - 3 (maximum) against an application.
 - 3 (maximum) for an application.
 - each speaker is limited to 3 minutes (maximum).
- * Comments invited from the applicant/agent for a maximum of 3 minutes (who has also given at least 24 hours' notice to the Governance Support Section) of their wish to speak or have submitted a written statement of up to 450 words by 9am the day

before the meeting.

- * Councillors' questions and clarifications.
- * Officers respond to the technical planning questions raised as directed by the Chair.
- * Councillors debate and make a decision.

All statements should be sent via email to hannah.criddle@harlow.gov.uk or sent via post to:

Governance Support
Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex
CM20 1WG

7. HW/FUL/20/00161 - North Of Aylmer House, Kitson Way, Harlow
(Pages 8 - 39)
8. HW/FUL/18/00064 - Enterprise House, Perry Road, Harlow
(Pages 40 - 52)
9. References from Other Committees

Any references received after the publication of this agenda will be circulated separately.

10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

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

2 September 2020

7.30 - 9.15 pm

PRESENT

Committee Members

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

Officers

Alex Chrusciak, Interim Planning and Building Control Manager
Patricia Coyle, Principal Planning Officer
Hannah Criddle, Governance Support Officer
Emma Crouch, Corporate Support Officer
Nicholas Fu, Senior Planning Officer
Julie Galvin, Legal Services Manager
John Harrison, Senior Development Management Officer

52. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Bob Davis.

53. **DECLARATIONS OF INTEREST**

Councillor Mike Garnett declared a non-pecuniary interest in agenda item 7 as an Old Harlow Ward Councillor and Harlow North County Councillor and in agenda item 10 as Harlow North County Councillor.

Councillor Michael Hardware declared a non-pecuniary interest in agenda item 8 as Harlow West County Councillor.

Councillor Sue Livings declared a non-pecuniary interest in agenda item 7 as an Old Harlow Ward Councillor.

Councillor Clive Souter declared a non-pecuniary interest in agenda item 8 as Harlow West County Councillor.

Councillor Phil Waite declared a non-pecuniary interest in agenda item 8 as a Toddbrook Ward Councillor.

Councillor Nancy Watson declared a non-pecuniary interest in agenda item 10 as a Netteswell Ward Councillor.

54. **MINUTES**

RESOLVED that the minutes of the meeting held on 19 August 2020 are agreed as a correct record and signed by the Chair.

55. **MATTERS ARISING**

None.

56. **WRITTEN QUESTIONS**

None.

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

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

58. **HW/REM/20/00085 - PHASE 3A COUNTRYSIDE, HIGH CHASE, NEWHALL**

The Committee received a report and application (HW/REM/20/00085) on the planning permission and approval of some reserved matters (appearance, landscaping, layout and scale) relating to the development of the 3A site to provide 109 residential units (use class C3) and associated car parking and infrastructure works associated with the approved outline applications (HW/PL/04/00302 Phase 2, Newhall).

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included additional representations received from the applicant.

Presentations were heard from the applicant's agent.

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

59. **HW/FUL/20/00209 - LAND SOUTH OF BARN MEAD, PARTRIDGE ROAD, HARLOW**

The Committee received a report and application (HW/FUL/20/00209) on the planning permission for the installation of 9 car parking spaces, including 1 no. disabled parking bay and proposed knee-rail fence along the parameter of the existing green.

Presentations were heard from two objectors and Councillor Frances Mason.

Councillor Maggie Hulcoop (seconded by Councillor Michael Hardware) proposed that planning permission is deferred to allow...

RESOLVED that planning permission is **DEFERRED**.

The Deferment is to allow officers to raise the following points with the Applicant with a view to securing alterations to the proposal:

- (i) Investigate the provision for disabled parking
- (ii) Consider whether parking can be accommodated on the adjacent green space
- (iii) Undertake full consultation with the Ward and County Cllrs
- (iv) Review the materials being used

60. **HW/HSE/20/00175 - 11 GREAT LEYLANDS, HARLOW**

The Committee received a report and application (HW/HSE/20/00175) on the planning permission for the demolition of an existing outbuilding and erection of a two-storey side and single-storey front extension.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included the "impact on neighbours" section which had been omitted from the original report.

Presentations were heard from one objector.

RESOLVED that planning permission is **REFUSED** for the following reasons:

The extension is disproportionate in size. It fails to be subservient to the existing property creating the appearance of a terrace which is out of character with the local area, contrary to Policy BE1 of the Adopted Replacement Harlow Local Plan (2006) and the Harlow Design Guide Supplementary Planning Document Adopted October 2011.

61. **HW/FUL/20/00151 - 97-126, THE HIDES, HARLOW**

The Committee received a report and application (HW/FUL/20/00151) on the planning permission for the renovation of the facades and roofs of the existing 3 storey block of 30 no. flats, including new windows, doors, site lighting, surface materials to external walkways, stairs, soffits, external insulations, renders, new soft and hard landscaping, new external boundary walls and metalwork fencing, including amendments to the main landscape space, new 11 car parking spaces off the main street, new

signage, access control, bin stores, and other miscellaneous and associated alterations.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. The information included the “conclusion” section which was corrupted in the original report.

Presentations were heard from three objectors.

Councillor Mike Danvers (seconded by Councillor Clive Souter) proposed that the substantive part of the application be agreed and amendments be made to the application in respect of the green area to the front, the car parking and cycle rack parking and brought back to the Committee.

Councillor Michael Garnett (seconded by Councillor Jean Clark) proposed an additional condition for the working hours. The amendment was carried.

RESOLVED to delegate powers to the Planning and Building Control Manager to APPROVE the application subject to:

- (i) The Applicant agreeing to amending the description of development and to withdraw from the application any proposals for:
 - the positioning of the fence on the green/public space and the proportion of green space to be fenced off,
 - car parking, and
 - the cycle rack
- (ii) Work with the Applicant to review the proposals for the excluded elements with a view that they would come forward in a separate future application.
- (iii) The addition of the following informative on working hours:

No construction work shall be carried out or plant operated other than between the following hours: 08:00 hours to 18:30 hours on Mondays to Fridays; and between 08:00 hours to 13:00 hours on Saturdays. no construction work shall take place on Sundays, Bank Holidays or Public Holidays.

62. **REFERENCES FROM OTHER COMMITTEES**

None.

63. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
30 Sept 2020**

REFERENCE: HW/FUL/20/00161

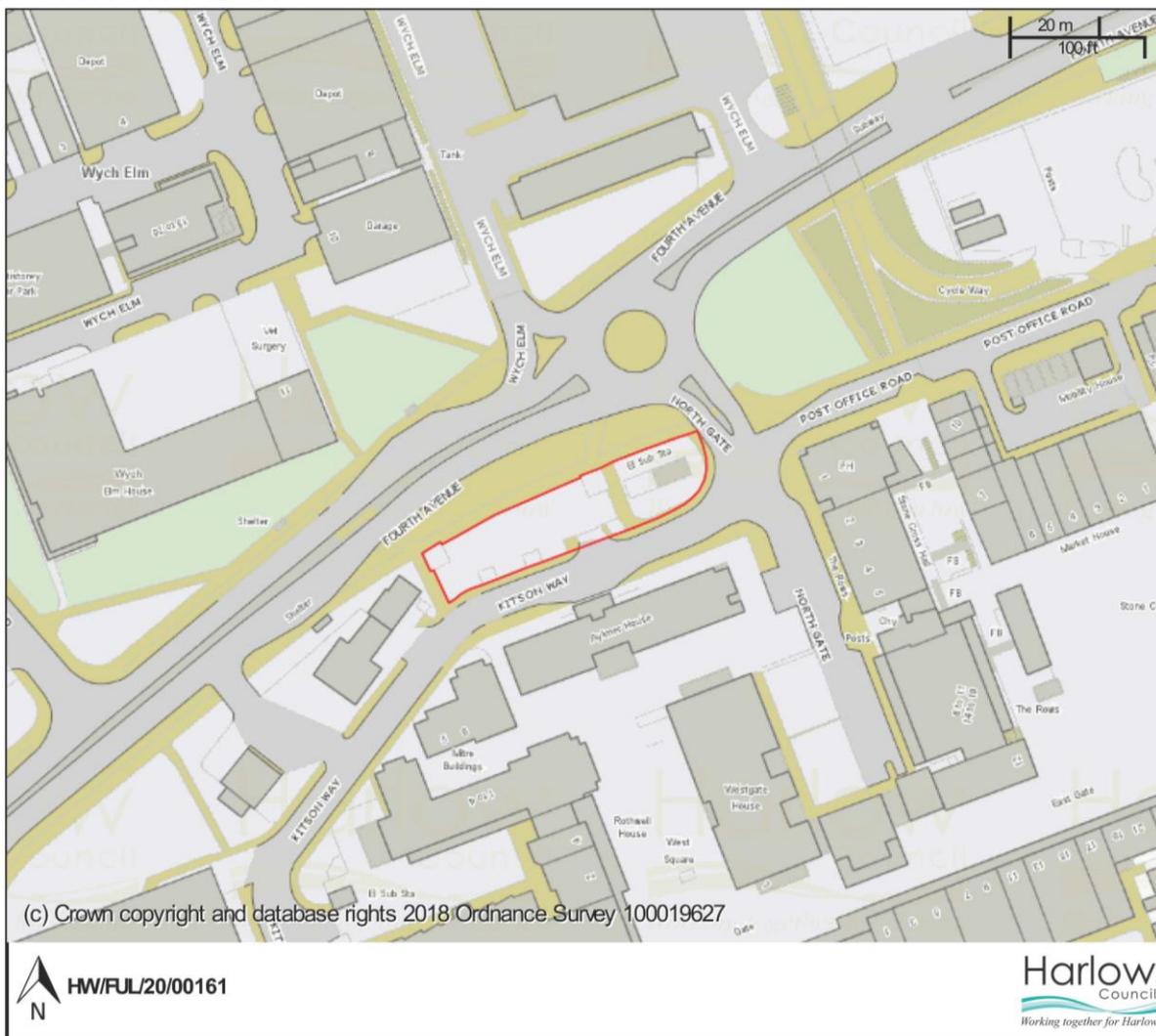
OFFICER: Mitch Kitts

APPLICANT: Diamond Corporation

LOCATION: Land North Of Aylmer House
Kitson Way
Harlow
Essex

PROPOSAL: Erection of residential building ranging between 7 and 9 storeys to provide 49 flats (26 x 1 bed, 21 x 2 bed and 2 x 3 bed) with associated parking, amenity areas and other associated works.

LOCATION PLAN



REASON BROUGHT TO COMMITTEE
Major Planning Application

Application Site and Surroundings

The application site (the Site) is situated on Kitson Way, Harlow and is a car parking which previously served a now, converted office building.

The Site within the Harlow Town Centre North and is within the Town Centre & Edge of Town Centre Redevelopment Areas. The site is south of Fourth Avenue and North of Kitson Way, measuring 0.0971 Hectares.

RELEVANT PLANNING HISTORY

No relevant history.

CONSULTATIONS

Environmental Health

Requirements for further details regarding the land contamination report and noise created by the ventilation system can be conditioned. A request for conditions controlling noise and disturbance arising from the construction phase will appear in the informative as control of pollution legislation is the appropriate recourse to controlling such matters.

Thames Water

Piling Method Statement required and compliance with SUDs (See Lead Local Flood Authority) will be included in the Informative.

Essex Police

How the scheme demonstrates compliance with Local Plan policy BL5 is addressed in the report.

Arboriculturalist

Recommends refusal of the scheme based on lack of green infrastructure. However, this has been addressed through further detailed submission and the imposition of suitable planning conditions. Negotiations concerning securing suitable landscaping will continue post permission in the event of an approval.

ECC Place Service

Concerns over offset distances and use of materials are addressed in the report.

UK power network

Standard letter received concerning offset distances. Potential concerns are addressed in the report.

Lead Local Flood Authority

ECC as a Lead Local Flood Authority have now removed their holding objection subject to the imposition of conditions which have been agreed by the applicant and the LPA.

Early Years and Child Care and Education

No education contributions are being sought on this application as the primary and secondary pupil thresholds have not been reached and it is considered that there is sufficient Early Years and Childcare capacity in the area.

Climate Change

The UK is bound by the Climate Change Act 2008 to achieve net zero Green House Gas (GHG) emissions by 2050. Quotes Policy PL3 and this is addressed in the report.

Green Infrastructure

A Construction Environmental Management Plan (CEMP) will be suggested in the informative to outline how vegetation will be protected during construction.

Environmental/ Biodiversity Net Gain

The Planning Statement mentions under the sustainability section that the development will increase biodiversity (which is supported) through the provision of enhanced landscapes areas around the new building. There is a lack of detail and specifics on how this will be achieved and measured. Request for a GI strategy is controlled by way of planning condition.

