

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
16 January 2018

REFERENCE: HW/FUL/18/00144

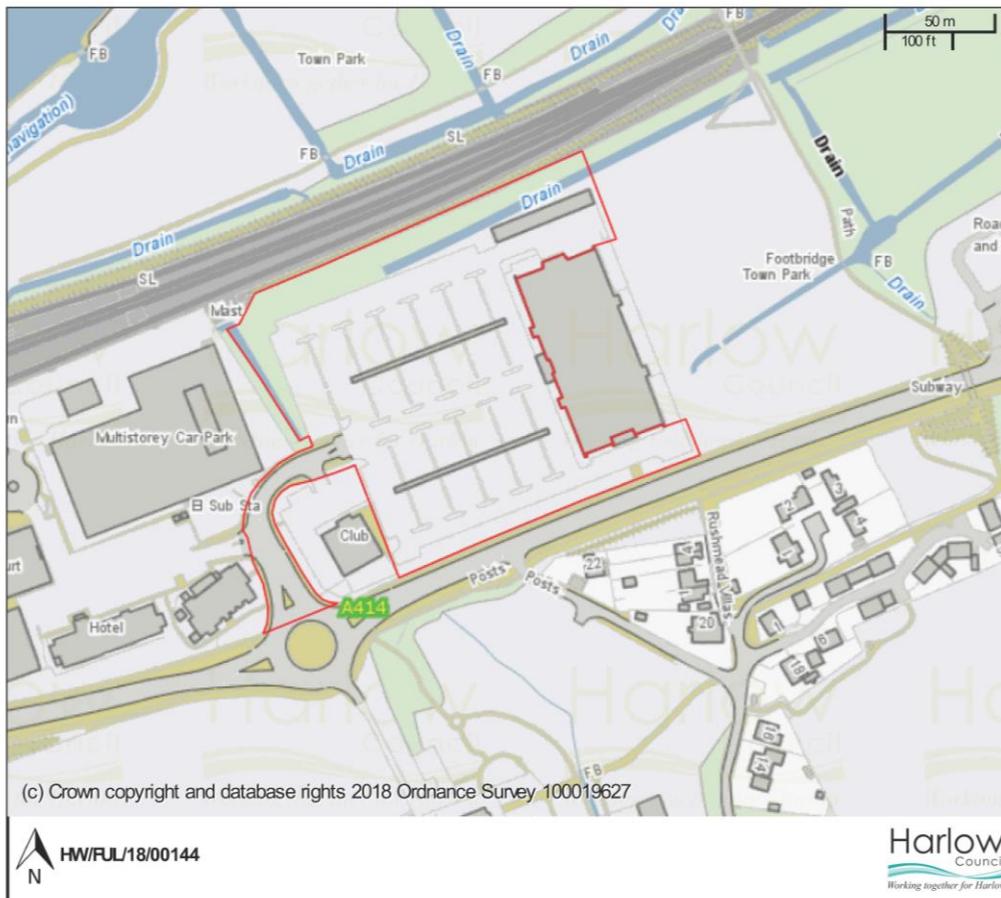
OFFICER: Jade Clifton-Brown

APPLICANT: Mr D Poole

LOCATION: Edinburgh Gate Car Park
Edinburgh Gate
Harlow
Essex

PROPOSAL: Redevelopment of existing car park associated with former Pearson House. Erection of two blocks of between 2- 11 storeys in height comprising 361 dwellings including ground and first floor car parking together with associated development including podium and ground floor amenity space, landscaping, surface car parking, new pedestrian links, cycle and refuse stores.

LOCATION PLAN:



REASON FOR COMMITTEE: More than two objections received which are contrary to the officer's recommendation.

Application Site and Surroundings

The application site is located to the north of Edinburgh Way and comprises approximately 2.2 hectares of land. The site includes the car park serving Pearson House.

Pearson House won the Non-Residential Design Award at the Harlow Architectural Design Awards in 2016. The building is six storeys in height and is being converted into 250 dwellings under prior approval application HW/COUOR/17/00295. A roof extension to provide a further 8 dwellings was granted planning permission under application reference HW/FUL/17/00562, and is also currently under construction. Pearson House is not located within the application site but forms part of the eastern site boundary.

The car park accommodates 524 car parking spaces. Prior approval was not required for the conversion of Pearson House on the basis of 260 car parking spaces being provided for the prior approval dwellings. In addition, the planning application for the eight additional dwellings was approved with an additional 11 car parking spaces being provided for those dwellings. A large proportion of the car park, approximately 1.5 hectares, according to the submitted Design and Access statement, which amounts to 253 parking spaces, is now underutilised as a result.

The site increases in land height by approximately 1m from north to south and is almost entirely laid to concrete block paving, punctuated by limited tree and hedge planting.

The existing vehicular access is along Edinburgh Gate via the roundabout with Edinburgh Way. There are no public rights of way across the site.

The application site is bounded to the north by the railway, which is on an embankment slightly higher than the application site. Beyond the railway, approximately 45m from the application site, is The Town Park Ditches Wildlife Site. The Marshgate Spring Local Nature Reserve (LNR) is located approximately 145m to the east of the site.

The southern boundary is formed by Edinburgh Way and beyond this, at a distance of approximately 25m, is the Town Park/Netteswell Cross Conservation Area.

To the west is the Burnt Mill Snooker and Social Club, a small watercourse flowing north-west, the Toby Carvery and the three storey multi-storey car park serving Harlow Town Train Station.

The site is located by Green Wedge to the north, east, south and south-west. The land beyond the northernmost limit of the district is within the Green Belt. Pearson House, the application site and much of the land to the west of it, to the north of Elizabeth Way and Edinburgh Way, form a designated Employment Area.

The northern boundary of the site is formed by dense vegetation that aligns with the railway and this, along with a similarly dense band of greenery at the south end along Edinburgh Way, gives the site an enclosed feel.

The application site is located within Flood Zones 1, 2 and 3a. The drainage ditch network connecting to the River Stort runs through the site, and there are drains along the northern and western boundaries.

There are listed buildings located within the immediate vicinity including the train station to the west and Marshgate Farmhouse to the south in the Town Park, which are both Grade II Listed.

Proposed Development

Planning permission is sought for the redevelopment of the existing car park to provide 361 dwellings. There would be 138 one-bed units, 221 two-bed units and 2 three-bed units.

The proposal includes two buildings, comprising five blocks, ranging from two to 11 storeys in height.

The proposed development would utilise the existing vehicular access from Edinburgh Way. This would connect to a new tree lined Central Avenue which would run west to east through the site and would lead to a shared surface Arrivals Plaza fronting Pearson House.

The first building would be located towards the north of the Central Avenue (adjacent to the railway line) and include three blocks (blocks A, B and C). Blocks A and C would have nine storeys and Block B would be between them and have 11 storeys. The three blocks would be connected by four storey linking sections fronting the Central Avenue and two storey sections on their northern side facing the railway line.

The second building would be to the south of the Central Avenue (adjacent to Edinburgh Way) and would include two blocks (blocks D and E). Block D would be at the western end of the building have eight storeys and Block E would be at the eastern end and have nine storeys. The blocks would also be connected by four storey linking sections fronting the Central Avenue and two storey sections on their southern side facing Edinburgh Way.

There would be three residential courtyards, positioned at second floor level, between blocks A and B, blocks B and C and blocks D and E. There would also be a communal open space to the south of the Arrivals Plaza.

The proposal includes 497 standard/visitor car parking spaces, 48 disabled car parking spaces, 703 cycle spaces and 40 Powered Two Wheeler (PTW) spaces, to serve both Pearson House and the proposed development.

The number of dwellings has been reduced from 376 to 361 dwellings to reduce the height of the proposal as a result of comments received as part of the consultation process.

RELEVANT PLANNING HISTORY:

Application Reference Number: HW/COUOR/17/00295

Proposal: Conversion of Existing Six Storey Office (B1) to 250 Residential Apartments (C3)

Application Status: Prior Approval Not Required

Date Application Decided: 17 August 2017

Application Reference Number: HW/FUL/17/00562

Proposal: Construction of Eight Residential Units on The North and South 5th Floor Roof Top Gardens, Comprising of The Following Accommodation; Six, 2 Bedroom Apartments With Private Balconies. Two, 2 Bedroom Duplex Units Extending Up Into 6th Floor Plant Rooms With Consent for Change of Use to Residential. Car Parking, Cycle Storage, Refuse and Recycling Provided Within the Existing Edinburgh Gate Car Park.

Application Status: Granted.

Date Application Decided: 30 January 2018

Application Reference: HW/FUL/17/00590

Proposal: Glass Box Extensions to Six Dwellings Occupying the 5th Floor of the Pearson Education Building and Installation of New Roof Lights.

