

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

7th December 2022

REFERENCE: HW/FUL/22/00297

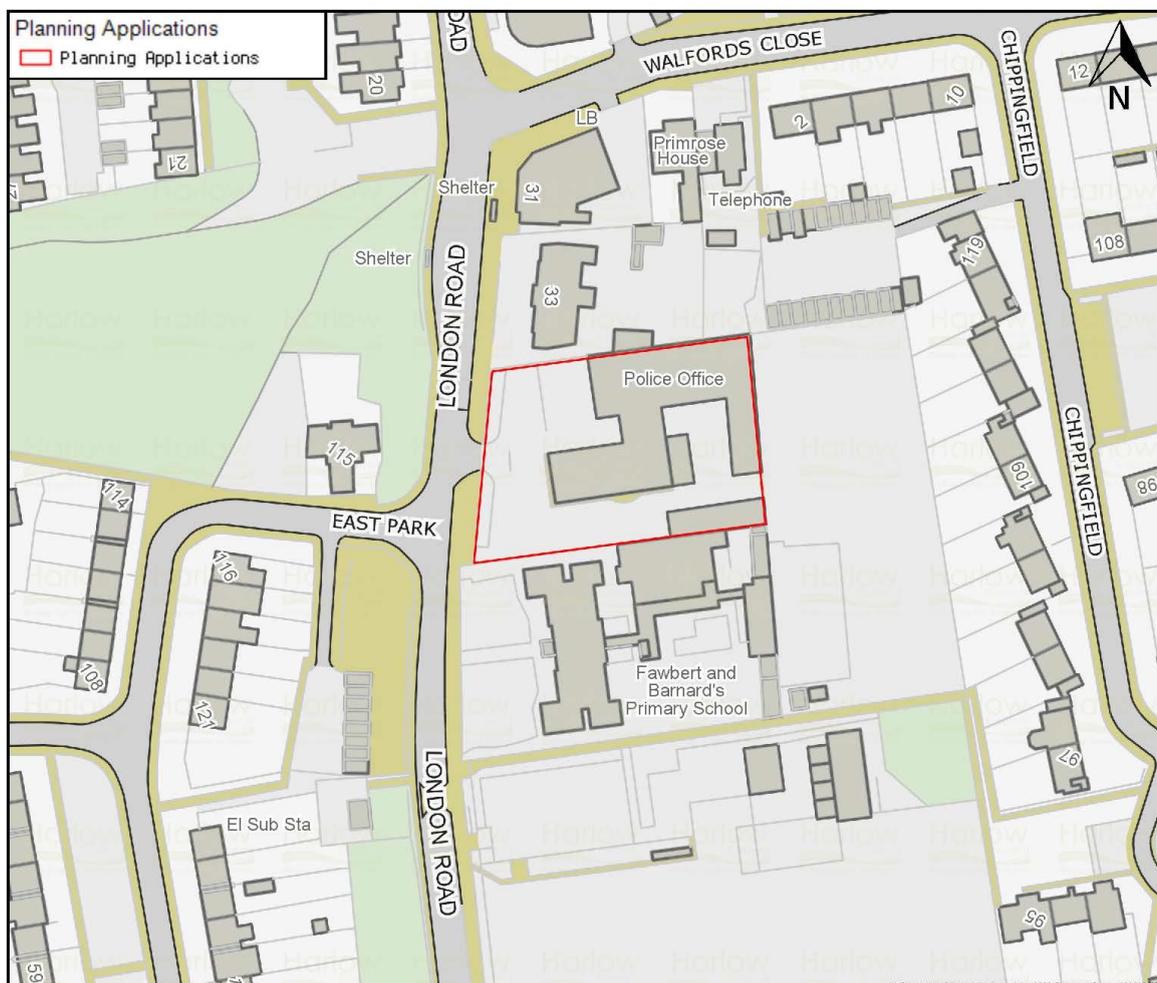
OFFICER: Roland Sheldon

APPLICANT: Churchill Retirement Living

LOCATION: 35-39 , London Road,
Harlow, Essex,
CM17 0DA

PROPOSAL: Demolition of the existing building and the erection of 31 Retirement Living apartments for older people (comprising 20 no. 1-bed and 11. no 2-beds) including communal facilities, access, car parking and landscaping (revised description).

LOCATION PLAN:



REASON FOR COMMITTEE: The scheme is a major proposal which is considered to be of sufficient public interest to be considered by the Planning Committee.

Application Site and Surroundings

The subject site contains the vacant former two-storey police offices, workshops and garages on the east side of London Road in the Old Harlow area, CM17. The site occupies 0.22 hectares of land.

No. 33 London Road to the immediate north of the site is a two-storey building in use as a dental practice. Further north on the corner of London Road and Chippingfield is the old Harlow Post Office building which is now in use as a hot food takeaway, which is a locally listed building. To the immediate south of the site is the Grade II listed building Fawberts and Barnard's Primary School building. The school grounds wrap around the rear of the subject site, forming its eastern boundary. East Park open space is located on the other side of London Road to the west of the subject site, where the Grade II listed Gate Lodge building is located.

The site is not located within a conservation area, but is within the setting of Old Harlow Conservation Area to the north.

Details of the Proposal

During the assessment of the proposal, revised plans were submitted that amended to the roof design of the building.

The proposed development is to demolish and remove the existing buildings within the site and erect a three-storey 'T-shaped' building that would be externally clad with a mix of red brick and white-painted brick, with a concrete plain tile-clad roof. The central section of the building would be three-storeys in height with the two wings of the building either side having a two and a half-storey form with roof accommodation, with 3 front dormers on each wing.

The nearest existing residential properties to the proposed development are understood to be no. 115 East Park directly west of the site on the opposite of London Road, and Primrose House and the Telephone Exchange dwellings that are located approximately 30 metres away to the north. Slightly further away are the rear gardens of the two-storey dwellings of Chippingfield, approximately 40 metres to the east of the site.

The original submission contained 32 retirement living apartments for older people. The alterations to the roof design resulted in a reduction of proposed units to 31. A guest room is also proposed which can be booked by residents for visitors. A central pedestrian and vehicular access point would serve the site with 6 parking spaces provided to the north and south of the access point in the frontage of the site (12 in total). Two sections of communal amenity areas would be located either side (north/south) of the rear projection to the rear of the site.

