

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

13th November 2019

REFERENCE: HW/FUL/19/00291

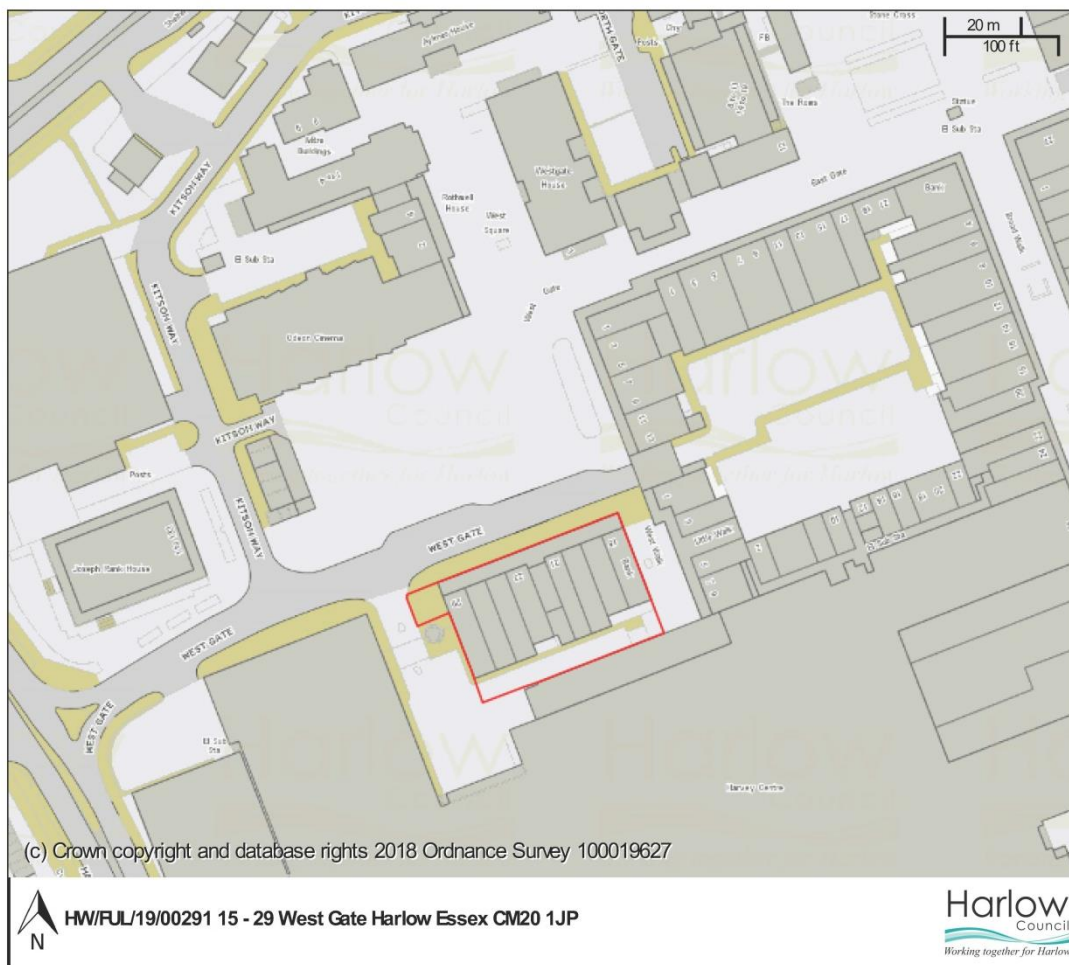
OFFICER: Mark Philpott

APPLICANT: SSRE 4 Investment Limited

LOCATION: 15 - 29 West Gate
Harlow
Essex
CM20 1JP

PROPOSAL: Demolition of existing building and redevelopment of the site to provide a mixed use development within a part 8 and part 12 storey building comprising 163 residential units, circa 390sqm of flexible commercial (Use Class A1-A5) floorspace, and ancillary communal amenity, car parking and cycle storage.

LOCATION PLAN:



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REASON FOR COMMITTEE:

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

APPLICATION SITE & SURROUNDINGS

The application site includes a predominantly 3 storey block of commercial units to the south of the West Gate highway and west of West Walk.

The Harvey Centre is to the south with pedestrian access to it gained via West Walk. A service access for the Harvey Centre is located to the west of the site.

Land to the north of the site, on the opposite side of West Gate, has been cleared of buildings. That land and the block of development to the east of the site, located between West Walk and Broad Walk, are also within the applicant's ownership. The majority of the land between the blocks is owned by Harlow Council and is adopted highway.

The site is within part of the town centre designated as 'Town Centre Central' on the Adopted Replacement Harlow Local Plan (ARHLP) Proposals Map. The map also shows the front and eastern sides of the block are 'Secondary Shopping Frontages'.

The Elizabeth Frink Statue to the east of the site, in West Walk, is a Grade II Listed Building.

DETAILS OF THE PROPOSAL:

The application proposes the demolition of the existing block and the construction of a part 8 and part 12 storey building in mixed use.

The building would be L-shaped in form, with the 12 storey part on its eastern side adjacent to West Walk, forming a corner block.

Approximately 390sqm of commercial floorspace is proposed at ground floor level. This would take the form of two units and could be occupied for a range of uses - 'shops' (A1), 'financial and professional services' (A2), 'restaurants and cafes' (A3), 'drinking establishments' (A4) or 'hot food takeaways' (A5). The units would be located on the corner fronting onto West Walk and/or West Gate.

The application originally proposed that 'assembly and leisure' also be included (D2) as a potential use. This could have included a wide range of uses such as cinemas and music, bingo and dance halls, for example, but was removed from the application because the precise uses could not be specified and it is considered some D2 uses may be undesirable in these units and in the town centre.

At first floor level and above there would be 163 residential units (comprising 16 x studios, 94 x 1-beds and 53 x 2-beds).

7 disabled parking spaces for residents are proposed to the rear of the building. They would be accessed through the existing barrier of the manned security hut associated with the Harvey Centre. 164 cycle spaces would be provided in a store for residents and 20 spaces would be provided for visitors in the public realm towards the west of the site.

In December 2017 the Development Management Committee resolved to grant planning permission for residential development on the site under reference HW/FUL/17/00097, as part of a wider redevelopment of the land identified as being within the applicant's ownership

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(as described in the above section). Permission was ultimately granted in August 2018 and the scheme can still be implemented. More detail is provided in the planning history section below.

