

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

16 October 2019

REFERENCE: HW/FUL/19/00241

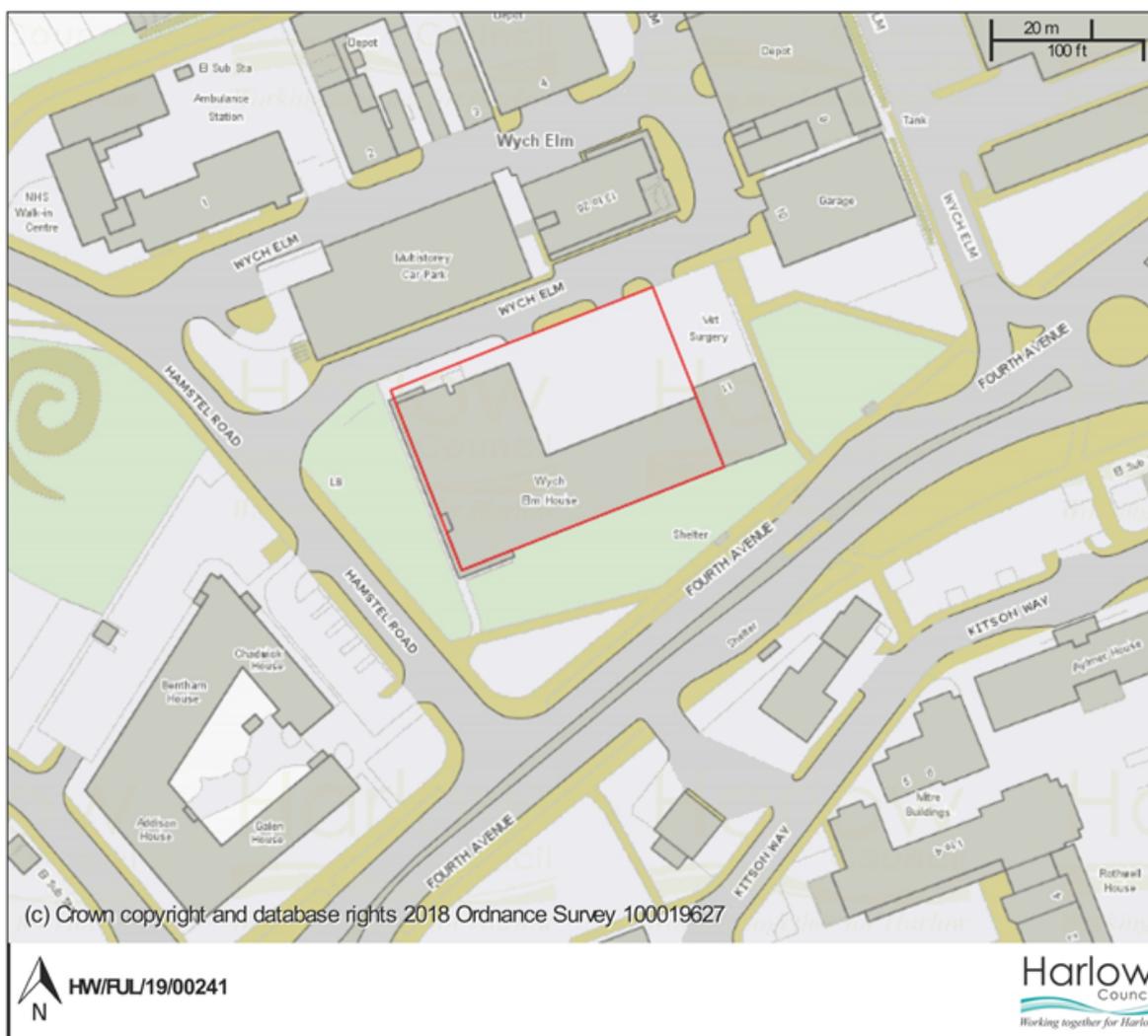
OFFICER: Jade Clifton-Brown

APPLICANT: Prisma Property Developments (Harlow) Limited

LOCATION: Wych Elm House
Wych Elm
Harlow
Essex
CM20 1QR

PROPOSAL: Demolition of existing buildings and the erection of a 2-11 storey building comprising 122 no. residential units (Class C3), and 763 sq. m of ground floor commercial floorspace (Classes A1, A2, A3, D1), together with associated works and public realm improvements.

LOCATION PLAN:



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

Application Site and Surroundings

The application site includes Wych Elm House which is located on the edge of the Town Centre according to the Adopted Replacement Harlow Local Plan (ARHLP) Proposals Map 2006 but is proposed to be brought within the Town Centre boundary by the emerging Local Plan.