The building would comprise of a mix of one and two-bedroom apartments, which would allow occupants to have independent living, but within a building that has communal facilities and access to healthcare support on site if needed. The development is a private-led scheme which would not contain an affordable housing provision or commuted sum.

RELEVANT PLANNING HISTORY:

Planning Applications

35-39 , London Road, Harlow, Essex, CM17 0DA

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PREA/21/20027	Redevelopment of the former police	RSP	07.01.2022

	offices at London Road, Harlow to form retirement living apartments for older people including communal facilities, access, car parking and landscaping.		
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CONSULTATIONS:

Internal and external Consultees

Internal and External Consultees

Thames Water Utilities Ltd – Developer Services (Waste)

The proposed development is located within 15 metres of an underground waste water asset. A standard informative should be included referring the applicant to read Thames Water guidance on working near their assets. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

With regards to waste water network and sewage treatment works infrastructure capacity, there is no objection to the proposal based on the information provided.

If the development follows the sequential approach to the disposal of surface water, there is no objection on surface water grounds. Where the developer wishes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Essex County Council – Highways

The vehicle movements to and from the site will not have any detrimental impact upon safety and efficiency at this location or on the wider highway network. The parking provision is considered adequate, as the quantity is based on the applicants' own findings of how their established sites work, and there is no reason to doubt this, or provide an overabundance of car parking. Furthermore, London Road is subject to a 'Clear Way Order' and Red Route prohibiting parking along its length at any time. Consequently, if there is any ad-hoc on-street parking in the vicinity it will not cause a highway safety issue. Consequently, the Highway Authority is satisfied that the proposal will not be detrimental to highway safety or efficiency.

The Highways Team recommended conditions be imposed on the development if approved. A Construction Environmental Management Plan should be required. A condition requiring a Residential Travel Information Pack being issued to each unit within the development should be imposed, that provides six one day travel vouchers for use with the relevant local public transport operator free of charge. Access, parking and turning areas should be undertaken in accordance with the approved details prior to first occupation of the development.

In addition, details of cycle parking facilities for the proposed development should be submitted to and approved prior to first occupation.

HDC - Cleansing And Environment

- The access to the site for an RCV, supported by the transport statement, does not show any issues in terms of servicing.
- The capacities stated on the D&A are excessive for a scheme of this size. Unless alternative practices are taking place (which the proposal and plans do not show), 1320L of refuse and 2640L of recycling capacity is required. This equates to 5x 1100L bins. The applicant should contact the Council's Waste Management team for exact container specifications prior to first occupation. Bins will not be supplied by the Council free of charge.

HDC – Consultant Arborist

Following a site visit to assess any potential arboricultural constraints on the 11th of August 2022, it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure at this stage, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan.

The site only contains one significant tree, which presents some constraints for development, however as the arboricultural impact assessment/method statement states, it is possible to retain and protect this tree through the development process. Therefore, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process.

However, it will be necessary for the issued decision notice to ensure that the proposed development will be supported by a fit-for-purpose Arboricultural Method Statement (AMS), so that the proposal of enhancement to the rooting area of T2 can be detailed adequately and examined. Details of services are also limited at this stage, and it would be preferable to see service plans in relation to trees as part of the AMS.

The AMS should follow the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. This AMS will need to be provided as a pre-commencement planning condition, which should follow the requirements of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

Heritage Officer Place Services

Comments on the revised scheme 18.10.2022

“This is the second consultation in the application. Previous advice raised concerns regarding the scale, form and appearance of the proposed development. The scheme has been amended since initial comments and this letter is in response to the amended scheme.

The amendments to the scheme largely relate to the reduction in height of the eaves of the wing extensions. Such amendments are minor and are not sufficient to address previous concerns. The scale of the building remains disproportionate to surrounding development and would be an architecturally competing structure immediately adjacent to the Grade II listed building. The proposed building would poorly relate to local character and distinctiveness and the proposed materials remain unacceptable.

As per previous advice, the proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 197c, 202 and 203 of the NPPF would be relevant.”

Comments received on original submission 11.09.22

“This application is for the demolition of the existing building and the erection of 32 Retirement Living apartments for older people (comprising 21 no. 1-bed and 11. No 2-beds) including communal facilities, access, car parking and landscaping.

The application site is located adjacent (north) to the Grade II listed Fawbert and Barnards School (list entry: 1337074) and Garden Wall (list entry: 1111678). Opposite is the Grade II listed Gate Lodge (list entry: 1169204). Therefore, forms part of the setting of the listed buildings. The application site is also within the setting of the Old Harlow Conservation Area. To the north of the application is Harlow Post Office which is a locally listed building. Number 33 (also known as Whelby House) is considered to positively contribute to the streetscene.

This application follows pre-application advice (ref: HW/PREA/21/20027) for a largely similar scheme. As per previous advice there would be no objection to the sensitive redevelopment of this site.

Pre-application advice raised concerns regarding the scale, form and appearance of the proposed replacement building which detracted from the setting of the designated and non-designated heritage assets.

There have been some amendments to the scheme, largely to the appearance of the front elevation. However, such amendments do not go far enough to address previous concerns. As per pre-application advice: *The surrounding development is typically two-storied in height, and the proposed development would appear overly dominant within the streetscene and detract from the pre-eminence of the Grade II listed Fawbert and Barnards School. Any development of this site should be proportionate to the scale of existing development. The proposal extends almost the full width of the plot, appearing cramped within the site.*

Concerns regarding the scale, form and appearance remain relevant. The scale and mass should be reduced to provide greater relief between development, more respectful of the streetscene and not detract from the pre-eminence of the listed building.

In addition to the concerns raised at pre-application, the proposed materials including uPVC and concrete tiles would not be supported due to the sensitivities of the site. High quality and traditional materials would be expected in order to better preserve local character and distinctiveness.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 197c, 202 and 203 of the NPPF would be relevant.”

Place Services – Archaeology

The proposed development is located to the south of the medieval settlement of Old Harlow, this has established that it is unlikely that any significant archaeological remains survive on the site. No archaeological recommendations are therefore being made with regards to this site.

Designing Out Crime Officer

Upon review of the proposal, Essex Police recommend further information and consideration of matters with regards to Movement Strategy (Access and Egress), Security, Landscape Plan, Lighting Considerations and Movement and Maintenance.

