

DEVELOPMENT MANAGEMENT COMMITTEE
Wednesday 13 January 2021 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 4 - 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 Public Document Pack 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/18/00553 - Proposed 1A, Queensgate Centre, Edinburgh Way, Harlow (Pages 8 - 23)
8. HW/REM/20/00459 - Icon Harlow, Third Avenue, Harlow (Pages 24 - 35)
9. HW/REM/20/00460 - Icon Harlow, Third Avenue, Harlow (Pages 36 - 46)
10. HW/OASMR/20/00437 - Proposed Development At 14 Kingsdon Lane, Kingsdon Lane, Harlow (Pages 47 - 61)
11. HW/HSE/20/00418 - 19 Mark Hall Moors, Harlow (Pages 62 - 73)
12. References from Other Committees

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

13. 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**

16 December 2020

7.30 - 8.23 pm

PRESENT

Committee Members

Councillor Phil Waite (Chair)
Councillor Nancy Watson (Vice-Chair)
Councillor Jean Clark
Councillor Mike Danvers
Councillor Jodi Dunne (substitute for Councillor Bob Davis)
Councillor Michael Garnett
Councillor Michael Hardware
Councillor Maggie Hulcoop
Councillor Clive Souter

Officers

Andrew Bramidge, Head of Environment and Planning
Alex Chrusciak, Interim Planning and Building Control Manager
Hannah Criddle, Governance Support Officer
Julie Galvin, Legal Services Manager
Adam Halford, Garden Town Lead Officer for Harlow Council
John Hoad, Garden Town Consultant for Harlow Council
Adam Rees, Governance Support Officer

Other Councillors

Councillor Tony Edwards

109. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Bob Davis and Sue Livings. Councillor Jodi Dunne was in attendance as a substitute for Councillor Bob Davis.

110. **DECLARATIONS OF INTEREST**

None.

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

RESOLVED that the procedure for the meeting is noted.

112. **3/19/1045/OUT - LAND NORTH OF THE STORT VALLEY AND THE A414 GILSTON HERTFORDSHIRE - HARLOW COUNCIL CONSULTEE RESPONSE**

The Committee received an update report on the Gilston Area development.

RESOLVED that the Committee noted the update report.

The Committee also received a report which recommended a Harlow District Council consultee response to the East Hertfordshire District Council Application (3/19/1045/OUT).

A representation was made by the Applicant.

RESOLVED that the Committee **APPROVED** the following consultation response:

- A** The Council is supportive of development of the Gilston Area as it contributes greatly to achieving important growth aims for Harlow and Gilston Garden Town (HGGT).
- B** However, the Council's support for any particular application is dependent on confidence that a planning permission will achieve development that accords with both the Development Plan as a whole, (in this case, particularly the East Herts District Plan Policy GA1) and the HGGT Vision.
- C** The Council supports the application amendments on design of the site accesses and the commitments to internal circulation principles. The changes should provide essential dedicated space and prioritisation for public and active transport to help achieve the mode share targets, together with traffic signal controls that can manage traffic flows from the development onto the road network. This provides the opportunity for the village development itself to accord very well with the HGGT vision for transport. The Council will continue to work with EHDC and the applicant on appropriate conditions and obligations to secure these aspects of the scheme.
- D** Generally, the Council considers that agreement of appropriate planning obligations for the development is fundamental to securing development quality and mitigating its impacts in a manner compliant with policies and guidance and with due regard to other material considerations.

- E** The Council cannot support the application on the basis of the planning obligations presently set out, or suggested in general terms by the applicant as adequate. The Council considers the obligations proposed would fall considerably short of the commitments required to address Development Plan policies and supporting HGGT guidance and evidence.
- F** In particular the Council identifies the following concerns:
- i) There are still many uncertainties on how far the applicant is prepared to commit to HGGT principles
 - ii) On essential sustainable transport matters commitments to adequate funding for, and timely delivery of, the Stort Valley Crossings and proportional contributions to the funding of the Sustainable Transport Corridor network are still not confirmed
 - iii) Due to the lack of clarity on planning obligations it is unclear how the application will support effective use of the Housing Investment Grant (HIG) funding which the Councils have been awarded to help 'unlock' the delivery of the Gilston Area development. This is particularly the case in respect of the lack of commitment to the provision of adequate repayment of 'grant' into the Rolling Infrastructure Fund (RIF) that will support the provision of the wider Sustainable Transport Corridor (STC) infrastructure that is essential to support sustainable growth
 - iv) Other important HGGT matters are unresolved; the details of affordable housing for Harlow residents to support social mobility; provision of adequate employment land and premises to support balanced economic growth of the Garden Town; energy strategy measures; and future community facility stewardship arrangements
 - v) The promised formal Memorandum of Understanding (MoU) between the applicant and the V7 landowner / applicant on comprehensive development and shared and consistent commitments in planning obligations has still not been provided. The result is that, in effect, the V1-6 application and future V7 application are put forward for decision in isolation. This position could, if permissions are granted in the wrong form, result in significant planning harm. In particular, failure to establish an

effective mechanism for the phasing of development and coordination of its infrastructure, including transport planning and funding, the overall provision of employment land and social and community facilities and the stewardship approach are all seriously affected and subject to much greater uncertainty and risk

- G** The Council’s position of general support for the application is dependent upon these matters being satisfactorily addressed in advance of the LPA determining the application. The Council wishes to contribute to that endeavour through a continuation of engagement with partners and the applicant on planning conditions and planning obligations.
- H** The Council provides notice that, to reflect the conditional nature of its support, it may seek to comment further at the point that greater clarity on planning conditions and obligations is provided, for example upon production of draft recommended conditions and applicant agreed Heads of Terms that support an officer report to the LPA.
- I** EHDC and the applicants are asked to take note of more detailed points explaining these concerns - set out in the Table ‘Analysis of Application – Key Issues for Harlow’ (Report Appendix 2). The Council therefore requests that EHDC should only contemplate a grant of planning permission after these points have been fully considered; to the extent that they can be either resolved, or weighed in the decision balance.
- J** To delete the first bullet in Appendix 2 ‘Commitments’ and ‘Strategies’ secured C Employment; Points of Concern and replace with:

“The amended application appears to indicate that provision will now be made for the minimum amount of employment land and floor-space required by the Development Plan. However, this depends largely on an enlargement of the Village 6 developable area. The feasibility of the resultant land use and highway access changes is unclear.”

113. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

13 January 2021

REFERENCE: HW/FUL/18/00553

OFFICER: Patricia Coyle

APPLICANT: The Crown Estate

LOCATION: Proposed 1A
Queensgate Centre
Edinburgh Way
Harlow
Essex
CM20 2DA

PROPOSAL: Minor External Alterations to Elevations of Unit 1A to Accommodate a Food store (Class A1) and Reconfiguration of Car Parking.

LOCATION PLAN



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Reason brought to Committee

Two objections received.

Application Site and Surroundings

The application site comprises part of the former Toys “R” Us unit to the western end of the Queensgate Centre, comprising a retail park circa 1.5km from Harlow town centre. Other retailers and a number of leisure and restaurant uses.

The site is accessed from Edinburgh Way at its roundabout junction with Howard Way. There is a further egress only towards the eastern end of the site again onto Edinburgh Way.

Details of the Proposal

Minor External Alterations to Elevations of Unit 1A to Accommodate a Foodstore (Class A1) and Reconfiguration of Car Parking.

The proposal is for full planning permission for minor works and, in effect (although not a Section 73 – variation of condition - application), a new planning consent for this unit that would supersede the restrictions currently in place through Condition 1 of planning permission reference HLW/92/0107 and Condition 3 of permission reference HW/FUL/18/00097 to extend the range of goods to allow the sale of food and drink from the premises to facilitate occupation by Lidl. The physical works proposed include the reconfiguration of the existing car park and minor alterations to the front, side and rear elevations.

Permission is required for food retail as there is a condition on the original approval restricting the types of goods which can be sold from the out-of-centre retail warehouse unit. The Planning Statement indicates that the proposal also involves varying Condition 1 of Planning Permission HLW/92/0107 and Condition 3 of HW/FUL/18/00097 although this is not explicit as this current application is a full application for approval of a foodstore (rather than a Section 73 application for removal or variation of a planning condition). Notwithstanding, the effect of an approval would be the same.

Currently the Unit 1 Queensway unit(s) within the Edinburgh Way Retail Park can only sell DIY goods, furniture, floor coverings, leisure and garden products, motor accessories, electrical goods and toys, bicycles, computers, baby/ancillary child-related products and other non-food bulky goods care items.

The external elevation changes would be to the front, side and rear of the building and would involve the glass canopy being extended over the entrance, alterations to entrance doors, removal of an internal door, new fire exit doors to the rear and side elevations, installation of a trolley bay and installation of bollards along the front elevation.

The car park reconfiguration would result in minor changes to the shared car park in front of the whole of the existing retail warehouse unit – Unit 1 Queensway. It is indicated in the Transport Assessment that there would be demand for 49 parking spaces during the weekday afternoon and 51 spaces during the Saturday afternoon peak hour.

The proposal would benefit from the recent sub-division of the existing Unit 1 into three of which the proposed food supermarket (Unit 1A) would utilize the largest space of 1,952 sq.m by gross internal area with a net sales area of 1,100 sq.m. Unit 1C has been taken by Smyths Toy Superstores and Unit 1B, the smallest/narrowest, has yet to be occupied.

It is proposed that there would be 45 full-time equivalent jobs.

The applicant indicates in their Planning Statement that the proposal is to enable Lidl, a LAD (Limited Assortment Discount) type food and drink supermarket with WIGIG (when its gone

its gone) comparison goods “middle aisle” to operate from their existing vacant unit in Edinburgh Way. The existing Lidl store at Staple Tye would remain.

The applicants have submitted a transport assessment, a draft travel plan, a statement of community involvement and both a Sequential Test Statement and a Retail Impact Assessment (Dec 2018, revised in November 2020) in support of their application. The applicants have put forward the argument that their proposal would neither result in any harm to the local highway/transport network nor result in any harm to the vitality and viability of Harlow Town Centre and, as there are no available units within the Town Centre or in edge of town centre locations, that the proposal meets the requirements of the Sequential Test.

RELEVANT PLANNING HISTORY

Application Reference Number: HW/PL/08/00061

Proposal: Refurbishment of existing building including alterations of south and east elevations and reconfiguration of car park (Toys R Us)

Application Status: Granted

Date Application Received:

Date Application Decided: 1 April 2008

Application Reference Number: HW/PL/08/00218

Proposal: Replacement and enhancement of three existing signs and installation of 1 new fascia sign (Toys R Us)

Application Status: Consent given

Date Application Received:

Date Application Decided: 2 April 2008

Application Reference Number: HW/FUL/18/00097

Proposal: Alterations to External Appearance including new shopfront and entrance features to support sub-division

Application Status: Granted planning permission

Date Application Received: 5 March 2018

Date Application Decided: 16 May 2018

The sub-division of Unit 1 Queensgate into three units did not of itself require planning permission as it met the requirements of the condition attached to the original consent in that it did not involve the provision of undersized units.

Two applications were submitted for the whole of the warehouse unit - Unit 1 Queensgate - in October 2018 prior to the submission of the current application:

- HW/FUL/18/00097 (see above). This also included the change from one sign housing with upstands to the frontage to three with additional entry doors beneath all three.
- HW/FUL/18/00459 - Alterations to Servicing Arrangements for Unit 1C, including external alterations to the side elevation of the unit and minor physical works to the car park and site layout – this was granted planning permission on 6 December 2018. This also included the change from one sign housing with upstands to the frontage to three with additional entry doors beneath all three.

Also, during the course of consideration of this application a number of applications have been made which affect the area of the site within the red line for the current application as follows:

- Advertisement consent - HW/ADV/20/00149 – plans submitted with this application show Unit 1C as covering the eastern (nearly half –approximately 28m wide) side (front to rear) of the current application site. Signage for Smyths Toys superstores proposed to be located on the front elevation in the upstands and on the eastern elevation at high level was approved on 5 May 2020.
- Unit 2 Queensgate – (HW/FUL/20/00396) - Alterations, including minor extension to existing building, and re-introduction of drive through lane, alterations to car parking and continued use of property for Use Class A3 (food and drink) and Use Class A5 (takeaway) i.e., Restaurant and drive-through. The proposal mainly affects the access/parking arrangements by removing 6 existing parking spaces – Granted planning permission on 12 October 2020. The removal of 6 parking spaces would not specifically alter the number needed for the proposed food store in the shared car park.

CONSULTATIONS

Highways Agency

No response received.

Highway Authority

No objection received.

Regeneration

The potential for Lidl to become an occupier in the Queensgate Centre is one that we wish to encourage as it would provide additional employment for the town and help to replace at least some of the many retail jobs that have been lost as a result of the impact of the Covid-19 measures and the longer term trends in the town.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 3

Date Site Notice Expired: 13 February 2019

Summary of Representations Received

An objection has been received on behalf of Aldi stores concerned at the retail impact and cumulative impact of the proposed use combined with the permission granted for the "Food Warehouse" at Unit 5, The Oaks Retail Park.

An objection has been received on behalf of Tesco store concerned that the Retail Impact and Cumulative impact tests have not been carried out correctly. Specifically, that there is a lack of a proper 'cumulative assessment' of impact to include the recent Food Warehouse opening. The applicants have listed Food Warehouse as an existing store making a claim against available expenditure but that is not how it should be done. Were a 'cumulative assessment' undertaken adopting the applicant's consultants 'simplistic approach' one gets a 10% impact on food and convenience retailing in the town centre. This is not a matter that the Council's Retail Impact Assessment Reviewer explored in their recent response.

PLANNING POLICY

SD1 (Presumption in Favour of Sustainable Development)

RS1 (Retail Hierarchy)

The Queensgate Retail Park is included at the bottom of the retail hierarchy but does not form a retail centre. The retail centres are: Harlow Town Centre, The Neighbourhood Centres and the Hatches. It is recognised that Retail Parks have a role by providing large retail warehouse units for bulky comparison goods.

RS2 (Future Retail Floorspace)

The policy identifies a need for 18,000 sq.m of comparison and upto 3,200 sq.m of convenience floorspace up to 2026 but also that the new villages of the Harlow and Gilston Garden Town will need to have their own Neighbourhood Centres and Hatches to support their additional populations.

RS3 (Protecting and enhancing existing Retail Centres)

The policy indicates that the role and function of the district's Retail Parks as a provider of bulky retail goods will be protected.

PL1 – Design Principles for Development

PL3 – Sustainable Design, Construction and Energy Usage

PR5 (Sequential Test and Principles for Main Town Centre Uses)

This indicates that Main Town Centre Uses must be directed in the first instance to the Town Centre unless there are no suitable or available sites. Also that Neighbourhood Centres and then Hatches must be considered before any Main Town Centre Uses are directed to Retail Park locations. Main Town Centre Uses within Retail Parks will be supported where all the criteria are met: sequential approach is satisfied, an active frontage is achieved at ground floor level, the vitality and viability of the retail centre is preserved and enhanced and is well related to public transport or located appropriately for sustainable transport provision.

PR10 (Development in Retail Parks)

Development in Retail Parks must meet the following criteria:

- (a) the sequential approach is satisfied;
- (b) the development is in Use Class A1 [Shops within new Use Class E*] and is for the sale of bulky goods, or provides leisure activities;
- (c) any sub-division does not result in any separate retail unit being less than 1,000sqm in size.

For sub-division, evidence must be provided to demonstrate that the existing unit has been actively marketed for Use Class A1 [Shops within new Use Class E*], to the satisfaction of the Council, for at least 12 months.

*Use Class E (1 September 2020) defines A1 shops as “shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes”. In the transitional period, planning Applications submitted before the change to Use Class E retain their “A1” category status and therefore benefit from related permitted changes of use under this use class until July 2021.

Use Class E also includes A1, A2, A3, B1, D1 and D2 and the sui generis “in a class on their own” uses – e.g. theatres, Large HMOs, hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi

or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting offices and pay day loan shops.

It is expected that before the 31 July 2021 the restrictive permitted development changes will either be confirmed to cease (allowing any change to any other use within Use Class E without planning permission or prior notification) or a new/revised General Permitted Development Order will be applied (setting out new permitted development/prior notification changes).

Shops (former A1) may otherwise fall within new Use Class F2 “Local Community Uses” if they are less than 280 sq.m, sell essential goods and are at least 1km from a similar shop. This would not apply for the application site.

IN1 - Development and Sustainable Modes of Travel

IN2 – Impact of Development on the Highways Network including Access and Servicing

IN3 – Parking Standards

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 Harlow Design Guide SPD (2011)

The Essex Parking Standards: Design and Good Practice (2009)

Planning Practice Guidance (PPG)

Background

In relation to Harlow Town Centre, when the application was first received Unit 24 at the Harvey Centre was available and the proposal for convenience store sales failed the Sequential Test, failing to meet policy the requirements of policy RTCS1 of the Adopted Replacement Harlow Local Plan (July 2006) and the National Planning Policy Framework 2019.

The applicants requested the opportunity to respond to the Retail Expert’s comments and submitted further information in March 2020 regarding the suitability of Unit 24 for Lidl’s market model. The Council’s retail expert reviewed the information submitted and again considered that Unit 24 was capable of being used by Lidl even though their standard store layout would need to be revised to suit the current layout of the BHS and car parking would not be directly adjacent to the store, that it was not unreasonable, in line with the NPPF, that the Lidl’s configuration and market model be altered for existing units/car parking provision in Town Centre locations. The Sequential Test was considered to be failed again, contrary to Policy RTCS1 of the ADRHLP (2006).

Nonetheless during the first pandemic lockdown in Summer 2020, a new department store known as 15:17 signed a lease for the former BHS which was then taken off the market;

while it has yet to open (due in part to the pandemic resulting in less confidence in the comparison goods retail market and the 2nd lockdown preventing non-convenience stores being open) it is considered that the Sequential Test (that there is no other location currently available) is now met. As such, the proposal was then considered to meet the then requirements of Policy RTCS1 of the ADHLP (2006) and the then emerging Policy PR5 of the HLDP (Dec. 2020)

In addition, in Autumn 2020, the Planning Inspector confirmed that the emerging Local Development Plan with its Policies relating to retail was acceptable and, as such the emerging Policies carry great weight. As a result, the trigger point for a Retail Impact Assessment was lowered from the NPPF trigger of 5,000 sq.m to 500 sq.m; the unit size for the proposed Lidl then triggered the need for both the originally submitted Sequential Test and also a Retail Impact Assessment.

The Harlow Local Development Plan (HLDP) was adopted in December 2020.

Summary of Main Issues

The key issues for consideration in the determination of this application are: the principle of the development; whether the proposal represents sustainable development; the proposals compliance with the sequential approach; the impact on the vitality and viability of the town centre; and the proposed parking arrangement and resulting traffic impact. Main Town Centre Uses within Retail Parks will be supported where all the criteria are met: sequential approach is satisfied, an active frontage is achieved at ground floor level, the development is in Use Class A1 and is for the sale of bulky goods, any sub-division would not be for a unit of less than 1,000 sq.m, the vitality and viability of the retail centre is preserved and enhanced and is well related to public transport or located appropriately for sustainable transport provision.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Adopted Harlow Local Plan (December 2020) represents the main body of the Development Plan and should therefore form the starting point for all decision making. The National Planning Policy Framework (NPPF) represents the current national policy position regarding retail development and is considered to be an important material consideration.

