

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
7th June 2023

REFERENCE: HW/FUL/23/00096

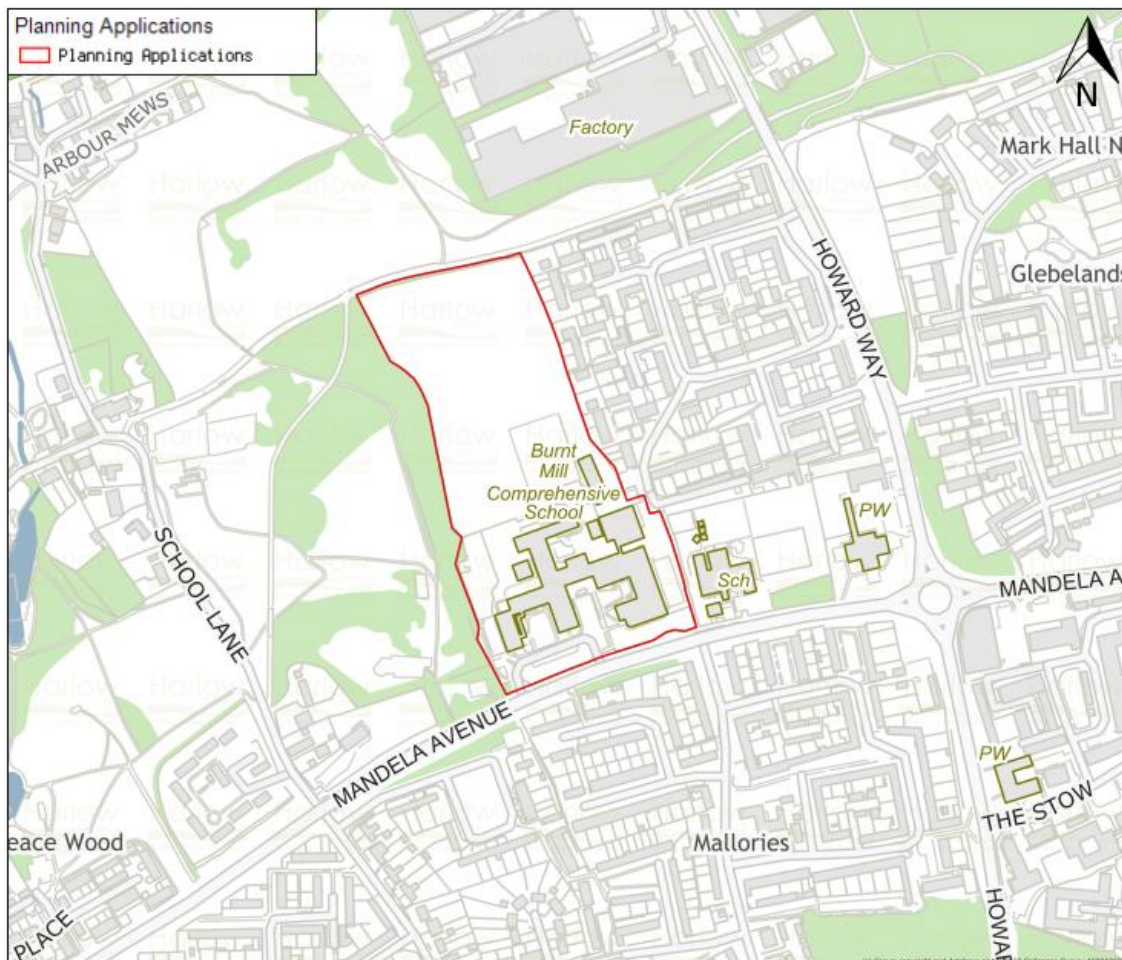
OFFICER: Thomas Frankland-Wells

APPLICANT: Bowmer and Kirkland
(on behalf of The
Department for
Education)

LOCATION: Burnt Mill
Comprehensive School
First Avenue
Harlow
Essex
CM20 2NR

PROPOSAL: Demolition of the existing school buildings and sports facilities and erection of a replacement school and sports facilities with associated access, parking and landscaping.

LOCATION PLAN:



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

REASON FOR COMMITTEE: The application is for major development.

Application Site and Surroundings

The application site comprises a mixed-gender secondary school and specialist performing arts college located on the northern side of First Avenue, known as Burnt Mill Academy. The site is roughly rectangular in shape and slopes down from west to east, covering an area of approximately 5.4 hectares.

The southern portion of the site is taken up by the main school buildings and ancillary facilities such as the sports hall, swimming pool, catering facilities, playground, and car parking. The buildings range in height from one to four storeys and are typical examples of New Town architecture, despite some being the result of additions long after the school was established in 1962. The northern portion of the site is mostly taken up by the school's natural turf playing fields, with a smaller portion given over to a hard surfaced, three court multi-use games area ("MUGA").

Access to the site is principally gained from First Avenue, with segregated vehicular and pedestrian entrances in the south-western corner of the site and towards the middle of the site's frontage. For vehicles, this is operated as a one-way system, with vehicles entering through the former and exiting through the latter. A secondary vehicular access is located on the eastern boundary of the site, leading off Altham Grove.

The site is entirely enclosed by 2m high palisade fencing, save for the southern front boundary which is treated with 1m high bow top railings. The western and northern boundaries are lined with mature trees, although most of these lie just outside of the site within the adjacent Harlow Town Park. Tree cover along the eastern and southern boundaries is much more sparse.

Land use in the surrounding area is varied, comprising a mixture of education, housing, cultural and community uses. Harlow Town Park bounds the site to the north and west, occupying much of the land between First Avenue, Edinburgh Way and the A1019. To the east of the site, fronting First Avenue, is St Albans Catholic Academy and then beyond this Our Lady of Fatima Roman Catholic Church. North of these buildings, still to the east of the site, is a typical New Town estate of two storey dwellings laid out as terraces around Altham Grove. Similar estates can be found immediately to the south of the site on the opposite side of First Avenue.

In terms of designations, the site is located wholly within a SSSI Impact Risk Zone, the playing fields in the northern portion of the site are designated as Green Wedge, and the grassed area along the First Avenue frontage is Green Finger. Harlow Town Park is also Green Wedge, as well as being grade II registered and incorporated within the Town Park Netteswell Cross Conservation Area. Our Lady of Fatima is grade II listed and Howard Way, immediately to the east, marks the boundary of the Mark Hall North Conservation Area.

Details of the Proposal

Burnt Mill Academy has been selected for the Department for Education's "School Rebuilding Programme" due to the need to replace the school's ageing buildings. Accordingly, the application, which is submitted on behalf of DfE, seeks full planning permission for the demolition of all of the existing buildings on the site and redevelopment to provide new teaching and sports facilities. This would involve the erection of two new buildings, the replacement of the existing playgrounds and MUGA, the reconfiguration of the existing car parking, new cycle parking, and hard and soft landscaping. The school age range of 11 to 18 and the total capacity of 1,200 students would remain unchanged post-development.

Teaching would continue on the site during the proposed development, with staff and pupils re-located to a two storey temporary building to the north of the existing school

whilst the construction of the new teaching block takes place. Full details of the temporary facilities have not been provided at this stage.

The proposed new teaching block would rise to three storeys in height and would be sited towards the western boundary of the site, while the proposed sports block would be limited to a single storey and would take up most of the First Avenue frontage. Together these would form a rough L-shape, with the replacement playground and MUGA sited behind them.

The buildings would be finished in a mixture of red and buff brick with grey cladding to the upper sections and orange feature panels throughout. The windows and doors would be grey powder coated aluminium.

The car parking proposals would see the total number of spaces on the site reduced from 108 to 99. These would be provided along the western, southern and eastern boundaries of the site, wrapping around the proposed buildings.

Access would remain as existing, with the two entry points on First Avenue being the principal accesses and the entrance on Altham Grove being retained as a secondary access.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/06/00328	Provision of two "Future Soccer" five-a-side football pitches and associated floodlighting.	Granted	31/10/2006
HW/PL/08/00217	Erection of dance studio and covered walkway.	Granted	10/09/2008
HW/CC/10/40003	Extensions to sports hall and main building to form new gym and dining hall.	No Objection	15/04/2010
HW/PL/14/00141	Retention of existing temporary classrooms upon expiry of previous five year permission.	Granted	15/05/2014
HW/FUL/15/00268	New single storey 4no. classroom block building.	Granted	04/08/2015
HW/FUL/16/00062	Replacement single storey double classroom demountable building.	Granted	17/03/2016
HW/FUL/17/00376	Replacement of original single glazed metal crittal windows and doors with new aluminium double glazed windows and doors and replacement of the original cladding panels.	Granted	26/09/2017
HW/FUL/17/00527	Installation of two single storey portacabin buildings for a temporary period of 26 weeks.	Granted	08/01/2018
HW/FUL/19/00074	Erection of single storey modular building to provide classrooms for a temporary period of one academic year.	Granted	21/06/2019
HW/FUL/20/00095	Retention of modular classroom block for an additional one academic year.	Granted	29/05/2020
HW/EIAO/23/00127	EIA Screening Opinion Request for proposed demolition of the existing school buildings and sports facilities and erection of a replacement school and sports facilities with associated access, parking and landscaping.	EIA Not Required	20.03.2023

CONSULTATIONS:

Internal and external Consultees

Internal and External Consultees

The Gardens Trust

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Harlow Town Park, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and liaised with our colleagues in Essex Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals. If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

Sport England

Sport England raises no objection to this application as a statutory consultee which is considered to meet exception 5 of our adopted Playing Fields Policy and paragraph 99 of the NPPF subject to four planning conditions being imposed relating to the following matters as set out in this response:

- Playing Field Works Construction Specification;
- Removal of Temporary Accommodation and Reinstatement of Playing Field;
- Swimming Pool User Temporary Alternative Facilities Scheme;
- Community Use Agreement.

The principle of the proposed sports centre is supported as non-statutory consultee and comments are made on sports facility design matters.

Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to the waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Affinity Water

We have reviewed the planning application documents and we can confirm that the site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Essex Police

Essex Police considers that it is important that this specific development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community, therefore an integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early coordination, incorporating CPTED, can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

The applicant indicates in the documents provided that they are following the principles of Crime Prevention and Safer Places, if this is the case then I see no reason why the applicant could not apply for a SBD award. Essex Police provide a no cost, impartial advice service to applicants who require advice on CPTED and SBD (Secured by Design) and invites them to contact us via designingoutcrime@essex.police.uk.