NHS East of England Ambulance Service (EEAST)

The proposed development will put increasing pressure and demand on EEAST providing national set response times for ambulance emergency services for which the service at present does not have capacity. A financial contribution of £7,746 would be required to be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

A Section 106 agreement should secure that the development provides the following:

a) At least one emergency lifting devices with a preference of one per floor. These inflating devices are designed to lift the frailest individual up to a bariatric patient from the floor in a safe and dignified manner

b) At least one Automated External Defibrillator should be installed with a preference of one per floor, is provided.

The measures identified in the section above are in addition to any S106/CIL funding for EEAST.

EEAST would request a parking space of for at least one emergency ambulance and patient transport vehicle is provided (minimum 10.6m in length and 4m in width) ideally with 2 EV charging points

Where lifts are to be installed EEAST would request these are of a suitable size to enable a patient to be safely transported by stretcher and accompanied by 2 medical personnel alongside the stretcher (a minimum internal of 2.6m x 1.6m is required.

Essex Fire and Rescue Service

Access for fire service purposes have been considered in accordance with relevant legislation. More detailed observations on access and facilities will be considered at Building Regulations consultation stage.

Essex Sustainable Drainage Team

The Lead Local Flood Risk Authority (LLFA) did not object to the granting of planning permission, subject to conditions being imposed on the development. A detailed surface water drainage scheme for the site should be provided prior to all works except demolition.

A maintenance plan for the surface water drainage system will also be required to be submitted by way of condition. A commitment to keep yearly logs of the maintenance of the system will be required.

Neighbours and Additional Publicity

Number of Letters Sent: 48

Total Number of Representations Received: 4

Date Site Notice Expired: 2 September 2022

Date Press Notice Expired: 25 August 2022

Summary of Representations Received

In total, 4 representations were received, of which 3 were objections, and the other supporting the proposal.

The following comments were received that are material to the consideration of this planning application:

- The introduction of a three-storey building will result in loss of privacy of properties on Chippingfield
- Will there be overlooking of residential properties to immediate north of the rear of the site?
- There is insufficient off-street car parking provision. This will result in an increase in existing problems with parking congestion on adjoining roads, particularly in association with Fawbert and Barnard school
- The proposal will result in an increase in traffic congestion during its construction and operation
- Some provision of parking for guests should be included

The issues raised in these representations shall be considered within the following sections of the report.

Summary of Representations Received

PLANNING POLICY:

National Planning Policy Framework (NPPF)

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

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

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

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

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 HLDP. The HLDP is prepared in the context of the National Planning Policy Framework (NPPF) – see 'Planning Standards' below. It is important to note that this is a recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

- SD1** Presumption in Favour of Sustainable Development
- HS1** Housing Delivery
- WE5** Heritage
- PL1** Design Principles for Development
- PL2** Amenity Principles for Development
- PL3** Sustainable Design, Construction and Energy Usage
- PL7** Trees and Hedgerows
- PL8** Green Infrastructure and Landscaping
- PL9** Biodiversity and Geodiversity Assets
- PL10** Pollution and Contamination
- PL11** Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- PL12** Heritage Assets and their Settings
- H1** Housing Allocations
- H2** Residential Development
- H5** Accessible and Adaptable Housing

- H6** Housing Mix
- H8** Affordable Housing
- PR4** Improving Job Access and Training
- L2** The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities
- IN1** Development and Sustainable Modes of Travel
- IN2** Impact of Development on the Highways Network including Access and Servicing
- IN3** Parking Standards
- IN6** Planning Obligations

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

HDC Affordable and Specialist Housing SPD (adopted October 2021)

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).
(2011)

HGGT Guidance

The HGGT Vision 2018 elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide 2018 requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy Autumn 2022 explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

The HGGT Sustainability Guidance & Checklist March 2021 is used by developers, design teams, consultants and contractors in shaping development proposals.

PLANNING ASSESSMENT:

Summary of Main Issues

The key issues for consideration in the determination of the application are the following:

- Principle of development;
- Housing mix;
- Affordable housing;
- Heritage, design, character and appearance;
- Impact on neighbouring amenity;
- Standard of accommodation;
- Trees and landscaping;
- Access, parking and highway safety;
- Flood risk and drainage;
- Biodiversity/Geo-diversity;
- Energy and sustainability;

- Waste and recycling;
- Contamination;
- Secured by design;
- Planning obligations and
- Equalities.

Principle of Development

Loss of community use

Policy L2 of the Harlow Local Development Plan (HLDP) focuses on the provision and loss of recreational, sporting, cultural and community facilities in the district. Part 2 of the policy states that:

Development that will result in the loss of all or part of any recreational, sporting, cultural and community uses and/or facilities will not be supported unless it meets one or more of the following criteria:

- (a) it can be demonstrated that the use and/or facility is surplus to requirements and an alternative replacement is not required;*
- (b) replacement uses and/or facilities of equivalent or better quantity and quality are provided in a suitable location before the existing use and/or facility is replaced. The replacement should be provided in an agreed location;*
- (c) such a development is ancillary or will support and enhance the existing use and/or facility*

A letter from Essex Police has been submitted alongside the application, which clarifies that following extensive review and consultation, the Strategic Estates Board of Essex

Police concluded that the property was surplus to policing requirements in May 2019. The building has subsequently been vacated by Essex Police, with the police functions previously carried out there being relocated to Boreham Police Workshop Complex. The letter outlines that the buildings were never in use as a public facing function. Officers therefore do not consider that an alternative community function would be deemed necessary in this instance.

The proposal is therefore considered to be acceptable with regards to assessment against HLDP policy L2.

Additional housing

HLDP 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).

National planning policies state that authorities may make an allowance for windfall sites in the five-year supply if there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply.

Windfall sites are generally sites which are either below the Call for Sites threshold of six dwellings in the Strategic Housing Land Availability Assessment (SHLAA), or are larger sites which have not been allocated in the Local Plan. Windfall sites can provide a number of additional unexpected dwellings and can be a useful addition to the housing mix in the district in terms of tenure, price and design. The site would be considered to be a larger windfall site, given its location outside any of the housing allocations identified within the Local Plan. The proposal would provide additional housing that would work towards the housing delivery targets for Harlow District as outlined within the Local Plan.

Specialist Housing

Policy H5 of the HLDP states the provision of specialist housing developments will be supported on appropriate sites that will meet the needs of older people and other groups.

Only where circumstances exist 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.