Application Status: Granted

Date Application Decided: 13 April 2018

Application Reference Number: HW/EIAO/18/00174

Proposal: Formal screening request as to whether the proposed redevelopment of the existing car park adjacent to the Former Pearson Education Building is an environmental impact assessment development

Application Status: Not EIA development

Date Application Decided: 8 January 2019

CONSULTATIONS:

Internal and External Consultees

Essex County Council – Urban Design

No objection:

- The site is ideally suited to high quality residential development.
- An increased density is supported to make the most efficient use of the land.
- The proposal has gradually reduced in height throughout the consultation period in order to minimise the overall height impact, with additional reductions in height put forward as part of the amended scheme alongside the introduction of cascading terraces and set back upper floors to reduce visual impact.
- Reduce the blocks massing as the design has evolved; with additional breakages in the built form, removal of upper floors and the introduction of new cascading terraces.
- The relatively large height difference between Block D and the Snooker and Social Club remains.
- The changes have reduced the impact on the adjacent Pearson House but there is still an element of height conflict that exists between the proposed scheme and the lower buildings in the surrounding context.
- A further reduction in unit numbers could be considered.
- The introduction of a new material for the upper levels of the elevations has provided additional visual relief to elevations.
- The introduction of cascading terraces has reduced the massing of the elevations.
- The level of fenestration proposed maximise internal daylight levels and passive surveillance over the streets below for all elevations.
- Every elevation across the site makes use of balconies and terraces.
- Three types of balconies are proposed including cantilevered, enclosed and recessed balconies. By using three types the architect has ensured that there is a level of variation to the façade.
- It is welcomed that the landscaping along the entrance avenue has been increased, helping to create more of an urban linear park feel.
- All apartments will meet the required internal daylight levels to BRE standard.
- Additional seating areas along the central avenue are encouraged.
- Tree lined central avenue would create a strong sense of arrival as well as assisting with legibility through the site and an alignment with Pearson House as a terminating vista.
- There is distinction in hard surfacing treatment across the entrance avenue and across the site with different block paving specifications being used as opposed to standard tarmacadam. The use of permeable paving is supported and gives a 'shared surface' feel to the proposal.

Essex County Council – Infrastructure

No objection:

- Requests contributions of £607,420 towards local primary school provision, and £615,171 towards secondary school provision on the basis of 376 units being provided, which would generate 39.75 primary school and 26.5 secondary school places.
- Due to the proximity of the site to the nearest primary and secondary schools, no school transport contribution required.
- No Early Years and Childcare contribution required.

Essex County Council – Conservation

Objection:

- Without reducing the height of the proposal considerably, unable to support any development of this scale in this location due to the adverse impact upon the Conservation Area and the Green Wedge within which it resides.
- For the purposes of planning the harm to the Conservation Area is considered at the lower end of less than substantial. The Local Planning Authority should seek to balance this harm against any supposed public benefits which may arise from this scheme (NPPF paragraph 196).

Essex County Council – Highway Authority

No objection:

- Recommends conditions to require a construction management plan to be approved, access arrangements including a pedestrian refuge island and associated dropped kerb to be installed, parking to be laid out and retained as proposed, the implementation of an approved residential travel plan and the provision of Residential Travel Information Packs.
- The applicant has submitted a Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity, that the impact of the proposed development will be acceptable.
- It is considered that the TA has assessed a worst case scenario in terms of traffic generation which is considered to be robust.
- There will still be ample capacity onto Edinburgh Way after the proposal has been implemented.
- The traffic generation would be less than the former office use of the site.
- The impact on the wider highway network would not be significant.
- The Travel Plan would help to reduce vehicle movements.
- The parking provision is considered to be acceptable given the location of the site, and its position in terms of easy access to other modes of sustainable modes of travel.

Essex County Council – Public Rights of Way

No comment received.

Essex Police

No objection: Recommends the developer consider Secured by Design accreditation for this development to aid in the safety and security of the future residents who will live there and neighbouring properties.

Essex County Council – Sustainable Drainage Team

No objection: Recommends conditions to require the approval of a detailed surface water drainage scheme for the site and maintenance plan and maintaining yearly maintenance logs.

Essex County Council – Archaeology

No objection: Recommends a condition requiring the submitted Written Scheme of Investigation to be complied with.

Essex County Fire and Rescue Service

No objection: More detailed observations will be provided at Building Regulations consultation stage.

Environment Agency

No objection:

The submitted FRA 'Land adjacent to Pearson House, Edinburgh Way, Harlow, Essex; Flood Risk Assessment FINAL, November 2018' prepared by EAS Ltd and associated plans demonstrate that finished floor levels of residential dwellings shall be set no lower than 42.4m above ordnance datum to protect the development from flooding. The development should be carried out in accordance with this FRA.

Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to the assessment of this model.

The site specific fluvial flood risk modelling has demonstrated that the site is not within the 1 in 20 year flood extent and the Environment Agency therefore recommend that the site should not be regarded as within the functional floodplain, and should not be considered as within Flood Zone 3b.

The proposed development will only meet the NPPF policy to ensure flood risk is not increased elsewhere if conditions are attached to any consent granted relating to the development being carried out in accordance with the FRA, and the submission of a detailed design and maintenance and management plan for the proposed undercroft parking.

Essex Wildlife Trust

No comment received.

HDC – Trees

No objection following amended plans and negotiation on proposed species, subject to conditions to require a landscape scheme and arboricultural method statement to be provided.

HDC – Housing

No comment received.

HDC – Cleansing and Environment

Objection: Requests that walkways leading to each bin store are centralised, rather than being in the corner, such as Block E which is the best example. This would reduce the travel distance further within the bin stores.

HDC – Regeneration

No comment received.

HDC – Assets and Facilities

No comment received.

HDC – Environmental Health

No objection: Recommends conditions to control the construction hours, to provide a method statement on controlling dust production during construction, to ensure that wheel washing for construction vehicles is provided and to prevent bonfires, and to ensure that the development is carried out in accordance with the recommendations of the submitted land contamination documents.

Natural England

No objection.

Network Rail

No comment received.

NHS

No objection: A contribution of £142,255 would be required to mitigate the impact of the proposal on the NHS, on basis of 376 units being provided.

Thames Water

No objection.

Affinity Water

No comment received.

Neighbours and Additional Publicity

Number of Letters Sent: 121

Total Number of Representations Received: 10

Date Site Notice Expired: 7 May 2018

Date Press Notice Expired: 10 May 2018

Summary of Representations Received

A representation on behalf of the owner of Harlow Exchange/Mill Court has been received in support of the proposed development which says that the proposal would act as a catalyst in bringing about the regeneration of the station environment to the benefit of commercial viability.

Eight objections have been received from local residents. A summary of which is as follows:

- The height of the buildings are taller than Pearson House
- Eyesore, in particular when viewed from the Town Park
- Low provision of affordable housing
- Impact on Edinburgh Way in relation to traffic, congestion, disruption
- Pollution from increased car use
- Additional infrastructure required to support the development
- Too close to Edinburgh Way
- Overshadow buildings opposite
- Affect views from Town Park
- The site is within a Flood Zone
- Over-development
- Over-crowded
- Affect views from Conservation Area
- Design should complement Pearson House
- Trees and hedges should be planted, in particular on Edinburgh Way
- Reduce daylight hours for residents on opposite side of Edinburgh Way
- Increase existing parking issues
- Impact privacy of housing opposite
- Overwhelm iconic Pearson House

The Harlow Civic Society also objects to the proposal, a summary of which is as follows:

- The proposed development will have a negative impact on Pearson House.

- Height of proposed buildings will be overpowering.
- Location on the northern boundary of the town will form a hard and prominent edge to Harlow, in contradiction of the Gibberd Principles of Design.
- Development will compromise views of the town from the countryside and vice versa.
- The site is isolated with no access to facilities except the Town Park, with no formal crossing nearby.

PLANNING POLICY:

Adopted Replacement Harlow Local Plan (2006)

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

BE2:"Quality, Legibility and Public Realm" permission for major new development will be granted when: new buildings are designed as part of a group creating a sense of enclosure; public spaces should relate to the scale, appearance, location and function of the buildings around it; layout of buildings, routes and spaces are clearly related; fronts of buildings provide primary access and clearly define streets and public spaces; public spaces are distinguished from private areas; the ground floor encourages activity and interest that is appropriate to the location and character of the area; pedestrian, cycling and, horse riding routes are shown on the development layout and link to the existing network.

BE3:"Sustainable Development" development on previously developed land at a higher density than that existing will be supported providing; it is accessible by public transport or is in a sustainable location relative to proximity to supporting services and/or employment sites; does not result in over development; is compatible with the character of the area and urban design policies and guidance.

BE4:"Accessibility" permission will be granted providing provision has been made to achieve accessibility for disable people, including accessibility to any public or private open space that serves the development.

BE5:"Crime Prevention and Personal Safety" proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These should be integral to the design.

BE6:"Listed Buildings" proposals for the extension or alternation of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following: the character that forms its value as being of special architectural or historic interest; particular physical features that justify its protection; its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas.

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

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

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

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

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

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

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

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

IMP1:"Planning Obligations" permission will only be granted for any development if the provision is secured for related infrastructure, services, facilities and environmental protection which are fairly and reasonably related to the scale and in kind.

L2:"Open Space and Playgrounds/Play Areas" for new development the following provisions will be sought: on residential developments of more than 10 dwellings, public open space and inclusive playgrounds/play areas are required to be provided; off-site contributions may be considered where it is not possible to provide it on site due to the circumstances of the development, or if there are particular deficiencies in the surrounding area; open spaces/playgrounds should be offered for adoption to the Council, with an agreed maintenance contribution.

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

L14:"Arts, Culture and Entertainment" encouragement is given to the provision of new cultural and entertainment facilities. In particular those which overcome specific deficiencies identified within the Council's strategy.

