

**DEVELOPMENT MANAGEMENT COMMITTEE**  
**Wednesday 14 April 2021 at 7.30pm**  
**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 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](mailto:hannah.criddle@harlow.gov.uk) or sent via post to:

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

7. [HW/FUL/20/00378 - Netteswell Hall, Park Lane, Harlow](#) (Pages 8 - 41)
8. [HW/FUL/20/00611 - 47 Hart Road, Harlow](#) (Pages 42 - 56)
9. [HW/FUL/21/00009 - Pink Cottage, Commons Road, Harlow](#) (Pages 57 - 66)
10. References from Other Committees

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

11. 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**

17 March 2021

7.30 - 9.05 pm

**PRESENT**

**Committee Members**

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

**Officers**

Julie Galvin, Legal Services Manager  
Gavin Cooper, Development Manager  
Hannah Criddle, Governance Support Officer  
Emma Crouch, Corporate Support Officer  
Tanusha Waters, Planning and Building Control Manager

139. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

None.

140. **DECLARATIONS OF INTEREST**

Councillor Clive Souter declared a non-pecuniary interest in Items 9 and 10 as an Essex County Councillor for Harlow West and Item 11 as a Sumners and Kingsmoor Ward Councillor.

Councillor Jean Clark declared a non-pecuniary interest in Items 9 and 10 as a Little Parndon and Hare Street Ward Councillor.

Councillor Mike Garnett declared a non-pecuniary interest in Items 7 and 8 as an Essex County Councillor for Harlow North.

Councillor Bob Davis declared a non-pecuniary interest in Item 7 as a Mark Hall Ward Councillor.

141. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 16 February 2021 as agreed as a correct record and signed by the Chair.

142. **MATTERS ARISING**

None.

143. **WRITTEN QUESTIONS**

None.

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

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

145. **HW/HSE/20/00578- 97 GLEBELANDS**

The Committee received a report and application (HW/HSE/20/00578) on the planning permission for a single storey rear extension.

Councillor Mike Garnett proposed (seconded by Councillor Sue Livings) a condition to ensure that the materials matched the existing materials. The amendment was carried.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report and the following additional condition:

All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.

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

146. **HW/REMPVAR/20/00593 - LAND TO THE REAR OF 8 THE DRIVE**

The Committee received a report and application (HW/REMPVAR/20/00593) for the variation of condition 2 (approved plans) of planning permission HW/FUL/18/00398 (APP/N1540/W/19/3225381) to allow the increase in roof ridge heights by 1.2m and inclusion of rooflights on the front and rear elevations to accommodate new bedrooms with ensuites in each house (HW/FUL/18/00398).

Presentations were heard from one objector and the applicant's agent.

Councillor Mike Garnett proposed (seconded by Councillor Jean Clark) an additional condition on working hours. The amendment was carried.

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

The proposal by reason of increased height and design with two extra bedrooms would result in the overdevelopment of the property to the detriment of the character and appearance of the area. The proposal would therefore be contrary to policies PL1 and H2 of the Harlow Local Development Plan 2020.

147. **HW/FUL/21/00001 - SAINSBURY'S GOOD ON LINE FACILITY**

The Committee received a report and application (HW/FUL/21/00001) on the erection of a Goods Online (GOL) facility (Use Class B8) with associated loading and servicing area and Click and Collect bays, alteration to layout of car park.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included an additional consultee response received.

Presentations were heard from one objector and the applicant.

Councillor Mike Garnett proposed (seconded by Councillor Maggie Hulcoop) an additional condition for lighting and CCTV. The amendment was carried.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report and the following additional condition:

Prior to the click and collect and Good on line facility opening, a detailed lighting scheme include locations of CCTV should be submitted to and approved by the Local Planning Authority. The approved details shall thereby be retained.

**REASON:** To protect the amenities of adjoining residents and the users of the footpath to the residential area to the North of the facility in accordance with policy PL2 of the Harlow Local Development Plan 2020.

148. **HW/HSE/21/00003 - 3 EAST END COTTAGES**

The Committee received a report and application (HW/HSE/21/00003) on the excavation of the front garden embankment and erection of masonry retaining walls to form area for the movement and parking of vehicles visiting the existing residential premises.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included an additional consultee response received.

Presentations were heard from one objector and the applicant's agent.

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

The proposal by reason of the loss of the layby which provides access to 3 and 4 East End Cottages and loss of the front boundary hedge would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies H2, PL1 and PL7 of the Harlow Local Development Plan 2020.

149. **HW/HSE/21/00022 - 16 BURNETT PARK**

The Committee received a report and application (HW/HSE/21/00022) on a retrospective application for installation of juliette balconies.

Presentations were heard from one objector and the applicant.

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

150. **REFERENCES FROM OTHER COMMITTEES**

None.

151. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
14<sup>th</sup> April 2021

**REFERENCE:** HW/FUL/20/00378

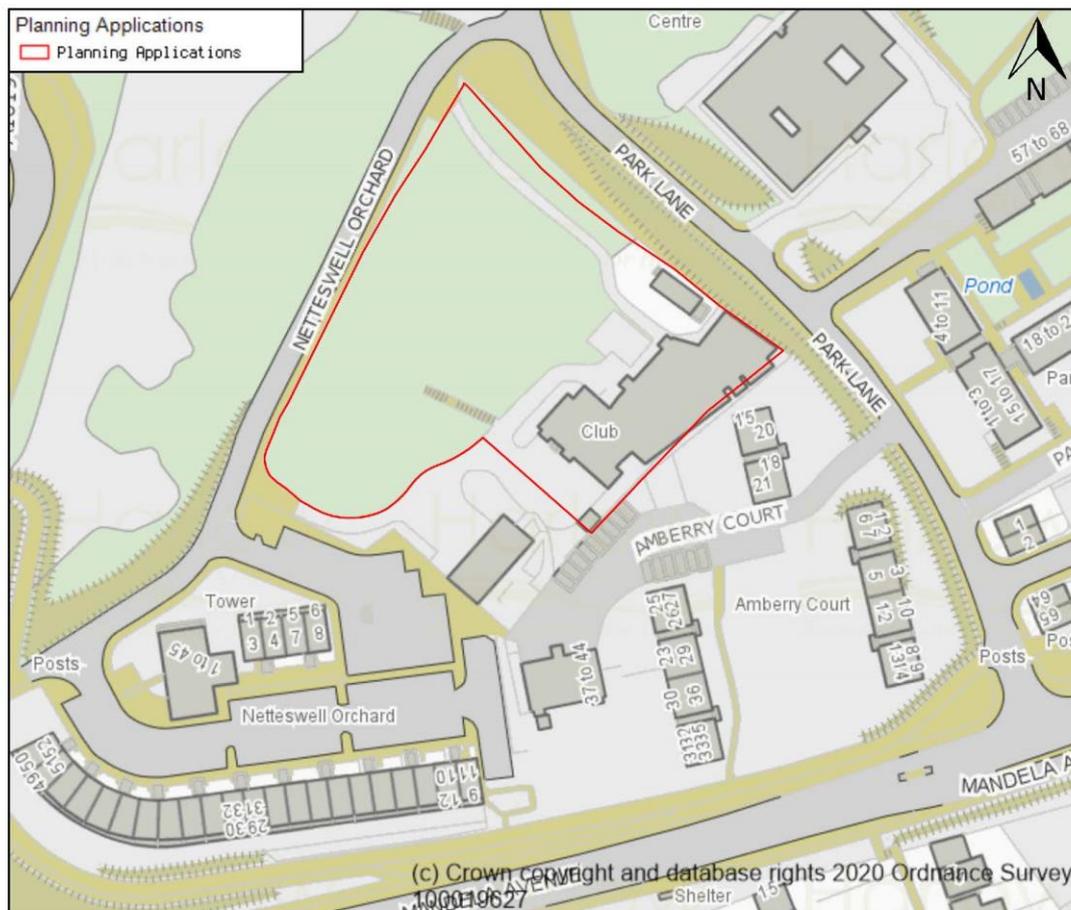
**OFFICER:** Gavin Cooper

**APPLICANT:** Mrs J Ghadami

**LOCATION:** Netteswell Hall  
Park Lane  
Harlow  
Essex  
CM20 2QH

**PROPOSAL:** Erection of 20 dwellings (incl. 4no flats formed through conversion) and associated parking and landscaping. (Amended Description)

**LOCATION PLAN**



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**Reason brought to Committee**  
More than two objections received.

## Application Site and Surroundings

The site is located within the Town Park and Netteswell Cross Conservation Area

The application site includes 0.6 hectares and comprises the former (now vacant) Paradise Lodge Social Club and a separate building providing one residential unit.

To the north of the site is the Town Park and to the west is a nursery with residential development beyond. There is residential development to the east and south of the site.

The site includes a large number of trees and is located within Flood Zone 1.

The site slopes significantly from East to West.

## Details of the Proposal

Planning permission is sought for the erection of 20 dwellings including the conversion of Netteswell Hall into 4 flats.

The scheme has three elements: the demolition of extensions and conversion of Netteswell Hall into 4 flats; the creation of 8 two storey semi-detached and detached houses to the North of Netteswell Hall and backing onto Park Lane; and the erection of 8 two storey detached and semi-detached houses fronting onto Netteswell Orchard.

The proposed mix would be 4 one bedroom flats (20%), 2 two bedroom houses (10%), 10 three bedroom houses (50%) and 4 four bedroom houses (20%).

The scheme delivers 6 affordable units (30%).

The current scheme has been amended following detailed design advice from Place Services which has resulted in the proposed units being redesigned and a frontage being established to Netteswell Orchard. This resulted in three additional houses.

This scheme also follows the dismissal of an appeal for the erection of 30 dwellings and associated parking and landscaping. This scheme involved the demolition of Netteswell Hall and four terraces with two semi-detached houses and car parking off Netteswell Orchard.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/LDCE/16/00207	Confirmation of Existing Use Class as D1 Use	Would have been lawful	13.05.2016
HW/PL/89/00087	Single Storey Extension to Social Club	Granted	17.08.1989
HW/FUL/18/00318	Erection of 30 Dwellings and Associated Parking and Landscaping	Refused & Dismissed	11.10.2018

### Planning Appeals

The appeal was dismissed for the following reason:

“I have found that the development would harm the character and appearance of the area. This would include a failure to preserve the character or appearance of the Conservation Area, causing harm, albeit less than substantial, to its significance as a heritage asset. It would also harm a non-designated heritage asset. There would also be harm to the living conditions of future occupants of the scheme. These matters conflict with paragraphs 127, 184 and 197 of the NPPF.” (paragraph 31)

## **CONSULTATIONS**

### **Internal and external Consultees**

HDC – Environmental Health

With regards the above application I have the following comments:

1. That no demolition or construction work that involves the production of noise capable of being heard beyond the property boundary is conducted outside of the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 on a Saturday. No works to be carried out on a Sunday or public/bank holiday.
2. The applicant to provide a method statement to demonstrate how dust production during the demolition and construction phases is kept to a minimum which may need the utilisation of water damping measures being employed.
3. The applicant to provide a method statement to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction phases.
4. Ensure that a suitable and sufficient wheel wash is on site and that all vehicles exiting the site make use of it in order to minimise dust production.
5. Bonfires are not to be held on site.

HDC – Tim Moya Associates

With regard to planning policy and statutory responsibility, Harlow Council (HC) must – in accordance with Section 197 of The Town and Country Planning Act 1990 – “ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees”. In terms of policy, with regard to the National Planning Policy Framework 2019 (NPPF), paragraph 170 states that HC must recognise the “benefits from natural capital and ecosystem services - including the economic and other benefits of [...] trees and woodland” and more broadly ensure landscape resilience to the effects of climate change “through the planning of green infrastructure” (paragraph 150). Therefore, it is crucial that HC ensure that green infrastructure including trees is considered sufficiently within the planning and development process.

Following a recent site visit and assessment of new arrangements on site and changes in tree retention provided in various new plans further comment is now made regarding the site and proposed development.

It is evident that the proposed development has considered the impacts to trees and green infrastructure, however discussion on the scheme compared to policies PL1, PL7, PL8 and WE1 of the Local Development Plan is needed to highlight the impact of the development.

Whilst it is appreciated that T25 and T27 are included for retention, as this was previously raised as an issue. Having reviewed previous removal plans for trees against what has been most recently supplied, loss of trees on site is at similar amount as previously discussed, and therefore results in considerable loss of trees and green infrastructure.

PL1 of the adopted plan states development must meet the following point, that it protects, enhances the following: landscape character, Green Infrastructure including trees and landscaping; the development does result in significant loss, and on balance the trees lost are of less value to character of the conservation area, this is felt because many to be removed are in poor condition, form part of the slightly oppressive boundary hedging (e.g. G7) or are natural regeneration within the site which is clearly very overgrown and doesn't add significant value to the overall character. The trees of landscape importance are mostly retained.

PL7 states; 1. Existing trees and hedges Development and tree works applications, which ensure that trees and hedges are protected and enhanced, will be supported; It is evident that with a development of this size, which provides adequate facilities to the houses means that many trees can simply not be retained. The access to Netteswell orchard from properties in the development has the highest impact on site character, G7 however is a somewhat oppressive hedge, and retention within this scheme with access routes for parking does seem untenable, with the likelihood of future residents coming into conflict with their positioning on site.

PL8 states the following two points; (b) existing Green Infrastructure and landscaping are protected and enhanced and in all cases are sympathetically integrated into the development. (c) development makes connections wherever possible to landscaping and Green Infrastructure outside of the site. The sites loss of trees will affect the connection to the nearby town park, and overall character of it within the conservation area. The plantings outlined in the site plan will help offset this loss and will provide better quality landscape which is in line with its connection to the local area, but of course there is still loss of trees which are not incorporated due to the design submitted.

