

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
5 June 2019

REFERENCE: HW/FUL/18/00548

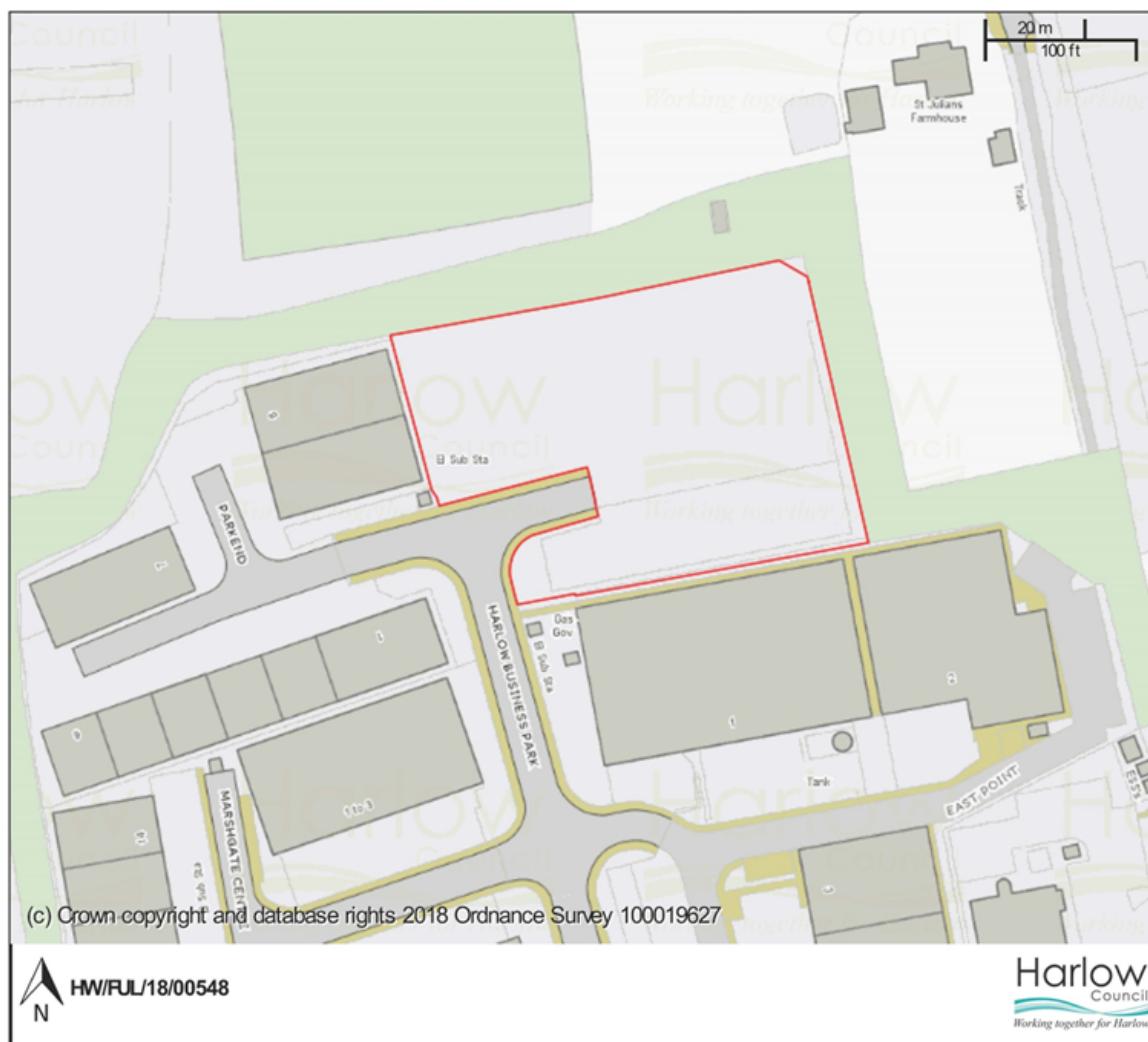
OFFICER: Jade Clifton-Brown

APPLICANT: Chancerygate No.2 Limited

LOCATION: Plot 17
Harlow Business Park
Roydon Road
Harlow
Essex

PROPOSAL: Erection of two new industrial buildings, subdivided into five units, to provide 2,607 sq.m of B1c, B2 and B8 Use, together with access, parking and landscaping.

LOCATION PLAN



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

Application Site and Surroundings

The application site lies on the northern border of 'Harlow Business Park', and is located within the Pinnacles Employment Area, according to the Adopted Replacement Harlow Local Plan Proposals Map.