The application site comprises approximately 0.2 hectares in Wych Elm and contains an L-shaped one and two storey building which previously included commercial units, but is now vacant with the exception of Harlow Pharmacy (Use Class A1).

To the north of the site is a three storey car park with Harlow Ambulance Station and the residential area of Rectory Wood located beyond this. Immediately to the east is a two storey veterinary practice (KewVets Harlow), with associated car parking. Princess Alexandra Hospital is located approximately 170m to the west of the site. The western and southern boundaries of the site are bordered by areas of landscaping and trees, which are Council owned.

The immediate surroundings comprise a mix of uses, with primarily business premises to the north of the site including HPS Motorcycles, Essex Smiles Harlow and Mr Unique Tyre and Exhaust Centre.

The site is located within Flood Risk Zone 1 (lowest risk of flooding).

The site is not located within a Conservation Area and there are no Listed Buildings within the area.

Planning permission was refused by the Development Management Committee in March 2019 for the demolition of the existing buildings and the erection of a 2-10 storey building comprising 102 residential units (Class C3) and 780sq.m of ground floor commercial floorspace (Classes A1, A2, A3), together with associated works and public realm improvements. The reason for refusal was as follows:

The proposed development is not in compliance with the Local Planning Authority's current and emerging policies on the provision of affordable housing, as set out by policy H5 of the Adopted Replacement Harlow Local Plan (July, 2006) and policy H8 of the Harlow Local Plan Pre-Submission Publication (May, 2018).

Details of the Proposal

The proposed application has made the following changes:

- The proposal includes 15 affordable units and contributions towards local primary school provision and libraries.
- The number of dwellings has increased from 102 to 122.
- The application proposes a mix of 42 1 bed flats (34%) and 80 2 bed flats (66%) compared to 42 1 bed flats (41%) and 60 2 bed flats (59%).
- The commercial floorspace has reduced from 780sqm to 763sqm.
- A D1 use has been proposed for potential use as a doctors surgery.
- The maximum height of the building has been increased from 10 storeys to 11 storeys. The majority of the site's frontage to Fourth Avenue would be 8 storeys with 10 storeys fronting Hamstel Road.
- The proposal includes 72 car parking spaces and 16 disabled car parking spaces. The previous proposal included 80 car parking spaces and 12 disabled car parking spaces.

The proposal is similar to the previous scheme in the following respects:

- The existing L-shaped building would be demolished.
- The proposal includes 4 commercial units at ground floor to be used for A1, A2 and A3 uses (alongside the newly proposed doctors surgery use).
- Harlow Pharmacy would be retained and would occupy one of the commercial units.

- The residential accommodation would be provided from the second floor upwards.
- The ground floor car park would be accessed from Wych Elm and would also provide back of house access for refuse storage/collection and for servicing and deliveries.
- The commercial units would be accessed from Fourth Avenue and Hamstel Road.
- The ground floor would lead to a ramp to further residential parking spaces at first floor level.
- Four residential entrance cores are proposed within each corner of the development with two cores accessed from Wych Elm and two accessed from Fourth Avenue.
- The existing 14 trees around the site would be retained.
- The proposal includes public realm enhancements including a new block paved pedestrian connection between Fourth Avenue and Hamstel Avenue, new seating, cycle racks and bins.

RELEVANT PLANNING HISTORY:

Application Reference Number: HW/FUL/18/00269

Proposal: Demolition of Existing Buildings and the Erection of a 2-10 Storey Building Comprising 102 No. Residential Units (Class C3), and 780 sq. m of Ground Floor Commercial Floorspace (Classes A1, A2, A3), Together with Associated Works and Public Realm Improvements

Application Status: Refused.

Date Application Decided: 26th March 2019

CONSULTATIONS:

Internal and External Consultees

HDC- Consultant Tree Officer

No objection:

Recommends condition requiring the submission of a detailed Arboricultural Method Statement.

HDC - Cleansing and Environment

No comment received.

Officer comment: No objection was raised under the previous application:

Recommends that permission is granted from Essex County Council in relation to the proposed bin holding area located near to bin store C as this is an adopted footpath. If Essex County Council do not give permission then a more suitable location within the site would be required. In addition, the plans indicate that the holding area would be available for both residential and commercial use however clear separation between the two types of waste is required. A plan is required to demonstrate how this would be achieved. The entrance doors to the bin stores appear to be too narrow to allow for safe handling and extraction of containers. All doors installed for the purposes of removing containers must have a minimum width of 2m.

HDC- Economic and Town Centre Development Officer

No objection, states same comments apply as for previous application:

The proposal broadly fits with the emerging Area Action Plan for the area, with Wych Elm being identified as a location for mixed-use development. Given the proximity of the site to the highway and potential key site location we would expect to see the delivery of a high quality development, with active frontages adjoining Fourth Avenue.

