

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

21 April 2022

**REFERENCE:** HW/FUL/21/00178

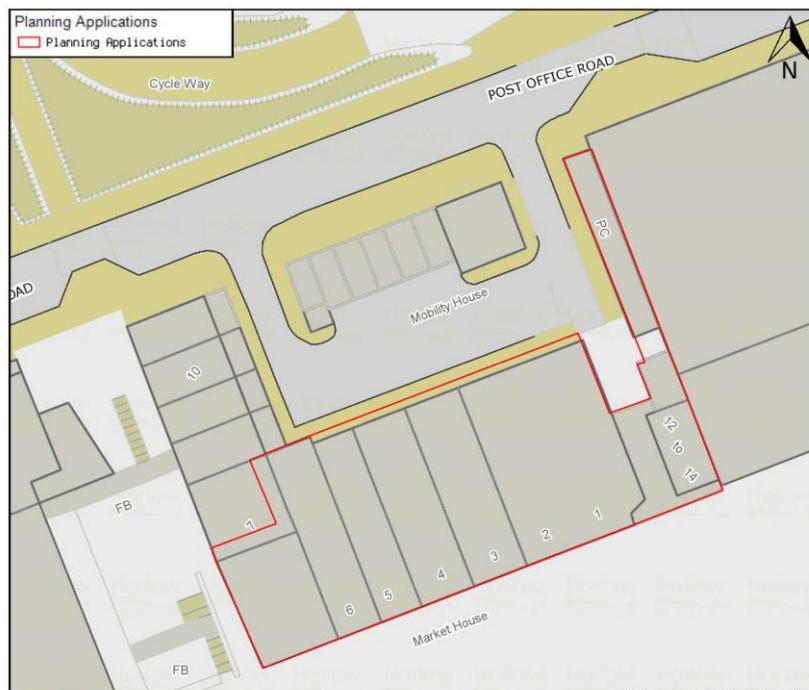
**OFFICER:** Patricia Coyle

**APPLICANT:** Mr Fesih Demirer

**LOCATION:** Market House  
Stone Cross  
Harlow  
Essex  
CM20 1BL

**PROPOSAL:** Erection of 5<sup>th</sup> storey extension to existing building to comprise 8 flats; together with alterations to the facades of the building and conversion of existing outbuilding to cycle store and erect bin store at ground floor level (revised description)

## LOCATION PLAN



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**REASONS BROUGHT TO COMMITTEE:** More than two objections received.

## **Application Site and Surroundings**

The application site comprises Market House, a 4-storey building with commercial (shop) uses to the ground floor and offices (current lawful use) on three levels above, known as Floors 1, 2 and 3. The building has a partial 5<sup>th</sup> storey which houses “plant” and the existing lift over-run.

The building is currently vacant above ground floor level and some of the shop units are also vacant.

Prior approval has been given (see history section below) for the floors above ground level to be converted from office to residential use however the works have not yet taken place.

## **Details of the Proposal**

Erection of 5th storey to provide 8 new self-contained flats and alterations to facades together with external alterations.

The proposal would raise the existing roof height by 3m such that the building would have a maximum height of 15m. The additional floor would be set back from the main front elevation by 1.75m and in from the western elevation to align with the ground floor commercial uses side elevation. A rear deck access would provide access to all the flats.

The eight flats would be comprised of 1x 2-bed dwelling and 7 x 1-bed dwellings.

It is proposed that the new storey would be provided in a light grey panelling.

It is proposed to provide balconies to each of the dwellings facing south (onto Market Square/Stone Cross Square).

The proposed flats would be accessed from the existing stair core at the eastern end of the building where a lift is also to be provided via the rear deck access. There is a second stair core which leads down to podium level to the rear of the building.

There would be no car parking spaces provided in connection with the proposal. It should be noted that car parking would be retained for the existing ground floor uses – 6 car parking spaces.

24 double-racked cycle spaces would be provided (3 cycle spaces for each flat) in an existing building to the ground floor of the site. Bin storage would be provided at ground floor level in an existing out-building and small addition between the building and the out-building.

During the course of consideration of the application it has been clarified that Market House is a non-designated Heritage Asset, as identified in the Town Centre Masterplan (adopted March 2022).

The proposed alterations to the facades include the replacement of the existing panelling and replacement of windows. The current scheme followed a number of unacceptable alterations to the façade. Overall, the changes to the façade does not alter the internal arrangements for the prior notifications within the building which result in a change of use from office to residential accommodation. There would be no further changes required internally as the proposed windows/balconies align with the original façade/structures.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/16/00209	Erection of new roof storey to provide 8 new self-contained flats	approved	13.7.2016

### Planning Applications which relate to adjoining development at the Rear of Market House (Car Park Rear Of Market House And Mobility House):

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/19/00431	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	Resolution to approve subject to the signing of a S106 legal agreement	

The above application (HW/FUL/19/00431) is for a large development directly to the north of the application site. It is also indicated that the podium communal roof garden would connect directly to the rear elevation of Market House at first floor level. The adjoining development would also involve a reconfiguration of the existing Market House parking and servicing area. Careful consideration will need to be given to any impact from the proposed development on this adjoining residential development, in particular in relation to possible privacy issues and over-shadowing as well as in respect of access to the part-private/part-shared amenity area.

While not related to the 5<sup>th</sup> storey proposal specifically nor to the proposed façade changes, the following are relevant to the application site, Market House, which covers all the proposed changes to residential use of the other floors:

Description of Development	Reference Number	Decision	Date
2nd Floor - Change of use office (Use Class E) to residential (Use Class C3) for 10 self-contained units	HW/COUOR/20/00505	Prior approval is not required	16 December 2020
3rd Floor - Change of use office (Use Class E) to residential (Use Class C3) for ten self contained units.	HW/COUOR/20/00513	Prior approval is not required.	18 December 2020
Erection of 5th floor to provide 9 new self-contained flats with alterations to approved elevations and fourth floor	HW/FUL/19/0062	Withdrawn	31 July 2019
Application for variation of Condition 2 of planning permission HW/FUL/16/00127 for the alteration of the layouts for first floor flats in order to improve and reduce the number of studio flats from 12 to 10	HW/REMPVAR/18/00122	Approved	24 May 2018
The proposal includes a change of use of third floor from B1 to C3 (internal works only)	HW/COUOR/17/00575	Prior approval is not required	6 March 2018
The proposal includes a change of use of second floor from B1 to C3 (works are internal only)	HW/COUOR/17/00574	Prior approval is not required	6 March 2018
Erection of new roof storey to provide 8 new self-contained flats	HW/FUL/16/00209	Approved	13 July 2016
Change of use from B1 to C3 residential (first floor)	HW/FUL/16/00127	Approved	7 July 2016
Proposed change of use from B1 to C3 (second floor)	HW/COUOR/16/00124	Prior approval is not required	2 June 2016
Proposed change of use from B1 to C3 (third floor)	HW/COUOR/16/00126	Prior approval is not required	2 June 2016

None of the prior notifications allowed have been implemented. Planning permission HW/FUL/16/00209 and variation of condition application HW/REMPVAR/18/00122 (floor 1) has both now lapsed. The details confirm that 2 stair cores (one including a lift) would provide connectivity to the ground floor entrance and the podium communal space (as proposed at the rear of Market House).

## **CONSULTATIONS**

In relating the planning assessment to consultee responses recorded below it is important to note that consultee comments include responses on both the original submission and the amended proposal. The record of consultee responses clearly indicates the instances where responses have been updated to address the amended proposals.

Unless an update is indicated in the summary all consultee responses relate to the initial application submission, not to the later amended proposals. The amendments to the proposals are explained later in the report.

### **Internal and external Consultees**

#### **Place Services**

Final comments:

It is positive to see the proposals have considered the existing building context and the key architectural features such as the horizontal emphasis, yellow banding and protruding window features have been retained. This ensures that the proposals respond to Harlow's New Town typology. Furthermore, it is positive to see proposals to refurbish existing features such as the windows and a like for like replacement of the yellow panels.

As noted previously, the setting back of the new 5<sup>th</sup> storey is welcomed to reduce the impact of massing and maintain the character of the front elevation. It is noted that the proposed 'matt acrylic light grey' finish has been selected to tie this new storey into the building. However, careful consideration should be given to the tone of this grey as we have concerns that if it is too dark it will highlight the new 5<sup>th</sup> storey and increase the prominence of the new part of the building, in the context of a light-coloured existing building. The opportunity is welcomed to review the material samples, and this could form a condition as part of the application.

