

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/FUL/23/00304

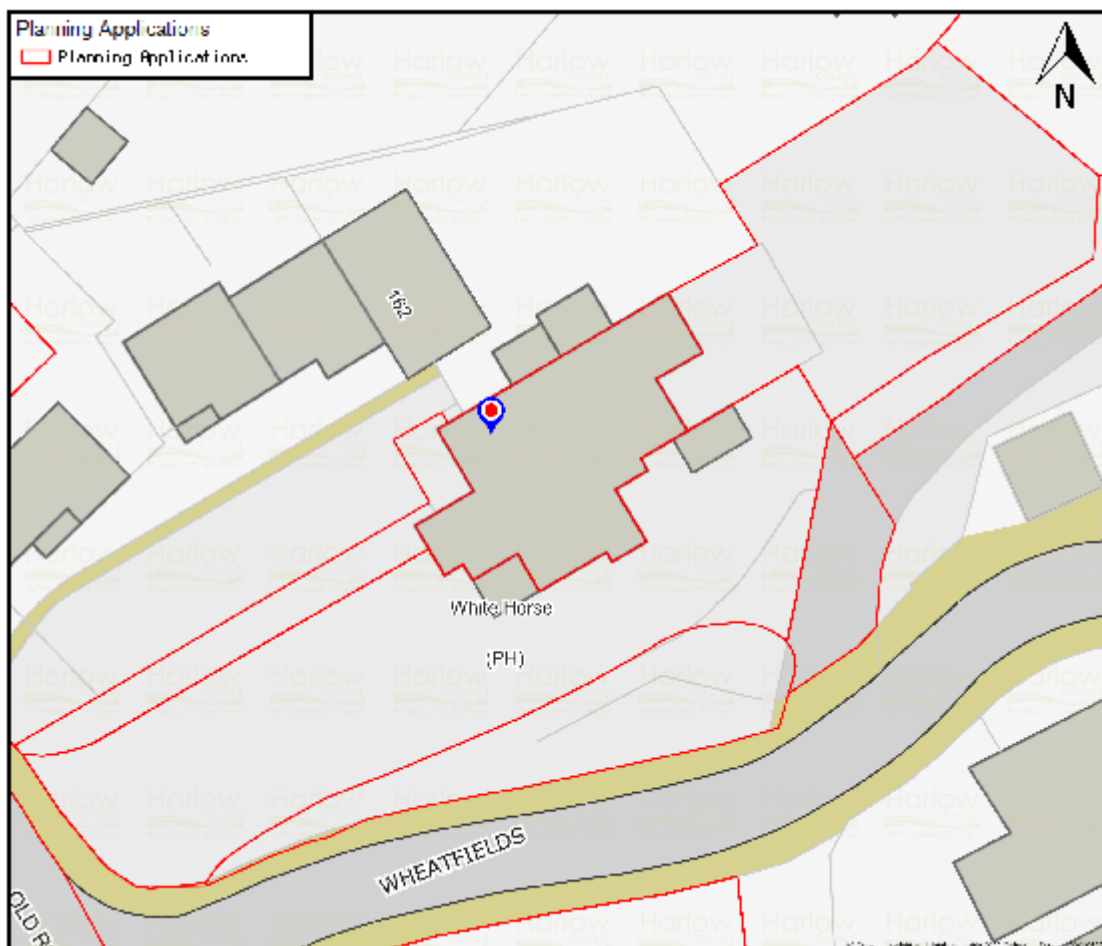
OFFICER: Mick Gavin

APPLICANT: Mr Alan Walsh

LOCATION: The White Horse Public House
160 Old Road
Harlow
Essex
CM17 0HQ

PROPOSAL: Demolition of existing White Horse Public House and replacement with 4 detached two-storey houses with gardens and on-site car parking totalling 8 spaces.

LOCATION PLAN



Reason for Committee Referral

The application is referred to Committee as there have been more than two letters of support received contrary to the officer recommendation of refusal.

Details of Proposal:

Demolition of existing White Horse Public House and replacement with four detached two-storey houses with gardens and on-site car parking totalling eight spaces with access from the existing access from Old Road.