Essex County Fire & Rescue Service

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult

with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

ECC Minerals and Waste

The site for the development proposed through Application: HW/FUL/23/00096 is not within a Mineral Safeguarding Area, Mineral Consultation Area or Waste Consultation Area.

Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.

ECC Highways

The Highway Authority has assessed the above proposal and is satisfied that it is not contrary to National/Local policy and current safety criteria.

The applicant has submitted a robust Transport Statement of the proposal and the Highway Authority is satisfied with the conclusions. The application is only for replacement buildings, and it is not proposed to increase the pupil capacity above the existing position. The school has updated their travel plan as part of the application, and it is clear from its content that the school is doing everything possible to promote sustainable modes of travel to and from school by encouraging staff, parents and pupils to walk/cycle to school where possible and discourage inappropriate parent parking.

Consequently, there will be no highway safety, capacity or efficiency issues associated with the development.

ECC Place Services (Archaeology)

Thank you for consulting the Historic Environment Advisor of Place Services, Essex County Council on the above planning application. There is no known archaeology on the site, which has been extensively disturbed by the construction of the current school. It is considered unlikely that any significant archaeology survives on the area of the proposed development. For this reason no archaeological recommendations are being made with regard to this application.

ECC Place Services (Historic Buildings & Conservation)

This application is for the demolition of the existing school buildings and sports facilities and erection of a replacement school and sports facilities with associated access, parking and landscaping.

Burnt Mill Academy was constructed in 1958 and opened 1962, with additional construction in 1969. The application site is located immediately adjacent to the Grade II listed Harlow Town Park (list entry: 1468217) and the Town Park Netteswell Cross Conservation Area, forming part of the designated heritage assets setting.

This application follows pre-application advice. Pre-application advice highlighted that Harlow Town Park and Burnt Mill School were designed and constructed as part of Harlow's New Town development, and together form part of the planned development. The school and Harlow Town Park therefore have some historic relationship. Apart from extensions to the school building, the application site has remain largely unchanged since the 1960s and therefore preserves the setting of Harlow Town Park. The proposal would result in change to the heritage assets immediate setting by virtue of the demolition of an original New Town school and change to townscape character. However, it is acknowledged that the land use of the application site would remain the same. With regards to the National Planning Policy Framework the level of harm is considered to be the lowest level of 'less than substantial' as per paragraph 202.

The proposal would also contribute to the erosion of Harlow's New Town architecture by virtue of the loss of a New Town school, detracting from local character and distinctiveness. The scale and form of the proposed replacement building is reflective of Harlow's New Town architecture. However, there are concerns regarding the use of grey cladding as this does not respond to local character and distinctiveness. Regarding the loss of the existing school and the design of the proposed buildings paragraph 197c of the NPPF would be relevant.

ECC Place Services (Urban Design)

From an Urban Design perspective, we are pleased to see the proposed redevelopment of the school and that the applicant has engaged with pre-application discussions. As highlighted above there are a number of high-quality design features proposed for the redevelopment of the school and we welcome the proposal to modernise and upgrade the school to ensure it is fit for purpose. The functional and sustainability strategy indicate a high-quality proposal and the revisions to the design strategy to incorporate context specific architectural features are welcomed. As highlighted above, we considered that there are a number of missed opportunities to ensure that the frontage arrival experience and landscaping responds to the pedestrian use, further design refinement could be developed to break down the blocky nature of the buildings and long elevations, and we considered the use of grey cladding a step too far from the pre-application comments. The proposal is considered acceptable; however, we would welcome further design refinement of these aspects to ensure the quality of the school's urban design.

ECC SuDS (LLFA)

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission.

Harlow Civic Society

Initial Comments - 22 March 2023

I am commenting about the proposal to demolish the existing school buildings and the provision of a new school, on behalf of Harlow Civic Society. Firstly, there seems to be an unfortunate trend emerging; The demolition of Harlow's secondary schools built in the 1960's; Brays Grove, Netteswell, Passmores, Mark Hall and now Burnt Mill. All of the above schools had architectural features worth keeping and that could, with some imaginative design have been incorporated in any new building. Instead we have had total demolition.

Secondly, we do not believe that such wholesale destruction of large buildings is a good thing. All of the demolished building listed above had clear identities, whereas their replacements need to have their name or logo clearly displayed so as to ensure that we can distinguish one from the other!

Thirdly, with direct reference to the current application, it seems that no account is taken of the embodied energy and pollutants that will ensue from this wholesale demolition.

Finally, it seems an awful waste of resources - both fiscally and materially - in these difficult times. How can such expenditure be justified? We are certain that BMAG could manage quite well in the existing buildings, with perhaps some essential modifications such as a lift tower; and some repurposing of the existing. We therefore object to this application.

Additional Comments – 24 April 2023

On behalf of Harlow Civic Society I am objecting to this application to demolish the school.

We consider that the existing buildings in their predominate blue colouring give a clear identity to the school. We would be sorry to see that façade removed. Surely it is not necessary to demolish everything on the site? It smacks of doing everything to remove the history of the school.

Not only does this scheme remove all of the visual history of the school, the proposed replacement buildings are singularly uninspiring, with no built-in identity. It is deemed necessary to have the school logo on the building in order to know what you are looking at!

This is corporate architecture of the worst kind - think of Mark Hall School & Sir Frederick Gibberd college, all so bland in appearance as to be invisible.

Harlow can do better, must do better. We oppose the demolition and new build for reasons of unnecessary cost, both environmental and fiscal; and that the new build is unsurprisingly boring.

HDC Arboricultural Consultant

Following a site visit to assess any potential arboricultural constraints on the 28th of March 2023 and provision of an up to date arboricultural impact assessment (AIA), further comment can now be made on the proposals.

It is evident that the proposed development will impact trees and green infrastructure, which runs contrary to policies PL1, PL7, PL8 and WE1 of the Local Development Plan. Due to the current design proposal, it is impossible to retain many of trees on site, as they are in direct conflict with positioning of new buildings, parking, services and construction flow etc.

On balance however it is felt that the proposal should be considered for approval, because it enables a potentially more robust tree planting strategy to be undertaken, which will benefit the site in the longer term. This is because it is felt that most of the trees removed, have a limited safe life expectancy and amenity value.

It is of course necessary for a development which causes such degradation, to implement mitigation planting as part of the scheme. The current landscape masterplan appears to allow for suitable planting on site, to mitigate the loss of the trees.

This development needs to be carefully considered in relation to the trees quality and landscape value. At present, it is felt that the trees on the frontage offer the most obvious landscape value, along with those set back from the front (T33, 34 & 35).

The trees being removed of highest impact are T1, T2, T3, T5, T28, T29, T33, T34 & T35, the loss of T27 and T39 is agreeable due to their condition even with their location.

HDC Waste & Recycling

I do not see any issues with the access, as the swept path analysis clearly depicts a suitable RCV gaining access to the suggested bin store location, turning, and leaving in a forward gear. There are more bins than I have ever seen at a secondary school. The size of the store should be more than adequate and I do not see any reason for the RCV to progress down into the delivery area. No objections.

Councillor Simon Carter

Burnt Mill School Mark II will be a remarkable building in its sustainability, both in environmental terms and flexibility for the future.

But. The site is highly visible, next to the primary route through the town, and situated between the Town Park and Catholic church, both of which are Grade II listed. So, the school needs to maintain these high quality standards. Disclosure. I was one of the first year going through the school 'graduating' in 1968. Everyone I have spoken to in the ensuing 55 years about the building remembers the iconic assembly hall with its curved roof, copying the United Nations building, and the tall chimney marking the boundary of the site and counterpointing the spire on the church. Many also recall the Christmas stained glass windows in the four story staircases.

Remarkably there is no reference to this particular building in the Design and Access statement, except a passing reference on page 32 with four rejected designs for the main entrance which included a curved canopy - but with no explanation.

This is a key site in the town and requires an outstanding design, which this application fails to do, contrary to Policy DG2 of the Harlow Design Guide SPD and Objective 2 of paragraph 13.5 Placeshaping of the Harlow Local Development Plan Adopted December 2020, "Deliver high quality design through new developments whilst protecting and enhancing the district's historic environment." It does meet Objective 3 'to mitigate the impacts of climate change' but it is not an either/or situation, all conditions must be met. There is nothing here which stands out, attracts attention or marks a special, significant building, like Passmores School Mark II with its front sweeping round to the entrance. The building could be plonked down anywhere and blend in nicely. But Harlow has higher standards, we need buildings in prime locations which are bold, different, significant and thoughtfully designed. What we have here is a triumph of substance over form with no distinguishing features - it could be a supermarket, or even a bog standard comprehensive school.

Keep the technology but come back with some flair, some imagination and a school people will fondly remember for the next 55 years.

Neighbours and Additional Publicity

Number of Letters Sent: 186

Total Number of Representations Received: 3

Number of Objections: 1

Number in Support: 0

Number Neither Objecting nor Supporting: 2

Date Site Notice Expired: 30 March 2023

Date Press Notice Expired: 30 March 2023

Representations Received

One objection was received. The material issues raised are summarised as follows:

- The trust operating the school has a poor record of engagement on matters which result in disruption to local residents;

- Altham Grove has previously been used as a construction access, which resulted in damage to street furniture;
- Noisy work has previously been carried out at unsociable hours, such as Sunday mornings;
- Waste has previously been dumped on the bank adjacent to neighbouring properties and following complaints, was not promptly cleared;
- Where this waste was buried, it raised the level of the bank, resulting in localised flooding;
- Work adjacent to the boundary has also caused damage to neighbouring gardens.

Two representations were also received which neither raise objections to the application nor express support for it. These raised similar concerns as listed above regarding construction traffic, storage of waste, raising of the bank adjacent to neighbouring properties, drainage, parking.