#### **Heritage Officer**

Final comments:

Market House is located in Stone Cross Square and was one of the first buildings to be constructed from Gibberd's Master Plan of Harlow. The property is constructed between 1952-60 in a typical modernist style. The property has been identified in Harlow's emerging local as a non-designated heritage asset by virtue of its scale, form, appearance and derivation. The property is also located in the setting of the Grade II listed Meat Porters Sculpture (list entry: 1031595).

Market House has been identified as a non-designated heritage and within the second consultation response concerns were raised regarding the additional floor which undermined the scale of the building and the proposal alterations to the elevation which would have detracted from the character of the New Town building.

The proposed additional floor is now set back within the roof and stepped in from the flank elevations, working to reduce the visual impact. Furthermore, the proposal now retains the existing character and appearance of the building by retaining the horizontal emphasis, fenestration design and existing features such as the steel balconies. These amendments have improved the scheme and better preserve the significance of the building.

Were permission granted, the following conditions are recommended:

- Prior to their first use on site a schedule of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority.
- Details of proposed repairs to existing windows shall be submitted to and approved in writing by the Local Planning Authority, prior to repair works taking place.
- A sample of the proposed replacement cladding panels (a side-by-side comparison photo of the new and existing cladding panels would suffice), to be submitted and approved in writing by the Local Planning Authority.

### **Harlow Arts Trust (HAT)**

Comments on scheme as originally submitted:

Whilst the effort to convert the building to residential use is welcomed, and have no objection to increasing its height with a 5th storey, set back from the main façade; OBJECT to the new facade treatment and question the quality of design and coordination of the flat layouts and the openings for the new facade.

Meat Porters by Ralph Brown is a Grade II listed sculpture in Stone Cross Square. Market House has always provided the visual backdrop to this sculpture and therefore works to Market House should be considered as being within the general curtilage of the listed structure, certainly in spirit even if the definition of curtilage is unclear in this case. Market House is seen from the very top of Broadwalk and is one of the most striking and distinctive of Harlow's original new town buildings. In its location and look, it is a 'landmark building' in Harlow and its status as 'locally significant' in the local plan is the least protection it deserves.

The condition of the current facade is poor. A building of this significance deserves either a sympathetic renewal of the facade, with internal layouts designed to work with the existing facade design. Or it deserves a high quality re-design as a residential building fit for the next 60 years, befitting its landmark position in Harlow.

The approach to the scheme requires comprehensive review.

Design comments are as follows:

- The existing facade has 3 yellow bands which create a strong horizontal identity. This works very well with the blue vertical stripes of Adam House adjacent.
  - The existing facade has a clear order derived from the structural bays; the windows form a secondary ordering pattern and the projecting bays follow this too.
  - The framing of coloured and glass panels is the same and provides a delicate and refined quality typical of mid-century design
- The projecting balconies break the flatness and respond very positively to the open public square
- The overall effect of the existing facade is one of order, refinement and delightful yellow stripes. There is a wealth of architectural interest - detail, colour, pattern, volume - befitting a building fronting a major public space
  - The existing facade uses the stripes to downplay the mass of the building. the building grid pattern set by the ground level columns. A building facing onto a major public square should

offer a face to the public that has some higher order and scale and is not simply the arrangement of little windows to fit a two bedroom flat behind.

Following revisions, HAT have not commented again.

### **Harlow Civic Society (HCS)**

Comments on scheme as originally submitted:

Market House is a key building in Market Square, which in turn is to be the subject of major redevelopments in the town centre. It is elegant without being outstanding. It is of its time. It is an important part of Harlow town centre, and as such deserves a better future than that detailed in the above planning application.

The concern is with the external appearance, especially the Market Square frontage. A better solution should be sought.

If Harlow is to be the “come to” town in the area, Market House will need to be the eye-catching centrepiece of our rejuvenated Market Square. This design does not fit that requirement; recommend that the application be refused.

Following revisions, HCS have not commented again.

### **Designing Out Crime Officer For E Forest & Harlow**

Comments on scheme as originally submitted:

Insufficient details have been submitted to form an opinion as to the extent to which Crime Prevention Through Environmental design (CPTED) has been incorporated into the development. Due to the increase in flats, we would like to see how the building will be secured and managed to prevent any potential for crime and disorder.

Following revisions to address the Police’s comments, no further response has been received.

### **Arboricultural Officer**

Final comments:

There are no tree impacts, even with the updates. The only slightly tree related matter is the potential communal garden being built and including trees which can be dealt with under the usual landscape condition.

### **Landscape Officer**

Final comments:

The plans for the communal garden suggest it is a terrace space on the first floor. Therefore no direct connectivity or impact on the wider landscape.

The plans suggest a play area but no detail is shown of what that includes. Detail play area proposals should be conditioned if this is to form part of a play provision calculation. The plans should show the quality of the play value offered either through equipment or imaginative play space or a mix of both. Maintenance plans and long term replacement provisions should be identified to ensure the level and quality of the provision does not deteriorate in the longer

term.

The planting plans offer some seasonality and diversity and a good volume of planting verses hard standing. These planting plans should not be reduce in quality or volume of planting during any detail design process without sufficient justification and mitigation considered.

Maintenance plans including provisions for replacement planting in the longer term should be conditioned if the scheme is being considered for any biodiversity net gain calculations.

### **Essex County Council - Highways**

Comments on scheme as originally submitted:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

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

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020.

Separately, the Highway Authority responded to a query regarding waste collection, as follows:

The Ground Floor Plan shows a 'Waste Car Stopping Area'. This is not a recognised Traffic Regulation Order (TRO), and could only be a 'Loading Bay' which would not necessarily be available to use when the refuse lorry is servicing the site. From a highway point of view it is not considered necessary to secure a TRO for a refuse vehicle, as these usually just operate from the roadside and are only a momentary obstruction. The applicant could always look to alter the parking arrangements, if considered necessary, adjacent to the site, with the NEPP independently.

### **HDC - Cleansing And Environment**

Original comments:

Firstly, any proposal that fails to comply with BS5906 (unless considered unreasonable in the circumstances) or relevant building regulations will not be endorsed. It is expected that the proposal would be compliant.

The proposed bin store itself has no drainage proposals or water supply therefore does not comply with building regulations. Ventilation is also required together with pest prevention.

The maximum distance an occupier of a flat on the 5<sup>th</sup> storey will be required to carry their waste (in a horizontal direction) to the bins. Unclear if this exceeds 30m; it would not be compliant with building regulations if it does.

The store has a depth of 2.64 metres. BS5906 states that 150mm separation between walls and other bins should be afforded. The standard width of a 1100L bin is 1 metre. Therefore in order for an operative to safely manoeuvre a bin out of the store an additional depth of 1.6m is required; this allows for 1m of the bin and 300mm on either side to safely manoeuvre the bin out of the store. Essentially, the minimum depth of the store must be 2.75m. This is aggravated by the fact that the doors are inset and not flush with the external wall, and a depth which is further reduced by the fact that the doors open inwards. The operatives should not be required to move one bin out the way in order to access another.

The refuse collection vehicle (RCV) will need to stop in order to service the bins. It is not clear where this could be provided because the current layout of the highway is double yellow lined and the 2019 proposal requested that the third disabled parking bay on the far side should be altered with County in order to create a vehicle stopping point. The kerb will need to be removed in order to make the pavement flush with the road because dropped kerbs are not acceptable, and neither is wheeling a bin around parked cars whilst in the road. We require clarification on the route proposed for the operatives take to get the bins from the store to the RCV.

The proposal is not sufficient to comply with the standards held in 2021. It is not endorsed; OBJECT to the proposal in its current form.

Comments following 1<sup>st</sup> revised details including the provision of a new bin store –

- The applicant cannot overcome the distance issue. This is for Planning or Committee now to take a view on however we still consider it excessive. Our comments relating to this have been given previously.
- The layout of the store is fine for 2 wheeled bins and resolves the issue of dropped kerbs etc. The waiting area for the RCV was addressed by ECC not having an issue with our vehicles obstructing the road.
- Capacity is not an issue with this application.
- It has been stated previously why services locations and drainage is required because it can hinder the layout of the store; any would need to be rectified if problems arise later.