HLDP policy PR5 requires that proposals for retail and other development which attract large numbers of people will be determined on a sequential basis; the town centre is the most sequentially preferable location for retail development. The NPPF echoes the requirements of Policy PR5, and generally suggests that town centres should be promoted as the heart of communities and centres for growth. It is considered that these policies are compliant with the NPPF and are therefore up to date policies.

NPPF Section 7 states that Local Planning Authorities should apply the sequential test and should require an impact assessment if development exceeds 2,500sq.m. in floorspace where there is no locally set value. The locally set value is for retail uses outside of the Town Centre which exceed 500 sq.m in size to provide a retail impact assessment.

The retail park is located in an out-of-town location and the application proposes retail development. A sequential assessment must therefore be undertaken, together with a retail assessment.

The unit is located within a designated retail warehouse park. HLDP policy PR10 specifically relates to development proposals on retail parks. This policy specifies that proposals for development must meet the following criteria: a) the sequential approach is satisfied; b) the development is in Use Class A1 and is for the sale of bulky goods, or provides leisure activities; c) any sub-division does not result in any separate retail unit being less than 1,000 sq.m in size. The proposed development would not conform to the requirements of part b) of policy PR10, but parts a) and c) would be met.

The proposal is considered to be in conflict with one of the requirements of policy PR10, however, the NPPF suggests that town centre uses (of which food retail is one such use) are suitable within out-of-town locations, provided that there are no sequentially preferable sites for such development and the retail impact of the development is not harmful on higher order centres. The NPPF's position on town centre uses is an important material consideration which indicates that the development should not necessarily be rejected in principle.

Determining the sustainability of the proposal is an important material consideration (as set out at NPPF paragraph 11). There should be no presumption in favour of the development if it is found to be unsustainable; concerns regarding a proposal may therefore assume more weight in the overall balance in such circumstances.

Sustainability of Development

NPPF paragraph 8 sets out that there are 3 different elements to sustainable development: economic, social and environmental. Given the retail nature of the proposal, the economic element is likely to be most relevant; however it is important that all 3 elements are considered.

The applicant has submitted a Planning and Retail Statement (dated December 2019) in support of the scheme. The applicant states that the Lidl brand is defined as a Limited Assortment Discount (LAD) selling a limited range of discounted convenience and comparison goods. They generally occupy stores of between 1,500m² and 2,500m² gross offering a range of essential products with roughly 20% ancillary comparison goods, which change each week on a "when its gone, its gone" basis.

The proposal to bring back an existing retail warehouse into use would provide both goods for purchase and jobs for local people. There is a clear economic advantage of providing both. In terms of social sustainability, the scheme would provide jobs which would be mainly for local people which would be a social benefit. The applicants indicate that Lidl has its own programme to support staff to gain promotion through internal training. It is considered that this seeks to support the aims of policy PR4 (Improving Job Access and Training) which seeks to ensure development provides support through of the employment of local people.

The proposed development would result in linked trips with other out-of-town retailers within the Queensgate Centre, to the economic benefit of the existing retailers and the proposed use rather than benefits to customers, the town centre or the wider public. Given that the site is located 1.5km from the town centre and has restricted public transport connections (particularly in comparison with the town centre), the potential for linked trips with the town centre from the proposed Lidl is considered to be negligible. Consumer choice would be limited to offers within the Queensgate Centre; the consumer would otherwise have to travel to alternate destinations, at the expense of the environment, in order to benefit from additional choices. As for the previous use as a Toy retailer, the development would be heavily reliant on car travel. While new forms of vehicle are replacing petrol/diesel forms, increasing convenience shopping in a retail park would increase environmental concerns such as pollution, use of natural resources and personal carbon use.

The proposal would meet the economic part of the sustainable development equation. It is of concern that the social and environmental parts would be less clearly met, however, the details of the scheme need to be assessed before a conclusion can be drawn.

The Sequential Approach

The applicant has undertaken a sequential test within its submitted Planning and Retail Statement. This sets out the business model requirements. Lidl has a model based on keeping operating costs to a minimum in order to sell goods at a lower price. The statement states at paragraph 6.26 that *“all stores must provide the necessary floorspace to accommodate the standard minimum product range (approximately 2,000 lines) along with adjacent surface level car parking and servicing facilities. As the proposed operator is a national multiple, consistency in terms of products and services is essential and parking is required given the stores provide more than a “top-up” offer for most customers”*.

Further at paragraph 6.27 it states *“dedicated surface level car parking is required to ensure the majority of customers can undertake their food shopping trips by private modes of transport. Many customers undertake bulk weekly or bi-monthly food shopping and purchase perishable goods.*

Therefore customers expect stores to benefit from easily accessible, dedicated surface level car parking to allow an easy transfer of shopping from the store to vehicle. Without dedicated car parking, the overall viability of the Lidl would be affected”.

In their sequential site search, the applicants considered sites in Harlow Town Centre, The Stow Neighbourhood Centre and the Old Harlow Neighbourhood Centre. They conclude largely that most available units are of insufficient size to accommodate the development. In the case of the (then) vacant BHS store the applicants state that *“the unit comprises a total of 3,160 sq.m of floorspace configured over two levels. This size of unit is significantly larger than what is required by Lidl, therefore it is not suitable. However we note from marketing particulars that the unit may have the ability to be reconfigured to provide four smaller units”*.

Further at paragraph 6.35 it is stated that *“notwithstanding, Unit 24 does not have any direct and level customer parking, which is essential for Lidl’s business model. The unit is located approximately 150m away from the nearest car park. This is not suitable for customers with shopping trolleys or a number of shopping bags, given that the store is often used by customers undertaking both a ‘top-up’ and ‘main’ food shop. As set out above, car parking is an essential requirement for Lidl, an operator within the ‘LAD’ market, as well as all other mid-large foodstores”*.

This statement is however at odds with the fact that a number of Lidl’s stores do not have surface level parking and operate from town centre locations such as Kentish Town, Edmonton Green, the Stratford Centre and Aldershot. The requirement for the store to be served by adjacent surface level car parking and to have direct access by car should not be considered 'fundamental'. It is clear that Lidl stores trade in different locations across the UK, including town centres, many of which have no direct access to dedicated surface level car parking. To dismiss other sequentially preferable sites, on the basis of a lack of dedicated car parking is highly inflexible, and entirely contrary to the main thrust of the sequential approach in support of sustainable development and the town centres first policy approach; no matter what the operator's business model may be at any point in time.

The applicant provided a further document which detailed more reasons why the BHS was unsuitable, nonetheless the Council’s retail advisor again confirmed that that the applicants were not being sufficiently flexible in terms of the former BHS unit (24 Harvey Centre) and that this did not meet the sequential test.

The Council has been advised that 24 Harvey Centre has recently been the subject of a new lease to a new department store operator known as “15:17”. According to their website, the store was expected to open in December 2020 and an application for store signage was submitted in late December 2020. If the former BHS is occupied by 15:17, as appears so, this would mean that the former BHS unit would not be available and that there would be no sequentially preferable site either within the Town Centre or in an edge of centre location.

The applicant’s revised documentation indicates that there is no preferentially sequentially suitable site in Harlow Town Centre and, as such, that Lidl should be allowed at 1A Queensgate. The Council’s independent Retail Assessor agreed that with the removal of the BHS unit that it was no longer available and that there was no sequentially preferable site in the town centre such that the proposal for a food retail use would not result in harm to the town centre’s retail offer.

It is considered that the proposal would meet the provisions of Policy PR5 of the HLDP.

Impact on the Vitality and Viability of the Town Centre

When assessing applications for retail and leisure development outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). The proposed foodstore at the application site measures 1,951m² (GIA) and 1,100m² (net sales area) and therefore based on the newly adopted policies (and the threshold at 500 sq.m), a retail impact assessment is required.

In line with the new policy in the Local Development Plan (December 2020), the applicants were requested to submit a Retail Impact Assessment as the trigger point is met by the proposed development.

The applicants originally submitted a light assessment to support the 2018 application. The submitted assessment states that the majority of Lidl’s turnover (52%) will be diverted from stores in out of centre locations. It is anticipated that the highest level of trade diversion will be from the Aldi on First Avenue (19%) and Tesco on East Road (18%), due to the close proximity and the strong market shares that these stores have within the area in which the application site is situated. These stores (particularly Aldi) share a similar target market to Lidl.

The Council requested consultants to undertake a review of the retail impact assessment of the proposed change of use of Unit 5, The Oaks Retail Park to a Food Warehouse approved under reference HW/REMPVAR/18/00480. The study confirms that both stores (Aldi/Tesco East Rd) are ‘overtrading’ and therefore should be resilient to this impact through trade diversion.

The assessment submitted with this application sets out that an estimated 25% (£1.59m) of Lidl’s turnover will be diverted from Harlow Town Centre, resulting in an impact of 3.2% on convenience goods sales. The majority of turnover is expected to be diverted from Asda (15%) given its similar customer profile and proximity to the site and 8% of the proposed turnover will be taken from Tesco Metro.

Anticipated impacts of the convenience goods sales of neighbourhood centres are 1.3% on Church Langley, 2.7% on Staple Tye and 2.0% on Old Harlow. This low level of impact is clearly not significant and will not give rise to any concerns on the future vitality and viability of these centres.

The Retail Impact Assessment (as updated by the applicants in November 2020) was considered by the Council's independent retail assessor and was considered to result in some trade diversion from both the Town Centre and other centres including Church Langley.

The significance of any harm identified has to be considered in relation to any other material considerations.

Visual Impact

The physical works are all minor in scale and will not give rise to any detrimental impacts of any interested acknowledged importance. The external works are similar to those that have been previously granted permission under reference HW/FUL/18/00087 and would be required to meet the operational requirements of Lidl. There are no objections to the external alterations which are compliant with Policy PL1.

Parking and Highways Issues

A Transport Assessment (TA) which assesses the likely impacts of the proposed development on the surrounding transport infrastructure has been submitted with this application. It states that during the Saturday peak period, it is estimated that an additional 25 vehicles will enter the Queensgate Centre whilst an additional 43 will depart, the equivalent of one vehicle every 1 – 2 minutes each-way. It is anticipated that there would be a demand for an additional 46 spaces during the PM Peak and Saturday afternoon peak hours, with a lesser demand at other times which would not affect the availability of car parking. The car park will continue to operate within capacity under normal trading conditions.

The foodstore would be likely to receive an average 3-4 deliveries per day which would not affect the capacity of the local highway network, with deliveries taking place via the existing service yard to the north of the new unit.

The TA concludes that the proposed development is acceptable in highways terms, with no 'severe' impacts on the local highway network. The development thus is considered to accord with policies T3 and T9 of the Adopted Replacement Harlow Local Plan (July 2006).

No objections have been received from the Highway Authority.

Planning Balance

In reviewing the updated Retail Impact Assessment and Sequential Test, the Retail Advisor has indicated that the proposal meets the sequential test (that there is no sequentially preferable site in Harlow Town Centre or in an edge of centre location) but is concerned that the Retail Impact Assessment is partly-based on data which, in retail terms, is somewhat out-of-date. As such the Retail Advisor is unable to confirm that the scheme would not result in any significant harm to the vitality and viability of the Town Centre, or on other centres within the Retail Hierarchy. Notwithstanding, it would appear that any harm (if there is any) would be relatively small.

As such, it is necessary to consider whether the scheme would have any other material considerations which should be taken into the consideration.

The applicants indicate that there are a number of benefits of the scheme including that an existing vacant unit on a brown-field site would be brought back into a viable use, that there

would be employment for 45 people (expected to be mainly locals) and that the employer looks to promote from within such that there is a career-progression among staff.

HDC Regeneration Team offer their support for the scheme on the grounds that [a Lidl] would provide additional employment for the town and help to replace at least some of the many retail jobs that have been lost as a result of the impact of the Covid-19 measures and the longer term trends in the town.

Given the benefits of the scheme, it is considered that these material circumstances are sufficient to outweigh any harm to retail vitality/viability which may occur to the existing defined retail hierarchy due to a change from shop use for bulky, comparison goods sales to majority convenience (food) sales, such that the proposal is recommended for approval.

CONCLUSIONS

The application is for minor works and also for convenience sales (food and drink) contrary to the existing restrictive condition (attached to permission HW/92/00107) which prevents the use of the unit other than for bulky goods/toys.

It is considered that the Sequential Test (that there is no other location currently available) is met. As such, the proposal meets the requirements of Policy RP5 and point a) of Policy PR10 of the HLP (Dec. 2020)

The Retail Impact Assessment (RIA), as updated in November 2020 was assessed by the Council's independent Retail Expert to result in some trade diversion. However, the background data was considered not fully up-to-date and that the harm would be less than indicated in the RIA, such that it may no longer be significant.

It is considered that on the basis of the information submitted that there may be some harm to vitality and viability of the existing retail hierarchy. As such, in the event that some harm would be caused, consideration has to be given to whether there are any material circumstances which could be considered in favour of the proposal.

In this case, material considerations include that the warehouse store was already in A1 shop use at the time of submission of the application and therefore no change of use is proposed. The change from comparison to convenience food sales requires planning permission due to a restrictive condition attached to the permission for the store to only allow the selling of toys (Toys-R-U's) in addition to the original bulk goods list required under the original approval.

The proposal would result in bringing a currently vacant shop unit back into viable use and 45 f.t.e jobs would be available to local people.

It is considered that, on balance, while there would be a limited loss of trade which would be diverted away from other existing retail centres, including Harlow Town Centre, Staple Tye and Church Langley, the scheme would provide significant benefits in particular at a time when store-based retail job losses have been increasing and have been exacerbated during the Covid-19 world pandemic. Given that it is proposed to enable food sales, this would also provide a relatively stable source of income for local residents.

As such, it is considered that on balance the proposal's merits would outweigh the slight harm to existing centres and that the proposal should be granted planning permission.

RECOMMENDATION

That Committee resolve to **APPROVE** subject to the following conditions:

- 1 The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the application form submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials other than those materials specified on the application form are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.
REASON: In the interest of visual amenity and to accord with Policy PL1 of the Harlow Local Development Plan (December 2020)
- 2 Notwithstanding the Town and Country Planning (Use Classes) Order (Amendment) 2020, the use shall only be as a food supermarket within Use Class E and for no other use within Use Class E without a further planning permission being granted.
Reason: To retain control over development within the Queensgate retail warehouse park, in line with Policy RS3 of the Harlow Local Development Plan (December 2020)
- 3 The proposal shall be implemented in accordance with the details contained in the submitted draft Travel Plan, unless otherwise agreed in writing
Reason: To promote alternative ways to travel in line with Policy IN1 of the Harlow Local Development Plan (December 2020)
- 4 Prior to first occupation by the foodstore hereby approved, details for electrical vehicle charging points shall be provided; once approved in writing by the Local Planning Authority the charging points shall be implemented in accordance with the approved details and retained prior to customer use of the store.
Reason: To promote greener alternative travel in line with Policy IN1 of the Harlow Local Development Plan (December 2020)
- 5 The A1 unit shall not be sub-divided unless each unit formed would be a minimum of 1,000 sq.m
Reason: To retain the scale of development unit appropriate in an out of centre retail park in accordance with Policies RS3 and PR10 of the Harlow Local Development Plan (December 2020)
- 6 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

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

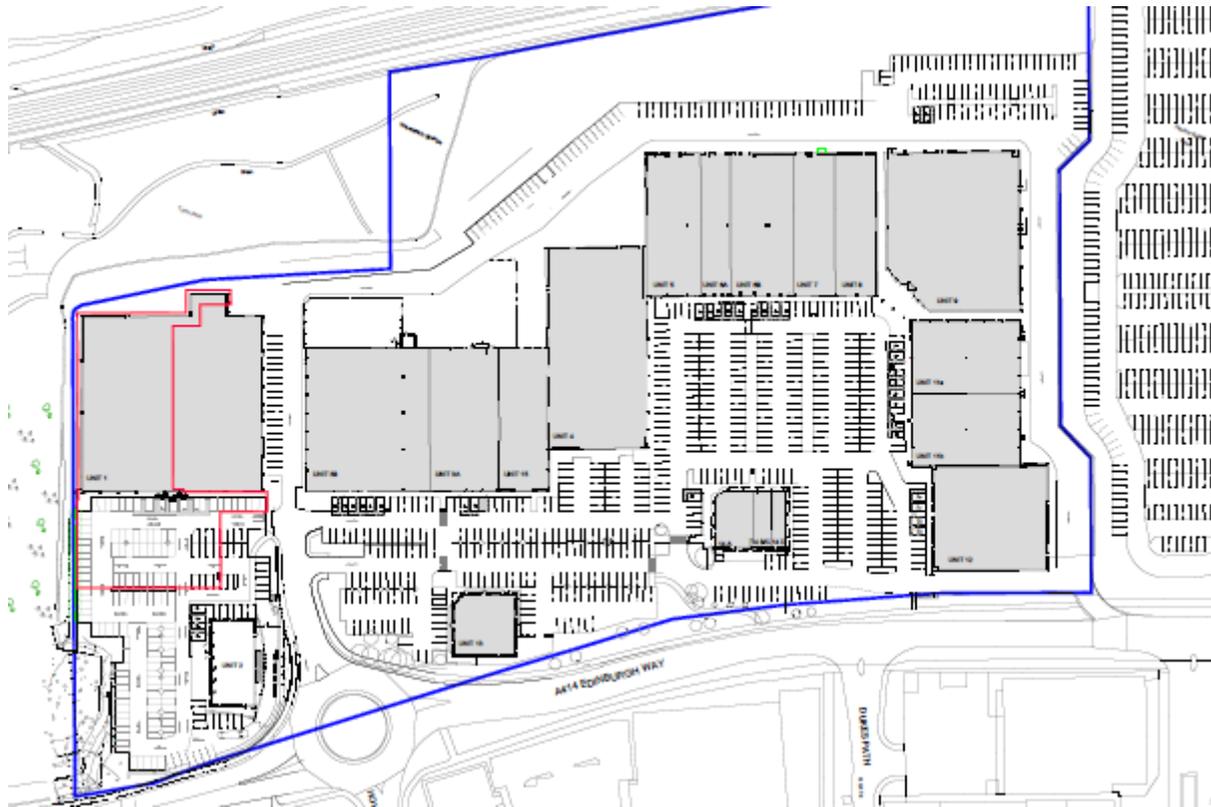
Plan Reference	Version No.	Plan Type	Date Received
1340-U1A-LP01	--	Location Plan	19.12.2018
1340-U1A-P01	--	Existing Floor Plans	19.12.2018
1340-U1A-P02	--	Proposed Ground Floor Plan	19.12.2018
1340-U1A-P05	--	Existing Elevations	19.12.2018
1340-U1A-P06	--	Proposed Elevations	19.12.2018

INFORMATIVE CLAUSES

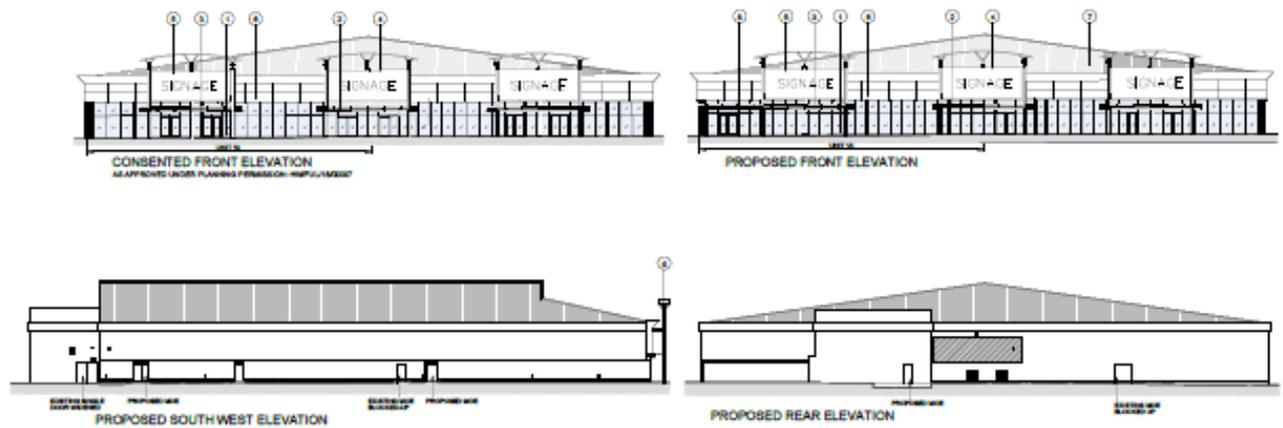
1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

