

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2020

REFERENCE: HW/FUL/18/00103

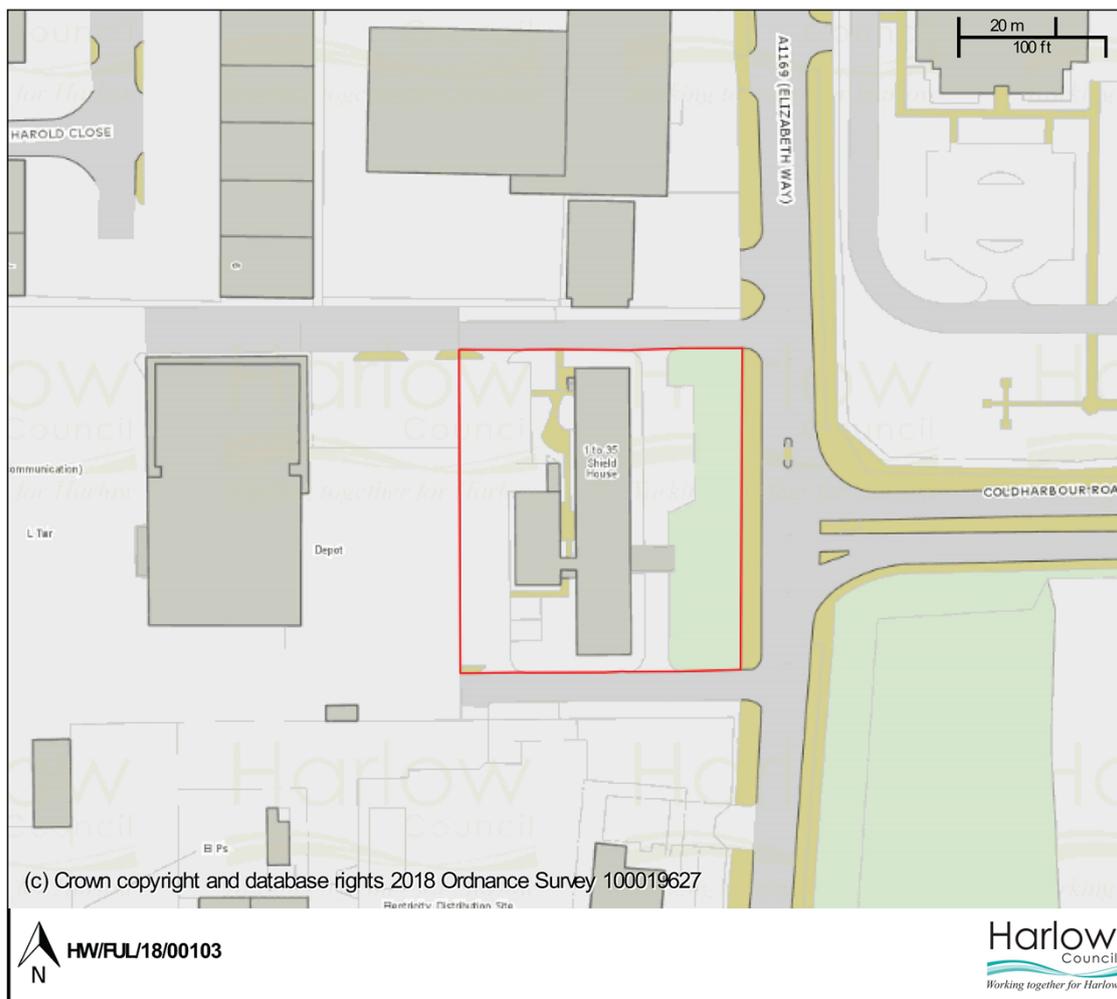
OFFICER: Nicholas Fu

APPLICANT: Smith Homes 9 Ltd

LOCATION: Shield House
Elizabeth Way
Harlow
Essex

PROPOSAL: Erection of Part Two Storey & Part Three Storey Extension
Comprising of 27 Flats

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

This is a major application called in by the Chairman

Application Site and Surroundings

The application relates to a building known as Shield House located on Elizabeth Way and forming part of the Pinnacles, a designed Employment Area as shown on the Adopted Replacement Harlow Local Plan (ARHLP) 2006 Proposals Map. As such, the wider area is characterised by industrial and commercial employment uses consisting of similarly sized buildings and units of B1, B2 and B8 uses.

The site includes an existing two storey building with a single storey projection to the rear. There is a canopy structure above the front entrance and projects to the front by approximately 10m. The site is located at a higher ground level than the main highway by approximately 2m above.

