

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
27 May 2020

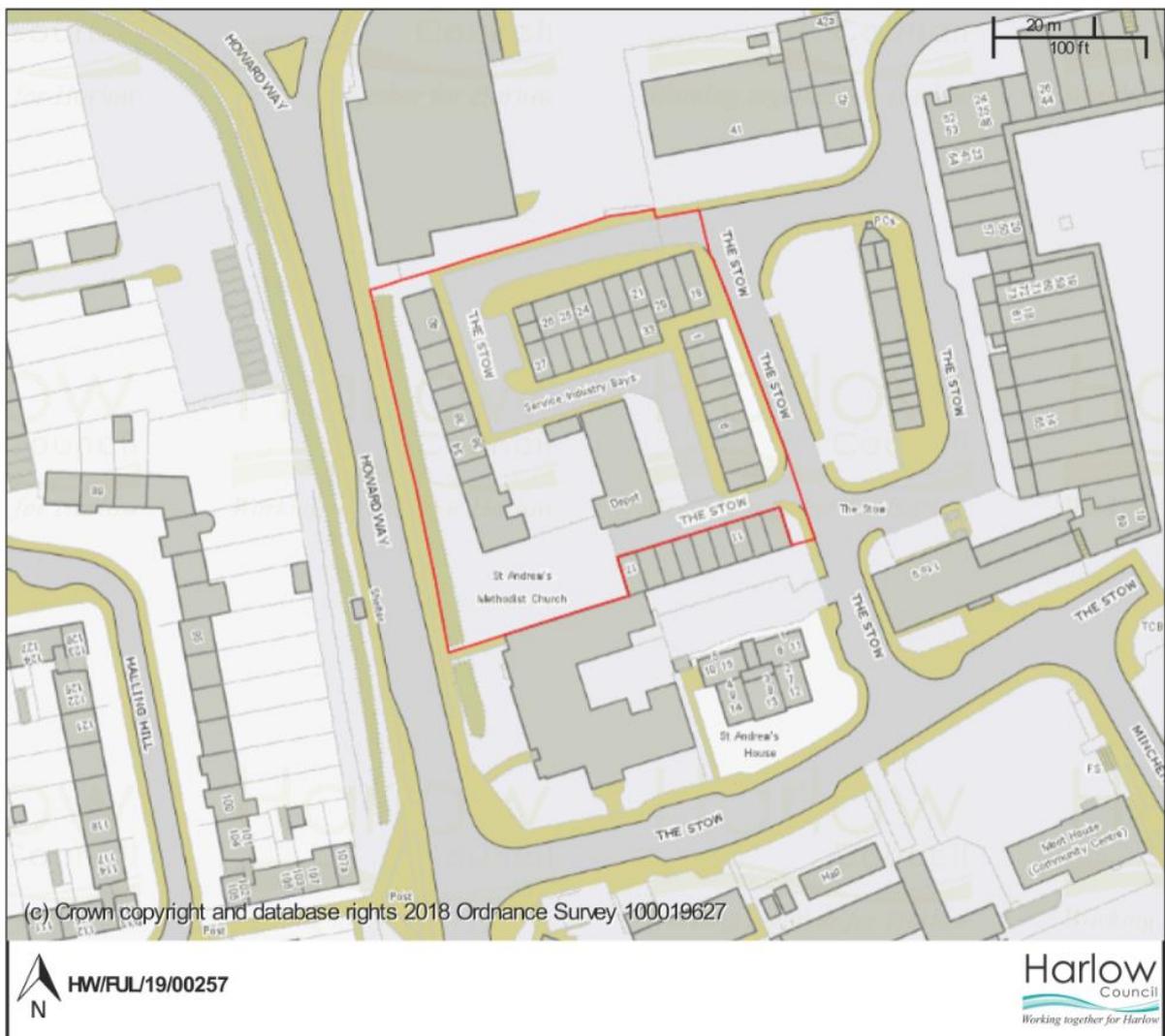
REFERENCE: HW/FUL/19/00257

OFFICER: Jade Clifton-Brown

APPLICANT: Mr J Teitelbaum
LOCATION: Service Industry Bays
The Stow
Harlow
Essex

PROPOSAL: Re-development of Existing Service Bays (Employment Use) Into A Mixed Use Development Comprising of 88 No. 1 and 2 Bedroom Apartments, 10 No. Live/Work Units and 545 sqm of B1 Use. The Proposals Also Incorporate an Undercroft Car Parking, Mews Courtyard and Residential Gardens.

