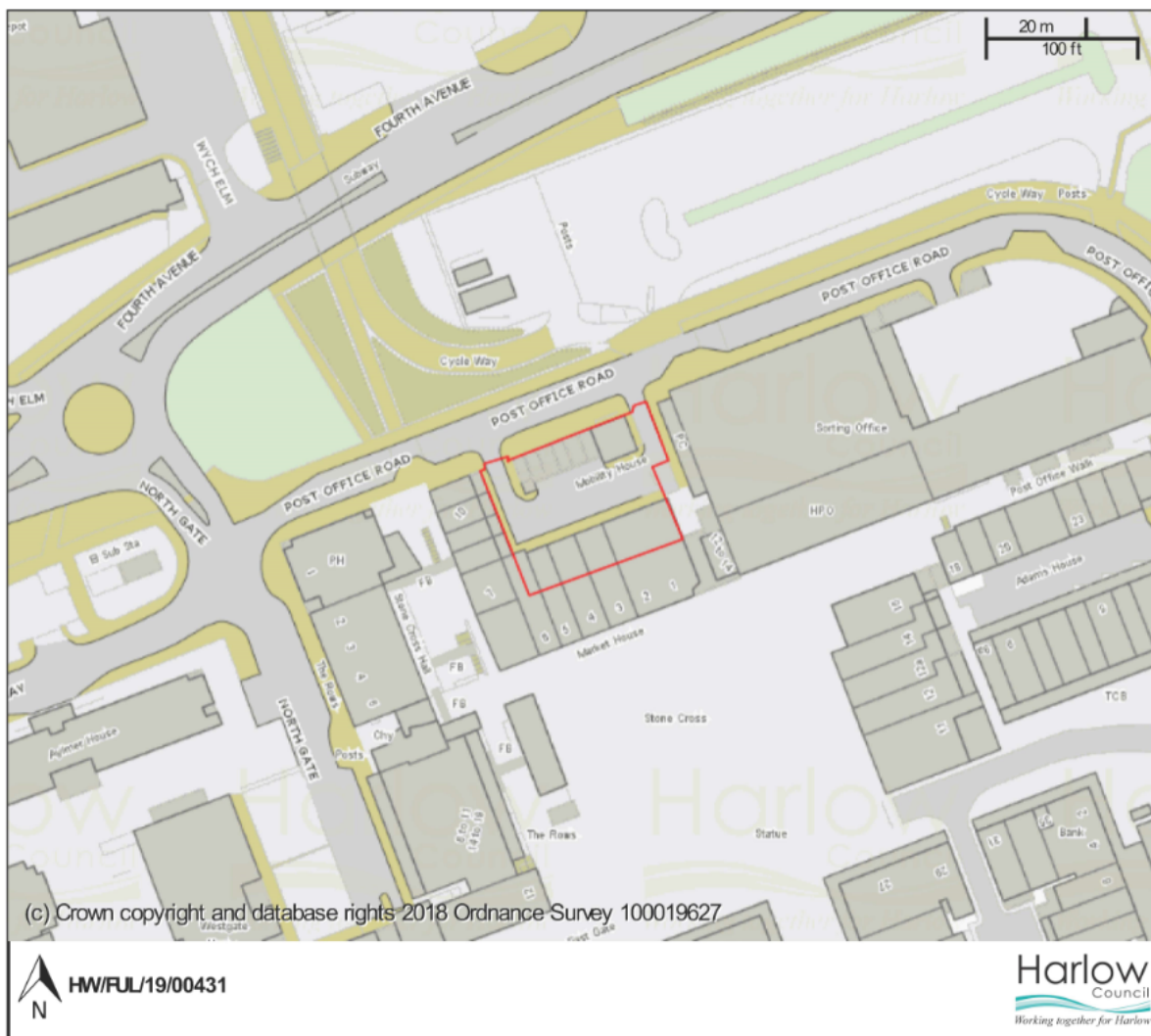


**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**1 July 2020**

**REFERENCE:** HW/FUL/19/00431                      **OFFICER:** Jade Clifton-Brown  
**APPLICANT:** Mr Oguzkanli  
**LOCATION:** Car Park Rear Of Market House And Mobility House  
Stone Cross  
Harlow  
Essex