The site mainly comprises hardstanding and is approximately 0.45 ha and roughly rectangular in shape. The site is currently vacant and was most recently used as a bus depot (Sui Generis Use). To the south and west of the site are employment/industrial uses, and a 10m wide landscape buffer separates the site from the surrounding properties to the north and east.

Details of the Proposal

Planning permission is sought for the development of two industrial buildings, subdivided into five units, totalling 2,607 sq. m. The proposed units would include flexible B1c (Light Industrial), B2 (General Industrial) and B8 uses (Storage and Distribution) and ancillary office accommodation.

The vehicular access would be taken from Parkend. A total of 44 car parking spaces would be provided; including 5 disabled spaces. The proposal also includes 20 cycle parking spaces and spaces for Powered Two Wheelers. Two service loading bays would also be provided for each unit.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/11/00121	Use of site as coach park/depot (sui generis use).	GTD	13.07.2011
HW/PL/10/00083	Use of site as coach park/depot (sui generis use).	WDN	15.04.2011
HW/PL/10/00036	Renewal of Planning Permission For Erection of a Food Production Factory (Class B2)	GTD	07.07.2010
HW/PL/07/00097	Erection of Food Production Factory (Class B2)	GTD	20.06.2007
HW/PL/06/00077	Erection of Food Production Factory (Sausages)	WDN	18.04.2006

CONSULTATIONS

Internal and External Consultees

HDC – Consultant Tree Officer

No objection:

The application site contains no trees, though it is bordered on the north and eastern sides by semi and early-mature trees (not protected at any statutory level). With regard to the impact of the proposed development on the trees, given the trees are set back from the boundary line, and are situated some 1.5-3m below the ground level of the site (due to level changes at the boundary of the site), it is not foreseeable that there will be any below-ground impacts to these trees. As noted in the AIA, some root protection areas do reach in to the site slightly, though these roots will almost certainly not be 'significant' roots (as regards to affording the tree stability), and the limited encroachment will likely not impact adversely on

tree physiology. The erection of a protective fencing barrier at the boundary line will serve to protect root protection areas, which are generally off-site, adequately.

Concerning above-ground matters (i.e. pruning), the trees to the east will be laterally pruned back up to the boundary line. This is a legal right, and because overhanging is limited there will be very little observable impact upon public amenity; as there will be very little impact on the trees' physiology, following pruning.

Recommends conditions to ensure that the proposal is undertaken in accordance with the Arboricultural Report accompanying the application, and to ensure that trees planted in accordance with the consented proposals that decline in health or die must be replaced in the five years following project completion.

HDC- Environmental Health

No objection:

Recommends the proposal is carried out in accordance with the Construction Management Plan, and that the mitigation measures stated in the Air Quality Statement are complied with.

HDC - Cleansing And Environment

No objection.

Essex County Council – Highways

No objection:

Recommends condition to ensure that the cycle parking and access arrangements including footway provision, vehicle parking and turning areas as indicated on the approved plans are provided prior to first occupation of the development and there forth retained in perpetuity. Also recommends a condition to request the submission of a Travel Plan to the Local Planning Authority including a £5000 payment towards monitoring fees to Essex County Council

Environment Agency

No comment received.

Natural England

No objection:

The proposed development would not have significant adverse impacts on statutorily protected sites or landscapes.

Harlow Badger Group

No objection subject to compliance with the submitted Ecological Assessment.

ECC- Archaeology

No comment received.

ECC- Infrastructure

No objection:

The employment generated by the proposed development does not reach the specified thresholds and therefore an education contribution is not requested.

Essex County Fire And Rescue Service (Harlow)

Comment:

The nearest statutory fire hydrant is in excess of 90m from an entry point into the buildings and therefore it is anticipated that a new private fire hydrant will be required within the curtilage of the site, should the development proceed.

Officer comment: The Council's Building Control team confirm that fire hydrants would be requested at Building Control stage.

ECC- Sustainable Drainage Team

No objection subject to conditions to ensure the development is carried out in accordance with the approved Flood Risk Assessment and mitigation measures, and that yearly logs of maintenance should be carried out in accordance with the approved Maintenance Plan.

Affinity Water Ltd

No objection:

No direct concerns with regards to run off as abstractions are from ground water with little or no evidence of surface water connection to the groundwater.

Thames Water Utilities Ltd

No objection.

