

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**20<sup>th</sup> January 2022.**

**REFERENCE:** HW/FUL/21/00494

**OFFICER:** Leah McGuinness

**APPLICANT:** Mrs R Saunders

**LOCATION:** Allotments  
The Dashes  
Harlow  
Essex

**PROPOSAL:** Erection of disabled access eco-compostable twin toilet for community allotment project that provides horticultural therapy for children and adults with additional needs.

**LOCATION PLAN**



**REASON BROUGHT TO COMMITTEE** – multiple objections have been received which are contrary to the officer recommendation.

## **Application Site and Surroundings**

The application site relates to an allotment site located south of the Dashes and east from The Hides. Access to the site is gained via the north of the site, through a number of Council garages located just off The Dashes and a secondary access is gained via a public footpath to the east of the site.

To the east of the site lies the Dashes Sports Ground and to the south of the site, Harlow College.

The site does not lie within a Conservation area or is located in close proximity to any listed buildings.

Within the site there are a number of small scale sheds used to store garden tools for the surrounding plots. Directly adjacent the proposed development on the southern boundary lies a tool shed and a slightly larger shed used to store chairs and make tea when using the allotment.

## **Details of the Proposal**

The application seeks permission to build an eco- compostable twin toilet unit with three washing basins placed in middle on top of a derelict allotment plot within the Dashes Allotment site. No new access will be created and the existing access arrangements will be made use of. The therapy group only use the main access to the north of the site as it connects to a wheelchair accessible path. The access to the east is not used at all by the therapy group.

The building will serve two toilets for a community project which provides horticultural therapy for adults and children with special needs.

The building will measure 2.28m in height, 5.72m in width and 3.33m in depth (without wheelchair access ramp included).

The building will be made of wood with a plastic corrugated roof. It will be painted green to blend in with the plants and shrubs on site.

It is noted the location plan states the building measures 1.2m from the southern boundary shared with 284 The Dashes. The applicant has confirmed this distance would actually be 3m from this boundary. A condition will be attached stating the proposed unit will sit a minimum of 3m from this boundary.

## **RELEVANT PLANNING HISTORY:**

### **Planning Applications**

No planning history.

## **CONSULTATIONS**

### **Internal and External Consultees**

None received.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 36

Total Number of Representations Received: 4

Date Site Notice Expired: 12.11.2021

Date Press Notice Expired:

## Summary of Representations Received

Four representations have been received objecting to the proposal. Their comments are outlined below;

- I understand therapy is useful and should be encouraged but this area is surrounded by residential properties that directly overlook the area concerned. The proposal is excessive over provision and one toilet and one basin would be sufficient. Two toilets and 3 wash basins is an eyesore, too large and an expensive over provision. If one toilet with one basin in a smaller block was proposed I would withdraw my objection.
- Whilst I think making provision for disabled access toilets on site is a brilliant idea I do have some concerns that the drainage will not be sufficient and cause an environmental hazard. The surface drainage from the allotments pours down onto the garages already during heavy rain. I request the surface drainage is looked at property to avoid flooding. The drain in the garages blocks every year with debris from the allotments. I and other residents have contacted Essex County Council on multiple occasions but it is viewed weeks later when the water has drained.
- I request the toilets are built in the middle of the allotments, away from garden fences so that people don't try to gain access via the roof of the toilets which has happened with the previous shed on site. Although people would say the toilets will produce no odour, I find it offensive to have toilet used by strangers at the end of my garden with the only separation a flimsy fence..
- Our property directly overlooks the allotments and we want to object to the proposal on following reasons. The location. The site is surrounded by many residential properties and to be frank no one wants to look out the window and see people going to the toilet. The place is meant to be a green space and if this is granted permission it could set a precedent of more buildings in the site. Security. Toilet blocks attract anti-social behaviour – how will this be deterred. We already have had break ins so building in a secluded spot like this could be used by those wanting trouble. Access. The only points of access to the allotments are a side pedestrian gate, and another access through the Council's garage units. The pavement outside the pedestrian access is already of concern due to damage by tree roots and becoming a trip hazard. The addition of toilets suggests an increase in footfall. How many people will be walking past the footpath? The ground is bumpy, not flat and isn't really accessible for those with wheelchairs or additional mobility needs. How will this be resolved as could open door to further requested developments. No parking for the allotments so where will users park as parking is already an issue for local residents? Parked cars along road also cause sight issues for cars entering and leaving garage entrance which may lead to an accident. Drainage/waste disposal. This is our major concern. There have been ongoing drainage issues in the area for months in the garage block directly from the allotments. The drain in the garages is blocked and the water remain which is muddy and contains another substance, possibly oil. We use these garages daily and its unpleasant having to avoid waste water which smells when accessing our garage. A soakaway isn't sufficient for the waste water given the existing drainage issues. A broken stand pipe a few years ago resulted in water leaking from allotments onto the pavement and residents front gardens causing sodden grass and pools of water which took months to fix. If we were to experience heavy rainfall will the waste water flood onto the path causing unsanitary flooding. If waste products are to be removed by lorry, then it is going to block access to the garages on a regular basis and is unfair for those who pay to use them. How will

sanitary products be disposed of? We are concerned how often in summer the waste will be removed as the heat from summer will cause odour problems and we do not want to leave our windows closed in summer due to this smell.

## PLANNING POLICY

### Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

PL1 Design Principles for Development  
PL2 Amenity Principles for Development

Several forms of ‘planning standard’ are relevant to the application. These standards complement Development Plan policies.