Notes that the proposal includes an upgrade of the immediate public realm and as land owner of this wider space the Council would welcome the opportunity to work with developers to improve and manage high quality open space, as well as at-grade pedestrian crossing improvements that better connect the site with the rest of the Town Centre. Therefore, the Council would ask for public realm improvements to be considered as part of any Section 106 Legal Agreements.

HDC- Environmental Health

No objection:

The mitigation measures proposed by the Acoustic Assessment shall be controlled via Building Control, Environmental Health and Licensing legislation. Recommends conditions to minimise dust production, to ensure that a suitable and sufficient wheel wash is provided and to prevent bonfires.

HDC - Housing Services

No comment received under this application or the previous application.

Essex County Council - Infrastructure Planning Officer

No objection:

A contribution of £183,372.00 and £185,712.00 is required to mitigate the impact on local primary school provision and secondary school provision, respectively. In addition, a contribution of £39,093.68 is required to improve, enhance and extend libraries within Essex.

Essex County Council – Highways

No objection:

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

The applicant has submitted a Transport Statement (TS) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be an acceptable level. Consequently no junction assessments are considered necessary for the proposal.

The methodology informing the parking provision is considered to be acceptable especially given the location of the site and its position in terms of easy access to other modes of sustainable travel. Furthermore the surrounding roads in the locality are well secured with appropriate parking restrictions. Clarification should be given however, on how spaces will be regulated in the event that demand outstrips provision.

Subject to the points of clarification above, it has been concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network subject to conditions.

The recommend conditions include the submission of a construction management plan to the Local Planning Authority prior to the commencement of development, and that the parking and turning areas shall be provided, hard surfaced, sealed and marked out prior to first occupation of the development.

The conditions also include the submission of a Residential Travel Pack to the Local Planning Authority prior to first occupation of the proposed development, and the implementation of the footway improvements shown on drawing 1004-100 Rev G (now Rev H) and additional footway works including the full reconstruction of the existing footway across the site frontage on Wych Elm which should include dropped kerb crossings with tactile paving as necessary across the accesses.

The conditions are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council- Urban Design

The proposal should be referred to a Quality Review Panel but it is noted that urban design advice has already been obtained from Essex County Council's Place Services team.

Officer comment: Given that urban design advice has already been obtained and that the previous application was not refused on design grounds, it is not considered appropriate to refer this application to a Quality Review Panel in this circumstance.

Thames Water Utilities Ltd

No comment received.

Officer comment: A letter was sent from Thames Water to the developer in relation to the previous application stating that there would be sufficient foul and surface water capacity in the sewerage network to serve the proposed development.

Environment Agency

No comment received under this application or the previous application.

Essex Police- Designing Out Crime Officer

No comment received.

Officer comment: No objection was raised in relation to the previous proposal.

Essex County Council- Sustainable Drainage Team

Object until the drainage strategy submitted under the last application has been submitted.

Officer comment: The required drainage strategy has been submitted but an updated response from the Sustainable Drainage team has not been received. No objection was raised under the previous application subject to conditions relating to the submission of a Drainage scheme and a Maintenance Plan to the Local Planning Authority and that yearly logs of maintenance should be carried out and made available for inspection upon request by the Local Planning Authority.

NHS

No comment received under this application. No objection was previously raised subject to a contribution of £38, 640 being secured to mitigate the impact of the proposal on the NHS.

Essex County Fire and Rescue Service

Comment:

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 (Section 13) and appears to be acceptable subject to satisfactory compliance with Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

The applicant is advised to comply with Building Regulations, that additional water supplies for fire-fighting may be necessary and is encouraged to use Automatic Water Suppression Systems.

Neighbours and Additional Publicity

Number of Letters Sent: 127

Total Number of Representations Received: 2

Date Site Notice Expired: 26 July 2019

Date Press Notice Expired: 1 August 2019

Summary of Representations Received

Two representations have been received from local businesses (the Funeral Directors to the north-east and KewVets directly adjacent to the site) which object to the proposal for the following reasons:

1. The proposal would put a strain on the accessibility of clients and customers to their businesses and their finances.
2. Increased parking problems.
3. Wych Elm was designed as a semi industrial area and the proposed development is primarily residential.
4. The multi-storey car park is already heavily pressured by overflow from Princess Alexandra Hospital.
5. Increase traffic.
6. Replacing a low level building with a higher rise building will be overbearing and out of keeping with the character and appearance of the area.
7. Loss of sunlight and daylight to KewVets, and an intrusion of privacy into living space used by their employees on night duty.