The site benefits from two prior approval applications for a change of use from B1(offices) to C3 (dwellinghouses). In both instances the Local Planning Authority confirmed that prior approval was deemed not to be required.

The existing plans submitted with the current application show the existing layout to be as 35 flats, indicating that the prior approval scheme under reference HW/COUOR/17/00183 has been implemented.

Details of the Proposal

The application seeks planning permission for the construction of a two storey extension above the exiting two storey part of the building, and a three storey extension above the existing single storey rear element. The proposed development would be four storeys overall at a maximum height of approximately 13m.

The proposed extensions would provide 27 residential units, comprising 6x studio flats, 14x one-bedroom flats, and 7x two-bedroom flats.

The resulting building would provide a total of 62 residential units, comprising 17x studio flats, 15x one-bedroom flats, and 30 two-bedroom flats.

The entirety of the exterior of the building would be altered and finished in white render with the top floor appearing to have a zinc cladding appearance.

The application site would have a total of 80 parking spaces, including 5x disabled spaces and 5x visitor spaces. There are also 80x cycle parking spaces and 4x motorcycle spaces.

The application seeks to overcome the reasons for refusal of a previously refused scheme reference HW/FUL/17/00477. This application was also for extensions to the existing building to provide 27 flats, and was refused for the following reasons:

- 1) *There are a number of inconsistencies within the application, principally the Existing and Proposed Block Plan (Dwg No. 1259 02, received 16 October 2017) does not reconcile with the Existing Site Plan (Dwg No. 1259 03, received 16 October 2017) or the Proposed Site Plan (Dwg No. 1259 04, received 16 October 2017), including altering layouts to parking provision and refuse/recycling stores - making it impossible to accurately assess some elements of the proposal. In addition, there is some confusion presented with regard to whether the proposal is for 27 units or 60 units, with some material (such as the application form and planning fee) indicating 27 units, whilst other material (including the figures contained within the financial viability report and level of parking provision)*

suggesting the application is for 60 units - resulting in an application that is technically deficient and inaccurate.

- 2) *In light of the incorrectly implemented prior approval scheme, the lawful use of the site is as an office. With this in mind, the proposal results in a loss of employment land within a designated Existing Employment Area and no evidence has been provided to demonstrate compliance with the criteria of policy ER6 of the Adopted Replacement Harlow Local Plan (2006). The proposal is, therefore, contrary to policies ER5 and ER6 of the Adopted Replacement Harlow Local Plan (2006).*
- 3) *The proposed development, by reason of the irregular design, size and layout of its fenestration and associated detailing, would result in the building having a chaotic, discordant and unbalanced appearance. The proposed development is of poor design and would have an unacceptable adverse effect on the character and appearance of the locality. The proposed development would be contrary to Policy BE1 of the Adopted Replacement Harlow Local Plan (2006) and the Harlow Design Guide SPD (2011).*
- 4) *The proposed development fails to deliver an appropriate level of parking provision. The proposed development would create demand for on-street parking. On-street parking is very limited and would prejudice the free-flow of traffic in the Employment Area. In addition, the lack of suitable parking provision would likely lead to vehicles attempting to park on the one way system outside the site, creating further highway issues. The proposal is in conflict with Policy T9 of the Adopted Replacement Harlow Local Plan (2006) and the Essex Parking Standards: Design and Good Practice (2009).*
- 5) *The applicant has failed to enter into an appropriate legal agreement to secure 33% of the proposed residential units as affordable housing. In addition, the financial viability statement provided with the application does not relate to the proposal for 27 units and is not, therefore, considered to be an acceptable justification for non-provision of on-site affordable housing or a financial contribution, contrary to Policy H5 of the Adopted Replacement Harlow Local Plan (2006) and the Affordable Housing SPD (2007).*

RELEVANT PLANNING HISTORY:

Application Reference: HW/FUL/17/00477

Proposal: Erection of Part Two Storey & Part Three Storey Extension Comprising of 27 Flats

Status: Refused Planning Permission

Decided Date: 12 January 2018

Application Reference: HW/FUL/17/00170

Proposal: Erection of a Part Two Storey and Part Three Storey Extension Comprising of 27 Flats

Status: Refuse Planning Permission

Decided Date: 4 August 2017

Application Reference: HW/COUOR/17/00183

Proposal: Change of Use of a Building from Office Use (Class B1 (a)) to a Dwellinghouse (Class C3) to Create 35 Dwellings

Status: Prior Approval Not Required

Decided Date: 3 July 2017

Application Reference: HW/COUOR/16/00514

Proposal: Change of Use of a Building from Office Use (Class B1(a)) to a Dwellinghouse (Class C3) to Create 33 Dwellings

Status: Prior Approval Not Required

Decided Date: 16 January 2017

CONSULTATIONS:

HDC - Consultant Arborist

No objection subject to a condition requiring the submission of a landscape scheme.