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

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

NE15:"Biodiversity and Nature Conservation" permission will not be granted for development that would harm habitats or other features of the landscape, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

NE17:"Local Nature Reserves" permission will not be granted for development that will have an adverse effect on the ecology of a Local Nature Reserve unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

NE18:"Wildlife Sites" permission will not be granted for development that would have an adverse effect on the ecology of a Wildlife Site unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

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

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

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

H7: "Special Needs Housing" all new developments will be required to take account of the needs of those with disabilities and special needs. NE17:"Wildlife Sites" permission will not be granted for development that will have an adverse effect on the ecology of a Local Nature Reserve unless it can be demonstrated that the reason for the proposal outweighs the ecological value of the site.

H10: "Existing Housing Areas" planning permission will be granted for infill development if: the proposal does not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene or the amenities afforded to occupiers of adjacent dwellings; off street parking and access arrangements are acceptable and do not prejudice the potential for comprehensive development of adjacent land. SD3: " Sequential Test" land allocation should have regard to the promotion of sustainable development; social inclusion, quality of life and wellbeing; preference given to previously developed land and existing buildings; facilitation of regeneration and there should be no loss of BAPs or damage to valuable ecology or biodiversity.

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

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

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

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

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

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

Harlow Local Development Plan – Pre-Submission Publication (2018)

Harlow Council is in the process of submitting a new local plan for examination.

On 19th October 2018 the Harlow Local Development Plan Pre-Submission Publication (the “emerging Local Plan”) was submitted to the Secretary of State.

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

It is considered that the policies within the emerging Local Plan are consistent with the policies in the NPPF and that weight should be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2018) - 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

Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)
Affordable Housing SPD (2007)
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council’s Adopted Development Management Policies (2011)
Essex County Councils’ Developers’ Guide to Infrastructure Contributions (2016)
Essex Design Guide (2018)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT:

The key issues for consideration in the determination of this application are: the principle of development; design, layout and landscaping; amenity; parking, access and highway safety; and planning obligations.

The developer requested a formal Screening Opinion by the Local Planning Authority as to whether an Environmental Impact Assessment (EIA) would be required for the proposed development. The Council considered that the overall scale and nature of the impacts that would arise from the scheme would not require an EIA, and that the environmental issues arising from the development could be dealt with as part of the usual planning process.

Summary of Main Issues

Principle of Development

The proposed development would create 361 dwellings on a brownfield site.

Policy SD3 of the Adopted Replacement Harlow Local Plan (ARHLP) is supportive of sustainable development which would, amongst other things, make use of previously developed land and facilitate regeneration. Policy BE3 is also supportive of the use of previously developed land at a higher density than existing development.

These principles are also supported strongly by the National Planning Policy Framework (NPPF), which dedicates a chapter to 'making effective use of land'. The NPPF encourages as much use as possible of previously developed land. Substantial weight should be given to the use of brownfield land within settlements for homes and under-utilised land and buildings should be promoted, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Building on car parks is stated as a specific example (paragraph 118).

Whilst the site is within an Employment Area, as a result of the prior approval development, the lawful use of the site is now residential. Policies ER5 and ER6 of the ARHLP, which relate to the retention and loss of employment uses within Employment Areas, are not relevant as no employment uses would be lost. This is set out by appeal decisions relating to proposals within the district (e.g. 1 to 7 Burnt Mill: APP/N1540/W/17/3172421 and land adjacent to Greenway House: APP/N1540/W/17/3184841). Policy PR1 of the emerging Local Plan has a slightly different emphasis compared to policies ER5 and ER6 in that it requires proposals for uses other than B1, B2 and B8 in Employment Areas to meet specific criteria regardless of the existing use of the site, however, the emerging policy is similar in purpose to the adopted policies and, given the primacy of the adopted plan and the clear direction from appeals on how the current policies should be used, it is considered, on balance, that residential development of the site is acceptable in principle.

Prior approval was not required for the conversion of Pearson House on the basis of 260 parking spaces being provided. This means that around 253 spaces constitute underutilised land. In addition, whilst it is considered that the Council is able to demonstrate it has a five year housing land supply and meet its housing needs, the district nevertheless has tight administrative boundaries, and is physically constrained by those boundaries, and this adds weight to the use of the site for development, taking into account NPPF paragraph 118.

Policy H10 of the ARHLP states that planning permission for residential infilling and development of vacant plots will be granted if proposals do not have an unacceptable adverse effect on the character and appearance of the area, neighbouring amenity, parking, and would not prejudice the potential for comprehensive development of adjacent land. Policy H2 of the emerging Local Plan provides criteria which proposals for residential development should meet more generally and broadly echoes the requirements of current policy H10.

Therefore, the principle of residential development proposed in this location is considered to be in accordance with national and local policies, subject to the following considerations.

Design, Layout and Landscaping

Chapter 12 of the NPPF sets out that good design is a key aspect of sustainable development. It explains that developments should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and landscaping; be sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging change such as increased densities; establish or maintain a strong sense of place; optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create safe, inclusive and accessible places (paragraph 127).

The NPPF is echoed at local level by policies BE1 and BE2 of the ARHLP which stipulate that proposals should not result in adverse harm to the character and appearance of the local area. In addition, policies NE11 and NE12 relate to trees and landscaping, with the latter specifically relating to major development. Policies NE11 and NE12 are reflected in emerging Local Plan policies PL2 and PL6.

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

The Employment Area within which the site is located extends from Parndon Mill Lane to Pearson House, to the north of Elizabeth Way and Edinburgh Way. The area is centred around the principal northern gateway into Harlow and the train station. The area is characterised by a range of residential, office, retail and commercial uses which range from one to eight storeys in height. It should be noted that whilst Pearson House includes six floors, these are commercial floors with a greater average floor to ceiling height, and extend to the equivalent of 10 residential storeys. In addition, planning permission was approved by the Development Management Committee in April 2018 for a 15 storey building at 1 to 7 Burnt Mill and this permission can now be lawfully implemented.

Taller and denser forms of development such as that found within the area are generally encouraged in gateway locations and near to train stations and rail lines. It is considered that the height and density of the buildings proposed for this scheme are most appropriately assessed in this wider context.

A long section of Elizabeth Way and Edinburgh Way has been submitted which includes the approved development at 1 to 7 Burnt Mill and the buildings between it and Pearson House, including the proposed scheme in context. According to that plan the proposed development would be around 16m lower than the approved development at 1 to 7 Burnt Mill and approximately 6m higher than Pearson House, at their highest points, taking into account the changes in land levels which are taken from the site surveys and Ordnance Survey data along the highway.

On balance, although there would be a contrast in terms of building height in comparison to Pearson House, and the snooker and social club in particular, the height and amount of development is considered to be appropriate.

In addition, despite the prevailing context of tall and dense development within the area, steps have been taken to minimise the visual impact of the height and density of the development.

The northern building would feature taller blocks than the southern building overall, which would reinforce its position nearest to the rail line and help the buildings integrate with their surroundings. The tallest part of each block would front the Central Avenue and the blocks would decrease in height to the northern and southern site boundaries, both providing a strong frontage to the Central Avenue and reducing the apparent height of the blocks when viewed from outside the site to the north and south. The tallest block (Block B) would be 11 storeys in height, with lower blocks positioned on either side (Blocks A and C). This would help to provide a transition in development height from Pearson House, and in the wider context from west to east within the Employment Area.

In terms of layout, the stepped and staggered position of the five blocks would create a sense of rhythm, which would also be articulated through the vertical stair towers and balconies. This would break up the blocks into discernable parts rather than the development appearing as one building.

The amended plans have introduced a cascaded form which would create greater variation in overall building height and removed a full storey from Block C which reduced its scale and massing. The proposed copper effect boarding to the upper two storeys of each block (with the exception of Block D, which would be the lowest), would further break up the overall massing. A condition to require details, including samples, of all external materials is recommended to ensure high quality materials are used.

Whilst the development would be within the setting and limit views of Pearson House, particularly when viewed from the west, the proposed development would be compatible with and complementary to Pearson House, with the architectural language of the proposal drawing inspiration from Pearson House by reflecting the scale and articulation of the building.

Although the amount of proposed development would be significant, the layout of the scheme, with the tree lined Central Avenue and shared surface Arrivals Plaza, would have Pearson House as the terminating vista, ensuring Pearson House will have space around it and act as a focal point.

Furthermore, it must be acknowledged that Pearson House is not a listed building, nor does it benefit from any other form of designation, and it should not be treated as having special protection from development being near to it, particularly as the design and layout of the proposed development in this case would be compatible with it and in the context of the larger forms of development to the north of Elizabeth Way and Edinburgh Way.

Moreover, views of Pearson House will be largely unaltered from the east and, as the land to the east (and north and south) is designated as Green Wedge it is likely that, under both existing and emerging Local Plan policies, views from those directions will be safeguarded by the Green Wedge policies.

It is also important to note that Principle DG20 of the Harlow Design Guide SPD states that Green Wedges should be defined by a strong urban edge to provide a positive interface between the development and the landscape and to encourage activity and natural surveillance. The proposed development would create a strong edge to the Green Wedge to both the north and south.