Libraries

ECC has calculated that a contribution of £14,833.28 is required. The contribution should be included in any Section 106 Agreement should the Council grant permission.

Minerals and Waste

Essex County Council acting as the Minerals and Waste Planning Authority have no comment to make on this application.

Broadband and Connectivity

New housing development over 30 homes is likely to be provided with full fibre internet access (FTTP) free of charge by the large network operators - secured by planning condition.

Highways

No objection subject to conditions. The development includes parking provision but does not clarify whether there would also be provision for electric vehicle charging points. However, this is addressed by planning condition.

NHS

The scheme is below the contributions threshold.

Neighbours and Additional Publicity

Number of Letters Sent: 150

Total Number of third-party Representations Received: 0

PLANNING POLICY

Adopted Replacement Harlow Local Plan 2006

SD2: To maximise the opportunities offered by Harlow's status as a Priority Area for Economic Regeneration, development proposals that facilitate regeneration and renewal of the urban fabric and infrastructure in order to improve the local economy will be permitted. This will be achieved through a partnership approach where appropriate

H4: New housing development and conversions will be required to accommodate a range of dwelling types which reflect the housing need requirements for Harlow.

H5: To meet the affordable housing requirement, on residential development sites of 15 or more dwellings or 0.5 of a hectare or more irrespective of the number of dwellings, the Council will negotiate the provision of intermediate housing and/or social rented housing, based on the prevailing housing needs assessment. Negotiations will take into account the economics of provision and site suitability.

There is a presumption that provision will be made on site. However, in exceptional circumstances and by mutual agreement between the developer and Council, a financial or other contribution may be agreed for provision to be made on another site within the district.

H6: On housing sites where a Registered Social Landlord will not be involved in the management of affordable housing, housing for successive occupants will be secured by the use of planning obligations. The legal agreement will restrict the occupancy to those who cannot compete in the housing market.

L2: For new development all the following provisions will be sought:

1. In residential developments of more than 10 dwellings public open space and inclusive playgrounds/play areas are required to be provided; 2. In exceptional circumstances an off-site contribution to the provision of open space/playgrounds may be considered where it is not possible to provide on-site due to the circumstances of a development, or if there are particular deficiencies in open space in the surrounding area, the Council may seek variations in the component parts of the provision to overcome them; 3. Open space/playgrounds should be offered for adoption by the Council, with an agreed commuted sum for maintenance, or be subject to community management arrangements for a period of ten years from first provision.
2. In exceptional circumstances an off-site contribution to the provision of open space/playgrounds may be considered where it is not possible to provide on-site due to the circumstances of a development, or if there are particular deficiencies in open space in the surrounding area, the Council may seek variations in the component parts of the provision to overcome them;
3. Open space/playgrounds should be offered for adoption by the Council, with an agreed commuted sum for maintenance, or be subject to community management arrangements for a period of ten years from first provision.

NE12: Major development proposals shall be accompanied by a details of landscape features and wildlife habitats. Planning applications must include a landscaping scheme that indicates:

1. Measures to protect landscape features and wildlife habitats; 2. Measures to enhance landscape features and habitats; 3. Measures to mitigate against potentially adverse effects; 4. Measures to compensate where damage is unavoidable; 5. Measures for monitoring and a management scheme including funding to ensure the landscape is successfully established and maintained; 6. New landscape proposals; 7. Measures that address personal safety in the proposed landscape. Where the site is divided into a number of plots, a structural landscaping scheme for the whole site must be submitted and agreed prior to any work commencing on site.

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: Planning permission for major new development will be granted provided that all the following are met:

1. New buildings are designed as part of a group of buildings creating a sense of enclosure;
2. Public spaces should relate to the scale, appearance, location and function of the buildings around it;
3. The layout of buildings, routes and spaces are clearly related;
4. The fronts of buildings provide primary access and clearly define streets and public spaces;
5. Public spaces are clearly distinguished from private areas;
6. The ground floor use encourages activity and interest that is appropriate to the location and character of the area;
7. Pedestrian, cycling and, where appropriate, horse riding routes are shown on the development layout and link into the existing network.

BE3: Proposals for development on previously developed land at a density higher than that existing (or previously existing), in terms of additional number of units and/or increase in floor space, will be granted planning permission provided that:

1. It is accessible by public transport or is in a sustainable location relative to proximity to supporting services and/or employment sites;
2. It does not result in over development;
3. It is compatible with the character of the area and urban design policies and guidance.

BE5: Development proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These measures should be an integral part of the design and not compromise the creation of an area with distinct character, high quality landscaping and a successful public realm.

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.

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.

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, were consulted upon between 12 March and 31 May 2020. On the 8 September 2020: Harlow Council published a new report relating to housing need. A consultation on this report has started and runs until 12pm on Friday 25 September 2020. Subject to receipt of the Inspectors report, is anticipated the Plan will be formally adopted by the Council in Autumn 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage.

SD1: Development that accords with the Local Plan will normally be supported, unless material considerations indicate otherwise.

Where there are no policies specifically relevant to the proposed development, it will normally be supported, unless material considerations indicate otherwise and/or either of the following apply:

- (a) any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits, when assessed on national planning policies;
- (b) specific national policies indicate that the development should be restricted.

HS1: The Local Plan identifies sites to deliver at least 9,200 dwellings during the Local Plan period (1 April 2011 to 31 March 2033).

PL1: A high standard of urban and architectural design is expected for all development. Development must meet the following criteria:

- (a) it is supported by a design rationale based on an understanding and analysis of local context and character, taking into consideration the Adopted Harlow Design Guide Supplementary Planning Document (SPD), the Harlow and Gilston Garden Town Spatial Vision and Design Charter, and relevant national guidance;
- (b) it protects, enhances or improves local distinctiveness, taking account of local character, patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology, detailing and materials front boundary treatments and the historic environment;

- (c) it provides appropriate physical, legible and safe connections with surrounding streets, paths, neighbouring development and Green Infrastructure;
- (d) it responds to the scale, height, massing, architectural detailing and materials of the surrounding area, is visually attractive and respects its context without restricting style and innovation;
- (e) it provides logical and legible layouts which support active street frontages, improve the public realm, provide distinction between public and private space, and provides an appropriate level of well-designed and well-located high quality landscaping;
- (f) it forms inclusive development that is accessible, well-connected, gives sustainable modes of transport priority over private vehicles, and integrates land uses with sustainable modes of transport;
- (g) it is flexible enough to respond to economic, social, environmental and technological change;
- (h) it creates safe and secure environments which help to reduce opportunities for crime and minimise the fear of crime.

PL2: Development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported.

In assessing the acceptability of development on amenity, the following criteria and the cumulative effects will be considered.

- (a) privacy and overlooking;
- (b) overshadowing and loss of daylight and sunlight;
- (c) aspect and outlook;
- (d) overbearing and the perception of overbearing;
- (e) the perception of enclosure;
- (f) access to high quality and useable amenity space;
- (g) compatibility and sensitivity of adjacent uses.

H2: Residential development, including infill development, the sub-division of garden plots, minor redevelopment schemes and the development of vacant plots, must meet the following criteria:

- (a) the development would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings;
- (b) off-street parking and access arrangements can be provided for both existing and proposed dwellings, in accordance with the Adopted Harlow Design Guide Supplementary Planning Document (SPD) and adopted Vehicle Parking Standards;
- (c) the development would make adequate provision for refuse storage and collection;
- (d) the development would not prejudice the potential for comprehensive development of adjacent land.

H5: All new dwellings should be at least Building Control Part M4(2) standard for accessible and adaptable homes to meet the occupiers' future needs.

In addition, major residential development should provide Building Control Part M4(3) standard dwellings for wheelchair users. The proportion is set out in the latest Strategic Housing Market Assessment (SHMA).

The provision of specialist housing developments will be supported on appropriate sites that will meet the needs of older people and other groups.

H6: A range of housing types and sizes, across a range of tenures, must be provided in major residential development.

The Council will support community-led housing developments on appropriate sites.

L1: In major development, public open space and play space and, where appropriate, allotments and sporting provision and facilities are required, together in all cases with their management and maintenance.

L3:

1. Provision of Public Art in Major Developments In major developments, public art should be provided and maintained.
2. Development Involving the Provision, Relocation or Loss of Public Art the commissioning and de-commissioning of public art must be agreed with the Council

IN4: Broadband Provision in Major Development. Major development should contribute towards the provision of infrastructure suitable to enable the delivery of high-speed broadband services across the Harlow area.

IN6: Planning permission will only be granted for development if the provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The provision of such requirements shall be secured either as part of development proposals, through the use of conditions attached to planning permissions, or through planning obligations. Where it can be demonstrated that provision on-site is not feasible then provision elsewhere, or a contribution towards this provision, will be required.

Where a planning application extends beyond the district boundary, prior agreement for the provision and location of any necessary obligations will need to be obtained from relevant parties.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - 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 Essex Design Guide (2005)
The Harlow Design Guide SPD (2011)
Harlow and Gilston Garden Town Vision and Design Guide.
Essex County Council's Adopted Development Management Policies (2011)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

Principle of Development

The National Planning Policy Framework (NPPF) advises that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and decision makers should approve applications for sustainable development where possible. The presumption in favour of sustainable development is the 'golden-thread' running through the national framework. Decision making should not simply be about scrutiny but instead function as creative exercise in finding ways to enhance and improve the places in which people live their lives.

One of the aims of both the adopted and emerging local plans is to maximise the use of previously developed land and this ambition accords with the NPPF. Moreover, the promotion of residential land uses is also supported in this policy context as is securing effective land use in meeting the need for homes. Indeed, adopted local plan policy SD4 supports compatible land uses within the town centre. Paragraph (Para) 59 of the NPPF sets out the objective of significantly boosting the supply of homes and the recent relaxation of the permitted development restrictions shows the Government's clear intent to maximise the airspace above buildings to increase housing-stock.

Emerging local plan policy HS1 seeks to provide at least 9,200 dwellings over the plan period and realisation of this proposal would contribute towards this goal.

Para 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental, whereas Para 11 of the NPPF refers to a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan by granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The growth and expansion of the town centre has resulted in a pattern of increasing intensification of development with incremental increases in the size and scale of its buildings. The changes that have taken place on the town centre and its immediate surroundings over the past 70 or so years show a proliferation of buildings of considerable presence.

The Site is located at the northern end of Harlow Town and is currently in use as an overspill carpark in conjunction with the adjacent office building. Whilst there are aspirations to redevelop said office building the car-park is not being used to its full potential, rarely reaching capacity and due to the limited amount of spaces afforded therein, it makes a modest contribution to the overall car parking provision in the town centre.

The draft Town Centre Area Action Plan (TCAPP) identifies the Site and the land immediately to the east (which does not form part of the Site) as an opportunity for residential development. The proposal is therefore in accordance with the aspirations of the emerging TCAAP, in principle. Whilst the TCAAP can be afforded little weight in the decision-making process, the planning gain offered by the proposal would be significant in comparison to how the land functions presently as is clear that the Site can be used more intensively and effectively.

Para 118 of the NPPF promotes the development of under-utilised land such as car-parks. Small sites such as the proposal site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The Site has not been specifically allocated for housing development in either the adopted or emerging Local Plan but is recognised as previously developed land. The proposal therefore comes forward as a 'windfall' site because the site has not been specifically identified for housing development in the adopted or emerging Local Plans but can nonetheless provide residential development thereon. The Council is supportive of windfall sites where the benefit of using suitable land within existing development boundaries is apparent.

Adopted Local Plan Policy SD2 seeks to maximise the opportunities for regeneration that take a positive approach to sustainable development and the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. For development to be considered sustainable it must demonstrate the core principles of sustainable development. Harlow Town Centre offers a wide range of local services support by local infrastructure. In relation to Para 8 of the NPPF; the proposal would contribute to building a strong, responsive and competitive economy through the creation of construction jobs during the life of the build as well as the on-going contribution to the local economy from the creation of 49 additional households. The proposal would also contribute towards providing the supply of housing required to meet the needs of present and future generations (including affordable housing) and has the potential to create a high quality built environment through contributions towards other social infrastructure, such as public open space, public art and education through the section 106 mechanism.

The NPPF is clear that applications for housing should be considered in the context of sustainable development. The applicant is proposing up to 49 dwellings and has confirmed an intention to commence with work on site as soon as possible following the granting of this full planning application. In principle, the proposal is acceptable for residential development because it seeks to optimise the use of a windfall, brownfield site by developing 49 new dwellings in place of an underused car-park.

Design and Layout

Good design is a key aspect of sustainable development and it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and, amongst other things, add to the overall quality of the by creating attractive and comfortable places to live, work and visit. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings while not preventing or discouraging appropriate innovation.