LOCATION PLAN:



REASON BROUGHT TO COMMITTEE:

Two representations have been received which are contrary to officer recommendation.

Application Site and Surroundings

The application site comprises the Service Industry Bays which is located within The Stow.

The site is bounded by Howard Way to the east, The Stow to the west, Aldi supermarket to the north and St Andrews Methodist Church to the south. The main vehicular accesses to the area are from Howard Way and First Avenue Mandela Avenue.

The site is located around 1 mile from Harlow Town Centre and Harlow Town Station.

The site is situated within Flood Zone 1 (as defined by the Environment Agency) with a less than 1 in 1,000 annual probability of river flooding.

The site is not located within a Conservation Area. The nearest Listed Building (Grade II) (Moot House) is located approximately 80m to the south of the site.

Planning permission was refused by the Development Management Committee in 2019 for the re-development of the site to include a mixed-use development comprising 87, 1 and 2 bedroom apartments, 11 live/work units, and 660sqm of B1 use. The proposal also incorporated an undercroft parking area, a mews courtyard and residential gardens. The proposal was refused for the following reason:

The proposed development, by virtue of its density and close proximity to St Andrew's Methodist Church, constitutes over-development of the application site, and would enclose, result in a loss of light and be overbearing to the Church. The proposal therefore fails to respect and be compatible with the character and appearance of the area, and thus does not strengthen, protect or enhance local character, contrary to policies BE1, BE2, BE3 and RTCS16 of the Adopted Replacement Harlow Local Plan 2006, and the Harlow Design Guide Supplementary Planning Document 2011.

Details of the Proposal

The proposed application seeks to overcome the reason for refusal and includes the following:

- 88 residential units (1 and 2 beds).
- 10 live/work units.
- 545 sqm B1 unit.
- Undercroft car parking
- Mews courtyard
- Private/communal outdoor space.
- 74 residential car parking spaces.
- 5 residential disabled car parking spaces.
- 6 B1 car parking spaces.
- 2 disabled B1 car parking spaces.
- 116 cycle spaces.

The proposal would take the form of a rectangular block ranging from 3 to 5 storeys. The live/work units and the B1 unit would be positioned within the eastern part of the site. There would be an undercroft car park at ground floor and communal garden space at first floor.

RELEVANT PLANNING HISTORY:

Application Reference: HW/FUL/17/00370

Location: Service Industry Bays, The Stow, Harlow, Essex

Proposal: Redevelopment of Existing Service Bays Into a Mixed-Use Development Comprising of 87 no.1 and 2 Bedroom Apartments, 11 No.Live/Work Units and 559sqm of B1 Use. The Proposals Also Incorporate Undercroft Car Parking, Mews Courtyard and Residential Gardens.

Decision: Refused Planning Permission by Development Management Committee

Decision Date: 17 April 2019.

A subsequent appeal (reference APP/N1540/W/19/3240822) is currently pending consideration by the Planning Inspectorate.

CONSULTATIONS:

HDC - Environmental Health

No objection subject to conditions relating to construction hours, dust production and wheel washing.

HDC – Waste

No objection subject to securing a Management Company to be responsible for moving waste for collection. Further clarification in relation to the type of bins to be used is also required.

Environment Agency

No comment received.

Natural England

No comment received.

Essex County Council - Sustainable Urban Drainage

No objection subject to conditions relating to the submission of a Sustainable Urban Drainage Scheme and a Maintenance Plan including maintenance logs, being submitted to and approved in writing by the Local Planning Authority.

Essex County Council – Infrastructure

Requests a contribution of £123,76.10 towards local primary school provision. As the secondary education pupil numbers generated by the proposed development does not reach the specified thresholds, a secondary school contribution will not be requested.