The houses on plots 1 and 2 occupy the front half of the site, positioned between the access and parking on their north side and the boundary to Wheatfields on their south side. Parking is shown on the north side of the site, adjacent to the boundary to no.162 Old Road. The houses on plots 3 and 4 are set within the rear portion of the site. Plot 3 is set back from Wheatfields, adjacent to the rear garden of no.162. Plot 4 occupies the constrained rear area of the site which is enclosed by trees and adjoins the properties at no.4 Wyldwood to the north and no.5 Wyldwood to the east.

Summary

The building is also considered to be a non-designated heritage asset and its loss is not considered acceptable. The submission has not established that the loss of the public house is acceptable pursuant to policy L2 of the Local Plan, which seeks to protect community facilities unless they are demonstrated to be surplus to requirements. It is also considered that the development would be detrimental to the appearance and character of the street scene, including by loss of trees, detrimental to neighbours' amenities, and would fail to provide parking to the required standard.

The application is therefore recommended for refusal.

Application site

The site comprises a two-storey detached public house, now vacant (since November 2020), set in a deep, narrow plot (approximately 75m deep by 12-27m wide) of 0.13ha on the north side of the junction of Old Road and Wheatfields.

The site is accessed from Old Road on its west boundary. Between the access and the building is an area of hardstanding. To its rear is a small, fenced beer garden, and behind that a small overgrown area enclosed by trees and shrubs. The site falls in level to its rear (west to east) by approximately 3.0m. There is a dense line of hedging and trees along the south boundary bordering Wheatfields. The building is of brick and plain tile, pitched roof, early 19th century or earlier in origin, though with unsympathetic single storey additions to front and rear.

No.162 -168 Old Road are set close to the north boundary of the site. Nos.164-166 are a terrace of single storey buildings which face the site and are screened from the front hardstanding area of the site by boundary hedging and some trees. No.162 is a two-storey house with rear garden which adjoins the rear of the site, with the side elevation of the existing public house forming part of its side boundary. To the north-east, at a lower level beyond the site's rear area of trees and shrubs, are detached houses nos.4 and 5 Wyldwood.

The site is not located within a conservation area. The Harlow Mill and Old Road North Conservation Area is located approximately 100 metres to the north of the site. The building is not statutorily listed, and not at present, on Harlow's local list of non-designated heritage assets.

Proposal

Demolition of existing White Horse Public House and replacement with four detached two-storey, four-bedroom houses with gardens and on-site car parking totalling eight spaces.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
93/00148	LOBBY EXTENSION AND ALTERATION TO GROUND FLOOR DOORS AND WINDOWS	GTD	
HW/PL/86/00277	Erection of 12 No. Detached Houses With Garages and Roads	WDN	12.03.1987

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

The Highways Authority object to the application due to the insufficient width of the access which would not enable a vehicle to enter the site safely and efficiently whilst another vehicle is waiting to egress the site. This would lead to the potential of collisions due to the obstruction of through traffic along Old Road to the detriment of highway safety.

Officer comment: An amended plan was received showing a revised access design. The Highway Authority have confirmed the revised plan is acceptable in terms of highway safety.

HDC - Consultant Arborist

The Consultant considers that that the proposed development has sufficiently considered the impacts to trees and green infrastructure in accordance with Local Plan policies.

Tree removals are justified based on quality and location, and that the retained trees on and off site are the more suitable trees to be included as part of the development.

Due to the loss of trees replanting is necessary, to be secured by a soft landscaping plan and to include aftercare. A condition is also suggested to ensure retained trees are not removed or damaged following occupation because there is some concern that whilst trees can be retained, new occupants may consider the trees proximity or space taken up as something to be remediated with removal or overzealous tree works.

A detailed Arboricultural Method Statement is required, to be compliant with BS 5837:2012 - Trees in relation to design, demolition and construction.

HDC - Cleansing and Environment

No comment received.

ECC Sustainable Drainage

The ECC as Lead Local Flood Authority consider that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features. It is recommended that all hardstanding to be permeable and each dwelling is fitted with a water butt.

Heritage Officer Place Services

See Heritage section in report below.

Neighbours and Additional Publicity

Number of Letters Sent: 20

Total Number of Representations Received: 10

Date Site Notice Expired: 21 September 2023

Date Press Notice Expired: 28 September 2023

Summary of Representations Received

Ten representations (eight individuals) received. Nine representations in support of the application. These are summarised below:

- Support proposal; need more houses in Harlow; benefit to local community;
- (No.168) Support proposal but will overlook garden, trees should remain to protect privacy due to proximity.