**PROPOSAL:** Demolition of existing garages and A1 unit, erection of an 8 storey residential block of 33 flats with replacement A1 unit at ground floor and creation of a communal roof garden at 1st floor connecting to Market House

**LOCATION PLAN:**



**REASON BROUGHT TO COMMITTEE**  
Major Application on Council Land

## **Application Site and Surroundings**

The application site comprises the car park to the rear of Market House which is located at the northern end of the Town Centre. It comprises 962.5 sqm of brownfield land comprising hardstanding, a redundant garage block and an attached A1 unit which was most recently occupied by Mobility House (Shopmobility (Harlow) Ltd). This unit is in the ownership of this Council.

The site is currently accessed via two entry points off Post Office Road which lies to the immediate north. There is a separate pedestrian access to the east of the site which acts as a thoroughfare to Market Square.

The site is not located within a Conservation Area and is not subject to any ecological or archaeological designations. There are no Listed Buildings within the site. The closest heritage asset is the Grade II listed Meat Porters sculpture in Market Square.

The site is located within Flood Zone 1 with a low probability of flooding.

## **Details of the Proposal**

The proposed development would demolish the existing garages and A1 unit with an 8 storey block of 33 flats with the following housing mix:

- 1 studio
- 19, 1 bed flats.
- 11, 2 bed flats
- 2, 3 bed flats.

The proposal includes 30% affordable housing (shared ownership).

The five ground floor units would include rear gardens and balconies would be provided to the remaining units. The proposal also includes a communal garden area at first floor which would be connected to Market House.

The proposal originally included an A1 commercial unit at ground floor but amended plans include a flexible unit of 102sqm for A1, A2 or B1 uses, in order to maintain the vitality and viability of the Town Centre.

The existing thoroughfare which runs to the east of the site to Market Square would be retained. The proposal includes a green wall along the thoroughfare.

The proposal includes 14 vehicle parking spaces which would be provided at Terminus House. The applicant has 50 car parking spaces at Terminus House (held on a lease for 50 years from 24 February 2017). The 2 disabled spaces on the highway would be relocated to the car park to the rear of the site. The proposal includes 38 cycle parking spaces.

Access would continue to be taken from Post Office Road to the north of the site.

## **RELEVANT PLANNING HISTORY:**

Application Reference Number: HW/FUL/19/00136

Proposal: Demolition of Existing Garages and Mobility House, Erection of an 8 Storey Residential Block of 33 Flats with Mobility House at Ground Floor and Creating Communal Roof Gardens on 1st Floor Connecting Both Buildings.

Location: Car Park Rear of Market House And Mobility House, Stone Cross, Harlow

Application Status: Withdrawn.

Application Reference Number: HW/FUL/16/00209  
Proposal: Erection of New Roof Storey to Provide 8 New Self Contained Flats  
Location: Market House  
Application Status: Granted.

## **CONSULTATIONS**

### **Internal and external Consultees**

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

No objection. Recommends conditions requiring a Landscape Scheme, Landscape Specification and Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority.

#### **HDC- Environmental Health**

No objection.

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

No objection.

#### **HDC- Assets and Facilities**

Objects to the loss of the disabled car parking bays on the highway.

#### **HDC- Housing**

No comment received.

#### **HDC- Regeneration**

No comment received.

#### **Essex County Council – Highways**

No objection subject to a condition to ensure the provision of a Residential Travel Information Pack to future occupants.