Officer Comment:

The previous conduct of the school and its contractors is not in itself relevant to the assessment of the current application. It is also beyond the Council's power to compel the school to engage with local residents in a meaningful way. However, many of the issues raised, for example the carrying out of work at unsociable hours and the routing of construction traffic, are material planning considerations. As set out later in this report, a series of conditions are recommended to control the hours of work, construction traffic, parking, storage of waste, and many other aspects of the development which have the potential to impact on the living conditions of neighbouring residents. Conditions are also recommended to control landscape maintenance and ensure proper drainage of the site.

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.

Paragraph 73 of the NPPF provides the national policy context for HGGT as a location for larger scale housing development. Of particular note is the emphasis on: "*existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains... [and] clear expectations for the quality of the places to be created 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, which are 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 NPPF. It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

The policies of most relevance to the proposal are:

SD1	Presumption in Favour of Sustainable Development
WE1	Strategic Green Infrastructure
WE2	Green Belt, Green Wedges and Green Fingers
WE3	General Strategy for Biodiversity and Geodiversity
WE5	Heritage
SIR1	Infrastructure Requirements
PL1	Design Principles for Development
PL2	Amenity Principles for Development
PL3	Sustainable Design and Construction
PL5	Green Wedges and Green Fingers
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
PR4	Improving Job Access and Training
L1	Open Spaces, Play Areas and Sporting Provision and Facilities in Major Development
L2	The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities
L3	Development Involving the Provision or Relocation or Loss of Public Art
IN1	Development and Sustainable Modes of Transport
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:

The Harlow Design Guide SPD (2011) and addendum (2021)

Harlow Position Statement: Employment and Skills Contributions in new developments (2021)

Open Space, Sport & Recreation SPD (2007)

Essex Parking Standards (2009)

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

Emerging Supplementary Planning Documents

HGGT Guidance

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

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

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

PLANNING ASSESSMENT:

Summary of Main Issues

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

- Principle of development;
- Design, character and appearance;
- Heritage assets;
- Neighbouring amenities;
- Parking;
- Highway safety;
- Trees and landscaping;
- Ecology and biodiversity;
- Flood risk and drainage;
- Sustainable design;
- Land contamination;
- Air quality;
- Employment and skills; and
- Equalities.

Principle of Development

Provision of Education

The proposed development would principally involve the upgrading of a secondary school via demolition and replacement. This would improve the quality of the educational facilities on the site, without resulting in any increase in the number of school places, which would remain unchanged at 1,200 post-development.

In terms of national policy, the 2011 Policy Statement on Planning for Schools Development sets out the Government's commitment to supporting the development of state-funded schools and their delivery through the planning system. It states that the Government wants new schools to open, good schools to expand, and all schools to adapt and improve their facilities. To that end, there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework and local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.

Paragraph 95 of the NPPF emphasises the importance of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, directing local planning authorities to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The quality of school facilities is a key element in providing sufficient choice, rather than just the overall number of school places.

Paragraph 95 goes on to say that local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

Policy SIR1 of the HLDP sets out the Council's strategic approach to the delivery of infrastructure within Harlow with reference to the HGGT Infrastructure Delivery Plan, which sets out the infrastructure that will be required to deliver the planned level of housing and employment growth within HGGT. The current proposal is not identified as a required project within the Infrastructure Delivery Plan. However, it would nonetheless deliver infrastructure in the form of enhanced educational facilities.

The school on the site was originally built in 1962 to serve Harlow New Town and as a

result, the oldest buildings on the site are now more than 60 years old and reaching the end of their design life. Although incremental extensions and alterations since its original construction have enhanced the quality of the facilities on the site, the school still does not provide a modern and flexible teaching environment for all of its pupils, especially when compared with the more recently built schools within Harlow.

In particular, the school is currently not suitable for wheelchair users due to a lack of lifts and falls short of the recommended fire safety specification regarding distances to fire exits. Some classrooms also lack corridors, which means teaching is disrupted when single and double periods overlap.

The applicant is understood to have considered alternatives to the demolition and replacement of the school e.g. partial reconstruction and refurbishment. However, this was discounted for financial reasons and because of the operational difficulties it would have posed in keeping the school open for teaching for the duration of the works.

Having regard to the above, it is considered that the proposed development would confer significant public benefits through the provision of enhanced educational facilities, in particular by making those facilities safer and more accessible. In line with the national and local policies referred to above, these benefits are afforded great weight in the consideration of the application.

Provision of Sports Facilities

In addition to the provision of educational facilities, the proposed development would also involve the upgrading of sports facilities on the site. This would involve the demolition of the existing swimming pool and sports hall facilities and replacement with a new dedicated sports centre including a new swimming pool, sports hall, activity studio and changing facilities. The existing MUGA would also be demolished and re-provided within the existing built footprint of the school, with the land it formerly occupied being given over to expanding the playing fields, which would then be marked out with pitches.

The existing sports facilities at the site are available for community use and this would continue post-development as part of a new community use agreement.

Whilst the works are being carried out, a portion of the playing fields would be lost to temporary teaching facilities, which would enable the school to remain open for the duration of the development. However, once completed, the area would be reinstated to its former use as playing fields.

Paragraph 99 of the NPPF states that existing sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy L1 of the HLDP states that in major development and depending on demonstrable need, sporting facilities are required to be provided (or upgraded in the case of existing facilities), along with their ongoing management and maintenance.

Policy L2 addresses proposals which would directly result in the provision or loss of sporting facilities. Development for the provision of recreational, sporting, cultural and community uses and/or facilities will be supported where it meets the following criteria:

- (d) there is evidence of a demonstrable need for the use and/or facility or a benefit to the local community;

- (e) the use and/or facility is easily accessible by all sectors of the community by both public and private transport;
- (f) the development would redress the deficiency of recreational provision within the locality.

Development that will result in the loss of all or part of any sporting 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.

The existing swimming pool on the site is dated and the proposed replacement would be superior in terms of quality and of roughly equivalent size (20m x 8.5m proposed versus 18m x 9m existing). The proposed changing facilities would also be superior in quality, including family and accessible changing, which would encourage participation in swimming by underrepresented groups.

Community swimming pool needs were assessed in the Harlow Council Sport Facilities and Playing Pitches Assessment and Strategies Part 2: Built Facilities Strategy, which identified insufficient provision to meet Harlow's current and future needs. It also showed that despite the community hours of use of the existing school's pool use being limited, it plays an important role in meeting community needs in view of there being only one other dedicated community swimming pool in Harlow (Harlow Leisure Zone). The priority identified for the site in the strategy was to refurbish or replace the pool and secure appropriate community use. The proposed development would accord with the strategy in maintaining continuity of the pool whilst improving the quality of the facilities.

In terms of the sports hall, the Built Facilities Strategy identified that while there was an adequate supply of sports halls in Harlow, the sports halls in the area (including at the application site) were fully booked in the peak community use period and demand was imported outside of Harlow. The proposal to provide a replacement sports hall would provide continuity of provision for the community as well as improved quality facilities.

The proposed activity studio and fitness room would be more modern and larger than the equivalent facilities that they would replace which would increase the capacity available for dance and fitness classes for both school and community users. The facilities would also be co-located with the sports hall and swimming pool as part of the proposed sports centre which would be preferential to the existing situation where the facilities are dispersed across the school site.

Whilst limited detail is available about the existing changing facilities, the Built Facilities Strategy indicates that the existing changing facilities are poor quality. The proposed sports centre would provide a set of wet and dry facilities that would be more modern than the facilities that they would replace and would be supported by accessible changing facilities to meet current design guidance. The replacement ancillary facilities (reception, staff rooms, toilets, stores) are also expected to be superior, at least in terms of quality and possibly in terms of the range of facilities offered.

The replacement MUGA would be similar in size to the existing, being designed to accommodate three tennis or netball courts. It would however have a new porous macadam surface and fencing, meaning it would be superior in quality. New canopied terraced spectator seating would also be provided to the south and west, which would support school or community competitions or events.

The conversion of the existing MUGA to natural turf would allow the playing field to be expanded, providing space to mark out four football or rugby pitches. At present, the siting of the MUGA only allows three football or rugby pitches to be marked out on the

playing field. The proposed development would therefore widen the range of pitches that could be accommodated on the playing field and offer more capacity for pitch rotation in order to allow pitches to recover.

Whilst the school's existing sports facilities have established community use, the applicant is committed to completing a community use agreement in order to formalise community access to the new facilities over a long term period. Given the importance of the existing facilities, particularly the swimming pool and sports hall, in meeting community needs, securing community use would confer significant public benefits and represents a positive response to the Built Facilities Strategy.

In terms of the impact on the playing fields, a temporary classroom block would be provided on the south-western part of the playing fields for the duration of the works, a period of approximately two years. This would prevent this area of the playing fields from being used for sports during this period. However, the existing playing pitch layout shows that no existing pitches are marked out in this area.

Given that the development would result in the (albeit temporary) loss of land used as a playing field, Sport England were consulted on the application. They have advised that subject to conditions, the proposed development would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the temporary loss of the playing field.

Having regard to the above, it is considered that the proposed development would confer significant public benefits in terms of the provision of expanded and superior sports facilities for the use of both the school and wider community. Furthermore, the proposal is considered to accord with paragraph 99 of the NPPF and policies L1 and L2 of the HLDP.

Green Wedge and Green Finger

The playing fields to the rear of the site are designated as Green Wedge and a strip of land along the site's frontage is designated as Green Finger.

Green Wedges and Green Fingers were originally included as 'landscape wedges' and 'parkways' in Sir Frederick Gibberd's landscape-led master plan for Harlow. They were designed to embrace natural features such as valleys, woods and brooks, and separate the neighbourhoods with open spaces which could be used by residents. Green Wedges and Green Fingers are, therefore, fundamental to the character of Harlow and are an enduring legacy of Sir Frederick Gibberd's original master plan.

The roles of Green Wedges and Green Fingers are defined by policy WE2 of the HLDP. Policy PL5 states that development on land designated as Green Wedge or Green Finger must meet one or more of the following criteria:

- (a) it is for small-scale development;
- (b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge or Green Finger location and demonstrates it is of benefit to the wider community;
- (c) it is for the alteration, extension or replacement of buildings.

Additionally, development must meet both the following criteria:

- (d) it demonstrates that the roles and functions and historic significance of the Green Wedges and Green Fingers (as set out in policy WE2) are preserved, enhanced and not adversely affected; and
- (e) it demonstrates that the wider landscape and setting is preserved, enhanced, promotes biodiversity and integrates with existing Green Infrastructure.