The applicant initially proposed that the application sit alongside and be delivered as part of the wider consented scheme and that it is linked to the approved scheme by a Section 106 legal agreement, however, each application should be assessed on its own merits. Furthermore, it would not be possible to secure the delivery of the wider consent without prohibiting development of the current site, which would not be reasonable. Additionally, the applicant has indicated in the Design and Access Statement that, following the determination of this application, revised proposals may be submitted for the other development blocks within their ownership.

RELEVANT PLANNING HISTORY:

The approved scheme under reference HW/FUL/17/00097, as a whole, includes the following:

- Four development blocks (A to D), mostly rectangular in form, ranging from 3 to 16 storeys in height, with predominantly retail at ground floor and residential units above
- 447 residential dwellings (26 x studios, 193 x 1-bed, 209 x 2-bed, 19 x 3-bed)
- Circa 4,000 sqm of flexible retail space (51% within Use Classes A1-A3 and 49% in Use Classes A1-A5, with one A1-A5 unit also possibly a crèche and another also possibly a medical centre)
- 354 car parking spaces (194 spaces within the site and 160 within the Harvey Centre multi storey car park (or an approved alternative), 468 resident cycle spaces and 59 visitor cycle spaces
- A new pedestrian boulevard which would connect Broad Walk and West Gate (in roughly the same location as the former Little Walk)

The scheme includes no affordable housing or other contributions except for a fee for monitoring a travel plan, due to it being unviable.

The scheme is subject to a Section 106 legal agreement which includes a clawback mechanism to enable the affordable housing and other contributions to be provided in the future if the scheme becomes more profitable, and requires the creation of a management company which would be responsible for facilitating waste collections and maintenance of the surface water drainage systems and landscaping. The legal agreement also includes the requirement for the 160 off-site parking spaces to be provided.

The proposed development is on only part of the site for the approved scheme. The following can be delivered specifically within the current application boundary:

- Mainly rectangular building with two tower elements – one 15 storeys in maximum height on the western side of the building and one 8 storeys in maximum height on the eastern side of the building
- 87 residential units (21 x 1-beds, 66 x 2-beds)
- Approximately 517sqm commercial floorspace (within use classes A1-A5) with around 408sqm at ground floor and the remainder at first floor.
- No parking provision

CONSULTATIONS:

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Internal and external Consultees

HDC - Consultant Arborist

No objection:

The development would not have an impact upon adjacent trees and other vegetation because there are no trees present aside from a single small Amelanchier within a raised brick planter to the east of the application site, which is not of an arboricultural value warranting of consideration in context to the proposed development.

HDC - Cleansing and Environment

No objection provided that there are no dropped kerbs between the bins store and the refuse vehicle. This can be resolved by a condition.

HDC - Environmental Health

No objection subject to conditions to limit construction work hours, minimise dust during construction, require wheel washing, prevent bonfires and provide sound insulation glazing in accordance with the acoustic report.

HDC - Housing Services

No comment received.

HDC - Regeneration

No objection:

The proposals provide a catalyst for change in the town centre and through redevelopment goes some way to achieve town centre regeneration; the density of housing and loss of retail floor space will change the existing town centre landscape but provide an opportunity to potentially realise future growth and investment. We would want to continue an open dialogue with the developers to explore the opportunities of improving the public realm immediately adjacent to the site and within the wider town centre.

Essex County Council (ECC)

ECC provided a single response collating comments from various departments. The departments consulted by Harlow Council are detailed individually below. The remaining comments are summarised as follows:

- As a brownfield town centre site, the principle of development would be acceptable.
- Scope to explore negotiating a larger commercial element should be explored.
- The application correctly identifies the potential for cumulative impacts from the current raft of town centre development proposals.
- Policy and guidance has changed since the previous decision was made e.g. through progression of the emerging Local Plan.
- The proposal is part of a wider Masterplan and has no role in the wider landscaping and access to green spaces/green infrastructure. There are no objections to the proposed design of the two roof top terraces. Long term management should be considered.

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- The development should plan for biodiversity net gain to enhance the low ecological value of the site.
- Use of electric vehicle charging points is encouraged.
- The development should not repeat poor quality accommodation like that realised via permitted development rights at Terminus House. Raises concerns that the majority of the units are below those advocated in the Essex Design Guide and the National Described Space Standards.

ECC - Archaeology

No objection:

The area has been extensively disturbed by the construction of the current buildings on the site and it is unlikely that any archaeological remains survive in this area. No archaeological work is required on this site.

ECC - Heritage

No objection:

As the scale, size and use of the proposed development has been established and consented under HW/FUL/17/00097, the impact on heritage with the proposed revisions is considered negligible. However, it is encouraged that the design responds to Harlow's predominantly modernist aesthetic, incorporating its forms and materials in order to constitute a sympathetic addition to the 20th Century streetscape of some heritage value as an example of New Town planning and development.

ECC - Highways

No objection:

The previous application had included this site within it and as such had already been assessed. This application has very little, or no highway impact as the site only contains 7 parking spaces. The parking provision is considered to be more than acceptable given the location of the site and its position in terms of easy access to other modes of sustainable methods of travel.

Therefore, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. The proposal is not contrary to current National/Local policy and safety criteria.

Recommends conditions or obligations to: require the approval of a Construction Management Plan, provide and retain the parking and cycle spaces as shown on the plans, require Residential Travel Information Packs to be provided to residents, require the approval of a Delivery and Servicing Plan and provide contributions towards the Sustainable Transport Corridors.

ECC - Infrastructure

No objection:

A development of this size can be expected to generate the need for up to 2.39 Early Years and Childcare (EY&C) places; 7.95 primary school, and 5.30 secondary school places.

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Based on the demand generated, a developer contribution of £41,638.58 is sought to mitigate its impact on EY&C provision, £121,483.95 is sought for primary school provision and 123,034.20 is sought for secondary school provision.

A school transport contribution is not required; however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

The ECC Developer Guide to Contributions is currently under review, however it is expected that contributions to libraries will be included. In this case the suggested population increase brought about by the proposed development will result in additional usage of Harlow Library. A contribution of £52,531.72 has been calculated as necessary for this.

ECC - Sustainable Drainage

No objection, subject to conditions to the approval of a detailed surface water drainage scheme and maintenance arrangements.

ECC - Urban Design

No objection:

The approach to fenestration and window detailing is acceptable. The corner landmark elevation is considered to be justified through the design approach. The success of the detail of this elevation will be in the brick quality and recommend this is conditioned.