Essex County Council - Urban Design

The updated and amended layout seeks to address the issues raised in the refusal notice of the application. Additional information included within the Design and Access Statement addresses concerns regarding the loss of light/overshadowing of the Church and its grounds. The amended plans have included a setback space between the Church and the proposed development, providing a courtyard space to separate the Church with the redevelopment service bays. In terms of design the proposed changes are supported.

NHS

Requests a contribution of £33, 281 to mitigate the impact of the proposal on the NHS.

Essex County Fire & Rescue Service

No comment received.

Thames Water

No objection in relation to the impact on the foul water sewerage network infrastructure capacity. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water would be required.

Neighbours and Additional Publicity

Number of Letters Sent: 182

Total Number of Representations Received: 3

Date Site Notice Expired: 22 September 2017

Date Press Notice Expired: 21 September 2017

Summary of Representations Received

- The proposal has not been significantly altered since the previously refused scheme.
- The proposal constitutes over-development and would not be in keeping with the character and appearance of the area.
- The proposal would result in a detrimental impact to the Church including Church activities, maintenance, the fire escape and parking.
- The proposal would incorporate the grassed area adjacent to the Church.
- The proposal would increase pressure on Nuffield House Doctors Surgery.
- There would be less parking available which would impact local business.
- The proposal would increase noise and air pollution.
- The proposal would result in the loss of trees.

Officer comment: The relevant material planning considerations shall be assessed below.

PLANNING POLICY

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

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.

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

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 offsite 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.

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.

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

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

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

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; offsite contributions may be considered where it is not possible to provide it on site due to the circumstances of the development, or if there are particular deficiencies in the surrounding area; open spaces/playgrounds should be offered for adoption to the Council, with an agreed maintenance contribution.

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

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.

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).

RTCS14:"Neighbourhood Centres and Hatches" permission will be granted for proposals that strengthen and maintain the role of the neighbourhood centre and hatches.

RTCS16:"The Stow and Bush Fair Neighbourhood Centres" proposals for the improvement and, if necessary, partial redevelopment of The Stow and/or Bush Fair Neighbourhood Centres will be favourably considered. All proposals must respect the existing character of the Centres and their position in the architectural heritage of Harlow. Proposals will not result in the loss of key facilities.

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.

SD4: "Mixed Uses: Integrating Development and Travel" supports mixed use development within the neighbourhood centres if the criteria are met: the proposals is for compatible uses; there is no loss of retail or other business uses, which would adversely affect the vitality or viability of the centre or result in the loss of community, cultural or leisure uses; car parking standards may be reduced or not required for residential development in centres.

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.

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

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

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

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

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

PLANNING STANDARDS

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

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)

The Stow Neighbourhood Centre Design Framework SPD (2016)

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)

Planning Practice Guidance (PPG)

Harlow Local Development Plan Pre-Submission Publication (2018)

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

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

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between 12 March and 31 May 2020. The Inspector will then consider any representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING ASSESSMENT:

A similar proposal at this site was refused by the Development Management Committee under planning reference HW/FUL/17/00370. The key issue is therefore whether the proposed development would overcome this reason for refusal.

The remaining issues include the principle of the proposed development, including its impact on parking and the highway, flooding, waste, planning obligations and other matters. It should be noted that these issues were considered acceptable by the Development Management Committee under the previous applications and that matters have not changed significantly, with the exception of planning obligations, which shall be discussed below.

Summary of Main Issues

Principle of Development

The proposed development would demolish the Service Industry Bays (except the bays along the southern boundary) to create a mixed-use residential and B1 use development.

The original purpose of the Service Industry Bays was to provide self-contained modest single storey and live/work units for 'start up' businesses but over time, they have become vacant and/or dominated by A5 (hot food takeaway) uses.

The starting point for decision making is the current Adopted Replacement Harlow Local Plan (ARHLP), however The Stow SPD and emerging Local Plan contain specific references to the site and have weight in determining the acceptability of this proposal.