#### **Essex County Council - Place Services**

I appreciate the changes that have been made to the elevational treatment and I would say that the development would now be acceptable on design grounds – on the proviso that material palettes/sample boards are provided and that there is absolutely no deviation away from these. The success and difference between an acceptable and unacceptable development will be down to ensuring that there is no value engineering of the scheme, and if this was the case then I would not be able to support the proposal.

#### **Essex County Council- Heritage**

The proposed will be positioned behind Market House and will rise approximately 5.5m-7.6m above Market House. The Grade II listed, Meat Porters Sculpture (list entry number: 1031595) is located in Market Square. The sculpture was created between 1956-60 by Ralph Brown for the Harlow Arts Trust which commissioned a series of sculptures to be placed in Harlow, the Meat Porters Sculpture was Brown's largest work and one of the finest pieces commissioned.

The proposed development through its height is considered to be part of the setting of the designated heritage asset. The existing architecture enclosing Market Square forms an appropriate backdrop to the sculpture, particularly as these are new town buildings. This backdrop has not been fundamentally changed since construction. The proposed will detract from the appreciation of the sculpture, resulting from the prominent modern intrusion of the proposed. The level of harm to the designated heritage asset is considered to be 'less than substantial' and at the "very low end of the scale", therefore Paragraph 196 of the National Planning Policy Framework (2019) is relevant.

**Essex Police**

With such a significant project for Harlow we recommend that the developer consults with us with the object of the development achieving a Secured by Design award in relation to it for the benefit of its intended occupants and the wider community.

**Essex County Fire and Rescue Service**

No comment received.

Officer comment: It is still however considered appropriate to attach an informative to any consent granted in relation to the use of water supplies and sprinkler systems for additional protection against firefighting

**Essex County Council- Sustainable Drainage Team**

No objection. Recommends conditions requiring the submission of a detailed Surface Water Drainage Scheme and Maintenance Plan, including yearly maintenance logs, to be submitted to and approved in writing by the Local Planning Authority.

**Essex County Council- Infrastructure (Primary and Secondary Schools)**

No contribution required as the pupil numbers generated by the proposal does not meet the required threshold.

**Essex County Council- New Settlements**

Requests a contribution of £10,124.00 towards the library in Harlow Town Centre.

**Affinity Water**

No comment received.

**Thames Water Utilities Ltd**

No objection in relation to foul and surface water capacity.

Advises that Thames Water are further contacted by the developer in relation to surface water drainage, public sewers and underground waste water assets.

**Environment Agency**

No comment received.

**NHS**

Does not require a contribution as the proposal relates to a development of less than 50 dwellings.

**Neighbours and Additional Publicity**

Number of Letters Sent: 115

Total Number of Representations Received: 1

Date Site Notice Expired: 22 November 2019

Date Press Notice Expired: 28 November 2019

**Summary of Representations Received**

One objection has been received from Royal Mail Group Ltd. A summary of the representation is as follows:

The Delivery Office, Vehicle Service Centre and service yard is located directly to the east of the application site. The objection notes that the proposal would allow sensitive residential neighbours adjacent to a continually busy and operational site. The objection further notes that this could give rise to future amenity issues and challenges due to noise and extensive operational hours. The representation seeks the submission of a Noise Impact Assessment to ensure that residents would not be detrimentally impacted.

Officer comment: The impact of the Royal Mail site on the occupiers of the proposed development and vice versa shall be assessed in the neighbouring amenity section in the assessment below. A Noise Impact Assessment has subsequently been received.

## **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.

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 meet the needs of new residents; and/or where on site is not possible consideration to off site provision.

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

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.

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).

RTCS3:"Town Centre and Regeneration" permission will be granted for proposals that strengthen the role of the town centre by: improving the range and quality of facilities

including retailing, employment, leisure, entertainment and culture to encourage a vital and vibrant town centre environment; increasing diversity, quality and inclusive nature of employment opportunities, leisure, social, educational and cultural facilities, to meet the needs of the local population; managing road traffic and improving access and road safety, while improving facilities for passenger transport users, pedestrians, cyclists and those with special needs and providing car parking where appropriate; enhancing the town centres character and appearance; improving facilities for disabled people, elderly people and carers with babies and children; providing mixed use development including residential or other suitable uses on vacant or underused upper floors; retaining key facilities.