A concern was raised regarding the use of render on the south facing elevation as it would lead to a reduction in quality and finish in comparison to the previously granted planning permission. Requests use of brick for the southern elevation.

Officer comment: the plans have been amended to propose brick for the southern (and western) elevation, addressing the above concern.

Environment Agency (Hertfordshire & North London)

No comment received.

Natural England

No comment received.

Historic England

No comment received.

Essex Wildlife Trust

No comment received.

Essex Fire & Rescue Service

No objection:

Access for Fire Service purposes is considered satisfactory. More detailed observations will be provided at Building Regulations stage. The applicant is advised to contact the Fire

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Service in case additional water supplies for firefighting are necessary and encouraged to use automatic water suppression systems in the development.

Essex Police

Comment:

No concerns with the layout however further information is required regarding security to the apartments, cycle and bin stores and the management of roof gardens and community spaces to make a detailed comment.

Officer comment: further information has been provided to clarify this and no comment has been received.

NHS West Essex CCG

No objection:

The proposed development is likely to have an impact on the services of 4 GP practices operating within the vicinity (Nuffield House, Addison House, Sydenham House and Lister) which do not have additional capacity for the additional growth resulting from this development.

Requests that £61,663 is provided for improvements to Addison House Surgery.

Thames Water

No objection:

The developer should follow the sequential approach to disposal of surface water. Prior approval would be required to discharge to a public sewer. There are no concerns regarding foul water sewerage network infrastructure capacity.

Harlow Civic Society

No comment received

Neighbours and Additional Publicity

Number of Letters Sent: 183

Total Number of Representations Received: 2

Date Site Notice Expired: 30 August 2019

Date Press Notice Expired: 29 August 2019

Summary of Representations Received

Two objections have been received:

Objector 1

- Substandard accommodation proposed
- Too high density
- Unsustainable in the context of the town centre and other similar applications and development

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- The habitable spaces fall below minimum standards for the majority of units
- Only disabled car parking provided
- No guarantees that contributions will be paid towards health, education or social services
- Questions profit level for development

Objector 2

- The town centre is a mess
- Additional flats are not needed above shops
- More shops are required
- Questions whether the housing will be private or council
- Housing should be for Harlow residents and not residents from other areas

PLANNING POLICY:

Adopted Replacement Harlow Local Plan 2006

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

BE2:"Quality, Legibility and Public Realm" permission for major new development will be granted when: new buildings are designed as part of a group creating a sense of enclosure; public spaces should relate to the scale, appearance, location and function of the buildings around it; layout of buildings, routes and spaces are clearly related; fronts of buildings provide primary access and clearly define streets and public spaces; public spaces are distinguished from private areas; the ground floor encourages activity and interest that is appropriate to the location and character of the area; pedestrian, cycling and, horse riding routes are shown on the development layout and link to the existing network.

BE3:"Sustainable Development" development on previously developed land at a higher density than that existing will be supported providing; it is accessible by public transport or is in a sustainable location relative to proximity to supporting services and/or employment sites; does not result in over development; is compatible with the character of the area and urban design policies and guidance.

BE4:"Accessibility" permission will be granted providing provision has been made to achieve accessibility for disable people, including accessibility to any public or private open space that serves the development.

BE5:"Crime Prevention and Personal Safety" proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These should be integral to the design.

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

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BE14:"Archaeology" proposals that affect a site where archaeological remains exist will only be determined after an archaeological field evaluation has been undertaken.

BE15:"Contaminated Land" permission will not be granted for developments on or affected by ground that is known to be contaminated until fully investigated.

BE16:"Light Pollution" external lighting will not be granted if: it is unacceptably intrusive; its use would cause an unacceptable disturbance to the surrounding area; it causes danger to road safety; it is proven to have an adverse effect on sites of wildlife importance. Where permission is granted, means of reducing light spillage should be adopted.

BE17:"Noise Pollution" permission will be granted if noise sensitive developments are located away from existing noise sources and potentially noisy development are located in areas where noise will not be such a consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated and experienced by others.

BE20:"Shopfronts, Signs and Advertisements" proposals to alter an existing shopfront, sign or advertisement should have regard to the following: a new or refurbished shopfront should be designed to take account of design, style and proportions of the building and character of the streetscene; advertisements, signs and noticeboards must be appropriate in scale, design and materials to the character and appearance of the building of which it forms part of and the character of the streetscene; proposals for external security measures on shopfronts will be resisted unless the need can be adequately demonstrated; new shopfronts should be accessible by wheelchair users and disabled people; hanging or projecting signs must not interfere with the visibility requirements of existing CCTV cameras; advertisements should present no threat to public or highway safety.

CP1:"Community" major new housing development should set aside land and make financial contributions for the provision of associated community facilities such as schools, community centres, health centres and churches. These facilities should be sited in local centres or other sustainable locations.

CP2:"Community" where new development generates the need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions that are reasonably related in scale and nature to the proposed development are secured through a legal agreement. Contributions will be sought for: on site facilities to need the needs of new residents; and/or where on site is not possible consideration to off site provision.

CP9:"Public Utilities" to allow for the proper provision of public utility services, permission for development that increases demand for off-site service infrastructure will only be granted if sufficient capacity already exists or extra capacity can be provided in time to serve the proposed development.

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

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

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

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H6: "Affordable Housing" on sites where there is no RSL involved in the management of affordable housing, planning obligations will be used to secure successive occupants.

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

IMP1:"Planning Obligations" permission will only be granted for any development if the provision is secured for related infrastructure, services, facilities and environmental protection which are fairly and reasonably related to the scale and in kind.

L2:"Open Space and Playgrounds/Play Areas" for new development the following provisions will be sought: on residential developments of more than 10 dwellings, public open space and inclusive playgrounds/play areas are required to be provided; off site contributions may be considered where it is not possible to provide it on site due to the circumstances of the development, or if there are particular deficiencies in the surrounding area; open spaces/playgrounds should be offered for adoption to the Council, with an agreed maintenance contribution.

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

NE11:"Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

NE12:"Landscaping" major developments shall be accompanied by details of landscaping features and wildlife habitats and suitable landscaping schemes to mitigate against any impact, along with new landscaping.

NE15:"Biodiversity and Nature Conservation" permission will not be granted for development that would harm habitats or other features of the landscape, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

NE20:"Protected and Rare Species" applications should be supported by appropriate surveys. Permission will not be granted which will have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992, the Habitats Regulations 1994 and other rare species, unless it can be demonstrated that the need outweighs the need to safeguard the specie(s).