Final comments:

Following confirmation that a concierge service can be provided for flats more than the regulation distance of 30m: If the concierge is prepared to offer that service then that is fine; there is no issue with it.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 63

Total Number of Representations Received: 8

Date Site Notice Expired: 30 April 2021

Date Press Notice Expired: 6 May 2021

## **Summary of Representations Received**

8 representations have been received raising objections on the following grounds on the scheme as originally submitted. These raise the following design comments:

- The proposed materials would result in a poor quality development out of character with the existing building and buildings in the locality of Market Square
- Market House is an iconic and historic building and Harlow is unique; the proposal would result in another generic urban centre
- All the building façade needs is a clean and repair rather than cladding in aluminium panels
- Aluminium and grey glass are totally unsuitable for an extension to this building
- To ensure the proposed additional floor is not out of character, it should be set in by 1.5m, maintaining the existing parapet line
- There should be no changes to the existing fenestration patterning

There have been no further comments received following revisions.

## **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 recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

### **Strategic Policies**

SD1 – Sustainable development  
 HS1 – Housing Delivery  
 H2 – Housing Allocations  
 WE1 – Strategic Green Infrastructure  
 WE3 – biodiversity and geodiversity  
 SIR1 – Infrastructure requirements

### **DM Policies:**

PL1 – Design principles  
 PL2 - Amenity Principles  
 PL3 – Sustainable Design, Construction and Energy Usage  
 PL6 - Other Open Spaces  
 PL8 – Green Infrastructure and Landscaping  
 PL9 - Biodiversity and Geodiversity Assets  
 PL11 - Water Quality, Water Management, Flooding and Sustainable Drainage Systems  
 PL12 - Heritage Assets and their Settings.

H1 – Housing Allocations  
 H2 - Residential Development  
 H5 - Accessible/adaptable dwellings

H6 – Housing mix  
H8 – Adaptable and Specialist Housing

L1 - Open space, play areas etc.

IN1 - Sustainable modes of travel  
IN2 - Impact on highway network  
IN3 - Parking standards  
IN4 - Broadband  
IN6 - Planning obligations

## **PLANNING STANDARDS**

### National Planning Policy Framework (NPPF) – regularly updated

This set 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.

### (National) Planning Practice Guidance (PPG) – regularly updated

Detailed guidance to complement the NPPF, where particularly relevant this is noted in the report.

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

The following local planning guidance is relevant to this application:

### Harlow District Council (HDC):

- Town Centre Masterplan SPD (adopted March 2022)
- Public Open Space Standards and Biodiversity SPD (adopted March 2022)
- HDC Design Guide SPD (2011) and Design Guide Addendum SPD (2021). The Addendum is particularly relevant as it includes guidance on privacy/overlooking and private amenity space
- Affordable Housing and Specialist Housing (2021)

### Essex County Council (ECC):

- ECC Essex Parking Standards Design and Good Practice (2009)
- ECC Development Management Policies (2020 - living document with regular updates).

### Harlow and Gilston Garden Town (HGGT):

- HGGT Infrastructure Delivery Plan (2017) (undergoing evidence and costs refresh; currently unpublished)
- HGGT Vision (2018)
- HGGT Design Guide (2018)
- HGGT Quality Review Panel (QRP) (QRP Terms of Reference) (2020)
- HGGT Sustainability Guidance and Checklist (2021)
- HGGT Transport Strategy (2021)
- HGGT Draft Healthy Garden Town Framework (2019)

This HGGT guidance has less weight than a formal SPD, but is material. Harlow is a designated 'Garden Community' under the Government's Garden Communities Programme. NPPF Para. 73 provides the specific national policy context for 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 Guidance elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

## **Emerging Policy**

The draft Harlow Town Centre Area Action Plan - AAP (HTCAAP) (Issues and Options - Regulation 18 version completed in 2018, with a Pre Submission - Regulation 19 version prepared in 2019).

The pre-submission draft Plan was submitted to Cabinet in December 2019. It was originally intended that it would be progressed to public consultation. However, following a review of progress in relation to current and expected development pressures in the town centre, work on a statutory AAP was paused. Despite this the HTCAAP is of background relevance. It indicates 'direction of travel' in respect of the Council's objectives for regeneration of Harlow Town Centre, following on from HDLP Section 9 Retail Ambitions and Town Centre Redevelopment and Policy RS2, which defined an enlarged Town Centre. HTCAAP Opportunity Area (OA) 3 Town Centre North policy applies for the application subject to report. As a draft, the AAP has limited weight in making planning decisions.

Harlow Town Centre Masterplan Framework (HTCMF) SPD (March 2022)

To assist with development management in the face of significant, immediate, pressure to determine major town centre planning applications, the Council has prepared a 'Harlow Town Centre Masterplan Framework SPD'. Evidence and draft material from the paused HTCAAP has been used in the HTCMF SPD, so the development of these documents is compatible.

In the absence of detailed town centre Development Plan policies, the HTCMF is fundamental to consideration of the issues raised by town centre applications. Like all Supplementary Planning Documents, the HTCMF SPD provides guidance and its weight in making planning decisions is accordingly more limited. It has nonetheless been subject to public consultation prior to adoption.

The analysis the SPD provides details of the new town history of the town centre and its character and architecture, is highly relevant to this application.

The parts of the SPD which are particularly relevant to the application site are:

- Growth and Regeneration – support for more housing to be provided in the town centre and improvements to public realm
- Cycling (TCGN 2B) to improve access across the town centre with a proposed cycle hub in Stone Cross Square
- Parking (TCGN2E) – low level or car free being the proposed minimums for new development in the town centre
- Urban design – sustainable design, consideration of building heights (Building Height Strategy) and views
- Heritage – recognition that Market House is a heritage asset as well as Listed Sculpture in Stone Cross Square
- Residential Amenity Standards including amenity space

- Opportunity Areas (Opportunity Area 3 – North Town Centre) – expected increase in residential numbers; specific works in the area surrounding/including the application site including mixed uses and heights for new development

### Harlow Town Plan Consultation Draft

This is a corporate document setting out the Councils vision and aspirations for Harlow / HGGT growth beyond the current Development Plan period. This has no formal role in planning decisions, but it does provide an important context for decisions on planning applications across the whole District area

## **PLANNING ASSESSMENT**

### **Summary of Main Issues**

The main issues are:

- Principle of development,
- Urban design detail and layout of the proposal,
- Impact on the character and appearance of the locality,
- Impact on heritage assets,
- Provision of wheelchair-suitable and adaptable homes,
- Energy efficiency/carbon reduction,
- Bio and geo-diversity; and
- Highway safety and transport/parking.

### **Principle of Development**

Policy HS1 states that “*The Local Plan identifies sites to deliver at least 9,200 dwellings during the Local Plan period (1 April 2011 to 31 March 2033). In view of the lead time for bringing forward the Strategic Housing Site East of Harlow, together with the sites at Newhall and the Princess Alexandra Hospital, this will be provided in accordance with a stepped requirement of 361 dwellings per annum from April 2011 to March 2024 and 501 dwellings per annum from April 2024 to March 2033.*”

The Harlow Town Centre Masterplan (HTCMP) states at para. 2.23 that “The local housing requirement is being met through HLDP. However, there are opportunities to bring forward residential development in the Town Centre to reinvigorate and regenerate the town centre. This could increase footfall and provide a complementary residential offer to the rest of Harlow and the Garden Town urban extensions.”