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.

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 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.

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 need 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.

H2: "Housing Needs" allocated housing sites include the:

- Harlow Sport Centre
- Harlow Swimming Pool
- Old Harlow Area of Opportunity
- Faircroft Little Bays
- Northbrooks Regeneration Area
- Sherards House
- Rye Croft Garage Site
- Marshgate Farm Depot
- Newhall
- Wych Elm
- Ram Gorse Playing Field.

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.

H6: "Affordable Housing" on sites where there is no RSL involved in the management of affordable housing, planning obligations will be used to secure successive occupants.

H7: "Special Needs Housing" all new developments will be required to take account of the needs of those with disabilities and special needs.

ER7: "Retaining Existing Employment Areas" within neighbourhood service areas, permission will not be granted for a change of use to A1, A2 or A3 uses. Others uses will be assessed on their merits.

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.

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.

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).

RTCS13: "Edge-of-Town Centre" the following have been identified for civic, office or residential uses: Wych Elm north west; Wych Elm south west and; Bus Depot site.

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.

SD5: "Mixed Uses: Integrating Development and Travel" permission will be granted for mixed use proposals if: the uses are compatible and do not prejudice the amenity, function or character of the area; and is in an accessible location.

SD6: "Mixed Uses: Integrating Development and Travel" where there is concern regarding future potential adverse effects from intensification of use, a condition or legal agreement will be required to control later changes of use.

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.

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

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.

Summary of Main Issues

Principle of Development

It is a highly important material consideration that the previous scheme was not refused in principle and that both schemes propose similar mixed use development. It is not considered that it would be reasonable to reject the application in principle as a result.

The proposal would create a mixed use development including A1, A2 and A3 uses (including a pharmacy and potentially a D1 use for a doctors surgery) and 122 dwellings.

The site is allocated for residential-led mixed use development under Policy RTCS13/2 of the Adopted Replacement Harlow Local Plan (ARHLP). Policy H2/10 of the ARHLP also allocates the site for residential development with an indicative capacity of 110 dwellings.

Policies BE3 and SD3 of the ARHLP are supportive of sustainable development which makes use of previously developed land and facilitates regeneration. Policy SD5 of the ARHLP states that mixed use proposals will be granted planning permission if the site is in an accessible location and if the proposed uses are compatible and do not prejudice the amenity, function or character of an area.

Policy CP6 states that proposals involving the loss of an existing community facility will be required to replace that facility. The proposal would retain the pharmacy, which is considered to be a key facility.

Policy H2 of the emerging Local Plan states that residential development including infill development must not result in detrimental impacts to the character and appearance of the area, parking or refuse and should not prejudice the potential for comprehensive development of adjacent land.

The Proposals Map associated with the emerging Local Plan designates the site as being within the Town Centre. This emphasises the need to provide retail and residential uses in this location and to better connect the site to the existing Town Centre. It is considered that the proposal would act as a catalyst to the regeneration of Wych Elm and to the Town Centre overall.

In July 2018, the Council's Cabinet approved that the draft Town Centre Area Action Plan (TCAAP) can be published for the purposes of consultation. The TCAAP will provide a spatial planning framework to guide development and secure the regeneration of Harlow Town Centre for the period up to 2033. The TCAAP indicates that mixed-use development would be acceptable at this site. However, given that this is a draft document and that consultation has not yet taken place, it is considered that this document can only be given limited weight in the determination of this planning application.

The current and emerging Local Plan policies are reflected in national policy and guidance. In particular, the NPPF strongly supports the delivery of housing and the efficient use of land. Substantial weight should therefore be given to the use of brownfield/under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Taking all relevant national and local plan policies and guidance as a whole into account, and taking into account the previous decision, the principle of the proposed development is considered to be acceptable, subject to the following considerations.

Design, Layout and Landscaping

The supporting text to Policy H2 of the ARHLP states that the ground floor of the Wych Elm allocation should consist of commercial development. The design of the buildings should establish and enhance the links with the Town Centre and should reflect its prominent location and help contribute to the overall regeneration of the area. It should take into account any emerging guidance on the redevelopment of the Town Centre and help contribute to the overall strategy.

It should be noted that the previous scheme was not refused on character and appearance grounds and that the proposed scheme is very similar in its design approach.

The proposed development would create a focal point to Wych Elm which would acknowledge the presence of the site at the edge of (potentially within) the Town Centre. The proposed landmark building of up to 11 storeys with new active frontage retail uses at ground floor level would enliven this part of the town.