Notwithstanding the above, the proposal would be partially screened from and visually integrated with the Green Wedge by the strong band of established tree and hedgerow planting on Edinburgh Way, which would be largely retained, maintaining the verdant character of the streetscene and limiting views of the parking areas to be provided on the first two storeys. Views would also be partially screened by the Green Wedge to the north by existing boundary planting, and from the Green Wedge to the east by Pearson House. Additional buffer landscaping could improve screening and integration and a condition to require a detailed landscaping plan for the site is therefore recommended.

However, the taller elements of the development would still be visible, particularly in longer distance views. The proposal would be visible from both the Green Wedge and Green Belt further to the north, but would be read within the context of other taller buildings at the boundary of the district as part of the town more widely. The proposal would also be visible in longer distance views from the Green Wedge in the Town Park. Notwithstanding the role that the Green Wedge plays in preserving the setting of the Conservation Area, which will form part of the assessment of the impact on heritage assets in the following section of this report, it is considered that wider views from the Green Wedge would be appropriate in the context of the existing development around the perimeter of the park.

Whilst there are concerns that the proposal constitutes overdevelopment of the site, and it is considered that the amount of development that can be achieved within the site is at its limits, it can conversely be argued that the proposal maximises the opportunity for redevelopment of the site as advocated by the NPPF.

Landscape information has been submitted as part of the application. The Central Avenue would be tree lined and parking spaces outside of the buildings would be broken up by planting. In addition, a communal space would be provided to the south of the Arrivals Plaza, which would provide an opportunity to provide a well landscaped public realm. A variety of hard surfacing material is proposed which would facilitate this.

The arboricultural information indicates that 12 individual trees and 26 tree groups would be removed; however, many of the trees to be removed are within the car park and are not visible from Edinburgh Way due to the existing vegetation. Based on the latest layout plan, a total 53 individual trees would be planted, but there would be sufficient space within and at the

boundaries of the site for additional new trees and the aforementioned landscape condition can secure more planting. A condition to require a detailed Arboricultural Method Statement to be approved would also ensure that trees identified for retention are safeguarded throughout construction.

Essex County Council's Urban Design team note that the site is ideally suited for high quality and dense residential development, and that the amendments which reduced the height of the scheme would reduce the visual impact and massing of the overall development.

On the whole, it is considered that the development would be of high design quality, appropriate within the context of Pearson House and compatible with the existing and consented development to the north of the town centred around the train station.

Impact on Heritage Assets

The application site is to the north of the Town Park/Netteswell Cross Conservation Area. Unlike the Green Wedge, which covers most of the park, the Conservation Area generally narrows as it projects north of Park Lane and Jackson Hill. The Conservation Area projects as far north as Edinburgh Way and, at that point, extends as far west as the Edinburgh Way/Edinburgh Gate roundabout and as far east as the northern pedestrian access to Rushmead Villas. This part of the Conservation Area roughly extends the width of the application site, which is on the other side of the highway.

The train station and Marshgate Farmhouse are the closest listed buildings; both are Grade II Listed. The train station is located to the west of the site, with the multi-storey car park in between, and Marshgate Farmhouse is located near to where School Lane spurs, in the Town Park.

The Local Planning Authority has a duty to consider the desirability of preserving or enhancing the character and appearance of the Conservation Area and preserving listed buildings, or their settings, or any features of special architectural or historic interest which they may possess, in accordance with sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended). Similarly, chapter 16 of the NPPF indicates that proposals should preserve or enhance heritage assets. ARHLP BE6 reflects this in terms of listed buildings and policy BE10 reflects this with regards to conservation areas. Emerging policy PL11 also reflects the need to protect heritage assets.

A Heritage Assessment has been submitted which concludes that the proposal would result in no harm to the significance of the surrounding heritage assets.

The Heritage Assessment comments that the site is currently used as a car park and as such does not presently contribute to the setting of any heritage assets due to a lack of intervisibility. It states that the setting of the Conservation Area is characterised by a near continuous line of development on its four sides, with a mix of uses, but primarily residential to the west and south, mixed residential/commercial to the north, and to the east, both commercial and residential, separated by a small eastern offshoot of the park itself (though not part of the Conservation Area). The assessment notes that Gibberd alluded in his original plan that the Town Park was ideally situated at the centre of development to serve in a similar manner to St. James' Park, and so development surrounding the park is fitting with this intended character.

The Heritage Assessment ultimately concludes that the significance of the park, and the Conservation Area itself, is as a low density urban park within a more widely developed setting. The contrast of its surroundings with the landscaped features of the park itself make a positive contribution to its setting and significance, and the proposed development would contribute to this by utilising an existing gap in an otherwise entirely developed enclave which surrounds the station.

Essex County Council's Historic Buildings Consultant notes that the concept for the landscaping of Harlow included that all residents should have natural landscape within walking distance of their home alongside the opportunity to navigate through the town without passing through built up areas, which was facilitated by the creation of the Green Wedge.

The Historic Buildings Consultant further comments that Pearson House is in sharp contrast with the character of the Town Park and the properties within it, which has resulted in an urban character being introduced into the Conservation Area which negatively impacts on it and the Green Wedge. The Historic Buildings Consultant states that the proposed development would further develop this harder urban character, and would further the harm which has already been caused by Pearson House.

Importantly, the Historic Buildings Consultant concludes that the harm would be at the lower end of less than substantial.

In terms of the nearby listed buildings, the Heritage Assessment concludes that there would be no adverse impacts whereas Essex County Council's Historic Buildings Consultant considers that the harm caused to the train station would be at the lower end of less than substantial and that the harm caused to Marshgate Farmhouse would be negligible.

With regard to the Conservation Area, Officer's note that Edinburgh Way provides a physical divide which creates a degree of severance between the land in the Employment Area to the north and Town Park to the south when travelling along Edinburgh Way. Whilst the planting at the boundary of the site provide a transition between the two sides of the highway, the highway nevertheless provides opportunities for contrasting forms of development on either side of it. It is not therefore considered there is a negative impact on the Conservation Area in this respect. Furthermore, there is an expectation that Employment Areas will be developed, and the scale of development has increased and shifted towards a mix of uses and the proposal follows this trend.

Officer's agree with the Heritage Statement insofar as that the varying topography and heavily planted border of the park and Conservation Area often prohibits longer views toward the site, however, certain northward views from within the Conservation Area, and from outside it and from the associated Green Wedge, will be harmed by the proposed development. The substantial amount of development proposed within the site would contribute further to this harm. This is particularly apparent where School Lane spurs, for example, as both Pearson House and the proposed development would provide an immediate and contrasting backdrop to the smaller and less dense development in front of it, albeit many views gained of the proposed buildings are currently read in the context of existing tall buildings, especially Pearson House and to a lesser extent Mill Court.

In terms of the listed buildings, it is clear that there will be little impact on Marshgate House and, as the train station is already enclosed by tall buildings to the east, south and west, it is considered that the impact on the train station will be low.

On balance, it is considered that there would be less than substantial harm to the Conservation Area, and therefore the Local Planning Authority should seek to balance this harm against any supposed public benefits which may arise from this scheme, in accordance with NPPF paragraph 196. This will be considered in the concluding section of this report.

Amenity

Private external amenity space would be provided in the form of balconies and terraces. A total of 353 of the units would have private external amenity space in one of these forms. There would be 32 Accessible and Adaptable Dwellings and 6 Wheelchair User dwellings (over 10% of the total amount of units) and all units would benefit from level access from the lifts. As noted by ECC Urban Design, all of the units, including those at low levels facing towards the internal courtyards, would receive light in accordance with Building Research Establishment (BRE) standards and the placement of windows would provide an appropriate relationship between the units.

Communal amenity space would be provided within three residential courtyards and the open space to the south of the Arrivals Plaza. Further open space is located across the road within the Town Park which includes the bandstand, an outdoor gym, adventure playground, skate park and a café.

The applicant proposes a new pedestrian crossing, including a central refuge island, to allow access to the Town Park and its provision is recommended as a condition by the Highway Authority. There are also established crossings on either side of the Edinburgh Way/Edinburgh Gate roundabout and a signalised crossing a few minutes' walk to the west. There would be good access to high quality open space as a result.

The units in Pearson House would be around 24m from Block C at the nearest point. The closest existing property would be 22 School Lane which would be located on the opposite side of Edinburgh Way. No. 22 would be approximately 23m from the site boundary; however, the dwelling would be over 40m away from the nearest part of proposed building. Due to the separation distances, there are no concerns regarding the impact on residential amenity of surrounding properties.

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.

Subject to conditions, it is considered that the proposal is acceptable in terms of its impact on amenity.

Parking, Access and Highway Safety

The applicant proposes 497 parking spaces across the site for both the proposed development and Pearson House (i.e. for 619 residential units in total). This would amount to 449 standard and visitor car parking spaces, 48 disabled spaces, 703 cycle spaces and 40 PTW spaces.

According to the Essex Parking Standards, there should be a total of 1066 standard and visitor car parking spaces, 47 disabled spaces, 697 cycle spaces and 40 PTW spaces being provided. The proposal would therefore meet or exceed the standards in terms of disabled, cycle and PTW spaces and provide 42% standard/visitor parking. However, the standards indicate that reductions in parking may be considered where development has good links to sustainable transport.