HW/FUL/18/00553 – 1A Queensgate

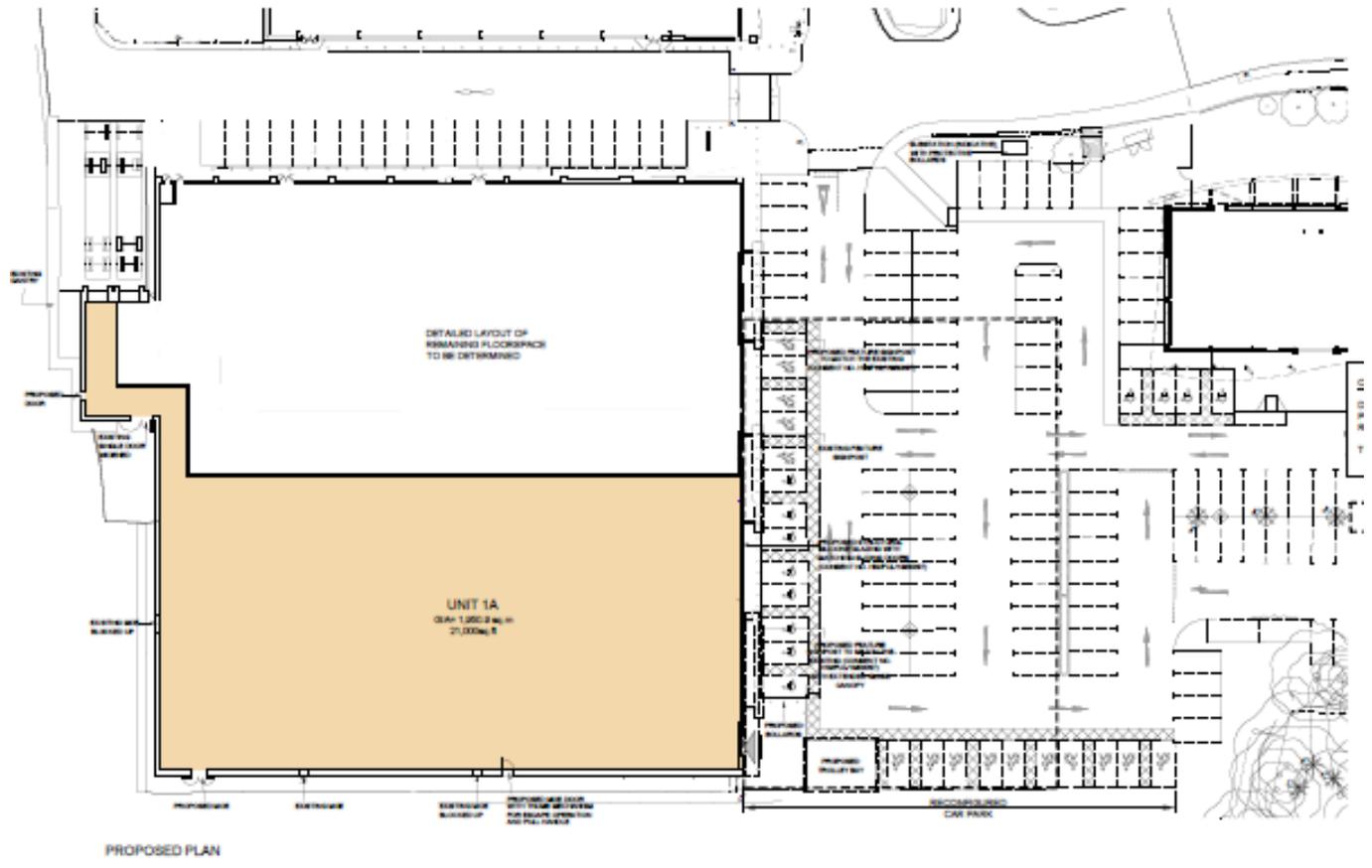
Location Plan



Proposed Elevations



Proposed Ground Floor Plan



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 January 2020

REFERENCE: HW/REM/20/00459

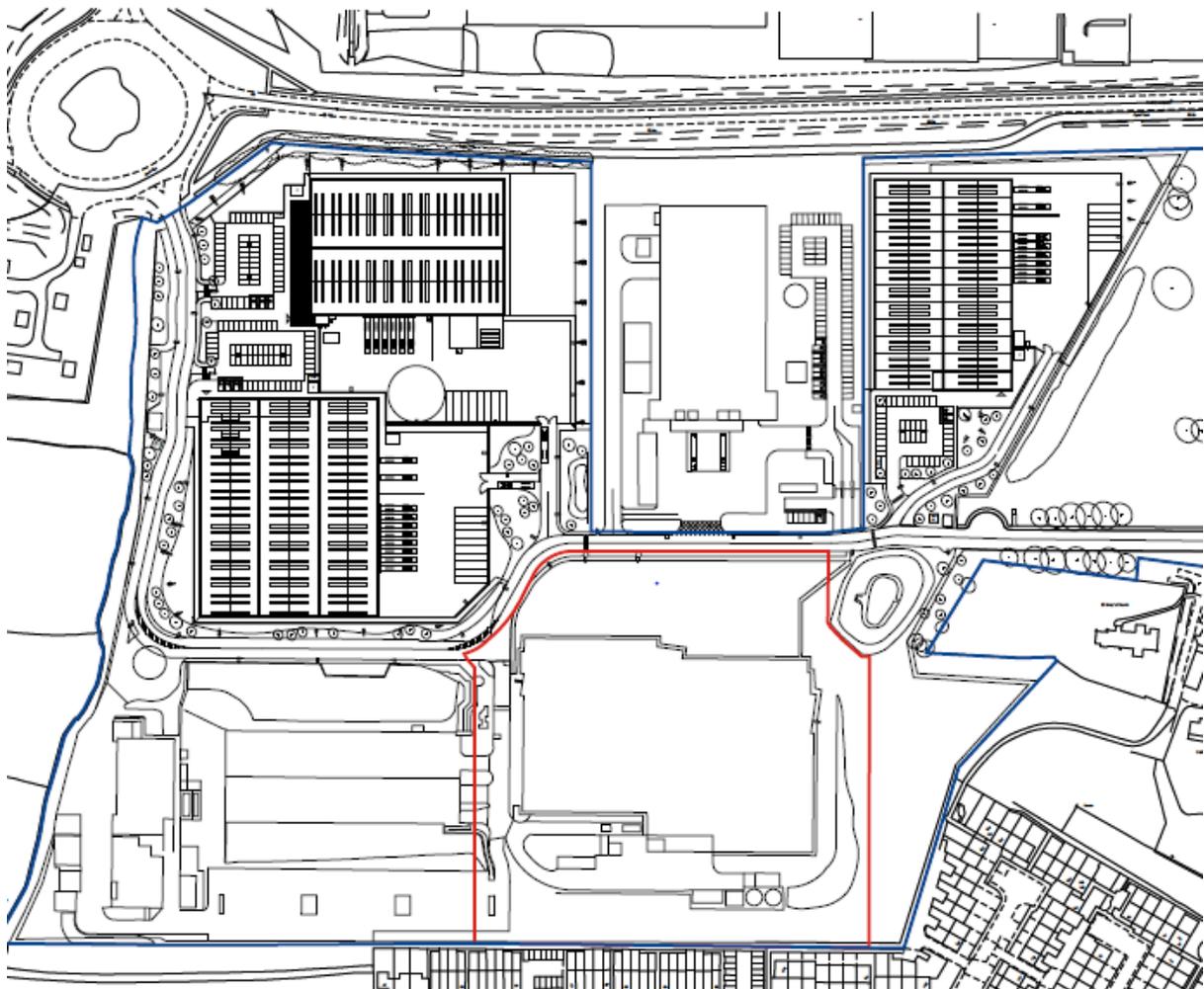
OFFICER: Jade Clifton-Brown

APPLICANT: Icon (Harlow) Limited

LOCATION: Icon Harlow
Third Avenue
Harlow
Essex

PROPOSAL: Reserved Matters application following planning permission HW/REMVAR/18/00364 (an approved variation to HW/OUTAM/17/00246) for approval of details relating to access (internal access), appearance, landscaping, layout and scale for proposed Building D within sub-plot 4.3

LOCATION PLAN



REASON BROUGHT TO COMMITTEE

Major Planning Application

Application Site & Surroundings

The application site is located within the Pinnacles Employment Area and formerly housed the GSK South site.

Outline planning permission was granted with all matters reserved for the redevelopment of the site for up to 46,916 sqm of Class B8 (Warehouse and Storage) floorspace under planning permission HW/OUTAM/17/00246. This included splitting the site into three plots (Plots 2, 3 & 4). Plots 2 & 3 have been completed.

A Parameters Plan was approved under application HW/OUTAM/17/00246 which set out specific characteristics that the final development would need to accord with. Each individual plot would contain a number of buildings varying in heights from 15.5m to 21m.

The outline permission has since been varied and replaced by reference HW/REMPVAR/18/00364.

The primary access to the site is via Third Avenue with the secondary access from Peldon Road restricted to non-HGV vehicles only.

The site is surrounded by allotments to the south-west; residential properties within the Katherine's residential estate to the south (separated by a landscaped bund); Parndon Wood to the west (in Epping Forest District Council's administrative boundary); Church House (a Grade II Listed Building), St Mary's Church (Grade I Listed) and Katherine's House (Grade II Listed) to the east and the rest of the Employment Area to the north.

Details of Proposal

This application seeks the approval of the reserved matters associated with the varied outline application (HW/REMPVAR/18/00364) in relation to Plot 4.3. The reserved matters are access, appearance, landscaping, layout and scale.

The proposed development at Plot 4.3 includes the erection of one grey clad building (Building D) which would span 62.5m and would be 14.5m in height. There would be staff and visitor parking to its side and a service yard located to its front. The proposal also includes a van deck adjacent to Building D for overnight storage and charging space for delivery vehicles.

Access to the whole site has already been approved under application reference (HW/OUTAM/18/00070). This proposal seeks the approval of the internal access arrangements for Plot 4.3.

A separate reserved matters application has been submitted in relation to Plot 4.1. A separate application to amend the Parameters Plan to reflect the changes at Plots 4.1 and 4.3 has also been submitted.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/OUTAM/17/00246	Redevelopment of The Former GSK South Site To Erect Up To 46,916 sq.m (GIA) of Class B8 Floorspace, Including Demolition of Buildings, Construction of New Paved Surfaces, Boundary Treatment and Landscaping, Parking and Associated Works	Granted	22.12.2017

HW/REMPVAR/18/00364	Application for Removal or Variation of A Condition in Relation to Planning Ref. HW/OUTAM/17/00246: Relating to Approved Plans and Condition 22: To Allow an Increase In The Maximum Floorspace Parameter for Plot 3 From 5,945 sqm to 6,336 sqm. Substitution of The Parameters Plan Rev. F With The Updated Rev. G Identified in The Decision Notice and In Condition 22	Granted	16.11.2018
HW/OUTAM/18/00070	Approval of All Reserved Matters of application HW/OUTAM/17/00246 in Relation to Phase 1, Plot 2, and Strategic Infrastructure for the Whole Site.	Granted.	24.05.2018
HW/REM/18/00368	Reserved Matters Submission Seeks Approval for Details of Access, Appearance, Landscaping, Layout and Scale for Phase 3 of Connex Park.	GTD	11.01.2019
HW/REM/19/00231	Approval of reserved matters (access, appearance, landscaping, layout and scale) in relation to plot 4 pursuant to outline planning permission HW/REMPVAR/18/00364 (last amended by HW/NMA/19/00412).	Granted.	16.12.2019
HW/NMA/20/00126	An amendment to the sub-plots within Plot 4 to reflect design development.	Granted.	09.04.2020
HW/NMA/20/00144	Application for non-material amendment following a grant of planning permission under planning reference HW/REM/19/00231 to remove the 'cut-out' in the south-east corner of the approved Building E.	Granted.	04.05.2020
HW/REM/20/00460	Reserved Matters application following planning permission HW/REMPVAR/18/00364 (an approved variation to HW/OUTAM/17/00246) for approval of details relating to access (internal access), appearance, landscaping, layout and scale for proposed Building E within sub-plot 4.1.	Pending.	
HW/REMPVAR/20/00461	Variation to Condition 22 (Approved Plans) of planning permission HW/REMPVAR/18/00364 (originally HW/OUTAM/17/00246) to allow for an amended Parameters Plan which reflects current reserved matters proposals for Plot 4.1 and 4.3 of the Icon Harlow site, including the following changes: 1. The maximum building line for Plot 4 has been amended at the southern boundary to allow the proposed Building E footprint. 2 The maximum building line has been amended along the eastern boundary to allow for 25 proposed means of	Pending.	

	<p>escape to the van deck proposed on Plot 4.3;</p> <p>3 The Plot 4 sub plot boundary, which divides sub-plots 4.1 and 4.3, has been moved to accord with the new development proposals; and 4 The maximum permitted finished floor level for sub-plot 4.3 has been raised from +62.5m AOD to +62.75m AOD i.e. by 25 cm.</p>		
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CONSULTATIONS

HDC- Environmental Health

No comment received.

HDC - Regeneration

No comment received.

Essex County Council - Highways

No objection.

Natural England

No comments to make.

Essex Wildlife Trust

No comment received.

Essex County Council - Heritage

No objection following amendments to the proposed colouring of the building.

ECC - Archaeology

No objection.

ECC - Urban Design

No objection following further clarification in relation to the overall design of the scheme.

Essex County Fire and Rescue Service (Harlow)

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Additional water supplies for fire-fighting may be necessary for this development. The installation of Automatic Water Suppression Systems is encouraged.

ECC - Sustainable Drainage

No comments to make.

Historic England

No comment received.

Essex County Council - Education

No comment received.

Essex Police - Designing Out Crime

No comment received.

HDC - Consultant Tree Officer

The species choice of tree is a standard mix, whilst naïve is considered good for wildlife, it should be noted with our changing climate, applicants should be encouraged to plant more diverse species which may suit future climates, to provide resilient tree stock. The submitted information sets out that maintenance and replacement planting will be set out in detailed management plans, which at this stage are not available to view. It would be encouraged these are made and not forgotten. The landscape here must be enabled to establish under proper care and attention.

It is considered on balance; the reserved matter can be discharged with the information available.

Officer comment:

Additional information in relation to planting including maintenance and management plans at Plot 4.3 has been submitted under pending application HW/CND/20/00478. The consultant Tree Officer raises no objection to the submitted information.

Neighbours and Additional Publicity

Number of Letters Sent: 187

Total Number of Representations Received: 1

Date Site Notice Expired: 13 November 2020

Date Press Notice Expired: 5 November 2020

Summary of Representations Received

One representation has been received from a local resident. A summary of the representation is as follows:

- Continuous noise disturbance to nearby residential areas.
- The warehouses blot the landscape and spoil views.
- Requests noise reduction measures including acoustic fencing and the planting of trees.
- Requests that the trees grow higher than the warehousing to screen the buildings.

Officer comment:

Noise was considered at outline stage and conditions have been imposed which require further details to be submitted as part of the approval of conditions process. The imposed conditions would ensure that the impact of the proposal on neighbouring amenity is limited.

This assessment should only consider the matters reserved by the outline application, taking into account the terms and conditions imposed by that permission, and should not revisit matters which have already been assessed or will be considered via the conditions process.

PLANNING POLICY

SD1 - Presumption in Favour of Sustainable Development

ED2 - Protecting Existing Employment Areas

WE2 - Green Belt, Wedges and Green Fingers

WE3 - General Strategy for Biodiversity and Geodiversity

WE4 - Safeguarding Wildlife Sites Beyond the District Boundary

WE5 - Heritage

PL1 - Design Principles for Development

PL2 - Amenity Principles for Development

PL3 - Sustainable Design, Construction and Energy Usage

PL5 - Green Wedges and Green Fingers

PL7 - Trees and Hedgerows

PL8 - Green Infrastructure and Landscaping

PL9 - Biodiversity and Geodiversity Assets

PL10 - Pollution and Contamination

PL11 - Water Quality, Waste Management, Flooding and Sustainable Drainage Systems

PL12 - Heritage Assets and their Settings

PR1 - Development within Employment Areas
IN1 - Development and Sustainable Modes of Travel
IN2 - Impact of Development on the Highways Network including Access and Servicing
IN3 - Parking Standards

PLANNING ASSESSMENT:

The principle of the proposed development was considered acceptable under planning permission HW/REMPVAR/18/00364 (originally HW/OUTAM/17/00246). This application seeks the approval of the associated reserved matters which are scale, appearance, layout, landscaping and access in relation to Plot 4.3.

Summary of Main Issues

Outline planning permission granted up to 46,916 sqm (GIA) of B8 floorspace across the entire site (Plot 2, 3 and 4). The approved Parameters Plan allows for the construction of up to 4 buildings within Plot 4, each with a maximum height of 15.5m and a finished floor level of +65 AOD.

The proposed development (including the pending application at Plot 4.1) would bring the total floorspace across the site to 39,695.8sqm (7,220.2 sqm less than approved). In addition, the proposal includes one building (two overall with plot 4.1 and a van deck with maximum height less than 15.5m with a finished floor level of +62.75 AOD. The proposed development would therefore accord with the outline planning permission and Parameters Plan in terms of scale.

In relation to appearance, the proposal would appear as an industrial warehouse with an attached associated office and van deck which would be appropriate given the context and purpose of the site within the Employment Area.

The proposed materials have been amended throughout the application process to soften the appearance of Building D. It would be similar in appearance to the buildings at Plots 2 and 3, and with the proposed building at Plot 4.1.

Notwithstanding the above, a condition associated with planning application HW/REMPVAR/18/00364 requires materials for this plot to be submitted to and approved by the Local Planning Authority, which will ensure that the proposal does not result in harm to the character and appearance of the area.

It was determined at outline application stage that the location and height of the buildings would have an acceptable impact on the heritage assets to the east of the wider site. The proposed building would be separated from the heritage assets by over 100m and by the Green Wedge. The proposed materials would further mitigate its impact on these assets. Essex County Council's Heritage Officers raises no objection following amendments to the proposed colouring.

The proposed layout includes Building D in the middle of the site with staff/visitor parking on one side and the van deck on the other. It is considered that the separation of the car parking areas and the van deck is logical and would prevent highway and pedestrian safety risks.

The proposed access is considered to be logical and it is noted that it would be accessible for all users with the car park and plot entrances designed to provide inclusive access with wheelchair disabled parking spaces located closest to the building entrance. The office fronting the access road and car parking areas would provide passive surveillance to these areas. The plot would be well-connected to the wider site and it is noted that there would be pedestrian access to the adjacent Green Wedge to the benefit of staff. Essex County Council's Highways team raise no objection to the proposal

A natural visual and noise barrier between the proposal and the existing residential areas would also be provided by the established landscaping bund which is to be retained and enhanced with new woodland planting. Where the regrading of existing woodland areas is necessary to implement the scheme, replacement woodland planting is proposed to mitigate its loss. The proposal also includes amenity grass and species-rich grassland with wildflowers and an avenue of freestanding trees within the site to enhance amenity and ecology value.