Officer comment: A number of comments refer to previous use of the site for criminal/ anti-social purposes. It should be noted for criminal/ anti-social behaviour is a management/ police issue which is not relevant to the consideration of planning merits of the proposed development.

One representation (No.162 Old Road) raises no objection in principle but pub wall forms boundary to rear garden – what happens when this is demolished and garden is left exposed; would appropriate measures be put in place to address concerns about security and safety during works and long term.

Officer comment: This is addressed in the assessment below.

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 2023 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The relevant strands are considered further in the report.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the development plan for the purpose of any determination to be made under the

planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP).

The NPPF (2023) is a material planning consideration and also states in paragraph 47 that:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Paragraph 38 of the NPPF further states that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

This is echoed in policy SD1 of the HDLP which advises that development that is in accordance with the Local Plan should be supported unless material considerations indicate otherwise, any adverse impact significantly (my emphasis) outweigh the benefits or specific national policies indicate that development should be restricted.

Policies of most relevance to the proposal are:

SD1 – Presumption in Favour of Sustainable Development
HS1 – Housing Delivery
PL1 - Design Principles for Development
PL2 - Amenity Principles for Development
PL3 – Sustainable Design, Construction and Energy Use
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 Urban Drainage Systems
PL12- Heritage Assets
H2 - Residential Development
H5 – Accessible and Adaptable Housing
H6 – Housing Mix
H8 – Affordable Housing
L2 - The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities
L4 – Health and Wellbeing
IN1 – Development and Sustainable Modes of Travel
IN2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
The Harlow Design Guide Addendum SPD (2021)

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

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.

ASSESSMENT

Summary of Main Issues

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

- Principle of development
- Highways
- Design, layout and character and appearance
- Trees
- Biodiversity
- Residential amenity
- Other matters
- Equalities

Principle of development

The application site is located within the defined settlement boundary of Harlow and is within an established residential area. Paragraph 120 of the NPPF states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed. However, the NPPF and the Harlow Local Development Plan also seek to protect heritage assets and community facilities.

Heritage assets

Para.194 of the NPPF states that in determining applications *local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*

The application supporting statement refers to the existing building as having no heritage value. In contrast the Council's Heritage Consultant has assessed the building as having historic interest and significant architectural features, and merits further investigation. The Consultant's comments are summarised below:

The White Horse Pub appears on the 1848 Tithe Map but might be of earlier origins. It has historically always been in use as a pub. The building is likely to be one of a collection of historic inns and taverns dating back to the 15th, 16th and 17th century serving as staging posts for coaches on the route from London to Cambridge. As noted in the Old Harlow Conservation Area Character Appraisal: Though no longer taverns, the buildings are of significant historic interest as they provide evidence of Harlow's former function and organic growth along key movement routes to other towns and cities further afield including Manchester. This historic legacy is also evident at the Green Man Hotel in Mulberry Green, The White Horse in Old Road and in The Queen's Head in Churchgate Street. Despite the numerous alterations, including the modern front lobby and rear extensions and the unsympathetic uPVC windows replacement, the pub still retains a number of significant features. Due to its historic and archaeological interest, its age and value as a historic community asset, the pub has the potential to be considered a non-designated heritage asset and further investigations assessment should be carried out.

Officers consider the building should be considered a non-designated heritage asset. Non-designated heritage assets are buildings or structures which are not statutorily listed by Historic England, but nonetheless are of architectural and historic value sufficient to merit their preservation and protection, and their status is an important material consideration in planning decisions. The council has a list of these buildings within Harlow ('locally listed buildings') which is subject to review and updating. The public house is not on the current list. However, national planning guidance advises that in some cases local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. In the present case the building is considered to be a non-designated heritage asset and relevant guidance and Development Plan policies on heritage must be considered. A Harlow Local List review is currently ongoing and the building has been nominated to be included in a new list scheduled to be adopted by Cabinet in February 2024.

Para.203 of the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

No heritage assessment as required by para.194 of the NPPF and policy PL12 of the HLDP has been submitted, to establish the significance of the heritage asset. The Council's assessment following advice is that it is a non-designated heritage asset, meriting further investigation. Heritage assets are irreplaceable resources and part of the historic environment which contributes strongly to the character and distinctiveness of places. The principle of the demolition and loss of the building is not considered acceptable.