The application site is located a few minutes' walk to the train station. There is a taxi rank and a bus interchange serving multiple routes positioned outside of the train station. The site is also positioned adjacent to a multi-storey car park. There is a gym, vets, play centre and restaurant located at Mill Court and the Burnt Mill Snooker and Social Club and the Toby Carvery are adjacent. Furthermore, a range of shops and restaurants at the Queensgate Centre are less than 10 minutes' walk away and other shopping areas are only slightly further away. In addition, as the site is within the Employment Area there will be places of employment nearby and the Town Park will provide opportunities for outdoor recreation.

In the above context it is considered that the levels of parking provision would be appropriate, as the site would be in a sustainable location with good connectivity to a range of facilities and amenities and reduce the need to travel by car. It should be noted that the level of provision for this proposal would be greater than that approved at 1 to 7 Burnt Mill (which has 36% standard/visitor parking provision).

The standard visitor spaces would be of the minimum size and this is considered to be acceptable to ensure provision is maximised. Whilst the level of disabled provision is appropriate, there are opportunities for the disabled spaces to be in alternate locations which would facilitate better access for those using the spaces and provide wider circulation spaces within the internal parking areas. A condition to require an amended parking scheme to be approved would ensure that the disabled parking spaces are in the most appropriate locations.

In terms of pedestrian safety, all of the above services, except for the Town Park, are located on the same side of Edinburgh Way to the application site, and would be safely accessible on foot. The occupants of the proposed development would need to cross Edinburgh Way to

access the Town Park, however, the central refuge island has been proposed to facilitate safe access and there are other crossings, including a signalised crossing, close to the site.

The existing vehicular access into the site would be utilised. There would be an appropriate turning head within the site so cars and larger vehicles would be able to turn within the site and access/egress the site in a forward gear. The Highway Authority and Fire Service have no concerns regarding access or servicing arrangements.

The Council's Streetscene department request that walkways to each bin store are centralised to reduce travel distances to operatives. It is considered that an appropriate refuse scheme can be provided by means of a condition to require the approval of details, including any elevational details of any bin stores.

The Highway Authority also raises no concerns in terms of highway safety or vehicle movements, subject to conditions, and is satisfied with the submitted Transport Statement which concludes that the proposal would not result in detrimental impacts to the highway or highway safety and, taken together with the residential use of Pearson House, would create fewer trips both over the course of a typical workday and at peak times compared to the former office use of Pearson House.

Subject to conditions, the proposed parking arrangement, access and impact on highway safety is considered to be acceptable.

Flooding and Drainage

The applicant has demonstrated through up to date modelling that the site is located within Flood Zones 1, 2 and 3a, which has been confirmed by the Environment Agency.

Most of the site is shown to be within Flood Zone 2, which indicates it is at a medium risk of flooding (between 1 in 100 and 1 in 1000 annual probability of flooding from rivers).

The northern part of the site is located within Flood Zone 3a which indicates a high risk of flooding (greater than 1 in 100 annual probability of flooding from rivers). The majority of the northern building would be within Flood Zone 3a, approximately a third of the site in total.

The primary flood risk to the site is from the River Stort, located around 160m north of the site. The general fall across the site is from south to north. There are a series of drains connecting to the Stort in the local area.

The Council's Strategic Flood Risk Assessment (SFRA) published in 2016 showed the northern part of the site is located within Flood Zone 3b. The applicant has subsequently undertaken additional flood modelling which demonstrates that the northern portion of the site is actually positioned in Flood Zone 3a. The Environment Agency is satisfied with the modelling results. It is considered that the Local Planning Authority should determine the application in accordance with the most up to date evidence and it is therefore accepted that the site falls within Flood Zones 1, 2 and 3a.

A Sequential Test should be carried out for developments located within Flood Zones 2 or 3. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

A Sequential Test has been submitted which demonstrates that there are no reasonably available sites in Flood Zones 1 or 2 to accommodate the proposed development. The Sequential Test demonstrates this by reviewing sites located within Flood Zones 1 and 2 allocated within the Council's Strategic Housing Land Availability Assessment 2014, and provides evidence explaining why alternate sites are not deliverable or developable. The Local Planning Authority consider that SHLAA site allocation SA351 at Post Office and yard on Post Office Road would have been the most appropriate option for large scale residential development, however, the site is not available and could not accommodate the form or the number of dwellings proposed.

It is therefore accepted that there are no reasonably available sites in Flood Zones 1 or 2 and the suitability of the proposed development in Flood Zone 3 should be considered.

Where the Sequential Test is passed and if the proposal includes more vulnerable development (residential development) located in Flood Zone 3a, then the proposal is also required to pass the Exception Test. It should however be noted that should development be located only within Flood Zone 2, the Exception Test would not be required.

The Exception Test should demonstrate that the development would be safe for its lifetime and should state how flood risk would be managed at the site. The Exception Test should also demonstrate that the proposal would not increase flood risk elsewhere, and is required to show that the sustainability benefits of the development to the community outweigh the flood risk.

An Exception Test statement has been submitted which puts forward sustainability benefits of the development. This includes the regeneration of a brownfield site located adjacent to the train station, that the proposed occupants of the proposal would contribute towards the vitality and viability of the commercial units in the vicinity of the station and Employment Area, and envisages that this would drive up the quality and longevity of the existing services in the immediate vicinity. The statement also notes that the proposal would significantly boost housing supply in Harlow including the provision of affordable housing.

The Exception Test draws from the FRA, which sets out how flood risk would be managed at the site, how the proposal would not increase flood risk elsewhere and how the development would be safe for its lifetime.

The FRA provides details of a Flood Action Plan which would be given to future occupants to make them aware of the flood risk, and to provide guidance on what to do in the event of a flood. The Action Plan includes evacuation routes and places to evacuate to should they choose to leave in times of flood. The Action Plan would be provided to the management and residents of the new development as part of a 'Welcome Pack' at the beginning of each occupancy.

The Action Plan takes into account predicted flood levels including future climate change throughout the life of the development and ensures there is no risk caused to other areas.

The Action Plan also demonstrates that safe egress/access is available during a flood to all units. It should be noted that all residential dwellings would be located at or above first floor level (above the extreme flood water level), and would remain safe and dry for the duration of a flood. The proposed development also includes upper level podiums and accessible green roofs to provide safe areas of refuge for residents in flood events. The south western exit from Block A is outside of the potential flood extent so residents who wish to leave the premises during an event can do so.

The undercroft car park would be open to allow floodwater in and out, whilst preventing cars from floating away in an extreme event. The quickest evacuation route out of the car parks would be to the upper levels of the building. The residents of and visitors to the new development would be made aware of the flood risk to their vehicles by signage in the car parks, and informed that they should not attempt to drive through water in the event of a flood.

A Flood Warning and Evacuation Plan would be reviewed at least annually by the management company of the proposed residential development.

The Environment Agency raise no objection to the proposal subject to conditions requiring the development to be carried out in accordance with the FRA, and the submission of a detailed design and maintenance and management plan for the proposed undercroft parking.

The proposed development would also include a system of permeable paving and cellular attenuation crates to restrict the rate of surface water flow before being discharged into surface water sewers. Waste water would be discharged into waste water sewers.

Thames Water has no objection to the scheme subject to informatives, which shall be added to any consent granted.

Essex County Council Sustainable Drainage raise no objection subject to conditions relating to a detailed Surface Water Drainage Scheme and Maintenance Plan being submitted to and approved by the LPA, and yearly maintenance logs being undertaken.

It is considered that the Sequential Test has been passed and, subject to the conditions outlined above, that the Exception Test has been passed insofar as the proposal demonstrates that it will be safe for its lifetime, without increasing flood risk elsewhere. Whether the proposal provides sustainability benefits to the community that outweigh flood risk will be considered when weighing up all matters in the concluding section of this report.

Planning Obligations

Following the submission of amended plans which reduced the housing number from 376 to 363, and finally 361 dwellings, the following is considered to be required:

- Provision of affordable housing;
- £527,195 contribution towards primary school provision;
- £533,922 contribution towards secondary school provision;
- £137,369 healthcare contribution to the NHS; and
- £2,500 towards an annual fee for travel plan monitoring.

All financial contributions would be index linked.

With regards to open space contributions, the Community Infrastructure Levy Regulations 2010 limits the number of proposals from which the Council may seek generic contributions towards certain types of infrastructure. Taking this into consideration, that the proposal includes provision of open space within it, and that the proposal is located directly adjacent to Town Park, it is not considered that financial contributions to open space should be required.

ARHLP policy H5 requires 30% of residential development to be provided as affordable housing. The provision requirement was uplifted to 33% by the Affordable Housing SPD; however, policy H8 of the emerging Local Plan identifies 30% affordable housing provision as now appropriate. As the emerging Local Plan requirement is based on more recent evidence, it is considered that provision of 30% affordable housing should be required.

The application proposes 12.2% affordable housing provision in the form of 44 units (26 affordable rent and 18 shared ownership) and the payment of the planning obligations bulleted above.

The applicant also proposes £50,000 towards public art, indicating that it could be integrated into the elevations along the Central Avenue.

As discussed earlier in this report, it is also noted that the pedestrian crossing would be provided outside the site. Based on an investigation by the Local Planning Authority, it is envisaged that the provision of the crossing will cost no more than £25,000.