Neighbours and Additional Publicity

Number of Letters Sent: 19

Total Number of Representations Received: 4

Date Site Notice Expired: 10 January 2019

Date Press Notice Expired: 24 January 2019

Summary of Representations Received

Four representations have been received (2 from local residents, 1 from Roydon Road Residents' Association and 1 from an adjacent commercial unit). A summary of the representations received are as follows:

- No information provided as to what types of companies would be situated on the site so difficult to assess the impacts on the surrounding area.
- Potential noise 24/7, inappropriate fumes and lighting
- Occupation of the units should be restricted to activity which will not disturb the surrounding residential areas.
- The proposed layout of buildings would not shield the land to the north from amenity impacts.
- An acoustic fence and additional landscaping would help to limit the impacts on neighbouring amenity.
- Previous noise issues, sewage, drainage and rubbish issues at this site.
- The land level at Plot 17 has been artificially built up and should be adjusted back to its original position.
- The higher ground would make buildings appear taller than they should be.
- A lighter grey colour should be used to minimise visual impact.
- Impacts of construction on the footpath and wildlife corridor.
- The representation received from the adjacent business unit raised concern in relation to drainage and flooding. The representation notes the location of a cess pit on a lower trajectory to Plot 17, which is emptied every 7-10 days as it cannot handle

any more. The representation notes that this is possibly compounded by surface water draining into the cess pit after heavy rainfall. Any surface water that is not pumped away at Plot 17 might end up at the lowest point where the cess pit is, which could threaten the whole integrity of the pit. This representation does however note that the proposal may help with the overall security of the area and may help to prevent fly tipping and other less salubrious activities.

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 disabled 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.

BE12:"Archaeology" permission will not be granted for development proposals that would adversely affect the site or setting of a Scheduled Monument or other archaeological site of national or particular local importance.

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 development 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.

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.

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

ER10: "Economic Diversity" permission will be granted that provide for small businesses within the allocated employment areas or for B1 use in the neighbourhood service areas.

ER13:"Education, Training and Childcare" for new or expanding employment generating uses, provision through planning obligations will be sought for: employment of local people; work related training provision; education opportunities and affordable childcare.

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.

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.

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.

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).

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.

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.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council's Adopted Development Management Policies (2011)
Planning Practice Guidance (PPG)

Harlow Local Development Plan Pre-Submission Publication (2018)

Harlow Council is in the process of its new local plan being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced 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).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') is the final version of the plan for consultation before it is submitted for examination. The consultation closed on 6th July 2018, the Examination started on 28th March 2019.

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 ASSESSMENT:

The key issues to be assessed in the determination of this application are the principle of the proposed development and its impact on the character and appearance of the area; neighbouring amenity; highway safety and parking; flooding, and ecology.

Summary of Main Issues

Principle of Development

The application site is located within the Pinnacles Employment Area.

Policy ER5 of the Adopted Replacement Harlow Local Plan (ARHLP) states that planning permission will normally be granted for offices and research and development, general industry, light industry and warehousing development within use classes B1, B2 and B8 within Employment Areas.

Paragraph 80 of the NPPF makes it clear that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

The proposed development would provide circa 2,607 sqm of B1c, B2 and B8 uses within the Pinnacles Employment Area, and would provide new premises for businesses within Harlow. The proposed development is considered to be in accordance with policy ER5 of the ARHLP and is thus acceptable in principle.

Character and Appearance

Policies BE1 and BE2 of the ARHLP state that proposals should not result in harm to the character and appearance of the area.

The Pinnacles Employment Area is characterised by a mix of industrial and commercial units. The proposed development would be similar in scale and appearance to the surrounding units and would include similar building lines and layouts.

The proposed elevations include curtain walling and windows and composite metal cladding to break up the volume of the buildings. The entrance doors, frames and windows would be aluminium and the roof would be grey. The flashings to all reveals around the windows and entrance doors would be green to add visual interest to the units. It should be noted that the colour of the units has changed from dark grey to light grey to reduce their visual impact, as requested in a neighbour representation.

A Soft Landscaping Proposal and Specification for Soft Landscape Works has been submitted with the application. Whilst the proposed landscaping is limited due to space, it is considered that the proposed trees, shrubs, grass and bulbs, alongside the existing significant landscape buffer along the northern and eastern site boundaries, would soften the appearance of the development, and is therefore considered acceptable overall. The Council's consultant Tree Officer raises no objection to the proposal.

No information has been submitted in relation to hard landscaping and boundary treatments, and it is therefore considered necessary to attach a landscaping condition requesting the submission of these details.