Where development includes replacement uses, redevelopment, extensions or alterations, it must meet all the following criteria:

- (f) it does not result in a greater negative impact on the roles and functions of the Green Wedges and Green Fingers than the existing development;
- (g) it does not result in disproportionate additions to the original building(s); and
- (h) any replacement buildings must be in the same use.

The proposed development would involve a temporary encroachment into the Green Wedge at the rear of the site to provide temporary teaching facilities whilst the development is being carried out, over a period of approximately two years. However, upon completion of the development, the land would be returned to its former condition and there would be no lasting detrimental impact on the Green Wedge as a result.

To the contrary, the Green Wedge would actually be enhanced by the removal of the existing MUGA and its re-provision elsewhere within the site. This would allow the land it currently occupies to be turfed and left open as an addition to the playing fields.

To the front of the site, there would be a permanent encroachment into the Green Finger to provide car parking. However, the encroachment would be significantly smaller than the area restored in the Green Wedge to the rear of the site, meaning that overall, the development would result in a net increase in open, green space.

The proposal is not for small-scale development but it is for infrastructure, which could not reasonably be provided elsewhere. The proposal also involves the replacement of buildings. It is therefore considered to accord with criteria (b) and (c) of policy PL5.

Criteria (d) and (e) are more matters of detail than principle but it can at least be said that the function of the Green Finger to the front of the site would be retained insofar as it would continue to link the areas of Green Wedge to the east and west of the site. Meanwhile the Green Wedge within the site itself would be enhanced by the removal of the existing MUGA.

It follows that the proposed development would not result in a greater negative impact on the roles and functions of the Green Wedges and Green Fingers than the existing development. It would also not result in any disproportionate additions to original buildings and all of the replacement buildings would be in the same use.

Having regard to the above, it is considered that the proposal complies, at least in land use terms, with all relevant policies relating to Green Wedges and Green Fingers. On this basis, and having regard to the previous conclusions on the provision of educational facilities and sports facilities, the development is considered to be acceptable in principle.

Design, Character and Appearance

Policy PL1 requires that all development meet a high standard of urban and architectural design and must meet the following criteria:

- (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;

The proposal seeks the demolition of the existing buildings on the site and redevelopment to provide a replacement school and sports facilities across two separate blocks. The teaching block, located towards the western boundary of the site, would be the largest of the proposed buildings, with a footprint of approximately 3,150m² and rising to a height of 14m above ground level (including service overruns). The proposed sports block, which would be located along the site's frontage, would be comparatively smaller, with a footprint of approximately 2,150m² and a maximum height of 10.8m.

The same approach is taken to the design of both buildings. They would both be topped by flat roofs and finished with the same palette of materials, comprising a mixture of buff and red brick, grey composite cladding with feature orange panels, and grey powder coated aluminium windows and doors.

The buildings would be arranged to form a rough L-shape, with the playgrounds and MUGA located behind them and car parking and arrival spaces located in front. These would all then be ringed by soft landscaping, including trees and SuDS features such as swales and rain gardens.

Layout and Massing

The proposed layout is considered to be positive in the sense that the buildings would define the public frontage of the site. This would allow the playground and sports facilities to be located to the rear, where they would be sheltered and more private. It is also considered positive that the proposed design takes into account the topography of the site, with stepped seating overlooking the proposed MUGA creating an informal amphitheatre space. Furthermore, the balance of playground spaces and soft landscaping is considered to be appropriate.

The proposed buildings would be large and have a blocky form but it is recognised that this is the result of operational constraints, such as needing to phase construction to keep the school open during the development, as well as the functional requirements of the school once constructed. In respect of the latter, it is noted that the proposal would deliver a more efficient layout than the existing, with classrooms, circulation space and other facilities effectively integrated into the buildings rather than sprawling across the site.

The pale tone of the composite cladding to the upper storeys would serve to limit the effect of the bulk of the buildings, helping to tie them into their context and blend into the natural setting of the Town Park to the north and west. However, they would still appear somewhat blocky and it is regrettable that this form has not been broken down further by additional detailing.

The proposed frontage car parking, which would wrap around the proposed teaching and sports blocks, would be prominent and is considered to be an inefficient layout, with a significant amount of space given over to roads to access single car parking spaces. It is considered that greater emphasis could have been placed on soft landscaping and pedestrian movement. Wider paths, spill out zones for waiting pedestrians, and green spaces to break up the long rows of car parking spaces would all have contributed to a higher quality frontage and arrival experience. However, it is recognised that the existing frontage of the site is to a large extent dominated by car parking and given this, the proposals for the site frontage are considered to be acceptable.

The relationship between the proposed teaching and sports blocks is considered to be appropriate, with adequate active fenestration and the use of a feature canopy to create a link between the two buildings. It is also considered that the proposed design gives adequate consideration to the potential future needs of the school in terms of

adaptability of the internal layout.

Design and Materiality

It is considered positive that a number of architectural features reflect the New Town context of the site, for example the use of a curved entrance canopy, inset areas, framing and horizontality in the fenestration. As noted above, the pale tone of the proposed cladding is also considered positive insofar as it would lessen the weight of the upper storeys of the buildings.

However, the grey colour of the cladding is considered a poor response to the New Town context of the site that would limit the visual interest of the buildings and result in some harm to the character and appearance of the area. It is also considered that the long side elevations of the buildings would be flat and repetitive and could have been enhanced with additional features beyond the proposed tone changes.

The comments from the Harlow Civic Society and Cllr Carter on these issues are noted and, as set out above, it is recognised that the design and materiality of the proposed school is, in some respects, a poor response to the existing school. However, this must be balanced against the considerable benefits associated with improving the quality of the educational facilities on the site and it is considered that these issues would be far from sufficient to warrant refusal of the application.

Nonetheless, it is recognised that there is a degree of policy conflict in terms of the proposed design. For this reason, it is recommended that a condition be imposed requiring further details of the materials and detailing, with the intention that this will allow for further refinement.

Landscaping

The proposed landscape strategy is considered appropriate given the creation of different landscaped spaces within the school. The green verge at the front of the site would be largely retained, in keeping with the character of Harlow's large avenues and the use of trees and greenery within the playground spaces is considered to be positive. The use of the site's topography to create an informal amphitheatre is a notable feature and the meadow walk, horticultural area and more sheltered SEN garden would be positive additions.

As noted above, the lack of soft landscaping to break up long rows of continuous parking is a less positive feature of the proposed landscaping. Use of hedgerows as a boundary treatment between the school playground and eastern car park would also have enhanced the proposal.

Conclusions on Design, Character and Appearance

Overall, it is acknowledged that the proposed development would result in some harm to the visual amenities of the area as a result of degradation of the site's New Town character. This would result from the demolition of the existing school, which is an original New Town building, and the use of grey cladding in the proposed buildings, which is not considered to be a positive response to the site's New Town context. In these respects, the proposal is contrary to policy PL1 of the HLDP.

However, the proposed design also includes a number of features which are considered to be high quality and a positive response to the site's context, for example the proposed layout of the buildings, the curved canopy, and many aspects of the proposed landscaping. It is also considered that the quality of the proposed design could be improved further through the imposition of conditions requiring further details of materials and architectural detailing. Consequently, on balance, it is considered that the harm arising from the conflict with policy PL1 would be limited and it is afforded commensurate weight in the overall assessment of the application.

Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the same Act states that in the exercise of planning powers with respect to buildings or land within a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

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.

Policies WE5 and PL12 of the HLDP reflect the above and state that development proposals affecting heritage assets will be considered against national policies.

Affected Heritage Assets

The application is accompanied by a heritage impact assessment, which identifies the heritage assets which may be affected by the proposal and describes their significance. These are:

- Harlow Town Park (grade II registered)
- Church of Our Lady of Fatima (grade II listed)
- 6 School Lane (grade II listed)
- Hill House Farmhouse (grade II listed)
- Town Park and Netteswell Cross Conservation Area

Several other nearby heritage assets were considered not to be affected by the proposal because they have no visual, known or legible historic or functional relationship to the site. These are:

- Contrapuntal Forms Sculpture (grade II listed)
- Moot House (Community Centre) (grade II listed)
- Stable Block at Mark Hall (grade II listed)
- Donkey Sculpture (grade II listed)
- Marshgate Farmhouse (grade II listed)

- The Greyhound Public House (grade II listed)
- Hoppits (grade II listed)
- Mark Hall Conservation Area
- Non-designated YHA (locally listed)
- Non-designated 5&6 Park Lane (locally listed)

Having regard to the advice given by the Council's heritage consultant, the above is considered to be an accurate assessment of the assets which may or may not be affected by the proposal. It should be noted that although the school itself is a New Town building and has a typical architecture, it is not formally recognised as a heritage asset, designated or otherwise.

In terms of archaeology, there is none known on the site, which has been extensively disturbed as a result of the construction of the existing school. According to the Council's consultant, it is considered unlikely that any significant archaeology survives on the area of the proposed development. For this reason no archaeological assets are considered to be affected by the proposal.

Assessment of Significance

Harlow Town Park and the Town Park and Netteswell Cross Conservation Area share a similar boundary and for this reason, they are considered to share the same significance. Harlow Town Park originally opened in 1957 as the result of a collaboration between Sir Frederick Gibberd, landscape architects Dame Sylvia Crowe DBE and John St Bodfan Gruffyd, and Harlow Urban Development Corporation's engineer and survey AWR Webb. It was later added to between 1961 and 1971, and underwent significant refurbishment between 2015 and 2017.

The historic significance of Harlow Town Park and the Town Park and Netteswell Conservation Area is as a rare example of a new public park associated with a first generation new town, which exhibits all the features of picturesque planning associated with the movement, a mix of formal park and natural setting. The incorporation and preservation of the old hamlet of Netteswell Cross within the park is a particularly rare and early example of a conservationist approach to planning given the immediate post-war date and new town context.

The design significance of Harlow Town Park and the Town Park and Netteswell Conservation Area is as a significant example of the work of renown landscape designers Sir Frederick Gibberd, Dame Sylvia Crowe and John St Bodfan Gruffydd. It successfully combines formal park design with existing landscape features, making excellent use of the undulating topography, old gravel workings and watercress beds. It is also a fine example of a post-war public park whose structural framework and key features survive substantially intact.