A Viability Assessment was undertaken by the developer following concerns that the contributions would make the scheme unviable. In order to confirm whether the proposed scheme would be unviable, the Local Planning Authority had the assessment independently assessed by District Valuer Services (DVS), a specialist arm of the Valuation Office Agency (VOA), who provides independent valuation and professional property advice to bodies across the entire public sector. The VOA is an executive agency sponsored by HM Revenue & Customs which provides the Government with the valuations and property advice needed to support taxation and benefits.

The DVS report confirmed that the proposed scheme was financially unviable with the payment of the required contributions and any more affordable housing beyond that proposed, however, the report recommends provision for a clawback mechanism which would enable additional

affordable housing to be sought if the development should yield more value in the future. This is considered appropriate, particularly as the development constitutes two separate buildings values could change depending on how the development is built out. It is also considered appropriate to impose a condition to require a phasing strategy to be submitted to and approved in writing by the Local Planning Authority, to ensure that the development is built out in an appropriate manner.

The NPPF, PPG and policy H5 of the ARHLP stipulate that it is not appropriate to require obligations to a level at which a scheme would become unviable. Appeal decisions for the schemes at 1 to 7 Burnt Mill and 'The Angle' (references HW/FUL/16/00400 and HW/FUL/15/00193) have confirmed that refusal of planning applications in such circumstances is unreasonable. The refusal of the current proposal on the basis of affordable housing would likely result in an award of costs against the Local Planning Authority.

It is therefore considered that a Section 106 agreement is required to secure the 12.2% affordable housing, the full contributions to primary and secondary education and healthcare, the travel plan monitoring fee and the public art contribution. It is considered that the Section 106 agreement shall also include a claw back provision to enable the affordable housing to be provided should the development yield more value in the future.

As the Highway Authority have recommended the pedestrian crossing over Edinburgh Way is secured by a condition, and a condition is considered to be an appropriate mechanism for delivering the crossing, there is no requirement for the crossing to be included within the Section 106 agreement.

Other Matters

Ground Conditions

A Phase 1 Desk Study Report was submitted which concludes that the overall risk from potential contamination at the site is low, and a follow up Phase II Ground Investigation confirms that the overall risk to human health would be low. The Council's Environmental Health team raise no objection to the proposal subject to the recommendations of the Phase II Ground Investigation being undertaken and a condition to this effect is recommended.

Ecology

The Town Park Ditches Wildlife Site is the closest site of ecological interest to the application site at a distance of approximately 45m to the north, on the opposite side of the railway track. The Marshgate Spring Local Nature Reserve (LNR) is located approximately 145m to the east of the site.

A Phase 1 Habitats Survey has been submitted with the application which assesses, by means of a desk top study and site visit, habitats and the likelihood of protected species being evident on site and in the surrounding area. The site visit was undertaken in December and as such, outside of the optimal survey period (May to September), but this is considered to be acceptable given the site mostly consists of hard standing and is generally of low ecological value.

No protected habitats or protected species were recorded on the site. The document recommends a range of enhancement measures such as the installation of log piles and wildlife boxes and homes and downward facing lighting to improve the wildlife importance of the site.

The survey notes that the proposed landscaping would benefit biodiversity and, along with the wildlife enhancements, could assist with connectivity of habitats from north to south, and east to west along the railway line.

It is considered necessary to impose conditions relating to external lighting and to require the installation of wildlife enhancements in appropriate locations, the latter of which can be secured through the aforementioned landscaping scheme condition. Subject to the conditions, it is considered that the proposal would be acceptable in terms of the impacts on ecology.

Archaeology

An Archaeological Desk Based Assessment has been submitted which concludes that the site is considered to have moderate archaeological potential. A Written Scheme of Investigation has also been submitted which details the sampling and analysis strategy for any deposits found. Essex County Council's Archaeological consultant raises no objection to the proposal subject to a condition to require that the Written Scheme of Investigation is complied with. Subject to this condition, there are no archaeological concerns with the proposal.

Fire

Essex County Fire and Rescue Service have been consulted and stated that access for fire service purposes are considered acceptable, and that detailed observations on access and facilities for the Fire Service shall be considered at Building Regulations stage.

CONCLUSIONS:

The proposed development would create 361 dwellings on a brownfield site which is now in residential use. The development would make appropriate use of an underutilised car park, and promotion of such areas for development is supported by the NPPF.

Whilst it is noted that the scheme would be tall and of a high density it is, on the whole, well designed, compatible with Pearson House and the wider character and appearance of the area, particularly in the context of the other larger scale buildings located to the north of Elizabeth Way and Edinburgh Way and the recently approved 15 storey residential development at 1 to 7 Burnt Mill, and being near to a train station where more intensive forms of development such as that proposed are often located.

The amount of parking proposed is considered to be appropriate given the site's location near to the train station, bus interchange and taxi rank. It is considered that the proposal would be acceptable in terms of landscaping, listed buildings, amenity, access and highway safety, ecology and archaeology.

The proposal would also provide a total of at least 44 affordable units, meet the requests for contributions towards education and healthcare, install a new pedestrian crossing and provide a contribution to public art.

The Local Planning Authority has a duty to consider the desirability of preserving or enhancing the character and appearance of the Conservation Area and preserving listed buildings, or their settings, or any features of special architectural or historic interest which they may possess. When assessed under the terms adopted by the NPPF, it is considered that the proposal would constitute 'less than substantial' harm to the Conservation Area, and that the level of harm would be at the lower end of less than substantial. In accordance with NPPF paragraph 196, this harm should be weighed against the public benefits of the proposal.

In addition, as the site is located partly within Flood Zone 3a the Local Planning Authority should consider whether the sustainability benefits of the proposal to the community outweigh the flood risk; in accordance with NPPF paragraph 160.

It is considered that the proposal would create benefits by optimising the use of an underutilised site, providing a significant amount of well-designed housing, the provision of affordable housing, accessible and adaptable dwellings and wheelchair user dwellings, public art and improved pedestrian access across Edinburgh Way. In addition, the proposal would improve to the vitality of the area around the station, as indicated by the owners of Mill Court/Harlow Exchange, and would contribute to the ambitious scale of growth promoted for Harlow which could lead to more longer term benefits, particularly as potential increases in property values in Harlow from the planned growth of the town could result in more affordable housing being provided at the site through the clawback mechanism.

While finely balanced, the benefits are considered to outweigh the limited harm to the Conservation Area and flood risk.

When taken as a whole, the proposal is considered to be in accordance with the NPPF, the relevant policies within the ARHLP and national and local guidance and, taking into account all material planning considerations, it is considered that the scheme should be granted planning permission.

The application is therefore recommended for approval subject to conditions and the applicant entering into an appropriately worded legal agreement to secure 12.2% affordable housing, with a clawback provision to enable additional affordable housing to potentially be provided in the future, the full contributions to primary and secondary education and healthcare, the travel plan monitoring fee and the public art contribution.

RECOMMENDATION:

That Committee resolve to GRANT PLANNING PERMISSION subject to the applicant entering into an appropriately worded Section 106 Legal Agreement and the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of development a Phasing Strategy including a plan and a programme of phasing for the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy may include provision for review and any amendments to it shall be subject to written approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To enable the site to be developed in phases in an appropriate manner. The details are required to be approved before works commence to ensure the impacts of the phasing are acceptable.
- 3 Prior to any construction works above ground level within each phase of the development, as approved under Condition 2, details of the types and colours of all external facing and roofing materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenities of the area in accordance with policy BE1 and BE2 of the Adopted Replacement Harlow Local Plan.
- 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
 - A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction;
 - 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.

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 BE17 and T9 of the Adopted Replacement Harlow Local Plan 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 Prior to first occupation of the development the access arrangements including the pedestrian refuge island and associated dropped kerbs, as shown in principle on drawing no. AP235 P101 rev L, dated 7th January 2019, shall be fully implemented, with all details agreed with the Highway Authority.
REASON: To ensure appropriate access arrangements in the interest of highway safety in accordance with the Highway Authority's Development Management Policies.
- 6 Notwithstanding the approved plans, prior to the commencement of development details of an amended parking scheme within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of each phase of the development, as approved under Condition 2, the vehicle parking and turning areas, including the cycle facilities, shall be provided, hard surfaced, sealed and marked out within that phase, in accordance with the details approved under this condition. The parking and turning areas shall be retained in perpetuity for their intended purpose.
REASON: To ensure that appropriate parking and turning is provided and to ensure residents of the development are provided with a safe exit from the building in a flood event in accordance with policies T9 and CP12 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.
- 7 Prior to first occupation of each phase of the development, as approved under Condition 2, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Essex County Council. The Residential Travel Plan shall then be actively implemented as approved for a minimum period from first occupation of each phase of the development until 1 year after final occupation.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T4 of the Adopted Replacement Harlow Local Plan.
- 8 Prior to first occupation of each phase of the development, as approved under Condition 2, a scheme for the provision of Residential Travel Information Packs for each dwelling within that phase shall be submitted to and approved in writing by Essex County Council. Residential Travel Information Packs shall be provided to each dwelling in accordance with the approved details and will include both rail and bus tickets for residents.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy SD3 of the Adopted Replacement Harlow Local Plan
- 9 The development hereby approved shall be carried out in accordance with the Written Scheme of Investigation prepared by CgMs, dated November 2018.
REASON: In the interest of protecting and conserving any archaeological assets in compliance with policy BE14 of the Adopted Replacement Harlow Local Plan.
- 10 There shall be no external lighting of the site at any time unless details of such lighting have first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed as approved and retained in that form thereafter.
REASON: To mitigate any adverse impact on wildlife, notably bats, in accordance with policy NE20 of the Adopted Replacement Harlow Local Plan.