Furthermore, that due to the changes made with tree removal and retention on the site, the previously submitted arboricultural impact assessment (AIA) no longer reflects this new site design and therefore outlined statements in the document are incorrect. If the submission is to progress it must be amended and therefore reflect the new outline tree retention and removal as stated in drawing 12/053/A/011 B.

On reflection of all discussed, it is thought that the overall design and retention of trees currently submitted includes the best trees on site, and it does go further in retaining boundary trees and some within the site. The loss of trees is significant, but the trees removed are fairly considered as the lower quality trees on site.

Although an outline plan, the landscaped scheme with numerous tree planting and detailed design will be expected to offset the loss that is likely to occur.

There will also be the expectation that a detailed arboricultural method statement will be submitted as a condition if the application is approved.

Once the remediations to the AIA have taken place and are resubmitted, a final decision can be made on the adequate protection of trees within this scheme,  
Essex County Council - Highways

No Objection

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

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 especially given the location of the site and its position in terms of easy access to other modes of sustainable travel and the town centre.

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

## Place Services - Heritage

### Objection

This application is for erection of 20 dwellings (incl. 4no flats formed through conversion) and associated parking and landscaping. (Amended Description).

The site of the proposed 17 new dwellings is located within the immediate setting of the Grade II listed Harlow Town Park and Garden (list entry: 1468217). The garden was planned in 1949-1953 by Frederick Gibberd, master-planner for Harlow New Town as part of the new town development of Harlow, also master-planned by Gibberd. The site is also located within the Town Park Netteswell Cross Conservation Area. Netteswell Hall is a considered a non-designated heritage asset. The property was constructed in the late nineteenth century and has architectural and aesthetic value, positively contributing to Harlow's local identity and historic building stock.

This is the second consultation pertaining to the above application following the submission on an amended scheme.

As noted in previous advice it is unlikely that development of this site would not cause harm to the aforementioned designated and non-designated heritage assets. However, there may be potential to reduce the potential harm. Any proposed development would have to be of low density and largely obscured from views within the Conservation Area and from the Park and Garden with more relief given to Netteswell Hall.

There have been some improvements made by the reduction in the number of new dwellings as well as the properties along Netteswell Orchard being pushed back in their plot. This provides greater relief between the new development and the boundary of the Harlow Town Park and Garden. The additional planting works to maintain the verdant setting of the Park and Garden as well as the character and appearance of the Conservation Area. There is also a heritage benefit by retaining Netteswell Hall and demolishing the existing large flat roof extension.

There are, however, outstanding concerns regarding the density of the terraced houses (numbers 6-13) located along Park Lane as well as the overall appearance of the new dwellings. There is a preference to reduce the number of proposed dwellings on the site as the current development still overwhelms the site.

Given the topography of the land the terraced properties appear overly dominant and bulky, which would not only be visible from the Harlow Town Park and Garden and views within the Conservation Area. They would also detract from the setting of Netteswell Hall (non-designated heritage asset). I recommend that the terraces are stepped down to work with the topography of the land. The terraces may also benefit from being broken up to form either two groups of terraces or a row of semi-detached properties. This would break up the density of development and make better reference to the pattern of development within the Conservation Area. Additional planting between the Netteswell Hall and the properties along Park Lane would go some way to obscure the new development and retain the verdant setting of the non-designated heritage asset.

With regard to the design of the proposed dwellings, they are not considered to uphold the architectural quality of the Conservation Area, nor the setting of the non-designated heritage asset. I recommend design reference is taken from the traditional building stock in the area. As previously noted, uPVC windows and doors as well as timber effect cladding would be unacceptable. There may be potential for aluminium windows. However, regarding Netteswell Hall timber windows only would be acceptable.

As noted above, there have been some improvements to the scheme however, these do not go far enough to address previous concerns, nor do they mitigate the harm caused to the aforementioned heritage assets. I recommend more thought is given to the density of development as well as the overall design.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2019), this proposal would cause 'less than substantial harm' to the Conservation Area, cause harm to the setting of the Park and Garden as well as causing harm to the non-designated heritage asset. Therefore, paragraph 196 and 197 are relevant. 'Great weight' should be given to the heritage asset's conservation as per paragraph 193. Furthermore, the proposed fails, in my opinion, to make a positive contribution to local character and distinctiveness (Para.192c).

#### Place Services - Design

- We consider that the design has evolved positively following the site visit and generally takes on board the principles which were discussed.
- Whilst we recognise the linear form of development along Netteswell Orchard as characteristic of the area, however we would like to see Unit 07 address [Please note that Unit 7 has now been removed from the scheme] the access road to the wider development better. If built form is not used to access this key corner, the result will be a prolonged boundary edge which stretches along the entire northern side of the access road which could be avoided if the unit was either made into a semi-detached property providing a greater frontage to Netteswell Orchard, or if the detached unit was moved further south (albeit that we would not wish to see a greater separation to Unit 6. If the desire was to maintain a detached unit on this location, perhaps options such a linked detached could be considered to maintain the frontage, or alternatively a one-off covered parking area.
- Details of bin collection point will be required. Is the ambition that this is solely a collection point to be used on refuse collection days, or will it be a refuse store? If it is the prior, then what mechanisms would be in place to avoid people storing the bins on the frontage at all times. Will rear access gates be provided for the Netteswell Orchard properties? Could this better deal with the issue of refuse collection?

- The separation between the units is now much more acceptable and akin to the development pattern further along Park Lane towards Netteswell Cross. It is acknowledged that whilst there is a predominance of terraced properties, there is also a mixture of occasional semi-detached and detached properties, yet they all have the distinction of being relatively close to one another. I am comfortable that the proposed arrangement onto Park Lane satisfies the requirement to maintain this pattern.
- The provision of parking to the frontage of the properties onto Netteswell Orchard is appropriate and in-keeping with the general Netteswell Cross parking arrangements. This also allows the separation between the units to be minimised as outlined above.
- It is clear that the architect has considered a 'family' of detached, semi-detached, and terraced houses within a style which is replicated across all typologies to provide a more distinct sense of identity for this development. We appreciate the use of brick as the dominant material as suggested – however have the following observations on the elevational treatments:

#### Detached:

These appear acceptable, with a good degree of variance between the two types of detached units. We would appreciate more information on the proposed materiality before confirming agreement to the designs eg. proposed brick type/hue, roof treatments etc. it appears that a standing seam roof or similar is proposed, certainly for Type 02 where the material treatment continues onto the frontage which is a positive design feature – again we need clarity on the proposed material palette. Rendered elevations may also help with assisting Members in their decision making.

#### Semi-Detached units:

Whilst being in-keeping with the theme, it is considered that the semi-detached units require some refinement to add interest to their elevations. Please consider how architectural elements such as oversized contemporary chimneys could be used to provide more of a sense of stature to these units, as they currently appear relatively 'flat' in their elevational detail. Perhaps also a greater play on the porch detailing could also add necessary interest. As with the other house types, is the alternatively beige coloured material a varying brick type, as we would not wish to see timber boarding on these properties. Principles of agreeing to a materials palette as above applies.

#### Elevations of terraced units:

The proposed terraced properties include an interesting design element by way of the material from the roof extending down onto part of the front elevation. The repetition of the proposal is also strong, however it could be considered that there could be a slight change in brick tone along the terraces to break down what is a fairly long continuous run of elevations. This could work quite well, and doesn't necessarily need to be every 2nd property including a change of brick tone, but potentially 2 or 3 units with a different brick. Whilst the rear elevation appears acceptable and the principle of the third storey with rooflights is agreed, it is considered that there is potential to play with the front elevations a bit more. We would like to see how an option integrating dormers which extend from the frontage wall break into and extend beyond the eaves could appear.

- It is understandable that as a result of the topography of the site that development on the western side of the access road (where back gardens to Park Lane properties are currently shown) would be very difficult to achieve. Whilst we accept this, I would like to see

detail on the proposed material treatment to the boundary – which should be brick as a minimum but potentially 2/3rd brick with a horizontal trellis or similar to the top 3rd of the boundary. I would also request that details such as brick piers are introduced, or brick detailing to make this prolonged boundary wall acceptable in streetscape terms. We would also wish to see a landscape treatment to the edge of the boundary wall to soften its edges to the access road (which may require that the boundary is set back slightly), and (small specimen) tree planting internally to the gardens along this edge.

- As the design evolves we would seek further clarity on the proposed edge treatments to the Public Open Space (POS) and front boundaries - preferably estate railing or similar to be in keeping with Netteswell Hall whilst also reflecting the contemporary nature of the proposed architecture. The properties to the North along Park Lane generally have open frontages, and whilst this is something which we would like to maintain, this has evolved through time with the introduction of frontage parking and is therefore not a preferable solution to the proposed Park Lane frontages. We would be keen to understand how either low brick wall or estate railing could work – or alternatively a soft edge by way of hedging for garden frontage areas.

- We would welcome the introduction of informal play to the POS area – potentially through naturalistic elements such as rocks and timber as opposed to formal 'hard' play equipment.

- Is a pedestrian connection proposed between the access road and Park Lane to the side of unit 08? Whilst this connection would be important for the permeability and accessibility of the site, the proposed route appears too narrow and poorly overlooked. Would the route be lit and how would security and risk of ASB be avoided?

- As discussed on site, the gardens for units 08-15 are small (particularly 08-10) however given the constraints of the site and the type of property proposed for this row of terraces, I can consider this acceptable provided that a high quality boundary treatment is provided fronting Park Lane, and also that as a result of crown reduction and removal of poor tree and shrub specimens, that an appropriate level of lighting can reach the rear elevations of the properties and that there is not an adverse impact of shadowing.

- Due to the importance of landscaping detailing to the success of this site, a detailed landscape strategy should be submitted with the application, with full landscape plans and details submitted under Condition.

Designing Out Crime Officer For E Forest & Harlow

Comment

Essex Police comments in accordance with NPPF and Harlow adopted local plan (December 2020 PL1 Design Principles for Development (h) Page 115) Creates safe and secure environments which help to reduce opportunities for crime and minimise the fear of crime. This comment is supplementary to the comment submitted by my colleague on 17th August 2020.

The amendments to the plans are acknowledged. From inspection of the provided documentation there is sufficient detail to form an opinion on the extent to which Crime Prevention Through Environmental Design (CPTED) has been incorporated into the new development..

Essex Police has no record of pre application consultation with the applicant however the

opportunity still exists. This would allow the applicant to fully maximise the potential for CPTED in support of their aspiration, detailed in the Design and Access statement to comply with the Harlow adopted Local Plan.

Sustainable Drainage Team

Holding Objection

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

- The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide:

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Thames Water Utilities Ltd

No objection

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Essex County Fire And Rescue Service

Comment.

Following a review of these documents I can advise that due to what would be considered an excessive distance to the nearest existing statutory fire hydrant, No.70/992 shown on the enclosed plan, it is considered necessary that an additional fire hydrant is installed within the curtilage of the proposed site.

Should the development proceed, once we are in receipt of the new water main design scheme for this development from the local Water Authority, we will liaise with them directly to ensure that all necessary fire hydrants are provided.

In addition to the comments made above, if a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document B, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) incorporated into the building design. Further advice in regards to this matter should be sought before works commence.

## Neighbours and Additional Publicity

Number of Letters Sent: 170

Total Number of Representations Received: 6

Date Site Notice Expired: 11 September 2020

Date Press Notice Expired: 10 September 2020

## Summary of Representations Received

There have been five objections and one neutral comment. These raise the following issues:

- Lack of car parking – 29 spaces represents only 71% of the minimum 41 car parking spaces required. This will lead to access issues for local residents in an area that already suffers from congestion.
- The unrestricted parking presently in existence on Nettleswell Orchard which is used by those living in the local area (Nettleswell Orchard - Park Lane - Park Court - Amberry Court - Tanyard Place) for visitors/secondary vehicles due to the parking restrictions already in place which will be taken away with the drives for the new dwellings 1-5 with no replacements for local residents. When that parking is gone, it is gone as you only need visit Nettleswell Orchard between 18:00 and 08:00 to see how many people presently park here at the moment and it is not difficult to visualise the issues this will cause in the future.
- My only concern would be parking in the area. It can sometimes be difficult to park as shoppers and people who work in the town park around here. There are no permits permitted here and think there could be even more of a problem if there are more homes in the area ,and when the work starts an access problem because of the cars parked along the road in front of the planned site. Maybe parking permits in the area could rectify this in the future.
- There is a severe lack of parking already in the area, and I feel increasing the properties will put further strain on this issue. To allow for one car per household in current times, is a massive underestimate on how people realistically live, and this needs to be taken into consideration for all new developments.
- Parking along both Park Lane and Nettleswell Orchard is already acting as an overflow from current properties in the area.
- The loss of habitat to wildlife.
- Pressure on parking; cars already park to capacity along the stretch of road where there are no yellow line.
- The trees are mature and have TPO's and will be lost. Even if they are replaced they are done with sapplings that don't always survive
- The Town Park has been award National Heritage Status which is something Harlow should be proud of. Building on this site take away from this status
- There is plenty of building going on around the town without additional infrastructure being built. Our park is one of our most beautiful assets. Please do not build on it further

There have been three representations in support. These raise the following issues:

- Site at the moment is not in keeping with the wider area at all. Its an overgrown mess which the plans would no doubt rectify.
- This place is crying out for redevelopment. It has become a dumping ground and a haven for nothing but trouble.

- Plans show regeneration of an area that needs it desperately. Plans are not jam packed and the main building is being retained. Decent amounts of green space are kept which benefits the wider Town Park area.
- As an owner of 2 cars, personally never had an issue with parking in the area, also public transport is reliable being so central in the town.
- The site is a major strain for emergency services – police and fire brigade regularly attending major disturbances. No doubt because the site is a hidden spot for trouble makers. It does not feel safe walking past at all, day or night.
- The site is currently target for fly tippers and is in an appalling state so the development for housing is to be welcomed.