Subject to conditions, it is not therefore considered that the proposal would result in harm to the character and appearance of the streetscene.

Neighbouring Amenity

It is noted that concern has been raised in relation to neighbouring amenity.

The application site is located approximately 43m from the closest residential dwelling, and is separated from the surrounding residential dwellings by a 10m deep and 13m high tree/hedge line.

An Air Quality Assessment has been submitted which concludes that the proposal would not result in detrimental impacts to air quality subject to mitigation measures to minimise the

impact of dust during construction. The document recommends that mitigation measures are set out within a Construction Management Plan.

The Council's Environmental Health team raise no objection in this regard subject to the compliance of the development with the recommendations set out within the Air Quality Assessment. Environmental Health also recommended conditions to control the construction hours and to ensure that there is sufficient wheel washing on site to control dust. Conditions relating to a Construction Management Plan and construction hours shall be added to any consent granted.

A Noise Assessment has been submitted which concludes that no adverse noise effects are predicted as a result of the construction or operation of the development, either during the daytime or night-time periods. The Noise Assessment further concludes the noise from associated HGVs would unlikely be audible above the existing noise environment of the Pinnacles Employment Area, and that the operational noise would be mitigated by the layout of the units. The Noise Assessment does however recommend further assessment in relation to fixed plant noise once the occupiers and operations are understood, and recommends that any fixed plant is housed either within the units or at the front of the units, away from the residential properties. A condition requesting details in relation to the fixed plants shall be added to any consent granted.

The Noise Assessment does not recommend the erection of an acoustic fence and the Council's Environmental Health team raise no objection to this.

A lighting condition would allow the Local Planning Authority to assess the impact on lighting on residential properties, to ensure amenity levels are safeguarded. Fumes would be dealt with via Environmental Health legislation.

Subject to conditions, it is not considered that the proposal would result in detrimental impacts to neighbouring amenity.

Ecology

An Ecological Assessment has been submitted which has assessed, by means of desk top study and on site surveys, the likelihood of protected species and habitats being evident on the site and in the surrounding area.

The Ecological Assessment notes that the site is not considered to offer any significant opportunities for bats, with only very limited potential foraging opportunities present. It is likely that the adjacent tree line to the north and east of the site would offer some foraging and dispersal opportunities for the local bat populations. The Ecological Assessment recommends new landscape planting to provide foraging resources, a sensitive lighting scheme and bat boxes to mitigate any impact.

The Ecological Assessment identifies the site as suitable for bird nesting and foraging opportunities in the form of the trees and planting present, although no notable bird species or actively nesting birds were recorded during the surveys. The document recommends the planting of native fruit-bearing plant species to compensate for any losses of foraging habitat and to provide enhanced foraging opportunities for bird species post-development. The document also recommends clearance of suitable bird nesting habitats takes place outside the nesting season and the installation of bird boxes on buildings.

The Ecological Assessment notes that the site does not contain any suitable habitats for reptiles and Great Crested Newts, and no evidence of notable invertebrate species were found.

The Ecological Assessment recommends the appointment of an Ecological Clerk of Works to guide the construction of the proposed works, and mitigation measures to prevent adverse impacts on badgers. These include limits on where heavy machinery can enter, checks by an ecologist prior to the commencement of any works, an area limit for loud noise or

vibrations, and the compaction of topsoil and subsoil to prevent adverse effects on any setts which may be off-site.

The closest statutory site to the application site is Hunsdon Mead Site of Special Scientific Interest which lies approximately 0.7km north-west of the site. The closest non-statutory designated site is Worlds End Local Wildlife Site, located approximately 0.4km to the south-west of the site. The Ecological Assessment concludes that the proposal would not result in detrimental impacts to these sites due to the distances, nature and scale of the proposed development.

No comment has been received from the Environment Agency. Natural England raise no objection to the proposal, and Harlow Badger Group raise no objection subject to the implementation of the recommended mitigation measures.

In light of the above, it is considered necessary to impose conditions relating to the installation of bird and bat boxes and wildlife friendly planting. It is considered that these can be incorporated within the previously mentioned landscape condition. It is also considered necessary to require a condition relating to external lighting and for the works to be carried out in accordance with the recommendations set out within the Ecological Assessment.

Parking and Highway Safety

Whilst the proposal is for a flexible B1c, B2 and B8 use, there is a possibility that the units could fall within the same use class (i.e. all B1c or all B2 or all B8).