TCGN Note 4C of the HTCMP states that “**Town Centre Guidance Note 4C: Housing**  
*The Council will support the introduction of new residential accommodation in the town centre. Residential development must accord with HLDP policies and the nationally described space standards which form part of the Optional Technical Housing Standards set out in national planning guidance. In residential developments of more than 10 dwellings it will be expected that at least 30% affordable housing is provided in accordance with HLDP Policy H8. Dual aspect units should be maximised and where dual aspect cannot be achieved national space standards should be significantly exceeded.*  
*New homes in the town centre should be of a high design quality in relation to internal space standards, environmental and sustainability performance and architectural character / materiality. Provision of flexible, accessible internal layouts will be encouraged as far as possible. Proposals should follow the guidance on room sizes and amenity space as set out in the Addendum to Harlow Design Guide.*”

*The Council will take a flexible view of uses and activities on the ground floor in areas outside the designated retail frontages. A rich mix of uses will be embraced including retail and leisure, workspace, civic, cultural and community uses. The Council will also take a positive view of meanwhile (short-term) or temporary activities to animate key spaces or ground floors. Development proposals should be coordinated with public realm improvements, including provision of multifunctional space which will set the tone for investment and high-quality development.”*

The site is located within Opportunity Area 3 – Town Centre North for which TC Guidance Note \* is relevant as follows:

*“Town Centre North Opportunity Area has been identified for a mix of uses but with a focus on ...a mix of retail and active uses at ground floor with residential above across the south and west of the area. ...An STC public transport corridor connecting Velizy Avenue to Fourth Avenue has been identified which should be integrated within any adjacent development proposals. Liaison should be undertaken with Essex County Council at an early design stage. Development proposals must be of the highest design quality, providing a site-specific design response which, alongside the area wide guidance, incorporates the following key principles: ...C. New development on the Post Office site fronting Fourth Avenue should look to retain the mature trees, replace the existing surface car park with a new public space - to provide balance against proposed tall buildings and provide residential amenity - and create a pedestrian gateway into the town centre. ...G. Development proposals should seek opportunities to enhance the public realm at Stone Cross through the use of tree planting and enhancement of gateway connections through to Post Office Road, Bird Cage Walk and the underpass. Stone Cross will be the focus of a leisure and hospitality quarter. ...I. Cycling should be accommodated on the East Gate West Gate link. Development proposals should seek opportunities to enhance this route through public realm and streetscape improvements including shared surface treatments, street tree planting along the route and enhancements to West Square and the Harvey Centre entrance plaza.”*

The application site will provide 8 dwellings at roof level on a building which, in light of the prior notifications and other consents, will be mainly residential with commercial to the ground floor.

It is considered that the proposal which provides additional “windfall” housing is in accordance with Policy HS1 and the HTCMP.

The HTCMP also indicates at Guidance Note C3 that “*Buildings, structures and sculptures which have a distinctive historic character, including a number from the original Gibberd Masterplan will be protected and should be interwoven into new development proposals where appropriate. The Council will actively encourage landowners and developers to consider options to work creatively with existing buildings, structures and sculptures where they contribute to the townscape character and identity of the town centre. Proposals relating to non-designated assets should refer to HLDP Policy PL12. Buildings which have a distinctive historic character include:*

- *Market House*
- *Adams House*
- *12 East Gate*
- *St Pauls Harlow (Grade II Listed)”*

Market House is a non-designated heritage asset. Policy PL12 does not preclude the extension or alteration of heritage assets, subject to detailed assessment below.

At Guidance Note 8, the HTCMP states that “*OA3 - Development proposals should seek opportunities to enhance the public realm at Stone Cross through the use of tree planting and*

*enhancement of gateway connections through to Post Office Road, Bird Cage Walk and the underpass. Stone Cross will be the focus of a leisure and hospitality quarter.”*

The proposal would involve the improvement of the existing building by renovating the original facades and improving the environment around the existing pedestrian access under the building from Stone Cross (formerly Market Square) which links to Post Office Road.

It is therefore considered that the proposal is acceptable in principle.

### **Design and Its Impact on the Character and Appearance of the Local Area**

The application site lies within Harlow Town Centre and currently forms the roof of an existing mixed use building. Existing development in the locality is mainly mixed commercial uses with some housing, mainly above commercial uses.

The proposal involves the erection of 8 dwellings and associated amenity space and cycle/bin storage.

In respect of Design, the HTCMP states at para. 5.9 that *“Despite its relatively recent evolution, Harlow Town Centre has an important story to tell in terms of its historic development, heritage, public realm and urban design. The town centre retains its authentic plan aesthetic, as well as a number of individual buildings and sculptures that date back to Gibberd’s original masterplan. Opportunities exist to retain and enhance this grain and heritage through the HTCMP.”*

At Guidance Note 3A, the HTCMP indicates that **“Sustainable design: Development proposals must consider HLDP Policy PL3 in relation to the realisation of high standards of sustainable design, construction and energy usage. Reference should also be made to other sustainability guidance including the HGGT Sustainability Checklist, HGGT Vision and Design Guide, and the adopted Harlow Design Guide SPD. Opportunities for future-proofed / flexible buildings, brown, biodiverse and/or green roofs and walls, and Modern Methods of Construction should be considered.”**

#### **Scale**

According to the HTCMP Guidance Note 3A **“Enclosure: The general height of buildings in the town centre is two or three storeys. The Council will encourage denser forms of development across the town centre. Key streets and spaces could accommodate a general / shoulder height of four to six storeys.”**

Also, the HTCMP indicates at TC Guidance Note 5D: **“Slab blocks: Slab blocks of 4-6 storeys are an appropriate form of development in Harlow town centre. Where a tall element is considered appropriate, proposals might consider a single point block at the end of a slab block, with the slab element establishing a suitable shoulder height.”**

The 8 flats would be contained within a 5<sup>th</sup> storey to the building. The proposal would extend the existing eastern stairwell upwards and extend across the existing roof area. The proposal would increase the height of the existing building by 3m such that it would have a maximum height of 15m. The proposed floor would be set in from the principal frontage by 1.75m and by a deck access width to the rear for most of the building).

The proposed increased height to the building would accord with the HTCMP Note 5D in that it would result in a slab block building of 5 storeys in height. And also in respect of HRCMP Note 3A whereby the storey height of building around Stone Cross Square is already in excess of

the general height within the town centre (2/3 storey) and permission has been granted for an 8-storey building to the rear of the application site (Rear of Market House).

It is considered that the 5<sup>th</sup> Storey created would be of a scale which is proportionate to the site without resulting in an over-intensification of the site, in line with the provisions of the two relevant guidance notes in the HTCMP.

Residential amenity for future occupiers:

HTCMP Guidance Note 4C states that *“Residential development must accord with HLDP policies and the nationally described space standards which form part of the Optional Technical Housing Standards set out in national planning guidance..... Dual aspect units should be maximised and where dual aspect cannot be achieved national space standards should be significantly exceeded. New homes in the town centre should be of a high design quality in relation to internal space standards, environmental and sustainability performance and architectural character / materiality. Provision of flexible, accessible internal layouts will be encouraged as far as possible. Proposals should follow the guidance on room sizes as set out in the Addendum to Harlow Design Guide.”*

The Addendum to the Harlow Design Guide does not provide guidance on room sized; it does however refer back to the HDG SPD of October 2011 which indicates at Principle DG46: Space Standards (Table 2) that internal minimum floor areas should be :

1-bed; 1 person flat – (not listed)  
1-bed 2 person flat - 48 sq.m  
2-bed; 4 person – 70 sq.m

While the Harlow Design Guide (2011) has slightly different internal space standards, this pre-dates the NMIS Standards are dated 2012. As the local standards were effectively replaced by a national minimum standard, it is considered that the local standard which relates back to the previous Local Plan (2006) is somewhat out of date. It is therefore reasonable that the NMIS Standards are taken in effect as industry minimum standards.

The NMIS indicates minimum gross internal floor areas for:

1b 2p – 39 sq.m  
1b 2p – 50 sq.m  
2b 4p – 70 sq.m

The flats would at least meet the National minimum internal space standards for dwellings with the smallest being for 1 bed/1 person at 41.52sq.m.; the 1xbed, 2-person flats at a minimum of 50.7 sq.m and the 2-bed (4-person) dwelling being 72.43sq.m.

It would be unreasonable to refuse development which meets these national standards, particularly as all of the dwellings exceed these minimums. The flats are considered to provide a reasonable level of internal floor space for the intended numbers of occupiers.

HTCMP Guidance Note 4C states that *“Dual aspect units should be maximised and where dual aspect cannot be achieved national space standards should be significantly exceeded. New homes in the town centre should be of a high design quality in relation to internal space standards, environmental and sustainability performance and architectural character / materiality. Provision of flexible, accessible internal layouts will be encouraged as far as possible. Proposals should follow the guidance on room sizes as set out in the Addendum to Harlow Design Guide.”*

The dwellings would, apart from the 1 –person unit, all be dual aspect. While the 1-person dwelling would be slightly larger (by 6.4% above the 39 sq.m minimum), its habitable rooms would both have a southerly aspect and it would have the largest balcony at 12.75 sq.m. The private balconies would be located to the south of each unit.