The Church of Our Lady of Fatima was designed between 1953 and 1954 and built in reinforced concrete between 1958 and 1960 to the designs of Gerard Goalen. The aisle walls and the end walls of the naves and transepts are of Surrey stock bricks. The roofs are constructed from wood-wool slabs supported on precast concrete purlins and clad in copper, with concrete and asphalt for the aisles. The central spire is made of plywood and sheathed in copper. It has a T-shaped plan of almost equal arms, each with a narthex and aisles, and whose central crossing is filled by a large apron-shaped sanctuary.

The significance of the Church of Our Lady Fatima lies in its historic and architectural interest as a well-preserved example of a mid-twentieth century church. Its generously sized sanctuary and modern glass were extremely influential, and led to Goalen setting up in private practice designing Roman Catholic churches and schools across England.

6 School Lane and Hill House Farmhouse are both grade II listed buildings which lie just beyond the boundary of Harlow Town Park but within the boundary of the Town

Park and Netteswell Cross Conservation Area. Due to their shared location, they are grouped together for the purposes of assessing the impact of the proposed development.

6 School Lane is a late 19th century 2-storey century house with 3 bays and stuccoed elevations on brick and a hipped slated roof with one chimney stack on the right. It has a central front door of 6 fielded panels under a flat hood on consoles. To the left and right are pairs of 6 pane hornless sash windows and the first storey has a projecting band with 3 pairs of 6 pane sash windows matching those beneath.

Hill House Farmhouse is a late 17th century building with a long range of red brick in Flemish bond which is plastered on the eastern front. The roof is peg-tiled with ridge and fly-hips and there are 3 red brick chimney stacks along its length. There is a range of 9 small-paned casement windows along the first storey and 4 sets of casements with 2 doors on the ground storey. It has brick end walls and the south door has a gabled peg-tiled porch while the north door is under a flat hood.

The significance of these listed buildings is predominately derived from their historic, architectural and artistic interest as evidenced in some of the surviving historic fabric. They demonstrate the historic living expectations, as well as building methods and materials available at the time of their construction.

Assessment of Impact

The Applicant considers the site's contribution to the significance of Harlow Town Park and the Town Park and Netteswell Cross Conservation Area to be derived from its location and use as an educational facility. They argue that whilst the design of the current buildings is contemporaneous with the design of the new town, it is their form, layout and how the site interacts with the spatial arrangement relative to the master planned new town that is important.

They go on to state that the proposals for the site maintain its use as an education facility and propose the built form towards the south of the site fronting First Avenue with blocks of varying heights. It is this use that they consider to contribute to the arrangement of the master plan and how it intersects with the relevant heritage assets.

In terms of the design of the new buildings, the applicant points out that they are not a direct copy of those on the site but consider that they instead reference the period, style, materials and detailing of the existing buildings. They draw attention to design details that are considered to be drawn from the extant buildings, such as the cladding, flat roof, concave canopy and fenestration pattern, which are all said to help retain the understanding of the site as part of a new town design.

The applicant considers the design of the new development to harmonise with the new town architectural style and to reference the distinctive features of the existing buildings. The fact that the site was planned as an educational facility and has always sat adjacent to the Town Park and Conservation Area is put forward as evidence of the interplay of green spaces and urban development that were part of Gibberd's design. They consider that those attributes of setting that contribute to the heritage assets' significance, including the views of the school from the park, as well as the noise and activity that comes from a busy school site, would be maintained. This, combined with the design mitigation measures that reference the extant buildings and the new town architectural style, lead them to conclude that the proposed development will cause no harm to the significance of Harlow Town Park or the character and appearance of the Town Park and Netteswell Cross Conservation Area.

The applicant makes the same argument in respect of the Church of Our Lady of Fatima, stating that it is not the extant buildings on the site but their form, layout, use and how the site interacts with the spatial arrangement relative to the master planned new town

that is of importance to the church's significance. On the basis that the use of the site would remain unchanged and that the new school buildings have been designed to reference the extant buildings and the new town architectural style, they consider that the proposed development will cause no harm to the significance of the church.

In contrast with the above assets, 6 School Lane and Hill House Farmhouse pre-date the Harlow New Town plan and are considered by the applicant not to be part of the Town's considered design. They argue that the degree and nature of the separation between the site and these buildings means the site makes no contribution to their significance. It follows that the proposed development of the new school buildings will be in keeping with the current setting of these listed buildings and cause no harm to their significance.

The Council's historic buildings and conservation consultant agrees that the school and Harlow Town Park were designed and constructed as part of the New Town and together form part of the planned development, thereby having a historic relationship with one another. However, apart from extensions to the school building, they consider that the site remains largely unchanged since the 1960s and therefore preserves the setting of Harlow Town Park. In their view, the proposal would result in change to the Town Park's immediate setting by virtue of the demolition of an original New Town school and change to townscape character, thereby resulting in harm to its significance. They consider the degree of harm to be the lowest level of less than substantial harm.

They also consider that the proposal would contribute to the erosion of Harlow's New Town architecture through the loss of a New Town school, detracting from local character and distinctiveness. While they consider that the scale and form of the proposed replacement building would be reflective of Harlow's New Town architecture, the use of grey cladding would not be a positive response to local character and distinctiveness.

The historic buildings and conservation consultant makes no comments on the other identified heritage assets, namely the Church of Our Lady of Fatima, 6 School Lane, and Hill House Farmhouse.

Having regard to all of the above, officers agree with the Council's consultant in their assessment of the proposed development resulting in harm to the significance of Harlow Town Park and failing to preserve the character and appearance of the Town Park and Netteswell Cross Conservation Area. Further, officers agree that the degree of harm is at the lowest level of less than substantial.

In accordance with Paragraph 202 of the NPPF, these harms must be weighed against the public benefits of the proposal, with great weight given to the assets' conservation. Regard must also be had to the desirability of preserving the Town Park and its setting and its features of special architectural and historic interest. Special attention must also be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This balancing exercise will be carried out in the conclusion of this report.

With regard to the Church of Our Lady of Fatima, 6 School Lane, and Hill House Farmhouse, in the absence of any evidence to the contrary, officers accept the applicant's position and conclude that the proposal would not result in any harm to these assets' significance.

Neighbouring Amenities

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. Policy PL10 requires all developments to minimise and, where possible, reduce all forms of pollution.

Noise

The application is accompanied by a noise impact assessment, which is supported by three separate background noise surveys carried out in January 2022, March 2023, and April 2023. The nearest noise sensitive receptors (“NSRs”) are the properties on Altham Grove which adjoin the western boundary of the site and the main potential sources of noise associated with the development (excluding demolition and construction impacts, which are considered further below) are considered to be plant, the school playgrounds, and the proposed MUGA.

The potential noise impacts of the proposal must be considered in the context of the existing use of the site, which would remain unchanged post-development. It is further noted that the location of the proposed playgrounds and MUGA are not entirely dissimilar from the existing.

In terms of plant noise, the submitted noise impact assessment specifies appropriate noise limits with respect to the nearest NSRs based on the anticipated running hours of the plant (typically 07:00 to 23:00, with some items occasionally running overnight to offer frost protection). Detailed design of the plant has not been carried out at this stage but the noise limits could be imposed by a suitably worded condition and this would act as sufficient mitigation in terms of the impact on neighbouring occupiers.

In terms of noise from the playgrounds and MUGA, modelling has been carried out which demonstrates that the impact on the nearest NSRs would be negligible. It should be noted that no external lighting is proposed as part of the development and consequently, the community hours of use for the outdoor sports facilities would be limited. A particular potential impact was noted around the use of the MUGA for hockey (the noise of balls impacting baseboards) but this can be mitigated effectively through the use of padding. A condition is recommended to this effect.

Light

In terms of loss of natural light to neighbouring occupiers, the impact of the proposed development would be negligible because of the significant separation distances in excess of 60m between the proposed buildings and neighbouring properties. In terms of pollution from artificial external light sources, as noted above, the proposal does not include any external lighting and it is recommended that this be secured by condition.

Overlooking

In terms of overlooking, the closest distance between an upper storey window within the development and the boundary of a neighbouring residential property would be in excess of 65m. As such, it is considered that the development would not result in any harmful overlooking. This view is strengthened by the fact that the existing buildings on the site afford a degree of aspect over surrounding properties and in this respect, the proposed development would have no greater impact than the existing.

Construction Impacts (including construction traffic)

The application is accompanied by a construction management plan, which sets out the proposed hours of working, construction traffic routing, deliveries, parking for site operatives, and measure to control noise, vibration and dust. Hours of working would be limited to 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays, with no work being carried out on Sundays or bank holidays. All construction traffic and deliveries would be undertaken via the main entrance on First Avenue, with no such traffic being routed via Altham Grove. All associated parking would be contained within the site boundaries, and noise, vibration and dust would be controlled via standard industry practices with reference to BS5228:2009 and IAQM “Guidance on the assessment of dust from demolition and construction”.

It is recommended that all of the above be secured by the imposition of conditions. Subject to these conditions, it is considered that the demolition and construction activity associated with the proposed development would have an acceptable impact on the living conditions of neighbouring occupiers.

Conclusions on Neighbouring Amenities

Having regard to the above, it is considered that the proposed development, subject to conditions, would have an acceptable impact on the living conditions of neighbouring occupiers in terms of noise, light, privacy, and demolition and construction activity. In these respects, the proposal is considered to accord with policies PL2 and PL10 of the HLDP.

Parking

Policy IN1 of the HLDP requires developments to provide appropriate cycle infrastructure and electric vehicle charging points (“EVCPs”).

Policy IN3 of the HLDP requires that vehicle parking be provided in accordance with the Parking Standards 2009, unless otherwise indicated elsewhere in the Local Plan and/or supporting evidence.

It should be noted that the proposed development falls within a number of different categories of development as set out in the Parking Standards because it would have both a secondary school use and a community sports use (where a distinction is also made in the Standards between indoor and outdoor sports uses). However, the principal use of the site would be as a secondary school and there would not be a significant overlap between this use and the sports uses, since community access would be outside of teaching hours. It is therefore considered most appropriate to assess the proposed development against the parking standards for secondary schools.