RTCS3:"Town Centre and Regeneration" permission will be granted for proposals that strengthen the role of the town centre by: improving the range and quality of facilities including retailing, employment, leisure, entertainment and culture to encourage a vital and vibrant town centre environment; increasing diversity, quality and inclusive nature of employment opportunities, leisure, social, educational and cultural facilities, to meet the needs of the local population; managing road traffic and improving access and road safety, while improving facilities for passenger transport users, pedestrians, cyclists and those with special needs and providing car parking where appropriate; enhancing the town centres character and appearance; improving facilities for disabled people, elderly people and carers

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with babies and children; providing mixed use development including residential or other suitable uses on vacant or underused upper floors; retaining key facilities.

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

RTCS7:"Town Centre Central" a comprehensive Masterplan for the area is required which shall address all relevant issues for the area. There should be no loss of key facilities that contribute to the range of offer in the town centre or facilities that act as anchors or catalysts.

RTCS10:"Primary and Secondary Frontages" within the town centre primary shopping frontage changes of use from A1 to A2 and A3 may be permitted if: no more than 15% of the primary frontage may be occupied by non-retail uses; maximum number of adjoining A3 uses is 2 units and no more than 2 units out of every 5 are to be in non-retail uses; the use is appropriate to the town centre; it should not affect the retail function and character; it is not detrimental to the vitality and viability of the town centre; there is not loss of key facilities.

RTCS11:"Primary and Secondary Frontages" within the town centre secondary frontage, changes of use to the following will be granted permission: A1 (shops); A2(financial and professional services); A3 (food and drink); D1 (non-residential institutions); D2 (assembly and leisure); Sui Generis (amusement centres), providing the use does not result in the loss of key facilities; does not have a detrimental visual impact on the area; does not cause unacceptable levels of noise and disturbance to surrounding facilities.

SD3: " Sequential Test" land allocation should have regard to the promotion of sustainable development; social inclusion, quality of life and wellbeing; preference given to previously developed land and existing buildings; facilitation of regeneration and there should be no loss of BAPs or damage to valuable ecology or biodiversity.

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

SD6: "Mixed Uses: Integrating Development and Travel" where there is concern regarding future potential adverse effects from intensification of use, a condition or legal agreement will be required to control later changes of use.

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

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

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

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

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

Harlow Local Development Plan – Pre-Submission Publication (2018)

Harlow Council is in the process of its new local plan being examined by an Inspector appointed by the Secretary of State.

Paragraph 216 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') is the final version of the plan for consultation before it is submitted for examination. The consultation closed on 6th July 2018, the Examination started on 28th March 2019.

It is considered that the policies within the emerging Local Plan are consistent with the policies in the NPPF and that limited weight should be given to relevant emerging local plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS:

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

Supplementary Planning Documents/Current Planning Guidance

Planning Practice Guidance (PPG)
The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)
Affordable Housing SPD (2007)
The Essex Design Guide
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council's Adopted Development Management Policies (2011)
Essex County Councils' Developers' Guide to Infrastructure Contributions (2016)
Harlow and Gilston Garden Town guidance, notably the Garden Town Vision (2019)

PLANNING ASSESSMENT:

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The key issues to assess in the determination of this application include the principle of the proposed development, including its impact on the vitality and viability of the town centre; the proposal's layout, design and landscaping; the standard of accommodation and the impact on neighbouring amenity; heritage assets; access, parking and highways matters including servicing; natural environment and ecology; flooding and drainage; and planning obligations.

Summary of Main Issues

Principle of Development

The principle of mixed use development of the site has been established by the previous application. The development under reference HW/FUL/17/00097, which can still be built out, is a key material consideration.

Whilst there have been changes to planning policies and guidance since the previous approval, such as updates to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), and the advancement of the emerging Local Plan and the Town Centre Area Action Plan (TCAAP), it is considered that they support the use of mixed use development with retail at ground floor and residential above within the town centre.

Notably, the updated NPPF dedicates a chapter to 'making effective use of land'. It encourages as much use as possible of previously developed land. Substantial weight should be given to the use of brownfield land within settlements for homes and under-utilised land and buildings should be promoted (paragraph 118). The NPPF continues to support the vitality and viability of town centres and highlights that residential development often plays an important role in this (paragraph 85).

Informed by the Council's Retail Study (2016), policy RS2 of the emerging Local Plan sets out that additional retail floorspace will need to be provided across Harlow and the wider Garden Town. Policies RS3 and PR5 also suggest that retail floorspace which contributes to the viability, vitality and function of the town centre will be protected. The emerging Local Plan explains that the TCAAP will direct town centre development and state the capacity of the town centre to deliver retail floorspace.

In July 2019 the Council's Cabinet approved that the draft TCAAP could be published for the purposes of consultation, however, the document has not yet been finalised and consultation on it has not taken place. As the document is still subject to change it can only be given limited weight in the determination of this planning application, however, the document currently identifies the area within which the site is located as being most suitable for residential-led mixed use development, with flexible ground floor retail and/or commercial uses. The TCAAP also specifically states that it assumes that the approved scheme will be delivered.

The key difference between the approved and proposed schemes are that 76 additional residential units and around 124sqm less commercial floorspace are proposed. The proposed uses for the commercial units remain the same.

Additional residents would contribute to the vitality of the town centre, though increasing footfall, spending and surveillance and make the town centre more attractive to retailers. Therefore there are no issues with the additional residential units in principle, subject to the impacts arising from the extra units being satisfactory. The impacts of the development are discussed in the following sections of this report.

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Whilst there would be a reduction in commercial floorspace for the building, this would be slight, in the context that only 408sqm (around 18sqm more than is now proposed) is approved at ground floor within the site and circa 4000sqm commercial floorspace that has been approved as part of the wider redevelopment of the area. Although there would be loss of existing retail and office/'back of house' floorspace, this has already been accepted; none of the units are occupied, nor are any of the lawful uses considered to be key facilities.

The approved retail floorspace within the site would be split over three small and segregated units. By contrast, the proposed floorspace would be in one location fronting West Walk and/or West Gate, depending on whether and how the floorspace is divided. It is considered that the proposed units could be laid out in a wider number of ways than the approved scheme (and the existing building), increasing flexibility and the likelihood of being attractive to prospective tenants. Furthermore, the commercial floorspace approved at first floor level is more likely to be used for back of house purposes than active retail floorspace and as such its loss is less important than loss of floorspace at ground floor level. As the proposed units would be towards the eastern side of the building there would effectively be shortening of retail frontage on the southern side of West Gate but, on balance, it is considered that this is offset by the increased retail presence fronting West Walk which could encourage further movement from south to north through the town centre instead.