The proposed building would include an increase in height from seven storeys to an 11 storey feature corner element at the junction of Fourth Avenue and Hamstel Road. The proposed development would be eight storeys for the majority of the sites frontage to Fourth Avenue and 10 storeys fronting Hamstel Road. The application site is located nearby to Joseph Rank House which is 12 storeys in height, and approved developments would also create tall landmark buildings within this part of the town (The Angle: up to 13 storeys) and the redevelopment of part of the Town Centre (up to 16 storeys).

It is therefore considered that the proposed height is acceptable, and that the 11 storey feature block would act as a focal point for the development and the proposal would create a landmark building when viewed from the Fourth Avenue roundabout.

The proposal includes a buff, cream and white multi-brickwork façade with zinc cladding and dark grey aluminium doors and windows which would provide a high quality appearance. The proposal also includes integral and projecting glass balconies to add articulation and further visual interest to the development and to reduce the perceived mass of the building. It is considered that the proposed materials respect the local character whilst incorporating them in a modern way whilst providing a clean finish to the building.

The internal courtyard elevation would be formed of white insulated render, to reflect and maximised the level of light to this space.

The existing building turns its back on the Town Centre and currently includes one commercial unit facing Hamstel Road. This proposal includes ground floor commercial units with active retail frontages facing towards Hamstel Road and Fourth Avenue and the Town Centre. The commercial units would include full height curtain wall glazing which would be framed by residential parking at first floor level and either side by aluminium fins. Residential parking would be provided mostly at first floor level to increase commercial opportunities at ground floor level.

The proposal also seeks to improve the existing worn green space including a new block paved pedestrian connection from Hamstel Road which would connect with the existing pedestrian crossing on Fourth Avenue leading to the Town Centre. This would be complemented by the widening and resurfacing of the path alongside the vets which would improve the link to Wych Elm and would encourage pedestrian movement to the proposed commercial units. The proposal also includes new seating, refuse bins, cycle racks, bollards and a knee rail to create an improved and secure pedestrian environment and location for public art.

Harlow District Council owns the landscaped areas outside the site. A condition shall be added to any consent granted requiring a detailed Landscape Scheme to be submitted to and approved in writing by the Local Planning Authority, to ensure landscaping within and around the site is appropriate.

The proposal would retain the existing 14 mature trees surrounding the site which would soften the appearance of the proposal. The Council's consultant Tree Officer raises no objection to the proposal subject to an Arboricultural Method Statement and Landscape Scheme being submitted to and approved by the Local Planning Authority. The Tree Officer also notes that pruning would need to be managed to ensure that the trees do not impact the proposed balconies. These trees are Council owned and it is considered that their management could be incorporated into a Section 106 Legal Agreement as part of the maintenance of the public realm outside the site.

The Council's Economic and Town Centre Development Officer raises no objection to the proposal as it broadly fits with the emerging Town Centre Area Action Plan, subject to the landscaping improvements being secured.

Essex County Council's Urban Design team raised no objection at pre-application stage and stated that the proposal was acceptable in terms of scale, layout, materials, access and elevations. It is noted that the Urban Design team previously raised concern with regards to a proposed knee rail to the landscaped areas, but it is considered that this would protect the landscaped areas from vehicle parking and would create a safer environment for pedestrians. The landscaping condition would ensure the boundary treatment is appropriate.

It is therefore considered that the proposal would result in a high-quality mixed-use development which would act as a focal point to Wych Elm which would enhance the links to and spur the regeneration of the Town Centre, in compliance with the ARHLP and the emerging Town Centre Area Action Plan.

Amenity

The closest residential development at Rectory Wood would be separated from the proposed development by the highway and Wych Elm, at a distance of approximately 100m.

Given this distance, there are no concerns regarding the impact on residential amenity of surrounding properties.

The eastern part of the proposed development adjacent to the vets building would be two storeys and provide for a play area. It is considered that the proposal has been carefully designed to ensure that it would not prejudice the existing vets site or any future redevelopment of the vets site. It is noted that the previous application was not refused on amenity grounds.

Every flat would have private amenity space in the form of a balcony or terrace, and there would be communal amenity space in the form of a residential amenity deck, in addition to the play area.

In relation to overlooking within the proposed development, there would be a minimum distance of 13m between facing habitable rooms, and there would be screening/frosting provided to the balconies and the terraces to maintain privacy.

Having regard to daylight and sunlight, 50% of the proposed dwellings would be dual aspect, and there are no north facing single aspect units. The white render to the internal courtyard would also increase the availability of daylight and sunlight within the development block.

The proposal ensures that 9% of all new dwellings are designed to meet Building Regulations M4(3) standards for adaptable wheelchair dwellings with 91% meeting Building Regulations M4(2) standards.