It is considered that the proposed landscaping would help to mitigate noise impacts however it is noted that conditions have been imposed at outline stage which require further details in relation to noise to be submitted as part of the approval of conditions process. The imposed conditions would ensure that the impact of the proposal on neighbouring amenity is limited.

Further details in relation to landscaping have been submitted under pending application HW/CND/20/00478. Harlow Council's consultant Tree Officer has reviewed the information submitted and raises no objection.

Other Matters

HLDP

The HLDP places greater emphasis on sustainability in comparison to the previous Local Plan under which the outline planning permission was granted. Whilst sustainability is not a reserved matter, it is therefore considered appropriate to assess it at this stage.

Policy PL3 the HLDP sets an expectation that all new development shall deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. This policy encourages applicants to consider the impact of their development and seek ways to address the effects, above and beyond those measures required by Building Regulations.

To address the requirements of Policy PL3, it is recommended that a condition be imposed requiring the submission of a Sustainability Strategy. This strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions. The Sustainability Statement should make clear how measures have been incorporated into the design of the development to ensure they are well integrated.

It is also recommended that a condition be added to require electric charging points to future proof the development.

HW/REMPVAR/20/00461

There is a related application HW/REMPVAR/20/00461 which seeks a variation of the Parameters Plan to amend the building line along the eastern boundary to allow for a proposed means of escape to the proposed van deck, and an increase in the maximum permitted finished floor level for sub-plot 4.3 from +62.5m AOD to +62.75m AOD i.e. by 25 cm. The proposed alteration to the building line would bring the building line closer to the Green Wedge than envisaged but it is not considered that this would impact its openness. In addition, the Green Wedge would be retained and would continue to separate the proposal from the heritage assets to the east. It is considered that the proposed amendments are marginal and would not result in additional impacts to the surrounding area compared to the outline planning permission.

CONCLUSION

The proposal is considered to be in accordance with outline planning permission HW/REMPAR/18/00364 (originally HW/OUTAM/17/00246) and the approved Parameters Plan. Taking this into consideration and given the context of the application site within an Employment Area, it is considered that the proposed scale, appearance, layout, landscaping and access and thus the reserved matters are acceptable. The proposal is considered to be in compliance with the Harlow Local Development Plan 2020. It is therefore recommended that planning permission is granted.

RECOMMENDATION

That Committee resolve to **RESERVED MATTERS APPROVAL** subject to the following conditions:

1. Prior to the commencement of development, a Sustainability Strategy for the development shall be submitted to and approval in writing by the Local Planning Authority. The submitted Sustainability Strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions. The Sustainability Statement should make clear the target total carbon dioxide (CO₂) reduction level, by using nationally recognised, independently audited schemes such as Energy Performance Certificates. The evidence should include a clear breakdown of the percentage of carbon savings delivered by building efficiency and the use of any low carbon or renewable energy technologies. The development shall thereafter be carried out in accordance with the approved Sustainability Strategy.
REASON: To ensure that the proposal meets with the requirements of sustainability, in accordance with Policy PL3 of the Harlow Local Development Plan, December 2020.
2. Prior to the first use of the building hereby approved a plan showing the provision of electric charging points within the car park shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the location of the charging points, the chosen technology and clear presentation of how the bays will be marked. The development shall thereafter proceed in full accordance with the approved plan.
REASON: To ensure that the proposal meets the requirements of promoting sustainable travel choices, in accordance with Policy IN1 of the Harlow Local Development Plan, December 2020.
3. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

Plan Reference	Version No.	Plan Type	Date Received
8331-P100	Phase 2 Plot 4.3	Application Site Boundary	02.10.2020
8331-P002	Rev A Phase 2 Plot 4.3	Existing Site Sections	02.10.2020
8331-P101	Rev C Phase 2 Plot 4.3	Proposed Site Plan	02.10.2020
8331-P102	Phase 2 Plot 4.3	Proposed Site Sections	02.10.2020
8331-P150	Rev B Phase 2 Plot 4.3	Proposed General Arrangement	02.10.2020
8331-P152	Rev E Phase 2 Plot	Proposed Elevations	20.11.2020

8331-P153	4.3 Phase 2 Plot	Proposed Section	02.10.2020
8331-P154	4.3 Rev A Phase 2 Plot	Proposed Van Deck Plans	02.10.2020
8331-P155	4.3 Rev C Phase 2 Plot	Proposed Van Deck Elevations	20.11.2020
8331-P156	4.3 Rev A Phase 2 Plot	Cycle Shelter Details	06.10.2020
805 P 02	4.3 Rev B Harlow Plot	Icon Landscape Masterplan	02.10.2020
129372-0001	D --	Swept Path Analysis	02.10.2020

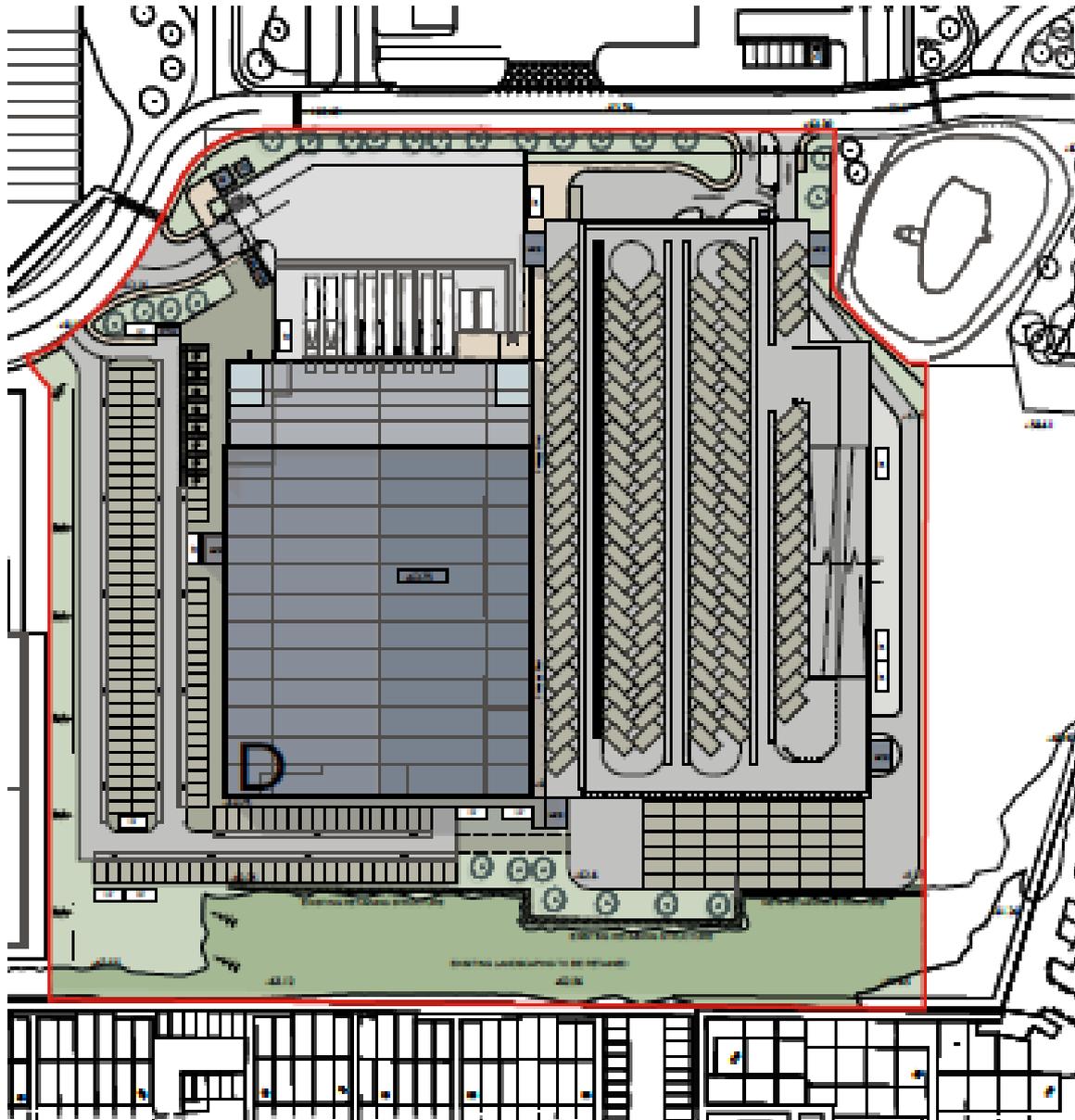
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE CLAUSES

1. Additional water supplies for fire-fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service headquarters, telephone 01376-576344.
2. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

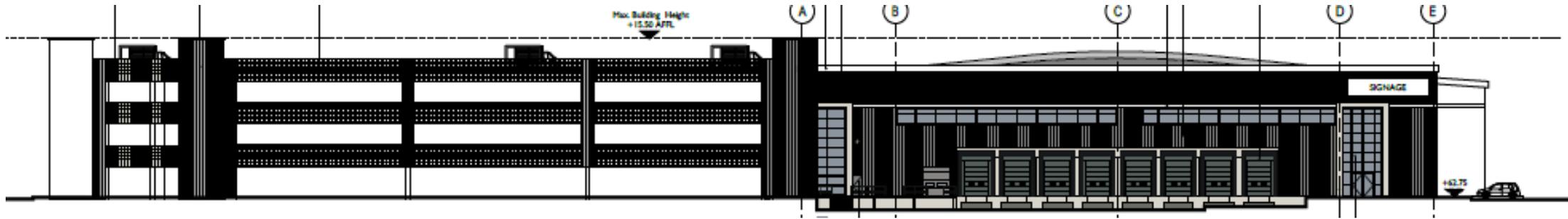
HW/REM/20/00459- Icon Plot 4.3

Proposed Site Plan



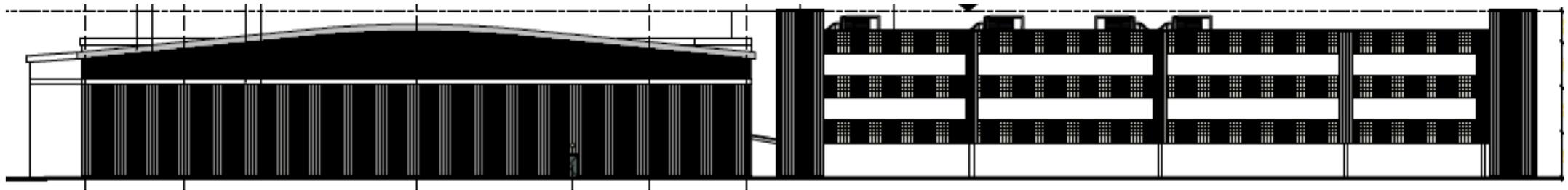
Proposed Van Deck & Building D

North Elevation

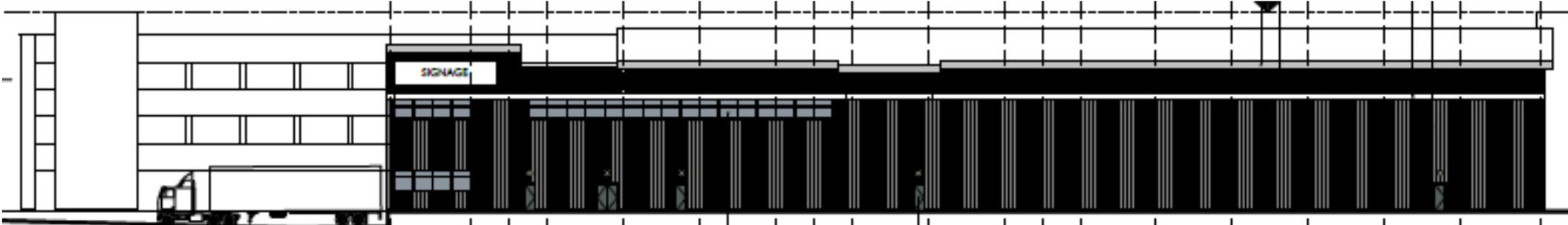


South Elevation

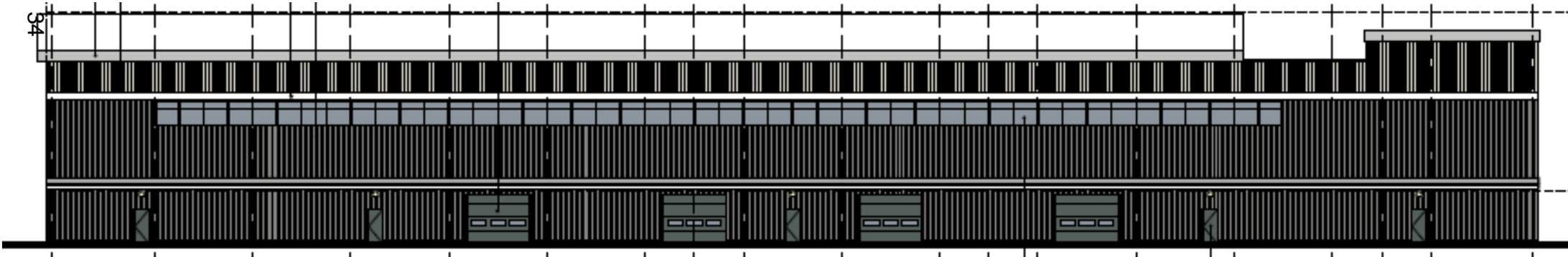
33



West Elevation



East Elevation



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 January 2020

REFERENCE: HW/REM/20/00460

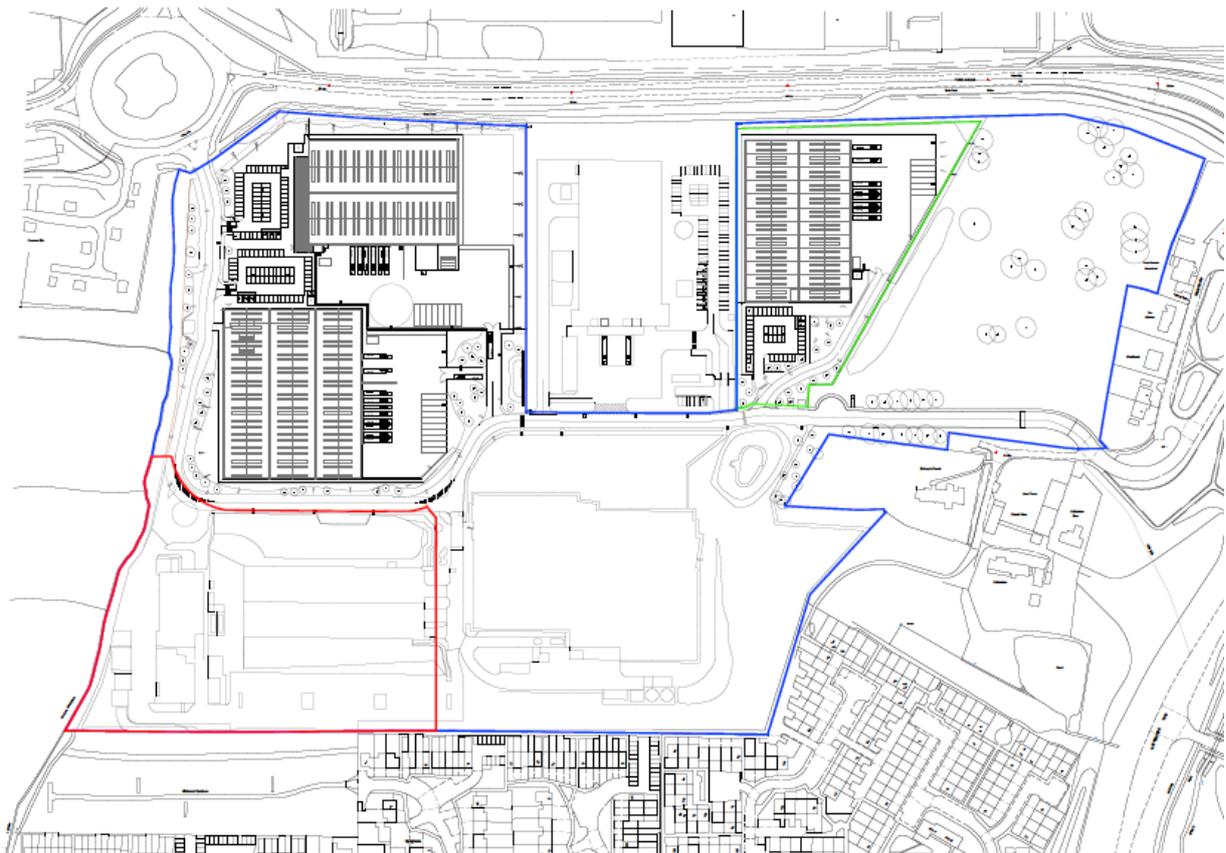
OFFICER: Jade Clifton-Brown

APPLICANT: Icon (Harlow) Limited

LOCATION: Icon Harlow
Third Avenue
Harlow
Essex

PROPOSAL: Reserved Matters application following planning permission HW/REMPVAR/18/00364 (an approved variation to HW/OUTAM/17/00246) for approval of details relating to access (internal access), appearance, landscaping, layout and scale for proposed Building E within sub-plot 4.1.

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

Major Application

Application Site & Surroundings

The application site is located within the Pinnacles Employment Area and formerly housed the GSK South site.

Outline planning permission was granted with all matters reserved for the redevelopment of the site for up to 46, 916 sqm of Class B8 (Warehouse and Storage) floorspace under planning permission HW/OUTAM/17/00246. This included splitting the site into three plots (Plots 2, 3 & 4). Plots 2 & 3 have been completed.

A Parameters Plan was approved under application HW/OUTAM/17/00246 which set out specific characteristics that the final development would need to accord with. Each individual plot would contain a number of buildings varying in heights from 15.5m to 21m.

The outline permission has since been varied and replaced by reference HW/REMPVAR/18/00364.

The primary access to the site is via Third Avenue with the secondary access from Peldon Road restricted to non-HGV vehicles only.

The site is surrounded by allotments to the south-west; residential properties within the Katherines residential estate to the south (separated by a landscaped bund); Parndon Wood to the west (in Epping Forest District Council's administrative boundary); Church House (a Grade II Listed Building), St Mary's Church (Grade I Listed) and Katherine's House (Grade II Listed) to the east and the rest of the Employment Area to the north.

Details of Proposal

This application seeks the approval of the reserved matters associated with the varied outline application (HW/REMPVAR/18/00364) in relation to Plot 4.1. The reserved matters are access, appearance, landscaping, layout and scale.

The proposed development at Plot 4.1 includes the erection of one grey cladded building (Building E) which would span 32m and would be 15.25m in height. There would be staff and visitor parking to its side and a service yard located to its front.

Access to the whole site has already been approved under application reference (HW/OUTAM/18/00070). This proposal seeks the approval of the internal access arrangements for Plot 4.1.