Adopted Local Plan Policy BE1 states that development should be well connected to and integrated with the wider settlement with *height, massing, layout, appearance and landscape making an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics*. These qualities are echoed in the design provisions of the NPPF.

It is both inevitable and logical that town centres will be the focus for development and therefore intensification, including residential development. The site has a high public transport accessibility level rating and would therefore support a higher density housing scheme. As mentioned, there is an expectation that development should optimise housing output whilst seeking to ensure due consideration for local context and character and design principles elsewhere in the local framework. These factors have driven the scheme. Adopted Local Plan (Built Environment) policies expect development to respect its context in terms of height, scale and massing. In short, buildings should be of the highest architectural standards and especially on sites with high public visibility.

Whilst there is no clear definition contained within the existing local policy framework as to what constitutes a "tall building", all development should take account of surrounding scale, height, mass, bulk and form of development. It therefore follows that tall and large buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level. Accordingly, tall buildings should be limited to areas where they have an appropriate character that can accommodate taller buildings in terms of townscape as well as increased activity levels and transport. The tallest element of the proposal would stand at 9 storeys in height and therefore no higher than many existing or proposed buildings in the town centre. Where there is comprehensive new development around the town centre, such as Harvey Centre North Side and Crown Gate Place, they appear very much within the context of major redevelopment.

The general datum of the proposed development appears to represent a logical distribution of height across the site. The scale of the building is supported within the context of the site supporting the quality of the layout and the optimisation of housing output. Residential development should generally be based on the size of the building in conjunction with the quantum of residential units provided. Generally, dual aspect units should be maximised and single aspect north facing units should be avoided all together. The layout of the proposal has been dictated by the size and shape and orientation of the plot. In order to maximise the available space and quantum of units the proposal will provide only single aspect, north or south facing units. Whilst this is not ideal, any issues of overheating have been mitigated, to a degree by generous floor to ceiling heights and by the fact that 49 units represents a comparatively small number of units for such issues to be overly concerning. The suite of buildings located directly south of the proposal offer a degree of shading, especially to the units on the first and second floors, which further helps to militate against overheating concerns. The proportion of units to building core is appropriate in and would provide residential accommodation of sufficient quality. Information submitted in support of the proposal indicates that the development generally achieves good levels of sunlight, daylight and circulation space.

No objections have been received in respect of the design of the proposal and the developer entered into pre-application discussions with the Council and sought professional urban design advice from Essex Place Services in the evolution of the scheme. In their consultation response, Place Services have written in general support of the latest iteration of the development, remaining silent on the issue of height. In terms of the design of the dwellings, the proposal responds well to the various styles and types of dwellings which exist in the locality or those that enjoy consent but are yet to be built out. The Council places an emphasis on new buildings to be of the highest architectural quality. The NPPF also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment. Local and national design policies advise that planning permission for new residential development will be refused if it "*causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to occupants of neighbouring dwellings, overshadowing or over-dominance, traffic danger or congestion*".

The applicant has embraced the issue of design quality in bringing forward the development proposal rationalising the architectural cues that exist in the existing local pattern of development to provide context that respects the urban grain. Whilst the design of the building's face would be highly distinctive in terms of its form and pattern, with bold masonry elements coupled with use of anodised cladding, the proposal displays a comparative lightness of impact derived from its nod to the established architectural vernacular. For example, the integration of brick columns, varying window widths and horizontal parapet

bandings and the vertical and horizontal disposition of the different components of the building. The arrangement of the facing materials and glass within each façade varies but nonetheless follows a structured pattern, as seen in many other buildings of significance in the locality. This variance contributes to the visual interest of the building and serves to break up its mass.

Most of the buildings in the Town Centre are not entirely without townscape merit in that they are part of the twentieth century development and are of a scale and character that broadly reflects the date of their construction. Notwithstanding, there is a wide variation in respect of treatment and there is no overarching pattern of development to speak of. The graduation of the proposed building from 9 storeys to 7 (at its lowest point, albeit it partially set-back) also serves to break up its mass and contributes to its visual interest. When viewing the building along its southern flank, it is apparent that part of the 6th and 7th floor elements have been recessed in an effort to maximise the quantum of flats offered whilst mitigating the potential perception that the building would be overbearing. The building is aspirational in its design being modern looking and utilising modern materials in its construction but with a clear nod to the past shown in its architectural features, clearly derived from the fabric of the town's more notable buildings. The effectiveness of the form and façade treatment is somewhat in contrast to the earthy tones and forms of the surrounding buildings; however, the development has been designed to reflect the New Town characteristics of the existing town centre with its regular and repeating fenestration and simple grid forms, corner details and textured facing materials. As mentioned, these features collectively help to provide variation, rhythm and visual interest and mitigate the mass of the building. The proposed building would provide a memorable image to mark the north of the town centre, albeit one that may not be to everyone's own individual taste. Slight concerns were raised in the urban design feedback in respect of the scheme's individuality but this, of itself, is not a reason to withhold permission, especially where care has been taken to reflect the more consistent design features of older buildings in the area and integrate them into the proposal.

The Council acknowledges that the differing block height in tandem with a contrast on forms and materials would all add commendable architectural interest. Nonetheless, these features would not of themselves altogether remove the adverse impacts resulting from the height, scale and massing of the building. When considering its visual impact, looking west to east, the building would appear particularly strident and somewhat isolated as it would break the uniformity of building heights in comparison to its neighbour. Thus, the building would appear at odds in its immediate context being notably taller than the buildings directly to the south where an obvious comparison would be drawn, this has the potential to harm the character and appearance of the area by virtue of its height and the visually jarring effect this may cause. However, in the wider context, this issue is felt to be something that is not overly determinative and therefore not a reason to withhold planning permission. Those aforesaid development schemes that either already exist or have approval but are yet to be built are much taller and have a similar contextual relationship to neighbouring buildings. There is an acceptance that original buildings in the locality do provide some precedent, albeit at a much more modest scale. However, when considering impact on the character of an area it is necessary to have regard to the wider context.

Energy conservation through efficient construction methods and materials should be a primary consideration. Notwithstanding, to protect the simple, clean lines of the building that contrite to the overall quality of design, it is necessary to impose 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 in order to maintain the visual integrity of the building in the future. The proposal has been designed to increase natural surveillance in comparison to the existing buildings on site and would have entrances in clear view of the public realm, with no recessed areas. Whilst the concerns over natural surveillance provided by the police in their consultation response are noted, officers hold the view that those concerns are somewhat unfounded and the development is policy compliant with adopted Local Plan Policy BL5.

The Council recognises its commitment to adult social care and will promote accessibility for all in the realisation of development schemes. Therefore, the proposal is required to be developed in accordance with Policy H5 of the draft Harlow Local Plan in that all dwellings are, as a minimum, constructed to the requirements of Part M(2) of the Building Regulations. As outlined in Policy H5, a proportion should also be built to part M4 (3) of the Building Regulations in line with the latest available evidence outlined in the latest Strategic Housing Market Assessment. A pre-occupation condition will be attached to any forthcoming permission to ensure that this happens.

The application does not include any provision for a commercial use despite this being identified as a possibility in the in the TCAAP. However, the TCAAP s still in draft form and therefore carries little weight in respect of the decision-making process. Therefore, a failure to fully meet its aspirations is not a reason to withhold planning permission. There will be a general awareness that the commercial property market is extremely challenging with shopping areas generally seeing increasing levels of vacancy. It may prove difficult to find a suitable operator or encourage an appetite for commercial units within the scheme. Indeed, commercial units should not be included on the site if there is no reasonable realisation of future uptake in their use. A residential use would still provide some degree of activity and animation along Kitson Way and perhaps more importantly, would prevent this space from being vacant and therefore likely boarded-up indefinitely which would have a negative impact upon the site and locality. The electricity sub-station is sufficiently distanced from the nearest elevation of the proposal to not be of concern to the amenity interest of the occupiers of the flats. Moreover, the easternmost flats are buffered from any direct exposure to the substation by virtue of the eastern stairwell. In terms of sustainable design and construction, emerging Local Plan policy PL3 requires new development to achieve a saving in carbon emissions that meets or exceeds the minimum standards required by Building Regulations. The applicant has committed to improve on the current Part L Building Regulations which relate to energy efficiency. The commitment towards sustainable design and construction is welcomed. The details of the energy strategy can be secured by planning condition because, whilst such matters fall under the control of building regulations, compliance with this aspect of the regime is intrinsic to the planning function of the building and how it will operate in the future.

The site is located close to decent transport links being a few minutes' walk from the bus station and a 12 min walk from the train station that boasts a comprehensive service into London. The Transport Assessments submitted in support of this proposal has highlighted matters that minimise potential impacts by through the consideration of 'smarter travel' strategies to encourage more widespread walking, cycling and public transport use. The proposal has also recognised the importance of permeability and has improved pedestrian connectivity throughout the site by providing a pedestrian link that runs north to south through the site linking Kitson Way to the A414.

In summation and for the aforesaid reasons, the proposal would improve the appearance of the site and promote the regeneration of the area whilst being respectful of New Town characteristics. Therefore, the proposal accords with the design expectations of Harlow's existing and emerging Framework, albeit with slight concerns over its contextual relationship in terms of height and the layout of the units within.

Living Standards & Amenity

The housing need for Harlow has been identified through the joint Strategic Housing Market Assessment 3 (SHMA) and set out in the Pre-Submission Harlow Local Development Plan (HLDP). This document "reset the clock" on the housing need for the district. It concluded that over the Local Plan period of 2011 - 2033 housing need for the District was 7,400 dwellings, equating to 330 dwellings per annum. Realisation of the 49 new dwellings would make a positive contribution and represent a notable step towards housing target delivery. The principle of residential development is acceptable, providing that the scheme complies with

relevant policies of the Development Plan and all other material considerations being taken into account including on-site affordable housing, an appropriate mix of units, the provision of family accommodation, density of development and the quality of residential accommodation.

The layout submitted in support of the proposal shows the size and layout of 1, 2 & 3-bedroom flats and their respective floor areas all exceed nationally described space standards. The Housing Needs Survey identifies that existing households in housing need show some distinct characteristics:

- a. Households living in a flat or maisonette are disproportionately in need;
- b. Over half of all households in need live in terraced accommodation;
- c. Households with 3 or more children were disproportionately found to be in need whilst just over 40% of all households in need contain 2 or more adults with no children;
- d. Households requiring larger (i.e. 4 or more bedrooms) accommodation are noticeably more likely to be in need than the population as a whole;
- e. Almost 56% of households in need require one-bedroom properties.

The survey shows that there is a requirement for one-bedroom properties for those in need, and the applicant has responded positively to this to this by incorporating 26 one bedroom flats into the scheme.

Emerging LP Policy PL2 includes an objective that occupiers of new residential developments should have access to high quality and usable amenity space. Further guidance on the provision of such space is given in the Council's Design Guide on new residential development. Principal DG33 of the Harlow Design Guide states that all development should have some private open space and applicants should justify where this is not proposed. The proposal indicates that recessed balconies the tower and the shoulders of the development with certain units being serviced by a more traditional, open form arrangement along the flank of the building. All units will therefore have access to their own private amenity space. The Essex Design Guide recognises that every dwelling should benefit from some individual private or communal private amenity space.

The development includes useable outdoor communal amenity space at ground floor level of 273sqm. The green and blue roof area could also be given over to communal use; however, there is an appreciation that this may compromise the liveability of the top floor flats to a degree. Accordingly, the scheme is deficient in outdoor private amenity space. The Council also considers the balconies to be of limited quality in terms of amenity space provision given their comparatively small size and their position facing the surrounding road network.

In high density developments where the standard cannot be achieved the Council will seek to reach an agreement for a financial contribution to upgrade nearby off-site amenity space. The s106 obligation secures money for that purpose, calculated according to the Council's standard formula. Other residential development has been permitted with an outdoor amenity space shortfall, subject to a payment for off-site upgrading of open spaces. The Council considers, on balance, that that a financial contribution in this case would overcome the deficiency because there are nearby public open spaces that would be reasonably accessible to the occupiers of the flats (the nearest public open space is 750m away from the site).

In high density development with a limited plot size it would be difficult to meet the desired private open space standard on site, especially at the expense of residential units and where a financial contribution would be appropriate. The public open spaces which could be upgraded with the money offered are not necessarily conveniently located, but neither are they so distant that they would be unlikely to be used at all by future residents. The obligation contributing to off-site upgrading of public open spaces offered as part of the s106 would adequately compensate for the deficiency of on-site private amenity space.

In terms of the impact on future occupiers, the apartments are generally well laid out and well proportioned, designed to exceed the nationally described space standards with large floor to ceiling windows to maximise sunlight and daylight. A noise impact assessment was submitted with the planning application which concludes that adequate internal noise environments can be maintained through suitable noise protection measures.