## **PLANNING POLICY**

The relevant policies of the Harlow Local Development Plan 2020 are:

SD1 - Presumption in Favour of Sustainable Development  
 WE1 - Strategic Green Infrastructure  
 WE3 - General Strategy for Biodiversity and Geodiversity  
 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  
 PL9 - Biodiversity and Geodiversity Assets  
 PL10 - Pollution and Contamination  
 PL11 - Water Quality, Waste Management, Flooding and Sustainable Drainage Systems  
 PL12 – Heritage  
 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)**Summary of Main Issues**

The main issues for consideration of this application are:

- Principle of development;

- Impact on the character and appearance of the area including the impact on the Conservation Area and non-designated heritage assets;
- Affordable Housing, Mix and Accessibility;
- Impact on trees and landscaping;
- Impact on the amenity of adjoining occupiers;
- Impact on the amenity of future occupiers
- Impact on Access, Parking and Highway Safety;
- Impact on Ecology and Biodiversity;
- Impact on drainage and flooding;
- Impact on waste; and
- Planning Balance

## **ASSESSMENT**

### ***Principle of the development***

National planning policies state that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three roles:

- (a) an economic role by contributing to a strong, responsive and competitive economy;
- (b) a social role by supporting strong, vibrant and healthy communities; and
- (c) an environmental role by contributing to the protection and enhancement of the environment.

Paragraphs 117 and 118 of the NPPF requires that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

The proposed development would create 20 dwellings within the Town Park and Netteswell Hall Conservation Area on a brownfield site. This is a significant benefit that should be weighed against any harm.

Policies PL1 and H2 of the HLDP do not preclude infill developments, provided that the established character of the area and neighbour amenity are protected. 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. Furthermore, policy PL12 requires that the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views).

The principle of development can be accepted subject to the height, massing, layout, and appearance making an appropriate visual relationship with the form, grain, scale of the surrounding area and building design is specific to context. Any harm must be weighed against the overall benefits of the scheme. This is examined in detail below.

## **Impact on the character and appearance of the area including the effect on a non-designated heritage asset and the Netteswell Cross and Town Park Conservation Area**

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the NPPF and in this case the tests are set out in paragraphs 195 and 196. If harm is less than substantial, the harm should be weighed against the public benefits.

The criteria are:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and
- (e) any public benefits of the development

In dismissing the appeal on the site, the Inspector defined the character as follows:

*“The irregularly shaped appeal site with varying land levels houses a vacant building which was most recently known as Paradise Lodge Social Club. It was formerly known as Netteswell Hall and is a non-designated heritage asset. The site also contains some additional ancillary buildings and a notable number of trees which also mark much of the site boundary, obscuring some views into the site. The vegetative appearance of the site makes a positive contribution to the verdant and low density character and appearance of the Town Park Netteswell Cross Conservation Area within which the site sits.*

*A Council leaflet identifies that the Conservation Area was designated to reflect the importance and significance of Netteswell Cross as one of the original hamlets in Harlow before the New Town. It also identifies that the Town Park was planned with no hard boundaries so that it merged with its surroundings. The appeal site provides a verdant low density buffer between the park and the more built up nature of the nursery and residential development on the other sides of the site which are outside of the Conservation Area.” (paragraphs 6 and 7).*

The key aspects of the Inspector’s comments are that any development should be integrated into the landscape so that the development merges into its surroundings. This is particularly important given the change in levels across the site.

The Inspector was particularly concerned regarding the amount, height and scale of development proposed which would result in a poor setting for the park (paragraph 12).

The current proposal addresses the Inspector’s comments by reducing the number of proposed houses from 30 to 20 and reduces the height of all of the houses so that they are now all two storey. Landscaping would be strengthened that would ensure that the verdant nature of the site is retained.

The impact of the proposal on the character and appearance of the area and the Conservation Area can be split into two aspects: first the impact of the properties that back onto Park Lane and second the impact of the properties that face Netteswell Orchard.

On Park Lane the proposed properties are designed so that they step down the hill and have gaps between properties. When viewed from Park Lane the properties will be elevated but will be screened by the retention of the existing vegetation that forms the eastern boundary of the site. The properties will be viewed as an extension of the existing development on Park Lane but with a more verdant character with gardens backing onto Park Lane.

On Netteswell Orchard the impact on the Conservation Area would be limited as Netteswell Orchard is located at the bottom of a dip between Netteswell Hall and Town Park. Views of the development would be largely from Park Lane beyond Netteswell Orchard looking to the South West.

The Heritage Officer objects to the proposal on the basis that:

*“Given the topography of the land the terraced properties appear overly dominant and bulky, which would not only be visible from the Harlow Town Park and Garden and views within the Conservation Area.”*

In assessing the impact regard should also be had to the Council’s Tree advice which states:

*“PL1 of the adopted plan states development must meet the following point, that it protects, enhances the following: landscape character, Green Infrastructure including trees and landscaping; the development does result in significant loss, and on balance the trees lost are of less value to character of the conservation area, this is felt because many to be removed are in poor condition, form part of the slightly oppressive boundary hedging (e.g. G7) or are natural regeneration within the site which is clearly very overgrown and doesn’t add significant value to the overall character. The trees of landscape importance are mostly retained..”*

The difficulty is that the existing site is overgrown with a number of poor quality trees. Any development will involve significant tree loss. The balance that must be taken is whether the scale of development and the benefits of that development outweigh the limited harm to the character of the Conservation Area. The benefits include the retention of Netteswell Hall. The impact on trees and landscaping and benefits is set out in a section below.

It is considered that the scale of development is consistent with the wider character of the area as the Conservation Area with Netteswell Orchard and Park Lane having development that is set against landscaping, given the changes in levels and the spaces between properties. The topography of the Town Park and the associated roads would mean that views of the properties would be limited. The scheme has been designed so that houses would be part of the verdant character of the Conservation Area.

In terms of detailed design, the properties have been designed so that they are modern in design using modern materials. The aim is not to have a pastiche development but one that matches the wider quality of the Conservation Area. The design is supported by Place Services Urban Design. A condition has been proposed to ensure that prior to works commencing the detailed materials are agreed as these are crucial to ensure that the scheme is of a high quality.

The current scheme would result in the demolition of the existing extensions to Netteswell Hall and reinstatement of the building with it being converted to 4 flats. The retention of Netteswell

Hall which is a non-designated Heritage asset is a significant benefit of the scheme. This is recognised by the Heritage Officer.

Overall, it is considered that the development would be of a scale that would make best use of this site and would result in less than substantial harm to the character and appearance of the Conservation Area. The benefits of the scheme would outweigh any harm. On this basis, the proposal would be in accordance with policies PL1, PL12, and H2 of the HLDP.

### **Affordable Housing, Mix and Accessibility**

Policy H8 of the HDLP indicates that major residential development (of over 10) must provide at least 30% affordable housing and that the reduction of this percentage will require an independent viability assessment. The provision will be expected to be 85% of those to be provided as affordable rent with the remaining 15% to be intermediate affordable housing.

The Harlow Design guide (2011) advises that affordable housing should be tenure blind and pepper-potted throughout the site.

The applicant has indicated that 6 units will be provided as affordable housing and that these will be in accordance with the required tenure split. The location of the units will be subject to further negotiation and will be delivered across the site in accordance with the Harlow Design Guide. On this basis, the proposal would be in accordance with policy H8 of the HDLP.

In terms of housing mix, policy H6 of the HDLP identifies a target mix for market houses of 23.9% 2 bed homes, 66.3% 3 bed homes and 2% 4 bed homes. For affordable housing the target mix is 28.1% 2 bed homes, 41.8% 3 bed homes and 10.7% 4 bed homes. .

The proposed mix would be 4 one bedroom flats (20%), 2 two bedroom houses (10%), 10 three bedroom houses (50%) and 4 four bedroom houses (20%). This would result in a provision of 30% 1-2 beds (compared with a target of 31.7%) and 70% 3 plus beds (compared with a target of 68.3%). It is therefore considered that the proposed mix would create an appropriate mix of housing tenures, types and sizes in order to create a balanced community. On this basis, the proposal would be in accordance with policy H6.

The Council recognises its commitment to promote accessibility for all in the realisation of development schemes. Therefore, the proposal is required to be developed in accordance with Policy H5 of the HDLP in that all dwellings are, as a minimum, constructed to the requirements of Part M(2) of the Building Regulations. As outlined in paragraph 14.26 details that 10% of market housing and 15% of affordable housing must be Building Regulations Part M4(3) standard. However, where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy new development will be exempt from these requirements.

All the proposed units (with the exception of the flats formed through conversion of the existing house), are capable of being M4(3) standard. Given this and that the applicant is happy to accept a condition requiring the delivery of the M4(3) standard the proposal would be in accordance with policy H5 of the HLDP.

### **Impact on trees and landscaping**

The appeal scheme with more development also involved the loss of a significant amount of landscaping. This was not an issue for inspector who considered that the loss could not be

mitigated due to the extent and density of development. The current proposal addresses this issue with a significant reduction in the density of development.

Policies PL1, PL7 and PL8 require that trees and landscaping are retained and are integral to the design of a scheme.

Advice from the Council's tree consultant states:

*“On reflection of all discussed, it is thought that the overall design and retention of trees currently submitted includes the best trees on site, and it does go further in retaining boundary trees and some within the site. The loss of trees is significant, but the trees removed are fairly considered as the lower quality trees on site.*

*Although an outline plan, the landscaped scheme with numerous tree planting and detailed design will be expected to offset the loss that is likely to occur.*

*There will also be the expectation that a detailed arboricultural method statement will be submitted as a condition if the application is approved.”*

It should be noted that any redevelopment of this site would result in significant tree loss as there are a number of poor quality trees and hedges that would be lost. The key issue is whether those trees that are of a quality can be retained and whether the scheme is of a density and layout that allows for replacement planting and landscaping. This is crucial to ensure that the scheme retains the verdant appearance of the wider Conservation Area.

Conditions have been proposed to ensure that trees are protected and retained. Furthermore, notwithstanding the outline landscaping proposals a condition has been proposed requiring the need for a detailed landscaping scheme. This is important given the impact on the Conservation Area. On this basis, the proposal is considered to be in accordance with policies PL1, PL7 and PL8 of the HLDP.

### **Impact on the amenity of adjoining occupiers**

Due to the separation distances and orientation between the proposed units and the surrounding development, there are no concerns regarding the impact on residential amenity of surrounding properties in general.

Environmental Health has recommended conditions to control the construction process. It is considered that Environmental Health's concerns are best addressed through conditions to control the hours when construction may occur and to require a construction method statement to be submitted to and approved in writing by the Local Planning Authority.

It is considered that the proposal is acceptable in terms of its impact on the amenities of surrounding occupiers and would be in accordance with policy PL2 of the HLDP.

### **Impact on the amenity of future occupiers**

Policy PR2 states that development preserves or enhances the level of amenity of future occupantswill be supported. The following issues should be considered:

- (a) privacy and overlooking;
- (b) overshadowing and loss of daylight and sunlight;
- (c) aspect and outlook;

- (d) overbearing and the perception of overbearing;
- (e) the perception of enclosure;
- (f) access to high quality and useable amenity space;
- (g) compatibility and sensitivity of adjacent uses.

The arrangement of the semi-detached and detached houses and the flats are arranged in a way that there would be no detrimental impact on the future amenity of occupiers by reason of dominance, outlook, privacy and access to sunlight and daylight.

The proposed houses all have private amenity space in accordance with Harlow Design Guide standards DG33 and DG34.

The proposed flats in the converted Netteswell Hall would have separate amenity space to the north west of the building. This is considered to be sufficient. However, there will be a need for the communal open space to the North of Netteswell Hall to be designed so that the amenity of the ground floor flat is protected. This is an issue that will be addressed through the discharge of the suggested landscaping condition.

Overall, the proposal would be in accordance with policy PL2 of the HLDP in regard to the amenity of future occupiers.

### **Impact on Access, Parking and Highway Safety**

HLDP policies in IN1-IN3 seek to achieve a modal shift of 60% of trips being non-car based. This means that car parking provision should relate to the size of house and whether the site is accessible now and is likely to be accessible to public transport.

The Essex Car Parking Standards state:

“For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment (paragraph 2.5.1)”

The proposal would provide 29 spaces which is 71% of the 41 car parking spaces required by the standard. This also equates to 1.45 spaces per dwelling. All of the large houses (2 bedroomed and above) have 2 spaces per dwelling.

Cycle parking is provided for each property.

Given that the site is close to Harlow Town Centre, the level of car parking provision is considered to be acceptable in terms of the Essex Car Parking Standards. Also, ECC Highways raises no concerns in terms of highway safety or vehicle movements. On this basis, the proposal would be in accordance with policies IN1, IN2 and IN3 of the HLDP.

### **Impact on Ecology and Biodiversity**

In determining applications, paragraph 175 of the NPPF states:

*“ When determining planning applications, local planning authorities should apply the following principles:  
- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately*

*mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

There is a need that biodiversity net gain is demonstrated on this site.

In terms of ecology, paragraph 170 of the NPPF states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;...”*

The application as submitted was supported by an Ecological Survey from 2018. This concluded:

*“Consequently, species-specific surveys to establish their presence or likely absence will be carried out prior to the redevelopment of the site and if necessary, a Mitigation Strategy alongside a Biodiversity Enhancement Plan will be produced to ensure that no protected or important species are harmed in the redevelopment of the site and that the development can demonstrate a no net loss of biodiversity in accordance with national planning policy.” (Executive Summary of Ecological Survey 2018)*

Following the amendments to the scheme, Arbtech undertook a preliminary ecological appraisal (PEA). The survey visit was completed on 27th March 2021. The aim of the survey was to complete an Extended Phase 1 Habitat Survey of the survey area (all land that will be impacted by the proposals). This report formed the basis for the assessment of whether there would be a net gain in biodiversity.