A separate reserved matters application has been submitted in relation to Plot 4.3. A separate application to amend the Parameters Plan to reflect the changes at Plots 4.1 and 4.3 has also been submitted.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/OUTAM/17/00246	Redevelopment of The Former GSK South Site To Erect Up To 46,916 sq.m (GIA) of Class B8 Floorspace, Including Demolition of Buildings, Construction of New Paved Surfaces, Boundary Treatment and	Granted	22.12.2017

	Landscaping, Parking and Associated Works		
HW/REMVAR/18/00364	Application for Removal or Variation of A Condition in Relation to Planning Ref. HW/OUTAM/17/00246: Relating to Approved Plans and Condition 22: To Allow an Increase In The Maximum Floorspace Parameter for Plot 3 From 5,945 sqm to 6,336 sqm. Substitution of The Parameters Plan Rev. F With The Updated Rev. G Identified in The Decision Notice and In Condition 22	Granted	16.11.2018
HW/OUTAM/18/00070	Approval of All Reserved Matters of application HW/OUTAM/17/00246 in Relation to Phase 1, Plot 2, and Strategic Infrastructure for the Whole Site.	Granted.	24.05.2018
HW/REM/18/00368	Reserved Matters Submission Seeks Approval for Details of Access, Appearance, Landscaping, Layout and Scale for Phase 3 of Connex Park.	GTD	11.01.2019
HW/REM/19/00231	Approval of reserved matters (access, appearance, landscaping, layout and scale) in relation to plot 4 pursuant to outline planning permission HW/REMVAR/18/00364 (last amended by HW/NMA/19/00412).	Granted.	16.12.2019
HW/NMA/20/00126	An amendment to the sub-plots within Plot 4 to reflect design development.	Granted.	09.04.2020
HW/NMA/20/00144	Application for non-material amendment following a grant of planning permission under planning reference HW/REM/19/00231 to remove the 'cut-out' in the south-east corner of the approved Building E.	Granted.	04.05.2020
HW/REM/20/00459	Reserved Matters application following planning permission HW/REMVAR/18/00364 (an approved variation to HW/OUTAM/17/00246) for approval of details relating to access (internal access), appearance, landscaping, layout and scale for proposed Building D within sub-plot 4.3	Pending.	
HW/REMVAR/20/00461	Variation to Condition 22 (Approved Plans) of planning permission HW/REMVAR/18/00364 (originally HW/OUTAM/17/00246) to allow for an amended Parameters Plan which	Pending.	

	<p>reflects current reserved matters proposals for Plot 4.1 and 4.3 of the Icon Harlow site, including the following changes:</p> <ol style="list-style-type: none"> 1. The maximum building line for Plot 4 has been amended at the southern boundary to allow the proposed Building E footprint. 2 The maximum building line has been amended along the eastern boundary to allow for a proposed means of escape to the van deck proposed on Plot 4.3; 3 The Plot 4 sub plot boundary, which divides sub-plots 4.1 and 4.3, has been moved to accord with the new development proposals; and 4 The maximum permitted finished floor level for sub-plot 4.3 has been raised from +62.5m AOD to +62.75m AOD i.e. by 25 cm. 		
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CONSULTATIONS

HDC Environmental Health Services

No comment received.

HDC - Regeneration Team

No comment received.

Essex County Council - Highways

No objection.

Natural England

No comments to make.

Essex Wildlife Trust

No comment received.

Essex County Council- Heritage

No objection following amendments to the proposed colouring of the building.

ECC - Archaeology

No objection.

ECC - Urban Design

No objection following further clarification in relation to the overall design of the scheme.

Essex County Fire and Rescue Service (Harlow)

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage. Additional water supplies for fire-fighting may be necessary for this development. The installation of Automatic Water Suppression Systems is encouraged.

ECC - Sustainable Drainage

No objection.

Historic England

No comment received.

Essex County Council - Education

No comment received.

Essex Police - Designing Out Crime

No comment received.

HDC - Consultant Tree Officer

This area of the site should benefit from further planting, as currently there is not a great deal of vegetation within this whole plot. The submitted information sets out that maintenance and replacement planting will be set out in detailed management plans, which at this stage are not available to view. It would be encouraged these are made and not forgotten. The landscape here must be enabled to establish under proper care and attention.

It is considered on balance; the reserved matter can be discharged with the information available.

Officer comment:

Additional information in relation to planting including maintenance and management plans at Plot 4.1 has been submitted under pending application HW/CND/20/00489. The consultant Tree Officer raises no objection to the submitted information.

Neighbours and Additional Publicity

Number of Letters Sent: 187

Total Number of Representations Received: 1

Date Site Notice Expired: 13 November 2020

Date Press Notice Expired: 5 November 2020

Summary of Representations Received

One representation has been received from a local resident. A summary of the representation is as follows:

- Continuous noise disturbance to nearby residential areas.
- The warehouses blot the landscape and spoil views.
- Requests noise reduction measures including acoustic fencing and the planting of trees.
- Requests that the trees grow higher than the warehousing to screen the buildings.

Officer comment:

Noise was considered at outline stage and conditions have been imposed which require further details to be submitted as part of the approval of conditions process. The imposed conditions would ensure that the impact of the proposal on neighbouring amenity is limited.

This assessment should only consider the matters reserved by the outline application, taking into account the terms and conditions imposed by that permission, and should not revisit matters which have already been assessed or will be considered via the conditions process.

PLANNING POLICY

SD1 - Presumption in Favour of Sustainable Development
ED2 - Protecting Existing Employment Areas
WE2 - Green Belt, Wedges and Green Fingers
WE3 - General Strategy for Biodiversity and Geodiversity
WE4 - Safeguarding Wildlife Sites Beyond the District Boundary
WE5 - Heritage
PL1 - Design Principles for Development
PL2 - Amenity Principles for Development
PL3 - Sustainable Design, Construction and Energy Usage
PL5 - Green Wedges and Green Fingers
PL7 - Trees and Hedgerows
PL8 - Green Infrastructure and Landscaping
PL9 - Biodiversity and Geodiversity Assets
PL10 - Pollution and Contamination
PL11 - Water Quality, Waste Management, Flooding and Sustainable Drainage Systems
PL12 - Heritage Assets and their Settings
PR1 - Development within Employment Areas
IN1 - Development and Sustainable Modes of Travel
IN2 - Impact of Development on the Highways Network including Access and Servicing
IN3 - Parking Standards

PLANNING ASSESSMENT

The principle of the proposed development was considered acceptable under planning permission HW/REMPVAR/18/00364 (originally HW/OUTAM/17/00246). This application seeks the approval of the associated reserved matters which are scale, appearance, layout, landscaping and access.

Summary of Main Issues

Outline planning permission granted up to 46,916 sqm (GIA) of B8 floorspace across the entire site (Plot 2, 3 and 4). The approved Parameters Plan allows for the construction of up to 4 buildings within Plot 4, each with a maximum height of 15.5m and a finished floor level of +65 AOD.

The proposed development (including the pending application at Plot 4.3) would bring the total floorspace across the site to 39,695.8sqm (7,220.2 sqm less than approved). In addition, the proposal includes one building (two overall with plot 4.3) with a maximum height less than 15.5m with a finished floor level of +65 AOD. The proposed development would therefore accord with the outline planning permission and Parameters Plan in terms of scale.

In relation to appearance, the proposal would appear as an industrial warehouse with an attached associated office, which would be appropriate given the context of the site within the Employment Area.

The proposed materials have been amended throughout the application process to soften the appearance of the proposed building. It would be similar in appearance to the buildings at Plots 2 and 3, and with the proposed building at Plot 4.3.

Notwithstanding the above, a condition associated with planning application HW/REMPVAR/18/00364 requires materials for this plot to be submitted to and approved by

the Local Planning Authority, which will ensure that the proposal does not result in harm to the character and appearance of the area.

It was determined at outline application stage that the location and height of the buildings would have an acceptable impact on the heritage assets to the east of the wider site. The proposed building would be separated from the heritage assets by over 250m and by Plot 4.3 and the Green Wedge. The proposed materials would further mitigate its impact on these assets. Essex County Council's Heritage Officers raises no objection following amendments to the proposed colouring.

The proposed layout includes Building E at the back of the site with a servicing yard to its front and staff/visitor parking to its western side. The proposed access is considered to be logical and it is noted that it would be accessible for all users with the car park and plot entrances designed to provide inclusive access with wheelchair disabled parking spaces located closest to the building entrance. The office fronting the access road and car parking areas would provide passive surveillance to these areas. Essex County Council's Highways team raise no objection to the proposal

The proposed positioning of the building at the back of the site would help to prevent noise impacts from the service yard in the interest of neighbouring amenity. Noise was considered at outline stage and conditions have been imposed which require further details to be submitted as part of the approval of conditions process. The imposed conditions would ensure that the impact of the proposal on neighbouring amenity is limited.

A natural visual and noise barrier between the proposal and the existing residential areas would also be provided by the established landscaping which is, in the main, to be retained and enhanced with new woodland planting. Where the regrading of existing woodland areas is necessary to implement the scheme, replacement woodland planting is proposed to mitigate its loss. The proposal also includes amenity grass and species-rich grassland with wildflowers and an avenue of freestanding trees within the site to enhance amenity and ecology value.

Further details in relation to landscaping have been submitted under pending application HW/CND/20/00489. Harlow Council's consultant Tree Officer has reviewed the information submitted and raises no objection.

Other Matters

HLDP

The HLDP places greater emphasis on sustainability in comparison to the previous Local Plan under which the outline planning permission was granted. Whilst sustainability is not a reserved matter, it is therefore considered appropriate to assess it at this stage.

Policy PL3 the HLDP sets an expectation that all new development shall deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. This policy encourages applicants to consider the impact of their development and seek ways to address the effects, above and beyond those measures required by Building Regulations.

To address the requirements of Policy PL3, it is recommended that a condition be imposed requiring the submission of a Sustainability Strategy. This strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions.

The Sustainability Statement should make clear how measures have been incorporated into the design of the development to ensure they are well integrated.

It is also recommended that a condition be added to require electric charging points to future proof the development.

HW/REMPVAR/20/00461

There is a related application HW/REMPVAR/20/00461 which seeks a variation of the Parameters Plan to straighten the southern building line of Building E (which originally included a staggered building line) which results in the building being 5 metres closer to the residential properties than previously envisaged. This is required for logistical purposes and is considered to be a marginal change. It is considered that the proposed screening would help to prevent the proposal from becoming overbearing to the residential properties.

CONCLUSION

The proposal is considered to be in accordance with outline planning permission HW/REMPVAR/18/00364 (originally HW/OUTAM/17/00246) and the approved Parameters Plan. Taking this into consideration and given the context of the application site within an Employment Area, it is considered that the proposed scale, appearance, layout, landscaping and access and thus the reserved matters are acceptable. The proposal is considered to be in compliance with the Harlow Local Development Plan 2020. It is therefore recommended that planning permission is granted.

RECOMMENDATION

That Committee resolve to **GRANT RESERVED MATTERS APPROVAL** subject to the following conditions:

1. Prior to the commencement of development, a Sustainability Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted Sustainability Strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions. The Sustainability Statement should make clear the target total carbon dioxide (CO₂) reduction level, by using nationally recognised, independently audited schemes such as Energy Performance Certificates. The evidence should include a clear breakdown of the percentage of carbon savings delivered by building efficiency and the use of any low carbon or renewable energy technologies. The development shall thereafter be carried out in accordance with the approved Sustainability Strategy.

REASON: To ensure that the proposal meets with the requirements of sustainability, in accordance with Policy PL3 of the Harlow Local Development Plan, December 2020.

2. Prior to the first use of the building hereby approved a plan showing the provision of electric charging points within the car park shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the location of the charging points, the chosen technology and clear presentation of how the bays will be marked. The development shall thereafter proceed in full accordance with the approved plan.

REASON: To ensure that the proposal meets the requirements of promoting sustainable travel choices, in accordance with Policy IN1 of the Harlow Local Development Plan, December 2020.

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

Plan Reference	Version No.	Plan Type	Date Received
8075-P100	Phase 2 Plot 4.1	Application Boundary Plan	01.10.2020
8075-P101	Rev A Phase 2 Plot 4.1	Proposed Site Plan	01.10.2020
8075-P102	Rev A Phase 2 Plot 4.1	Proposed Site Sections	01.10.2020
8075-P160	Phase 2 Plot 4.1	Proposed General Arrangement	01.10.2020
8075-P162	Rev C Phase 2 Plot 4.1	Proposed Elevations	25.11.2020
8075-P163	Rev A Phase 2 Plot 4.1	Proposed Section	01.10.2020
8075-P002	Rev A Phase 2 Plot 4.1	Existing Site Sections	01.10.2020
805 P 01	Rev B	Landscape Masterplan	01.10.2020

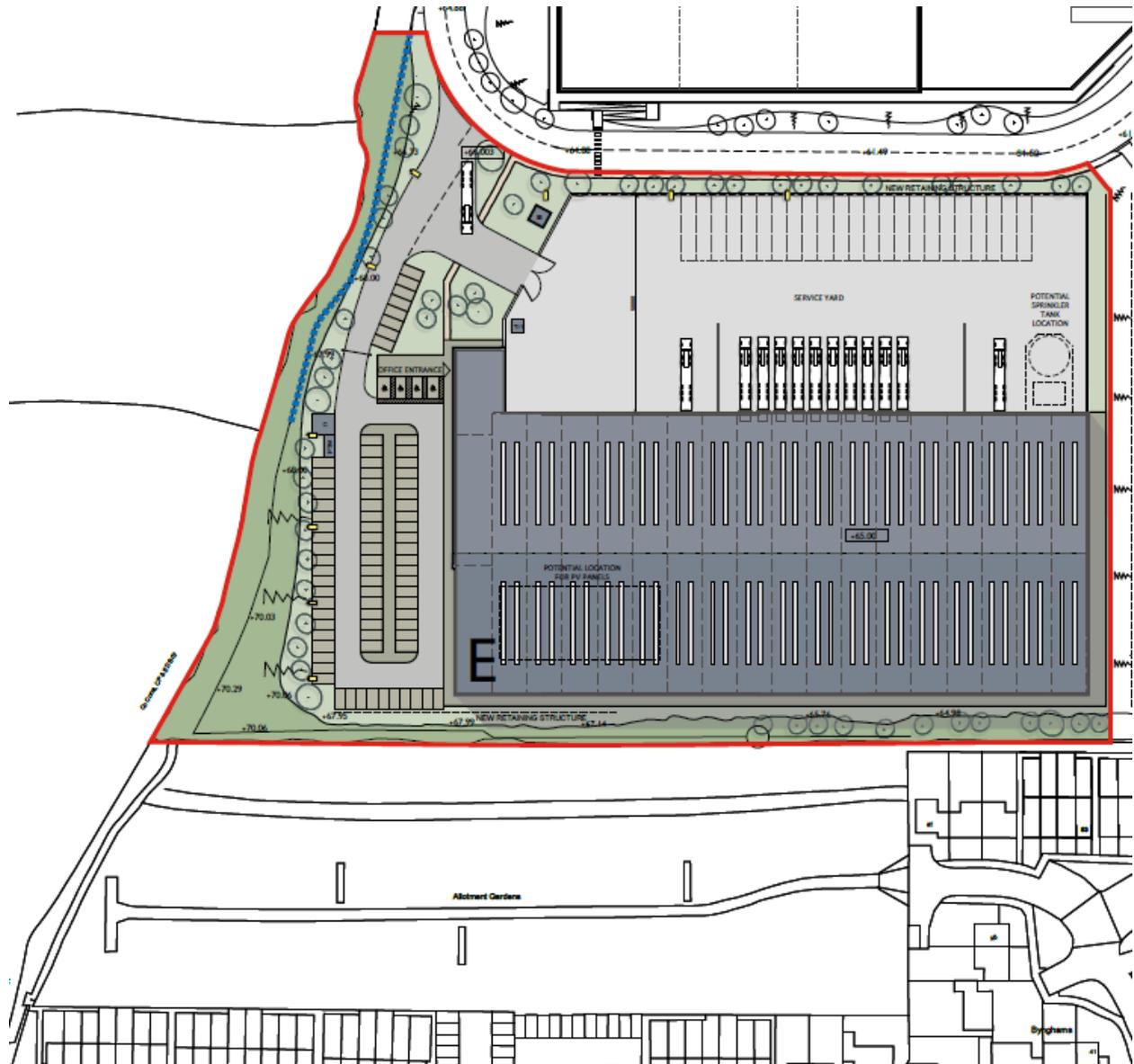
REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE CLAUSES

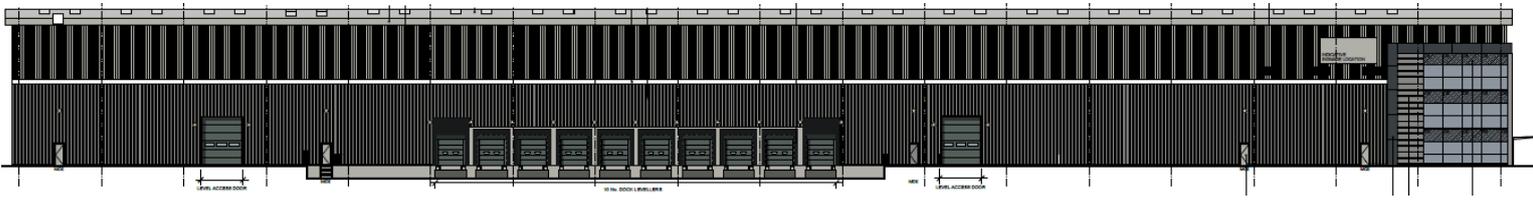
1. Additional water supplies for fire-fighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service headquarters, telephone 01376-576344.
2. There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