The Council's Affordable and Specialist Housing SPD 2021 outlines guidance for specialist housing and states the population of older people in Harlow is growing so demand for this type of housing will increase.

The proposal would provide 31 retirement living apartments for older people, understood to be 60 years old or over, or with a spouse or partner of at least 55 years old, on a brownfield site that is not within a designated housing allocation within the Harlow Local Development Plan (HLDP).

The form of housing would provide age-restricted independent living, self-contained accommodation, but with the provision of communal areas, which the applicant in their design and access statement indicates would be classed as residential accommodation under the Use Class C3 (Dwellinghouses) and not Use Class C2 (Residential Institutions).

The introduction of this form of specialist housing would work towards meeting some of the diverse housing needs within the district. As such, the introduction of the additional specialist housing is considered to be acceptable.

Housing mix

HLDP policy H6 requires new housing developments to have an appropriate mix of housing types and sizes, in order to create balanced communities which reflect Harlow's housing needs and local character.

The Strategic Housing Market Assessment (SHMA) provides robust evidence to establish and provide information on the appropriate mix of housing and range of tenures needed within the district. The SHMA indicates that there is a need for a range of housing types and tenures to meet the needs of different groups within Harlow and to provide a choice, as required by national planning policies and guidance.

In terms of housing mix, 20 of the 32 units would be 1-bedroom 2-person units (64.5%) and the other 11 would be 2-bedroom 4-person units (35.5%). Given that these units would only be available to retired persons over 55 years old for which there is an identified demand and such a demographic are likely to live in smaller households, the housing mix is acceptable.

Affordable housing

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

HLDP policy H8 states that in residential developments of more than 10 dwellings, it will be expected that at least 30% affordable housing is provided which should be provided on-site unless exceptional circumstances should require it to be provided elsewhere.

Paragraph 3.8 of the Harlow Affordable Housing Specialist Housing SPD (2021) outlines affordable housing can include both specific needs or age groups provided that it falls within the appropriate use class.

Paragraph 3.9 furthers the Council expects specialist housing provision to be delivered at rates that are affordable for local residents. The Council reserves the right to seek onsite

affordable housing provision in the first instance. The Local Plan Policy requirements will be the starting point for any negotiations. The proposed housing would be considered to be age-restricted general market housing with communal facilities, but not explicitly a care home.

An Affordable and Specialist Housing Statement is required to be submitted at application stage. The application has been accompanied by an Affordable Housing and Viability Statement by 'Planning Issues', dated June 2022. The report concludes that on site delivery of affordable housing or a commutable sum is not practicable due to issues relating to the affordability of service charges, achieving long-term management arrangement on site, and insufficient return on the development. In line with policy H8, any reduction or non-agreement between the developer and the Council requires an independent viability assessment.

The proposal including the Affordable Housing and Viability Statement has been reviewed by Strettons on behalf of the Council, who produced a Financial Viability Review (FVR) in November 2022.

The assessed FVRs' reviews looked at the key elements of viability which are: gross development value, costs, land value, landowner premium, and developer return. Gross development value (GDV) is an assessment of the value of development. For residential development, this is total sales taking account of market evidence (rather than average figures) from the actual site or from existing developments can be used. For commercial this is an expected return per square meter. Any market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers.

The FVR agreed with the viability statement's claim that the development was eligible for Vacant Building Credit, which results in a reduced affordable housing requirement of 17.1% instead of the starting point of 30%.

The applicant viability assessment of sales values indicates a GDV of £11,020,000 for a fully private development. This is based on looking at comparable developments and values being achieved in the areas. The Council's assessor has looked at the comparable evidence for a fully private scheme and considers that given the quality of the scheme, a premium can be achieved which means that GDV should be nearer to £11,470,000.

The development costs have been reviewed in detail by CDM Project Services, who determined that due to considering the remediation costs to be £200,000 cheaper than the estimate quoted within the applicant viability statement, the total construction costs would be £5,807,018 as opposed to the £6,007,018 estimated in their viability statement.

The estimated costs for marketing, sales fees and legal costs within the viability statement were also considered to be too high in the FVR, where the applicant concluded a marketing cost of 3% of GDV, but Strettons considered 2% to be a more realistic cost level.

Strettons also disagreed with the level of acceptable developers return (profit margin) quoted in the viability statement of 20% of GDV, as they did not consider the development to carry such an inherent level of risk to warrant such an expected level of profit rate, given the strong level of demand for such units and desirability of the site location. They considered a profit rate of 17.5% of GDV to be appropriate for the development. Strettons also considered a total development timescale of 30 months as opposed to 50 months to be reasonable.

Due to the nature of the development, the small number of units that would be required to be provided to meet 17.1% affordable housing and complications with service charges, a commuted sum was agreed by both parties to be the most appropriate mechanism for securing any affordable housing contribution. The viability statement outlined that a commuted sum towards the provision of 5 units of £343,286 would be payable if viable.

However, Strettons have used the Harlow Council Supplementary Planning Document

'Commuted Sums and Alternative Sites for the Provision of Affordable Housing (2022)' - which is an addendum to the Harlow Adopted Affordable Housing and Specialist Housing SPD Oct 2021 – to determine the commuted sum level. The requirement using this document would result in a commuted sum requirement for 6 units. Reviewing Land Registry open data, Strettons have calculated a commuted sum of £633,655 would be payable if viable.

Strettons calculated a residual land value of £1,588,638, which is £298,638 more than the BLV. This means that there is a surplus after paying a policy compliant commuted sum of £633,655 and therefore it is considered that the applicant could reasonably viably contribute such an off-site commuted sum.

In the absence of a legal agreement to control this matter, the development would fail to secure affordable housing on site or make a satisfactory commuted sum towards affordable housing in the district, contrary to policy H8 of the HLDP and guidance within the Harlow Affordable Housing Specialist Housing SPD (2021). Refusal is recommended on this ground.

Design, heritage, character and appearance

HLDP policy PL1 (Design Principles for Development) requires a high standard of urban and architectural design for all development. Criteria that must be met to achieve this include, but are not limited to the following:

(a) it is supported by a design rationale based on an understanding and analysis of local context and character, taking into consideration the adopted Harlow Design Guide Supplementary Planning Document (SPD), the Harlow and Gilston Garden Town Vision and Design Guide, the services and access chapter of the Essex Design Guide, and relevant national guidance;

(b) it protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;

(c) it responds to the scale, height, massing, architectural detailing, materials and front boundary treatments of the surrounding area and is visually attractive;

(d) it provides appropriate physical, legible and safe connections with surrounding streets, paths, neighbouring development and Green Infrastructure;

(e) it provides logical and legible layouts which support active street frontages, improves the public realm, provides distinction between public and private space, and provides an appropriate level of well-designed and well-located high quality landscaping;

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the NPPF and in this case the tests are set out in paragraphs 201 and 202. If harm is less than substantial, the harm should be weighed against the public benefits.

