

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**6 December 2023**

**REFERENCE:** HW/FUL/23/00375

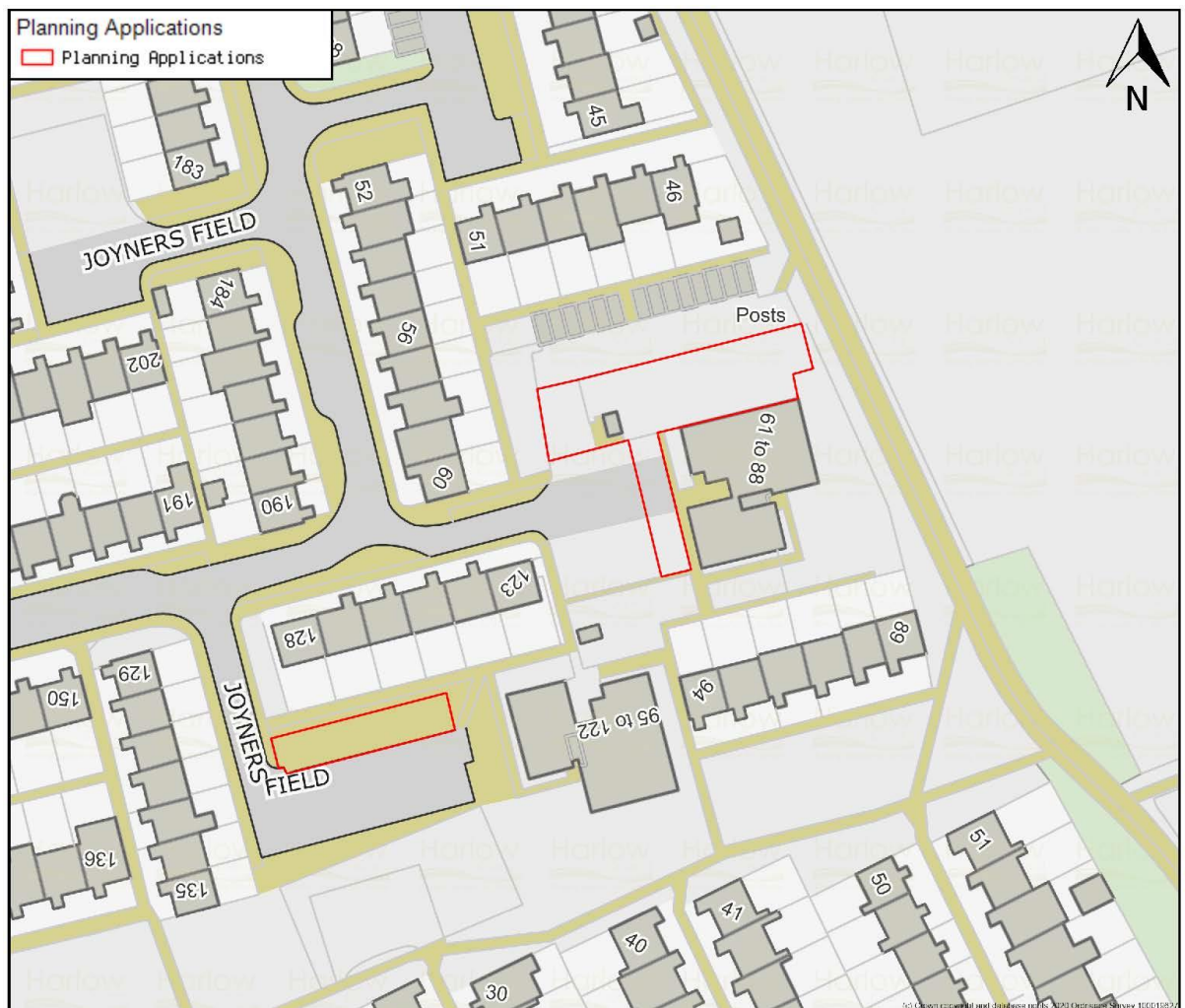
**OFFICER:** Mick Gavin

**APPLICANT:** Mr Bob Purton

**LOCATION:** Proposed Parking South Of 128 And Northwest Of 61-88 Joyners Field  
Joyners Field  
Harlow  
Essex

**PROPOSAL:** Proposed car parking area for 21 parking spaces across two sites.  
Site A: proposed parking area for 12 bay parking spaces  
Site B: proposed parking area for 7 bay parking spaces, 2 parallel parking spaces, crown lifting of surrounding trees, and construction of 2 planters.