HW/REM/20/00460- Icon Plot 4.1

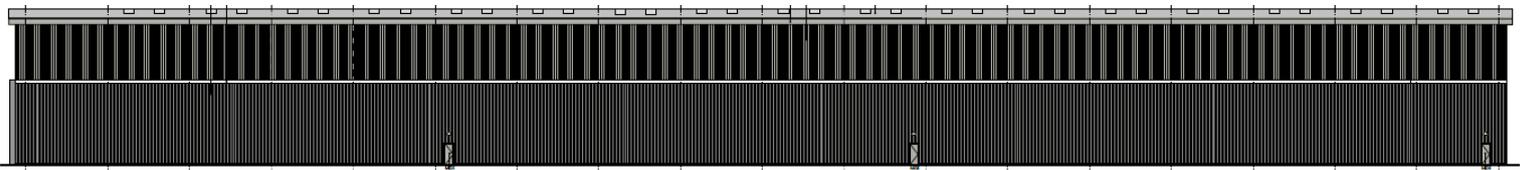
Proposed Site Plan



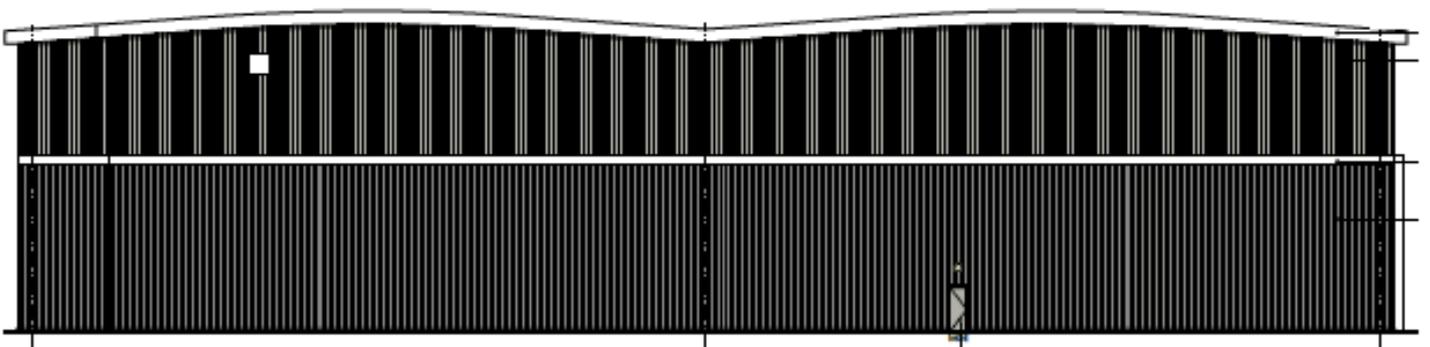
Proposed North Elevation



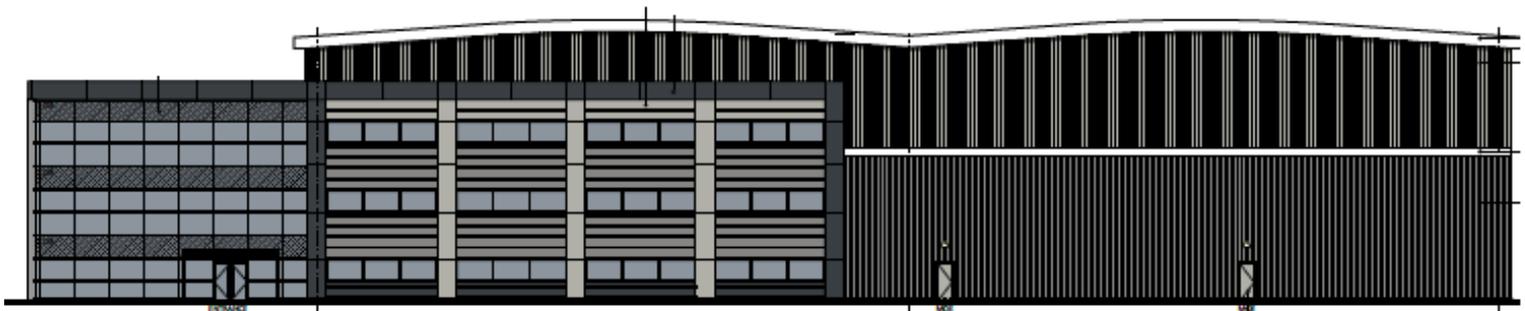
Proposed South Elevation



Proposed East Elevation



Proposed West Elevation



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 13 January 2021

REFERENCE: HW/OASMR/20/00437

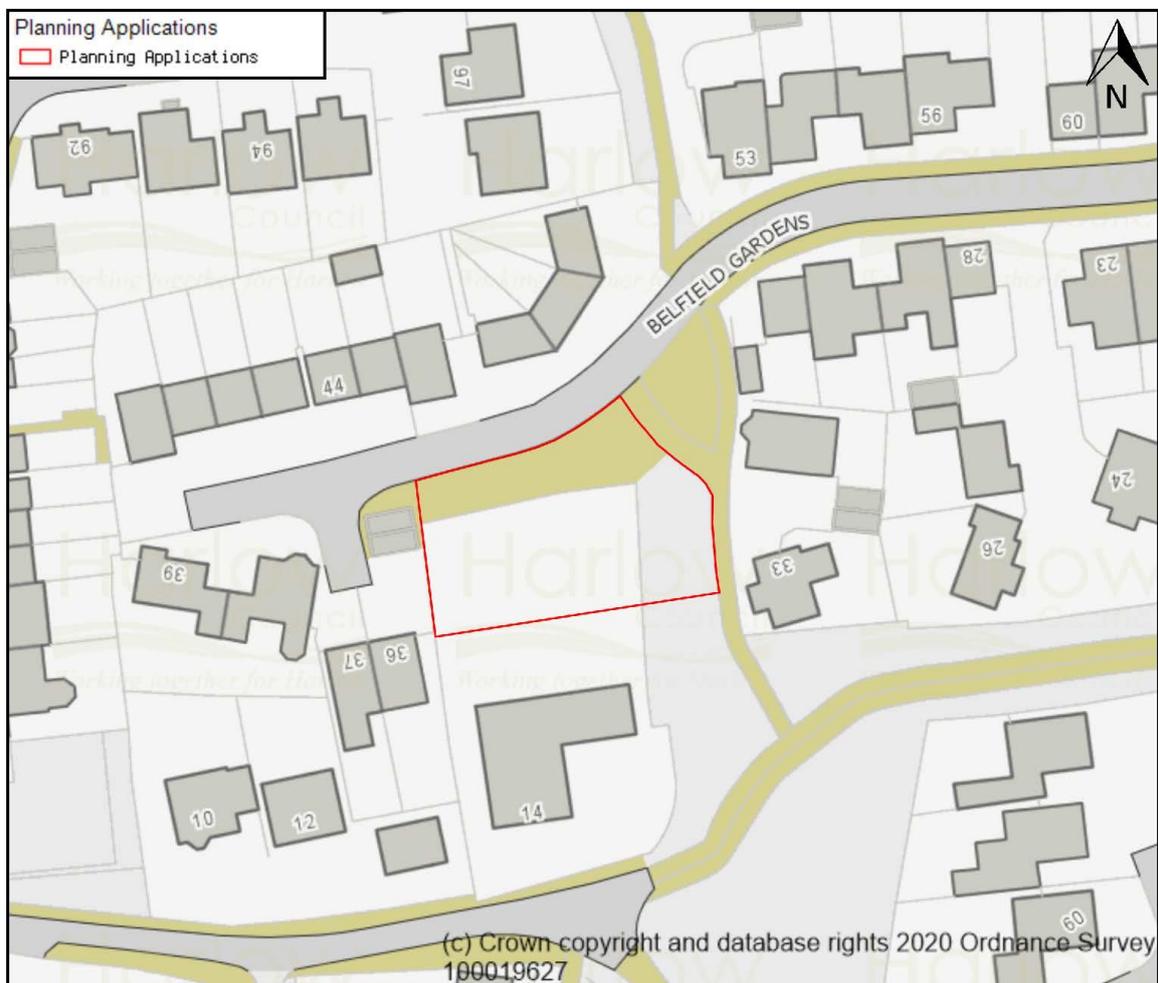
OFFICER: Nicholas Fu

APPLICANT: Mr & Mrs Leigh

LOCATION: Proposed Development At 14 Kingsdon Lane
Harlow
Essex

PROPOSAL: Outline planning permission for the erection of three detached dwellings with landscaping matters reserved (Amended description)

LOCATION PLAN



REASON BROUGHT TO COMMITTEE

More than two objections have been received which are contrary to the officer recommendation

Application Site and Surroundings

Kingsdon Lane is a cul-de-sac taken from Potter Street and located to the south of Church Langley. This road comprises residential properties of varying types, design and scale. Sitting at the end of this cul-de-sac is a detached chalet bungalow at 14 Kingsdon Lane, which was rebuilt under planning permission HW/ST/00/00013. The house has an integral garage to the side and an existing conservatory to the rear. The property includes a large rear garden, which was further extended under permission HW/PL/09/00141 to back onto Belfield Gardens, which is a highway within the Church Langley residential development. The rear garden is currently surrounded by trees and some vegetation.

The application site backs onto Belfield Gardens. The trees and vegetation forming the rear boundary of the application site is also a landscaping feature of Belfield Gardens. On the opposite side of the highway is a row of two-storey terrace houses. There is an existing double garage to the west of the site. Behind the garage are the neighbouring semi-detached pair nos. 36 and 37 Belfield Gardens. To the east of the application site is a public highway connecting Kingsdon Lane with Belfield Gardens and the rest of Church Langley. On the opposite side of the footpath are two detached houses nos. 32 and 33 Belfield Gardens.

Details of the Proposal

The application seeks outline permission for the subdivision of the existing plot and the erection of three detached dwellinghouses fronting Belfield Gardens. The application is submitted with approval being sought as part of this outline application for: Access, Appearance, Layout and Scale. Only Landscaping matters are reserved for future consideration.

The proposed dwellings would be two-storey, three-bedroom properties of almost identical design and sitting at an angle to the highway. The drawings show the proposed dwellings to have a similar design to the neighbouring properties. They would have a simple rectangular shape with a hipped and pitched roof, and finished externally with facing buff bricks. There would be a pitched front canopy above the main door. Each property would have a rear garden at approximately 100m², and would be provided with two off-street parking spaces to the front/side of the house.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/09/00141	Change of Use From Informal Open Space/Structural Landscaped Area to Garden Extension of Mayflower, Kingsdon Lane	GTD	04 Sep 2009
HW/ST/00/00013	Build One Detached Replacement Dwelling	GTD	28 Feb 2000

CONSULTATIONS

Internal and External Consultees

HDC – Consulting Arboricultural Officer

No Objection. The application is submitted as outline. Condition requiring the submission of Arboricultural Impact Assessment (AIA) is recommended.

HDC - Senior Landscape Officer

No Objection. Conditions for landscape detail should be applied including an AIA to record all trees removed and planting plans to include tree loss mitigation.

HDC – Cleansing and Environment

No Objection. The residents would have to negotiate the bins with parked cars, this is however not a reason for objection.

Essex County Council – Highways

No Objection. Given the scale of the development the Highway Authority is satisfied that in terms of safety and capacity that the impact of the proposal will be insignificant on the local highway network. The parking provision is considered to be acceptable.

Neighbours and Additional Publicity

Number of Letters Sent: 27

Total Number of Representations Received: 86

Date Site Notice Expired: 01 January 2021

Date Press Notice Expired: 31 December 2020

Summary of Representations Received

86 letters of objection have been received, including a representation submitted by the local ward councillor. The objection reasons are summarised as following:

- Adverse impacts on the character and appearance of the local area
- Overdevelopment
- Unacceptable impacts on neighbour amenity, including overshadowing and loss of light, overlooking and privacy issues
- Loss of existing green space and landscaping, impacts on existing trees, and disturb local wildlife
- Two parking spaces per house would not be sufficient and worsen the existing on-street parking problem on Belfield Gardens
- Some residents use the application site for parking. The proposed development would result in loss of parking spaces on Belfield Gardens
- Increased highway safety risk
- Belfield Gardens is already a narrow road for larger vehicles, such as emergency, refuse collection and delivery vehicles
- Questions on drainage and utility supply
- Disruptions during site clearance and constructions
- Lack of features to accommodate disabled residents
- Financial benefit for the landowner and devalue other properties within the area
- There are other three bedrooms properties within the area

PLANNING POLICY

The Harlow Local Development Plan (2020) was adopted at Full Council on 10 December 2020 and replacing the Adopted Replacement Harlow Local Plan (2006). The Harlow Local Development Plan (2020) now carries full weight in the consideration and determination of planning applications.

The following policies are relevant to this application:

H2 - Residential Development

H5 - Accessible and Adaptable Housing

PL1 - Design Principles for Development

PL2 - Amenity Principles for Development

PL3 - Sustainable Design, Construction and Energy Usage
PL7 - Trees and Hedgerows
PL8 - Green Infrastructure and Landscaping
PL11 - Water Quality, Water Management, Flooding and Sustainable Drainage Systems
IN2 - Impact of Development on the Highways Network including Access and Servicing
IN3 - Parking Standards

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)
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 main issues for consideration of this application are the principle of development; impacts on the character and appearance of the area; impacts on residential amenity; highway, access and parking issues; and impacts on arboriculture.

Principle of development

The proposal would subdivide the residential curtilage of 14 Kingsdon Lane to create three detached dwellinghouses fronting Belfield Gardens. Policy H2 of the Harlow Local Development Plan (HLDP) is therefore an important consideration in the determination of this application. While the policy does not preclude infill developments, it provides protection for the established character of the area and neighbour amenity. The development should also make provision for refuse storage and collection, provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The application site relates to the rear garden of 14 Kingsdon Lane, and is bounded by adopted highway and footpath. There is limited potential for comprehensive development of adjacent land. The proposal therefore complies with criterion (d) of Policy H2.

The acceptability of the principle of development is dependent on the compliance with other criteria of Policy H2 and other material planning considerations.

Design

Policies PL1 and H2 of the HDLP indicate that new residential development should be of appropriate design, scale and material that respect the character of the site and surrounding area. Principle DG28 of the Harlow Design Guide SPD states that infill residential

development should positively respond to the prevailing character of the area, and be similar in scale, massing, height and design to the surrounding buildings.

The proposed development includes three new detached dwellings fronting Belfield Gardens, and should be viewed as within the same housing group. There are varying housing types on Belfield Gardens, but there is a prevailing design language to be found. The proposed dwellings would have a similar appearance to other properties on Belfield Gardens, including to be finished externally with buff bricks with darker colour decorative lines, and the hipped and pitched roof design. The ground floor would set back from the first floor by 0.5m on the rear elevation, but this feature given its size and location would have limited impact on the overall aesthetic and appearance of the proposed dwellings. The design of the proposed dwellings is therefore considered acceptable and would be in keeping with the character and appearance of the existing developments on Belfield Gardens.

The proposed dwellings would be sitting at an angle to the highway with staggered building line, which is not a feature within the streetscape. Nevertheless, this is countered by the relatively modest size and simple rectangular shape of the buildings. The proposed orientation of the dwellings is also to prevent direct overlooking to the neighbours and allow for off-street parking. These topics are discussed in the later sections of this report. While the proposed buildings are orientated at an angle to the highway, so are some of the other houses to the west. It is on balance not considered this orientation would be so incongruous within the street scene of Belfield Gardens so as to warrant a refusal.

The front curtilage of the proposal would be mostly dominated by parking spaces, but this arrangement is similar to most other properties on Belfield Gardens and would be acceptable in this instance. The proposed drawings suggest there would be some soft landscaping within the front curtilage, but it is noted that landscaping is a matter reserved for future consideration.

In terms of garden size, each proposed dwelling would have a rear garden of approximately 100m². Belfield Gardens is relatively high-density and most properties have a moderate sized rear garden. The proposed 100m² rear garden of the proposed development would be larger than typical garden sizes of the area. The existing property at 14 Kingsdon Lane would remain with a modest private garden similar in size to most other properties on Kingsdon Lane, such as the neighbouring property no. 10 and 12 Kingsdon Lane.

The closet back-to-back distance between the proposed and existing dwellings would be approximately 15m. The applicant provided an urban grain study which suggest the 15m back-to-back distance would be similar to some of the other properties within the area. It is therefore considered to be acceptable in this instance.

The proposed development would be of reasonable design quality which is on balance considered to have acceptable impacts on the character and appearance of the surrounding developments.

Trees and Landscaping

The application is surrounded by the trees and some vegetation along the site boundaries, which forms part of the landscaping feature on Belfield Gardens and have positive visual amenity value. There are no TPO protected trees within or adjacent to the application site.

The proposed development would result in the removal of the existing soft landscape boundary treatments, and the streetscene would be replaced by three new dwellinghouses. It is previously discussed that the proposed development would be acceptable in terms of design and would have acceptable impacts to the character and appearance of the surrounding area.

Moreover, the Council's Landscape Architect and Arboricultural Officer have no objection to the proposed development from the public visual amenity perspective. It is on balance considered that the proposed development does not demonstrate a harm which would justify a refusal on visual amenity grounds. The detailed landscaping design is a reserved matter.

Some trees would be removed to facilitate the development, but they are mostly along the site boundary. Given these trees are not protected by TPO and the application is submitted as outline, the Council's Arboricultural Officer considers the lack of an Arboricultural Impact Assessment (AIA) at this stage to be acceptable. However, an appropriate AIA shall be provided at reserved matters stage.

Local objections mentioned that the existing trees and vegetation along the application boundary is protected by conditions of previous planning permissions. The case officer is aware that condition 15 of HW/PL/94/00319 (*original permission for the development of Belfield Gardens*) and Condition 4 of HW/PL/09/00141 (*permission for 14 Kingsdon Lane garden extension*) prevent the developer from removing the vegetation without permission. Nonetheless, the current application would seek the necessary permission for a new development proposal, which includes the removal of this existing landscaping feature.

Neighbour amenity

Policy PL2 of the HLDP protects the level of amenity of existing and future occupants and neighbours. Policy H2 states that one of the criteria for infill development is the protection of neighbour amenity.

The proposed dwellings would be approximately 15m away from the existing house at 14 Kingsdon Lane. This is a relatively short separation distance, but the urban grain study provided by the applicant suggested there are other properties within the area with similar back-to-back separation.

The proposed dwellings would sit at a 38 degrees angle to the existing rear elevation of 14 Kingsdon Lane to prevent direct overlooking and protect privacy. The Essex Design Guide SPD states that a minimum 15m separation distance could be acceptable if the rear elevation of houses would be at more than 30 degrees to one another. The proposed development complies with this.

The proposed dwelling would be less than 10m away from the neighbouring house no.36. Nevertheless, the proposed dwelling sits at an angle to this neighbour and would have no habitable room window on the side elevation. Therefore, privacy is protected and there would be no unacceptable overlooking. Moreover, the proposed dwellings would sit forward and located northeast of this neighbour. There is also the existing double garage between the proposal and this neighbour. It is therefore considered that the proposed development would not result in any unacceptable overbearing or overshadowing impact to the neighbour.

The neighbours to the east and on the other side of the public footpath, i.e. numbers 32 & 33 Belfield Gardens, would be at least 12m from the application site. The proposed dwellings have no flank window and would be sitting at such an oblique angle that there would be no overlooking or privacy issue.

The dwellings on the opposite side of Belfield Gardens would be more than 12m from the proposed houses. Given this is facing the highway, a slightly shorter separation distance is generally expected. The 12m separation distance with the angled position of the proposed dwellings would demonstrate an acceptable relation with the neighbours on the other side of the highway. It is considered that the impact on residential amenity would be acceptable.

The proposed dwellings would be three-bedroom properties. The submitted drawings indicate each property would have an internal space of 84m², which complies with the nationally described space standard. The proposed 100m² rear garden for each property would be sufficient for the enjoyment of their respective residents. Although the separation distance between house 2 and house 3 would be only approximately 3m, it is considered acceptable in this instance as there would be no habitable room window on the walls facing each other.

Notwithstanding the above, due to the orientation of the proposed dwellings, if any extensions were added they would likely bring the resulting house significantly closer to its neighbour when compared to other parallel settings. To protect neighbour amenities, it is recommended that a condition should be imposed to remove the permitted development rights for extensions and roof enlargement. A condition on obscure glazed windows on the side elevations would further protect the neighbour amenity.

Parking and Highway

The Essex Parking Standards SPD requires property with two or more bedrooms should have two parking spaces. Policies IN3 and H2 of the HDLP states that sufficient parking provision should be provided to both the existing and proposed dwellings in accordance with requirements of the Essex Parking Standards SPD. Policy IN2 seeks to prevent unacceptable impact on existing highway network and highway safety.

The existing parking and access arrangement for the existing house at 14 Kingsdon Lane would not be affected by the proposed development. Moreover, it has a hard-surfaced area to the front which is sufficient for parking more than 2 cars.

Each proposed dwelling would have 2 parking spaces to the front/side, with size complying with the Essex Parking Standards requirement at 5.5m x 2.9m each. The Essex County Council Highway Authority was consulted and considers the proposed parking arrangement acceptable.

Local objections were concerned about insufficient parking spaces and the existing on-street parking problem on Belfield Gardens. The proposal has provided sufficient parking provision to comply with the relevant policy requirement, and hence the LPA is not in a position to refuse the application on parking grounds, although residents could have more than 2 cars.

The ECC Highway Authority reviewed the application and visited the site, and considers the proposal would not pose any highway risk. Given the scale of the development, the Highway Authority is satisfied that in terms of safety and capacity that the impact of the proposal will be insignificant on the local highway network. There are no apparent reasons for the LPA to arrive at a different conclusion.