The proposal provides new tree planting that will be visible within the public realm, which is considered to provide sustainability in the long term and would acceptably mitigate the impacts arising from the loss of some existing trees.

HDC - Environment Health Services

No Comment Received.

HDC - Cleansing and Environment

No Comment Received.

Essex County Council - Highways

No objection subject to a condition on a Residential Travel Information park for sustainable transport.

The site is well located in relation to access to other modes of sustainable travel and as such the parking provision can be reduced. Furthermore the proposal will generate less traffic than the original office use.

Environment Agency (Hertfordshire & North London)

No Comment Received.

Sustainable Drainage Team

No Comment Received.

Essex County Council - Infrastructure Planning Officer

No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 48

Total Number of Representations Received: 1

Date Site Notice Expired: 10 April 2018

Date Press Notice Expired: 12 April 2018

Summary of Representations Received

One objection is received from the occupier of a neighbouring property. The reasons for objection are as follow:

- The proposed residential use would result in loss of employment land and is incompatible within the Pinnacles which is designated as an Employment Area.
- The site is not well-served by public transport. The residential use would worsen the existing congestion and parking issues within the area.
- There are no amenities for residents.

- The proposed development is contrived and to the sole economic benefit of the applicant.
- Set an undesirable precedent for further applications resulting in a general erosion of employment spaces in the Pinnacles area.
- There are other better locations for residential developments.

These concerns are addressed in the later sections of this report.

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.

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.

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.

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.

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.

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.

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

ER6: "Retaining Existing Employment Areas" within the existing and allocated Employment Areas permission for change of use or redevelopment to uses other than those identified in ER5 will be permitted if: the amount, range or premises available would not be reduced below the level required within the Local Plan period; would not lead to the loss of a high quality employment site; demonstrable lack of market demand for employment over a long period and efforts made to Market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council; site is accessible by means other than the car;

in accordance with the sequential approach to development; and would not generate unacceptable traffic levels on surrounding roads.

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 is considering the 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 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)
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)
Planning Practice Guidance (PPG)
Technical housing standards – National described space standard (2015)

PLANNING ASSESSMENT:

The main planning issues for consideration in the determination of this application are as follows: 1) The principle of development; 2) Design and the impact of the proposal on the character and appearance of the host building and wider streetscene; 3) Quality of accommodation; 4) The impact on neighbouring amenity; 5) Refuse and recycling; 6) Trees and Landscaping; 7) The impact of the proposal on parking and highway safety; 8) The impact on flooding; and 9) Planning obligations.

The planning history of the site is also an important material consideration of this application. Topics that were accepted by the previous applications should not be revisited unless there is evidence suggesting a material change in circumstance to consider differently. The starting point therefore for the initial assessment of this current proposal is therefore the degree to which it has adequately addressed the reasons for refusal of the previous similar application HW/FUL/17/00477 (mentioned earlier in this report).

Principle of development

The application site, Shield House, forms part of the Pinnacles – a designated Existing Employment Area as shown on ARHLP Proposals Map. The immediately surrounding area is predominantly typified by industrial and commercial uses.

Policy ER5 of the ARHLP states that B1, B2 and B8 uses are encouraged within Employment Areas. Policy ER6 states that permission for change of use or redevelopment to uses other than those identified in policy ER5 subject to a number of criteria being met.

Notwithstanding the above, the application site benefits from a prior approval scheme for a change of use from B1(offices) to C3 (dwellinghouses). The existing plans submitted with the current application show an internal layout identical to that of the prior approval scheme under application reference HW/COUOR/17/00183. In addition, the applicant provided a Building Regulation Final Certificate confirming that the conversion work to create 35 flats has been carried out, and this aligns with the Council's Building Control record. Further market research also suggests building is currently used as residential. The Local Planning Authority is therefore satisfied that the prior approval scheme HW/COUOR/17/00183 has been implemented.

Moreover, whilst Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) requires development to be carried out in accordance with the prior approval scheme, there is no requirement that the resulting residential units must be occupied as part of the prior approval mechanism.