The site is located within a Neighbourhood Service Area and therefore policies ER7 and ER10 can be taken in to consideration, which indicate that planning permission will be granted for B1 uses. The site is located adjacent to but outside of The Stow Neighbourhood Centre however it is still considered that policies SD4, RTCS14 and RTCS16 of the ARHLP should be acknowledged, which indicate that planning permission will be granted for mixed-use proposals which do not result in the loss of key facilities and strengthen and maintain the role of Neighbourhood Centres.

Policy H10 of the ARHLP states that planning permission for residential infilling and development of vacant plots will be granted if proposals do not have an unacceptable adverse effect on the character and appearance of the area, neighbouring amenity, parking, and would not prejudice the potential for comprehensive development of adjacent land.

Policy SD3 of the ARHLP is supportive of sustainable development which would, amongst other things, make use of previously developed land and facilitate regeneration. Policy BE3 is also supportive of the use of previously developed land at a higher density than existing development. Policy SD5 of the ARHLP states that 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 if the site is in an accessible location.

Policy HS2 of the emerging Local Plan allocates the site for residential development. Policy HS2 indicates that the site has the capacity to accommodate 70 dwellings. Policy H1 of the emerging Local Plan indicates that planning applications for the development of allocated sites in the Local Plan will be supported. Policy H2 provides criteria which proposals for residential development should meet more generally and broadly echoes the requirements of current policy H10.

Policy PR2 of the emerging Local Plan states that development in Neighbourhood Service Areas will be supported for the provision of offices, light industrial uses and start-up units falling within use class B1.

The Stow Supplementary Planning Document ("Stow SPD") provides a framework to guide the regeneration of The Stow area specifically. The document outlines short, medium and long term aspirations for the redevelopment of The Stow. The principles of the document seek to enhance the public realm and create better public spaces with interesting frontages and variety at street level.

The Stow SPD states that the Service Industry Bays have little or no architectural quality and an out-dated physical environment with a run-down appearance. The document identifies the area around the Service Industry Bays as having a poor public realm.

The redevelopment of the Service Industry Bays is considered to be a medium-term intervention and discusses the opportunity for the Service Industry Bays to include a mixed use development including retail, offices, workspace, studio space and leisure uses at ground level, with predominantly residential above. The document further indicates that redevelopment in The Stow area should generally accommodate an outward facing development, and that the site could, as an example, include approximately 55 units (depending on unit size and/or residential and commercial mix), over 3 storeys, 55 parking spaces and private/communal outdoor space.

The proposal includes a mixed-use, outward facing development of between 3 to 5 storeys comprising 88 dwellings, 10 live/work units, private/communal outdoor space and parking. It is noted that the proposal includes an increased number of units compared to The Stow SPD, however, the acceptability of the development will depend on whether the impacts arising from this quantum and form of the development are acceptable. A higher quantity of units should not be rejected outright in principle.

The proposed mixed-use development would regenerate a vacant site and would respect the original intention of the Service Industry Bays. Furthermore, the proposal would not result in the loss of key facilities, and would complement The Stow Neighbourhood Centre and could act as a catalyst for the regeneration of the wider Stow area.

It is not considered that the proposal would prejudice the function of the existing service bays outside of the site to the south; the existing access to these bays would remain. It is considered that future development of the remaining service bays could take a similar form to the live/work units proposed under this application, for example.

In order to be acceptable in principle, a condition would be required to keep the live/work units as B1 at ground floor and to prevent the change of use of B1 to other use classes including B2 (general industrial), B8 (storage & distribution) and C3 (residential), in order for the purpose of the Neighbourhood Service Area to be retained as intended, in accordance with policy ER10.

The overall acceptability of the proposal is dependent on the compliance of the proposal with all relevant ARHLP policies and all other relevant planning considerations, including the relevant policies within the emerging Local Plan and The Stow SPD.

Character and Appearance

Policy BE1 of the ARHLP stipulates that proposals should not result in adverse harm to the character and appearance of the local area. Policy BE2 provides urban design requirements for major development. ARHLP policies NE11 and NE12 relate to trees and landscaping, with specific regard to major development.