Cycle Parking

According to the Parking Standards, for secondary schools, one cycle parking space should be provided per five members of staff plus one space for every three pupils. The number of staff at the site is listed on the application form as 124 full time equivalent and the number of pupils is 1,200. This results in a requirement for a minimum of 425 spaces to be provided.

The proposal is for 220 spaces to be provided, which is a little over half the number required to comply with the Parking Standards. The applicant argues that this level of provision is justified by evidence of actual demand and the proposed travel plan acting as a mechanism to increase provision should the need arise. The existing level of provision on the site is unknown but the proposal is said by the applicant to represent an increase.

The evidence presented by the applicant is in the form of responses from their most recent travel survey of pupils and staff at the site, which was undertaken in November 2022. Out of 980 pupil responses and 109 staff responses, 126 indicated that they travel to the site by cycling. Extrapolating these figures to 1,200 pupils and 124 staff results in assumed demand for 155 spaces.

The draft school travel plan sets out measures and targets to increase cycling mode share, which includes providing additional cycle parking at the site in the 2027 to 2028 academic year. On this basis, together with the fact that sufficient space exists within the site to provide said parking, it is considered that the proposed level of cycle parking is acceptable.

It is recommended that a final travel plan be secured by condition to ensure that the proposed mechanism for future increases in cycle parking operates effectively. For those spaces that would be provided immediately, it is recommended that their specification be secured by condition to ensure that they would be of an acceptable quality.

Car Parking

One car parking space should be provided for every 15 pupils and this is expressed in the Parking Standards as a maximum limit rather than the minimum level of provision. With 1,200 pupils, the proposed development should therefore provide no more than 80 car parking spaces.

The proposal is for 98 spaces, which is just short of 25% above the maximum figure. In this respect, the proposal is therefore contrary to policy IN3 of the HLDP.

However, the existing level of provision is 109 spaces and noting that the number of pupils would remain unchanged, the development would therefore be an improvement upon the existing condition of the site, amounting to a reduction of 9 spaces. It is also considered that the provision of a small number of additional spaces would safeguard against any potential overspill parking resulting from the community use of the proposed sports facilities, albeit there is expected to be limited overlap between the two uses of the site. Accordingly, limited weight is attributed to the harm arising from this conflict with policy IN3.

It is recommended that provision of the car parking spaces be secured by condition.

Powered Two Wheelers ("PTW")

The development should provide a total of six spaces for PTWs according to the Parking Standards. No such spaces are proposed and in this respect, the proposal is contrary to policy IN3.

However, there is no known existing provision for PTWs at the site and in this respect, the impact of the proposed development would be equivalent to the existing. Accordingly, limited weight is attached to this conflict with policy IN3.

Disabled Parking

The Parking Standards require 5% of total capacity to be provided as disabled bays. The proposed development would provide six disabled spaces, which is a little more than 6% of the total of 98 spaces. The proposal therefore accords with policy IN3 in this respect.

Coach Parking

The Parking Standards require coach parking and facilities to be considered for all of the (now former) class D1 uses, which includes schools. The proposed layby adjacent to the main entrance of the proposed school would fulfil this requirement.

Highway safety and operation

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.

Access

Main vehicular access to the proposed school will be maintained via the existing locations on First Avenue and parents will be able to continue to use the drop-off and

pick-up facilities available on the site. The proposed layout will allow for the parking and servicing areas on either side to be securely gated, which would allow the main gates on Frist Avenue to be left open, thereby preventing any build-up of vehicles waiting to enter the site.

Pedestrian and cycle access will also be maintained from the two locations on First Avenue, providing similar access arrangements to the existing whereby vehicular and pedestrian traffic is segregated. The access from Altham Grove will be retained as a secondary access.

Deliveries and Servicing

The submitted transport statement details the general principles for deliveries and servicing at the site. Delivery and service vehicles, which would typically consist of refuse collection vehicles and goods vehicles for deliveries to the canteen, would enter and exit the site via the main access on First Avenue. They would then pull up within the dedicated service area along the western boundary of the site before turning and leaving the site in a forward gear. Swept path analysis has been provided to show that these manoeuvres could be carried out safely.

Servicing activity would be restricted to outside of teaching hours (i.e. 08:45 to 15:10) in order to minimise pedestrian / vehicular conflict, whilst deliveries would be arranged to avoid multiple delivery vehicles being present on site at any one time. The waste collection point has been located close to the proposed access, which would limit the amount of time refuse vehicles would need to remain on-site.

Trip Generation

Given that pupil and staff numbers would remain as existing post-development, the number of trips generated by the site would remain unchanged.

Conclusions on Highway Safety

Essex Highways, as local highway authority, was consulted on the application and advised that, subject to conditions, there would be no highway safety, capacity or efficiency issues associated with the development. The submitted transport statement is considered to be robust and sound in its conclusions, whilst the travel plan makes clear that the school is taking appropriate steps to promote sustainable modes of transport.

Given the above, as well as the conclusions of the previous section of this report regarding parking, it is considered that the proposed development would have an acceptable impact on highway safety. In this respect, the proposal accords with policy IN2 of the HLDP.

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.

Policy PL1 of the HLDP requires development to take account of local character and context, which includes trees and landscaping. Policy PL7 states that development and tree works applications which ensure that trees and hedges are protected and enhanced will be supported, whilst policy PL8 requires the protection and enhancement of green infrastructure and landscaping.

The application is accompanied by an arboricultural impact assessment, which includes a tree survey. The site contains 40 individual trees, eight groups of trees, and four hedgerows. Their condition is summarised in the table below.

Category	Trees	Groups	Hedgerows
A	3	-	-
B	14	3	-
C	21	5	4
U	2	-	-
Total	40	8	4

As shown above, only two individual specimens are not suitable for retention. Of the remaining trees on the site, the majority, including all of the hedgerows, fall into category C. However, there are also a significant number of trees described as category B and a few specimens in category A, which is the highest category.

As part of the proposals, 20 trees and two hedgerows are proposed for removal. These removals are summarised in the table below.

Category	Trees	Hedgerows
A	1	-
B	8	-
C	9	2
U	2	-
Total	20	2

The Council's arboricultural consultant was consulted on the application. They consider that whilst the proposed loss of trees is contrary to relevant HLDP policies, the application should, on balance, be considered for approval because the opportunity for replacement planting would benefit the site in the longer term, noting that the majority of the trees proposed for removal have a limited safe life expectancy and amenity value.

They advise that of all the trees on the site, the trees along the frontage offer the most obvious landscape value and it is noted that approximately half of the proposed tree removals would be undertaken in this area, representing the most impactful element of the proposals from an arboricultural perspective. The current landscape proposals do not sufficiently mitigate the impact of the removals in the eastern part of the frontage but this can be remedied through an updated landscaping scheme. An arboricultural method statement would also be required to ensure appropriate working methods in proximity to the trees to be retained. Accordingly, it is recommended that these be secured by condition.

Having regard to the arboricultural consultant's advice and subject to the conditions above, it is considered that the proposed development would accord with policies WE1, PL1, PL7 and PL8 insofar as they relate to trees and landscaping. Policy WE1 requires the trees and other landscaping features which contribute to Green Wedges and Green Fingers to be protected and enhanced, policy PL1 requires the protection, enhancement or improvement of local distinctiveness whilst taking account of trees and landscaping, and policies PL7 and PL8 directly seek to protect and enhance trees and landscaping. Whilst the proposals would involve the removal of a significant number of trees, in the longer term, through replacement planting and appropriate management, the quality of the trees and landscaping on the site would be enhanced.

Ecology and Biodiversity

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.

The application is accompanied by an ecological impact assessment and biodiversity net gain assessment, which includes a survey of the existing habitats on the site,

assesses the likely presence of protected species, and sets out the baseline and post-development biodiversity scores.

Protected Species

The survey shows that the site does not contain suitable habitat for great crested newts and lacks connectivity to the nearest off-site habitat. It is therefore considered unlikely that great crested newts or other common amphibian species are present within the site. For the same reasons, it is considered unlikely that other protected species including reptiles, hazel dormouse, water vole and otter would be present within the site. The report recommends that the current level of site management is maintained to prevent the habitats on the site becoming more favourable for reptiles.

The type of habitats present on the site are unlikely to support rare or scarce invertebrates or birds, or a significant or diverse assemblage of either group. However, common species of birds were recorded during the survey and all wild species of birds are protected by the Wildlife and Countryside Act 1981. Consequently, the report recommends best practice measures during site clearance. Habitat enhancements for invertebrates are also recommended.

The survey did not record field signs of badgers but the site does contain habitats suitable for them. Accordingly, the report recommends a walkover survey of the site prior to the commencement of works and best practice measures during site clearance.

The habitats on the site are assessed as having a low suitability for bats. Nonetheless, a preliminary bat roost survey was undertaken and this found no indications of bat roosting activity within the site. The report recommends that an updated survey be carried out if works are commenced later than September 2023, since survey results are only valid for one year. It also recommends further surveys if potential future amendments to the scheme result in impacts to trees beyond the site boundary.

The proposed development is considered not to have any material impact on designated wildlife sites, habitats of principal importance, ancient woodland or veteran trees.

In terms of enhancements, the scheme would include the following:

- Creation of native species-rich hedgerows
- Creation of broadleaved woodland
- Creation of native neutral grassland
- Planting of native species within the proposed landscaping scheme
- Control of non-native species within the site
- Five bat boxes
- Five bird boxes
- A "bug hotel"
- "Hedgehog highways"

Having regard to the above, it is considered that the proposed development, subject to the proposed enhancements, would have an acceptable impact on protected species. Furthermore, it is considered that a protected species licence from Natural England would not be required.

Biodiversity Net Gain

The proposed development would deliver a 37.02% net gain in area habitats on the site. This would be achieved through the creation of grassland and woodland, as well as the introduction of surface SuDS features such as bioswales. A 701.44% net gain in linear habitats would be achieved through the introduction of native species-rich hedgerow.

The above represents a significant improvement upon the requirements for biodiversity net gain as specified in policy PL9 of the HLDP. This is a benefit which carries moderate weight in favour of the proposal.