Community facilities

The NPPF states at para.84 (d) that planning decisions should enable *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Paragraph 93 of the NPPF states that to provide the facilities and services the community needs, planning decisions should:

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community

A public house constitutes a community facility. In this case the building has been vacant for some time, following the loss of its licence due to anti-social behaviour. Anti-social behaviour is a matter which is addressed by the management of the premises and the police and is not relevant to this planning assessment.

The loss of the public house must be considered against policy L2 of the HLDP, which relates to development resulting in the loss of recreational, sporting, cultural and community uses and facilities. This policy aims to protect such facilities within Harlow and is set out below:

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

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

There is a policy presumption in favour of the retention of the community facility unless it can be demonstrated that it is surplus to requirements, or an alternative appropriate community facility is proposed to replace it. The proposal is to replace the public house use with residential development. No replacement community use is proposed. The proposal therefore needs to demonstrate that the facility is surplus to requirements.

To demonstrate that a facility is surplus to requirements, evidence of marketing of the site for both the existing and viable alternative community uses by a suitably competent person is required. The applicant was advised at pre-application stage that the marketing should be over a one year period and a report on the marketing exercise would need to accompany the present full application.

The applicant's supporting submission states:

Being centrally located within a mature residential estate the pub's operation is greatly restricted and compromised by the domestic scale of the existing building. The pub has not been viable commercially over a long period of years... the pub was closed during 'pandemic' 23 March 2020 and have since not traded. Since purchasing the vacant pub, the applicants have instructed Agents to market the pub but there have been no sales interest after a year of marketing from June 2022 to date, July 2023. Taking into account earlier stoppage of trading and subsequent marketing in 2020, the pub has been vacant for a period of over 3 years.

This is noted, but no detail is submitted to demonstrate the nature and extent of marketing between June 2022 and July 2023. Information would be expected, for example, on which company did the marketing, at what price, and which publications/ media carried the marketing. There is no requirement that an applicant submit their proposed marketing strategy to the planning authority prior to undertaking it, but it is recommended, and this was explained in pre-application advice. In the absence of this level of evidence the proposal does not meet the requirement of policy L2 that the facility is surplus to requirements. The principle of the loss of the facility is not therefore accepted.

Conclusion

For the reasons set out above the principle of development is not supported. Even if the applicant were able to satisfactorily demonstrate by a thorough marketing exercise that the community use was surplus to requirements, the heritage position set out above means that the loss of the building itself would not be supported.

The comments from neighbours are noted and have been taken into account. Issues of appearance and impact on amenities are considered below. On the issue of previous anti-social behaviour at the site however, this is not relevant to the planning assessment of the application.

Highways

Policy IN2 of the HLDP 2020 requires development to preserve highway safety, including provision of adequate and safe access points. Policy IN3 requires parking to be provided in accordance with the Essex Vehicle Parking Standards 2009.

The Highway Authority originally objected to the proposal on grounds of inadequate access width, but this has been addressed by a revised site plan which now shows an access 5.5m wide for a depth of 6.0m into the site.

The Essex Vehicle Parking Standards require eight parking spaces for the four four-bedroom dwellings. Eight spaces are shown to be provided. The space dimensions are shown as 2.5m wide by 4.9m depth. The Parking Standards require the dimensions to be 2.9m wide by 5.5m deep. Dimensions of 2.5m by 5.0m can be accepted in exceptional circumstances, but such circumstances do not exist in this case. The proposed development is therefore deficient in the number and size of parking spaces to be provided when assessed against the Essex Parking Standards and thereby conflicts with the requirement of Policy IN3 of the HLDP 2020.

Policy IN1 requires that development for new dwellings provides electric vehicle charging points (EVCPs) in accordance with the latest Government guidance. Part S of the Building Regulations (June 2022) requires provision of EVCPs equal to the number of proposed dwellings. The applicant states that EVCPs would be provided for each dwelling, and this could be secured by condition if the application were to be approved.

No cycle parking is shown, and waste storage shown only for plot 2. The supporting statement confirms it is the intention to provide cycle parking (one space for each unit is required). Were permission to be granted it is considered these matters could be addressed by condition.

The proposal conflicts with policy IN3 of the HLDP in terms of inadequately sized parking spaces.