It is noted that the previous application was refused for the following reason:

The proposed development, by virtue of its density and close proximity to St Andrew's Methodist Church, constitutes over-development of the application site, and would enclose, result in a loss of light and be overbearing to the Church. The proposal therefore fails to respect and be compatible with the character and appearance of the area, and thus does not strengthen, protect or enhance local character, contrary to policies BE1, BE2, BE3 and RTCS16 of the Adopted Replacement Harlow Local Plan 2006, and the Harlow Design Guide Supplementary Planning Document 2011.

The proposed development has provided a courtyard space to separate the proposed buildings from the Church to overcome the above. The submitted Design & Access Statement notes that it was not considered appropriate to remove the proposed buildings closest to the Church altogether as these units were considered to be essential to the setting of the new development. The units addressed the difference in massing to the Church by stepping down from the four and five storey elements of the new development. This step in massing would be key in integrating the new development into the existing built environment. Essex County Council did not agree to the removal of the buildings and consider the proposed approach acceptable.

The submitted Design and Access Statement shows an evolving design rationale for the proposed development which has been influenced by The Stow Supplementary Planning Document (2016).

It is considered that the proposed massing and maximum height of the proposed 5 storey element would respect the surrounding area. For example, The Stow shopping street located opposite to the site, reaches up to 4 storeys. It is considered that the proposed 5 storey element located on the junction of Howard Way and First Avenue would create a marker building presenting a gateway into the redeveloped area.

The proposed live/work units would be located along the mews where the massing would be stepped down to reflect the existing close-knit and modest Service Industry Bays. The location of the B1 unit has been maximised where footfall along the highway would be most frequent and would provide active frontage at ground floor along the highway and mews.

The proposed buildings would include key features of The Stow including recessed ground floor units with varied elevations to the upper floors to differentiate between the B1 and residential uses. The proposal would also include brickwork, canopies, balconies, terraces and glazing to reflect The Stow which would help to provide variation and rhythm and would provide visual interest and would reduce the mass of the proposed buildings.

It is noted that the bays to be retained along the southern boundary would contrast in height with the proposed development. However, these bays are already viewed in the context of taller buildings and given that the proposal would incorporate key features of The Stow in a modern way, it is not considered that this contrast would result in harm to the character and appearance of the area.

It is however considered necessary to attach a condition to any consent granted to require details and samples of all materials to be used to ensure that the development is of a high quality appearance.

Landscape information has been submitted as part of the application. The proposal would retain approximately half of the trees located along the boundaries of the site, most notably adjacent to the site along Howard Way. The trees and hedge to be removed are Category C (other than one B category) meaning they are of low quality and value due to their poor form and/or condition. If retained, the trees would pose as physical constraints for the development of the residential blocks. An Arboricultural Impact Assessment has been submitted which outlines replacement trees to be planted to offset those lost, and provides details of how retained trees would be safeguarded throughout construction.

The Council's consultant Tree Officer raises no objection to the proposal subject to an Arboricultural Method Statement and Landscape Scheme to be submitted to and approved in writing by the Local Planning Authority and these conditions shall be added to any consent granted. It is considered necessary to attach these conditions to secure planting, to protect retained trees and to ensure appropriate landscaping is delivered within the development block. It is considered that a landscaping scheme would be able to achieve a net increase in trees due to the verge to the west of the site and internal landscaped areas.

Overall it is considered that the proposal would be of high quality design and would respond to local character through the incorporation of key features of The Stow in a modern way. It is considered that the proposal would enhance the environmental quality of The Service Industry Bays, would improve the character, image and perception of The Stow. The proposed development is therefore considered to be compliant with the NPPF, policies BE1 and BE2 of the ARHLP and the Harlow Design Guide SPD.

Amenity

The closest residential units to the application site are located within St Andrews House (3 storeys in height) at a distance of approximately 25m. The proposed development would be separated from the dwellings above The Stow shopping street (3 to 4 storeys in height) by a car park and the highway at a distance of approximately 50m. The proposal would also be separated from the dwellings of Halling Hill to the west by their gardens and the highway at a distance of approximately 40m. Given these distances, it is not considered that the proposal would result in detrimental impacts to neighbouring amenity.

Impacts during construction would be temporary and are best addressed through a Construction Management Plan condition which shall be added to any consent granted. A further condition shall also be added to any consent granted to control construction hours.