In this circumstance, it is considered reasonable to argue that the existing use of the application site is residential. The current application would expand the capacity of the existing residential building on site but does not constitute a change of use of the application site. In relation to Policy ER6, the previous change to residential use, made possible by the prior approval process, means that any further non-employment development of the site would not lead to the loss of an employment site. On this basis criteria 2 of Policy ER6 is met and the principle of this residential use in an employment area has to be considered acceptable as it does not breach the policy.

Design and impacts on Character and Appearance

The Government attaches much importance to the design of the built environment and, through the National Planning Policy Framework (NPPF), it recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

At the local level, and in specific relation to housing development, Policies BE1, BE2, and H4 of the ARHLP firmly align with the objectives and thrust of the NPPF, despite pre-dating it. These policies set out a number of criteria for new residential developments to satisfy in the interests of achieving high quality living environments. Principle DG2 “General Placemaking Principles” of the Harlow Design Guide SPD (2011) sets out a number of core criteria of urban design.

The proposed materials are the same as in the previously refused application and they were considered to be acceptable in the previous iteration. The height was also previously considered acceptable and there is no reason for Officers to consider differently with this application.

However, the previous application was still refused on design grounds. In particular, there were concerns on the irregular and inconsistency fenestration design, size, location and associated detailing.

The current proposal has sought to address these concerns by removing most of the projecting window surroundings. The new windows on the upper floors would have a similar design to and be positioned in a way which lines up properly with the existing ones on the lower floors. Overall, the proposed development would have a tidy and balanced appearance. Still, it is not to say the proposed design is of any exceptional design merit. It is generally bland and lacking visually interesting features.

Nevertheless, most of the surrounding buildings have a generally industrial appearance, if not discordant at times. In comparison, the current proposal has a more orderly and minimalistic appearance. In the context of the location and appearance of the surrounding buildings, on balance, it is considered that the proposed design is acceptable.

The proposed development would have an acceptable impact to the character and appearance of the surrounding area, and therefore comply with Policy BE1 of the ARHLP and the Harlow Design Guide SPD.

Quality of accommodation

The Central Government released the Technical Housing Standards in 2015 which sets out the minimum requirement for new residential developments to meet in terms of gross internal area. The proposed 27 new units to be provided within the extensions would provide have sufficient internal spaces to comply with these standards.

It is noted that some existing units provided under the prior approval scheme fail to meet the abovementioned space standards. However, these were units previously approved and provided, this fall-back position in relation to these existing units is a significant material consideration as part of the assessment of the current application.

The application site is located on Elizabeth Way, which is a relatively busy highway and frequently used by heavy vehicles to and from the Pinnacles. The application is supported by

an Acoustic Assessment, which concluded that, with mitigation measures specified to each elevation of the building, an acceptable living condition could be achieved. Should planning permission be granted, a condition should be imposed to ensure the development to be carried out in accordance with the recommendation as mentioned in the Acoustic Assessment.

The application site would have limited onsite amenity space and there is concern on the health and wellbeing of further residents. Nevertheless, the site has reasonable access to some local green area along Fourth Avenue, Elizabeth Way and Third Avenue, including the Green Wedge area forming part of the Harlow's green infrastructure hierarchy. It is therefore not considered the lack of onsite amenity space alone would be sufficient to warrant the application a refusal.

Neighbouring amenity

The previously application was not refused on amenity grounds. Given that the scale of the proposal is identical to the refused scheme, the significant distance from residential properties from the application site, and the fact that there is no other material change in circumstance, there is no reason to conclude differently on this occasion. The additional windows do not result in a loss of privacy to any residential properties.

The proposal is therefore considered to be acceptable in terms of neighbouring amenity.

Trees and Landscaping

The previously application was not refused on arboricultural or landscaping grounds.

The current application is supported by an Arboricultural Impact Assessment (AIA). Some of existing trees within public view would be removed, but the Council's Arboricultural Officer notes these trees are of relatively low value for retention and preservation, and the subsequent replanting would allow for a more appropriate aesthetic arrangement with healthier and better quality trees in situ. The proposal is therefore acceptable, subject to the imposition of a condition to secure a detailed landscaping scheme in the event of permission being granted.

Refuse and recycling

The Council's Waste Services Officer did not offer any comment. However, the following concerns have been raised: 1) a one way system for vehicular movement within the site should be in place; 2) there should be sufficient space for the bin collection vehicle to safely negotiate the one way road; 3) prevent the refuse truck having to stop on Elizabeth Way; and 4) the design of the bin store was not assessed in the previous application.