Design, layout, character and appearance

Policy PL1 of the HLDP is relevant and requires that development:

(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;

Policy H2 requires that infill development:

(a)... would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene...

Principle DG28 of the Harlow Design Guide SPD states that infill residential development should positively respond to the prevailing character of the area, and be similar in scale, massing, height and design to the surrounding buildings.

The proposed houses on plots 1 and 2, towards the Old Road frontage, are shown as screened from Wheatfields by the line of cypress hedge and other trees along the south boundary to Wheatfields. These houses are squeezed between the new access and this boundary and their south elevations are set close to this tree screen (between approximately 1 - 2.5 metres). While careful construction may be able to retain these trees during the building phase, it is considered that in reality subsequent occupiers will require their removal to allow space and light to their properties, particularly as the screen is directly south of the proposed buildings. Plot 1's rear garden would be in significant shadow. Plot 2 has a large expanse of glazing serving a living room and four-bedroom windows in its south elevation. Removal of this vegetation would result in the new buildings having no screening from Wheatfields and from the approach along Old Road. They would be very prominent in the street scene at this junction. It is considered that their prominence would be accentuated by the low pitched, somewhat squat appearance of the roofs which appears out of keeping with the generally traditional pitched and hipped roof slopes of the surrounding residential setting, and also what appears to be a 3.5m high parapet feature to the west and south elevations of House 1.

The proposed Plot 4 at the rear of the site is shown positioned centrally within a small overgrown area of the plot where the site narrows and is constrained on its south side by the route of a public footpath. This area has a number of trees on its north, east and south boundaries and at present provides attractive screening for the adjacent houses at nos. 4 and 5 Wyldwood. The trees are shown to be retained. While retention during the building phase can be ensured by approval of an Arboricultural Method Statement and Tree Protection Plan, once occupied the new residents would have a garden area surrounded and enclosed by trees which would severely restrict the light and space available. It is not considered realistic to expect these trees to be retained in the longer term, with the result that an attractive screen is lost which provides amenity and privacy to adjacent residents.

It is considered that the design, layout and appearance of the development would be poor quality and detract from the character of the area, in conflict with policies PL1 and H2 of the HLDP.

Trees

Policy PL7 seeks to ensure that development protects and enhances existing trees and vegetation, given their importance to the visual character and quality of an area, their value as wildlife habitats and their role in mitigating the effects of climate change, for example by providing shading and reducing the temperature of the local micro-climate.

As set out above, it is considered that the number and layout of the proposed units would likely result in the loss of most of the trees and screening boundary vegetation on the site in

the longer term. Following receipt of the Arboriculture Consultant's comments set out in the Consultations section above, the Consultant submitted further comments in the light of further assessment:

The retained trees will also be quite close to built dwellings, which will no doubt land them in realm of a nuisance to new homeowners...The same goes for many of the retained trees. I think on paper it looks viable, but I think long term with actual liveability considered, pressure on trees retained may impact most trees...

It is considered that the proposed development would result in significant tree loss at the site in the medium and long term and thereby fails to comply with the requirements of policy PL7.

Biodiversity

Paragraph 174 of the NPPF requires development to minimise impacts on the natural environment and provide net gains for biodiversity. This is reflected in Policy PL9 of the HLDP which requires that proposals should ensure a net gain in biodiversity.

A Biodiversity Metric calculation is needed to demonstrate that there is a net gain in biodiversity value at the site. No biodiversity metric has been provided with the submission. In the absence of evidence to the contrary, the development fails to demonstrate a biodiversity net gain and thereby fails to accord with policy PL9. The significant loss of trees which it is considered will result from the proposal would indicate there would be a loss rather than a gain in biodiversity.

Residential amenity

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. The Harlow Design Guide SPD (2006) and the Design Guide Addendum SPD (2021) provide further guidance on the Policy PL2 requirements.

Existing neighbours

The parking layout involves three parking spaces adjoining the rear garden boundary of no.162 Old Road, to the north of the site. This boundary is currently partly marked by the side wall of the existing public house. It is considered that the noise, disturbance and light pollution arising from manoeuvring cars at this point would detract from the quiet enjoyment of this garden. No boundary treatment is shown to be provided at this point. While a condition could secure provision of boundary treatment, it is not considered that that would be sufficient to prevent a significant adverse impact on the amenities of these occupiers.