The policy states the greater the significance of the asset, the greater the weight that is given to the asset's conservation. The impact will be assessed by;

a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;

b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);

c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);

d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset;

e) any public benefits of the development

The application site is located adjacent (north) to the Grade II listed Fawbert and Barnards School (list entry: 1337074) and Garden Wall (list entry: 1111678). Directly opposite on the other side of London Road is the Grade II listed Gate Lodge (list entry: 1169204). The site therefore, forms part of the setting of the listed buildings. The application site is also within the setting of the Old Harlow Conservation Area. To the north of the application is Harlow Post Office which is a locally listed building. Number 33 (also known as Whelby House) is considered to positively contribute to the streetscene.

The proposed development would see the existing police buildings on site demolished. The existing buildings are low quality mid-20th century brick buildings. These buildings are not considered to make a positive contribution to the character and appearance of the street scene, the setting of the Old Harlow Conservation Area, or the settings of the adjacent heritage assets. As such, there is no objection from a design or heritage perspective to their removal from the site.

The proposal would see the existing buildings replaced by a part two-and-a-half, part three-storey 'T-shaped' building. The building would be set-back from the back edge of the pavement and would be treated with a front driveway and parking area in which 12 parking spaces would be located, with soft boundary landscaping. The building would be set-back from the building lines of the two adjacent buildings to the north and south of the site to accommodate the landscaped parking area. The central front-projecting element of the building would be three-storeys, with two x two-and-a-half storey wings either side, with lower eaves levels and dormer projections. The front elevation roof would be broken into three dual-pitch hip-end elements, with the roof of the central and rear sections of the building having very large crown roof elements.

The central front projection would be externally clad in a red brick, with the two elements either side being treated with a painted white brick. A darker red brick is proposed to be used for the brick headers around the building, with stone banding and cills.

'Smooth Brown' Concrete plain ties are proposed for the roof of the development. The proposed windows are shown as UPVC top-hung mock sash windows.

The proposal has been reviewed by Heritage Officers within Place Services, who have raised concerns with regards to the design of the proposal. Attention has been directed to the prevailing scale of development surrounding the site, which Heritage Officers highlight are typically two-storeys in scale. The proposed two-and-a-half to three storey scale of the proposed building and its excessive width and bulk would appear overly dominant within the street scene and would detract from the pre-eminence of the Grade II listed Fawbert and Barnards School. The lack of sufficient set-off from the boundaries exacerbates this impact and would represent a cramped form of development.

The use of uPVC framed windows and concrete tiles would also fail to respond satisfactorily to the sensitivities of the site. High quality and traditional materials would be expected to be used in order to ensure that the local character and distinctiveness is adequately preserved.

Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The development is considered to result in

less than substantial harm to the adjacent Grade II listed school building. Whilst the development would provide retirement housing that would serve an identified need to provide accommodation for older people, the scheme would be 100% market housing with no affordable housing provision.

Furthermore, there are concerns with regards to the standard of accommodation as will be expanded upon in the standard of accommodation section of the report. As such, the benefits are not considered to outweigh the less than substantial harm caused to the adjacent Grade II Listed building.

Taking the above into consideration, the proposal would fail to preserve the special interest of the adjacent Grade II listed school building, and would be unacceptable with regards to design and character considerations, contrary to HLDP PL1 and PL12 and paragraphs 197(c) and 202 of the NPPF. Refusal is recommended on this ground.

Impact on neighbouring amenity

HLDP policy PL2 states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported.

Residential amenity

The nearest existing residential properties to the proposed development is understood to be no. 115 East Park approximately 37 metres to the west of the site, and nos. 116-121 East Park, with the northern boundary of this terrace approximately 45 metres away to the south-west from the boundary of the site. The proposed new building would be set-back approximately 15 metres from the back edge of London Road pavement.

The distance of the development from these neighbouring properties would ensure that a satisfactory level of privacy would be retained for occupants. The distance would also ensure that the bulk, massing and siting of the proposed three-storey building would not result in an unacceptable loss of light or outlook by occupants of these properties.

The rear projecting section of the building would be located in excess of 30 metres away from the rear garden boundaries of Primrose House and the Telephone Exchange dwellings to the north of the site off Chippingfield, and over 40 metres away from the nearest habitable windows of these properties, thereby ensuring that there would be no unacceptable loss of privacy, light or visual overbearing impact arising from the development.

The boundary of the rear gardens of two-storey dwellings on Chippingfield are located approximately 40 metres to the east of the site. Whilst the eastern wing of the building would contain habitable windows orientated in the direction of these properties, the separation distance is sufficient to ensure that the introduction of the building would not result in an unacceptable loss of privacy for occupants of these dwellings. The three-storey scale and massing of the development is also set a sufficient distance away to ensure that it would not result in an unacceptable loss of light, outlook or create a visually overbearing impact on the occupants of these neighbouring properties. As such, the development is acceptable with regards to neighbouring residential amenity considerations.

Impact on adjacent dental surgery and school

The impact of the proposal on the use of the adjacent primary school to the south and the dental surgery to the north also needs to be considered. There are no north-facing windows within the primary school that would directly face the proposed development.

The proposed development would have upper floor north-facing windows, but these are positioned further east beyond the rear wall of the existing dental surgery to the north,

meaning that there would be no direct overlooking between the south-facing first floor windows of the dental surgery and the north-facing windows of the proposed development. The bulk, scale and massing of the development would not be considered to unduly harm the function of these adjacent facilities in any other way to an extent that would warrant refusal of the planning application.

Taking the above into consideration, the proposal is acceptable with regards to amenity impact considerations, in accordance with policy PL2 of the HLDP.

Standard of accommodation

The Technical Housing Standards was produced by central government in 2015, and provides national minimum space standards that should be met in new residential developments. Policy PL2 of the HLDP sets out that development which preserves or enhances the level of amenity for existing and future occupants will be supported.