It is not considered that the activities within the town centre, including the use of Stone Cross Square as an events space would cause such significant impact(s) on future residential amenities as to refuse planning permission.

It is considered that a reasonable level of residential amenities would be provided to the occupiers of the proposed flats in accordance with Policy PL2 of the HLDP and the provisions of the HTCMP SPD and Design Guide (and Addendum) SPD.

Access to high quality amenity space:

Policy PL2 of the HDLP indicates that “*Development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported. In assessing the acceptability of development on amenity, the following criteria and the cumulative effects will be considered....*

*(f) access to high quality and useable amenity space;”*

The HTCMP indicates in relation to amenity space provision that...” **TC GUIDANCE**

**NOTE 5H: Meeting amenity standards**

*Proposals must demonstrate that amenity standards have been incorporated and delivered as part of proposals. The Council will expect clear statements in relation to the following:*

*private and communal amenity space.*

*play space....”*

Principle DG33 of the Harlow Design Guide (2011) specifies that all development should have some private open space. This space should be appropriate to the type and size of the accommodation. The Design Guide Addendum (Dec 2021) indicates that for flats, 20 sq.m should be provided as balconies and a proportion of informal and formal communal areas (and also public amenity areas if considered appropriate), roof-top gardens, amenity areas above ground floor and children’s play spaces.

The proposal would provide amenity space for the 8 flats as follows: balconies of a minimum of 9.55 sq.m and maximum size of 12.75 sq.m. These would be, alone, well below the identified amount of amenity space.

The Design Guide Addendum does consider whether a shortfall would be acceptable. Specifically, paragraphs ..... “*Para 3.4 indicates that a lower standard may be considered appropriate if the site is within a 10-minute walking distance (or 800 metres as the crow flies) of an alternative, appropriate and accessible multi-functional (formal and informal) green space.”*

*At para 3.5: “when reduced provision of balconies is required and can be sufficiently justified, high-quality communal amenity space should be provided to offset the lack of private amenity space”.*

*3.7. Communal amenity spaces should be designed with clear landscape proposals and will be expected to create a usable and attractive environment, including tree planting and landscaping. 3.8. In accordance with Sport England’s Active Design guidance, communal amenity space should be designed to provide opportunities for physical activity. This should be achieved by ensuring the space is multi-functional to encourage physical activity by all groups within the community.*

*3.9. For example, space suitable for informal sport should be provided to encourage use by children and young people, along with space suitably designed to accommodate small community pop-up events and allow for circular walking/running/cycling routes around the open space. Such space should also be supported by seating and other infrastructure (e.g. drinking fountains and signage) to encourage people to visit and use the space.”*

It is recognised, as an upward extension of an existing building which is lawfully in commercial/office use and does not have any existing amenity space and is otherwise severely constrained, the ability to provide balconies or other landscaped amenity space is limited. The set back of the 5<sup>th</sup> floor from the building’s façade onto Market/Stone Cross Square has enabled the provision of balconies to all of the proposed 8 flats to the south-facing elevation.

Both Harlow Town Park and Rectory Wood are within around 300m of Market House, i.e. well below the 10-minute walking distance (800m) as identified in the Design Guide Addendum. Nonetheless, it is considered that further distances would need to be walked to access equipped play-space and these areas lie outside the dual carriage way which circles the Town Centre.

It is acknowledged that as part of the redevelopment of Market Square/Stone Cross Square there would be an events space and some raised grassed areas but no formal/equipped children’s play space is proposed. It is considered that while the flats are not provided with private amenity space to the level identified in the Design Guide Addendum, that all the flats would each have a private amenity space and the existence of public open areas within walking distance, would as a matter of planning judgement, satisfy the exceptions indicated in the Design Guide Addendum to overcome the shortfall for flatted development.

Notwithstanding, a further opportunity arises in that the scheme shows a stair core towards the western side of Market House which could provide access to a proposed, attached landscaped communal area to its rear. An adjoining podium amenity space is to be provided for occupiers of the Rear of Market House (shown within the blue lined area on the submitted plans) and details of this area have been submitted with the current application. The proposed 8-storey building on the adjoining site does provide some private areas for the flats at podium level as well as a communal area. This was assessed and Committee resolved to approve that scheme prior to the adoption of the Design Guide Addendum, such that the overall size of the communal area was not assessed against the 20 sq.m for each flat indicated above. An access is possible from the proposed flats to the podium landscaped communal amenity space (CAS) which would provide easy access to a high quality amenity space. While it is likely that the CAS will be “oversubscribed” given there are also prior notification changes of use to residential use of the lower floors of Market House, it would be available, subject to a condition being attached to ensure that it is provided and access is made available prior to occupation of the proposed flats. As the podium CAS is outside the application site, a draft Grampian condition is recommended (Condition 5 below); the applicants have indicated that if the scheme is considered to be non-policy/Guidance compliant without access to the podium space, that they are willing to accept a condition enabling the future flat owners of the proposed additional floor to Market House to have access to the proposed amenity space.

It is considered that while limited private amenity space provision would be provided relying on the above exceptions listed, including access to the podium-level amenity area would result in a high quality of development in line with Policy PL2 and the Harlow Design Guide Addendum (2021) would be acceptable in this Town Centre location. A suitable condition is proposed to link the adjoining scheme (Rear of Market House) so that the podium will also provide communal space for the future Market House dwellers.

## *Layout*

The additional 5<sup>th</sup> storey would comprise 8 flats which would be located to the southern/western side of a deck access with windows facing south to a private balcony each.

A bin and cycle store will be located at ground floor level in an existing outbuilding/proposed outbuilding.

The layout of the site roof level extension has taken into account that this is an existing building with stair cores to the east and to the north (western end). There are no natural features to take into consideration.

In general, the proposed layout achieves a high quality of design while recognising the existing building and road layout which is a feature of the Town centre.

## *Density*

The site is in a highly sustainable location within the Town Centre within easy walking distance of shops, servicing and other community facilities including the Civic Centre and main public library and sports facilities. It is also located close to a major transport hub (the bus station) which links to the Train Station just north of Town Park.

It is therefore considered that the proposed increase in residential density at this location is, of itself, acceptable.

*Appearance* – The proposed additional storey:

The proposal would extend the existing eastern stairwell upwards and extend across the majority of the existing roof area to provide 8 additional dwellings. The proposal would add 3m in height to the building (totalling a maximum height of 15m) but would be set in from the principal (southern) frontage. As a deck access would be provided to the majority of the rear, there would also be a set-in from the existing rear elevation. It is proposed to use light grey cladding for the proposed upward extension to the building, together with a contemporary openings arrangement.

Guidance Note C3 of the TCMP indicates that *“Development proposals should consider cues from the features and typical palette of materials of Harlow’s original New Town character to inform its building design. Buildings have colour accents and use is made of tile and other materials to complement brick, stone and concrete.....Reference to historic characteristics should be considered to positively inspire high quality, innovative and contemporary design.”*

In relation to the proposed 5<sup>th</sup> storey, Place Services welcome the setting back of the new floor to reduce the impact of massing and maintain the character of the front elevation. They also note that the proposed ‘matt acrylic light grey’ finish has been selected to tie this new storey into the building. However, careful consideration should be given to the tone of this grey; if it is too dark it will highlight the new 5<sup>th</sup> storey and increase the prominence of the new part of the building, in the context of a light-coloured existing building.

The proposed light grey colouring and setting back of the proposed 5<sup>th</sup> floor will make it appear as a more subservient element which would not detract from the appearance of the existing building. It is considered that the additional floor would be acceptable in terms of its appearance.

## Appearance – façade changes

Guidance Note C3 of the TCMP also indicates that *“Features to consider include the vertical articulation of façades, large protrusions on façades and rhythm through the repetition of geometric shapes. The glazing on many buildings is encased by slender window frames which give a delicate distinctiveness to the façades and is fundamental to Harlow’s character.*

*Reference to historic characteristics should be considered to positively inspire high quality, innovative and contemporary design, alongside high standards of environmental performance, and opportunities to balance embodied carbon associated with new construction.”*

ECC Place Services advise that it is positive to see the proposals have considered the existing building context and the key architectural features such as the horizontal emphasis, yellow banding and protruding window features have been retained. This ensures that the proposals respond to Harlow’s New Town typology. Furthermore, it is positive to see proposals to refurbish existing features such as the windows and a like for like replacement of the yellow panels.