RTCS4:"Town Centre and Regeneration" permission will be granted for proposals that will produce an improvement in the environmental quality of the town centre, or otherwise be of benefit to those working, visiting or residing within the centre.

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 Council's Developers' Guide to Infrastructure Contributions (2016)  
Planning Practice Guidance (PPG)

### **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 were consulted on between 12 March and 31 May 2020. The Inspector will now 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:**

The key issues for consideration in the determination of this application include the principle of the proposed development and its impact on:

- The character and appearance of the area.
- Neighbouring Amenity
- Parking and the Highway
- Ecology
- Planning Obligations



## **Principle of Development**

The application site is located within the northern part of the Town Centre.

Policy RTCS3 of the Adopted Replacement Harlow Local Plan (ARHLP) 2006 states that planning permission will be granted for proposals that would strengthen the role of the Town Centre. Policy RTCS4 of the ARHLP states that permission will be granted for proposals that will produce an improvement in the environmental quality of the Town Centre, or otherwise be of benefit to those working, visiting or residing within the centre. In addition, policies BE3 and SD3 are supportive of sustainable development which makes use of previously developed land and facilitates regeneration.

The National Planning Policy Framework (NPPF) also encourages, as a core planning principle, the effective use of previously developed land. Section 2 of the NPPF also stresses that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of Town Centres and sets out policies to encourage residential development on appropriate sites and, where Town Centres are in decline, plan positively for their future to encourage economic activity.

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 seeks to rebalance the focus of gravity northwards, and it is considered that the proposed development would help to achieve this. 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 proposed development would redevelop a brownfield site within the Town Centre. It is considered that substantial weight should be given to the use of brownfield/under-utilised land. In addition, the proposed development would include the provision of 33 flats (30% affordable) within the northern part of the Town Centre, which could act as a catalyst for the regeneration of the area. It is considered, subject to the proposal being of a high quality design as shall be assessed below, that new accommodation in the Town Centre would be of benefit to those working, residing or seeking to reside there.

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

## **Character and Appearance**

Policies BE1 and RTCS3 of the ARHLP stipulate 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. Policy PL1 of the emerging Local Plan reflects this.

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and paragraph 57 encourages high quality design for individual buildings and public and private spaces.

Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

ARHLP policies NE11 and NE12 relate to trees and landscaping, with specific regard to major development.

The proposed development includes the construction of an 8 storey residential block and a commercial unit fronting Post Office Road.

The main views of the site would be taken from Market Square (with longer distance views from Broad Walk) and Post Office Road. The majority of the proposed development would be screened by Market House when viewed from Market Square and Broad Walk. It is however noted that the proposed development would project 5.5 to 7.6m above Market House. The proposed development would be positioned adjacent to buildings which include buildings of greater height behind them, take for instance The Rows with West Gate House set behind it. It is not therefore considered that the positioning of a taller building behind Market House would be out of keeping with the character and appearance of this part of the Town Centre.

It should be noted that the applicant seeks to add an additional storey to Market House. Permission for an additional storey at Market House was approved under application reference HW/FUL/16/00209 though this permission has now lapsed. An additional storey would further screen the proposal from Market Square and Broad Walk but this can only be given limited weight as there is no live application relating to this and future development cannot be guaranteed.

In relation to its height, the proposed building would be viewed in context with Market House (6 storeys) and West Gate House (8 storeys). Tall buildings are also evident towards the edges of the Town Centre, including Terminus House (16 storeys) and Joseph Rank House (12 storeys). It is therefore considered that the proposed development at 8 storeys in height would be acceptable. The proposed building would relate well to the surrounding townscape in terms of bulk, scale and massing.