The Harlow Design Guide Supplementary Planning Document (SPD) 2011 also sets out minimum space standards that should be met for new residential development. HLDP policy H5 requires that in major residential development, a suitable proportion of Building Regulations Part M4(3) standard dwellings for wheelchair users should be provided based on the latest Strategic Housing Market Assessment (SHMA) or other appropriate evidence directly related to the housing needs of Harlow. The supporting text of this policy states that based on the latest SHMA housing figures, 10% of market housing and 15% of affordable housing should be Building Regulations Part M4(3) standard.

Given the nature of the proposed development, the Design and Access Statement confirms that the building would meet the requirements of 'Accessible and adaptable dwellings', which means that the proposed development would meet the requirements of Part M4(3) (wheelchair accessible) of the Building Regulations with regards to access.

The proposed development would provide 31 self-contained retirement units, of which 20 would be 1-bedroom 2-person, and the other 11 would be 2-bedroom 4-person apartments. The Harlow Design Guide SPD 2011 SPD minimum floorspace requirements for units of this size are as follows:

1b 2p flat – 48m²

2b 4p flat – 70m²

The Technical Housing Standards set out the following requirements:

1b 2p: 50m²

2b 4p: 70m²

Whilst no detailed schedule of accommodation has been provided with the submission, the case officer has reviewed the size of each unit, all of which exceed these minimum floorspace standards. Whilst a large proportion of the units would have a single aspect, adequate means of outlook and light would be provided for future occupants. The guest room is an ancillary facility for residents to hire and forms part of the building facilities, not a separate residential unit that forms part of the standard of accommodation assessment.

The Harlow Design Guide SPD addendum (2021) requires that 20m² of useable amenity space is provided for new flats. This could be provided through balcony space, and a proportion of formal and informal communal areas. This would equate to a requirement for 620m² of useable amenity space for the 31 proposed flats.

A review of the submitted plans indicate that with the exception of five first and second floor units, no private amenity space would be provided for future occupants. The proposed five balconies themselves are less than 5m² in size.

Paragraph 3.5 of the design guide addendum states that 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.

The submitted design and access statement indicates that to compensate for the lack of private amenity space, 891m² of communal garden space would be provided for future occupants.

It is unclear how the applicant has come to this figure, but officers have calculated that there would be approximately 248m² useable communal amenity space within the southern section of the rear garden and 309m² useable communal amenity space within the northern section of the rear garden. Areas to the immediate side and rear of the main element of the building are too enclosed to be considered as useable amenity space, whilst there is insufficient space and a lack of enclosure of the land to the front of the building within an area largely used for car parking/servicing for this space to be considered useable amenity space. This would provide approximately 557m² communal amenity space within the rear of the site.

There are also concerns about the quality of the communal space to the north of the rear projection, which would be enclosed by the three-storey rear projection and the main section of the building to the immediate west. This would result in this larger section of the amenity space likely being overshadowed for a large proportion of the day, receiving a limited amount of sunlight and daylight and being within an enclosed environment. The only other form of amenity space is the internal communal lounge, which is a relatively modest 62m² in size.

It is acknowledged that given the nature of the facility, there may not be a need the level and type of amenity space that would be expected for a family home.

Notwithstanding this, the shortfall of amenity space, in conjunction with the enclosed environment, overshadowing and limited light that would be received by a large proportion of it, would constitute a sub-standard form of accommodation for future occupants of the development, contrary to HLDP policy PL2 and the Harlow Design Guide Addendum.

Trees and landscaping

Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

Part (e) of policy PL1 of the HLDP requires that proposals provide an appropriate level of well-designed and well-located high quality landscaping. Policy PL7 states development and tree works applications, which ensure that trees and hedges are protected and enhanced, will be supported. The planting of new trees and hedges in development is required to be an appropriate species in appropriate locations, to result in a net increase in total long-term canopy cover. Policy PL8 of the HLDP requires green infrastructure and landscaping to be protected and enhanced as part of development.

An Arboricultural Assessment and Method Statement by Barrell Tree Consultancy has been submitted alongside the proposal. The statement and full submission has been reviewed by the consultant arborist who has concluded that the proposal has sufficiently considered the impacts to trees and green infrastructure at this stage. The site only contains one significant tree – a Norway Maple within the front of the site - that presents some constraints for the development. However, this tree could be retained and protected through the development process.

Conditions shall be imposed on the development that requires a fit-for-purpose Arboricultural Method Statement (AMS) and a detailed landscaping scheme which

includes details of both hard and soft landscaping, specification and method statement, to be submitted to and approved prior to the commencement of works on site. Subject to compliance with these conditions, the proposal development would be acceptable with regards to trees and landscaping considerations.

Access, parking and highway safety

Policy IN1 of the HLDP requires proposals to have regard to the modal hierarchy as set out in the policy. Major developments should identify ways to reduce use of the car and promote alternative ways of travel, and should be detailed in a supporting Travel Plan. Developments should make provision for electric vehicle charging points in accordance with latest Government guidance.

HLDP policy IN2 requires proposals to not cause a severe residual cumulative impact on highway congestion and movement, and not cause a detrimental impact on the safety of all highway users. Policy IN3 states that vehicle parking must be provided in accordance with Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting documents.

The site is located within Old Harlow in the north-east of the district. It accesses onto London Road which is a single carriageway running between Church Langley to the south and leading onto Station Road just to the north of the site, which accesses onto the Harlow Mill Roundabout about 0.6km away.

The site benefits from above average access to public transport with bus stops located within 40 metres of the site that provide bus services for the no. 8, 59, 508/509/510 routes.

The number 8 runs services into central Harlow every 30 minutes Mon-Sat, with hourly services to Chelmsford available on the no. 59 Mon-Sat. Harlow Mill Railway Station is located approximately 1km to the north, with services running to Broxbourne, Stratford/Liverpool Street in London, and Cambridge. The site is well served by the amenities and services of Old Harlow Neighbourhood Centre.

The proposal would provide a 32-bed complex of self-contained retirement living apartments. Such a form of accommodation would fall under the same parking requirements as Use Class C3 (dwellinghouses) when applying the Essex Parking Standards. The standards require 1 off-street parking space per dwelling for retirement developments, with 0.25 spaces per dwelling required for visitors which would equate to a requirement for 40 spaces.