In terms of air quality, the application includes measures to minimise the impact of the proposed development on air quality objectives is proposed. In this instance, the Site is located within the town centre, which is a sustainable location with ready access to bus and rail services. There are shops and services within reasonable walking and cycling distance for local trips. The application makes a financial contribution towards the provision for active and passive charging points for electric vehicles; cycle parking facilities; improvements on Part L of the Building Regulations which relates to energy efficiency; superfast broadband to help enable home working and that each occupier will be provided with a Travel Information Pack including travel vouchers to help encourage more sustainable modes of transport.

Daylight and Sunlight assessments have been submitted to demonstrate that the proposed residential units would receive an acceptable amount of daylight and sunlight. Moreover, an Acoustic report has been submitted showing that any sound isolation measures would be sufficient to ensure that appropriate levels noise levels would be attained for the windows.

Due to the distance from any nearby buildings and the current planning function of those buildings, the Site enjoys a fairly open condition with largely unrestricted inter-visibility interference. This contributes to standards of daylight/sunlight, outlook and privacy for the occupiers which would be relatively high, in context. Given the acknowledged potential of the site for residential development, it is inevitable that such development would lead to a noticeable erosion of the existing level of neighbouring amenity. This is a factor to be taken into account in considering the degree of impact. Outlook is not a concept susceptible to significant submission or analysis, nor is there much policy advice relating to it. There is no right to the maintenance of a view. The issue of whether the juxtaposition of one building with another constitutes harm will depend on a variety of factors which are almost wholly contextual and judgmental. Key to whether a relationship is truly harmful will be context, distance and multiplicity of views.

In the present case the context is one of competitively high density where there is a less legitimate expectation of longer distance views, and the existing relatively open nature of the site is not an appropriate one by which to set expectations. There would be inter-visibility at a narrow angle between the side-facing windows of the southern projection of the proposed building and the north facing rooms of opposite building in Kitson Way. However, many of the rooms in the opposite building are not residential and the opposing buildings are separated a significant distance from one another. The new building would add to the number of overlooking bedroom windows but, for the aforesaid reasons, would not significantly affect the levels of privacy. The daylight and sunlight survey demonstrates availability to both in excess of the minimum standard recommended and the Council does not challenge the technical assessment and the proposal does not have a significant effect on daylight and sunlight to the side-facing rooms.

There is no methodology for assessing the question of overbearing appearance. The proposed building is clearly visible from the upper floor rooms of the opposite building due to the significant separation distance. The Council accepts that the proposal may loom large if one were looking out of the upper floor windows of the opposite building. However, there is a gradation and overlap between the perception of the building from outside the building and its wider perception in the street scene. Accordingly, the perception of overbearing appearance caused by the proposal is part of the effect of the building in the street scene and therefore has already been addressed earlier in the report. The proposal causes no unacceptable effects on the living conditions of the occupiers, if indeed there are any, of the opposite building and, overall, the impacts of the proposed development on adjoining and future

occupiers is acceptable. The Council's Environmental Health Team have raised no objections to the application on noise, air quality or general amenity grounds subject to the imposition of conditions securing noise protection measures, full details of plant and machinery and controlling the operating hours of the commercial unit. However, nuisance arising from the construction phase of the development is already controlled through non-planning legislation and therefore it is unnecessary to impose conditions restricting these activities. A pre-occupation planning condition will be imposed to secure a viable and sustainable waste management plan for the site.

Affordable Housing

The housing need for Harlow has been identified through the joint Strategic Housing Market Assessment 3 (SHMA) and set out in the Pre-Submission Harlow Local Development Plan (HLDP). This document "reset the clock" on the housing need for the district. It concluded that over the Local Plan period of 2011 - 2033 housing need for the District was 7,400 dwellings, equating to 330 dwellings per annum. Realisation of the 49 new dwellings would make a positive contribution and represent a notable step towards housing target delivery.

The NPPF seeks *"to deliver a wide choice of high-quality homes"*. It recognises the *"Government attaches great importance to the design of the built environment"* and that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.

Mix and tenure considerations that need to be considered include scheme viability, availability of subsidy, the existing mix of housing in the area, individual circumstance of site conditions and the availability of infrastructure and community facilities for residents.

In terms of housing mix, the emerging Local Plan identifies a target mix of 40% 1 and 2 bed homes, 40% 3 bed homes and 20% 4 bed homes. The proposed development would provide a dwelling mix (in terms of 1 and 2 bed flats) within this scope. Given the town centre location, a high proportion of smaller units is more appropriate given that larger family units would generate demands for onsite play space and additional car parking requirements which town centre sites such as this would struggle to satisfy and, as such, the proposed mix is acceptable. Bearing in mind the "windfall" status of the development there would remain opportunities on larger sites identified through the emerging Local Plan process to accommodate higher proportions of family housing.

The NPPF states that, amongst other things, Local Planning Authorities through their evidence base should objectively assess the needs of the housing market to ensure that affordable housing is delivered. The NPPF also speaks of the need for delivering a wide choice of high-quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The Council recognises that housing applications should be considered in the context of the presumption in favour of sustainable development. As such, this is consistent with the regeneration of the site to deliver 49 new dwellings. The Council further accepts that there is a pressing need for more affordable homes in throughout the UK and housing and land supply targets should be seen in terms of being a floor and not a ceiling. In tandem with the pressing need for more homes, a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Plans. The building of new homes of the appropriate size, tenure-mix, and quality is an overriding priority in order to support and strengthen communities that work and to ensure that growth contributes to achieving convergence.

The NPPF underlines that viability is a material planning consideration in the determination of planning applications. It states that pursuing sustainable development requires careful attention to viability and costs in decision-taking and that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable

housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The Council has sought to maximise affordable housing provision, on a mixed tenure basis to promote mixed and balanced communities. Local expectation is reflected in the National Framework. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Amongst other things, the weight to be attached to a viability assessment is a matter for the decision maker, having regard to all circumstances of the case, including whether the development plan and the evidence underpinning is up to date and whether there have been any changes in circumstances since the development plan came into force.

This proposal will provide 14 affordable flats within which is compliant with policy H5 of the saved local plan which, in the supporting text states '30% is a baseline for negotiation by the council'. The emerging policy then states 'major residential development must provide at least 30% affordable housing'. The development proposal meets this target. The 14 flats of affordable housing across the development is policy compliant at 30%. Furthermore, the development will provide a mix of 1- and 2-bedroom affordable units which further complies with policy H6 in providing a mix of tenures and sizes. The applicant has stated that the affordable units will be located on the first and second floors only. However, the Council expects to see a better tenure mix within the proposal in order to promote social cohesion and it is therefore necessary to impose a planning condition to discuss, post permission and pre occupation, where the affordable units will be located.

The specific requirement for affordable housing has been calculated in accordance with the Adopted Local Plan Policies H5 & H6; Emerging Local Plan Policy H8 as well as any other material considerations, including the 2017 update to the Strategic Housing Market assessment (SHMA) and any successor evidence, Harlow and Gilston Garden Town Policies adopted by Harlow Council, the National Planning Policy Framework (NPPF) and relevant Planning Practice Guidance (PPG) and the offering is policy compliant and will be controlled by virtue of a s106 obligation planning condition to ensure continuity in the interests of proper planning.

Landscaping and Public Realm

The ecological value of the site is low given its town centre location and being previously developed. There are no designated areas of ecological value nearby with the nearest being Todd Brook Meadows Local Wildlife Site. Therefore, an Ecological Appraisal in support of the application was considered unnecessary given the extremely limited potential for protected species to be present on site. However, development proposals should include the provision for bird boxes and invertebrate habitats such as bee bricks in order to make the land more attractive for animals to use the soft landscaped areas for foraging. A planning condition is necessary to ensure that native plant species are used for the soft landscaping to achieve a biodiversity net gain.

The NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in the Adopted Local Plan. It is proposed to retain the trees and part of the soft landscaping at the northern and eastern aspects of the Site and supplant these with new trees and soft landscaping from this point to the southern boundary. The Council's Tree Officer has reviewed the tree and soft landscaping survey and initially raised an objection. Following this, the applicant increased the quantity of replacement trees on site and has agreed to enhance the soft landscaping. Notwithstanding, whilst this aspect of the development is important, not only in terms of its overall character but in also in respect of air quality and biodiversity gains, a failure to agree the scope and extent of the tree planning program and soft landscaping scheme is not, of itself, a compelling enough reason to withhold permission. Considering this, in the event of an approval, a pre-occupation planning condition will be attached to the decision to allow the

Council and the developer to secure an appropriate level of soft landscaping and the will adequately mitigate for the loss of certain existing trees and would improve the landscaping coverage on site.

A future Landscaping Plan will be secured to ensure that built form is appropriately softened and that there is no unnecessary fragmentation of existing soft landscaping. Views of the proposal would be framed and screened by established and proposed vegetation. Whilst the comments of the Tree Officer and ECC have been taken into account, it should be acknowledged that the final form of the proposal would result in residential development on land that is not absent of built form anyway. Moreover, there is a limited amount of space in which to accommodate soft landscaping features and still maximise on-site density that favours the planning gain in the realisation of the quantum of residential units. This is not a case that would not result in the merging of settlements or harm to the wider landscape character. Overall, whilst there would be some visual and landscape harm arising from the proposal, this is not at the expense of landscape character and could be successfully mitigated, through the appropriate management of elements reserved for future consideration and through conditions. As such, the proposal would not result in significant harm in this regard. The landscape proposals within this application seek to respond to the policy requirement to provide high quality, accessible well-designed public realm and landscaping within new developments. The landscape design seeks to provide a unifying element to the design proposals helping them to connect the building together with its setting and stitch it into the wider context. A management plan will ensure that this intention is realised.

Once the site is operational, there will be a fundamental requirement for it to be kept clean and tidy, with well-tended gardens and open spaces. This will provide residents and visitors with an environment which is aesthetically pleasing and with the highest standards of cleanliness. Directly employed cleaners, waste operatives and public realm operatives should be engaged for this purpose, working to robust cleaning and waste removal schedules and tied into the waste collection timetables of Harlow Council, and any private waste collection services. Alongside these will be professional landscaping contractors responsible for planting, pruning, irrigation, tending the lawns and general horticultural advice. They will also manage and maintain the new habitats created as part of the landscape strategy in order to maximise biodiversity gain.

One of the ways in which the Council has mitigated the impact of development in Harlow is through public art and the wider benefits that it brings to the town. In the absence of an on-site offering, Public Art is widely recognised as having a broad range of benefits including and the NPPF states that the social role of the planning system should create 'a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being' and the Council recognises the significance of public art within this. On a scheme of such significance in such a location, the Council expects developer a developer contribution to support its aims in this regard.

Parking and Highway Considerations

The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. Further, it outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Highway Authority has raised no objections in relation to the scheme and there is no evidence to suggest that the cumulative impact of the development, on transport grounds, is severe. Local emerging policy, regarding the effects of development on transport capacity, indicates that new development that gives rise to significant numbers of new trips should be located either where there is already good

public transport provision with capacity adequate to support the additional demand, or where such high-quality provision is being introduced. Moreover, proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space. Clearly, a balance should be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. New development should aim to reduce the reliance on private modes of transport to secure a more sustainable pattern of movement in Harlow by maximising the efficiency and accessibility of the local transport network on foot, cycle and public transport in order to reduce congestion.

A Transport Assessment has been submitted with the planning application in order to assess the impact of the proposed development on the surrounding transport and road network. The Transport Assessment advises that the proposed development is estimate that there would be 12 two-way vehicular trips during the AM peak hour, of which 9 would be cars. This equates to around 1 two-way vehicular trip every five minutes. In the PM peak hour, there is estimated to be 15 two-way vehicular trips, of which 10 are car trips, translating to 1 two-way vehicular trip every four minutes. Over the day there is estimated to be 121 two-way vehicular trips; 78 of which are cars. While it is likely that there will be an increase in the total number of two-way trips occurring over the day, it is reasoned that there would not be an increase in trip generation during the associated with the proposals during the network peak hours. The Transport Assessment concludes that the estimated numbers of trips is “imperceptible”, falling well within the daily variations of traffic and would be unlikely to impact capacity or safety.

Residents parking would ordinarily include 6% disabled parking provision for the residential spaces. It is recommended that parking should be managed on a 'right to park' basis with residents wishing to keep a car on site having to purchase a permit. The opportunity to purchase a permit will be prioritised for blue badge holders and then occupiers of the larger dwellings. Parking permits could be leased on a monthly basis. Should a blue badge holding resident move to the development, or should an existing tenant be granted a blue badge, and request to purchase a permit and none are available then one should be made available within one months' notice. To promote greener travel choices, 20% of all parking spaces should have electric vehicle charging points, and a further 20% would have passive provision. However, these standards should be weighed against the total number of paces being provided. In these circumstances, it is therefore more reasonable to sole require a 20% passive provision to allow flexibility in the future. A planning condition will secure these aims and objectives.