It is noted that the tall buildings within the Town Centre act as landmarks within the area. It is considered that the proposed development would be viewed as a landmark from Fourth Avenue, and would be a focal feature on Post Office Road. It is considered that the proposed development, including a glazed commercial shopfront, would create an active frontage along Post Office Road which would positively contribute to the streetscene which is currently of poor quality. In addition, it is considered that the proposed flexible use of the commercial unit would help to contribute to the vitality and viability of the Town Centre.

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. For example, the proposed development has incorporated features of Market House through the use of grid forms. In addition, the proposed balconies would help to create visual interest and reduce the visual massing of the building. The proposal would be constructed with high quality materials including brick, aluminium and metal. It is however considered necessary to require a condition for samples of the materials to be submitted to and approved in writing by the Local Planning Authority.

The proposed development would also retain the thoroughfare to Market Square. The proposed development would enhance this thoroughfare with a green wall and passive surveillance from the proposed communal garden and the windows on the side of the proposed building. These changes would reduce the width of the passageway by approximately 2.8m, but would still be 7.4m wide which is considered wide enough for ease of use. It is considered that the proposed building alongside the green wall would help to create an upgraded gateway into Market Square and to the Town Centre beyond.

The application site is currently devoid of landscaping. The proposed development includes a green wall, communal garden and garden areas, which would enhance the landscaping at the site and would positively contribute to the streetscene. The Council's consultant Tree Officer raises no objection subject to conditions requiring a Landscape Scheme (including information relating to the green wall and communal garden area), Landscape Specification and Arboricultural Method Statement to be submitted to and approved in writing by the Local Planning Authority. The recommended conditions shall be added to any consent granted.

It is noted that Essex County Council consider that the proposal would result in less than substantial harm to the setting of the listed sculpture in Market Square though this is considered to be at the very low end of the scale. The National Planning Policy Framework indicates that where less than substantial harm is identified, the public benefit should outweigh the harm caused. The proposed development would comprise the redevelopment of brownfield land and would include affordable housing and would help to regenerate this part of the Town Centre. It is considered that the public benefits outweigh the impact on the setting of the listed sculpture.

Essex County Council's Urban Design team raise no objection to the proposal subject to the use of high quality materials.

### **Neighbouring Amenity**

Policy BE2 of the ARHLP and The Harlow Design Guide SPD indicate that proposals should not result in detrimental impacts to amenity. Policy PL2 of the emerging Local Plan reflects this.

It is noted that concern has been raised in relation to the potential impact of Royal Mail's Delivery and Sorting Office, vehicle repair and service yard on the potential occupiers of the proposed development.

The eastern part of the Royal Mail site is the main noise generating area. This would be separated from the proposed development by the thoroughfare to Market Square and by the built form of the delivery office building at a distance of 65m. It is considered that this distance would help to prevent potential noise impacts.

Notwithstanding the above, a Noise Impact Assessment (NIA) has been submitted which concludes that the measured noise levels would be acceptable subject to the use of specific glazing. No further mitigation measures were considered necessary. A condition requesting the submission of glazing to be submitted to and approved by the Local Planning Authority shall be added to any consent granted.

In relation to privacy and overlooking, the Essex Design Guide SPD advises that where new development incorporates habitable rooms facing neighbouring properties, a minimum spacing of 25m should be achieved. In the case of upper-storey flats it suggests that rear-facing upper-storey living rooms should be no closer than 35m from the rear of any other dwelling. It should however be noted that the application site is located in a Town Centre location. In highly sustainable locations, such as this, the Council seeks to maximise development and is supportive of higher densities. To support this greater flexibility has to be applied and a reduced separation distance between properties considered on a case by case basis.

The proposed development would include bedrooms facing Market House, with Market House including bedrooms and living rooms facing the proposed development. The proposed development would be set apart from the rear elevation of Market House by their associated gardens and the communal garden, at a total distance of 17m. However, the existing and proposed terraced gardens would be positioned a distance of 13.7m from each other, although it is considered that the main views would generally be taken from inside the flat rather than from the terraced gardens.