The development would provide 12 parking spaces which is significantly below the minimum Essex Parking Standards. The guidance and HLDP policy IN3 does allow for flexibility in the application of these standards and can require a reduced off-street parking requirement if there is good public transport accessibility. The site benefits from good links to public transport and good access to local services and amenities, which means that a reduced scale of off-street parking provision would be considered acceptable.

The proposal does not indicate the provision of any cycle parking/storage provision. Despite the nature of the use, given the site is located in an accessible location with close proximity to National Cycle Route 1, some provision should be made for occupants/visitors and lodge manager/other visiting staff.

There is scope for cycle storage to be provided within the site, and such matters could be conditioned if the development was to be approved. Likewise, no details of electric vehicle car charging points (EVCPs) are provided. Each of the 12 spaces should be provided with access to an EVCP in order to meet the requirements of Part S of the Building Regulations. Details of provision of the EVCPs could be provided by condition if the development was to be approved.

In support of the scheme, a Travel Plan has been submitted which sets out measures by which occupants, staff and visitors to the development will be encouraged to use sustainable forms of transport when visiting/travelling from the site. As this would be a live document which evolves through monitoring, it would be necessary to secure the travel plan as part of a section 106 legal agreement. This would be pursued to be secured as part of the S.106 if the scheme was to be approved.

A construction management plan would also be necessary to be provided by condition prior to the commencement of works, to demonstrate that the development could be carried out whilst minimising impacts on traffic flow, highway safety, and control of environmental matters such as dust.

A Residential Information Travel Pack would be required to be provided to each apartment within the development, that provides six one-day travel vouchers for use with the relevant local public transport operator. This could also be handled by way of condition.

Subject to compliance with these conditions, the proposal would be acceptable with regards to parking and highway safety considerations.

Flood risk and drainage

In line with the planning standards outlined within the NPPF 2021, policy PL11 of the HLDP requires proposals to follow a risk-based and sequential approach with regards to flood risk, so that development is located in the lowest flood risk area and appropriate mitigation measures are employed. Emphasis is also placed upon the importance to consider waste water, sustainable drainage measures (SuDS) and water quality issues as part of planning applications.

The site is located within an area identified as having a very low risk of flooding from rivers or the sea, and high risk of surface water flooding, as identified on the Environment Agency flood risk website.

A Flood Risk & Drainage Technical Note by awp has been submitted in support of the planning application.

The document outlines that it is proposed to discharge to the existing surface water sewer on London Road and an attenuation tank would be installed beneath the proposed car area of the site. This would serve to reduce the rate of surface water run-off into the existing sewer network. The introduction of planting beds within the site will also serve to reduce run-off rates into the sewer network.

The application, including the Flood Risk & Drainage Note, has been reviewed by officers within the Essex C.C Development and Flood Risk Team, who provide advice to the Council regarding surface water drainage issues in planning proposals.

They have not raised a planning objection to the planning application, but have requested that a maintenance plan for the surface water drainage system will also be required to be submitted by way of condition. A commitment to keep yearly logs of the maintenance of the system would also be required. Such matters could be controlled by way of condition if the proposal was to be recommended for approval.

Subject to compliance with relevant conditions therefore, the development would be acceptable with regards to flood risk and drainage considerations.

Biodiversity/Geodiversity

Paragraph 174 of the NPPF 2021 requires planning proposals to protect and enhance sites of biodiversity and geological value and soils. Policy PL9 of the HLDP reiterates

this objective and requires that proposals should ensure a net gain in biodiversity.

An Ecological Appraisal by Tetra Tech dated April 2022 has been submitted in support of the application. An ecological walkover and preliminary bat roost assessment survey letter report was completed for the site in September 2021 to inform the report. The report concludes that there are no adverse impacts on any designated sites from the proposed development. The report identified that there was limited habitat value on the site as existing, stating that the site consisted mainly of hardstanding with some introduced shrub, two broad-leaved scattered trees and four buildings.

The report sets out that the existing habitats on site could potentially support some common and widespread breeding birds, but would not be appropriate to support any species protected within Schedule 1 of the Wildlife and Countryside Act.

No trees are proposed to be removed from the site as part of the proposal, which will be protected during construction through compliance with an Arboricultural Method Statement, to be provided by way of condition.

A lighting strategy is recommended, to limit the impact on any foraging/commuting bats moving through the site. Avoidance of clearance works during October-February period is recommended.

The report recommends that in order to provide a net gain in biodiversity value to the site, native planting should be included as part of the landscaping proposal. In addition, a minimum of five bird boxes (Schwegler 1SP (or suitable alternative) Sparrow Terraces and two house martin nests (Schwegler 11 (or suitable alternative) should be installed in the site.

No biodiversity metric has been submitted alongside the application. However, given the existing condition of the site with regards to habitat and ecology value, it is reasonable to expect that the net gain in biodiversity could be achieved as part of the development. A condition could be imposed requiring a Biodiversity Net Gain Assessment accompanied by a completed Biodiversity Metric, to demonstrate a net gain in biodiversity value would be achieved. Subject to compliance with this condition, the development would be acceptable with regards to biodiversity considerations.

Energy and sustainability

The NPPF requires the planning system to support the transition to a low carbon future in a changing climate. HLDP policy PL3 requires new development to deliver high standards of sustainable design and construction and efficient energy use, taking account of predicted changes to heating and cooling requirements as a result of climate change. The policy outlines that for development proposals, the Building Regulations minimum requirement for the conservation of fuel and power should be exceeded, preferably by at least 19%.

No energy statement has been provided in support of the application. The Design and Access (D&A) Statement includes a section on Sustainability which indicates that the building would be designed with a focus on limiting energy consumption and CO2 emissions. Whilst limited in detail, this section of the D&A outlines that the thermal properties of the building would meet Part L of the Building Regulations, thermal efficiency would be prioritized and that low carbon and renewable technologies would be incorporated into the development, including a solar photovoltaic system on the roof and Ground Source Heat Pumps being installed to serve each flat.

Given the indicative measures outlined in the D&A, the Council are confident that it would be possible for the development to achieve the requirement of HLDP policy PL3 with regards to conservation of fuel and power by at least 19%. An energy statement could therefore be conditioned to demonstrate this if permission was to be granted for the development. Subject to compliance with such a condition, the development would

be considered to be acceptable with regards to energy and sustainability considerations.