It is therefore considered that, as with the previous scheme and noted by the Council's Regeneration team, that the development would help to achieve town centre regeneration.

Conditions are recommended to ensure the commercial units are only used for the purposes proposed (i.e. use classes A1 to A5) to ensure the vitality and viability of the town centre is secured.

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

Design, Layout and Landscaping

The submitted Design and Access Statement shows how the proposed design and layout of the scheme has evolved since the previous scheme was approved.

The building would have an L-shaped footprint. The 12 storey element would run north-south to the east of the site, forming a corner block which would positively address the pedestrianized areas at West Walk to the east and West Square to the north. The height and design of this part of the scheme, and the commercial units provided at ground floor here, would provide legibility and emphasise and encourage movement between the northern and southern parts of the town and to and from the Harvey Centre.

The development has been designed to reflect the New Town characteristics of the existing town centre and the approved scheme, with regular and repeating fenestration and simple grid forms, corner details and textured brickwork proposed. These features would help to provide variation, rhythm and visual interest and mitigate the mass of the building. The use of a high proportion of brick and variation in the brickwork detailing would enable an appropriately high quality finish to be achieved. It is recommended that samples of all external materials to be used are submitted for approval.

It is considered that the design would be compatible with taller development within the vicinity, such as Joseph Rank House, and be compatible with the approved scheme. ECC Urban Design and Heritage also consider the design approach to be appropriate and compatible with the town centre's New Town vernacular.

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Energy conservation is proposed through efficient construction methods and materials. A condition to remove permitted development rights for the installation of renewable energy equipment and aërials without first obtaining consent from the Local Planning Authority would ensure that the development is of a high quality appearance.

A small Amelanchier tree located within a brick planter to the east of the application site would be removed as a result of the proposal, but the council's arborist does not consider it to be of arboricultural value. An indicative landscape scheme is proposed at roof level and no landscape details have been provided for the public realm outside the site. The approved scheme reserved these details for later consideration via condition and it is considered appropriate for a similar condition to be imposed on any approval of this scheme.

The proposal has been designed to increase natural surveillance and would have entrances in clear view of the public realm, with no recessed areas. In addition, a range of internal crime prevention measures such as CCTV surveillance, fob access and concierge service are proposed.

It is considered that the proposed development would improve the appearance of the site and promote the regeneration of the area whilst being respectful of New Town characteristics. The proposal is considered to accord with the design, layout and landscaping policies and guidance, including ARHLP policies BE1, BE2, NE11 and NE12.

Living Standards and Amenity

The application proposes 100% market housing due to viability reasons. This is discussed in the Planning Obligations section below.

The majority of the proposed residential units would have one bedroom (67.5% 1-bed, 32.5% 2-bed). Policy H4 of the ARHLP and the emerging Local Plan policy H6 indicate that there is greater need for one bedroom units than two bedroom units and thus the proposed mix is considered to be acceptable.

ARHLP policy H7 and emerging Local Plan policy H5 require that new development proposals take into account the needs of those with disabilities and special needs. The emerging plan states that all new dwellings should be Accessible and Adoptable (M4(2) standard) and that the proportion of Wheelchair User (M4(3) standard) dwellings should be in accordance with the latest Strategic Housing Market Assessment (SHMA). The current SHMA indicates that 10% of private housing should be M4(3) standard. The application proposes all units would be M4(2) standard and 8 units (5%) would be M4(3) standard. Taking into account that the development approved within the site does not have any M4(3) standard units and that limited weight can be given to the emerging Local Plan, it is considered that the proportions proposed are acceptable.

The units proposed would generally be slightly lower than those approved and the sizes suggested by the Harlow Design Guide SPD and Nationally Described Space Standards (2015) notwithstanding studios which would be in accordance with the latter. As the size standards are not obligatory and the majority of the units are 1-beds which would be only 1sqm smaller than the relevant Design Guide standard, the size of the units is considered to be acceptable.

Principal DG33 of the Harlow Design Guide states that all development should have some private open space and applicants should justify where this is not proposed. It is proposed that 22 no. south facing 2-bed units have balconies, whereas the approved scheme includes balconies for all residential units. The applicant explains that north facing balconies would

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front the highway and notes (correctly) that the TCAAP suggests that West Gate may become part of a Sustainable Transport Corridor which would extend west to east through the town centre. They consider that these conflicts, combined with poor levels of daylight and privacy, would result in balconies being underused. They also suggest that balconies would undermine the clean and simple design for the building and that balconies would discourage use of the communal roof terraces, which are designed for residents only. The applicant has suggested that the private communal amenity space would be around 1000sqm in area and that a range of different types of spaces can be provided, such as play space and community vegetable plots. It is considered that an appropriate landscape scheme could be provided via a condition and that, on balance, the proposed amount of amenity space would not warrant refusal of the application.

Daylight and Sunlight assessments have been submitted which demonstrate that the proposed residential units would have similar receipt of daylight and sunlight to the approved scheme and there would not be unacceptable overshadowing resulting from the building. An Acoustic report has also been submitted which shows that noise levels would be appropriate subject to sound insulation for the windows.

There are no residential properties adjacent or near to the site. The nearest units would be those which have been approved to the north and east of the site and the relationship between these units and the proposed development would be similar to the relationship which has already been approved.

A Geo-Environmental Report has been submitted and, as with the approved scheme, there are no concerns regarding ground conditions.

Environmental Health has no objection subject to conditions related to construction and to provide noise insulation as per the Acoustic report. Appropriate conditions are proposed accordingly.

A condition would be added to any permission granted to ensure that details are submitted with regards to the vents/chimneys of any proposed Class A3, A4 or A5 uses, as with the previous permission. The opening hours of the ground floor units would be decided under separate Licensing legislation and, in any event, the block would be brought forward as whole so prospective residents would be aware of the likelihood of commercial uses occupying the ground floor units.

It is therefore considered that the proposed living standards and amenity impacts would be acceptable.

Heritage Assets

Essex County Council's Historic Environment advisor reviewed the information and raises no objection on the basis that there are negligible differences between the approved and proposed scheme in terms of heritage impact.

It is considered that the redevelopment of the site would improve the setting of the Grade II Listed Elizabeth Frink statue. The approved scheme has a condition imposed on it to protect the statue during construction; it is considered appropriate to impose a similar condition for this proposal.