- 11 No construction work shall be carried out on the site at any time on Sundays or public holidays, or before 8am or after 7pm on Mondays to Friday, or before 8am or after 1pm on Saturdays.
REASON: To ensure that the proposed construction works do not prejudice the amenity of neighbouring residents, in accordance with policies BE1 and BE17 of the Adopted Replacement Harlow Local Plan.
- 12 No development shall take place on site, including site clearance, tree works, demolition or any other works, until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall be in accordance with current BS5837 recommendations. The AMS shall include details relevant to the safe retention and protection of trees. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing 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 shall be included. The AMS shall also include a detailed list of tree works including access facilitation works required to provide the necessary clearance for construction works. The development shall be carried out in accordance with the approved details.
REASON: To ensure that damage to vegetation identified for retention is avoided, in compliance with policy NE11 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.
- 13 Notwithstanding the approved plans, prior to any construction works above ground level a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for new tree planting and enhancement of trees and vegetation. The scheme shall include details of all hard and soft landscaping, details of boundary treatments and details of wildlife enhancements, including wildlife boxes and homes which shall be installed on site. 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 5 years following completion of the scheme. The scheme shall be implemented in accordance with the approved details during the next planting season following completion of the first phase of the development.
REASON: To ensure satisfactory landscape treatment and screening of the site in the interests of the character and appearance of the area and to promote habitats of ecological value in accordance with policies NE12, NE17, NE18 and NE20 of the Adopted Replacement Harlow Local Plan.
- 14 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 shall include but not be limited to:
- Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - 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 first occupation of any phase of the development.

REASON: To ensure that satisfactory surface water drainage is provided to ensure mitigation against flood risk in accordance with policy CP12 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

- 15 No works shall take place until a Maintenance Plan for the Surface Water Drainage Scheme has been submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan shall identify who is responsible for the maintenance of the different elements of the surface water drainage system and maintenance activities/frequencies. The Maintenance Plan shall require yearly logs of maintenance to be carried out. The maintenance logs shall be available for inspection upon request by the Local Planning Authority. The maintenance plan shall be adhered to in accordance with the approved details.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage scheme to be maintained to ensure mitigation against flood risk in accordance with policy CP12 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

- 16 The development hereby approved shall be carried out in accordance with the Flood Risk Assessment (FRA) 'Land adjacent to Pearson House, Edinburgh Way, Harlow, Essex; Flood Risk Assessment FINAL, November 2018' prepared by EAS Ltd and the compensatory flood storage measures detailed within the FRA. Prior to first occupation of any phase of the development, as approved under Condition 2, a scheme including the detailed design of and a maintenance and management plan for the proposed undercroft parking shall be submitted to and approved in writing by the Local Planning Authority, in liaison with the Environment Agency. The scheme shall be implemented for each phase of the development prior to first occupation in accordance with the approved details.

REASON: To prevent flooding on site and elsewhere by ensuring that storage of flood water is provided on site and conveyance is not restricted for the lifetime of the development, and to ensure the undercroft car parks are acceptable with regards to flood risk, in accordance with policy CP12 of the Adopted Replacement Harlow Local Plan.

- 17 Notwithstanding the approved plans, prior to the commencement of any works above ground level, an amended 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 BE1 of the Adopted Replacement Harlow Local Plan.

- 18 The development hereby approved shall be carried out in accordance with the recommendations set out within the Report On Ground Investigation (dated 15 June 2018), Phase II Ground Investigation & Generic Risk Assessment Report (dated 13 June 2018) and Remediation Method Statement (dated 13 June 2018).

REASON: To ensure appropriate land contamination mitigation measures are implemented in accordance with policy BE15 of the Adopted Replacement Harlow Local Plan.

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

Drawing Ref.	Revision.	Drawing Title	Date Received
WH188/18/P/05.01	-	Location Plan	18 th October 2018
WH188/18/P/05.02	-	Site Plan As Existing	18 th October 2018
AP235P100	D	Site Location/Roof Plan	7 th January 2019
AP235P101	L	Ground Floor Plan in Context	7 th January 2019
AP235P102	L	First Floor Plan in Context	7 th January 2019
AP235P103	K	Second Floor Plan in Context	7 th January 2019
AP235P110	L	Ground Floor	7 th January 2019
AP235P111	L	First Floor	7 th January 2019
AP235P112	J	Second Floor	18 th October 2018
AP235P113	H	Third Floor	18 th October 2018
AP235P114	H	Fourth Floor	18 th October 2018
AP235P115	H	Fifth Floor	18 th October 2018
AP235P116	H	Sixth Floor	18 th October 2018
AP235P117	H	Seventh Floor	18 th October 2018
AP235P118	H	Eighth Floor	18 th October 2018
AP235P119	H	Ninth Floor	18 th October 2018
AP235P120	H	Tenth Floor	18 th October 2018
AP235P131	H	Elevation Sheet 01	7 th January 2019
AP235P132	H	Elevation Sheet 02	7 th January 2019
AP235P133	J	Elevation Sheet 03	7 th January 2019
AP235P134	H	Elevation Sheet 04	7 th January 2019
AP235P135	H	Elevation Sheet 05	7 th January 2019

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

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised to contact Essex County Council's Sustainable Travel Plan team.
3. The developer shall pay as necessary for the making of any new, or amendments to existing, Traffic Regulation Orders; together with provision of the associated signing and lining.
4. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
5. If any highway requires Stopping Up then the proposed used shall not be commenced and subject land shall not be enclosed from the Highway until such time as an order has been confirmed extinguishing all highway rights therefrom to protect the public's right and ease of passage over the Highway. The applicant should establish title to the land.
6. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and 2 of the Land

Compensation Act 1973. To protect the Highway Authority against such compensation claims, a cash deposit or bond may be required.

7. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
8. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;
 - Kill, injure or take a wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Disturb any wild bird listed on Schedule 1 * while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

* For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).

If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

9. In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:
 - Intentionally kill, injure or take a bat;
 - Sell, hire, barter or exchange a bat, dead or alive;
 - Be in possession or control of a bat or anything derived from them.

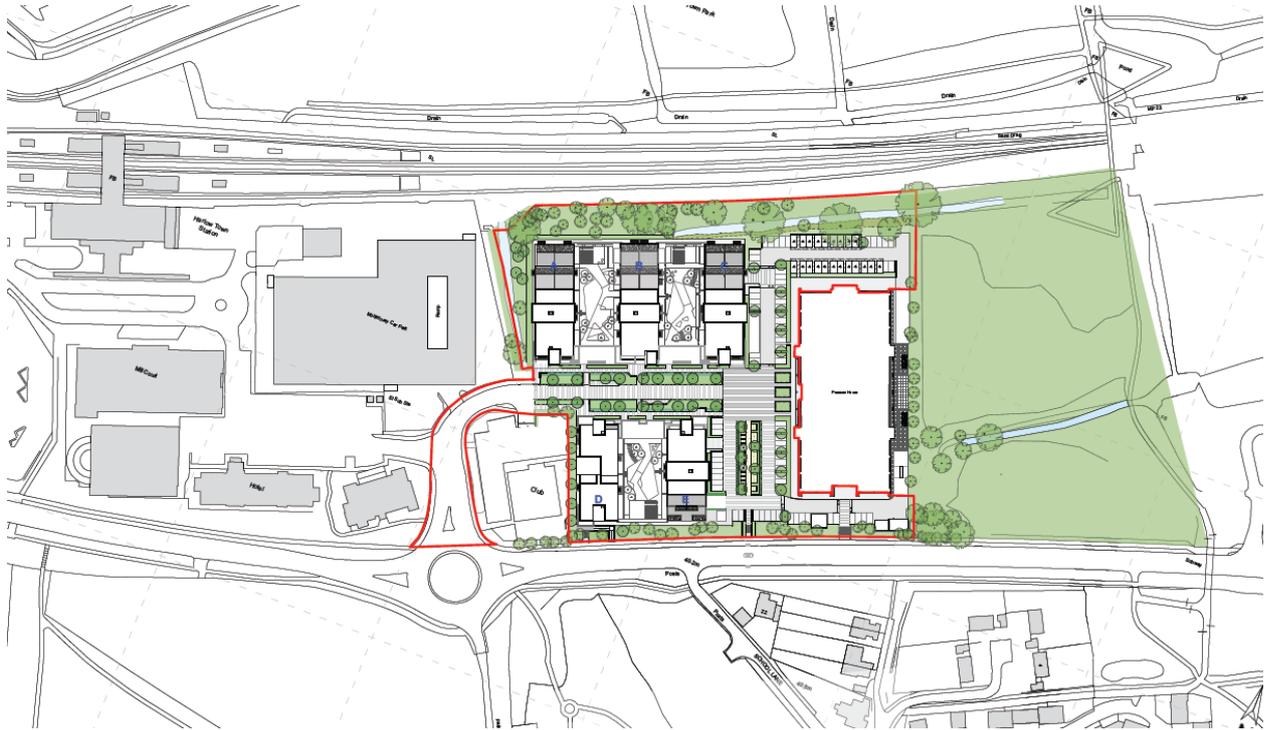
As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

- Disturb a bat;
- Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.