ECC Place Services suggest that external material samples could form a condition as part of the application. A suitable condition is proposed below to be attached to any approval.

Conclusion on design/appearance/impact on local character:

The scheme has also incorporated the design principles of the Harlow Design Guide (2011)/Design Guide Addendum (2021) such as providing private amenity space (balconies and access to a podium level landscaped area). As such, it is considered that the development would positively contribute to the streetscene.

It is therefore considered that a high standard of design is presented by the proposed 5<sup>th</sup> storey and the façade alterations will freshen up the currently tired look of this heritage asset.

It is considered that the design, layout, scale, density and appearance of the proposed development represents a high standard of design and accords with the provisions of Policies PL1 and PL2, of the Harlow Local Plan (2020) as well as the design principles of Harlow Design Guide (2011) and Design Guide Addendum (2021).

### **Impact on Heritage Assets**

Market House has been identified in the Town Centre Masterplan SPD as a currently undesignated (or non-designated) heritage asset.

The NPPF indicates at para.203 in assessing the impact of development on a non-designated heritage asset that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application... For applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Market House forms part of a group around the Market Square to the northern end of the main pedestrian thoroughfare, Broad Walk, in the Town Centre. There are long views of Market Square and Market House along Broad Walk from points as far south as Harlow Library.

Market Square was one of the first parts of the Harlow New Town to be constructed.

The square itself is currently the subject of a regeneration project, including a name change to Stone Cross Square whereby it is the subject of environmental improvements and the provision of an events space.

The 1950s façade to Market House is of historic merit and has a special place in the hearts and minds of Harlow residents but is “tired” and in need of freshening up to face the 21<sup>st</sup> Century. The proposal would insert new panelling and an additional storey.

Guidance Note C3 of the TCMP indicates that *“Development proposals should consider cues from the features and typical palette of materials of Harlow’s original New Town character to inform its building design. Buildings have colour accents and use is made of tile and other materials to complement brick, stone and concrete.”*

*Features to consider include the vertical articulation of façades, large protrusions on façades and rhythm through the repetition of geometric shapes. The glazing on many buildings is encased by slender window frames which give a delicate distinctiveness to the façades and is fundamental to Harlow’s character.”*

The Heritage Officer has considered the proposals and notes that Market House is located in Stone Cross Square and was one of the first buildings to be constructed from Gibberd’s Master Plan of Harlow. The property is constructed between 1952-60 in a typical modernist style. The property has been identified in Harlow’s emerging local as a non-designated heritage asset by virtue of its scale, form, appearance and derivation. The property is also located in the setting of the Grade II listed Meat Porters Sculpture (list entry: 1031595).

Market House has been identified as a non-designated heritage and within the second consultation response concerns were raised regarding the additional floor which undermined the scale of the building and the proposal alterations to the elevation which would have detracted from the character of the New Town building.

The proposed additional floor is now set back within the roof and stepped in from the flank elevations, working to reduce the visual impact. Furthermore, the proposal now retains the existing character and appearance of the building by retaining the horizontal emphasis, fenestration design and existing features such as the steel balconies. These amendments have improved the scheme and better preserve the significance of the building.

Subject to the attachment of relevant conditions relating to the types and colour of the materials to be used in the external finishes, details of proposed repairs to existing windows and the submission of samples of the proposed replacement cladding panels, the Heritage Officer supports the application.

It is considered that the proposal would not result in any significant harm to the non-designated heritage asset or the setting of the listed sculpture. As a non-designated heritage asset, the NPPF does not require that any harm has to be weighed against any public benefits of the scheme. Members may nonetheless take into consideration the planning merits of the scheme which include the addition of 8 dwellings in the town centre (in line with the HTCMP SPD) and the sympathetic renovation of the existing non-designated heritage asset.

## **Residential Mix**

The HTCMP states at para.s 2.24 that *“Housing delivery in the town centre could meet a range of housing needs, from higher density smaller units in the core town centre grading down to family-size units on the edges of the town centre.”*

At Guidance Note 3A, the HTCMP indicates that *“Mix of uses: A richer mix of uses in the town centre will be supported as a counter to the original zoning strategy. The blurring of boundaries, particularly through the growth of town centre living on upper floors, will play an important role in enhancing the vitality and resilience of the town centre. Flexibility in block design and dimensions will be encouraged to establish greatest flexibility for alternative future uses.”*

The HTCMP also states in relation to housing in the town centre: **“Town Centre Guidance Note 4C: Housing** *The Council will support the introduction of new residential accommodation in the town centre. Residential development must accord with HLDP policies and the nationally described space standards which form part of the Optional Technical Housing Standards set out in national planning guidance. ....Dual aspect units should be maximised and where dual aspect cannot be achieved national space standards should be significantly exceeded. New homes in the town centre should be of a high design quality in relation to internal space standards, environmental and sustainability performance and architectural character / materiality....”*

The Strategic Housing Market Assessment Update 2012 (2013) highlights the majority needs for smaller units (95%) within the District. This scheme provides 8 small residential units (and would all be a mix of sizes with 7 1-bed (either 1 or 2-person) dwellings and one, 2-bed (4-person) dwelling) which would meet the identified local demand, with all of the dwellings to be 1/2 bed dwellings for 1-4 people which would meet this identified need.

### **Accessible and adaptable housing**

Policy H5 of the HLDP requires that dwellings meet the Building regulations M4(2) minimum provision – capable of adaption to wheelchair use. It is expected that this can be provided however, where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy will new development be exempt from these requirements.

In this case a lift would be provided which would enable the use of the flats by wheelchair users, subject to their adaptation.

### **Impact on Trees, other Landscaping**

The site is currently comprised of a 4-storey building. There is no landscaping within the building or its curtilage. No landscaping is proposed as part of the current proposal.

The proposal includes access to a roof garden area. Nonetheless, the roof garden is to be provided as an attachment onto the rear of the Market House building in connection with the Rear of Market House development. The rear development is in the same ownership as the application site.

As the roof garden (podium) itself does not form part of this application, there is no need for an assessment of its landscape qualities or any trees which may be provided, nor are any further conditions required.

### **Bio and Geo-Diversity**

Policy PL9 relates to Bio and Geo Diversity Assets. Measures are required to protect and enhance flora, fauna and wildlife resulting in a net gain in biodiversity.

The proposal is an upward extension of an existing building in Harlow Town Centre, together with façade alterations. Apart from providing a landing pad for birds, the roof area does not provide for any flora, fauna or wildlife. There is no other landscaping on site currently.

In the vicinity of the site are some street trees and it is proposed that Market Square/Stone Cross will be transformed with high quality hard landscaping and soft landscaping areas. This will mean that wildlife will be encouraged into this area and the provision of landscaping at Market House could further enhance biodiversity in the Town Centre including bees, birds, bats, swifts as well as other insects and plants, including trees. It is not considered, given the proposed works that larger fauna or wildlife (deer, badgers etc.) or river/pond life (newts, lizards) would be encouraged.

It is considered that there are limited opportunities to increase biodiversity on this existing building within a town centre site, nonetheless net gain can be achieved by requiring details to be provided, for example thought the provision of bird and bat boxes as well as insects “hotels” (including bees), though a suitably-worded condition.

### **Impact on Amenity of Existing Residents**

In line with Policy PL2, the development is expected to preserve or enhance the level of amenity of existing and future occupants and neighbours in the local area. In assessing the acceptability of development on amenity, the following criteria and the cumulative effects will be considered: (a) privacy and overlooking; (b) overshadowing and loss of daylight and sunlight; (c) aspect and outlook; (d) overbearing and the perception of overbearing; (e) the perception of enclosure; (f) access to high quality and useable amenity space; (g) compatibility and sensitivity of adjacent uses.

Privacy/overlooking: The proposed dwellings would have windows to habitable rooms to north and south elevations of the proposed additional storey including facing north (to the proposed properties – Rear of Market House development) and the deck access would also enable viewing to the north.

There would be a, in effect, back to back situations due to both blocks being orientated east-west, nevertheless, this relationship was tested when the Rear of Market House development was considered at committee and considered to be acceptable. The rear windows would be located at the rear of a deck access where overlooking would be transient. In addition, windows facing north would be to bedrooms, such that they can be provided with obscure-glazing, should this be considered necessary.