Private amenity space would be provided in the form of terraces and balconies. The central courtyard would provide communal amenity space for residents only. The ground floor units would also have access to a communal patio. All units would have outlook to surrounding streets or into the courtyard whilst some units are dual aspect. The aforementioned landscaping conditions would ensure that internal amenity areas are of appropriate quality. It is considered necessary to condition that the B1 uses cannot be converted to other uses such as B2 (general industrial) or B8 (storage & distribution) uses, which could increase the intensity of the use and result in a detrimental impact to surrounding occupiers. The change of use from B1 would therefore be required to be re-assessed via the planning process.

Parking and Highways

The proposed development should comply with policies T6 and T9 of the ARHLP and the Essex Parking Standards, however The Stow SPD also suggests appropriate parking levels for the area.

The proposed development would provide 47% of the standard vehicle parking spaces. It is noted that the SPD states that one parking space per unit would be acceptable. The proposal would equate to 75% of this standard. It should be noted that this figure includes the live/work units, which by nature, should require a lower parking provision than normal residential units. If the live/work units were discounted, these percentages would be increased to 56% and 84% respectively.

The proposed 7 spaces equates to 39% of the required B1 standard and includes 100% of the disabled parking provision.

The Essex Parking Standards state that for main urban areas, a reduction to the vehicle parking standards may be considered, particularly for residential development. In addition, ARHLP policy SD4 states that the parking standards may be reduced or that no parking may be required where sites are located in centres and adjacent to public transport.

The application site is located within The Stow, adjacent to the Neighbourhood Centre. The site is also located around 1 mile from Harlow Town Centre and the application site is positioned within close proximity to transport links. The site allows access to employment opportunities (shops), healthcare and education and is accessible by cycle and foot. It is also noted that the proposal includes live/work units which should further reduce the need for car travel. The site is therefore considered to be in a sustainable location, and a reduction in parking is therefore considered to be acceptable.

There are parking restrictions (yellow lines) on the roads surrounding the application site, which would prevent on-street parking from occurring. Furthermore, it is considered that residents, and visitors to both the residential and commercial units, could park in the car parks within The Stow. The Highway Authority believes that the level of parking provision is acceptable.

Therefore, the parking provision is considered acceptable and the proposal would not result in any significant detrimental impact to the highway due to parking restrictions, and the car parks within the area. It is not therefore considered that the proposed parking arrangements would result in a significant detrimental impact to pedestrian or highway safety.

The existing vehicular access to the site would not be altered by the proposed development though its use would be intensified, but this is not considered to be detrimental to the surrounding roads due to the capacity of the surrounding highway network, as stated by the Highway Authority.

The submitted Transport Assessment concludes that the proposal would not result in detrimental impacts to the highway or highway safety.

A condition shall be added to any consent granted to ensure that the parking is provided in accordance with the approved plans, and that the developer provides Residential Travel Packs to encourage the potential future residents to use sustainable modes of transport.

Therefore, the level of parking is considered acceptable by virtue of the highly sustainable and suitably connected location, the parking restrictions in the area, the prevalence of car parks surrounding the site and the provision of cycle spaces. Furthermore, the proposed development is not considered to result in a significant detrimental impact to highway safety, in compliance with policies T6 and T9 of the ARHLP.

Planning Obligations

The following obligations would be required if viable:

- 30% of the scheme as affordable housing.
- £32,962 contribution towards healthcare.
- £105,056 contribution towards local primary school provision.

All financial contributions would be index linked.

In addition, as mentioned under another heading, the proposal requires the creation of a Management Company. The Management Company would be responsible for moving waste for collection.

With regards to open space contributions, the Community Infrastructure Levy Regulations 2010 limits the number of proposals from which the Council may seek generic contributions towards certain types of infrastructure. Taking this into consideration and that the proposal would provide open space within the application site and the close proximity of the site to open space, notably the Town Park (located 0.5 miles away or less than a 10 minute walk), it is not considered that a contribution towards open space off-site would be required in this instance.

A Viability Assessment has been submitted. The Local Planning Authority had the assessment independently assessed by a Viability Consultant. The consultant concluded that the proposed scheme is unviable i.e. no affordable housing or contributions can be provided.