There are unlikely to be any archaeological features at the site due to the existing development of the town centre and no objection is raised by Essex County Council's Archaeological advisor.

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The proposal is therefore acceptable in terms of its impact on heritage assets and in accordance with ARHLP policies BE6 and BE14.

Access, Parking, Highways and Servicing

In order to accord with the Essex Parking Standards for the residential element a total of 216 standard, 41 visitor, 4 disabled, 2 powered two-wheeler, 163 cycle and 20 visitor cycle spaces would be required. The current standards and policies do not require any other forms of parking to be provided.

The application proposes to provide the full amount of cycle parking and seven disabled spaces. There would be sufficient space within the site for two powered two-wheelers to park. No standard or visitor parking is proposed within the site, however, 69 spaces are proposed to be provided off-site. This is similar in approach to the approved scheme, which secures 160 spaces in the Harvey Centre multi-storey car park or elsewhere provided that the council is satisfied that the alternative arrangement is of an equivalent standard.

The parking standards accept a reduction in parking levels in sustainable locations. The town centre is a highly sustainable location and as such a reduction in parking provision is acceptable. In addition, ARHLP policy SD4 states that the parking standards may be reduced or that no parking may be required where sites are located in centres and adjacent to public transport.

The approved scheme provided 52% of the standard parking spaces and no visitor parking spaces. Proposals in other sustainable locations have been approved with lower provision levels, most recently a mixed use development at Wych Elm House (reference HW/FUL/19/00241) which was approved at Development Management Committee in October 2019 with 35% of the standard parking requirement proposed. In this context the proposed amount of parking, which equates to 32% against the parking standards, is considered to be appropriate.

Access to the disabled parking spaces would be via the manned and gated service/delivery entrance to the Harvey Centre. It is anticipated that access to the spaces would be via key fob or code, however, in order to ensure that the arrangement is acceptable and would not lead to conflicts with vehicles serving the Harvey Centre, a condition is necessary. The Highway Authority has recommended a condition to ensure that delivery and servicing arrangements for the proposed development are appropriate and this is considered to be necessary too.

No parking is proposed for the commercial units. The amount of parking required to accord with the standards would depend on the uses which ultimately occupy the units, however, given the town centre location it is considered that no parking is necessary for the commercial elements.

There are parking restrictions on the roads surrounding the application site, which would prevent on-street parking from occurring. Furthermore, it is considered that residents, visitors and customers could park in car parks within the town centre, which would further discourage on-street parking.

The Highway Authority confirms that the application is acceptable in terms of access and highway impacts, noting that the amount of vehicle movements to and from the site will be low.

New and emerging evidence, policies and guidance identify that occupiers of new development need to use sustainable modes of transport. The creation of Sustainable

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Transport Corridors across the town is a key aspect of this. The corridors would converge at the town centre and would provide accessibility to key locations such as Harlow Town Station and the employment areas. It is considered that a contribution towards the creation of the Sustainable Transport Corridors is appropriate given the proposed parking provision the scheme's town centre location.

The Streetscene department have no objections in terms of waste storage or collections provided that no dropped kerbs are installed. The aforementioned landscape condition would be able to ensure that movement for waste receptacles is appropriate. A management arrangement would be secured via legal agreement to ensure that waste was moved to designated points for collection.

The Fire Service has no objections.

The proposal is therefore considered to be acceptable in terms of access, parking, highways and servicing, subject to conditions and an obligation to secure parking off-site.

Natural Environment and Ecology

The ecological value of the site is low given its town centre location and being previously developed. There are no designated areas of ecological value nearby with the nearest being Todd Brook Meadows Local Wildlife Site located 625m to the south. A Preliminary Ecological Appraisal has been submitted which demonstrates that there is very limited potential for protected species to be present on site. It is not therefore considered that the proposal would result in detrimental impacts to ecology.

The Appraisal proposes that bird boxes and invertebrate habitats such as bee bricks are installed, that lighting of the site should be in accordance with Bat Conservation Trust guidelines as bats are likely to use the landscape areas for foraging, and that native plant species should be used for the landscaping. These can all be secured by a condition. The landscaping would enable biodiversity net gain to be achieved.

Subject to conditions the proposal would be acceptable in terms of the natural environment and ecology, in accordance with ARHLP policies NE15 and N20.

Flooding and Drainage

The application site is located in Flood Zone 1 which is the zone at lowest risk of flooding. Isolated areas within the town centre are at some risk of surface water flooding, with higher risk areas nearby to the north and south of the site.

A Flood Risk Assessment and Drainage Strategy has been submitted. The approved and proposed developments are similar and neither Thames Water nor ECC Sustainable Drainage has objected to the scheme. Therefore there are no concerns regarding flooding or drainage. The proposal is in accordance with ARHLP policy CP12.

Planning Obligations

Based on Harlow Council's policies and guidance and requests from consultees for this application, the following would be required for this proposal if viable:

- 30% of the scheme as affordable housing

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- £145,512.68 contribution towards open space provision (including a discount to reflect the provision of Internal Open Space at roof level), in accordance with the Open Space SPD
- £41,638.58 contribution towards early years and childcare provision
- £121,483.95 contribution towards primary school provision
- £123,034.20 contribution towards secondary school provision
- £52,531.72 contribution towards library provision
- £61,663 contribution towards healthcare provision

As identified earlier in this report, a contribution towards the Sustainable Transport Corridors is also considered to be appropriate; however, at the time of writing this report the level of contribution has not been confirmed.

All financial contributions would be index linked.

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

A Viability Assessment was undertaken by the developer which sets out that the scheme is unviable without any affordable housing or other developer contributions.

In order to confirm whether the proposed scheme would be unviable, the Local Planning Authority had the assessment independently assessed. The assessor undertook three assessments of increasingly ambitious assumptions. Whilst the assessor considers the scheme to be less unviable than the developer's assessment indicates, even in the most ambitious scenario, the proposed development remains clearly unviable without any affordable housing or contributions.

It should also be noted that the viability of different forms of development typologies were tested for the council as part of the evidence base for the emerging Local Plan (the 'Local Plan Viability Assessment, Affordable Housing and Community Infrastructure Levy Review' (2018)). The evidence suggests that dense flatted schemes such as this are likely to be unviable.

In these circumstances it is not considered that the council should refuse the application due to a lack of affordable housing or other contributions.

Obligations to require a management arrangement for waste collections and to secure parking provision off-site, as identified previously, should still be required in order to make the design of the scheme workable.