It is therefore considered that the proposal includes sufficient parking provision to comply with Policies IN2, IN3 and H2 of the HDLP and the Essex Parking Standards SPD.

Objectors also stated that some local residents currently park their cars within the application site. The case officer noticed this situation during site visit. This is however informal parking behaviour (if not unauthorised) on private land, which cannot be recognised as an existing parking facility. Indeed, knee-rail fence has been installed along the application site boundary to prevent this informal parking continuing. Moreover, according to the planning permission HW/PL/09/00141 this strip of land is part of the residential curtilage of 14 Kingsdon Lane, visually it also serves as a landscaping area. It is within their householder permitted development rights to erect such boundary fence to prevent unauthorised parking within their curtilage. These concerns raised by the objectors are not reasons to refuse the application.

Refuse collection

Policy H2 of the HLDP states that residential development should make adequate provision for refuse storage and collection.

The submitted drawings show a proposed bin storage area within the rear garden of each proposed house. There are sufficient spaces within the front curtilage of each property for the display of bins on refuse collection days. The application site is located within an existing residential area and each proposed property would have direct frontage onto the adopted highway. Refuse collection would be manageable by the existing arrangement for Belfield Gardens.

The Council's Street Screen Manager was consulted and raised no objection. It is therefore considered that the proposed development has made adequate provision for refuse storage and collection, complying with the relevant criterion of Policy H2.

Planning Obligations

This application is for the erection of 3 new dwellings, and according to paragraph 63 of the NPPF provision of affordable housing should not be sought. Given the scale of the proposal, it is considered that other contributions are also not required.

Construction disturbances

Local objections were received regarding construction disturbances. It is recognised that development would naturally come with some construction disturbances, but these are temporary and would not be a reason to refuse the application. Given the scale of the development, it is recommended that a condition on working hours should be attached to protect the amenities of nearby residents.

Flooding

There are concerns on flooding risk due to the increased hard-surfaced areas. The application is located on flood zone 1 on the Environment Agency flood map, indicating a very low risk of flooding. Given the scale of the proposed development and the setting of the surrounding area, it is considered that the impact on soakaway of surface water would be limited and this could be sufficiently dealt with by Building Regulations.

Sustainability

Policy PL3 (Sustainable Design, Construction and Energy Usage) sets an expectation that all new development shall deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. This policy encourages applicants to consider the impact of their development and seek ways to address the effects, above and beyond those measures required by Building Regulations. The Building Regulations set out the minimum requirements for the conservation of fuel and power. Development will be encouraged to exceed the minimum standards required by Building Regulations. Where exceeded, the amount by which the minimum standards should be exceeded is preferably at least 19%.

To address the requirements of Policy PL3, it is recommended that a condition be imposed requiring the submission of a Sustainability Strategy. This strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions. The

Sustainability Statement should make clear how measures have been incorporated into the design of the development to ensure they are well integrated.

Policy PL11 (Water Quality, Water Management, Flooding and Sustainable Drainage Systems) seeks to minimise impact on the water environment and requires that all new dwellings should achieve the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations. It is recommended that this is achieved through the imposition of a planning condition.

Accessible and Adaptable Housing

Policy H5 (Accessible and Adaptable Housing) seeks (Part a) to ensure that all new dwellings should be at least Building Regulations Part M4(2) standard for accessible and adaptable homes. It is recommended that this is achieved through the imposition of a planning condition.

CONCLUSIONS

The application is submitted with landscaping matters reserved. The proposed development, as shown on the drawings submitted, is supported in principle. The proposed development, by virtue of its design, scale and siting, would have an acceptable impact to the character and appearance of the area and to the living conditions of neighbouring residents. The proposal also includes sufficient parking provisions to comply with the relevant policy requirement. The impacts on trees and landscaping details would be subject to approval on reserved matters stage.

The proposal is therefore considered to accord with the relevant policies contained within the Harlow Local Development Plan (2020) and other planning documents. It is therefore recommended for approval subject to conditions.

RECOMMENDATION

That Committee resolve to **Grant Planning Permission** subject to the following conditions:

1. Details of the landscaping (hereinafter called “reserved matter”) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development (including demolition, site clearance and tree works) is commenced. The development shall thereafter be carried out in accordance to the subsequently approved details.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
2. Application(s) for approval of the reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin no later than 2 years of the date of approval of the last reserved matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permission.
3. Prior to the commencement of development, an Arboricultural Impact Assessment (AIA) shall be submitted to and approved in writing by the Local Planning Authority. The AIA should consider the current and future relationships between the proposed development and the existing trees and follow the recommendations set out within the current BS 5837:2012. This AIA should include at least (subject to the degree of detailed design completed) generalised tree protection measures within a tree protection plan.

REASON: To ensure that damage to vegetation identified for retention is avoided and to allow proper consideration of the impact of the proposed development on the amenity of the existing site so as to protect and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development. To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with policy PL7 of the Harlow Local Development Plan, December 2020.

4. Prior to the first occupation of the development, hereby permitted, the vehicle parking as shown on illustrative site layout plan (Prepared by MP Architecture Ltd, Dwg no. 2278_04 Rev.B , Received on 03.11.2020) shall constructed with markings and sealed, and shall be retained thereafter.

REASON: To ensure sufficient parking provision is provided and prevent on street parking on adjacent highway, in accordance with Policy IN3 of the Harlow Local Development Plan, December 2020

5. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers 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, in accordance with to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

7. The external facing materials to be used in the construction of the development hereby permitted shall be those materials specified on the approved drawings. Where alternative materials are to be used, no development shall commence before details of those materials have been submitted to and approved in writing by the Local Planning Authority. The materials agreed shall be those used in the development hereby permitted.

REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.

8. No construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0800-1800 on weekdays and 0800-1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON: In the interests of the amenity of adjoining residents, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

9. Any first floor windows to be installed to the side elevations of the dwellinghouses hereby permitted shall be glazed with obscured glass and be non-opening to a minimum height of 1.7 metres above internal floor level, and shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), alterations or enlargements to the dwellinghouse as permitted by Schedule 2, Part 1, Class A, or to the roof as permitted by Class B shall not be undertaken to the dwellings, hereby permitted, without apply for permission from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions or alterations to protect the living conditions and amenities of neighbouring residents, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

11. Prior to the commencement of development, a Sustainability Strategy for the development shall be submitted to and approval in writing by the Local Planning Authority. The submitted Sustainability Strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO₂) emissions. The Sustainability Statement should make clear the target total carbon dioxide (CO₂) reduction level, by using nationally recognised, independently audited schemes such as Energy Performance Certificates. The evidence should include a clear breakdown of the percentage of carbon savings delivered by building efficiency and the use of any low carbon or renewable energy technologies. The development shall thereafter be carried out in accordance with the approved Sustainability Strategy.

REASON: To ensure that the proposal meets with the requirements of sustainability, in accordance with Policy PL3 of the Harlow Local Development Plan, December 2020.

12. The dwellings shall not be occupied until the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations has been complied with.

REASON: To ensure that the new dwellings minimise impact on the water environment, in accordance with Policy PL11 of the Harlow Local Development Plan, December 2020.

13. The dwellings shall not be occupied until Building Regulations Part M4(2) standard for accessible and adaptable homes has been complied with.

REASON: To ensure that the new dwellings are both accessible and adaptable to meet the changing needs of occupants, in accordance with Policy H5 of the Harlow Local Development Plan, December 2020.

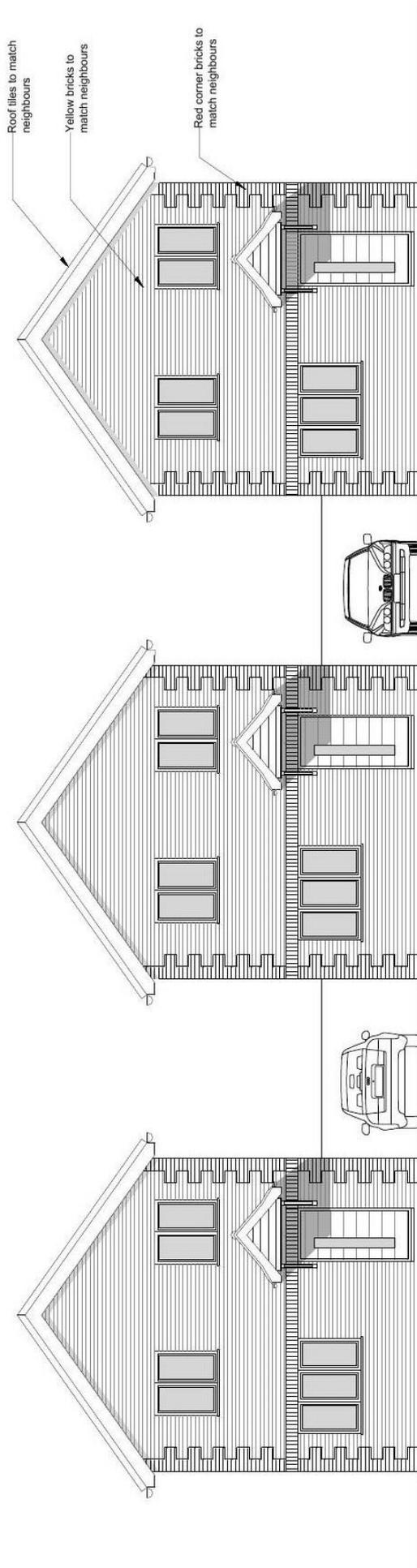
14. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

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

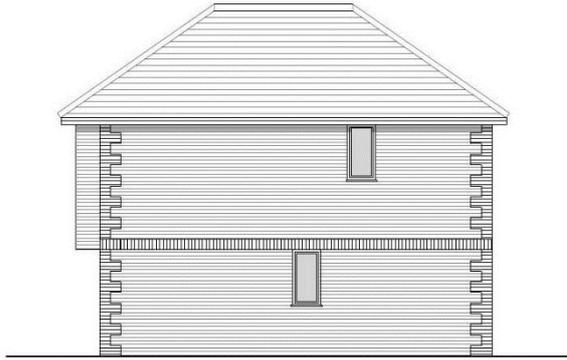
Plan Reference	Version No.	Plan Type	Date Received
2278 03	Existing	Location and Block Plan	15.09.2020
2278 04	B	Proposed Plans and Elevations	03.11.2020
2278 05	--	Existing Site & Block Plan	03.11.2020

INFORMATIVE CLAUSES

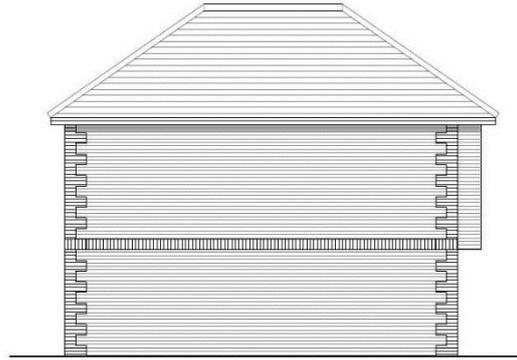
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. There shall be no discharge of surface water onto the Highway.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.



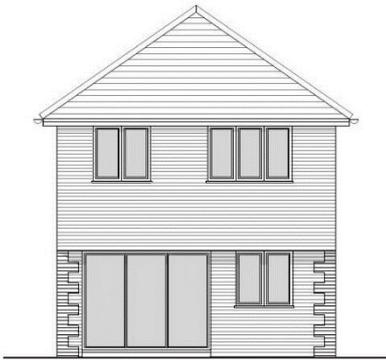
Proposed Street Scene To Belfield Gardens



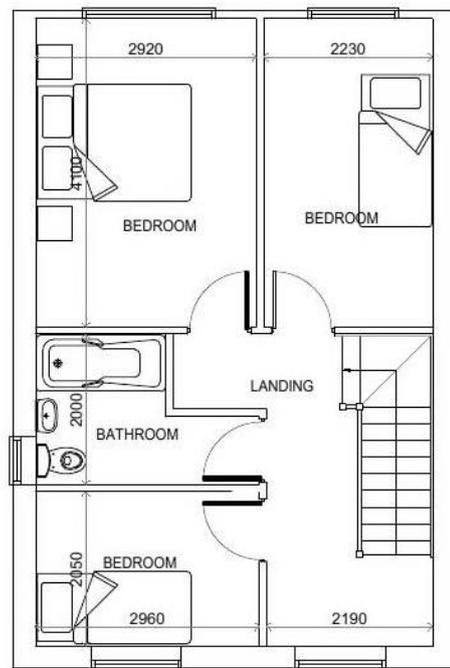
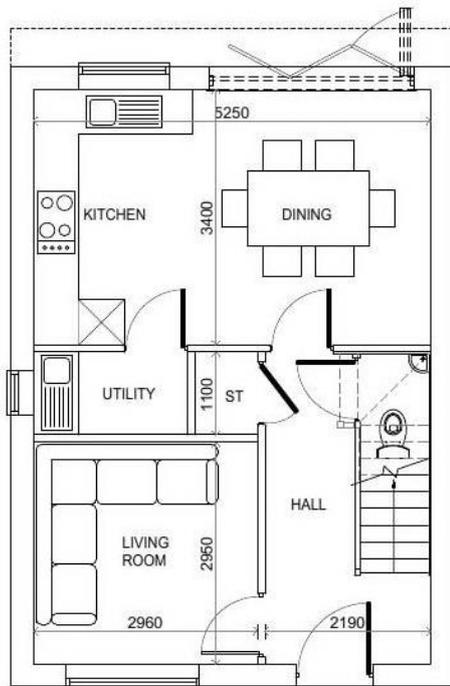
Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Floor Plans

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 January 2021**

REFERENCE: HW/HSE/20/00418

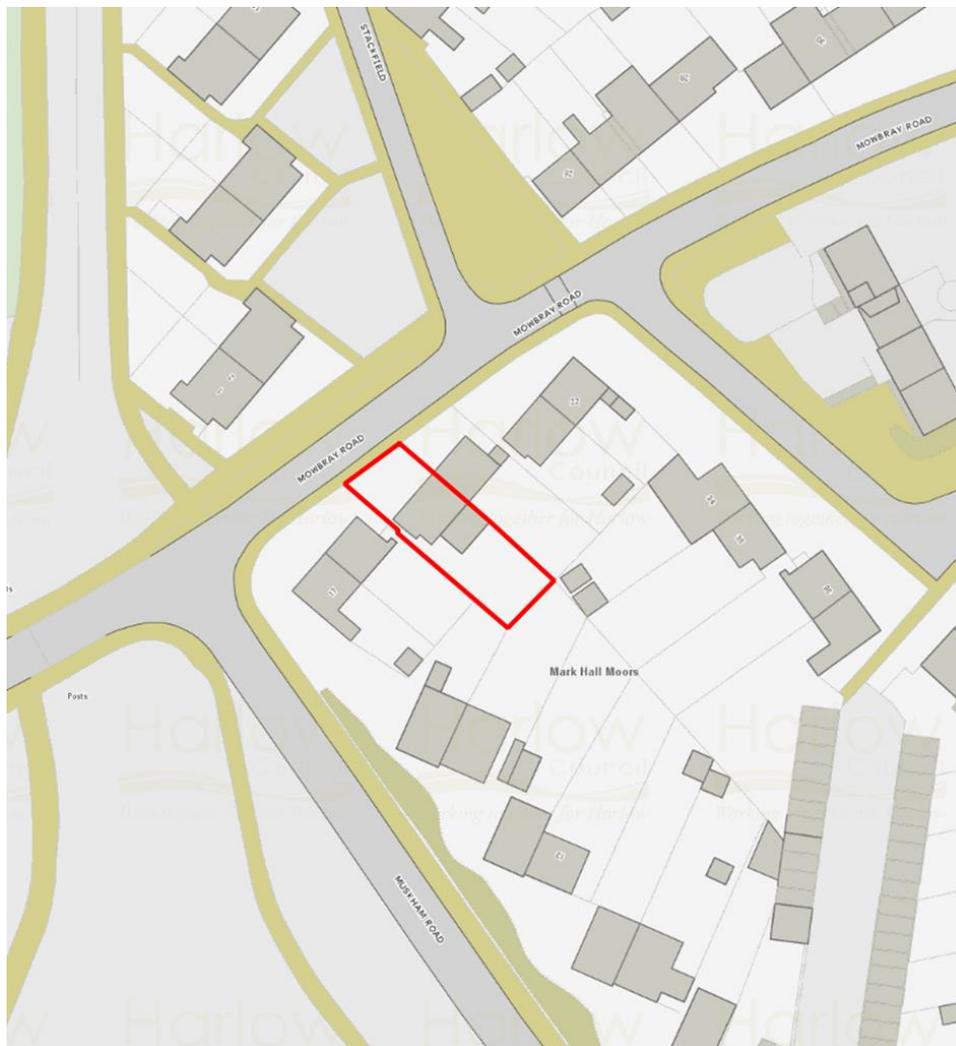
OFFICER: Nicholas Fu

APPLICANT: Mr & Mrs Kovalchuk

LOCATION: 19 Mark Hall Moors
Harlow
Essex
CM20 2NE

PROPOSAL: Proposed single storey rear extension (amended description)

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

More than two representations have been received which are contrary to officer recommendation.

Deferral from 11 November 2020 Committee

Members deferred the application from their committee meeting in November 2020 to allow Officers to raise the shape and design of the extension's roof with the applicant, with a view to securing alterations to the proposal.

Amended Roof Design

The proposed rear extension presented to Members in November 2020 included a pitched roof with the eaves and ridge heights measuring approximately 2.3m and 3.8m respectively.

Following Members comments, the applicant submitted an amended drawing showing a flat roof design. The proposed flat roof would be approximately 2.8m in height, with a glass roof lantern and side parapet walls. The tallest part of the proposal would be the apex of the roof lantern, which measures approximately 3.5m above ground. The location, depth, width and materials of the proposed extension remain unchanged from the previous proposal.

CONSULTATIONS

Heritage Officer Place Services (On amended plans)

From a heritage perspective, there is a preference for conservation style roof lights or something similar. However, the roof lantern would not detract from the character and appearance of the Conservation Area. Therefore, I would not raise an objection to the proposal.

Harlow Local Development Plan

The Harlow Local Development Plan (2020) was adopted at Full Council on 10 December 2020 and replacing the Adopted Replacement Harlow Local Plan (2006). The Harlow Local Development Plan (2020) now carries full weight in the consideration and determination of planning applications.

The following policies are relevant to this application:

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- PL12 - Heritage Assets and their Settings

Character and Appearance (including impacts on the Conservation Area)

Policy PL1 of the Harlow Local Development Plan states that residential extension should responds to the scale, height, massing, architectural detailing and materials of the host building and the surrounding area. Policy PL12 states that development should not detract from the character of the Conservation Area.

With the amended design, it is considered that the proposed extension would be appropriately subordinate to the host property. Essex Council Council's Heritage Officer was consulted and has no objection to the amended proposal. Although a conservation style rooflight would be preferred, it is considered that the proposed roof lantern would not detract from the character and appearance of the Conservation Area. The current proposal is on balance considered acceptable.

The proposed development, therefore, complies with Policies PL1 and PL12 of the Harlow Local Development Plan (2020) and the Harlow Design Guide SPD (2011).

Neighbour amenity

Policy PL2 of the Harlow Local Development Plan protects the level of amenity of existing and future occupants and neighbours.