The proposal includes 39 standard vehicle parking spaces which equates to 39% of the B1 parking standard, 64% of the B2 standard and an over-provision of 19 spaces in relation to the B8 standard.

However, in reality, the five units are likely to include a mix of different uses, and given their warehousing nature, it is unlikely that they would be used solely for B1c uses. It is therefore considered appropriate to assess the parking on a mix of uses, for example, if the mix included one B1c unit, two B2 units and two B8 units, the parking requirement would be 48 standard car parking spaces, according to the standards. The proposed parking provision in this case would equate to 81%. It should be noted that B1c is light industrial and is likely to require less car parking spaces compared to other uses within class B1, such as a B1a office use.

The proposal also includes 20 cycle parking spaces which is an over-provision of 2 according to the B2 standards and an over-provision of 11 according to the B8 standards. It is noted that the proposed cycle parking requires 26 spaces additional spaces to comply with the B1 standards, however, as discussed above, in reality it is unlikely that the units would be solely occupied by B1 uses, and notwithstanding this, it is considered that there is sufficient space within and outside of the units to accommodate further cycle parking spaces if required.

There is also sufficient space for 2 Powered Two Wheeler (PTW) spaces as required by the standards, and it is noted that there would be 5 disabled parking spaces (1 to the front of each unit) which is an over-provision of 3 according to the standards.

A condition shall be added to any consent granted requiring the cycle parking spaces and PTW spaces to be provided in accordance with the Essex Parking Standards. In the event that the units are occupied solely for B1c uses, it is noted that double stackers or further internal floorspace within the units may be required to accommodate additional cycle parking spaces.

The existing vehicular access into the site via Parkend would be utilised. The proposed site layout allows cars and larger vehicles to turn within the site and access/egress in a forward gear. The Highway Authority and Fire Service have no concerns regarding access or servicing arrangements.

Essex County Council (the Highway Authority) raise no objection to the proposal subject to conditions to ensure that the cycle parking and access arrangements including footway provision, vehicle parking and turning areas as indicated on the approved plans are provided prior to first occupation of the development and there forth retained in perpetuity.

Essex County Council also request a condition to ensure that a Travel Plan is submitted to the Local Planning Authority, which would include a range of measures to promote and encourage walking, cycling, public transport use and car sharing. The requested condition shall be added to any consent granted. Essex County Council also requested a contribution of £5000 towards monitoring of the Travel Plan prior to first occupation of the development. This would help to decrease car usage and reduce the parking provision level required. A Unilateral Undertaking shall be undertaken to secure this contribution.

It is therefore pragmatic to consider that the proposed development is likely to include a mix of different uses, and thus the proposed parking provision is considered, on balance, to be acceptable. The proposed access and impact on highway safety is also considered to be acceptable, subject to conditions.

Drainage

The site is located within Flood Zone 1 and is at a low risk of flooding.

A Drainage Report has been submitted which confirms that the proposed units would connect to the existing surface water network. The discharge rate shall be restricted to reduce the flows via a flow device, and the document recommends further mitigation measures including below ground attenuation, controlled flooding at surface level and the interception of pollution. A maintenance schedule for the system shall be produced to ensure the efficiency of the system is maintained.

Thames Water confirm that there is an existing surface water and foul water sewer network to connect to and that their permission would be required to connect to this network.

Essex County Council raise no objection subject to conditions requesting the development is carried out in accordance with the Flood Risk Assessment, and that yearly logs of maintenance are carried out in accordance with the approved Maintenance Plan.

Affinity Water raise no objection to the proposal and no comment has been received from the Environment Agency.

Subject to conditions, it is not considered that the proposal would result in detrimental impacts in terms of flooding.

Other Matters

Contamination

A Phase II Geo-Environmental Site Assessment, including an intrusive investigation, has been submitted which concludes that the site is at low risk of contamination. The Council's Environmental Health team raise no objection in this regard.

Fire

Essex County Fire And Rescue Service note that the nearest statutory fire hydrant is in excess of 90m from an entry point into the buildings and therefore it is anticipated that a new private fire hydrant would be required within the curtilage of the site, should the development proceed. A condition shall be added requesting a fire hydrant prior to the commencement of works above ground level.

Archaeology

The site is previously developed and it is unlikely to be of archaeological significance. No comment has been received from the Council's Archaeological consultant.

Planning Obligations

Essex County Council's Infrastructure team confirm that the proposed development does not meet the threshold to provide planning obligations.

No planning obligations are therefore required in this circumstance.