An Acoustic Assessment has been submitted which concludes that the internal noise levels would be acceptable subject to mitigation measures including double glazing, trickle vents and upgraded ventilators. Noise emissions from activities associated with the commercial units in the development cannot be fully assessed until full details of their intended uses are known. One of the four commercial units would be occupied by the pharmacy and another could be a doctors surgery which would not produce high levels of noise and, in a worst-case scenario, the remaining commercial units could be occupied by A3 uses i.e. cafes and restaurants. The Acoustic Assessment recommends that noise from commercial units could be reduced through mitigation measures including high acoustic performance walls and floors, and through the imposition of noise and operational limits.

The Council's Environmental Health Officer confirms that the mitigation measures proposed by the Acoustic Assessment shall be controlled via Building Control, Environmental Health and Licensing legislation. Environmental Health has however recommended conditions to control the construction process, and it is considered that this should be addressed through conditions to control the construction hours and a Construction Management Plan.

It is considered that the impacts on amenity are not significantly materially different to the previous application, and that detrimental impacts to amenity would not occur, subject to conditions.

Parking, Access and Highway Safety

To accord with the Parking Standards, the proposal should provide 202 standard vehicle car parking spaces and 4 disabled car parking spaces for residents.

The proposal includes 71 car parking spaces (35%). However, the Parking Standards accept a reduction in the amount of parking provided in well-connected urban areas.

The application site is located at the edge of the Town Centre and is defined as within the Town Centre by the emerging Local Plan.

The application site is located in close proximity to bus stops (4 bus stops located within 65m of the site) and the bus station (300m) within the Town Centre. The Town Centre offers a variety of services ranging from shops to gyms to restaurants, and offers a variety of employment opportunities. There are various car parks within the Town Centre and the application site is also located adjacent to a multi-storey car park. It is anticipated that

visitors of the proposed development would utilise these car parks. It is however noted that the proposal includes 6 spaces to serve the commercial units (5 disabled and 1 standard).

The application also proposes 12 disabled car parking spaces and 122 cycle spaces for residents located internally by each core on the ground floor. The visitor and commercial cycle parking would be provided in the public realm area surrounding the site within a secure and covered area.

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 which reduces the need to travel by car. Notwithstanding this, a condition to require an amended parking arrangement is recommended as the layout of the spaces may be improved, particularly if the doctors surgery comes forward.

The Highway Authority also raises no concerns in terms of highway safety or vehicle movements, and is satisfied with the submitted Transport Statement. The Highway Authority also recommend conditions relating to a Residential Travel Information Pack, the vehicle/cycle parking and turning areas and improvements to the footway. The recommended conditions shall be added to any consent granted.

Subject to the conditions recommended by the Highway Authority, the proposed parking arrangement, access and impact on highway safety is considered to be acceptable in accordance with ARHLP policies T4 and T9 and the Highway Authority's Development Management Policies.

Planning Obligations

Based on Harlow Council's policies and guidance and requests from consultees for this application, the following planning obligations would be required for this proposal if viable:

- 30% of the scheme as affordable housing.
- £183,372 contribution towards local primary school provision.
- £185,712 contribution towards local secondary school provision
- £39,093.68 contribution towards libraries within Essex.
- £138,135 contribution towards open spaces.

All financial contributions would be index linked.

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.

A Viability Assessment was undertaken by the developer following concerns that the required contributions (as stated above) 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. The report confirmed that the proposed scheme was financially unviable with the payment of the required contributions and affordable housing, however, the assessor recommends the provision for a clawback mechanism which would enable the above obligations to be sought if the development should yield more value in the future.

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.

Notwithstanding the lack of viability of the scheme, the applicant has made a commercial decision to provide the following:

- 15 affordable units (all shared ownership) (12% of the scheme).

- £137,529 contribution towards primary school education.
- £39,093.68 contribution towards libraries within Essex.

It should be noted that the NHS previously requested £38, 640 but no comment was received in relation to this application.

It is noted that the previous scheme included a £25,000 contribution towards public realm improvements and public art. As public realm improvements would be provided through condition, the applicant has instead provided greater contributions towards primary school education and libraries instead.

Taking into consideration the viability of the proposed scheme, the proposed affordable housing and contributions are welcomed, and it is not considered justified to request anything beyond that offered by the applicant.

It should be noted that the previous application was refused solely on affordable housing and not due to a lack of other contributions.

It is therefore considered that a Section 106 Legal Agreement is required to secure 15 affordable units and contributions of £137,529 and £39,093.68 towards primary school education and libraries. The Legal Agreement shall include a clawback mechanism to enable affordable housing and the required contributions (as set out at the start of this section) to be provided in the future. It is also considered that the Section 106 should include the creation of a management arrangement which would require the owner or another body (e.g. a management company) to be responsible for any required public realm maintenance and to facilitate waste collections.