It is recommended that a Section 106 legal agreement is entered into which includes provisions for a clawback mechanism, which would enable the above obligations bulleted above, including a contribution to the Sustainable Transport Corridors, to be sought if the development should yield more value in the future. The applicant has agreed to this approach through an early and late stage viability review, in a similar way to the approved application.

The legal agreement would also need to secure a management arrangement for waste and off-site parking to ensure that the arrangements are suitable and retained in association with the proposed residential development.

CONCLUSIONS:

The proposal offers a mixed-use development involving new retail and residential units, which has already been accepted at the site in principle.

The proposal would be compatible with surrounding existing development and the previously approved wider scheme and be respectful of New Town characteristics.

The development is considered to be acceptable in terms of the accommodation proposed and the impacts on amenity, heritage assets, access, parking, the highway, servicing, the natural environment and ecology, and flooding and drainage.

It is considered that the proposal would enhance the environmental quality of the town centre and would help to achieve regeneration.

Whilst the proposal does not seek to provide affordable housing or other contributions, the scheme has been fully scrutinised and found to be unviable. This is consistent with evidence informing part of the emerging Local Plan. Therefore it is not considered that the scheme should be refused on this basis.

The proposal is considered to be compliant with the National Planning Policy Framework, the relevant policies within the Adopted Replacement Harlow Local Plan and other current and emerging policies and guidance, including the apparent intentions of the Town Centre Area Action Plan.

The application is therefore recommended for approval subject to conditions and the applicant entering into an appropriately worded Section 106 legal agreement to secure a clawback mechanism to enable the affordable housing and contributions identified in the Planning Obligations section to be provided should the development yield more value in the future. The legal agreement should also secure a management arrangement for waste and off-site parking to ensure that the arrangements are suitable and retained in association with the proposed residential development.

RECOMMENDATION:

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to any construction works above ground level, comprehensive details of all the materials to be used in the external surfaces of the development, including samples, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, doors, soffits, guttering and mortar mix. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

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3. Prior to the occupation of each unit for Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-Away) purposes details of the siting, design and technical specification of any fume extraction and ventilation systems to serve the units, together with details of any external flue(s) or ducting, specification of filtration, deodorising systems (where applicable), noise output and termination points, shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be undertaken in accordance with the approved details prior to the occupation of the each unit for Use Class A3, A4 and A5 purposes and the extraction and ventilation systems shall be retained in the approved form and maintained in proper working order thereafter throughout the occupation of the units for Use Class A3, A4 and A5 purposes. The extraction equipment shall be in operation at all times when cooking is being carried out in each unit.

REASON: In the interest of the environmental quality of the Town Centre and those working, visiting or residing within it in accordance with policy RTCS4 of the Adopted Replacement Harlow Local Plan 2006.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the uses of the units shown at ground floor level shall be those identified on drawing HTC-HLM-04-00-DR-A-00608 only and the units shall be used for no other purposes whatsoever.

REASON: To protect the vitality and viability of the Town Centre in accordance with policy SD4 of the Adopted Replacement Harlow Local Plan 2006.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no installation or alteration permitted by Part 14 or Classes A to D (inclusive) of Part 16 of Schedule 2 of the Order shall be made on the application site.

REASON: To protect the character and appearance of the area in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan 2006.

6. No development shall take place on site, including any ground works or demolition, until details relevant to the safe retention and protection of the Elisabeth Frink statue is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To protect the listed building, in compliance with policy BE6 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

7. No development, including site clearance, tree works, demolition or any other works, shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- A scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction;

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- Measures to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction process;
- Measures to demonstrate how dust production during the demolition and construction process is kept to a minimum.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, to ensure that noise and dust are controlled during demolition and construction, and in the interests of the vitality and viability of the Town Centre in accordance with policies BE17, T9 and SD4 of the Adopted Replacement Harlow Local Plan and the Highway Authority's Development Management Policies. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

8. Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON: To ensure that appropriate parking and turning is provided, in accordance with policy T9 of the Adopted Replacement Harlow Local Plan 2006.

9. The cycle parking facilities hereby approved shall be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate cycle parking is provided, in accordance with policy T9 of the Adopted Replacement Harlow Local Plan 2006.

10. Prior to first occupation of the development, the Developer shall provide to each dwelling a Residential Travel Information Pack for sustainable transport which shall have been approved by Essex County Council and includes six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy T4 of the Adopted Replacement Harlow Local Plan 2006.

11. Prior to the first occupation of the development, details relevant to the delivery and servicing of the development and access to the parking spaces on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety and efficiency and ensure appropriate access to parking spaces is provided, in accordance with policies T4 and T9 of the Adopted Replacement Harlow Local Plan 2006.

12. Prior to any construction works above ground level a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures for new tree planting and enhancement of trees and vegetation. The scheme shall include details of all hard and soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 5 years following completion of the scheme. The scheme shall be implemented in accordance with the approved details during the next planting season following completion of the first phase of the development. Any trees which within a period of five years from planting are removed, die or become seriously damaged/diseased shall be replaced in the next planting season with others of similar size and species.

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REASON: To ensure satisfactory landscape treatment of the site in the interests of the character and appearance of the area, that waste collections can be undertaken appropriately, biodiversity net gain is achieved and to ensure the provision of open space in accordance with policies NE12 and L2 of the Adopted Replacement Harlow Local Plan 2006.

13. The ecological enhancements detailed under the heading 'Recommendations for Ecological Enhancement' set out at page 9 of the Preliminary Ecological Appraisal (reference: 3949 - Harlow Town Centre Phase 1 Preliminary Ecological Appraisal - 1906 - 25rc.docx, issued: 25/06/2019) shall be provided as proposed.

REASON: To protect and promote habitats for wildlife in accordance with policies NE15 and NE20 of the Adopted Replacement Harlow Local Plan 2006.

14. No construction work shall be carried out on the site at any time on Sundays or public holidays, or before 8am or after 7pm on Mondays to Friday, or before 8am or after 1pm on Saturdays.

REASON: To ensure that the proposed construction works do not prejudice the amenity of neighbouring occupiers, in accordance with policies BE1 and BE17 of the Adopted Replacement Harlow Local Plan 2006.

15. The windows and trickle ventilators used to serve the residential units hereby permitted shall have a minimum sound reduction performance as set out at Table 5.1 and Figure 5.1 of the Acoustic Planning Report (reference 26768-RP-AC-001, dated 27 June 2019).