It is not appropriate to require obligations to a level at which a scheme would become unviable. The refusal of the current proposal on the basis of viability issues would likely be difficult to defend if appealed due to the independent assessment of the Viability Consultant and could therefore result in the Local Planning Authority being found to have acted unreasonably.

It is however considered necessary to include a clawback mechanism within the S106 which would enable further affordable housing to be sought if the development should yield more value in the future. The applicant advised that they would not seek to enter a Section 106 Legal Agreement with a clawback mechanism. However, the applicant advised that they would provide a £50,000 payment out of their own money (not resulting from the development) towards contributions.

It is therefore proposed that a recommendation for planning permission be based on the proposed contribution of £50,000 with no review mechanism. However, this would be a time limited permission requiring commencement within 18 months. The logic behind this approach is: if the Local Planning Authority can be satisfied that the development is to commence quickly and is likely to come forward before there is a significant change in economic cycles, a review mechanism would be less necessary. The best means to achieve this would be to reduce the implementation period for the resultant planning permission from 3 years down to 18 months.

In summary, in the event that planning permission is granted, this would be subject to a condition to reduce the time limit of development to 18 months, and would be subject to the applicant entering into a Section 106 Legal Agreement including a contribution of £50,000 with no viability review mechanism. The £50,000 would cover the contribution requested by the NHS, and the remaining monies can be put towards the contribution requested by Essex County Council.

Other Matters

Ecology

The ecological value of the site is low given that it is mostly previously developed. The site is located approximately 120m and separated by built development and the highway from Vicarage Wood Wildlife Site to the south. It is not therefore considered that the proposal would result in detrimental impacts to ecology.

Flooding

The application site is located in Flood Zone 1 where there is a low probability of flooding. A Flood Risk Assessment has been submitted. The proposal would include green spaces, planting and sustainable urban drainage systems to help prevent flooding. Essex County Council's Sustainable Drainage department have no objection to the scheme subject to conditions which shall be added to any consent granted.

No comment has been received from the Environment Agency.

Permission would be required from Thames Water for the proposed development if the erection of a building would be over the line of, or would come within 3 metres of, a public sewer.

Waste and Servicing

The proposal includes refuse storage for both the residential and B1 uses, to be collected from The Stow.

The Council's Waste team raises no objection subject to a Management Company being secured to store and present waste appropriately. Clarification is also required in relation to the types of bins to be used. An obligation to require a Management Company to manoeuvre bins for collection would need to be included in a legal agreement.

Archaeology and Listed Buildings

There are unlikely to be any archaeological features at the site due to the existing development of the Service Industry Bays and The Stow. Essex County Council's Archaeological Advisor raised no objection to the proposal.

There are no Listed Buildings within the application boundary but there are two Grade II Listed Buildings situated 80m from the application site. Essex County Council's Historic Buildings Consultant reviewed the information submitted and raised no objection.

Therefore, the proposed development would not result in detrimental impacts to archaeology and would preserve the setting of the Listed Buildings.

Fire

No comment has been received from Essex County Fire and Rescue Service. They did however respond to the previous consultation in relation to the original application and stated that access for fire service purposes were considered acceptable, and that detailed observations on access and facilities for the Fire Service shall be considered at Building Regulations stage.

CONCLUSION:

It is considered that the previous reason for refusal has been overcome. The proposal would respond to local character through the incorporation of key features of The Stow in a modern way and would enhance the environmental quality of character, image and perception of the area. It is also considered that the proposal would be acceptable in terms of landscaping, listed buildings, amenity, access and highway safety, ecology and archaeology.

The proposal offers a mixed-use development involving new residential, live/work units and B1 uses which would regenerate the Service Industry Bays and would act as a catalyst for wider change. In addition, the proposal would make effective use of previously developed land and would result in the development of a housing site allocated within the emerging Local Plan. The proposed development would also comply with The Stow SPD and the provision of live/work units and B1 units would respect the original purpose of the Service Industry Bays.