The Biodiversity Net Gain assessment concluded:

*“The baseline habitat units on site (existing from PEA) are totalled at 1.30 units.*

*➤ The calculation shows that that the change in biodiversity metrics is:*

*• -3.32% for habitat units*

*➤ The results indicate a very slight net loss in biodiversity units, mainly due to the replacement of poor-quality scrub and improved grass with poor quality amenity grass and hard standing, but with some areas of planting for pollinating invertebrates included.”*

To ensure that the development addresses ecological issues, it is important that the scheme follows the recommendations in the PEA. This can be secured by condition.

Separate to ecology, there is a need to ensure a Net Gain in Biodiversity. The loss of 0.17 habitat units can only be mitigated through a financial contribution for offsetting the creating habitat on other land owned by the client or third parties or enhancement of existing habitat to help off-set the slight loss on this site, or purchasing conservation credits through The Environment Bank or other suitable providers.

The consultation by Defra (December 2018) considered the range of £9,000 to £15,000 per Unit for offsetting. It is considered that a charge of £12,000 per unit would be reasonable as

this represents the mid point of this range. The charge of £2,040 would be secured through the S106 agreement.

### **Flooding and Drainage**

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

A Flood Risk Assessment has been submitted. Essex County Council's Sustainable Drainage department raise a holding objection. On the previous scheme that was considered at appeal no objection was raised by Essex County Council's Sustainable Drainage department.

Thames Water raises no objection to the scheme.

Detailed conditions are proposed to ensure that this issue can be addressed.

### **Waste**

It is noted that the Council's Cleansing and Environment team have not commented on this application. The previous application was considered acceptable on waste collection grounds even though this scheme was significantly different. . However, it is not considered that a refusal on this ground would be justified.. It is considered that any issues could be resolved by the proposed condition.

### **Planning Balance**

The overriding purpose of the planning system is to contribute to the achievement of sustainable development, which has three roles:

- (a) an economic role by contributing to a strong, responsive and competitive economy;
- (b) a social role by supporting strong, vibrant and healthy communities; and
- (c) an environmental role by contributing to the protection and enhancement of the environment.

Any harm must be balanced against the benefits of the scheme. This is the same balance that is set out within policy PL12 regarding the impact on the Conservation Area.

The harm on the Conservation area is identified by the Heritage Officer as "less than substantial". It is considered that this harm can be clearly outweighed by the following benefits of the scheme:

- a) Delivery of an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to this benefit in accordance with paragraphs 117 and 118 of the NPPF;
- b) Delivery of 6 affordable housing units; and
- c) Retention and reinstatement of Netteswell Hall – securing the long term future of this building.

On this basis, the proposal would be in accordance with policies PL1, H2 and PL12 of the HLDP.

## CONCLUSIONS:

The proposal is considered acceptable in terms of access, parking and highway safety; ecology, flooding, archaeology and waste, subject to conditions. The impact of the proposal on the amenity of the surrounding occupiers is also considered to be acceptable.

It is considered that the proposal would result less than substantial harm to the Conservation Area and non-designated heritage asset which would be outweighed by the benefits of the scheme. The re-use of this site for housing should be given significant weight. The scale of development and the detailed design would strengthen, enhance and protect local character. The verdant appearance of the site would be retained. On this basis, the scheme is recommended for grant.

## RECOMMENDATION

That Committee resolve to AGREE to delegate the decision to the Head of Environment and Planning to GRANT PLANNING PERMISSION subject to:

- (i) The applicant entering into an appropriately worded Section 106 Legal Agreement to secure the following:
  - a) 6 units of affordable housing; and
  - b) A financial contribution of £2,040 towards biodiversity in the locality.
- (ii) And the following conditions:

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

**REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. No development shall take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by this Local Planning Authority.

**REASON: In order to ensure development is implemented in accordance to the principles of presumption in favour of sustainable development and to accord with Policy PL3 and SD1 of the Harlow Local Development Plan (Adopted December 2020).**

3. No development shall take place on site, including site clearance, tree works, demolition or any other works, until details relevant to the safe retention and protection of trees are submitted within an Arboricultural Method Statement (AMS) in accordance with current BS5837 recommendations. Following written approval of the AMS the development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority. The AMS shall include a detailed Tree protection plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safe guard all retained vegetation.

The AMS shall include details such as level changes, demolition and construction techniques, location of services and drainage, design detail of structures, foundations and the control of potentially damaging operations such as burning, storage and handling of

materials and access and parking of vehicles during construction. Details of supervision at key stages of development will also be included.

**REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with those policies of the Development Plan set out in the attached Informative.**

4. No development, including site clearance, tree works, demolition or any other works, shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- Measures to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction process;
- Measures to demonstrate how dust production during the demolition and construction process is kept to a minimum.

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

**REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, and to ensure that noise and dust are controlled during demolition and construction in accordance with policies IN2 of the Harlow Local Development Plan, December 2020 and the Highway Authority's Development Management Policies. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.**

5. Notwithstanding the details provided in the application, no development shall take place until comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, doors, soffits and guttering. The development shall thereafter be carried out in accordance with the approved details.

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

6 No development shall take place until a detailed landscape scheme shall be submitted to the local authority for approval and shall be implemented during the next planting season following completion of the development. The scheme shall include all hard and soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare, and a programme of maintenance for a period of 3 years following completion of the scheme.

**REASON: To comply with the duties indicated in Section 197 of The Town and Country Planning Act 1990 and with those policies of the Development Plan set out in the attached Informative so as to ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity.**

7. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year and 1 in 100 year rainfall events.
- Provide sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building, utility plant susceptible to water within the development.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change event.
- Structural calculations are demonstrated for all load bearing elements of the proposed scheme including permeable pavement and geocellular tank.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- **To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.**
- **To ensure the effective operation of SuDS features over the lifetime of the development.**
- **To provide mitigation of any environmental harm which may be caused to the local water environment**
- **Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.**

8. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

**Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.**

9. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

**Reason**

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

10. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

**REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.**

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

**REASON: To promote tenure mix and ensure the suitable provision of Affordable Housing.**

12. A minimum of 10% of the market dwellings and 15% of the affordable dwellings hereby approved shall comply with Building Regulations Optional Requirement Approved Document M4(3) Category 3: Accessible and adaptable Wheelchair User dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**REASON: To ensure that accessible housing is provided.**

13. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include travel vouchers/season tickets for use with the relevant local public transport operator or rail operator.

**REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy IN1 of the Harlow Local Development Plan, December 2020.**

14. 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.**

15 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 and the character of the Conservation Area, in accordance with policies PL2 and PL12 of the Harlow Local Development Plan, December 2020.**

16 No preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**REASON: In the interest of protecting and conserving any archaeological assets in compliance with PL12 of the Harlow Local Development Plan, December 2020.**

17 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.**

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

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

19. No construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0800-1830 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.**

20. Notwithstanding the approved plans, prior to the commencement of any works above ground level, a refuse and recycling scheme, including elevational drawings of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the phase of the development to which the refuse and recycle storage relates.

**REASON: To ensure waste collections can be undertaken appropriately and in the interests of the character and appearance of the area in accordance with policy PL1 of the Harlow Local Development Plan, December 2020.**

19 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 .

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
12/053/A/002	A	Existing Site Plan	16.10.2020
12/053/A/003		Existing Floor Plans (Main House)	06/08/2020
12/053/A/004	E	Proposed Site Plan	09.02.2021
12/053/A/010		Proposed Floor Plans (Main House)	06/08/2020
12/053/A/011	B	Demolitions Site Plan	09/02/2021
12/053/A/012		Existing Site Sections (A to H	23/12/2020
12/053/A/013		Existing Site Sections (I to K and 08 to 10)	23/12/2020
12/053/A/014		Existing Site Sections (01 to 07)	23/12/2020
12-053-A-204		Proposed Plans and Elevations	09.02.2021
	Contemporar y 2 Bed		
12-053-A-015	A to H	Proposed Site Sections	09.02.2021
12-053-A-016	I to K 8 to 10	Proposed Site Sections	09.02.2021
12-053-A-017	01 to 07	Proposed Site Sections	09.02.2021
12/053/A/001	--	Location Plan	06.08.2020
12/053/A/002	C	Existing Site Plan	31.12.2020
	Rev 3	Tree Protection Plan	26.03.2021
12/053/A/201	A	Proposed Plans and Elevations Detached	20/01/2021
12/053/A/202	A	Proposed Plans and Elevations – Semi-detached	20/01/2021
12/053/A/203	A	Proposed Plans and Elevations Terraced	20/01/2021
Tree Protection Plan		Tree Protection Plan	31/03/2021

## **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.

LOCATION PLAN

NOTE: THIS DRAWING MUST NOT BE SCALED.  
ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR AND ANY DISCREPANCIES ARE TO BE REPORTED BACK TO THE ARCHITECTS, BEFORE WORK COMMENCES.



PROPOSED SITE PLAN -



PROPOSED ELEVATIONS - DETACHED

The image displays architectural drawings for two types of detached houses, labeled 'type 01' and 'type 02'. Each type includes a ground floor plan, a first floor plan, a roof plan, and four elevations: front, side, rear, and another side. Type 01 features a gabled roof and a front porch. Type 02 features a gabled roof with a chimney and a front porch. A 3D perspective rendering is provided for each type. A 'NOTES' section is located to the right of the type 01 drawings, and a 'SCHEDULE OF MATERIALS' is located to the right of the type 02 drawings. The 'SCHEDULE OF MATERIALS' for type 02 lists: roof (dark roof tile), facade/cladding (grey bar), walls (brickwork with contrasting feature panels (brown coloured)), windows (aluminium double glazed windows (grey)), entrance doors (composite fibre (white) (grey) (grey)), and rear doors (aluminium double glazed doors (grey) (grey)).

**NOTES:**  
 with treatment  
 as explained  
 in the schedule  
 of materials

**SCHEDULE OF MATERIALS:**  
 roof: dark roof tile  
 facade/cladding: grey bar  
 walls: brickwork with contrasting feature panels (brown coloured)  
 windows: aluminium double glazed windows (grey)  
 entrance doors: composite fibre (white) (grey) (grey)  
 rear doors: aluminium double glazed doors (grey) (grey)