### National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

Harlow and Gilston Garden Town (HGGT) is a designated ‘Garden Community’ under the Government’s Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale (housing) development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

### HGGT Guidance

The HGGT Vision elaborates on the HGGT’s interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

### **Supplementary Planning Documents (SPD) /Other Guidance**

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)  
Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

## **Summary of Main Issues**

### **Principle of Development**

The application relates the erection of an outbuilding/unit, which is considered acceptable in principle. The main considerations for this application are the impacts on character and appearance, and neighbour amenity and impact on drainage.

### **Character and Appearance**

Policy PL1 of the HLDP states that proposals for development should respect the size, grain, height, materials, features and layout of the building to be extended or altered. Sheds are common place in allotment sites and many do not require planning permission as they are temporary structure without concrete bases.

The proposed unit would stand below 2.3m in height and measures 19.05sqm in total. It would result in a small scale addition within the site and would not be considered an excessive structure in this location.

The unit will be placed on an unused grassed plot, next to a larger outbuilding to the south of the site. It will sit approximately 29m from the eastern boundary, and 57m from the main entrance north of the site. This location is preferable to other locations on site as it will be less prominent and also will sit next to other units (associated with the therapy group).

Its design is typical of an outbuilding and the use of wood would integrate well within the open site. We would want to see a higher quality material used on the roof. The applicant has agreed to use wood instead. A condition will be attached so details of the wood are approved before development commences.

Overall the proposed unit would not have a detrimental impact on the character and appearance of the wider locality and would be deemed acceptable.

## **Impact on neighbours**

The proposed unit would sit 3m from the southern boundary shared with No. 284 the Dashes. Along this boundary lies a timber fence separating the garden from the allotment and small scale planting also.

The proposed toilets will evidently be enclosed and the front elevation will face towards the centre of the allotments. The neighbours along the southern boundary will view a blank elevation, similar to that of any outbuilding.

The proposed unit due to its size, location and orientation would not give rise to any detrimental loss of privacy or overlooking to the properties at 283 -286 The Dashes that would warrant a refusal in this instance.

## **Impact on drainage**

A number of concerns have been raised on how surface water run-off will be managed on site.

The unit will be placed at the highest point of the allotment site and the toilets operate using compostable containers which are replaced once full. Any water from the wash basins will be dealt with via a soak away. The therapy group meets up four times a week and consists of approximately 10-15 people during these sessions. It is not considered the number of people using the proposed toilets would be excessive at any given time to exacerbate any surface water issues on site. And impact is considered to be minor in this case.

These methods are considered sufficient in dealing with any excess water on the site and are considered acceptable.

## **Parking**

Parking permits are required once past a certain point at the main entrance next to the garages. (A sign is present).

The applicant has stated that many of the group members use public transport or walk to the site. They also have four parking permits supplied by Essex County Council and the applicant has stated they have yet had to use all four at once. The sessions take place during the day and last for a couple of hours.

Given the small number of people attending a session at any one time, having four parking permits and taking into account that not all members use private transport, it is not considered the proposed development will result in any significant parking stress or highway safety issues.

Furthermore, the toilets are emptied on site, so the entrance will not be blocked by a waste removal vehicle.

## **Security**

A number of comments have been received regarding security and previous incidents of people climbing from the roof of a shed into the neighbour's garden.

The proposed unit would measure 2.3m in height and sits 3m from the shared southern boundary. Brambles situated on this boundary will remain. The allotment is locked when not

in use so the chance of people jumping into the neighbour's garden is rare. A small timber fence is situated on the southern boundary but it is not considered requesting a taller fence would solve any potential security issues in this case.

Overall it is not considered the proposed unit in this location would result in any serious security issues to the neighbouring properties that would warrant a refusal.

## **Planning Balance**

Policy SD1 of the HLDP states development that accords with the Local Plan will normally be supported, unless material considerations indicate otherwise.

In this case, the proposed unit is small in scale and would not detract from the character and appearance of the surrounding area. It has been proposed to assist and provide a better experience for adults and children with special needs using the allotment site making the site more adaptable and functional for community sessions in the future. Taking this into account, it is considered the benefits of the proposal would outweigh any potential harm to arise from the development and it should be recommended for approval.

## **Equalities**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

## CONCLUSIONS

Overall it is considered the proposed unit would be a minor addition to the allotment area that would not over-dominate the site or impact negatively on its character or appearance. It would bring significant benefits to adults and children with special needs using the allotments for horticulture therapy on a regular basis and would improve the use of the site for community projects such as proposed in this application.

It is considered the benefits of the proposal significantly outweigh any potential harm that would arise from the proposal and therefore is recommended for approval.

## RECOMMENDATION

Granted Planning Permission subject to 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 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.**
  - **Location Plan received 8<sup>th</sup> October 2021**
  - **Proposed Floor Plan and Front Elevation received 31<sup>st</sup> August 2021**
- 3 Details of the roof material shall be submitted to and agreed in writing by the planning authority before the commencement of development. The development shall be carried out in accordance with the approved details.  
**REASON: To ensure high quality design that accords with Policy PL1 of the Harlow Local Development Plan 2020.**
- 4 Notwithstanding the submitted Location Plan, the proposed unit shall be located a minimum of 3m from the southern boundary.  
**REASON: In the interest of residential amenity in accordance with Policy PL2 of the Harlow Local Development Plan 2020.**

## 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.