Other Matters

Flooding and Drainage

As the site is located within Flood Zone 1 (the zone with the lowest probability of flooding) there are no fluvial flooding concerns.

A Surface Water Drainage Strategy has been submitted which states that runoff from the site would be managed through an Attenuation Tank. In addition, the site would include permeable paving and landscaping to help prevent flooding. It should be noted that there would be no increase in impermeable surface area post-development.

Essex County Council's Sustainable Drainage team object to the proposal until the drainage strategy submitted under the previous application is submitted. The drainage strategy has been submitted but no response from the Sustainable Drainage team has been received. Given that the Sustainable Drainage team previously found the drainage strategy acceptable subject to conditions, it is considered appropriate to attach the same conditions to any consent granted. The conditions included the submission of a detailed Surface Water Drainage Scheme and Maintenance Plan, and the recording of yearly logs of maintenance which should be available to view on request by the Local Planning Authority.

No comment has been received from the Environment Agency.

Subject to conditions to require a Surface Water Drainage Scheme to be approved and to secure maintenance of the drainage system, the proposal would be acceptable in terms of flooding and drainage, in accordance with ARHLP policy CP12.

Waste and Servicing

The proposal includes four dedicated residential refuse stores and two commercial refuse stores. The refuse would be collected from Wych Elm to the north of the site (adjacent to the main entrance).

The Council's Waste and Streetscene team raise no comments on the scheme, however, as with the previous application it is considered necessary to attach a condition requiring a

Waste Management Plan to be submitted to and approved in writing by the Local Planning Authority.

It is considered that waste can be appropriately managed through a scheme for waste storage, presentation and collection and a management arrangement such as a management company. A Waste Scheme shall be added as a condition to any consent granted and the management arrangement can be secured within a S106 Legal Agreement.

It is also considered necessary to require a Delivery/Service Plan to ensure that larger vehicles can adequately access the site, which can form part of the condition requiring the Waste Scheme.

Ecology

The ecological value of the site is low given that it is mostly previously developed. The site is located approximately 80m and separated by built development and the highway from the woodland to the north. It is not therefore considered that the proposal would result in detrimental impacts to ecology. The proposed landscape scheme would enable biodiversity net gain to be achieved.

CONCLUSION:

The application site is supported for mixed use residential development and would make efficient use of brownfield land.

The proposed scheme is similar in character and appearance to the previous scheme. The proposal would appear high quality in design and would act as a catalyst for the regeneration of Wych Elm. Furthermore, the proposed development would act as a landmark building and would improve legibility and way-finding from the site to the Town Centre. In addition, the proposal would include commercial units including the retention of the existing pharmacy (and the potential creation of a doctors surgery), and would create an active frontage to Fourth Avenue and Hamstel Road.

It is considered that the parking proposed is acceptable given the well-connected nature of the site. There are no access, highway safety, amenity or other concerns with the proposal, subject to the imposition of conditions.

The application has support from both national and local planning policies, with no outstanding material considerations.

The previous scheme was refused only on affordable housing grounds and therefore this scheme can only be refused for other reasons where there are material differences from what was originally considered.

The application is therefore recommended for approval, subject to conditions and the applicant entering into a S106 Legal Agreement to secure 15 affordable units, contributions of £137,529 and £39,093.68 towards primary school education and local libraries respectively, a management arrangement to facilitate waste collections and public realm maintenance, and a clawback mechanism to enable affordable housing and the required contributions set out at the start of the Planning Obligation section of this report to be provided in the future.

RECOMMENDATION:

That Committee resolve to GRANT PLANNING PERMISSION subject to the applicant entering into an appropriately worded Section 106 Legal Agreement 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 any construction works above ground level, comprehensive details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, doors, soffits, guttering and mortar mix. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of the character and appearance of the area in accordance with policy BE1 and BE2 of the Adopted Replacement Harlow Local Plan.

- 3 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.

- 4 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.

- 5 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.

- 6 Notwithstanding the approved plans, prior to any construction works above ground level a detailed landscape scheme, which shall include landscaping of the adjacent Harlow Council land outside of the application site, 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 the proposed play area. 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 ensure the provision of open space in accordance with policies NE12 and L2 of the Adopted Replacement Harlow Local Plan.

- 7 Prior to first occupation of the development the developer shall implement the footway improvements, as shown in principle on drawing no.1004-100 Rev H, and shall include the full reconstruction of the existing footway across the site frontage on Wych Elm including dropped kerb crossings with tactile paving as necessary across the accesses.