It is noted that Market House includes terraced gardens positioned adjacent to the proposed communal garden. It is considered that appropriate boundary treatment could help to prevent overlooking/privacy impacts to the terraces. It is considered that a landscaping condition could cover this by including details relating to boundary treatments to be submitted to and approved by the Local Planning Authority.

The proposed development would meet or exceed the national described space standards. In addition, an Internal Daylight and Overshadowing Study has been submitted which concludes that the proposed development would not result in an adverse impact to the daylight experienced by the occupiers of Market House and vice versa. The study also confirms that the proposed amenity areas would receive an acceptable level of daylight, and would meet or exceed the required BRE daylight levels.

It should be noted that the dwellings at Market House are currently being constructed and are not currently occupied.

The Council's Environmental Health team raise no objection to the proposed development.

Taking into consideration the Town Centre location of the proposed development, the proposed bedrooms rather than living rooms to the rear and the separation of the building by the gardens, on balance it is considered that privacy and overlooking impacts between the proposed development and Market House would not be sufficiently inadequate to warrant refusal of the application, and the loss other benefits it would bring. It is not therefore considered that the proposed development should be seen as acceptable in regard to neighbouring amenity.

### **Parking and the Highway**

Policy T9 of the ARHLP states that proposals should not result in detrimental impacts to parking or the highway. Policy IN3 of the emerging Local Plan reflects this.

The proposed development should include 47 standard car parking spaces, a maximum of 4 car parking spaces to serve the commercial unit and 9 visitor car parking spaces, to accord with the Essex Parking Standards.

The proposed development includes no standard car parking spaces and no car parking spaces for the commercial units or for visitors. The proposal would however include 14 standard car parking spaces within Terminus House car park (30%). The applicant has demonstrated that they own the spaces within Terminus House car park on a 50 year lease. Given that the applicant owns the spaces, and that the car park is only a 3 minute walk to the site, it is considered that there is a reasonable prospect of the car parking spaces being used.

It should be noted that there is a pending application relating to the partial demolition of Terminus House car park (application reference HW/FUL/19/00290). The applicant states that the solicitor associated with application reference HW/FUL/19/00290 has agreed that the applicant would retain their car parking spaces regardless of the outcome of the application. The location of the car parking spaces within Terminus House car park can be further secured via a Legal Agreement.

The Essex Parking Standards state that for main urban areas, including Town Centre locations, a reduction to the vehicle parking standards may be considered appropriate, 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 Town Centre, and the proposed residential units would be positioned adjacent to retail uses. The application site is within close proximity to the bus station and the Town Centre allows access to employment opportunities, healthcare

and education (notably Harlow College and the University Technical College), and is accessible by cycle and foot. The site is therefore considered to be in a highly sustainable location, and the proposed parking provision is therefore considered to be acceptable.

In addition, there are parking restrictions on the roads surrounding the application site, which would prevent on-street parking from occurring. Furthermore, it is considered that residents and visitors could park in the car parks within the Town Centre, which would further discourage on-street parking.

In order to allow for servicing and refuse collection, two of the three disabled car parking spaces located on the highway shall be relocated to the car park to the rear of the site. The applicant has confirmed that the spaces would be permanently accessible. It is considered that the spaces being publically accessible in perpetuity could be secured via a Section 106 Legal Agreement.

In addition to the 2 publically accessible disabled car parking spaces, the proposal would also require 3 disabled car parking spaces to serve the residents and 3 disabled car parking spaces to serve the commercial units, resulting in an overall requirement of 8 disabled car parking spaces. Due to the size of the car park, the applicant has confirmed that 6 disabled car parking spaces could be provided (2 for the public, 3 for the residents and 1 for the commercial unit). It is considered that the public disabled car parking spaces could be used for disabled users visiting the commercial unit. The shortfall in 2 commercial disabled spaces is therefore considered acceptable in this circumstance.