The Council had adopted the Essex Parking Standard (2009). Within the document, there is a recognition that failure to attain 0.25 parking spaces per residential unit may be lower than the required standard. However, reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport. Notwithstanding, the Highway Authority have raised no concern in this regard during the allotted consultation period. However, failure to meet the parking provision is usually predicated on all the other supporting sustainable transport initiatives being in place such as high-quality cycle parking.

Although the parking provision would be lower than normally sought by the Council, the Council's Standards allow for a reduction for development within an urban area (including town centre locations) that has good links to sustainable transport. For the reasons above, the Council is satisfied that the proposal would not result in any significant adverse effects upon highway safety or efficiency. P109 of the NPPF advises that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The test to refuse a planning application on highway related matters is therefore high.

In this regard, Essex County Council as Highway Authority have raised no objections to the application on access, highway safety/car parking grounds. Moreover, as residents will be forced to rely on greener travel options, there is also an air quality benefit attached to the fact that there is a reduced offering for parking. However, the Council believes the developer can go further in terms of offering a greener and more sustainable development by installing electric vehicle charging points

The proposed development does not generate an unacceptable impact or a severe cumulative impact, which is the test for refusing an application, on highway related grounds. Considering this, the proposed development is acceptable in terms of car parking provision and its impact on the surrounding highway network. Conditions will be imposed securing the car parking areas, electric vehicle charging points, cycle parking and a Travel Information Packs (designed to encourage the use of public transport and walking and cycling for short trips). New developments of this type are expected to provide secured cycle parking in accordance with the standards specified outlined in the Essex Parking Standards SPG. 71 cycle parking spaces will be provided, exceeding the minimum policy requirement of 56 spaces, based on 1 space per dwelling and 1 visitor cycle parking per 8 dwellings. The level of cycle parking provision highlights the Council's aims and objectives of promoting green travel choices and assists in improving air quality.

Subject to certain conditions, The Highways Authority have not raised any objections to the scheme in relation to access to the site, highway safety or that the car parking provision is short of the ECC standard, nor have they suggested that the submitted transport and traffic data is inaccurate or unrealistic.

Energy and Sustainability

Major developments should meet targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations 2010 leading to zero carbon residential buildings from 2016 and zero carbon non-domestic buildings from 2019. The development should therefore demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process; major development proposals should meet the minimum standards. Therefore, the Council seeks an increase in the proportion of energy generated from renewable sources, and major development proposals should provide a reduction in expected carbon dioxide emission using on-site renewable energy generation, where feasible. Accordingly, major development proposals should strive to reduce potential overheating and reliance of air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

1. minimise internal heat generation through energy efficient design;
2. reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls;
3. manage the heat within the building through exposed internal thermal mass and high ceilings;
4. passive ventilation;
5. mechanical ventilation; and
6. active cooling systems (ensuring they are the lowest carbon options).

Major development proposals should also demonstrate how the design, materials, construction and operation of the development would minimise overheating and meet its cooling needs. Emerging Local Plan Policy PL3 states that development will be expected to deliver high standards of sustainable design and construction and efficient energy usage. Development will be supported where it meets or exceeds the minimum standards required by Building Regulations. It is therefore suggested that the applicant qualifies this expectation

through an established benchmark and strive for the development to reach a target BREEAM rating of 'Excellent' for the commercial aspect of the development. The Applicant should consider scope for any additional measures aimed at achieving carbon reductions and should provide further information to support this. Any remaining regulated carbon dioxide emissions should be offset via a proportionate contribution. An approval will be accompanied by an Energy Statement and a Sustainability Statement outlining a range of passive design features and demand reduction measures will be included in the design reduce the carbon emissions of the proposed development.

Flooding and Drainage

The application site is located in Flood Zone 1 which is the zone at lowest risk of flooding. Isolated areas within the town centre are at some risk of surface water flooding, with higher risk areas nearby to the north and south of the site. In terms of controlling surface water, the surface water drainage strategy advises that surface water will be disposed of utilising attenuation tanks fitted with a flow control device to control and improve on existing surface water run off rates.

Essex County Council (Development and Flood Risk Waste & Environment) as the Lead Local Flood Authority have removed their initial objection to the scheme subject to conditions securing a detailed surface water drainage strategy, a maintenance plan and record keeping of yearly logs of maintenance. In light of the above, the proposal has adequately demonstrated that surface water flooding can be effectively managed through suitable mitigation measures.

Employment

The Council and its partners support investment in employability projects and will require major development schemes to make contributions to support the Council's job brokerage mechanism. A strategic objective is to improve people's access to jobs in Harlow to support local employment, skill development and training opportunities, particularly for those whose access to the labour market may be disadvantaged. The Council will seek a commitment from developers to meet its employment targets through Section 106 planning obligations towards the employment and training (including apprenticeships) of local people during demolition, construction and the end use phases of development. The Council will seek a contribution for construction and operational use, training and local procurement to enhance the prospects of the use of local employment in the development.

Section 106

The main obligations in the Section 106 legal agreement are as follows (with financial contributions linked to the commencement of the main development):

- *Affordable Housing*

The Section 106 legal agreement will secure affordable housing. The agreement will include early and late stage review mechanisms to capture any surplus profit following completion of the development.

- *Employment and Skills*

The Section 106 legal agreement will secure a commitment to working to secure local employment, skills and training.

Outdoor space contribution - £51,735

Public Art - £12,700

Harlow Town Centre library - £14,833

Contribution towards the Sustainable Transport Corridors as identified in Harlow District Council's IDP - £368,284

The Section 106 legal agreement will secure a financial contribution towards monitoring compliance with the Section 106 legal agreement.

CONCLUSION

The application would secure new residential development within the town centre which would improve it viability by boosting footfall. The scheme of development represents sustainable development in accordance with the aims and objectives of the Local Plan and the NPPF.

The development would take place on a brownfield site providing a significant amount of housing (including affordable housing) in a sustainable location with good access to public transport. The density would be high but the internal living conditions would be satisfactory in terms of adherence to nationally described internal space standards, layout and wheelchair accessibility. Local regeneration would be a notable benefit bringing improvements to the public realm surrounding the building and its contribution to place making is recognised. There are minor concerns about the effect of the building on the character and appearance of the area but, overall, there would be demonstrable planning gain through realisation of the scheme. These benefits may be at the expense of the character and appearance of the area more generally; however, they are not so significant as to justify refusal of the scheme.

RECOMMENDATION

It is resolved that the Development Management Committee **GRANT PLANNING PERMISSION** subject to conditions list below and a section 106 agreement to secure the Head of Terms detailed within the report.

Should the S106 agreement not be signed by the applicant by 30 December 2020 (3 months from the date of planning committee), powers be delegated to the Head of Planning be given delegated powers to refuse the planning application, if appropriate, for the reason set out below:

Suitable provision for affordable housing, public transport improvements and outdoor space improvements has not been secured. The application therefore fails to adequately address the affordable housing, public transport and open space requirements arising as a consequence of the proposed form of development and is contrary to the requirements of the NPPF and adopted and emerging Local Plan Policies

Conditions:

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Drawings

The development hereby permitted shall be carried out in accordance with the following approved plans:

PROPOSED BLOCK PLAN; Drawing 03 Apr 2020 00-200 REV P10
PROPOSED BASEMENT PLAN; Drawing 03 Apr 2020 00-201 REV P10

PROPOSED GROUND FLOOR PLAN; Drawing 03 Apr 2020 00-202 REV P10
PROPOSED MEZZANINE FLOOR PLAN; Drawing 03 Apr 2020 00-203 REV P10
PROPOSED 1ST FLOOR PLAN; Drawing 03 Apr 2020 00-204 REV P10
PROPOSED 2ND FLOOR PLAN; Drawing 03 Apr 2020 00-205 REV P10
PROPOSED 3RD FLOOR PLAN; Drawing 03 Apr 2020 00-206 REV P10
PROPOSED 4TH FLOOR PLAN; Drawing 03 Apr 2020 00-207 REV 01
PROPOSED 5TH FLOOR PLAN; Drawing 03 Apr 2020 00-208 REV P10
PROPOSED 6TH FLOOR PLAN; Drawing 03 Apr 2020 00-209 REV P10
PROPOSED 7TH FLOOR PLAN; Drawing 03 Apr 2020 00-210 REV P10
PROPOSED NORTH ELEVATION; Drawing 03 Apr 2020 00-211 REV P10
PROPOSED EAST ELEVATION; Drawing 03 Apr 2020 00-211 REV P10
PROPOSED ROOF PLAN; Drawing 03 Apr 2020 00-212 REV P10
PROPOSED SOUTH ELEVATION; Drawing 03 Apr 2020 00-213 REV P10
PROPOSED WEST ELEVATION; Drawing 03 Apr 2020 98-002 REV P10
BLOCK PLAN; Drawing 03 Apr 2020 98-201 REV P10
EXISTING GROUND FLOOR PLAN; Drawing 22 Jul 2020 10-101 REV P01
RELATIONSHIP BETWEEN BUILDING AND SUB ST;
Drawing 22 Jul 2020 10-102 REV P01 PROPOSED BOUNDARY SURROUND CONTEXT

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Site Levels

No development above ground level shall take place until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement for clarity and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

4. External Materials

No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

5. Hard Surfacing

No development above ground level details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

6. Landscaping

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

2) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs);

3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments

6) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended).

7. Landscape Management

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

8. Landscape Maintenance

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

9. Remedial Tree Works

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

10. Surface Water Drainage

No development (excluding site clearance and demolition) shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753, including the proposed bioretention channelling systems.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: The surface water drainage scheme is required prior to commencement of development in order to reduce the risk of flooding.

11. Drainage Maintenance

The development hereby approved shall not be occupied until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

12. Drainage Logs

Following substantial completion of the development hereby approved, the applicant and/or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

13. Parking

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; the vehicle/cycle 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.

14. Travel Packs

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include season tickets for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

15. Electric Vehicle Charging Points

2 electric vehicle charging points (providing active electric vehicle charging provision to 4 spaces) shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions

16. Affordable Housing

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a scheme for the provision of Affordable Housing and the location of the affordable housing units within the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme. Those dwellings providing Affordable Housing shall be made available to occupants in accordance with the approved scheme or as otherwise agreed in writing by the Local Planning Authority.

Reason: For clarity and in the interests of proper planning to ensure the suitable provision of Affordable Housing

17. Refuse Disposal

The development hereby approved shall not be occupied until a scheme for the storage and disposal of refuse has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers and adjoining occupiers.

18. Acoustic Protection

No development above ground floor level shall take place until a scheme of acoustic treatment of habitable rooms to mitigate background noise has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

Reason: To protect the amenity interests of future occupiers.

19. Energy Efficiency

No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) has been submitted to and approved in writing by the Local Planning Authority. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner.

20. Accessibility and Adaptability

A minimum of 10% of the dwellings hereby approved shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body

appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided.

21. Super-Fast Broadband

All of the dwellings shall be fitted with superfast broadband capability.

Reason: In order to provide high quality communications infrastructure for future occupiers.