The external deck access space could be fitted with screening – either soft or hard to prevent views across to the rear of Market House development. However, viewing distances already in place would not be altered by this arrangement. It is however acknowledged that it would be difficult to fully achieve separation distances within a higher-density residential development given that the road network has already been provided and the site is otherwise constrained by surrounding development.

It is not considered that any unreasonable overlooking or inter-looking would occur. It is not therefore expected that future occupiers would experience privacy issues.

Overshadowing: The proposal would add an additional storey to the existing building. In introducing an additional floor, Market House would be the tallest building in Market Square/Stone Cross Square, and, as such would not be overshadowed by other existing development.

The adjoining proposal to the rear of Market House is located directly to the north and, as such, there is likely to be some additional shadowing of the proposed new residential block's communal garden area and the block itself.

A shadowing report has been submitted in relation to the application. It assesses the impact of the existing Market House (with its part 5<sup>th</sup> storey) on the proposed development known as "Rear of Market House". However, it is not considered that any additional overshadowing from the additional floor (of 3m of the total 15m height) would be so significant that planning permission should be refused.

Compatibility and sensitivity of adjacent uses: In relation to surrounding uses, the proposal would be located above existing office space (or residential uses if other approvals are implemented). It is considered that such uses are compatible. It is recognised that the floor plans for the lower floor plans are not the same as those for the proposed 5<sup>th</sup> storey. This is in part due to the lower floors not being subject to the full rigours of the planning system (as they were allowed under previous permitted development/prior notification procedures) and in part as the Design Guide Addendum detailing external amenity space had not yet been adopted.

The proposed flats would therefore have the added advantage of private amenity space facing south with all (but one of) 8 flats being dual aspect. Such requirements do not apply to the other flats have resulted in a different floor layout to the 5<sup>th</sup> Storey proposal.

It is therefore likely that there will be some stacking issues such as kitchen/living areas above sleeping spaces. Suitable insulation would be required under the building regulations for the new development which should mitigate against noise transmission internally.

The proposed balconies will enable new occupiers to sit out – resulting in increased noise levels which could affect those living below. Nonetheless, the site is located in a town centre location where noisier uses, including the Events Square (Stone Cross Square), trading premises, high pedestrian footfall/activity and nearby public house (and other evening activities) are likely to result in higher ambient noise levels than in a quiet, purely residential area.

Commercial uses will continue to be located on the ground floor of the building and to other buildings in the locality; such arrangements are commonplace in town centres where the level of amenities enjoyed by residential occupiers are normally lower than in, for example, quiet residential cul-de-sac locations.

It is considered that buyers of the residential properties below the 5<sup>th</sup> Storey will be aware of the proposed balconies and that the layout of the 5<sup>th</sup> Storey differs from their own.

It is not considered that the activities within the town centre, including the use of Stone Cross Square as an events space would cause such significant impact(s) on existing/neighbouring residential amenities as to refuse planning permission.

Disruption to residential amenities during construction: The site/building is mainly vacant at the moment, with the exception of some commercial uses at ground floor level. The nearest residential properties to the site are the residential properties to the west (flats). However, other projects include prior notification submissions for conversions to residential and two schemes at Wych Elm and North of Harvey centre include residential development. Noise associated with roof level activity is likely to carry further.

Given that other residential development, including that approved around the application site, it is considered that there is likely to be some disruption to existing residents during the

construction phase. This is to be expected from any development and will only be temporary in nature; a condition is proposed to be attached to restrict construction hours. A condition should be added to require the use of wheel washing equipment to ensure that the construction works do not prejudice the amenity of neighbouring residents. A construction Management Plan can be required by the attachment of a suitably worded condition.

Aspect and outlook, sense of overbearing and perceptions of enclosure are not impacts which are considered to be raised by this proposal.

It is not therefore considered that the proposal would give rise to unreasonable harm to existing residents.

### **Access and Highway Safety Concerns and Parking**

The site is currently accessed from the rear with parking spaces on site. A separate application (HW/FUL/19/00431) for a new block to the rear of the application site (known as Rear of Market House) was resolved to be approved at Committee subject to the signing of a S106 Legal Agreement. While the legal agreement is awaited, this adjoin scheme, if implemented would retain 8 parking spaces for the commercial units at Market House but no parking spaces associated with any residential dwellings at Market House.

The access to Post Office Road would be retained and this proposal would not alter the vehicular access arrangements.

The Highway Authority have confirmed that the traffic/transportation and highway safety impact of the proposal is acceptable subject to a condition requiring the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, to reducing the need to travel by car and to promote sustainable development and transport in accordance with the Highway Authority's Development Management Policies (adopted as Essex County Council Supplementary Guidance in February 2011) and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020. A suitable condition can be attached to any approval of planning permission.

#### *Parking*

Policy IN3. of the Local Plan is relevant which refers to the use of the Essex Parking Standards. However, lower parking standards may be applied and Guidance Note 2E (GN 2E) of the HTCMP states that "Policy IN3 of the HLDP refers to the Essex Vehicle Parking Standards. The minimum standards set out for Essex and Harlow as per Policy IN3, are not applicable to the Town Centre. A low level of parking provision or car free development will be encouraged in new residential developments with appropriate justification."

In relation to disabled parking provision the GN 2E HTCMP indicates that "Justification should include the degree to which the development makes provision for: ...Disability / accessibility housing requirements..." The Essex Parking Standards – the minimum disabled parking requirement for residential uses for 1 and 2 bed flats is "N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated"

It is not proposed to provide any car vehicle parking in association with the proposal as it would "car free". As a result, there would not be any parking provision for able or disabled people as part of the proposal. Given that the application site does not extend at ground floor level except to include a building for cycle storage and a new bin store (as well as the shared entrance to the building), there is no identifiable space available at that level to enable the provision of any parking spaces in connection with the proposed roof top extension to the existing building. It is considered that, in light of this constraint, that in this case of car free

development, the non-provision of disabled parking space(s) in connection with the proposed 8 flat roof extension development would be acceptable.

It is noted that on-street parking is controlled in the Town Centre, including to Post Office Road, and as such that residents would not be able to park near the proposed development.

The HTCMP GN 2E also states that *“Cycle parking should be more convenient than car parking and new developments should offer appropriate locations to park cycles including spaces outside the development site where appropriate. Development proposals should also provide supplementary changing and charging facilities.”*

Cycle storage for 24 cycles for the future occupiers will be located in an existing outbuilding located adjoining the Post Office site.

It is considered that proposed cycle parking provision is in line with the adopted parking standards in areas of higher accessibility to work/shopping/services in the District.

Public transport:

The Town Centre is the most sustainable part of the whole District with access to goods and services in walking distance and with access to the wider transport network via the bus station which is close to the application site or walking distance to the Train Station located just beyond Town Park. The Train line provides direct links into London and into the wider East Anglia region.

It is intended that both of the proposed Sustainable Transport (STC) routes will run into/through the town centre, providing easy access to employment and other areas (including Old Town and open countryside) across the district.

Essex County Council Highway Authority have raised no objection to the scheme as it is not contrary to the Highway Authority's Development Management Policies (2011). Nonetheless, Residential Travel Packs should be provided to the first occupiers of each residential unit.

### **Sustainable measures**

Policy PL3 **Sustainable Design, Construction and Energy Usage** reads *“New development will be expected to deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change.”*

Development will be encouraged to exceed the minimum standards required by Building Regulations. Where exceeded, the amount by which the minimum standards should be exceeded is preferably at least 19%.

The applicants indicate that the proposal would make use of the new flat roof to provide solar-based energy at 1.08kw for the flats and energy as a landlord supply for lifts and communal areas. A condition will be attached to require further details to be submitted.

**Policy PL11** Indicates that *“To minimise impact on the water environment, all new dwellings should achieve the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations.”*

The applicants indicate that the proposal would meet this requirement.

In addition water efficiency measures and energy efficiency details will be required though the attachment of suitably-worded conditions.

## **Other Issues**

### Flooding and SuDS

The application site is not within a flood plain (not Zone 3a/b or Zone 2) nor close to a Main River.

No new drains are proposed, only rainwater/sewerage links to the existing system.

It is considered that there are no issues arising in relation to flooding/drainage associated with the proposed roof level extension.

### Refuse

It is proposed that the roof extension's 8 flats will be provided with bin storage (for collection) in an existing building/additional building to the rear at ground floor level.