Flood Risk and Drainage

Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 says that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy PL11 of the HLDP requires development proposals to be assessed against NPPF policies relating to flood risk. It also requires developments to provide adequate surface and foul drainage, and encourages the use of SuDS in all cases.

The site is located wholly in Flood Zone 1 and it is therefore not necessary to apply the sequential test. Schools fall within the “more vulnerable” flood risk vulnerability classification, which is appropriate for development for Flood Zone 1. It is therefore not necessary to apply the exception test.

The application is accompanied by a site-specific flood risk assessment and drainage strategy. This assesses the risk of the site flooding from tidal and fluvial sources as low due to its location in Flood Zone 1. It also highlights that parts of the site are prone to surface water flooding, particularly around the Altham Grove entrance to the site. However, it considers that this risk can be adequately mitigated through the provision of SuDS features.

The proposed SuDS strategy is for surface water to drain by gravity into the existing private drainage network on the site, which eventually discharges into the public sewer to the north. This would involve provision of surface features, such as swales and rain gardens, which provide a degree of storage and treatment (removal of pollutants), and are seen as the most sustainable SuDS features. Filter drains are also included in places, with the remainder of the system being a more typical piped and tanked design.

The system is designed not to surcharge during a 1 in 1 year storm event, not to flood any part of the system during a 1 in 30 year storm event, and not to flood any of the

buildings or anywhere outside of the site's boundaries during the 1 in 100 year storm event with a 40% allowance for climate change. The run-off rate for the site would be restricted to the greenfield 1 in 1 year storm event rate.

ECC Development and Flood Risk, as the lead local flood authority, was consulted on the application. They raised no objection, subject to a series of conditions relating to final design of the drainage system and maintenance. On this basis, it is considered that the proposed drainage scheme is acceptable and that the proposed development would be acceptable from a flood risk perspective. In these respects, the proposal accords with relevant policies in the NPPF and policy PL11 of the HLDP.

Sustainable Design

Policy PL3 of the HLDP requires development to deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. The Design Guide Addendum provides further guidance on how the policy is implemented.

The proposed development has been designed to be net-zero carbon in operation, which means that the amount of carbon emissions associated with its operational energy needs on an annual basis would be zero or negative. As such, the proposed development would be highly energy efficient and powered entirely by on-site renewable energy sources.

This would be achieved on a "fabric first" basis, with the building envelopes designed to minimise solar gains (and therefore cooling loads) and significantly exceed the requirements of the Building Regulations in terms of U-values and air permeability. Energy efficient lighting and mechanical ventilation with heat recovery would also be installed.

Low and zero carbon technologies would then be employed in the form of air and ground source heat pumps, and photovoltaic panels. This would provide for all of the site's heating, hot water, and electricity needs.

Overall, the development would achieve a 136% reduction in CO₂ emissions versus the requirements of the Building Regulations. Water efficient fixtures and fittings would also limit water usage to below Building Regulations limits.

Having regard to the above, it is considered that the proposed development would deliver a high standard of sustainable design and construction, and would be suitably energy efficient. In this respect, the proposal accords with policy PL3 of the HLDP.

Land Contamination

Policy PI10 of the HLDP requires all development proposals to minimise and, where possible, reduce all forms of pollution and contamination. This includes land contamination.

The land on the site is not known to be or suspected to be potentially contaminated. Nonetheless, a geo-environmental desk study report was submitted with the application, which recommends intrusive site investigations be carried out on the site. It is recommended that these investigations be secured by condition, to be carried out following the demolition phase of the development.

The buildings on the site are known to contain asbestos. However, this falls within the remit of the Health and Safety Executive and is beyond the scope of the planning process.

Air Quality

Policy PL10 states that in terms of air quality, the acceptability or otherwise of a proposal will be determined with reference to the relevant limit values or National Air Quality Objectives as they relate to human health or biodiversity.

The application is accompanied by an air quality assessment, which recognises that the proposals may result in exposure of future occupants to poor air quality, as well as adverse impacts at sensitive locations during the construction and operational phases. Accordingly, it presents the findings of an air quality feasibility study, which was undertaken in order to determine baseline conditions at the site and consider potential impacts associated with the scheme.

In all cases, the impacts on air quality (subject to standard good practice mitigation measures) resulting from the development were considered to be negligible or not significant. On this basis, it is considered that the proposed development would have an acceptable impact on air quality.

Employment and Skills

Policy PR4 of the HLDP requires that for major development, provision will be sought for:

- (a) employment of local people;
- (b) work related training provision;
- (c) education opportunities; and
- (d) affordable childcare.

However, the 2021 position statement on employment and skills contributions in new developments clarifies that planning contributions for employment and skills provision will be secured only for employment and residential developments. Given that the proposed development is solely for education facilities, such contributions are not sought in this instance.

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.

The proposed development is partly motivated by the need to improve access to the educational facilities at the site for disabled people. It also provides policy-compliant disabled car parking, which is conveniently located within the site. These aspects of the scheme are considered to be positive in light of the Equality Act.

Aside from these considerations, it is considered that the proposal would not impact on any persons with protected characteristics.

CONCLUSION

The proposed development would provide upgraded educational facilities at the site, helping to provide the school's current and future pupils with a better quality education and making it more accessible. These benefits carry great weight in favour of the proposal.

It would also provide improved sports facilities, for which there is an identified need within the District, for community use. This benefit carries significant weight.

The development would be net zero carbon in operation. It would also provide a 37% net gain in area habitats on the site and a 700% increase in linear habitats. All of these features of the proposal exceed planning policy requirements and are therefore benefits to the scheme, which are afforded significant weight.

Balanced against these public benefits is the harm to the character and appearance of the surrounding area, a large proportion of which is designated as a conservation area. Harm would also be caused to the significance of Harlow Town Park, which is grade II registered. In both of these cases, the harm is considered to be the lowest level of less than substantial. Nonetheless, great weight must be given to the conservation of these assets.

In all other respects, the proposal is considered to be in accordance with relevant policies. These are neutral matters.

Having regard to all of the above, as well as the importance of the affected heritage assets, it is considered that the public benefits of the proposal in terms of provision of education, sports facilities, CO₂ emissions, and biodiversity outweigh the less than substantial harm to Harlow Town Park and the Town Park and Netteswell Cross Conservation Area. In light of this, it is further considered that the proposal is in accordance with the development plan when read as a whole and in the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

RECOMMENDATION

That Committee resolve to GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- 2 The development to which this permission relates shall be carried out in accordance with the *Construction Management Plan* rev P01 and dated 14/11/2022 unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt:

- (a) All traffic associated with the development, including deliveries, shall access the site from First Avenue and no such traffic shall be routed via Altham Grove;
- (b) All parking associated with the development shall be contained wholly within the site;
- (c) No demolition or construction work whatsoever shall take place beyond the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays; and
- (d) No demolition or construction work whatsoever shall take place on Sundays or public holidays.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 3 The development to which this permission relates shall be carried out in accordance with *Noise Impact Assessment* reference SRP1056-BHE-XX-XX-T-J-0002 rev P02 and dated 03/05/2023 unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt:

- (a) Plant noise levels shall be limited to the levels specified in table 5-1;
- (b) Shock absorbing noise reduction measures shall be deployed at all times when the approved MUGA is used for hockey; and
- (c) MUGA noise levels shall be limited to the levels specified in table 6-1.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 4 The outdoor sports facilities to which this permission relates shall not be used beyond the hours of 08:00 to 21:30 Monday to Saturday and 08:00 to 16:00 on Sundays and public holidays unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 5 The development to which this permission relates shall be carried out in accordance with the recommendations contained in section 6 of *Biodiversity net gain assessment, great crested newt habitat suitability assessment and desk study report* reference 6116-A version 1.2 and dated 14/02/2023 unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protected species and to accord with policy PL9 of the Harlow local Development Plan 2020.

- 6 The development to which this permission relates shall be carried out in accordance with *Energy and Sustainability Statement* reference SRP1056-CDL-XX-XX-RP-Z-7020 rev P01 and dated 16/02/2023 unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt:

- (a) The development shall achieve the Building Emissions Rate (“BER”) as specified in table 1-1; and
- (b) The low and zero carbon technologies required to meet this BER shall be provided prior to the beneficial occupation of the development and permanently retained thereafter.

REASON: In the interests of sustainable design and construction and to accord with policy PL3 of the Harlow Local Development Plan 2020.

- 7 No external lighting shall be installed on the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 8 If unexpected contamination is discovered at any time during the implementation of the development to which this permission relates, work shall immediately cease and the contamination shall be reported to the local planning authority. Work shall not resume until works for the remediation of said contamination have been approved in writing by the local planning authority. The development shall then be carried out in accordance with any agreed remediation and verification measures.

REASON: In the interests of human health and to accord with policy PL10 of the Harlow Local Development Plan 2020.

- 9 Prior to the commencement of the development to which this permission relates (including any groundworks, site clearance or demolition), an arboricultural method statement shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved arboricultural method statement.

REASON: In the interests of the health and longevity of trees worthy of retention and to accord with policies WE1, PL1, PL7 and PL8 of the Harlow Local Development Plan 2020.

- 10 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) The results of infiltration testing carried out in accordance with BRE 365 and the relevant sections of the CIRIA SuDS Manual;
- (b) Discharge rates of no greater than 2.91L/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change;
- (c) Evidence of agreement to discharge rates from the relevant statutory undertaker;
- (d) Sufficient storage to ensure no off-site flooding during the 1 in 100 year storm event plus 45% allowance for climate change;
- (e) Evidence that all storage features could half empty within 24 hours following the 1 in 30 year critical storm event plus 40% allowance for climate change or evidence that the drainage scheme could accommodate the 1 in 10 year plus 40% event within 24 hours of the 1 in 30 year plus 40% event;
- (f) Final modelling and calculations for all areas of the scheme;
- (g) The appropriate level of treatment for all run-off leaving the site in accordance with the Simple Index Approach in the CIRIA SuDS Manual;
- (h) Detailed engineering drawings of each component of the scheme;
- (i) A final drainage plan which shows exceedance routes, conveyance routes, finished floor levels, ground levels, the location and size of any drainage features, and the network links and nodes as used in the modelling; and
- (j) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved drainage scheme shall then be implemented prior to beneficial occupation of the development and permanently retained thereafter.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 11 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a report detailing the results of a CCTV survey of any existing pipes to be reused within the proposed

drainage scheme shall be submitted to and approved in writing by the local planning authority. The report shall include details of any remediation necessary to render the pipes fit for purpose. The development shall then be carried out in accordance with the approved remediation measures, if any.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 12 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a report detailing the results of an intrusive geo-environmental investigation as recommended by section 6 of *Phase 1 Geo-Environmental Desk Study Report* reference HSP2021-C3825-G-GPI-392 rev A and dated 26/11/2022 shall be submitted to and approved in writing by the local planning authority. The report shall include details of any necessary remediation measures and the development shall then be carried out in accordance with the approved remediation measures, if any.