There is land available within the site around the footprint of the existing building which is not altered as a consequence of this proposal to add additional floors. It is considered that an appropriate refuse scheme can be provided by means of a condition to require the approval of details, including any elevation details of any bin stores.

Flooding

The previous application was not refused on flooding implications, concluding that as the proposal was to build additional storeys to an existing building as opposed to building on adjacent land, along with the fact that the site does not fall within Flood Zones 2 or 3 and the LPA have no knowledge of drainage problems on the site, the proposal would not have an adverse impact on flooding.

There are no material changes in circumstance to consider differently on this occasion.

Parking and Highway Safety

The previous application was refused on parking and highway safety grounds.

The existing building has been converted to residential use under the prior approval mechanism. It should however be pointed out that parking provision does not form part of the prior approval assessment.

The existing building includes 35 residential units, and the proposal would create an additional 27 flats through extensions to the existing building. There would be no physical separation or barriers to distinguish the parking spaces. This would result the onsite parking spaces to be shared between the occupiers of all 62 dwellings. Therefore, it is only reasonable that the resultant building should be considered in its entirety when it comes to parking provision.

The resultant building would provide a total of 17x studio flats, 15x one-bedroom flats, and 30x two-bedroom flats. According to the Essex Parking Standards, the development would need to be provided with 92 residential parking bays, 16 visitor bays and 7 disabled bays. 68 cycle parking spaces would also need to be provided.

The current application proposed 80 car parking spaces in total, including 5 disabled spaces (which represents 6% of the total, in accordance with the Essex Parking Standards) and 5 visitor spaces. Each parking space measures 2.9m x 5.5m, with the disabled spaces to have an extra 1m in width. The dimension of the parking spaces meets the Essex Parking Standards requirement, but there is an under provision of spaces by about 25%.

The applicant provided a Transport Statement to support the application. The Transport Statement states that the application site is within 2km from the Harlow Town Centre, and there are public transports, pedestrian footways and cycle routes to allow easy access to key facilities and services.

Elizabeth Way is served by local bus routes and cycling infrastructures. The Cawley Hatch is located 200m to the north of the application site to provide reasonable level of access to services and facilities. The application site is also with an Employment Area which would have good access to employment opportunities.

However, the proposed parking provision is significantly below the required standards. The reasonable access to services and facilities and employment opportunities would not be sufficient, in isolation, to justify the significant under provision of car parking spaces. Furthermore, whilst Highway Authority have not raised objections to the proposal, the significant under provision in this location could encourage on-street parking to harm the highway safety. This view is supported by the appeal decision (Ref: APP/N1540/W/17/3184841) at the nearby Greenway House.

Notwithstanding the above, further communication with the Highway Authority confirmed that they have already taken into account the potential risk of on-street parking when assessing this particular application.

The application is in a controlled area, which is a different situation to Greenway House which the adjacent highway is likely to encourage on-street parking. To the front of site are the traffic signals for the junction between Elizabeth Way and Coldharbour Lane plus a cycleway, such that there is limited scope for localised overspill car parking. The contextual situation of the adjacent highway discourages the occupants of the proposed dwellings to park on-street. On

balance, the highway safety of the main highway (i.e. Elizabeth Way) would not likely be compromised.

Whilst there is under provision of on-site parking, the proposed parking is provided at a rate of 1.29 spaces per flat, which means each dwelling would have access to at least one parking space on average. The cycle parking provision is also sufficient which could encourage the use of more sustainable transport mode.

On balance, it is considered that the proposal would unlikely to cause unacceptable harm to highway safety despite falling short in parking provision. A refusal on parking and highway safety grounds would not be justified in this instance.

The application site is located within an employment area without nearby residential properties. The vehicular access/egress to the site is an existing access road off the highway system and currently used by other heavy vehicles. Furthermore, the proposed development relates mainly to the construction of additional storeys to the existing building. The application site has sufficient space to accommodate construction machines and storage of building materials. In this context, it is not considered that a construction management plan is required.

Planning obligations

Policy H5 of the ARHLP 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 identified 30% affordable housing provision as now appropriate. As the emerging Local Plan is based on more recent evidence, it is considered that provision of 30% affordable housing should be required.

This translates to 8 affordable units if the proposal is for 27 new flats, or 18 units if the whole 62 units are being considered. The LPA is satisfied that the existing building has been lawfully converted into residential use, as discussed above. Although the proposal includes modifications to the exterior of the whole building, it would not be reasonable to request contributions for the existing units. Therefore only the new 27 units should be considered in this instance.