CONCLUSIONS:

The proposed development would create B1, B2 and B8 uses within the Pinnacles Employment Area which would regenerate and modernise a vacant plot, and would encourage new businesses to the area, in compliance with policy ER5 of the ARHLP and paragraph 80 of the NPPF. Furthermore, the proposal is not considered to result in harm to the character and appearance of the area nor result in detrimental impacts to neighbouring amenity, ecology or flooding, subject to conditions, in compliance with policies BE1, BE2, NE11 and NE17 of the ARHLP. On balance, it is considered that a mix of uses would be provided, and on that basis, the level of parking proposed is acceptable. The application is therefore recommended for approval.

RECOMMENDATION:

That Committee resolve to GRANT PLANNING permission subject to the applicant entering into an appropriately worded 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. No construction above ground level shall take place until details of the materials to be used on the external finishes of the development, including samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory appearance for the proposed development in accordance with policies BE1 and BE2 of the Adopted Replacement Harlow Local Plan.

3. The development shall be carried out in accordance with the Construction Management Plan (received 28 May 2019).

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.

4. The development shall be carried out in accordance with the proposed mitigation measures set out in the Ecological Assessment and Appendix 2 (produced by Ecology Solutions, dated January 2019).

REASON: To mitigate any adverse impact on wildlife, in accordance with policy NE20 of the Adopted Replacement Harlow Local Plan.

5. Notwithstanding the approved plans, prior to 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 details of all hard and soft landscaping; details of boundary treatments; details of bird and bat boxes which shall be installed on site and wildlife friendly planting. 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 development.

REASON: To provide satisfactory landscaping in the interests of the character and appearance of the area and to promote habitats for wildlife in accordance with policies NE12 and NE20 of the Adopted Replacement Harlow Local Plan.

6. The development shall be carried out in accordance with the mitigation measures referred to in section 6.1 of the submitted Air Quality Assessment (prepared by TRC Companies LTD, dated October 2018).

REASON: In the interest of neighbouring amenity, in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan.

7. Prior to the first occupation of the development, the access arrangements, including footway provision, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access arrangements, parking and tuning areas shall be retained in perpetuity for their intended purpose.

REASON: In the interests of highway safety, efficiency and accessibility and to maintain and enhance pedestrian connectivity and to ensure that appropriate parking and turning is provided in accordance with policies BE2 and T9 of the Adopted Replacement Harlow Local Plan 2006.

8. Prior to the first occupation of the development, the cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facilities shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle/powered two wheeler parking is provided in the interest of highway safety in accordance with policy T6 of the Adopted Replacement Harlow Local Plan and the Highway Authority's Development Management Policies.

8. Prior to first occupation of the development, the developer shall submit a Travel Plan to be 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 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.

9. 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 residential amenity and wildlife, notably bats, in accordance with policies BE16 and NE20 of the Adopted Replacement Harlow Local Plan.

10. No demolition or construction work that involves the production of noise capable of being heard beyond the property boundary shall be conducted outside of the hours of 08.00 to 19.00 Monday to Friday and 08.00 to 13.00 on a Saturday. No works shall be carried out on a Sunday or Public/Bank Holiday.

REASON: In the interests of amenity in accordance with policy BE17 of the Adopted Replacement Harlow Local Plan.

12. The development shall be carried out in accordance with the approved Flood Risk Assessment (reference 18-134R_001) and the additional associated information received 29 April 2019, and the following mitigation measures detailed within the Flood Risk Assessment:

- Limiting discharge rates to 4l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Provide the appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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.

13. The development shall be carried out in accordance with the Drainage Maintenance Plan (dated April 2019). The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To 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.

14. Prior to the first occupation of the development, a Water Mains Scheme showing a suitable location for the siting of a fire hydrant 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 interest of the health and safety of future occupiers and to ensure adequate protection against fires.

15. Prior to the first occupation of the development, details in relation to any on-site fixed plant shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity in accordance with policy BE17 of the Adopted Replacement Harlow Local Plan.

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

Drawing Reference and Version Number	Drawing Title	Date Received
C-291-TP LP-01	Site Location Plan	07.12.2018
C-291-TP 01 REV B	Site Plan	07.12.2018
C-291-TP-02 REV B	Floor Plans, Elevations & Section	01.02.2019
C-291-TP-03 REV B	Floor Plans, Elevations & Section	01.02.2019

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. 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.

4. 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.

5. There shall be no discharge of water onto the Highway.
6. 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.
7. Permission is required from Thames Water to connect to the existing surface water network.