REASON: In the interests of human health and to accord with policy PL10 of the Harlow Local Development Plan 2020.

- 13 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), details of the materials and architectural features to be used in the exteriors of the approved teaching and sports blocks shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE5, PL1 and PL12 of the Harlow Local Development Plan 2020.

- 14 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a landscape and ecological management plan shall be submitted to and approved in writing by the local planning authority. The plan shall set out the maintenance and management procedures necessary to deliver a 37.02% net gain in area habitat units and a 701.44% net gain in linear habitat units for a period of 30 years following substantial completion of the development. The approved plan shall then be adhered to for the 30 year period.

REASON: In the interests of biodiversity and to accord with policy PL9 of the Harlow Local Development Plan 2020.

- 15 Prior to the commencement of the relevant works, plans, elevations and materials schedules of the approved modular classroom, energy centre, and storage and maintenance containers shall be submitted to and approved in writing by the local planning authority. The works shall then be carried out in accordance with the approved details.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE5, PL1 and PL12 of the Harlow Local Development Plan 2020.

- 16 Prior to the commencement of any piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved method statement.

REASON: In the interests of human health and mitigating flood risk and to accord with policies PL10 and PL11 of the Harlow Local Development Plan 2020.

- 17 Prior to the closure of the swimming pool, a temporary alternative facilities scheme for existing users of the swimming pool during the construction period, including the location, facilities available, programming and implementation proposals shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To secure continuity of use of sports facility provision for existing users during construction and to accord with policy L2 of the Harlow Local Development Plan 2020.

- 18 Prior to the removal of the existing MUGA, a scheme which ensures that the new playing field area will be provided to an acceptable quality shall be submitted to and approved in writing by the local planning authority. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be implemented prior to beneficial occupation of the development and the land shall thereafter be permanently maintained in accordance with the scheme and made available for playing field use.

Reason: To ensure sufficient benefit to the development of sport and to ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with policies L1 and L2 of the Harlow Local Development Plan 2020.

- 19 Prior to the beneficial occupation of the development to which this permission relates, details of the approved cycle parking shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of promoting sustainable modes of transport and to accord with policy IN1 of the Harlow Local Development Plan 2020.

- 20 Prior to the beneficial occupation of the development to which this permission relates, details of the approved waste storage facilities shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE5, PL1 and PL12 of the Harlow Local Development Plan 2020.

- 21 Prior to the beneficial occupation of the development to which this permission relates, a SuDS maintenance plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of who is responsible for different elements of the surface water drainage system, the maintenance activities and the frequencies of those activities. The approved maintenance plan shall thereafter be adhered to for the lifetime of the development.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 22 Prior to the beneficial occupation of the development to which this permission relates, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall cover all hard and soft landscaping and include details of all materials, site preparation, planting techniques, and aftercare, and a programme of maintenance for a period of three years following implementation of the scheme. The approved landscaping scheme shall be implemented during the first planting season following substantial completion of the development.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE1, WE5, PL1, PL7, PL8 and PL12 of the Harlow Local Development Plan 2020.

- 23 Prior to the beneficial occupation of the development to which this permission relates, a travel plan shall be submitted to and approved in writing by the local planning authority. The approved travel plan shall thereafter be adhered to for the lifetime of the development.

REASON: In the interests of promoting sustainable modes of transport and to accord with policy IN1 of the Harlow Local Development Plan 2020.

- 24 Prior to the beneficial occupation of the development to which this permission relates, a completed community use agreement shall be submitted to and approved in writing by the local planning authority. The agreement shall apply to at least the swimming pool, sports hall, activity studio, fitness room, multi-use games area, natural turf playing fields and supporting ancillary changing and parking facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The approved community use agreement shall thereafter be adhered to for the lifetime of the development.

REASON: To secure well managed and safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with policies L1 and L2 of the Harlow Local Development Plan 2020.

- 25 Prior to the beneficial occupation of the development to which this permission relates, the car parking, turning and servicing areas shall be provided with a hard-bound dust-free surface and marked out as shown on the approved plans. The areas shall thereafter be permanently kept free from obstruction and retained for their intended purposes.

REASON: In the interests of highway safety and to accord with policies IN2 and IN3 of the Harlow Local Development Plan 2020.

- 26 Within 30 months of commencement of the development to which this permission relates, the temporary teaching facilities shall be removed from the site and the land shall be reinstated to its former condition as a playing field.

REASON: In the interests of safeguarding sports facilities and to accord with policy L2 of the Harlow Local Development Plan 2020.

- 27 Annual logs of SuDS maintenance, prepared in accordance with any approved SuDS maintenance plan, shall be kept for the lifetime of the development and made available for inspection upon request by the local planning authority.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 28 The development to which this permission relates shall be carried out in accordance with the plans as listed in the table below unless otherwise agreed in writing by the local planning authority.

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

Plan Reference	Version No.	Plan Type	Date Received
SRP1056-STL-	P04	Site Location Plan	28/02/2023

XX-XX-D-A-0010

SRP1056-STL-01-00-D-A-0100	P04	Teaching Block – Proposed Ground Floor Plan	28/02/2023
SRP1056-STL-01-01-D-A-0101	P04	Teaching Block – Proposed First Floor Plan	28/02/2023
SRP1056-STL-01-02-D-A-0102	P04	Teaching Block – Proposed Second Floor Plan	28/02/2023
SRP1056-STL-01-RF-D-A-0103	P04	Teaching Block – Proposed Roof Plan	28/02/2023
SRP1056-STL-02-00-D-A-0104	P05	Sports Block – Proposed Ground Floor Plan	30/03/2023
SRP1056-STL-02-R2-D-A-0105	P04	Sports Block – Proposed Roof Plan	28/02/2023
SRP1056-STL-ZZ-R1-D-A-0106	P01	Proposed Block Plan	28/02/2023
SRP1056-STL-XX-XX-D-A-0111	P01	Existing Site Demolition Plan	28/02/2023
SRP1056-STL-01-EL-D-A-0201	P04	Proposed External Building Elevations – Teaching Block	28/02/2023
SRP1056-STL-02-EL-D-A-0202	P04	Proposed External Building Elevations – Sports Block	28/02/2023
SRP1056-STL-01-SX-D-A-0301	P01	Proposed Building Long Sections – Teaching Block	28/02/2023
SRP1056-STL-01-SX-D-A-0302	P01	Proposed Building Short Sections – Teaching Block	28/02/2023
SRP1056-STL-02-SX-D-A-0303	P02	Proposed Building Sections – Sports Block	30/03/2023
SRP1056-ALA-00-XX-D-L-9002	P03	Landscape Illustrative Masterplan	16/03/2023
SRP1056-ALA-00-XX-D-L-9003	P02	Landscape General Arrangement	28/02/2023
SRP1056-ALA-00-XX-D-L-9004	P02	Fencing General Arrangement	28/02/2023
SRP1056-ALA-00-XX-D-L-9005	P02	Site Sections 1 of 2	28/02/2023
SRP1056-ALA-00-XX-D-L-9010	P02	Detailed General Arrangement 1 of 4	28/02/2023
SRP1056-ALA-00-XX-D-L-9011	P02	Detailed General Arrangement 2 of 4	28/02/2023

SRP1056-ALA-00-XX-D-L-9012	P02	Detailed General Arrangement 3 of 4	28/02/2023
SRP1056-ALA-00-XX-D-L-9013	P02	Detailed General Arrangement 4 of 4	28/02/2023
SRP1056-ALA-00-XX-D-L-9014	P02	Landscape Illustrative Masterplan – Whole Site	28/02/2023
SRP1056-ALA-00-XX-D-L-9016	P02	Site Sections 2 of 2	28/02/2023
SRP1056-ALA-ZZ-ZZ-D-L-9024	P01	Tree Retention and Removal Plan	28/03/2023
SRP1056-ALA-ZZ-ZZ-D-L-9025	P01	Existing and Proposed Sports Provision	30/03/2023
SRP1056-ALA-ZZ-ZZ-D-L-9007	P01	Temp Landscape General Arrangement	16/05/2023
192 22 01	S-4	32' Double Stacked Complex Floor Plan & Elevations Option 2	16/05/2023
192 22 02	S-2	40' x 32' Permaspace Floor Plan & Elevations	16/05/2023

INFORMATIVE CLAUSES

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk
- 3 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 4 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 5 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 6 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The

applicant should seek consent where appropriate from other downstream riparian landowners.

- 7 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- 8 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.
- 9 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- 10 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- 11 Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.
- 12 All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

Take, damage or destroy the nest of any wild bird while that nest is in use or being built

Disturb any wild bird listed on Schedule 1 * while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird

* For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).

If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

- 13 In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:

Intentionally kill, injure or take a bat;
Sell, hire, barter or exchange a bat, dead or alive;
Be in possession or control of a bat or anything derived from them.

As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

Disturb a bat;
Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.

- 14 Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to:

- disturb a badger when it is occupying a sett;
- obstruct access to, or any entrance of, a badger sett;
- interfere with a sett by damaging or destroying it; or
- willfully kill, injure, take possession or cruelly ill-treat a badger, or attempt to do so.

If at any time badgers or evidence of badgers are observed with or adjacent to the site, development works should cease.

A licence must be obtained from Natural England before any development works commence that might affect a badger sett. Licences cannot be issued retrospectively. A licence application must be made at least one month before any proposed works commence but good practice indicates that Natural England should be contacted at an early date to establish their requirements.

- 15 The applicant is advised that the proposals for the playing fields on the site should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to Sport England's 'Natural Turf for Sport' guidance note.