Objections were received on the original plans raising concerns regarding : the visibility of the extension from the highway; harm to the character and appearance of the surrounding area and the conservation area; the loss of the existing hedge on the shared boundary with the neighbour; and overshadowing, loss of light and loss of view due to the height of the proposed extension. The amendments made to the scheme sought to address the concerns raised at the committee rather than to expressly address the previous comments of neighbouring residents. On this basis no further re-consultation has been undertaken and it is considered that the previous objections submitted still stand.

Originally the pitched roof design of the extension tapered down as it projected out from the back of the original house. As a result the overall height of the extension was limited to 2.3m at its (eastern) end. However, this did mean that the roof stood at 3.8m at the point it met the rear elevation of the house. The amended drawings show a flat roof design. Whilst this does increase the height of the structure at its end as it projects past the neighbouring property from 2.3m up to 2.8m, it does bring down the height of the roof at the point it meets the original house from 3.8m to 2.8m. Balancing off the small increase to the height of the structure at its eastern end against the reduction in the height of the roof at its western end, it is considered any impact on neighbour amenity in terms of overbearing and overshadowing impacts would be acceptable.

The tallest part of the proposal would be the apex of the roof lantern, which measures approximately 3.5m above ground, is set in from the side of the extension by 1.7m. The location of the roof lantern within the centre of the roof and away from the neighbour would ensure it would not result in overlooking or privacy issues.

It is therefore considered that the proposed development would be acceptable in terms of neighbour amenity, and comply with Policy PL2 of the Harlow Local Development Plan (2020) and the Harlow Design Guide SPD (2011).

CONCLUSION

With the exception of the amended roof design and update on the new local plan, this report otherwise remains unchanged from that on the Development Management Committee Agenda on 11 November 2020 (Appendix 1).

RECOMMENDATION

That Committee resolve to **GRANT PLANNING PERMISSION** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of development, samples of all external materials to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, walls, roof, windows, doors, soffits, guttering and mortar mix. The materials shall match those of the existing building.

REASON: In the interest of visual amenity and to protect the character and appearance of the Conservation Area. To accord with policies PL1 and PL12 of the Harlow Local Development Plan, December 2020.

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

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

Plan Reference	Version No.	Plan Type	Date Received
201993-SU-001	-	Existing Plans	02.09.2020
201993-PL-010	D	Proposed Plans and Sections	19.11.2020

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.
2. No demolition or construction work shall be undertaken outside of the hours of 8.00am to 6.30pm Monday to Friday and 8.00am to 1.00pm on a Saturday. No work shall be carried out on a Sunday or public/bank holiday.
3. It is advised that the applicant shall contact their neighbours regarding any works on the existing hedge on the shared boundary, in accordance with the provisions of the Party Wall etc. Act 1996

Appendix 1: Original Committee Report

(As published in Agenda Pack for 11 November 2020)

Application Site and Surroundings

The application site is located at Mark Hall Moors, which is one of the first neighbourhoods of the Harlow New Town with a strong architectural identity. The residential development comprises of various housing types and designs, and set within a mature landscape. The application site is located within the Mark Hall North Conservation Area, which has a character derived from the planned mid-20th century housing, including its layout and landscaping, rather than individual buildings themselves. This part of the Conservation Area includes the open spaces between terraces which make important contributions to its character and appearance.

There is a green open field to the west of the estate which is a Green Wedge as shown on the Adopted Replacement Harlow Local Plan (ARHLP) 2006 Proposals Map.

The application property is a two-storey, semi-detached house. It forms one of the three pairs of similarly designed semi-detached dwellings with frontages on Mowbray Road. The semi-detached pair is finished with brickwork and paint render. The modestly sized rear garden is surrounded by nearby properties, but the rear elevation of the house could be visible from the highway on the side and the green field beyond it.

Details of the Proposal

Planning permission is sought a single storey rear extension. The proposed extension would be 3.6m in depth, and cover the full-width of the property. The proposed lean-to roof would have a maximum height of approximately 3.8m, sitting just below the existing first floor window and roughly 1m below the eaves of the host property. The proposed extension would also have 3 rooflights. The application form states the use of matching materials.

The original submission includes a single storey side element, but this is removed following comments from the Essex County Council's Heritage Officer.

RELEVANT PLANNING HISTORY

Planning Applications

App Number	Proposal	Status	Decision Date
HW/HSE/19/00392	Two-storey rear extension including single storey side element.	RF	18.11.2019
HW/HSE/20/00148	Proposed one-/two-storey rear extension	RF	20.05.2020

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

No in-principle objection subject to the proposed side element being removed. It is also preferred that the proposed rear extension to have a flat roof and set back from the existing side wall of the main house. The new windows should be white in colour to match the existing ones. Condition should be imposed to ensure the use of matching materials.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 3

Date Site Notice Expired: 9 October 2020

Date Press Notice Expired: 8 October 2020

Summary of Representations Received

3 letters of objection have been received. They object to the proposed development for the following reasons:

- The proposed extension is visible from the highway
- It would result in harm to the character and appearance of the surrounding area and the conservation area.
- The proposal would result in the loss of the existing hedge on the shared boundary with its neighbour
- Overshadowing, loss of light and loss of view due to the height of the proposed extension

PLANNING POLICY

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

BE10:"Conservation Areas" new development within or affecting a Conservation Area will be granted consent subject to: it not harming the character or appearance of the Conservation Area; the scale, height, form, massing, elevation, detailed design, materials and layout respect the character of the Conservation Area; the proposed land use is compatible with the function and activities of the Conservation Area.

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 ran for 2 weeks until 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.

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 Harlow Design Guide SPD (2011)

PLANNING ASSESSMENT

The main issues for consideration in the determination of this application are the principle of development, the design and its impacts on the character and appearance of the area including the impacts on the Conservation Area, and impacts on neighbour amenity.

Principle of development

The principle of household extensions is generally supported and considered an acceptable form of development. The application site sits within a Conservation Area. Policy BE10 of the Adopted Replacement Harlow Local Plan (ARHLP) states that planning permission would only be granted provided that the development respects the characteristics of the Conservation Area, and does not harm the character and appearance of the Conservation Area. The principle of development is therefore considered acceptable subject to the proposal not resulting in any unacceptable impacts to the Conservation Area and all other material considerations.

Two previous planning applications for side and rear extension were refused for the reasons of adverse harm to the Conservation Area and neighbour amenity. Both previous applications included a two storey element at the rear and a side extension, and have a deeper rear extension. The current proposal is for only a 3.6m deep single storey rear extension, and the side element has been removed following comments from the Heritage Officer.

The proposal, as amended, is for a single storey rear extension of 3.6m in depth. It should be pointed out that, despite sitting within a Conservation Area, permitted development rights allow for the erection of a rear extension of up to 3m in depth. There is no Article 4 Direction to the application site preventing this. A single storey rear extension under permitted development right could have the eaves and maximum height of the roof up to 3m and 4m respectively – the current proposal complies with these. Therefore, it is only the depth of the proposed rear extension which results in the need for a planning permission. This is considered to be an importance consideration for the assessment of this application.

Character and appearance and impacts on the Conservation Area

Policy BE1 of the ARHLP and the Harlow Design Guide SPD states that residential extension should respect the size, grain, height, materials, features and layout of the host building as well as the character of the surrounding area. The application site sits within a Conservation Area. Policy BE10 states that development should not detract from the character of the Conservation Area.

The application property forms one of three similarly designed semi-detached dwellings in this section of Mark Hall Moors. To the east is a Green Wedge which separates other uses, including the Tany's Dell Primary School and the Redeemed Christian Church of God, from the residential development on Mark Hall Moors. The properties in this location, including the application site, form a visual focal point and gateway to demonstrate the heritage and character of the Mark Hall North Conservation Area when entering from Mowbray Road. The rear elevation of the application property is also visible from the highway and the Green Wedge beyond.

The proposed single storey extension includes a lean-to roof, which has a maximum height of 3.8m and sits only 1m below the eaves of the host property. As a result the proposed single storey extension appears bulky in relation to the main house. However, the applicant could erect a rear extension of similar height under permitted development. It is therefore considered not reasonable to refuse the current proposal on its height. Moreover, the proposed roof form and matching materials would help the extension to be in-keeping with the host property in terms of appearance.

The proposed extension, as amended, would not be visible from the front elevation. It is therefore considered that the proposed development would not detract from the existing tidy appearance and the rhythm of development of the Mowbray Road. Although it would still be visible on Muskham Road and Green Wedge to the west, it is considered that the impact would be acceptable due to the single storey nature of the proposed development.

Moreover, permitted development allows for the erection of a single storey rear extension of up to 3m in depth. The current proposal is 0.6m more than permitted development allowance. Muskham Road is some 30m away from the application site. Although visible, it is considered that, from this distance, the 0.6m difference in depth would make limited difference to its impact on the appearance and visual amenity along Muskham Road, and the character and appearance of the Conservation Area as a whole.

The Essex County Council Heritage Officer was consulted and has no objection to the proposed single storey rear extension. Although she prefers a flat roof design and the extension to set back from the side wall of the main house, this is not considered warrant the application a refusal due to the allowance of permitted development as previously mentioned.

A condition on matching materials is recommended to ensure the character and appearance of the surrounding area and the Conversation Area is protected.

It is on balance considered that the proposed development, as amended, would be have acceptable impacts on the character and appearance of the host property, the surrounding area and the Conservation Area. The application therefore complies with Policies BE1 and BE10 of the ARHLP and the Harlow Design Guide SPD.

Neighbour Amenity

The proposal is for a single storey rear extension which has no window on the side elevation. It is therefore not considered that the proposal would result in any overlooking or loss of privacy.

A local objection states that the proposed extension would be 6m in height. This is the result of incorrect scaling of the plan, and the applicant has included measurements on the amended drawings to clarify this. The eaves and ridge heights of the proposed extension are roughly 2.3m and 3.8m respectively.

The application site is in the middle of three pairs of semi-detached properties. These houses have a staggered arrangement with the rear elevations facing roughly southeast. There are concerns that the proposed two storey extension (now amended) would have overshadowed the neighbours and result in significant loss of daylight and sunlight.

The main house of no. 18, which is the neighbour to the south, is roughly 4m forward of the application property. Given the single storey nature and northerly position of the proposed extension, it is considered to have an acceptable impact on the residential amenity of no. 18 in terms of access to sunlight and daylight.

The proposed single storey rear extension would be built up to the shared boundary with the attached neighbour no.20. The proposed extension, at 3.6m depth, would intrude the 45 degree line taken from the mid-point of no.20's closet habitable room on the ground floor. Due to the orientation of the properties, the extension would also include to some degree of impact on the levels of direct sunlight available to this window in the neighbouring property in the late afternoon and early evening.

In mitigation, it is recognised that the proposal is single storey. The proposed roof design means that the roof tapers down in height as the extension projects out minimising the overall height of the extension at the point it projects furthest past the neighbour. The height of the proposed extension is within the allowance of permitted development, it is its proposed depth that exceeds the fall-back position represented by what the applicant could achieve via permitted development by 0.6 metres which is the key element for the assessment of this application. On balance, the limited extent of 0.6 metre addition over and above what otherwise might be achievable, in combination with the roof design that helps to limit the height of the extension at its end, it is considered, that the level of impact represented by the extension would not be sufficient to warrant refusal of the application

It is therefore on balance considered that the proposed extension would be acceptable in terms of neighbour amenity, and does not contrary to Policy BE1 of the ARHLP and the Harlow Design Guide SPD.

Parking

The application would not create additional bedroom to the dwellinghouse, therefore there is no requirement for additional parking space. It is considered the proposed development would neither improve nor worsen the existing parking situation on Mark Hall Moors.

Other matters

Boundary hedge

Local representation is concerned about the existing hedge which sits on the shared boundary. The applicant confirmed that part of this hedging would be removed to facilitate the proposed development.

This hedging is, to some extent, visible from the highway, but not considered to have a significant contribution to the appearance of the streetscape as the view is mostly blocked by the existing brick wall along the front. The Council's Tree Officer advised that the species appear to be typical hedging/shrub species (likely to be Ligustrum or Privet), and not generally considered a tree species. Although the application site within a conservation area, the removal of hedges within residential garden like this case usually don't require permission from the Local Planning Authority. It is therefore considered the removal of this boundary hedge would be acceptable in this instance.

CONCLUSIONS

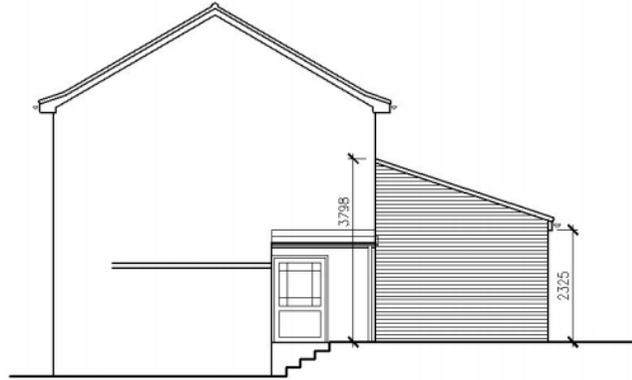
It is on balance considered that the proposed development would be acceptable in terms of design and appearance, and would not result in any unacceptable harm to the character and appearance of the Conservation Area or to neighbour amenity. The proposal does not create any additional bedroom and therefore no concerns on parking.

The application therefore complies with Policies BE1, BE10 and T9 of the ARHLP, the Harlow Design Guide, and the Essex Parking Standards.

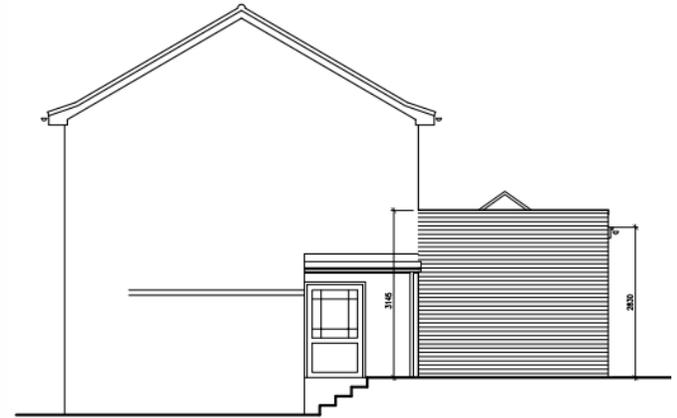
Existing



Previous proposal

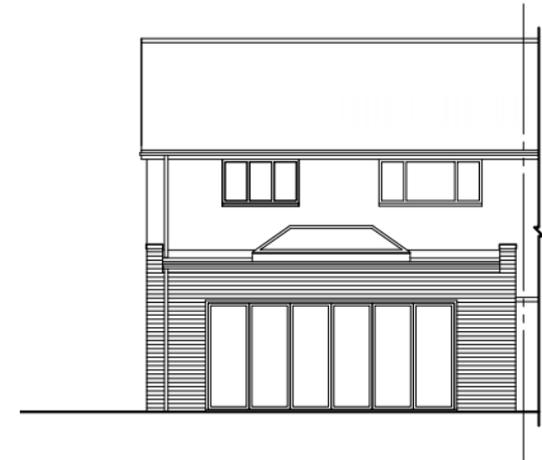
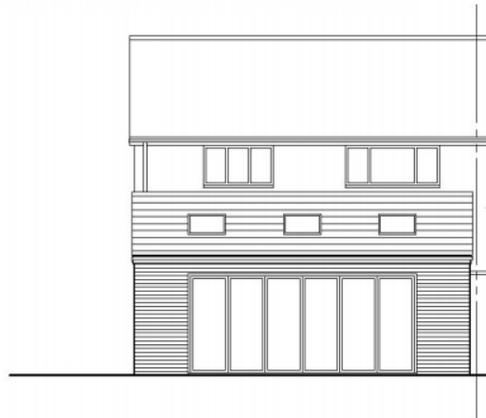


Current proposal



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Side Elevation



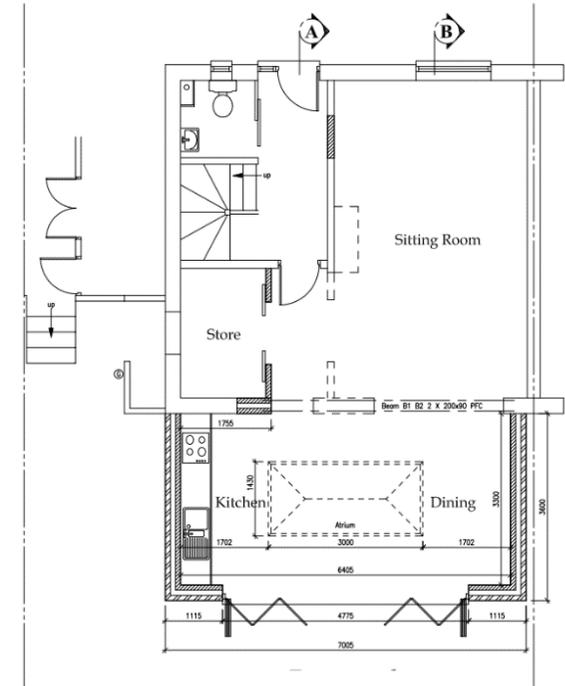
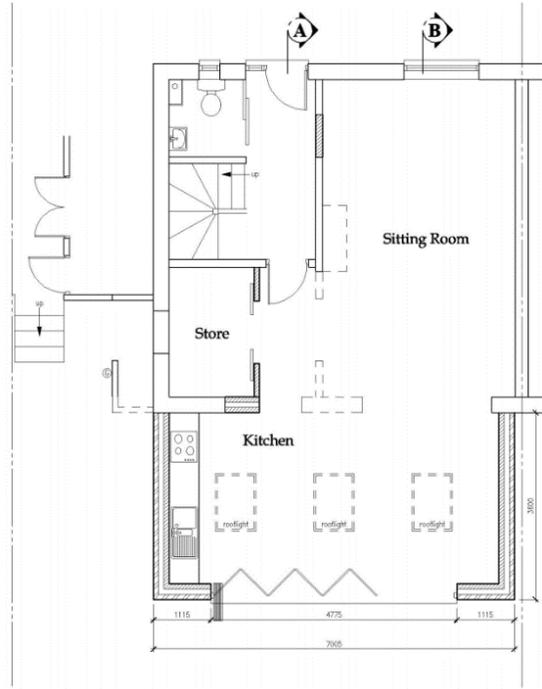
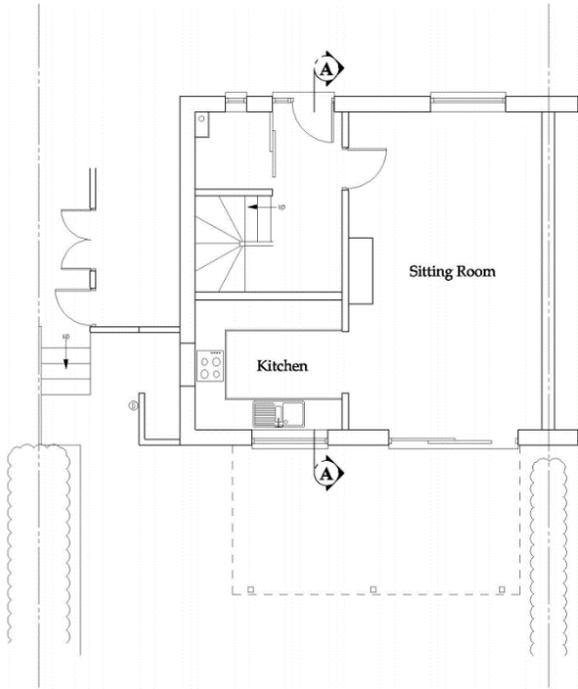
Rear Elevation

Existing

Previous proposal

Current proposal

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Ground Floor Layout