Future occupiers' standard of accommodation

The proposed dwellings would exceed the minimum internal space requirements of the Nationally Described Space Standards 2015, and garden areas would exceed the minimum areas required by the Harlow Design Guide Addendum 2021.

The location of Plot 4 on the rear part of the site means it is isolated from the parking area such that to access its parking residents would use a path running between the side boundary of the house and garden on Plot 4 and the site boundary. It is considered that this is poor layout which would adversely impact on the privacy of occupants of Plot 3.

Other matters

Flooding

The site falls within Flood Zone 1, the area at least risk of flooding. If the proposal was considered acceptable details of sustainable drainage measures would be sought and appropriate works secured by condition pursuant to policy PL11 of the HLDP.

Sustainability

If the proposal was considered acceptable conditions would be imposed to secure a reduction of emissions by 19% in excess of minimum building regulations standards, and water use efficiency to the Optional Technical Housing Standard described by Building Regulations, to comply with policy PL3 of the HLDP.

Benefits versus Harm

The social and economic benefits of provision of additional housing in accordance with Government guidance, which seeks to boost housing supply, are acknowledged. However, the significant adverse environmental impacts set out above are considered to significantly outweigh these benefits. The proposal is considered to conflict with the Harlow Local Development Plan 2020 and there are no material considerations to indicate that a decision should be taken otherwise than in accordance with that Development Plan.

Equalities

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

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

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

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

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

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

CONCLUSION

The principle of the loss of the non-designated heritage asset is not accepted, and the loss of the public house as a community facility is not accepted due to the absence of detail necessary to demonstrate that the facility is surplus to requirements.

The scheme would be harmful to the appearance and character of the site and its setting by virtue of poor layout and design, loss of trees and the prominence of the site. The amenities of neighbouring occupiers would be harmed by virtue of the parking layout and resulting noise and disturbance.

The proposed development conflicts with relevant Development Plan policies and no material considerations are considered to exist to determine the application other than in accordance with the Development Plan.

RECOMMENDATION

That Committee resolve to refuse permission for the following reasons:

1. The loss of the public house, which is a non-designated heritage asset, conflicts with paragraph 203 of the NPPF 2023 and with Policy PL12 of the Harlow Local Development Plan 2020.
2. Evidence has not been submitted to satisfactorily demonstrate that the public house as a community facility is surplus to requirements, in conflict with the requirements of Policy L2 of the Harlow Local Development Plan 2020.
3. The proposal would be harmful to the appearance and character of the site and its setting by virtue of the layout and resulting loss of trees, and poor-quality design at a prominent position in the street scene. The proposal thereby conflicts with the requirements of Policies PL1, PL7 and H2 of the Harlow Local Development Plan 2020.
4. The proposal would result in harm to the residential amenity of existing and future occupiers, by virtue of noise and disturbance arising from car parking and manoeuvring adjacent to the north boundary of the site, and by virtue of poor layout providing insufficient privacy to future residents. The proposal thereby conflicts with Policy PL2 of the Harlow Local Development Plan 2020 and paragraph 130 of the NPPF 2023.
5. In the absence of evidence to the contrary, the development would fail to provide a net gain in biodiversity value, contrary to policy PL9 of the Harlow Local Development Plan 2020.
6. The proposal fails to provide parking to the standards required by the Essex parking Standards 2009 and thereby fails to accord with Policy IN3 of the Harlow Local Development Plan 2020.

INFORMATIVE CLAUSES

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

has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. Drawings

<u>Plan and Document Reference</u>	<u>Date Received</u>
404-P1 Existing Site Plan	26.07.2023
404 P3 Tree Plan & dwg 404 P4 Proposed Ground Floor Plan	26.07.2023
404-P5 Proposed First Floor Plan & dwg 404-P6 Proposed Roof Plan	26.07.2023
404-7 Proposed Site Elevations	26.07.2023
404-10 House 2 Proposed Floor Plans & Cross Section & dwg 404-11 House 2 Proposed Elevations	26.07.2023
404-12 House 3 Proposed Floor Plans & Cross Section & dwg 404-13 House 2 Proposed Elevations	26.07.2023
404-14 House 4 Proposed Floor Plans & Cross Section & dwg 404-15 House 2 Proposed Elevations	26.07.2023
404 P4 Rev A Proposed Site Plan	23.10.2023
404-P8 Rev A Floor Plans-Cross Section	23.10.2023