22. Satellite Dishes

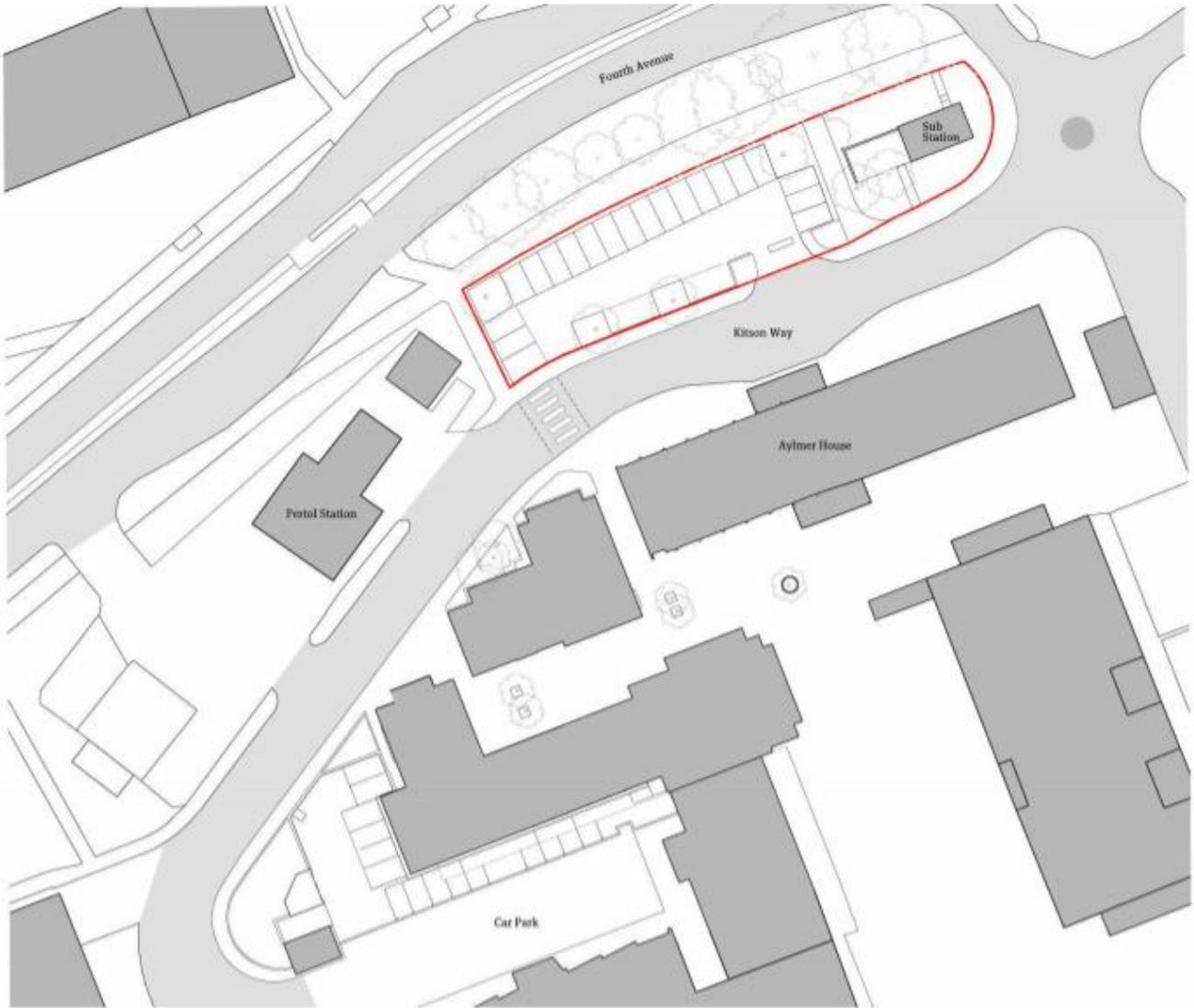
No satellite dishes may be installed on the exterior of the development hereby approved, with the exception of a roof mounted dish providing a communal system available to each resident of the apartment block.

Reason: To ensure a satisfactory standard of external appearance.

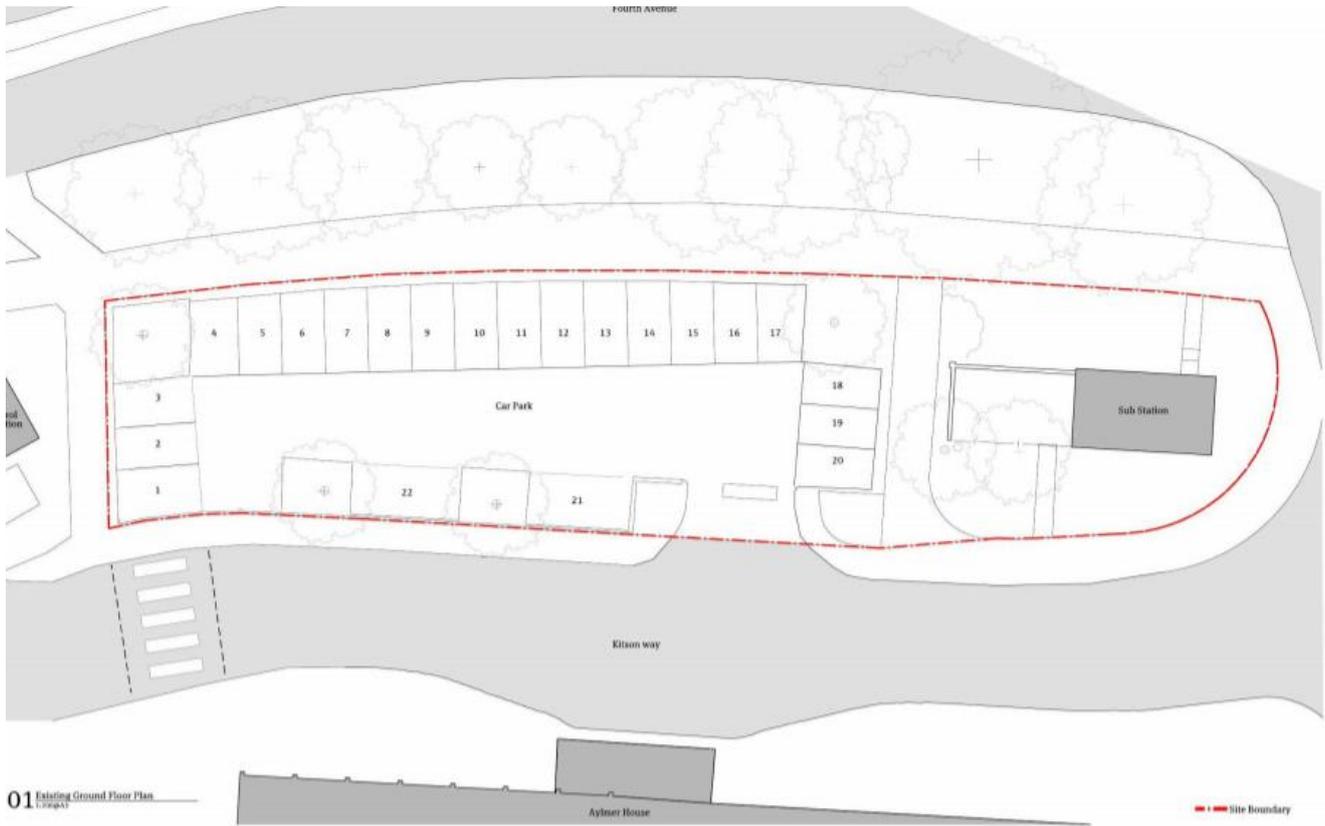
Informative Clauses

1. 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.
2. 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.
3. 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.
4. 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 or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
5. 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.