**PROJECT:** Project No: HW/FUL/20/00378  
 Name: Detached  
 Date: 12/11/2020  
 DRAWING: 003/00378.DWG

**architecture & design services ltd.**

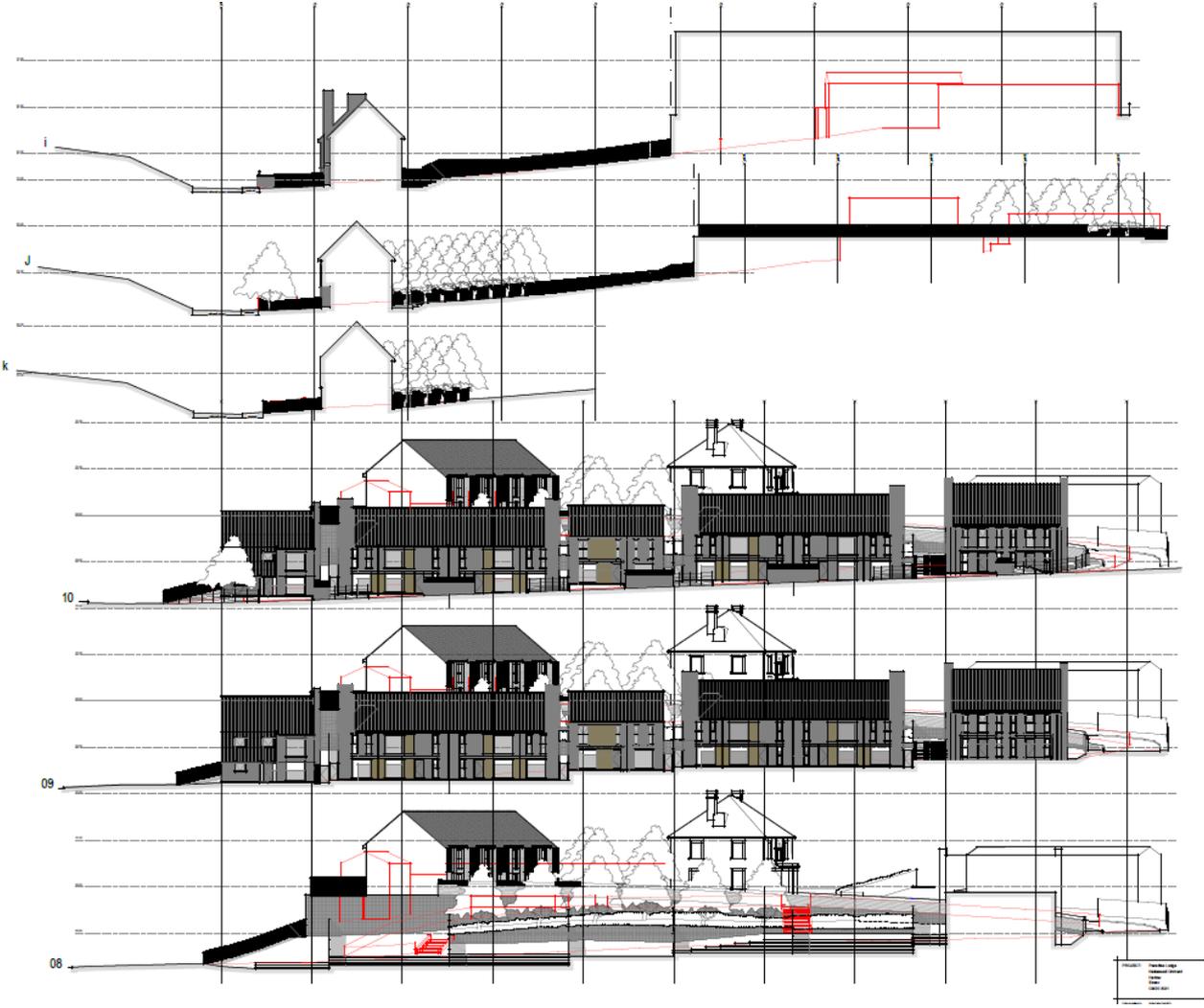
PROPOSED ELEVATIONS – SEMI-DETACHED



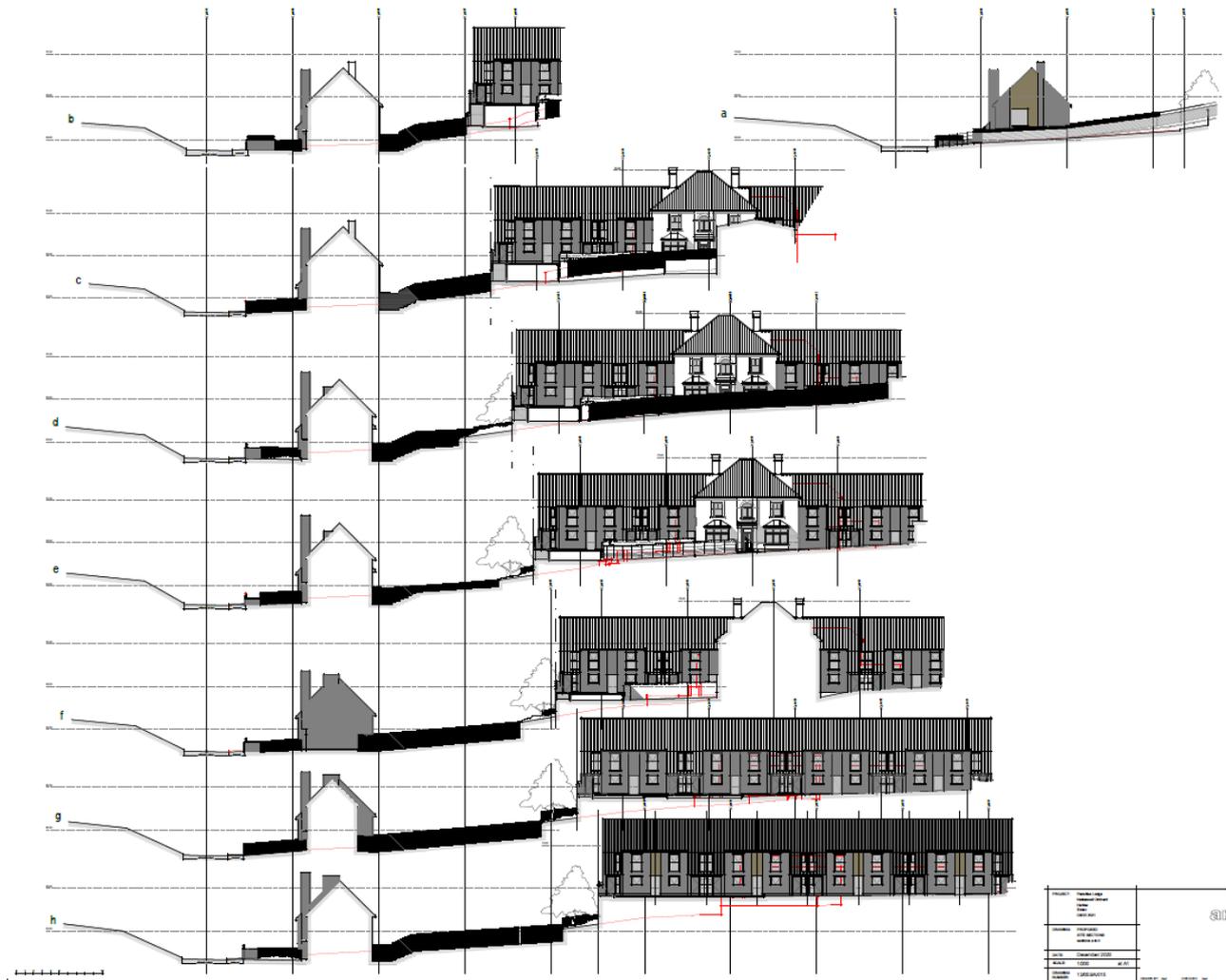




SITE SECTIONS – TWO



SITE SECTIONS - THREE



**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**14<sup>th</sup> April 2021**

**REFERENCE:** HW/FUL/20/00611

**OFFICER:** Jade Clifton-Brown

**APPLICANT:** Mr and Mrs Harten

**LOCATION:** 47 Hart Road  
Harlow  
Essex  
CM17 0HL

**PROPOSAL:** Proposed demolition of existing bungalow and the erection of a replacement dwelling house.

**LOCATION PLAN**



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**REASON BROUGHT TO COMMITTEE:** More than 2 representations have been received which are contrary to the officer's recommendation.

## **Application Site and Surroundings**

The application site is located on Hart Road which is residential in nature comprising a range of housing types of varied design. The application site comprises a dilapidated chalet bungalow with landscaping and one parking space to its front with a garden to its rear. The application site is not located within a Conservation Area and is not a Listed Building.

To the west of the application dwelling is no.45 which is a bungalow with side box dormer windows at first floor level, and to the east is no.49 which is a two-storey dwelling. Hart Road slopes from west to east meaning that the application dwelling is located on a lower land level than no.45 and a higher land level than no.49.

## **Details of the Proposal**

The application seeks planning permission to replace the existing bungalow with a two storey dwelling (4 bedrooms). The proposed dwelling would be 9.1m in width and would include a depth of 14.3m at ground floor level and 13m at first floor level. Amended plans reduced the depth of the proposed dwelling at both levels to its current depth. The proposed dwelling would include a hipped roof with fenestration on all elevations with a porch with a pitched roof over.

The proposal would also widen the existing access to create 3 parking spaces within the front curtilage.

## **RELEVANT PLANNING HISTORY:**

There is no relevant planning history.

## **CONSULTATIONS**

### **Consultees**

#### **HDC- Consultant Tree Officer**

No objection subject to condition:

Following a site visit to assess any potential arboricultural constraints on 11th January 2020, it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan. Specifically, the site does not appear to contain trees close to the development site, and therefore the demolition and erection of a dwelling is unlikely to have a direct impact.

However, there are trees around the boundaries either on the application site or neighbouring gardens which may be affected during development if methods on site do not follow guidelines to protect trees.

Therefore, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process but it will be necessary for the issued decision notice to ensure that the proposed development will be supported by a fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. The AMS will need to be provided as a pre-commencement planning condition.

#### **HDC - Cleansing and Environment**

No comment received.

## **Essex County Council – Highways**

No objection:

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020.

Informative:

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.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 27

Total Number of Representations Received: 17

Date Site Notice Expired: 5 February 2021

Date Press Notice Expired: 4 February 2021

## **Summary of Representations Received**

17 representations have been received of which 10 are objections. A summary of the representation received is below:

### Objection

- The sun comes round the west side of no.49 and a great deal of light enters the kitchen and upstairs hallway and garden. The new build would sit to the west of no.49 and would change the level of light in the property
- The proposed dwelling would significantly extend beyond the rear of no.49 which would affect light to its north elevation and would overwhelm and cause a burden to this property.
- The existing as-built situation has been in place for 20+ years so there has been a right to long term enjoyment of neighbouring properties.
- It would affect the privacy of the back gardens of neighbouring properties.
- The 45 degree rule should be considered to assess overshadowing.
- Amended plans should be provided to avoid a negative impact on the light and enjoyment of neighbouring properties.
- The proposed development is far too big for the land it sits on.
- The proposal includes a very large house which would dwarf both its neighbours.
- The proposal would result in another bungalow disappearing from Hart Road.
- The proposed dwelling would not be in keeping with neighbouring properties or properties in the street by way of size.
- The proposal would result in disruption to the street with various work vehicles for month and months without any parking.
- No.43 should not set a precedent for development as the neighbour to the east of no.43 did not object to that proposal.

### Support

- The bungalow has deteriorated and is now an eyesore.
- There have been several new houses and improvements to older existing ones which benefited the area.
- A new property will enhance the road as others have done, in particular number 43 which was a great improvement.

- There are a number of on-going projects and developments in Old Harlow at the moment which benefit residents.
- The proposal would improve the road and area and would raise the standard of the properties which would make them more sellable.

## **PLANNING POLICY**

The relevant policies of the Harlow Local Development Plan 2020 (HLDP) are:

SD1 - Presumption in Favour of Sustainable Development  
 PL1 - Design Principles for Development  
 PL2 - Amenity Principles for Development  
 PL3 – Sustainable Design, Construction and Energy Usage  
 PL7 - Trees and Hedgerows  
 PL8- Green Infrastructure & Landscaping  
 PL9- Biodiversity and Geodiversity Assets  
 PL10- Pollution and Contamination  
 PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems  
 H2 - Residential Development  
 H5- Accessible and Adaptable Housing  
 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)  
 Planning Practice Guidance (PPG)

## **Summary of Main Issues**

The main issues in consideration are the principle of the proposed development and its impact on the impact on the character and appearance of the surrounding area, amenity and parking.

### Principle of development

Policy H2 of the Harlow Local Development Plan 2020 (HLDP) states that residential development, including infill development, must not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings. In addition, policy H2 states that development should make provision for waste storage and collection, should provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The proposal would not prejudice the development of adjacent land i.e. it would not impact a housing site allocated by the HLDP, and the impact on the character of the locality, the appearance of the street scene, neighbouring amenity and refuse storage and collection shall be assessed below.

### Impact on the character and appearance of the surrounding area

Policy PL1 of the HLDP states that a high standard of urban and architectural design is expected for all development. Policy H2 of the HLDP states that development should not have an unacceptable adverse effect on the character of the locality or the appearance of the street scene.

The Harlow Design Guide SPD states that development should positively respond to the prevailing character of the area and should not represent overdevelopment. The SPD further notes that new buildings should be of a similar design, scale, massing and height to the surrounding buildings with similar plot widths.

The proposal would result in the loss of a bungalow within the streetscene. Whilst its loss is noted, the application site is not located within a Conservation Area and the application dwelling is not a Listed Building, and therefore the refusal of the application on this basis would not be considered justified.

The proposal would replace the bungalow with a two-storey dwelling which would be in keeping with the residential nature of the area. It is noted that the proposed dwelling at two-storeys would be 1.7m higher than the existing bungalow however, there are other two-storey dwellings located within the immediate vicinity including opposite the site and adjacent to the site (no.49) which are of similar heights. It is therefore considered that the proposed height and two-storey nature of the proposal would be in keeping with the character and appearance of the streetscene.

The proposed dwelling would be 0.5m higher than no.49 which would follow the natural slope of the road. However, the proposed dwelling would be 2.4m higher than no.45 which would not follow the natural flow of the slope of the road i.e. the application dwelling should be on a lower land level to this neighbour. However, there are other examples of this happening along the same slope including no.49 which is taller than the existing application dwelling and no.43 which is taller than no.41. These examples also demonstrate that there are bungalows positioned adjacent to two-storey dwellings along the road as per the proposed dwelling with the adjacent bungalow at no.45.

It is noted that the proposed dwelling would be 0.6m wider than the existing dwelling which would be of a greater width than no.45 and no.49 which range from 7m to 8.5m. However, dwellings with similar or larger widths are located opposite and along Hart Road and its proposed width would not therefore be out of keeping with the streetscene. In addition, the proposal includes spacing either side of the proposed dwelling which would create a more open feel to the plot which currently includes a structure, the dwelling and the side access gate spanning the width of the plot when viewed from the streetscene. The proposed spacing to the boundaries would also be similar to those evident within the streetscene.

Amended plans received reduced the depth of the proposed dwelling, and whilst it would be deeper than the existing dwelling, and deeper than no.49, it would be similar in depth to no.45 and to other properties along the road. Its proposed depth is therefore considered to be acceptable.

Its proposed design is considered appropriate given the eclectic nature of properties along the road. The submitted application form confirms that the proposed materials include painted render and a tiled roof which would be similar to those existing. Also, the proposed windows doors (UPVC and alluminum) would modernise the site and would be similar in appearance to those evident within the streetscene. However, the overall information in relation to materials is limited and therefore it would be considered appropriate for a condition to be added to any consent granted requiring materials to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The proposal would expand the existing parking provision within the front curtilage which would result in the loss of the existing grassed area and shrubs. However, the proposed parking area could be undertaken without planning permission subject to the materials used being permeable. Taking this into consideration and given the existing parking provision and evidence of other parking front forecourts within the immediate vicinity, the proposed forecourt is considered acceptable in this circumstance.

The proposal is therefore considered to be in keeping with the character and appearance of the area, in compliance with policies PL1 and H2 of the HLDP and the Harlow Design Guide SPD.

### Residential Amenity

Policy PL2 of the HLDP states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours will be supported.

#### *Future Occupants*

The proposed dwelling would meet the nationally described space standards and would include windows on all elevations, and it is considered that the proposed garden size would be suitable to serve it. It is therefore considered that the proposed dwelling would include appropriate indoor and outdoor amenity levels for future occupants.

#### *No.45*

The proposed dwelling would not project past the front of no.45 but would project marginally past its rear elevation at 0.2m. The projecting section would be single storey and would be partially screened by boundary fencing and set off the shared boundary with this neighbour by 0.2m which would prevent it from becoming overbearing to the neighbouring occupiers of no.45.