REASON: To ensure appropriate access arrangements in the interest of highway safety in accordance with policy T9 of the Adopted Replacement Harlow Local Plan and the Highway Authority's Development Management Policies.

- 8 Prior to first occupation of the development, 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.

- 9 No works shall take place until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates 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. 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.
- Confirmation that the surface water network upgrades have been completed.

The scheme shall subsequently be implemented prior to occupation.

REASON: To ensure that satisfactory surface water drainage is provided 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.

- 10 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 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.

- 11 Prior to the occupation of any unit for Use Class A3 (Restaurants and Cafes), details of the siting, design and technical specification of fume extraction and ventilation systems to serve the units together with details of any external flue(s) or ducting, specification of filtration, deodorising systems (where applicable), noise output and termination points shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be undertaken in accordance with the approved details prior to the occupation of the unit for Use Class A3 purposes and the extraction and ventilation systems shall be retained in the approved form and maintained in proper working order thereafter throughout the occupation of the units for Use Class A3 purposes.

REASON: In the interest of the environmental quality of the area, in accordance with policies BE1 and BE17 of the Adopted Replacement Harlow Local Plan 2006.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Retail Units 1, 3 and 4 (as shown on drawing 1004-100 Rev H hereby approved shall be used for Use Class A1, A2 or A3 purposes only, notwithstanding one of the units which may be used as a doctors surgery. Retail Unit 2 (as shown on drawing 1004-100 Rev H) shall be used as a pharmacy only.

REASON: To ensure that the proposed uses are compatible with residential development, to prevent an over-intensification of the development site, and to ensure the retention of a key pharmacy facility in accordance with policies SD5, SD6 and CP6 of the Adopted Replacement Harlow Local Plan 2006.

- 13 Prior to the commencement of any works above ground level, a Waste, Delivery and Servicing Scheme, including elevational drawings of any bin stores associated with the refuse holding area on Wych Elm, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interest of highway safety and efficiency and to ensure waste servicing is appropriate in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

- 14 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. The scheme shall include appropriate pedestrian and disabled access to and from the parking spaces. Prior to first occupation of the development, the vehicle parking and turning areas, including the cycle facilities, shall be provided, hard surfaced, sealed and marked out, 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 access, parking and turning is provided in accordance with policy 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.

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

Plan Reference	Version No.	Plan Type	Date Received
27610-01-P	--	Topographical Survey	21.06.2019
27610-02-P	--	Existing Ground Floor Plan	21.06.2019
27610-03-P	--	Existing Floor Plans	21.06.2019
27610-04-E	--	Existing Elevations	21.06.2019
27610-05-ES	--	Existing Elevations and Sections	21.06.2019
1004 - 100	Rev H	Proposed Masterplan	08.10.2019
1004 - 200	Rev G	Proposed Ground Floor Plan	08.10.2019
1004 - 201	Rev C	Proposed First Floor Plan	21.06.2019
1004 - 202	Rev D	Proposed Second Floor Layout	21.06.2019
1004 - 203	Rev C	Proposed Third Floor Plan	21.06.2019
1004 - 204	Rev C	Proposed Fourth Floor Plan	21.06.2019
1004 - 205	Rev C	Proposed Fifth Floor Plan	21.06.2019
1004 - 206	Rev C	Proposed Sixth Floor Plan	21.06.2019
1004 - 207	Rev C	Proposed Seventh Floor Plan	21.06.2019
1004 - 208	Rev C	Proposed Eighth Floor Plan	21.06.2019
1004 - 209	Rev C	Proposed Ninth Floor Plan	21.06.2019
1004 - 210	Rev B	Proposed Tenth Floor Plan	21.06.2019
1004 - 300	Rev E	Proposed North Elevation	04.09.2019
1004 - 301	Rev C	Proposed South Elevations	21.06.2019
1004 - 302	Rev C	Proposed East Elevation	21.06.2019
1004 - 303	Rev D	Proposed West Elevation	04.09.2019
1004 - 304	Rev D	Proposed South Courtyard Elevation	04.09.2019
1004 - 305	Rev B	Proposed North Elevation	21.06.2019
1004 - 400	Rev B	Proposed Building Section	21.06.2019
43209-2-01	Rev 2	Tree Constraints Plan	21.06.2019
	--	Site Location Plan	21.06.2019

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

INFORMATIVE CLAUSES

- 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.
- If any highway requires Stopping Up then the proposed use shall not be commenced and subject land shall not be enclosed from the highway until such time as an order has been confirmed extinguishing all highway rights therefrom to protect the public's right and ease of passage over the highway. The applicant should establish title to the land.

3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should contact the Development Management Team at Essex County Council if they have not done so already.
4. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
5. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.