The applicant has provided a Viability Assessment Report. The Local Planning Authority had the report independently assessed by District Valuer Servicers (DVS), a specialist arm of the Valuation Office Agency (VOA). The initial report demonstrating that the proposal would not be viable if any affordable housing were to be provided. The DVS response questioned the calculations regarding the prospective sale prices (Gross Development Value – ‘GDV’).

After discussions, the applicant agreed to provide 8 no. of affordable units as required by the policy. It is therefore considered that a Section 106 Legal Agreement is required to secure the 8no. affordable units. Officers are in negotiation with the applicant to confirm the tenure of these units, which will be reported to the committee.

No other planning obligations are considered to be necessary due to the limited scale of the development and the restrictive pooling contributions of the Community Infrastructure Levy Regulations 2010.

CONCLUSIONS:

The LPA is satisfied that the previous prior approval permission has been implemented and that the existing use of the building would be residential. Therefore, there would be no in principle objection to the proposed development, which would create additional residential units in this location by extensions to the existing building.

The applicant agrees to provide 8 no affordable units in accordance with the policy requirement. A S106 Legal Agreement would secure this provision.

The resultant building is not considered to be of excellent design merit, but would be appropriate in this location and have an acceptable impact to the character and appearance of the surrounding area.

The proposal would have an under provision of car parking, however it is found in this instance the lack of sufficient parking would not result in any unacceptable highway safety risk to nearby roads.

The development is considered acceptable with regards to neighbour amenity, trees and flooding.

The refusal reasons of the previous application have been satisfactory addressed. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be constructed entirely of the materials details of which are shown on plan No 1259 13 and 1259 14 (received 06 March 2018), unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where alternative materials are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.
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, July 2006.
- 3 Prior to the first occupation of any of the 27 residential units hereby permitted, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all hard and soft landscaping and details of boundary treatments. 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 3 years following completion of the scheme. The scheme shall be implemented during the next planting season following completion of the development.
REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policy BE1 and NE11 of the Adopted Replacement Harlow Local Plan, July 2006.

4 Prior to the first occupation of any of the 27 residential units hereby permitted, and notwithstanding the approved plans, a refuse and recycling scheme shall be submitted to and approved in writing to the Local Planning Authority. The scheme shall include a one way road system within the site, tracking information for a 26 tonne refuse truck, refuse and recycling store provision, and elevational drawings of any bin store. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted.

REASON: To ensure waste collections can be undertaken appropriately and in the interests of the character and appearance of the area in accordance with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

5 Prior to the first occupation of any of the 27 residential units hereby permitted, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

6 Prior to the first occupation of any of the 27 residential units hereby permitted the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that on street parking of vehicles does not occur, in the interests of highway safety and that appropriate parking is provided, and to accord with policy T9 of the Adopted Replacement Harlow Local Plan, July 2006.

7 Prior to the first occupation of any of the 27 residential units hereby permitted, and notwithstanding the approved plans, the cycle parking shall be secure, convenient, covered and provided in accordance with the EPOA Parking Standards. The approved facility shall thereafter be retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

8 The development hereby permitted shall be carried out in accordance with the recommendations set out within the Acoustic Assessment of Noise (document ref: 271617 Rev A, dated 01/12/2016), and all elements shall thereafter be retained in perpetuity.

REASON: To ensure noise mitigated measures are implemented for the interest of the living conditions of the future residents, in accordance with Policies BE1 and BE17 of the Adopted Replacement Harlow Local Plan, July 2006.

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

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

Plan Reference	Version No.	Plan Type	Date Received
1259 400	--	Proposed Site Plan - Parking Arrangement	16.07.2020
1259 05	Rev A	Existing and Proposed Ground Floor Plan	02.07.2020

1259 07	Proposed First Floor Plan	02.07.2020
1259 08	Proposed Second Floor Plan	02.07.2020
1259 09	Proposed Third Floor Plan	02.07.2020
1259 11	Proposed Front and Side Elevations	02.07.2020
1259 12	Proposed Rear and Side Elevations	02.07.2020
1259 13	Proposed Coloured Front Elevation	06.03.2018
1259 14	Proposed Coloured Rear Elevation	06.03.2018
1259 15	Existing and Proposed Elevations	02.07.2020
SH-LP-001-SK Rev B	Proposed Landscaping Plan	06.03.2018

INFORMATIVE CLAUSES

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.