This would reduce the amount of standard car parking spaces within the car park to the rear of the site but this is not considered to result in significant detrimental impacts to parking within the Town Centre to justify the refusal of the application on this basis.

Essex County Council's Highways team raise no objection subject to a condition requiring the submission of a Residential Information Travel Pack to be submitted to and approved in writing by the Local Planning Authority. The aim of a Residential Information Travel Pack is to encourage future residents to use sustainable modes of transport. The requested condition shall be added to any consent granted.

Therefore, the parking provided is considered acceptable within its Town Centre location and the proposal would not result in any significant detrimental impact to the highway due to parking restrictions, and the availability of parking within 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, in compliance with ARHLP policy T9 and emerging policy IN3.

## **Flooding**

Policy CP12 of the ARHLP states that development that will be at risk of flooding or will contribute to flood risk will be resisted.

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

The proposed development can be described as 'residential' which, according to Table 2 of the Flood Risk and Coastal Change section of the Planning Practice Guidance, is considered to be 'more vulnerable' development. Table 3 of the aforementioned section confirms that 'more vulnerable' development is appropriate within Flood Zone 1.

A Flood Risk Assessment and Sustainable Urban Drainage Report have been submitted alongside the application. The report confirms that the site is at low risk from flooding from other sources including sewers and artificial sources. The proposal includes mitigation measures including a rainwater harvesting tank to generate water for the communal garden, permeable surfaces and a green wall. The submitted report indicates that the proposed mitigation measures would be appropriate.

It should be noted that the proposed landscaped communal area would help to reduce the surface water run-off compared to the existing circumstance.

Essex County Council's Sustainable Urban Drainage team raise no objection to the proposal subject to conditions requiring the submission of a detailed surface water drainage scheme, a Maintenance Plan including yearly logs of maintenance, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The requested conditions shall be added to any consent granted.

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

Subject to conditions, the proposal is not considered to result in adverse impacts to flooding, in compliance with policy CP12 of the ARHLP.

### **Ecology**

Policy NE15 of the ARHLP indicates that proposals should not result in adverse impacts to ecology.

The site is not covered by any statutory or non-statutory wildlife site designation. The site is previously developed and there is no existing green infrastructure on site. It is considered that the proposal, including the provision of a podium garden and a green wall, provides an opportunity for biodiversity enhancement and habitat creation. It is considered that a landscaping condition would help to secure this.

Subject to condition, it is not considered that the proposal would result in detrimental impacts to ecology, in compliance with policy NE15 of the ARHLP.

### **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 (shared ownership).
- £34,402.60 towards open spaces.
- £10,124.00 towards the library in Harlow Town Centre.
- Secure public access to disabled spaces in perpetuity

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

The applicant has agreed to pay the contribution of £34,402.60 towards open spaces and £10,124.00 towards the library in Harlow Town Centre. The proposal is therefore considered to be policy compliant.

### **Commercial Unit**

The proposed development as originally submitted included a commercial unit in A1 use. In order to ensure the use of the unit and in the interest of maintaining the vitality and viability of the Town Centre, it is considered that a flexible use would be more appropriate. Amended plans have therefore been received which would allow for a commercial unit within an A1, A2 and B1 use. It is not therefore considered that a condition is required to restrict the use of the

unit. It is however considered that a condition should be required to prevent the unit from being converted into residential use.

## **Fire**

No comment has been received from the Fire Service in relation to this proposal. More detailed consideration would be undertaken at Building Control stage under separate Building Control legislation. An informative shall be added to any consent granted in relation to Building Regulations.

## **CONCLUSION**

The proposal would result in new accommodation and a new retain unit. This would include the redevelopment of previously developed land within the Town Centre, and would make efficient use of brownfield land. It is considered that the proposal would act as a landmark building on Post Office Road and would enhance the thoroughfare to Market Square. It is also considered that the proposal would help to improve the image and perception of the Town Centre, and would act as a catalyst for regeneration in the northern part of the Town Centre. In addition, the proposal includes 30% affordable housing and contributions towards open space.