Waste and Recycling

Part (c) of HLDP policy IN2 requires proposals to provide for adequate, safe and convenient loading and servicing arrangements, access points and drop-off areas and consideration to be given to the movement and turning of emergency vehicles and refuse vehicles. The proposal as submitted would see waste and recycling vehicles entering into the site from the central access to make collection from the refuse stores on the northern elevation of the building.

The vehicular access and front hardstanding would allow sufficient spaces for a waste and recycling vehicle to enter the site and be within 10 metres of the refuse store to the north of the building.

Waste and recycling officers raised no objection to the scheme but noted that an excessive level of storage space for waste is shown on the submitted floor plans. This does not raise any concerns from a waste storage or collection perspective.

The refuse room would provide capacity for 7 x 1,100 litre bins.

The Design and Access Statement provides waste provision figures for other Churchill retirement schemes in operation where lower provisions than this are provided in relation to number of occupants, and outlined the demographic and occupation of a retirement facility of this nature is lower than with an open market residential scheme, with a maximum occupation rate approximately 50% lower. The level of storage would be sufficient for the needs of occupiers. A condition for a waste management plan could be imposed on the development if the proposal was to be recommended for approval. Subject to compliance with this condition, the proposal would be acceptable with regards to waste and recycling considerations.

Contamination

Paragraph 183 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. HLDP policy PL10 requires all developments must minimise and where possible, reduce all forms of pollution and contamination. This includes inter alia, surface and ground water quality, land quality, condition and stability.

A Desk Study Appraisal and Ground Investigation Report by Crossfield Consulting has been submitted alongside the proposal. The reports indicate that it is understood that vehicle fueling and maintenance of vehicles in association with the police station buildings was previously undertaken on site. Pipes/vents and manhole covers are present in the northwest corner of the site which are associated with underground fuel storage tanks.

Based on the available information, a conceptual model has been developed for the site that has identified a number of potential pollutant linkages. A ground investigation has also been designed to provide assessment of these pollutant linkages.

Conditions could be imposed that require an intrusive site investigation to be conducted for the site in accordance with details within the submitted desktop study and conceptual model, with the risk assessment and refined conceptual model submitted to the Local Planning Authority (LPA) and approved, and carried out in accordance with approved details. If previously unidentified contamination is found at the site, no further development should be carried out until a remediation strategy detailing how the contamination shall be dealt with shall be submitted to/approved by the LPA.

Subject to compliance with these conditions, the site should be suitable for the proposed residential use, in accordance with the requirements of HLDP policy PL10.

Secured by Design

Part (h) of HLDP policy PL1 states that development must create safe and secure environments which help to reduce opportunities for crime and minimise the fear of crime.

Comments have been received from the Designing Out Crime Officer (DOCO) on the proposal, which outlines that additional information is required with regards to movement strategy, security, the landscaping plan and lighting scheme in order to ensure that a safe and secure environment is provided for future occupants, that minimises opportunities for crime and does not encourage anti-social behaviour. The DOCO outlined their wish to discuss the design and layout with the applicant to achieve this. Whilst no further information was provided by the applicant in relation to such matters, additional information could be conditioned to be submitted and approved prior to occupation in order to ensure that the development would be satisfactory with regards to secured by design considerations.

Planning Obligations

HLDP policy IN6 sets out that planning permission will only be granted for development if provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection and any other planning contributions which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The provision of such requirements shall be secured either as part of development proposals, through the use of conditions attached to planning permissions, or through planning obligations. Where it can be demonstrated that provision on-site is not feasible then provision elsewhere, or a financial contribution towards this provision, will be required.

The NHS East of England Ambulance Service have commented on the proposal, and indicated that a financial contribution of £7,746 would be required to be used towards the capital cost of providing new additional ambulances and/or new additional medical equipment (both within and external to the ambulance), medical facilities on site, and/or new additional parking space(s) for ambulances at existing ambulance stations or if ability to expand is constrained to support relocating the ambulance station to an appropriate site to meet the needs of the existing and additional residents. In addition, capital funding could be used to recruit and train new volunteer community first responders or provide new volunteer community responder equipment.

It would be necessary to secure this financial contribution through a Section 106 Agreement (S106) between the applicant and the Council. In addition to this, it would be necessary to secure an appropriate level of affordable housing on site/commuted sum towards meeting affordable housing needs in the district, through a S106. As it is a live document, a Green Travel Plan would also need to form part of a S106.

No such S106 agreement has been secured. As such, the proposal would fail to secure a provision of affordable housing, a green travel plan, and a financial contribution towards medical facilities and the provision of medical facilities on site that would be required to meet the infrastructure demands and operational needs arising from the development. The proposal is therefore contrary to policies H8 and IN6 of the Harlow Local Development Plan 2020, and the Harlow Affordable and Specialist Housing Supplementary Planning Document 2021.

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:

On the basis of the matters considered in this report, the proposed development fails to comply with the NPPF, the policies of the HLDP, and does not have a Section 106 Agreement to secure financial contributions to meet the infrastructure demands and operational needs arising from the development.

RECOMMENDATION

Refuse Planning Permission for the following reasons:

1) The proposed development, by virtue of its bulk, massing, scale and design and poor quality materials, would result in a building of poor design quality that fails to respond satisfactorily to local character and distinctiveness, and would fail to preserve the special interest and pre-eminence of the adjacent Grade II listed Fawbert and Barnards School. The proposed development is therefore contrary to policies PL1 and PL12 of the Harlow Local Development Plan 2020 and paragraphs 197(c) and paragraph 202 of the National Planning Policy Framework 2021.

2) The proposal, by virtue of the provision of an insufficient quality and quantity of private or communal amenity space, would provide a sub-standard form of accommodation for future occupants of the development, contrary to policy PL2 of the Harlow Local Development Plan 2020 and guidance within the Harlow Design Guide Addendum Supplementary Planning Document 2021.

3) In the absence of evidence to the contrary and a legal agreement to control matters, the proposal would fail to secure a reasonable commuted sum towards the provision of affordable housing, a green travel plan, and a financial contribution towards medical facilities and the provision of medical facilities on site that would be required to meet the infrastructure demands and operational needs arising from the development. The proposal is therefore contrary to policies H8 and IN6 of the Harlow Local Development Plan 2020, and the Harlow Affordable and Specialist Housing Supplementary Planning Document 2021.

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Gavin Cooper
Development Manager

Contributing Officer
Roland Sheldon