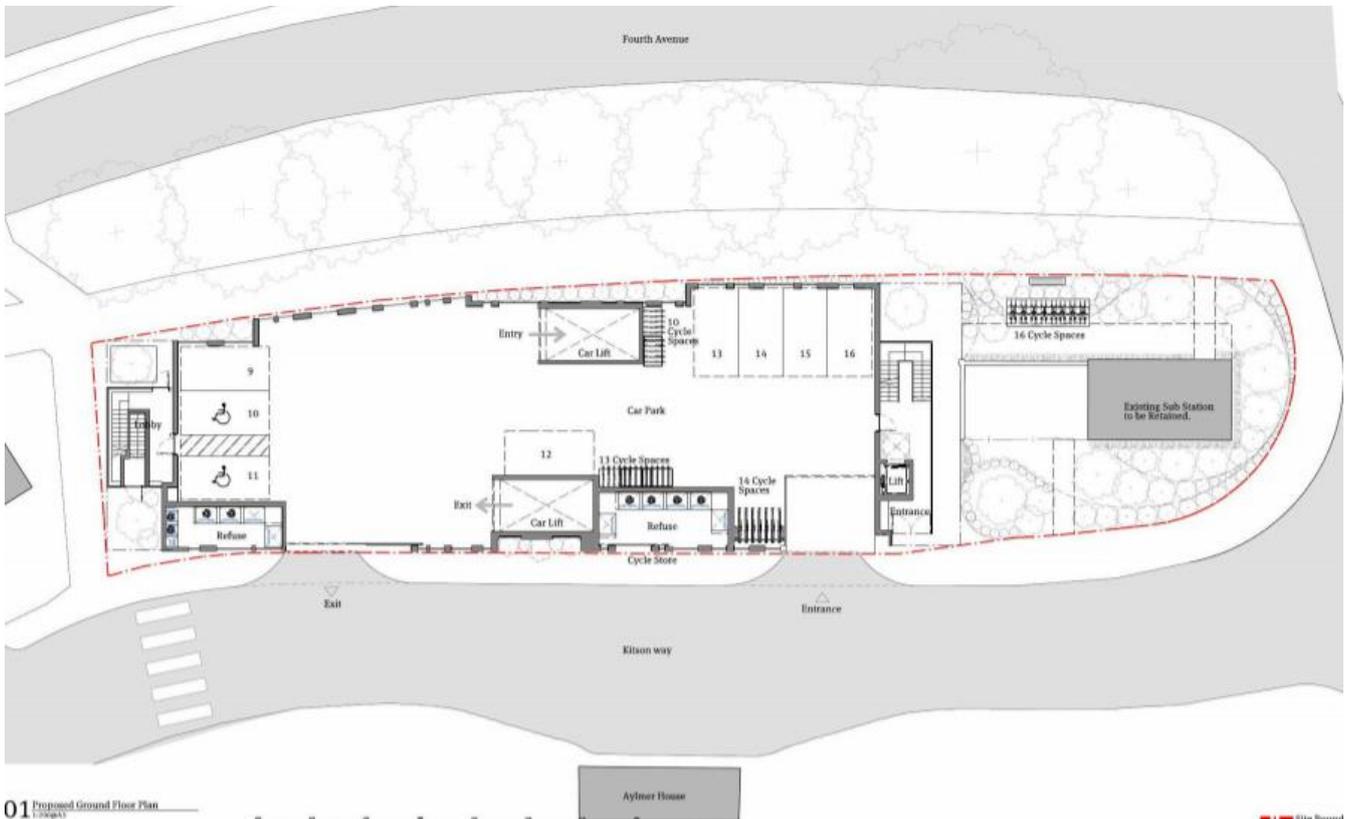
Block Plan



Existing Groundfloor



Proposed Groundfloor



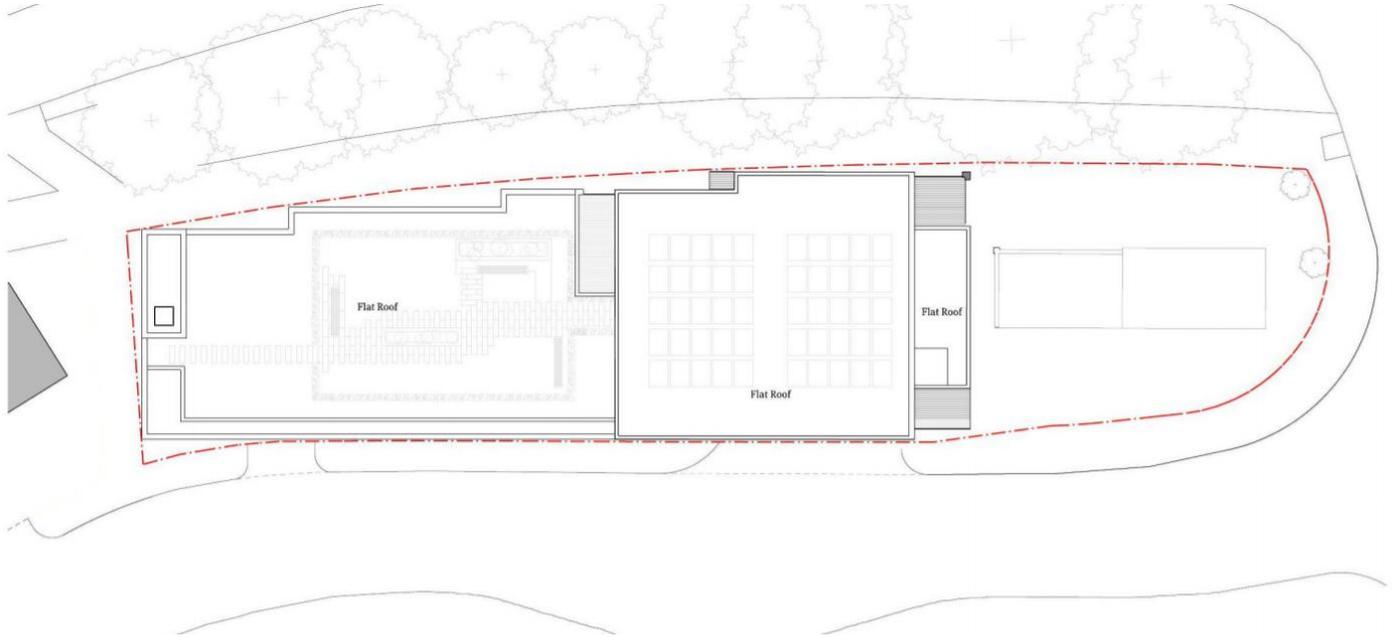
Proposed South Elevation



Proposed West Elevation



Proposed Roof Plan



Proposed First Floor Plan



CGI



CGI 2



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

30 September 2020

REFERENCE: HW/FUL/18/00064

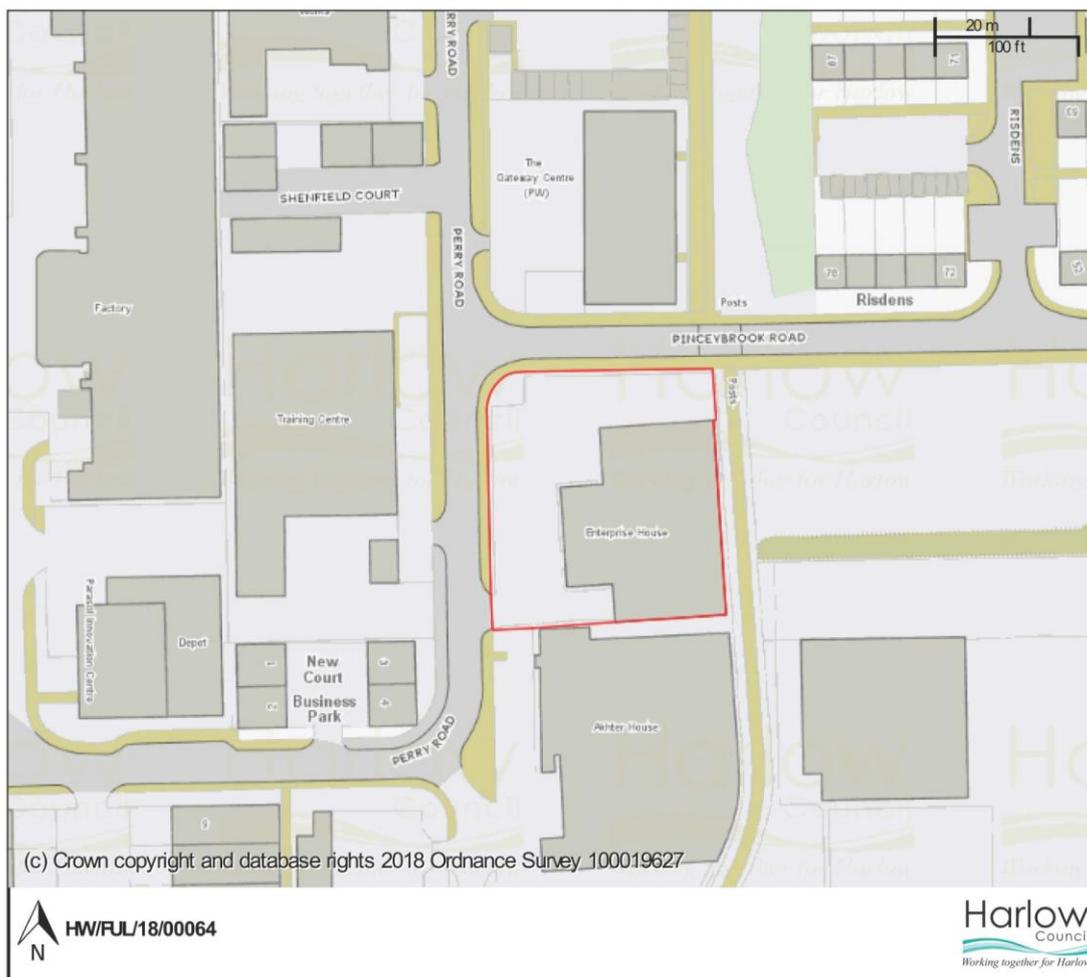
OFFICER: Jade Clifton-Brown

APPLICANT: Mr C Perry

LOCATION: Enterprise House
Perry Road
Harlow
Essex
CM18 7NR

PROPOSAL: Change of Use from B8 Storage and Distribution to Sui Generis (Gym Studio and Beauty Space)

LOCATION PLAN:



REASON BROUGHT TO COMMITTEE:

Two representations have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application site comprises Enterprise House on Perry Road, which is located within the Staple Tye Employment Area, according to the Adopted Replacement Harlow Local Plan Proposals Map 2006.

The site was previously within a B8 (Warehousing and Storage) Use but has been converted without planning permission to be used as '((Bounce))' Headquarters (Bouncefitbody Ltd)

The company originated in Harlow (previously located at Paringdon Sports Club) and has subsequently become a chain. '((Bounce))' also hold classes at Mark Hall Sports Centre.

The application unit offers trampoline, aerial yoga, pilates, circus and bungee classes. The unit also includes storage room for trampolines and associated products (approximately 1000 trampolines and thousands of items of active clothing are stored here).

Details of the Proposal

Retrospective planning permission was originally sought for the change of use of Enterprise House from B8 (Storage and Distribution) to a Sui Generis use (Sports, Recreation, Warehousing & Beauty). The unit was to be open for one hour during the day and after 6pm on a weekday and weekends.

The Development Management Committee resolved to defer the application on 27 May 2020 to address parking and highway safety issues. The following amendments have subsequently been made to the proposal:

- Additional car parking has been secured resulting in 16 standard car parking spaces and 1 disabled car parking space. The additional spaces belonged to the unit but had not previously been purchased from the landlord by the applicant.
- Studio ((B)), the beauty room and the mezzanine floor are now used for storage purposes.
- The application seeks permission to open during the mornings on Monday (9.30am-12am), Wednesday (9.30am-11am), Thursday (9.30am-11am) and Friday (9.30am-11am) with the remainder of classes to be held in the evenings and on weekends.

RELEVANT PLANNING HISTORY

| <u>App Number</u> | <u>Proposal</u> | <u>Status</u> | <u>Decision Date</u> |
|-------------------|---|---------------|----------------------|
| HW/PL/04/00123 | The Existing Warehouse be Subdivided Into Units For B2 And B8 Use With Existing B1 Office Use | GTD | 26.05.2004 |

CONSULTATIONS

The Consultation period ran between 9th and 30th March 2018. The amended plans received increased the number of parking spaces on site and included additional storage areas, and therefore re-consultation was not considered necessary in this circumstance.

HDC- Environmental Health Services

No comment received.

Essex County Council – Highways

The site is reasonably located to other modes of sustainable transport and peak times at gyms do not tend to be outside of traditional working hours.

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Further consultation was undertaken with the Highways team in relation to the potential for a Traffic Regulation Order (TRO). The Highways team comment that they would unlikely carry out a TRO as it would likely result in a detrimental impact to the Employment Area i.e. it would prevent cars associated with the employment uses from parking within the Employment Area.

Neighbours and Additional Publicity

Number of Letters Sent: 19

Total Number of Representations Received: 24

Date Site Notice Expired: 30 March 2018

Summary of Representations Received

Two objections have been received from local businesses:

- Lack of parking facilities available.
- The main access to Calibration House is being blocked by vehicles associated with Bounce customers and staff.
- Insufficient off-street parking to cater for the high number of Bounce visitors.
- The problem stems from timed activity sessions with visitors turning up at the same time.
- Visitors park along Perry Road which causes an obstruction to vehicles and pedestrians.
- Deliveries to employment units unable to be made due to associated vehicle parking.
- Parked cars cause pedestrian safety issues.
- Day nursery on Perry Road had to provide more off-street parking before a change of use was granted.

35 letters of support have been received. A summary of which is as follows:

- Benefit young and old.
- Created a local centre of community activities.
- Aiding and supporting health, fitness and wellbeing.
- Excellent facilities.
- Friendly and welcoming.
- Inclusive place.
- Caters for all ages and abilities.
- Positively impacting lives.
- No other convenient places.
- Committed to staying active due to convenient location.
- Improves mental health- self-esteem and happiness.
- No safety concerns with regards to access.
- Parking is ample, safe and accessible.
- Safe venue.
- Open after standard hours so not impacting business.
- Opening after standard hours creates a peaceful atmosphere.
- Gives the community a space to connect with each other.

- Well located.
- Child friendly.
- Safe and secure.
- Improved the purpose of the building.
- Regenerated an old building.
- Invested in Harlow.
- Created a unique space.

Following the Development Management Committee on 27 May 2020, one further representation has been received which noted that the parking issues had begun again following the re-opening of the unit after the COVID-19 lockdown period. This representation was received prior to the additional car parking spaces being secured.

PLANNING POLICY

Adopted Replacement Harlow Local Plan 2006

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.

ER5: "Existing Employment Area" within the following existing employment areas permission will usually be granted for B1, B2 and B8 uses: Templefields and Riverway; Pinnacles; Burnt Mill; Staple Tye; Bush Fair; Nortel Networks; and Church Langley.

ER6: "Retaining Existing Employment Areas" within the existing and allocated Employment Areas permission for change of use or redevelopment to uses other than those identified in ER5 will be permitted if: the amount, range or premises available would not be reduced below the level required within the Local Plan period; would not lead to the loss of a high quality employment site; demonstrable lack of market demand for employment over a long period and efforts made to Market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council; site is accessible by means other than the car; in accordance with the sequential approach to development; and would not generate unacceptable traffic levels on surrounding roads.

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.

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.

L4:"Recreational, Leisure and Sports Facilities" applications for new sports, leisure or recreational facilities must be supported by an analysis demonstrating that a sequential approach to site selection has been applied, and that no other site is available that is higher in the sequence.

RTCS1:"Sequential Approach" proposals for retail and other development which attract large numbers of people will be determined on a sequential basis by applying the descending order of preference. The need and capacity for development and how well the site is serviced by public transport and by means other than the car will be taken into account. Within areas of large scale new housing development, appropriate provision will be made for local shopping and associated services provided this does not undermine the vitality and viability of the town centre, or any nearby neighbourhood centre or hatch. Development must be appropriate to the function, size and character of the centre concerned.

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.

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.

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan were consulted upon between 12 March and 31 May 2020. On the 8 September 2020: Harlow Council published a new report relating to housing need. A consultation on this report has started and runs until 12pm on Friday 25 September 2020. Subject to receipt of the Inspectors report, is anticipated the Plan will be formally adopted by the Council in Autumn 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - 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/Planning Guidance/Other Documents

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 be assessed include the principle of the proposed development, and its impact on:

- The Employment Area;
- Parking and the Highway;
- The Character and Appearance of the Employment Area;
- Neighbouring Amenity.

Summary of Main Issues

Principle of Proposed Development

The proposal seeks retrospective planning permission to change the use of the building from a B8 (Warehouse and Storage) use to a Sui Generis use (Indoor Sports, Recreation and Beauty) within an Employment Area.

Policy ER5 of the Adopted Replacement Harlow Local Plan (ARHLP) states that planning permission will normally be granted for B1, B2 and B8 uses within existing Employment Areas.

It should be noted that use class B1 has been replaced with use class E as of September 1st 2020 within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

However ARHLP policy ER6, and policy PR1 of the Harlow Local Development Plan Pre-Submission Publication (hereby referred to as the emerging Local Plan), indicates that planning permission for a change of use or redevelopment to uses other than those identified in policy ER5 will be permitted subject to certain criteria being met. The criteria are assessed in the 'Impact on the Employment Area' section below.

Policy RTCS1 of the ARHLP states that proposals for developments which attract large numbers of people will be determined on a sequential basis to site selection. Policy RTCS1 states that if a development cannot be accommodated within the Town Centre, edge of centre locations, neighbourhood centres or hatches, and there is a demonstrable demand for it, out of centre sites elsewhere within the urban area may be considered, provided that they are accessible by a choice of means of transport.

Policy L4 of the ARHLP also states that applications for new sports, leisure or recreational facilities must be supported by an analysis demonstration that a sequential approach to site selection has been applied, in accordance with policy SD3 of the AHRLP.

Policy L2 of the Harlow Local Development Plan Pre-Submission Publication states that development for the provision of recreational, sporting, cultural and community uses and/or facilities, will be permitted where there is evidence of a demonstrable need for the use; the use/facility is easily accessible by all sectors of the community by both public and private transport and the development would redress the deficiency of recreational provision within the locality.

Paragraph 73 of the National Planning Policy Framework (NPPF) notes that opportunities for sport and recreation can make an important contribution to the health and well-being of communities and supports the introduction of new leisure facilities.

It is an objective of the emerging Local Plan to provide and enhance sporting, leisure and recreational facilities and cultural opportunities in the District. The Harlow Health and Wellbeing Partnership Strategy 2018-2028 forms part of the evidence base for the emerging Local Plan. This Strategy sets out how the Council will meet its corporate priority to improve and promote wellbeing and social inclusion within Harlow, by addressing health inequalities and delivering health and wellbeing with an emphasis on prevention and early intervention. The Strategy notes that the planning system can play a key part in this by creating and enhancing sporting, leisure and recreational facilities within the District. The Strategy identifies that the ward of Staple Tye, in which the application site is located, is an area with high deprivation and health inequalities.