The proposed dwelling would be visible from the first floor side window of no.45. Whilst the proposed dwelling would be taller than no.45 and taller than the existing dwelling, it would be set 0.5m further away at a distance of 3.4m which would prevent it from becoming overbearing. Also, the proposed outlook from this window would be of the side and roof of the proposed dwelling which is comparable to the existing which includes the side roof of the application dwelling. It is not therefore considered that the proposal would become overbearing or significantly alter the outlook from this window.

There would be two windows on the side elevation facing this neighbour which would be small scale and would serve non-habitable rooms (bathrooms). The window at ground floor would be obscured by the boundary fencing but it is considered appropriate for a condition to be added to any consent granted requiring the first floor window to be obscure glazed and non-opening above 1.7m to prevent overlooking in the interest of neighbouring amenity.

The impact on light/overshadowing of both neighbouring properties shall be assessed in a separate section in the assessment below.

#### *No.49*

It is noted that the proposed dwelling would be positioned on a higher land level to no.49 and that it would be positioned 0.7m closer than the existing.

Amended plans received reduced the proposed dwelling by 1m in depth at ground and first floor level to prevent the proposal from becoming overbearing to no.49. The proposed dwelling would extend 3.7m beyond the rear elevation of no.49 (including 2.4m at two-storey level) at a distance of 2.8m from this neighbour. It is considered that the reduction in depth and distance from the dwelling would help to prevent it from becoming overbearing. It is however considered that a condition should be added to any consent granted to remove

permitted development rights in relation to alterations and extensions to the property to prevent any further impact to this neighbouring dwelling.

The proposal would double the number of side windows facing no.49 compared to the existing dwelling and would include a door facing this neighbour. However, the proposed windows on the side elevations (and door) would serve non-habitable rooms and the ground floor windows would be screened by boundary fencing which would prevent overlooking. As above, it is however considered appropriate for the first floor side windows to be obscure glazed and non-opening above 1.7m to prevent overlooking in the interest of neighbouring amenity.

The proposed windows on the front and rear elevation would serve bedrooms which would overlook the front driveway and the rear garden of the application site. It is not therefore considered that these windows would result in overlooking of the neighbouring properties.

### Daylight & Sunlight

The standard way of assessing the impact on sunlight and daylight is through the methodology set out in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' 2011. The application is supported by a Daylight and Sunlight Study based on the BRE tests.

It should be noted that the Daylight and Sunlight Study was undertaken before the amended plans were submitted which reduced the depth of the proposed dwelling.

### Diffuse Daylight

Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky. Diffuse daylight calculations should be undertaken to all rooms within domestic properties, where daylight is required, including living rooms, kitchens and bedrooms.

The BRE guide contains two tests which measure diffuse daylight:

#### 1. The Vertical Sky Component

Diffuse daylight is measured by The Vertical Sky Component which is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component (VSC) is both less than 27% and less than 0.8 times its former value.

The Daylight and Sunlight Study sets out that the small section of the ground floor bay window and first floor side window at no.45 would receive 0.9% and 3.5% less diffuse daylight respectively than the existing circumstance. However, the level of diffuse daylight would still be acceptable as it would meet the VSC test i.e. the VSC would not be both less than 27% and less than 0.8 times its former value.

The Daylight and Sunlight Study sets out that the front windows and ground floor rear windows at no.49 would meet the VSC test. The first floor rear windows (bedrooms) would receive 1- 2.7% less light but would still meet the VSC test. The side windows (serving the hallway and kitchen) would be most impacted with a VSC between 8.8%-15.8% at less than 0.8 times their former value. This means that the two side kitchen windows (windows 6 & 7) would receive 16%-17.2% less light compared to the existing circumstance. However, it should be noted that this situation would have improved following the submission of amended plans.

All habitable windows would pass the Vertical Sky Component test which means that any reduction to diffuse daylight would not be noticeable and would be within the guidance set out in the BRE standards.

## 2. Daylight Distribution

The Daylight Distribution test measures the distribution of daylight within a room which can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

The Daylight Distribution test could not be undertaken as the room layouts of the neighbouring properties are unknown and because the test is very sensitive to the size and layout of the room, the results could be misleading.

### Sunlight

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The BRE guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight.

The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
- receives less than 0.8 times its former sunlight hours during either period and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Daylight & Sunlight Study concludes that all windows with a requirement for sunlight on the neighbouring properties pass the above test except for the side kitchen window (window 6) at 49 Hart Road.

However, the BRE guide acknowledges that where existing buildings sit close to the common boundary (as with 49 Hart Road) a higher degree of obstruction may be unavoidable. The guide explains that where existing neighbouring buildings sit close to the boundary, alternative sunlight targets may be applied. The alternative sunlight targets are derived by calculating the level of light that the windows would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary. The side kitchen window (window 6) surpasses the alternative sunlight targets.

### Overshadowing- Garden

The BRE guide recommends that at least 50% of the gardens of no.45 and no.49 should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

The Daylight & Sunlight Study demonstrates that there would be a 0% loss of light to the garden of no.45. The proposed dwelling would result in 21% of the garden of no.49 being overshadowed but this would not be less than 0.8 times its former value. It should however be noted that the level of light would have increased following the submission of amended plans which reduced the depth of the proposed dwelling.

### *Conclusion*

All neighbouring windows serving habitable rooms pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.

The Sunlight & Daylight Study concludes that the proposed development will have a low impact on the light receivable by its neighbouring properties, and notes that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. The amended plans received which reduced the depth of the proposed dwelling would have improved the results.

The proposal would not therefore become overbearing or result in a significant loss of sunlight and daylight, privacy, or outlook to the amenity of adjoining neighbours which would be in accordance with policy PL2 of the HLDP.

### Waste

Policy H2 of the HLDP states that proposals should make adequate provision for waste storage and collection. The proposal does not provide details in terms of refuse storage however the forecourt or side access has potential to provide adequate provision for this purpose which can be secured via a planning condition.

### Parking & Highways

Policy IN2 of the HLDP indicates that proposals should not result in adverse impacts to the highway or highway users. Policy IN3 of the HLDP states that parking must be provided in accordance to the adopted Essex Vehicle Parking Standards. According to this standard a dwelling with more than two bedrooms would require two off street parking spaces to be provided.

The proposal would provide three parking spaces in the forecourt. The arrangement has been assessed as acceptable by Essex County Council's Highways team who recommend an informative to ensure works are implemented according to their standards.

It is noted that the representation received raised concern in relation to construction traffic. It is reasonable to expect construction traffic to enable development but it is considered appropriate that a Construction Method Statement be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work in the interest of highway safety.

Therefore the proposal is considered to accord with policies IN2 and IN3 of the HLDP.

### Trees

There are trees around the boundaries either on the application site or within neighbouring gardens which may be affected during development. The Council's consultant Tree Officer raises no objection to the proposal subject to a condition requiring an Arboricultural Impact Assessment (AIA) with mitigation measures to be submitted to and approved by the Local Planning Authority prior to the commencement of work. A pre-commencement condition shall be added to any consent granted requiring the submission of an AIA.

### Sustainable Construction and Water Efficiency

Policy PL3 seeks to reduce the impact of new development on the environment by ways of high standards of sustainable design and construction and efficient energy usage.

It is considered that pre-commencement conditions requiring an energy statement and water efficiency measures to be submitted to and approved by the Local Planning Authority would be considered appropriate.

## CONCLUSION:

The proposed development is not considered to result in adverse impacts to the character and appearance of the area and would not result in detrimental impacts to neighbouring amenity, parking and the highway, refuse collection or trees subject to conditions. The proposed development is therefore considered to be in compliance with the relevant policies within the HLDP and supplementary documents and is acceptable in principle. The application is therefore recommended for approval accordingly.

## RECOMMENDATION

**That Committee resolve to GRANT PLANNING PERMISISON 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 commencement of the development hereby an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by this Local Planning Authority.  
**REASON: In order to ensure development is implemented in accordance to the principles of presumption in favour of sustainable development and to accord with Policy PL3 and SD1 of the Harlow Local Development Plan (Adopted December 2020).**
- 3 Prior to commencement of the development hereby approved details of storage and collection of refuse shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented on site prior to first occupation of the development hereby approved.  
**REASON: In order to accord with Policy PL1 of the Harlow Local Development Plan 2020.**
- 4 Prior to the commencement of development, details 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.  
**REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.**
- 5 Prior to the first occupation of the development hereby approved details of the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations have been submitted to, approved in writing and implemented at site.  
**REASON: To minimise impact on the water environment according to Policy PL11 of the Harlow Local Development Plan 2020.**
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification) Schedule 2 Part 1 Class A, B, C, D and E, there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

**REASON: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies PL1, PL2 and H2 of the Harlow Local Development Plan 2020.**

- 7 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.**

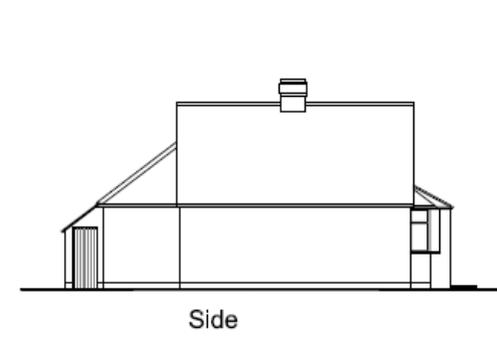
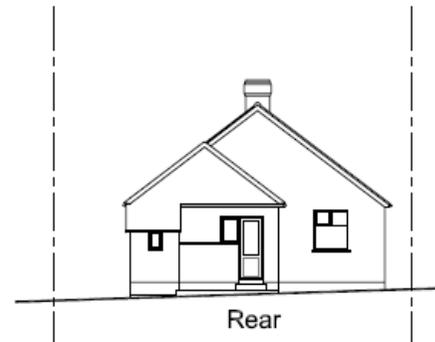
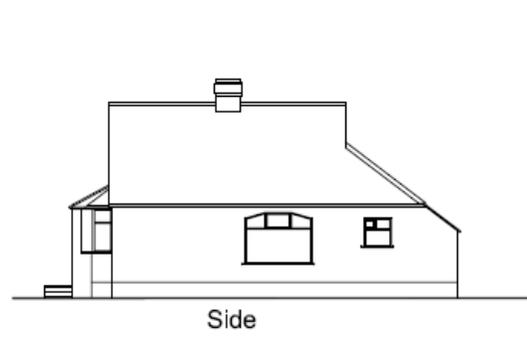
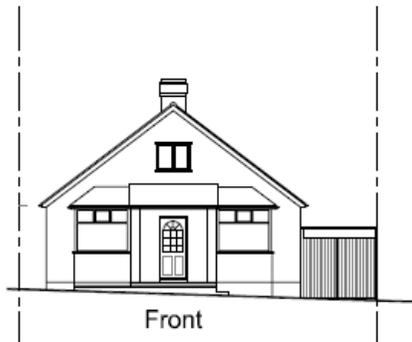
<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
20-251-03 Sheet 3 of 3	--	Existing & Proposed Street Scenes	04.03.2021
20-251-01 Sheet 1 of 3	Rev A (LOC/BLOCK )	Existing Plans and Elevations	04.03.2021
20-251-02 Sheet 2 of 3	Rev A	Proposed Plans and Elevations	04.03.2021

#### **INFORMATIVE CLAUSES**

1. 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.

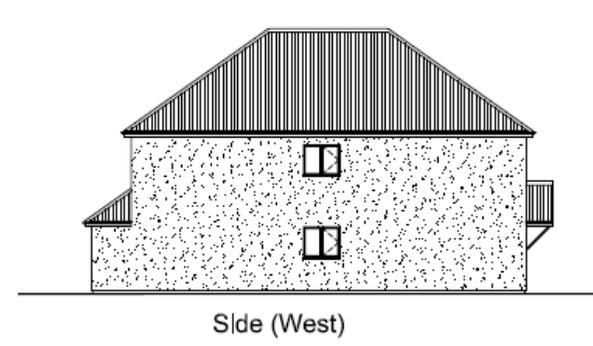
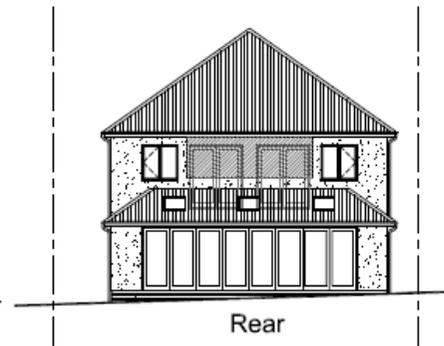
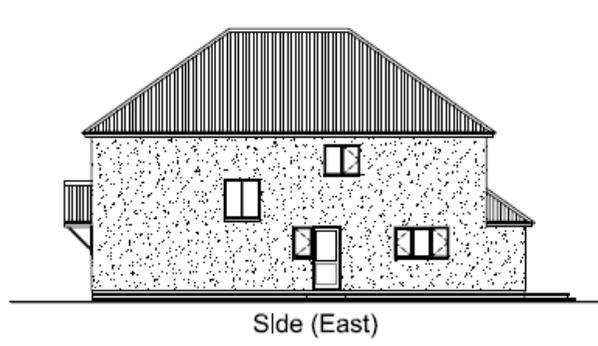
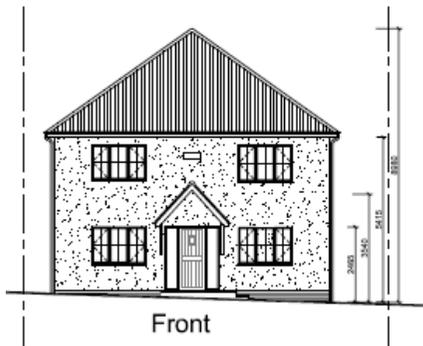
HW/FUL/20/00611- 47 Hart Road