Details have been submitted to demonstrate that storage capacity will be provided in accordance with the Building Regulations.

Note 2E of the HTCMP states in respect of Servicing Arrangements that the *“HLDP Policy IN2 should be considered. Servicing for retail areas should be via the rear of the units and must not have a detrimental impact on pedestrianised areas in the town centre. Servicing arrangements should protect gateway locations, the legibility for pedestrians entering the town centre and enhance the public realm and appearance of these areas. Proposals should demonstrate an integrated approach to the deliveries and collection points (including domestic residential deliveries), with potential to identify consolidated facilities at accessible points adjacent to hubs / key town centre gateways.”*

The Council's Street Scene Manager considers that the layout of the stores are fine for 2 wheeled bins and resolves the issue of dropped kerbs etc, and a previous concern regarding the servicing vehicle (RCV) waiting area has been addressed by ECC not having an issue with our vehicles obstructing the road. Capacity is also considered acceptable. In addition, the locations of the services and drainage may hinder the layout of the store after the planning stage. Without such details being provided, any issues which arise in future will result in a refusal to collect from the store until the managing agent or developer rectify the problem.

The maximum distance an occupier of a flat on the fourth floor will be required to carry their waste (in a horizontal direction) is 30m. More than 30m, and it is not compliant with building regulations. The applicant has indicated that the concierge service will ensure that all residents waste can be brought to the bin store and the Street Scene Manager has indicated that this would overcome the distance issue.

The Highway Authority have not raised any objections to refuse servicing vehicles servicing the proposal to stop on street to collect waste from the proposed storage area in the existing outbuilding. Servicing vehicles stopping on Post Office Road would be acceptable from a highway safety viewpoint.

It is therefore considered that the proposed residential refuse arrangements are acceptable.

The proposal does not include any change of use to the ground floor commercial units; their waste collection arrangements will continue.

### **Secure by Design**

The application was amended during the course of consideration and all the windows and patio doors will be in accordance with DOCQ/Secure by Design BB PAS 23:2012.

There will be a concierge desk which will have staff part of the day, with a large parcel collection service otherwise, there will be locked points of entry. The proposed letter boxes would be external to the entrance point. CCTV is proposed to be provided to meet Document Q of the Secured by Design requirements.

### **Broadband/other Infrastructure**

Broadband - In line with Policy IN4, it is expected that connections will be made to the services available and expected in future in line with the High Speed Broadband programme being rolled out in Essex.

### **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**

The scheme is considered to promote high quality design with no significant adverse impact on local amenity or heritage considerations. There would be no access, parking or highway safety concerns.

The proposed use together with the quantum of the development and access, scale, appearance, layout and access to amenity space of the proposed development are considered appropriate and satisfactory.

The proposal is considered to accord with national and local policies.

A minor inconsistency in the development description has been identified (the agreed revised description has been used for this report). To ensure that any decision cannot be legally challenged, this change is currently the subject of public consultation. There are no changes to the plans or other documents submitted for consideration. The proposal is therefore recommended for approval, subject to no substantive further comments being received, and subject to planning conditions.

## RECOMMENDATION

**That Committee resolve to GRANT PLANNING PERMISSION subject to the following conditions and delegate to Officers to issue the decision, subject to no substantive comments being received in connection with consultation on the development description amendment:**

1. 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 dwellings shall not be occupied until Building Regulations Part M4(2) standard for accessible and adaptable homes has been complied with.  
**REASON: To ensure that the new dwellings are both accessible and adaptable to meet the changing needs of occupants, in accordance with Policy H5 of the Harlow Local Development Plan, December 2020.**
3. Prior to first occupation, a schedule of the types and colour of the materials to be used in the external finishes and a sample of the proposed replacement cladding panels (a side-by-side comparison photo of the new and existing cladding panels would suffice) shall be submitted and approved in writing by the Local Planning Authority; once approved the materials shall be implemented in accordance with the approved details.  
**Reason: In the interests of visual amenities and to ensure that the proposal does not detract from the non-designated heritage status of Market House in accordance with Policies PL1 and PL12 of the Harlow Local Plan (Dec, 2020) and the draft Harlow Town Centre Masterplan.**
4. Details of proposed repairs to existing windows shall be submitted to and approved in writing by the Local Planning Authority, prior to repair works taking place.  
**Reason: In the interests of visual amenities and to ensure that the proposal does not detract from the non-designated heritage status of Market House in accordance with Policies PL1 and PL12 of the Harlow Local Plan (Dec, 2020) and the draft Harlow Town Centre Masterplan.**
5. First occupation of the development authorised by this permission shall not begin until the communal garden/podium area (shown within the blue line; same ownership as the application site) to the rear of Market House is implemented and has been completed in accordance with drawing no.s 941.19.1B and 941.19.2B as proposed within the adjoining planning application no. HW/FUL/HW/FUL/19/00431 (as resolved to be

approved subject to a S106 legal agreement) and have been certified in writing as complete by or on behalf of the local planning authority.

**Reason: To ensure that access to reasonable amenity space is provided for the future occupiers of all the flats providing a high quality development in accordance with Policy PL2 and The Harlow Design Guide and Harlow Design Guide Addendum (2021)**

6. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution 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. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.  
**Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with to the Highway Authority's Development Management Policies (Essex County Council Supplementary Guidance, February 2011) and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020.**
7. Details of the proposed new bin store shall be submitted and approved in writing by the Local Planning Authority and, once approved (together with waste collection arrangements), shall be shall be provided prior to first occupation in accordance with the approved details and shall be maintained and retained solely for these purposes.  
**Reason: In accordance with Policies IN1 and IN3 of the Harlow Local Development Plan (2020)**
8. The proposed cycle store arrangements hereby approved shall be provided prior to first occupation in accordance with the approved details and shall be maintained and retained solely for these purposes.  
**Reason: In accordance with Policies IN1 and IN3 of the Harlow Local Development Plan (2020)**
9. Details of bird and bat boxes as well as insect-friendly provision (including bees) shall be submitted and, once approved in writing, shall be implemented prior to first occupation of the dwellings hereby permitted.  
**REASON: To ensure that there is net biodiversity gain from the proposal, in accordance with Policy PL9 of the Harlow Local Development Plan Dec, 2020)**
10. The dwellings shall not be occupied until the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations has been complied with.  
**REASON: To ensure that the new dwellings minimise impact on the water environment, in accordance with Policy PL11 of the Harlow Local Development Plan, December 2020.**
11. No development shall take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.  
**REASON: To ensure that accessible housing is provided in accordance with Policy H5 of the Harlow Local Development Plan (2020).**

12. Construction Hours Construction works shall only take place between 08:00 to 18:00 Mondays to Fridays and from 08:00 to 13:00 on Saturdays; no construction works shall take place on Sundays or Bank Holidays.

**REASON: IN the interests of residential amenities in accordance with Policy PL2 of the HLDP (Dec 2020)**

13. Construction Management Plan - No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and under-body washing facilities

**Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.**

14. Notwithstanding details shown, prior to first occupation all windows to habitable rooms fronting directly onto the rear deck access shall be fitted with obscure glass upto a height of 1.7m above finished floor level and retained.

**Reason: In the interests of privacy for future occupiers of the development in accordance with Policy PL2 of the Harlow Local Development Plan (2020).**

15. 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
18106-A100-08		Proposed Fourth Floor Plan	08.04.2022
941.19.1B	--	Landscape Proposals	17.06.2021
941.19.2B	--	Planting Plan	17.06.2021
18106-A100-01	--	Location Plan	29.03.2022
18106-A100-02	--	Block Plan	29.03.2022
18106-A100-04	2.2.22	Proposed Ground Floor Plan	02.02.2022
18106-A100-14	--	Proposed Rear Elevation	04.05.2021
18106-A100-12	2.2.22	Existing & Proposed Front Elevations	29.03.2022
18106-A100-13	2.2.22	Existing & Proposed Rear Elevations	29.03.2022
18106-A100-14	2.2.22	Ex & Pr West Elevations	02.02.2022
18106-A100-15	2.2.22	Ex & Pr East Elevations	29.03.2022
18106-A100-05	--	Proposed First Floor Plan	04.11.2021
18106-A100-06	--	Proposed Second Floor Layout	04.11.2021
18106-A11-07	--	Proposed Third Floor Plan	04.11.2021

## 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.