It is noted that 35 letters of support have been received which indicate that the use is positively impacting the community by providing an accessible, secure and safe community space which is aiding and supporting the health, fitness and wellbeing of all ages. It is therefore considered that the site is providing a community benefit.

The acceptability of the principle of the development is thereby dependent on the compliance of the proposal with the aforementioned planning policies.

Impact on the Employment Area

The proposal would result in the loss of B1 (now use class E), B2 and B8 space within the Employment Area.

Policy ER6 of the ARHLP and emerging policy PR1 set out criteria for non B1(now E), B2 and B8 uses to meet in order to prevent detrimental impacts to the Employment Area from occurring. An assessment of the criteria is as follows:

Policy ER6

- 1. The amount or range of sites or premises available for employment use would not be reduced below the level required in the Local Plan period.*

The ARHLP is to be replaced by the emerging Local Plan. The strategy, policies and proposals in the new plan have been informed by a number of technical documents and assessments. The Harlow Employment Land Review (2013) noted that Harlow is a town with much economic potential but one facing serious challenges if it is to realise its potential. These challenges include the need to develop its economic base by attracting new investment, developing its local SME sector and generating clusters around growth sectors such as advanced manufacturing, health and allied industries led by medical technology, and ICT. It is a reasonable planning goal that Harlow should not only grow at a modest rate over this period

but should also replace the jobs lost during the recession in addition. More specifically at Pinnacles policy should not actively seek to lose employment land from the estate.

In addition the West Essex and East of Hertfordshire Assessment of Employment Needs (2017) identified the need to retain existing employment land and increase future provision in order to meet the expansion needs of the economy and the wider Harlow and Gilston Garden Town area. In this respect the emerging Local Plan identifies a need for an additional 20 ha of employment land provision in Harlow, as set out in emerging policy ED1. This is reinforced by Policy ED2 of that plan which highlights the need to protect existing employment floorspace to ensure a mix of workspaces of different sizes is retained to meet the needs of the economy now and in the future.

2. The proposal will not result in the loss of an employment site of high quality.

The actual quality of the building for B1 (now E), B2 and B8 purposes is difficult to assess given that the internal works have already taken place but taking in to consideration its age, the relatively small size of the building and footprint, and the comments from prospective buyers (discussed below), it is not considered that the site is of high quality.

3. There is a demonstrable lack of market demand for employment over a long period, and the efforts made to market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council.

One of the key objectives of the NPPF is to secure and support economic growth. It states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Policy PR1 of the emerging Local Plan indicates that the site should have been marketed for one year before being considered for other uses.

A letter has been submitted alongside the application by an estate agent which states that the site was marketed on two websites and within the windows of their offices for three months, which is not considered to be a sufficient time period. The estate agent confirmed that the unit was viewed a number of times but was found unsuitable by prospective buyers due to its access and distance from other industrial areas.

The application site was not therefore marketed for one year and it cannot unequivocally be stated that there is no prospect of use classes B2 and B8 uses occupying the unit. However, the application site now predominantly comprises storage space which would align with its previous and allocated use. Notwithstanding this, it is noted that the new use class E allows for any other services which are appropriate to provide in a commercial, business or service locality including indoor sports, and the proposal would align with this.

4. The development would be accessible by means other than the car.

The development is accessible by means other than the car. This is further assessed in the parking and highway section below.

5. The proposal would be in accordance with the sequential approach to development.

A Sequential Test has been submitted which shows that the applicant viewed fourteen units across the District but found these unsuitable due to space, facilities, location and public access. At the time of submission, in view of the nature of the development including the need for high ceilings, it was considered that there were no sequentially preferably alternatives which were suitable, viable or available. However, since the submission of the Sequential Test, the BHS site in the Town Centre has become available. It is however noted that the current unit is adequate in size and configuration and is close to their existing customer base.

6. *The proposal would not generate levels of traffic on surrounding roads which would result in congestion or loss of amenity.*

The Development Management Committee resolved to defer the application on 27 May 2020 to address parking and highway safety issues. Additional parking has subsequently been provided and the majority of the site is now being used for storage purposes to overcome these issues. The impact of the proposal on congestion and amenity has been re-assessed in the 'Impact on Parking and the Highway' and 'Amenity' sections below.

Emerging policy PR1

- a) *evidence has been provided to demonstrate that the unit has been vacant and actively marketed to the satisfaction of the Council for at least one year and there is no prospect of use classes B1 (now E), B2 and B8 occupying the unit or any other more suitable alternative sites being available for the proposal;*

This has been assessed above. It is not considered that the site was marketed to the satisfaction of the Council.

- b) *The development will increase the number of jobs for local residents;*

The use has created some employment opportunities (1 full-time and 7 part time staff members) but it is unclear whether or not this use generates more or less jobs than the previous use.

- c) *the development provides a complementary benefit to the employment area or an ancillary benefit to an existing business, and would not have an adverse effect on the overall provision of employment land;*

It is considered that the employees of the Employment Area could make use of the site. However, this would need to be balanced against the impact on congestion within the Employment Area. It is not however considered that the associated vehicles are providing a complementary benefit to the Employment Area.

In relation to employment land, the proposal would adversely affect the overall provision of employment land i.e. it would result in the loss of one unit. However, the Council's Forward Planning team note that the scale of the effect, including the amount of floorspace being lost, would need to be considered.

It is not considered that the amount of employment floorspace lost significantly adversely affects the overall provision of employment floorspace overall. It is also noted that the floorspace includes storage and ancillary office space which would be acceptable under policy ER5.

- d) *where the development is for the sub-division of units into smaller units, that the resulting unit is flexible and the division is reversible.*

The unit has not been sub-divided into a smaller unit, rather it has been split into various rooms. It is considered that the unit is flexible and that the alterations could be reversed.

To summarise, the proposal was not marketed to the satisfaction of the Council. However, it is not considered to adversely impact the range of sites or premises available for employment use and would not result in the loss of an employment site of high quality. In addition, it is considered that the storage use aligns with the previous and allocated use of this site, and the indoor sports use aligns with the new use class E. It is considered that the other changes made are flexible and reversible. It is also considered that the development provides a minor

complementary benefit to the employment area insofar as the workers of the surrounding employment units could use the site. The site is also accessible by means other than the car and would be in accordance with the sequential approach to development.

Impact on Parking and the Highway

The Development Management Committee resolved to defer the application on 27 May 2020 to address parking and highway safety issues.

Policy T9 of the ARHLP indicates that proposals should not result in detrimental impacts to parking or the highway.

The application site is located within an Employment Area which included an on-street car parking issue prior to the implementation and operation of '(Bounce)'. Whilst on-street car parking is prevalent when the unit is closed, it is notably increased when the unit is open which exacerbated the existing parking issue, to the detriment of pedestrian and highway safety. The representations received (objecting) reflect this and further note that the site was detrimentally impacting access and deliveries to the adjacent units.

A key factor creating on-street car parking was the small size of the associated car park which included 5 standard off-street car parking spaces which equated to 12% of the required parking provision according to the Essex Parking Standards.

Subsequent to the Development Management Committee, additional car parking spaces have been provided at the site resulting in 16 standard car parking spaces and 1 disabled car parking space. This equates to 37% of the required standard car parking provision according to the Essex Parking Standards.

It is noted that the Essex Parking Standards indicate that a reduction to the standards can be applied in urban and well-connected areas. The site is located within an Employment Area which is surrounded by residential development, and is positioned adjacent to the Staple Tye Neighbourhood Centre. The site is also suitably connected in terms of cycle routes, as demonstrated by the applicant, with cycle routes shown from Southern Way, Staple Tye and Paringdon Road. The applicant has also submitted a variety of bus routes serving the site including routes 1, 2, 3, 86 and 87 for those travelling further afield, and states that a car share initiative is already in place. There is room for cycle spaces inside of the unit.

However, the proposed parking provision is still considered to be a significant reduction, and it is therefore imperative that associated vehicles do not obstruct neighbouring business premises or the free flow of traffic through the Employment Area.

In order to further address the shortfall of car parking spaces, the applicant has confirmed that the proposed morning classes could be capped to 16 attendees during the week to ensure that sufficient car parking is available. It is considered that a condition could be added to any consent granted to ensure that the class sizes include no more than 16 attendees.

It is noted that the morning classes are limited to 5 a week with the remainder of the classes to be held in the evenings or during the morning on weekends. It is considered appropriate for a condition to be added to restrict the hours to those currently put forward i.e. to prevent opening before 9.30am on weekdays and to prevent classes between midday to 6pm on a Monday and 11am and 6pm during the rest of the week. This would help to limit the impact on the Employment Area during the day and during rush hour.

The applicant has also indicated that neighbouring premises (Enterprise MOT and the car wash) are willing to offer their car parking spaces (approximately 15 spaces), and that sustainable modes of transport will be encouraged. The car parks would be outside of the control of the applicant and would therefore have limited weight in the assessment of this

application. The use of these car parks would also prejudice the future use/development of these employment sites. It is not considered that other car parks can be given limited weight in the assessment of this application. It should be noted that this application would not be taking car parking spaces from another unit as the spaces belonged to the application unit and were not being utilised.

It is noted that Essex County Council raised no objection to the scheme as originally submitted.

On balance, given the additional parking secured and subject to conditions, it is considered that the proposal would not result in detrimental impacts to parking or the highway, in compliance with policy T9 of the ARHLP.

Character and Appearance

There have been no external alterations to the building other than the erection of one sign on its frontage. Given the design of the proposed sign and its context within the Employment Area, it is not considered that it results in harm to the character and appearance area, in compliance with policy BE1 of the ARHLP. Separate advertisement consent would be required for the signage which has not been sought. If the Committee resolves to grant consent, an informative would be added to any decision notice to remind the applicant to apply for advertisement consent.

The Development Management Committee raised no concerns in relation to the impact of the proposal on the character and appearance of the proposal at the Committee meeting on 27 May 2020.

Amenity (Noise)

The development is currently in operation and the Council is unaware of any noise concerns relating to this site. Taking this in to consideration and given its use, indoor nature and location within the Employment Area, it is not considered that the development would create future issues with regards to noise. No comment was received by the Council's Environmental Health team and no representation received relates to neighbouring amenity concerns.

The Development Management Committee raised no concerns in relation to the impact of the proposal on amenity at the Committee meeting on 27 May 2020.

CONCLUSIONS

The proposal would retain a sports and recreation facility within Harlow, in compliance with Paragraph 73 of the NPPF and policy L2 of the Harlow Local Development Plan Pre-Submission Publication.

It is not considered that the proposal is resulting in harm to the character and appearance of the surrounding area or to neighbouring amenity in terms of noise, in compliance with policy BE1 of the ARHLP and policies PL1 and PL2 of the Harlow Local Development Plan Pre-Submission Publication.

The marketing information submitted demonstrates that the application site was marketed for three months. The application site was not therefore marketed for one year and it cannot unequivocally be stated that there is no prospect of use classes B2 and B8 uses occupying the unit. However, the proposal is not considered to adversely impact the range of sites or premises available for employment use and would not result in the loss of an employment site of high quality. In addition, the proposal would align with the new use class E, and it is considered that the use is flexible and that the changes are reversible. It is also considered that the development provides a minor complementary benefit to the employment area insofar

as the workers of the surrounding employment units could use the site. The site is also accessible by means other than the car and would be in accordance with the sequential approach to development.

In addition, it is considered that, subject to conditions, the proposal would not result in detrimental impacts to parking or the highway, in compliance with policy T9 of the ARHLP.

Whilst finely balanced, it is therefore considered that the application should be approved.

RECOMMENDATION

It is resolved that the Development Management Committee **GRANT PLANNING PERMISSION** subject to the following conditions:

1. No classes shall be undertaken on the site at any time before 9.30am Monday to Friday and between midday and 6pm on a Monday or between 11am and 6pm Tuesday to Friday. There shall be a 15 minute period between classes ending and beginning on Monday to Friday before 6pm. The number of external attendees (not including staff) at each class shall be limited to 15 people. A log of the number of attendees shall be kept for a minimum of 18 months and shall be made available for inspection upon request by the Local Planning Authority.

REASON: To ensure that the operation of the unit does not result in detrimental impacts to parking, the highway and to the adjacent employment units and the Employment Area, in accordance with policies ER6 and T9 of the Adopted Replacement Harlow Local Plan.

2. The development hereby approved shall be carried out in accordance with the following plans:

| Plan Reference | Version No. | Plan Type | Date Received |
|-----------------------|--------------------|-------------------|----------------------|
| PR01 03 | -- | Location Plan | 16.02.2018 |
| -- | -- | Block Plan | 01.09.2020 |
| -- | -- | Ground Floor Plan | 01.09.2020 |
| -- | -- | First Floor Plan | 01.09.2020 |

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