The proposal would not provide affordable housing but would provide £50,000 towards contributions towards the NHS and local primary schools. This would be secured within a Section 106 Legal Agreement. It is not considered that a clawback mechanism would be required if any permission granted was subject to an 18 month time limit.

While finely balanced, the benefits are considered to outweigh parking and viability issues, and when taken as a whole, the proposal is considered to be compliant with the NPPF and the relevant policies within the Adopted Replacement Harlow Local Plan, emerging Local Plan and The Stow SPD.

The application is therefore recommended for approval subject to conditions and the applicant entering into an appropriately worded legal agreement to secure the £50,000 towards the NHS and local primary schools, and the provision of a Management Company to move and present waste to meet the collection requirements of Council operatives.

RECOMMENDATION:

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

1. The development hereby permitted shall be begun before the expiration of 18 months 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 interest of visual amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

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. Prior to the first occupation of the development the existing access to the north of the site shall be permanently closed incorporating the reinstatement to full height of the footway and kerbing, with all details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies.

5. Prior to the first occupation of the development, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Residential Travel Plan shall then be actively implemented in accordance with the approved details for a minimum period from first occupation of the development until 1 year after first occupation of the final unit of the development.

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 2006 and the Highway Authority's Development Management Policies.

6. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details and locations of hard and soft landscaping;
- A method statement for implementation and maintenance;
 - Location of proposed above and below ground functional services;
- Details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare;
 - Details of all boundary treatments. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure satisfactory landscape treatment of the site and to screen and enhance the development in the interest of visual amenity, in accordance with policies NE11 and NE12 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before development to ensure the impacts of the development are acceptable.

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

- Infiltration testing and groundwater testing in line with BRE 365. If any soil remediation works are required, details of these works shall be submitted. If infiltration is demonstrated not to be feasible, run-off rates should be restricted back to a minimum of 50% betterment on existing run-off rate for all storm events up to and including the 1 in 100 year rate plus allowance for climate change. Any relevant permissions to discharge surface water will need to be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus climate change events. Details of half drain times shall also be provided. If infiltration is chosen as the method of surface water disposal, storage shall be based on the most conservative rate or corresponding infiltration rates found across the site.

- 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 CIRIA SuDS Manual C753.
- Detail of any condition of existing pipes that may be utilised as part of this development. They should be demonstrated to be in a working condition if utilised.
- 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.
 - Measures to minimise groundwater discharge into the public sewer. The scheme shall be subsequently implemented as approved prior to occupation.

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

8. No works shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved details. The Maintenance Plan shall identify who is responsible for the maintenance of the different elements of the surface water drainage system. 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.

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

9. 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.

10. 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.

11. The ground floor of the live/work units as shown on the Proposed Ground Floor Plan (C4263 30) shall be finished ready for occupation before the residential floorspace is occupied. The ground floor of the live/work units shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The residential floorspace of the live/work unit shall not be occupied other than by occupiers of the live/work or any resident dependants.

REASON: To ensure that the employment use of the live/work units is safeguarded, in accordance with policy ER10 of the Adopted Replacement Harlow Local Plan 2006.

12. The development hereby approved shall be carried out in accordance with the following plans:

| Plan Reference | Version No. | Plan Type | Date Received |
|-----------------------|--------------------|------------------------------|----------------------|
| C4263 001 | -- | Location Plan | 28.06.2019 |
| C4263 20 | Rev C | Site Plan | 14.05.2020 |
| C4263 021 | Rev C | Refuse Strategy | 14.05.2020 |
| C4263 30 | -- | Proposed Ground Floor Plan | 28.06.2019 |
| C4263 31 | -- | Proposed First Floor Plan | 28.06.2019 |
| C4263 32 | -- | Proposed Second Floor Layout | 28.06.2019 |
| C4263 33 | -- | Proposed Third Floor Plan | 28.06.2019 |
| C4263 34 | -- | Proposed Fourth Floor Plan | 28.06.2019 |
| C4263 050 | Sheet 1 | Elevations | 28.06.2019 |
| C4263 051 | Sheet 2 | Elevations | 28.06.2019 |
| C4263 052 | Sheet 3 | Elevations | 28.06.2019 |