Plans

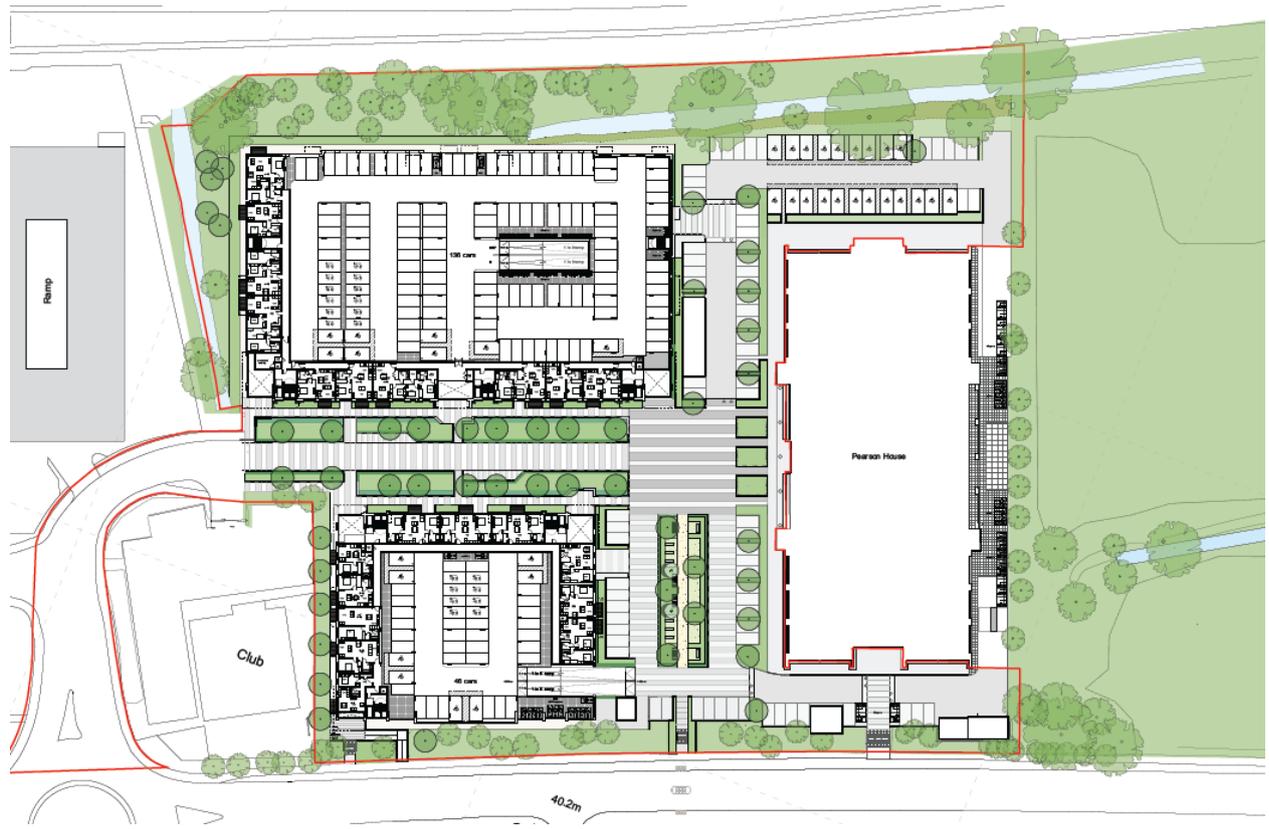
Proposed Site Plan



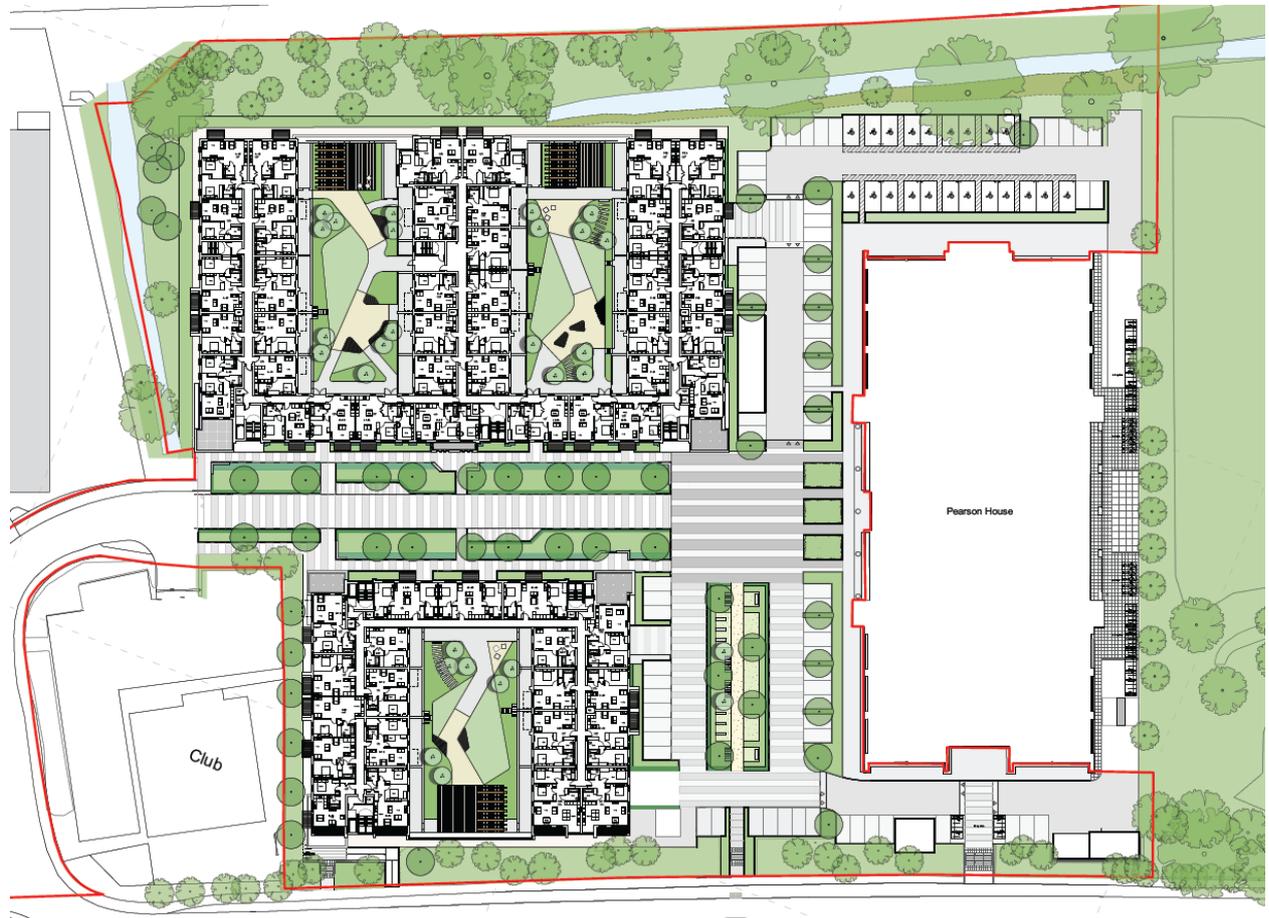
Ground Floor Plan in context



First Floor Plan in context



Second Floor Plan in context



Blocks A, B and C Southern Elevation



Elevation 01- Buildings A, B, C, L1 and L2, South

Blocks A, B and C Northern Elevation



Elevation 02- Buildings A, B & C North

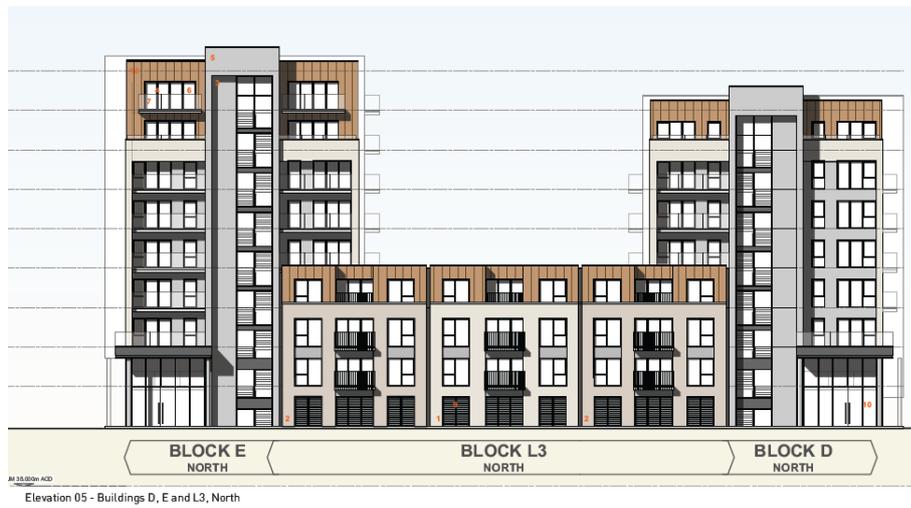
Blocks A and D Western Elevation



Blocks C and D Eastern Elevation



Blocks D and E North Elevation



Blocks D and E South Elevation