Existing Elevations

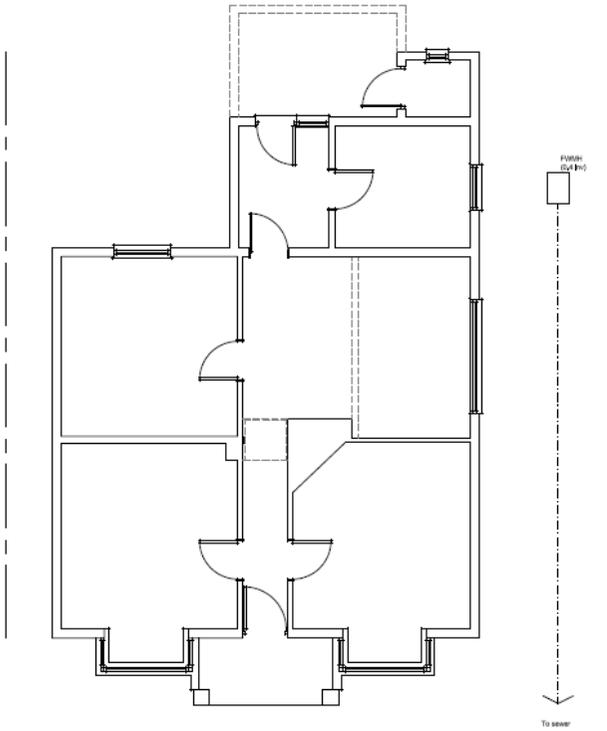


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Proposed Elevations

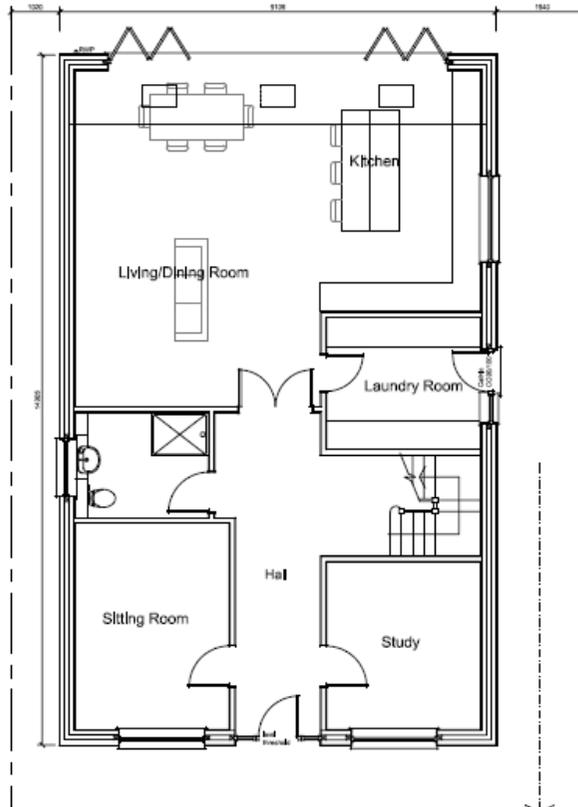


Existing Floor Plan

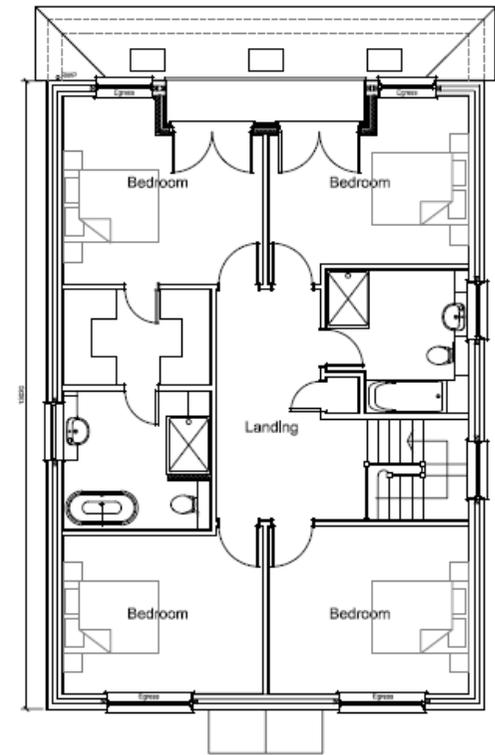


Proposed Floor Plans

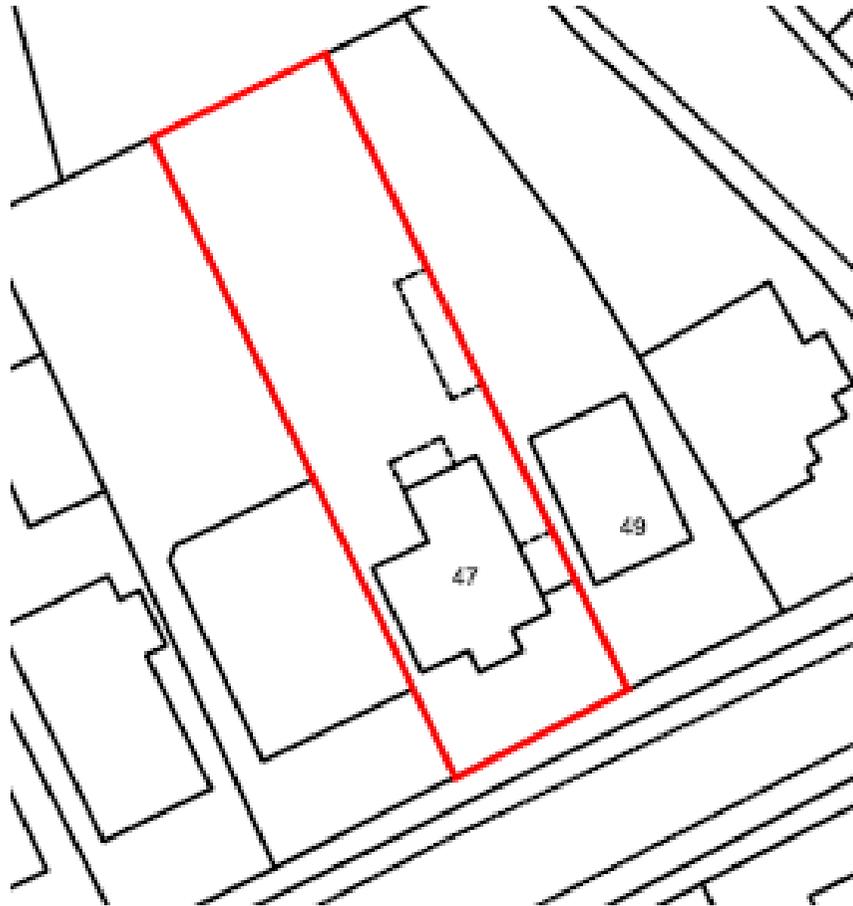
Ground Floor



First Floor

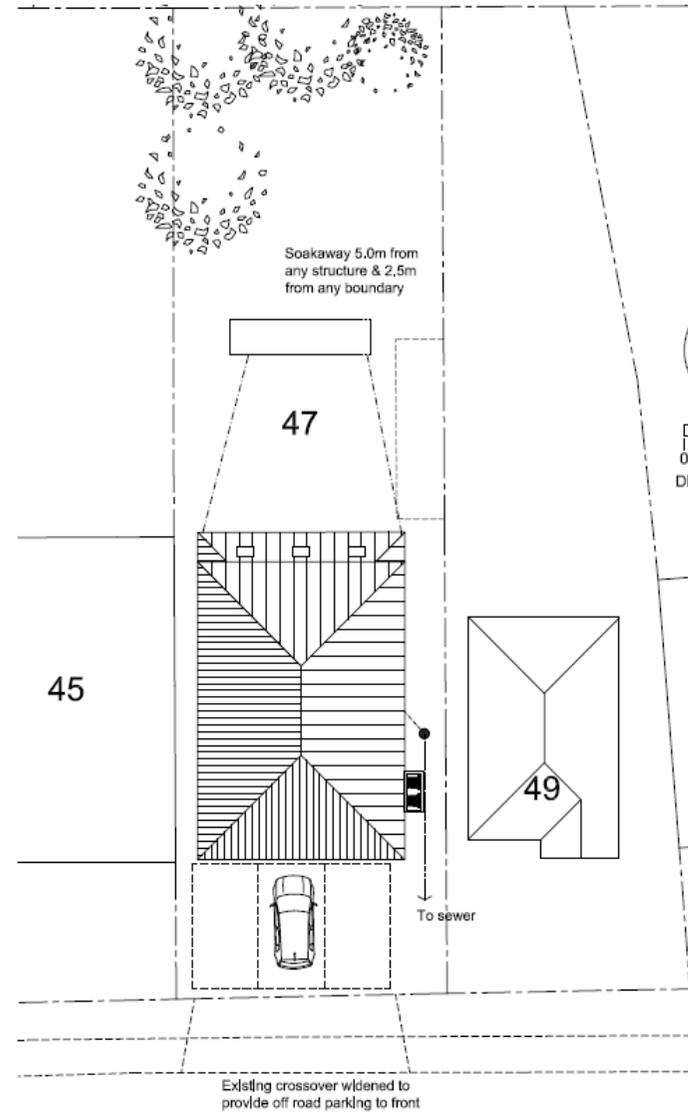


Existing Block Plan



54

Proposed Block Plan



Existing Streetscene



55

Proposed Streetscene



**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
14 April 2021

**REFERENCE:** HW/HSE/21/00009

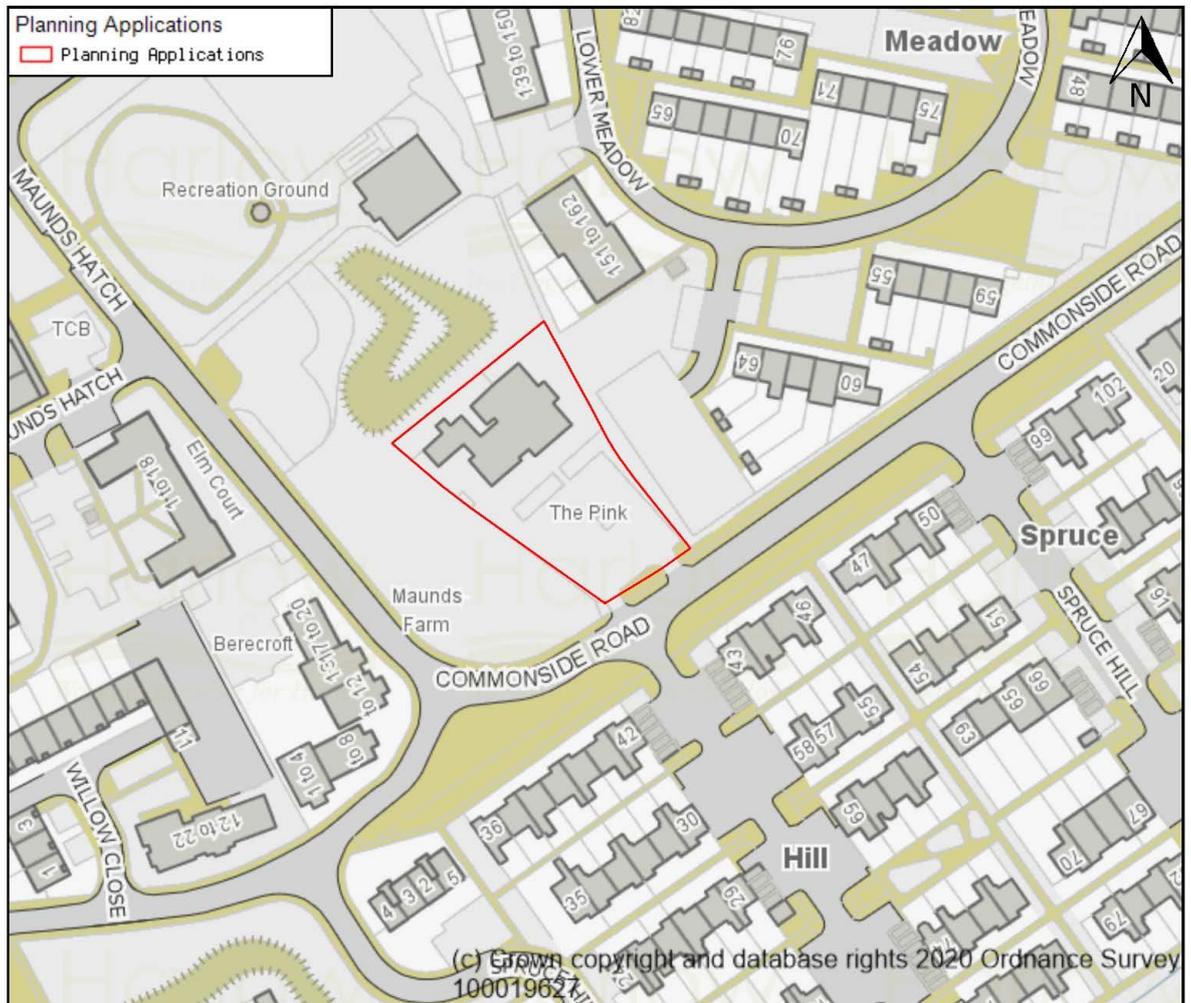
**OFFICER:** John Harrison

**APPLICANT:** Mr Ferhat Ozkan

**LOCATION:** The Pink Cottage, Commonsides Road, Harlow, Essex, CM18 7JB

**PROPOSAL:** Change of use and division of existing restaurant/takeaway into two units. One unit to be used as a takeaway and other to be a retail shop (Class E) with ancillary cycle and refuse storage.