The proposed development is not considered to result in detrimental impacts to neighbouring amenity, car parking, ecology, refuse or flooding, subject to conditions.

The proposal is therefore considered to be compliant with the NPPF and relevant policies within the ARHLP and the emerging Local Plan. It is therefore recommended that planning permission is granted subject to conditions and the applicant entering into a legal agreement to secure 30% affordable housing, contributions towards open space and the library, the car parking spaces within Terminus House car park and to ensure that the disabled car parking spaces are publically accessible in perpetuity.

## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. Prior to 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 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.**

4. Notwithstanding the approved plans, prior to any construction works above ground level a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for new tree planting and enhancement of trees and vegetation. The scheme shall include details of all hard and soft landscaping, details of boundary treatments and the proposed green wall and communal 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.**

5. No works except demolition 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 2.226l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Demonstrate that the attenuation tank can half empty within 24 hours for the 1:100 plus 40% climate change critical storm 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 Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. It should be ensured that all water leaving the site is passing through the permeable paving before final discharge.
- Detailed information should be provided on the rainwater harvesting system, including how it will be maintained and monitored. A control and monitoring system should be incorporated. It should be demonstrated how water will be treated before being reused based on pollution risk.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.



**REASON: To 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.**

6. 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.**

7. 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.**

8. Prior to commencement of the development, details of the glazing, overheating and ventilation system and the non-glazed external fabric shall be submitted to and approved in writing by the Local Planning Authority. The approved noise mitigation measures shall be installed and retained in perpetuity.

**REASON: To ensure appropriate noise levels within the building in the interest of amenity and to accord with policy BE2 of the Adopted Replacement Harlow Local Plan.**

9. Notwithstanding the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the commercial unit hereby approved shall not be converted to or used as a residential dwelling

**REASON: To maintain the unit as a commercial unit in the interest of the vitality and viability of the Town Centre and to accord with policy RTCS3 of the Adopted Replacement Harlow Local Plan.**

10. The development hereby approved shall be carried out in accordance with the plans shown in the table below.

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

Plan Reference	Version No.	Plan Type	Date Received
119-1076-M01	First Floor	MVHR Plan	13.11.2019
119-1076-M02	Seventh Floor	MVHR Plan	13.11.2019
19002-A100-001	Existing	Location & Site Plan	18.10.2019
19002-A100-002	--	Proposed Site Plan	18.10.2019

19002-A100-003	Rev 1	Existing Ground Floor Plan	11.03.2020
19002-A100-004	Rev 4	Proposed Ground Floor Plan	11.03.2020
19002-A100-005	Rev 2	Proposed First Floor Plan	11.03.2020
19002-A100-006 Rev 1	2nd - 5th Floor	Proposed Floor Plans	11.03.2020
19002-A100-007 Rev 1	7th Floor	Proposed Floor Plans	11.03.2020
19002-A100-008	Rev 1	Proposed Roof Plan	11.03.2020
19002-A100-009	Rev 4	Existing & Proposed Front Elevations	11.03.2020
19002-A100-010	Rev 4	Existing & Proposed Rear Elevations	11.03.2020
19002-A100-011	Rev 3	Existing & Proposed West Elevations	11.03.2020
19002-A100-012	Rev 3	Proposed Section A-A	11.03.2020
19002-A100-013	--	Proposed Wall Details	18.10.2019

## **INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. It is recommended that the developer consults with Essex Police in relation to achieving a Secured by Design award to benefit its intended occupants and the wider community.
3. The applicant/developer is advised to contact Thames Water in relation to surface water drainage, public sewers and underground waste water assets.
4. Water supplies and sprinkler systems should be incorporated for additional protection against firefighting.