REASON: In the interests of the amenity of the residential occupiers of the building in accordance with policy BE17 of the Adopted Replacement Harlow Local Plan 2006.

16. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. It should include the modelling results for 1 in 1 and 1 in 30-year storm event.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. The inclusion of Aqua Swirl does not provide treatment to soluble metals; it is therefore recommended to select appropriate devices which address the pollution mitigation for total suspended solid, total metals and hydrocarbons.
- A final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To ensure that satisfactory surface water drainage is provided in accordance with policy CP12 of the Adopted Replacement Harlow Local Plan 2006. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

17. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water

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drainage scheme and the maintenance activities/frequencies has been submitted to and approved in writing by the Local Planning Authority. Should any part of the surface water drainage system be maintainable by a maintenance company, details of long term funding arrangements shall be provided. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with the approved Maintenance Plan. These shall be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage scheme to be maintained in accordance with policy CP12 of the Adopted Replacement Harlow Local Plan. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

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

REASON: For clarity and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
HTC-HLM-04-SE-DR-A-00605	-	EXISTING ELEVATIONS/SECTIONS GG & H-H	18.07.2019
HTC-HLM-04-SE-DR-A-00606	-	EXISTING ELEVATIONS/SECTIONS J-J & K-K	18.07.2019
HTC-HLM-04-SE-DR-A-00607	-	EXISTING ELEVATIONS/SECTIONS L-L & M-M	18.07.2019
HTC-HLM-04-00-DR-A-00039	-	EXISTING GROUND FLOOR PLAN	18.07.2019
HTC-HLM-04-00-DR-A-00601	-	DEMOLITION DRAWINGS EXISTING GROUND FLOOR PLAN	18.07.2019
HTC-HLM-04-SE-DR-A-00602	-	DEMOLITION DRAWINGS EXISTING ELEVATIONS/SECTIONS G-G & H-H	18.07.2019
HTC-HLM-04-SE-DR-A-00603	-	DEMOLITION DRAWINGS EXISTING ELEVATIONS/SECTIONS J-J & K-K	18.07.2019
HTC-HLM-04-SE-DR-A-00604	-	DEMOLITION DRAWINGS EXISTING ELEVATIONS/SECTIONS LL & M-M	18.07.2019
HTC-HLM-04-00-DR-A-00608	Rev P04	PROPOSED BUILDING D GROUND FLOOR PLAN WITHIN WIDER CONSENTED SITE	04.11.2019
HTC-HLM-04-00-DR-A-00625	Rev P04	PROPOSED BUILDING D GROUND FLOOR PLAN	04.11.2019
HTC-HLM-04-01-DR-A-00609	Rev P03	PROPOSED BUILDING D 1ST FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-01-DR-A-00626	Rev P03	PROPOSED BUILDING 1ST FLOOR PLAN	29.10.2019
HTC-HLM-04-02-DR-A-00610	Rev P03	PROPOSED BUILDING D 2ND FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-02-DR-A-00627	Rev P03	PROPOSED BUILDING D 2ND FLOOR PLAN	29.10.2019
HTC-HLM-04-03-DR-A-00611	Rev P03	PROPOSED BUILDING D 3RD FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-03-DR-A-00628	Rev P03	PROPOSED BUILDING D 3RD FLOOR PLAN	29.10.2019
HTC-HLM-04-04-DR-A-00612	Rev P03	PROPOSED BUILDING D 4TH FLOOR PLAN WITHIN WIDER CONSENTED	29.10.2019

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		SITE	
HTC-HLM-04-04-DR-A-00629	Rev P03	PROPOSED BUILDING D 4TH FLOOR PLAN	29.10.2019
HTC-HLM-04-05-DR-A-00613	Rev P03	PROPOSED BUILDING D 5TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-05-DR-A-00630	Rev P03	PROPOSED BUILDING D 5TH FLOOR PLAN	29.10.2019
HTC-HLM-04-06-DR-A-00614	Rev P03	PROPOSED BUILDING D 6TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-06-DR-A-00631	Rev P03	PROPOSED BUILDING D 6TH FLOOR PLAN	29.10.2019
HTC-HLM-04-07-DR-A-00615	Rev P03	PROPOSED BUILDING D 7TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-07-DR-A-00632	Rev P03	PROPOSED BUILDING D 7TH FLOOR PLAN	29.10.2019
HTC-HLM-04-08-DR-A-00616	Rev P03	PROPOSED BUILDING D 8TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-08-DR-A-00633	Rev P03	PROPOSED BUILDING D 8TH FLOOR PLAN	29.10.2019
HTC-HLM-04-09-DR-A-00617	Rev P03	PROPOSED BUILDING D 9TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-09-DR-A-00634	Rev P03	PROPOSED BUILDING D 9TH FLOOR PLAN	29.10.2019
HTC-HLM-04-10-DR-A-00618	Rev P03	PROPOSED BUILDING D 10TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-10-DR-A-00635	Rev P03	PROPOSED BUILDING D 10TH FLOOR PLAN	29.10.2019
HTC-HLM-04-11-DR-A-00619	Rev P03	PROPOSED BUILDING D 11TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-11-DR-A-00636	Rev P03	PROPOSED BUILDING D 11TH FLOOR PLAN	29.10.2019
HTC-HLM-04-12-DR-A-00620	Rev P03	PROPOSED BUILDING D 12TH FLOOR PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-12-DR-A-00637	Rev P03	PROPOSED BUILDING D 12TH FLOOR PLAN	29.10.2019
HTC-HLM-04-RF-DR-A-00621	Rev P03	PROPOSED BUILDING D ROOF PLAN WITHIN WIDER CONSENTED SITE	29.10.2019
HTC-HLM-04-RF-DR-A-00638	Rev P03	PROPOSED BUILDING D ROOF PLAN	29.10.2019
HTC-HLM-04-SE-DR-A-00622	Rev P04	PROPOSED BUILDING D ELEVATIONS & SECTIONS G-G & H-H	04.11.2019
HTC-HLM-04-SE-DR-A-00623	Rev P04	PROPOSED BUILDING D ELEVATIONS & SECTIONS J-J & K-K	04.11.2019
HTC-HLM-04-SE-DR-A-00624	Rev P04	PROPOSED BUILDING D ELEVATIONS & SECTIONS L-L & M-M	04.11.2019
HTC-HLM-04-00-DR-A-00041	-	SITE LOCATION PLAN	18.07.2019
HTC-HLM-04-00-DR-A-00040	-	SITE PLAN	18.07.2019

Appendix 1 – Original Report

Informatives

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.