**LOCATION PLAN**



**Reason brought to Committee**  
More than two objections received.

## **Application Site and Surroundings**

The application property is located at the western end of Commonside Road on the north-western side, close to the sharp bend where it becomes Maunds Hatch. The original property is a seventeenth century grade II listed cottage, but it has been significantly extended to the side and rear. The listing description reads:

“C17 house. Timber-framed of 2 storeys with fly-hipped peg-tiled ridged roof and 2 wings at the rear of full height. Central red brick chimney stack and another flanking the north east end wall. Plastered walls, and pairs of 6-pane wooden casements left and right on both storeys. The north-west end walls of the rear wings clad in black weatherboard.”

The authorised use of the extensions to the side and rear are as a restaurant and takeaway, though this part of the property is currently vacant. The authorised use of the original cottage is as a house of multiple occupation, apart from part of the ground floor which is used as a kitchen and staff toilet for the restaurant..

The building is set back from the road by 35 metres. The plot has a frontage of 22 metres, but it widens out to have a rear boundary 43 metres long. Its depth is 43 metres. The area in front is laid out as a car park.

To the south-east and north-west of the site is a recreation ground. To the north-east is the Lower Meadow housing estate with a row of trees separating the two. A former garage court is adjacent to the north-eastern boundary and the northern corner of the site is near a three-storey block of flats. The Spruce Hill housing estate is on the opposite side of the road.

## **Details of the Proposal**

The application relates to the commercial part of the building, not the part in residential use. The proposal is to change the larger part of it to a retail shop with the remainder a takeaway. The plans indicate the shop would be a grocery store. The application forms indicate the retail floor area would be 198 sq metres and the takeaway 64 sq metres.

There would be a storage unit for a single cycle to the rear of the building, for the use of staff. Cycle parking for customers is located close to the north-eastern boundary. The refuse storage comprises two 1,100-litre paladin units behind the building, but as these would be on wheels and regularly moved, it is not considered these fall within the definition of development so do not need planning permission. The shop opening hours given on the form are 7am to 11pm all days and the takeaway would be open from 11am to 11pm all days. The application plans show 12 parking spaces in the car park, two of which are for disabled people.

As originally submitted, the proposal included a car wash use and associated canopy in the car park and the takeaway being a restaurant and takeaway. The application has been amended to remove these two elements.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/ADV/21/00010	New internally illuminated totem sign and two externally illuminated shop (fascia) signs.	PCO	
93/00203	ERECTION OF TWO DETACHED FOUR BEDROOM DWELLINGHOUSES	REF	
93/00173	ERECTION OF 2 TWO STOREY FOUR BEDROOM DWELLINGHOUSES	REF	
HW/PL/09/00228	Installation of 2 No. Fascia Signs to Front and Rear Elevations and an Externally Illuminated Signpost on the Pavement at Point of Entry to the Site	GTD	16.11.2009
HW/PL/09/00053	Amended Description - Erection of Front Boundary Wall With Steel Gates And Railings And Erection of Awning And Canopy to The Front of The Restaurant	REF	24.04.2009
HW/PL/07/00148	Change of Use and Conversion of Store to Chinese Takeaway A5 Use	GTD	10.07.2007
HW/PL/05/00329	Construction of a New Single Storey Extension	GTD	25.11.2005
HW/PL/05/00328	Construction of a New Single Storey Extension	GTD	25.11.2005
HW/PL/05/00201	Construction of a New Single Storey Extension	REF	27.07.2005
HW/PL/05/00200	Construction of a New Single Storey Extension. Works to Include Demolition of Part of Existing Modern Building	REF	27.07.2005
91/00022	CHANGE OF USE OF BARN FROM FOOD STORAGE ANCILLARY TO RESTAURANT TO ADDITIONAL PREPARATION ROOM FOR PRE-BOOKED HOT FOOD DELIVERY SERVICE	GTD	21.03.1991

## CONSULTATIONS

### Internal and External Consultees

#### HDC Environmental Health Services

Please would you add an informatory note to this Planning Permission regarding the fire separation between the commercial and residential parts of the Pink Cottage must meet the minimum of 60 minutes fire resistance as required by Environmental Health Officer.

#### HDC - Cleansing And Environment

No Comment Received.

#### Essex County Council - Highways

Proposal is acceptable subject to a condition relating to parking and turning.

#### Heritage Officer Place Services

No objection to the dividing wall in the modern extension; scheme would be acceptable with omission of car wash canopy.

### **Essex Fire And Rescue Water Services**

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 22

Total Number of Representations Received: 5

Date Site Notice Expired: 19 February 2021

Date Press Notice Expired: 18 February 2021

### **Summary of Representations Received**

Five representations have been made. They raise the following comments:

- Too much traffic on the road, if cars are having to queue will be dangerous especially as children play area next to it.
- In the past when the restaurant is busy the small car park can not cope with the number of cars and the overflow onto the road which is on a significant bend and into the Spruce Hill area itself .. As people visiting either ignore are unaware they in the past park in front of garages and hardstandings so people who pay for them can not use them.
- The other environmental issue is has already been raised by myself to environmental health dept. Since work started there were a lot of fires the Pink Spice were having almost every day even on a Sunday.
- This site has attracted some antisocial behaviour in recent years and I would support any development that reduces this occurrence. I would however raise the following issues to be considered when granting planning permission for the proposals.
- There is currently a sign on the site advertising "express food centre ,express takeaway, express car wash, accommodations to let" The planning application makes no reference to accommodation. Inquiries should be made as to what type of accommodation is proposed to see if this is acceptable e.g. HMO and what facilities are being provided to facilitate this proposal e.g. refuse storage car parking etc.

## **PLANNING POLICY**

The relevant policies from the Harlow Local Development Plan 2020 are:

RS1 – Retail hierarchy

PL1 - Design Principles for Development PL2 – Amenity principles for development

PL7 - Trees and Hedgerows

PL8 - Green Infrastructure and Landscaping

PL10 - Pollution and Contamination

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

PL12 – Heritage assets and their settings

PR5 – The sequential test and principles for main town centre uses

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 Essex Parking Standards: Design and Good Practice (2009)

### **Summary of Main Issues**

Issues to be considered in dealing with this application are impact on the listed building, impact on neighbours, retail policy and parking and road safety.

#### **Impact on the listed building**

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the NPPF and in this case the tests are set out in paragraphs 195 and 196. If harm is less than substantial, the harm should be weighed against the public benefits.

The application is for a change of use. No external alterations to the building are proposed (apart from advertisements which are the subject of a separate application). Whilst a new internal wall will be constructed, this is in the modern part of the building so will not affect the character of the building as a listed one. The car wash and canopy use have been deleted from the application as they would have been detrimental to the setting of the Listed Building. The cycle parking proposed at the rear is a relatively small structure and is well concealed. It would not significantly harm the setting of the listed building. Therefore, the proposal would not result in harm to the listed building.

This building is currently vacant and it is desirable to bring it back into use as soon as possible as having an economically viable will ensure its long-term future. The proposal does not include the residential element of the building which is, of course, the architecturally significant element of it, but it is understood the new owner will be making a separate application for this in due course.

Policy PL12 of the Local Plan requires consideration of proposals against the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting and other criteria. The proposal does not harm the building and indeed will help ensure its long-term future. Thus, the proposal is considered acceptable in terms of this policy.

#### **Impact on neighbours**

The proposal is considered acceptable in terms of impact on neighbours and therefore policy PL2 of the Local Plan. It is unlikely that the proposal will generate significant noise from within the building, but there will be noise generated from activities around the building such as deliveries being unloaded and customers coming and going. This will affect the houses opposite the site entrance most. The property already has a restaurant and takeaway use and the proposed retail and takeaway uses are not likely to generate significantly more noise, especially as the retail use is likely to have less late-night activity. At the moment the only hours restriction on the use is the takeaway should only operate between 7am and 11pm Monday to Saturday with no use permitted on Sundays and public holidays. The applicants propose Sunday opening and therefore a prohibition on Sunday trading cannot be imposed. Given the hours set down on the application, a condition restricting both the retail and takeaway uses to 7am to 11pm is recommended for all days except that the takeaway should not operate before 9am on Sundays.

### **Impact on the Vitality and Viability of Town Centres**

Policy RS1 sets out the retail hierarchy with the Hatches serving specific local needs and providing for a range of community services. Policy PR5 details this policy further in that main town centre uses should be directed to town centres including hatches unless there are no suitable or available sites.

The proposal would be 198 square metres and would be located 150 metres from the Maunds Hatch. A sequential test has been submitted that demonstrates that the proposed use cannot be located within Maunds Hatch.

Given the limited size of the proposed shop and the location being so close to the existing hatch, the proposed use would serve local needs and would add to competition to the existing convenience shop within the hatch. On this basis the proposal would not result in harm to the vitality and viability of Maunds Hatch. The proposal would therefore be in accordance with policies RS1 and PR5 of the HDLP.

### **Road safety and parking**

Essex County Council as Highway Authority have no objection to this application. There is an adequate area for parking and unloading in front of the store and the junction onto the road network is adequate. Although only 12 parking spaces are shown on the plan, the layout of the parking area is such that if more vehicles come to the site they could still park albeit not in one of the marked bays. The proposal is therefore considered to be acceptable in terms of policies IN2, IN3 and PR5 of the Local Plan..

### **Other issues**

The proposed retail use is in the new Class E Use Class (the takeaway is not in any use class). This covers a wide range of uses including offices, light industry, nurseries and gyms. It is open to the Council to restrict the range of uses permitted on an application for a Class E Use by condition, but government advice is that this should only happen when there are exceptional circumstances. In this instance the property has a relatively large car park and is not particularly close to residential properties. Thus, no need is seen for such a condition in this instance.

## **CONCLUSIONS**

It is important to ensure that this listed building is brought back into use as soon as possible. This proposal benefits the listed building in terms of bringing it back into use. The proposal is considered acceptable in terms of amenity impact, retail policy and road safety and parking. It is therefore recommended for approval.

## RECOMMENDATION

Granted 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 the retail use, the cycle parking provision shown on the approved plans shall be made as shown on the plans. This provision and the parking area in front of the premises shall be retained in perpetuity for the development.  
**REASON;:** In the interests of road safety and the free flow of traffic.
  
- 3 The retail use shall only operate between the hours of 7am to 11pm on all days and the takeaway 7am to 11pm on weekdays and 9am and 11pm on Sundays.  
**REASON:** To protect the amenity of the occupiers of nearby residential properties.
  
4. Prior to the first occupation of the development the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.  
**Reason:** To ensure that appropriate parking and turning is provided.
  
- 5 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.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
CR-0412-EGFP	--	Existing Ground Floor Plan	11.01.2021
CR-0412-EPFE	--	Existing & Proposed Front Elevations	11.01.2021
	--	Location Plan	11.01.2021
CR-4012-EPSE	--	Existing and Proposed Side Elevations	15.01.2021
CR-0412-PBP	--	Proposed Block Plan	16.02.2021

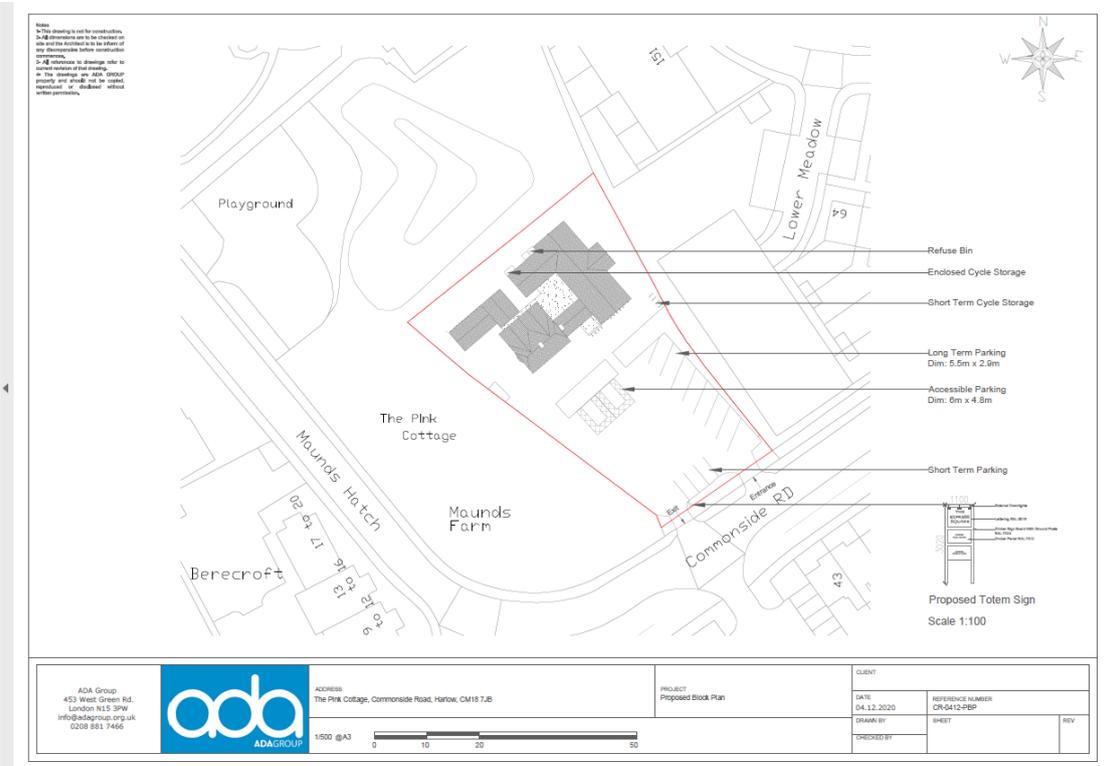
**INFORMATIVE CLAUSES**

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

2. Acceptable construction hours are between 8.00 and 18.30 on Mondays to Fridays and 8.00 and 13.00 on Saturdays. No construction work should take place or plant operated outside these hours.

3. It will be necessary to have 60-minute fire resistance between the residential and commercial elements of the building.

BLOCK PLAN



PROPOSED GROUND FLOOR