**LOCATION PLAN**



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**PROPOSED DEVELOPMENT:** Proposed car parking area for 21 parking spaces across two sites. Site A: proposed parking area for 12 bay parking spaces  
Site B: proposed parking area for 7 bay parking spaces, 2 parallel parking spaces, crown lifting of surrounding trees, and construction of 2 planters.

### **Reason brought to Committee**

The applicant is Harlow District Council.

### **Summary**

The proposal would provide additional car parking to address issues of on-street parking congestion. The proposal is considered to comply with Development Plan policies, and it is recommended that permission be granted subject to conditions.

### **Details of Proposal**

Permission is sought for the provision of additional parking on two sites at Joyners Field.

Site A is an area to the rear/ south of the terraced houses nos.123-128 Joyners Field. At the time of the officer site visit this strip of land was entirely occupied by construction units apparently occupied in connection with ongoing works at the adjacent block of flats comprising nos.95-122 Joyners Field. Existing parking sits opposite this area. The proposal is to install 12 parking spaces on this strip of land.

Site B is an area of grass and trees adjoining the rear/ north side of the block of flats comprising nos.61-68 Joyners Field. This area sits opposite a block of garages. Seven car parking spaces would be installed on this landscaped area. An additional two tandem spaces would be sited at the entrance to this area. There are three trees close to the proposed parking and the application refers to crown lifting.

### **Site and Surroundings**

The application sites are within a residential area comprising a mix of two-storey houses and blocks of flats. Neither site is within a conservation area.

## **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

## **CONSULTATIONS**

### **Internal and external Consultees**

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

No objection. The proposals are sited clear of the highway.

#### **Arboriculture Consultant**

The proposed development has not sufficiently considered the impacts to trees and green infrastructure, which runs contrary to policies PL1, PL7, PL8 and WE1. This concern pertains to Site B only, where trees are near the intended new parking area, currently covered in grass.

At site B although the necessity for pruning has been recognised, there has been no consideration given to the tree root zones. Unless the proposed parking solution incorporates a no-dig approach, there is a likelihood of root damage, and this aspect has not been adequately quantified and discussed.

A comprehensive assessment of Site B is recommended to identify any arboricultural limitations, given the presence of trees near existing parking bays. It is also worth noting that the Site B plan appears to indicate two trees within the green area, whereas there are three trees in this green area.

Therefore the application should be supported by an Arboricultural Impact Assessment (AIA) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. Where appropriate, the identified and measured impacts to the surveyed trees will impact upon the proposed development's massing and arrangement. This AIA should include at least (subject to the degree of detailed design completed) generalised tree protection measures within a tree protection plan and the method of construction of parking should be discussed, and a no dig solution in this circumstance would appear to be most beneficial solution for trees and parking.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 93

Total Number of Representations Received: 2

Date Site Notice Expired: 26 October 2023

Date Press Notice Expired: 2 November 2023

## **Summary of Representations Received**

Two representations received which support provision of additional parking but request inclusion of disabled person spaces.

## **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 comprises the Harlow District Local Plan (HDLP).

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.

For the purposes of this application, the Development Plan consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP). Policies of most relevance to the proposal are:

- SD1 – Presumption in Favour of Sustainable Development
- PL1 – Design Principles for Development
- PL2 – Amenity Principles for Development
- PL3 – Sustainable Design, Construction and Energy Use
- PL6 – Other Open Spaces
- PL7 – Trees and Hedgerows
- PL8 - Green Infrastructure and Landscaping
- PL10 – Pollution and Contamination
- PL11 – Water Quality, Water Management, Flooding and Sustainable Urban Drainage Systems
- 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**

### **Principle**

The site is within the urban area of the town and the broad principle of provision of additional parking where necessary to address on-street parking congestion issues is supported.

Sir Fredrick Gibberd's masterplan for Harlow envisaged the district to be interspersed with many open spaces to offset the provision of small private gardens. Policy PL6 of the HLDP aims to protect such spaces, which include strips of landscaping next to roads and pavements, and areas of land between buildings. Policy PL6 states:

*Development on Other Open Spaces must meet the following criteria:*

- (a) the development would not compromise the landscape character, openness, biodiversity or urban design principles of the town and/or the surrounding area;*
- (b) the development would not remove access to an open space which, in accordance with the current evidence, is of high quality and/or high public value in providing opportunities for sport and recreation;*
- (c) the development would not prejudice the potential for comprehensive development of adjacent land.*

As set out below, it is considered that the proposal does not conflict with this policy.

### **Character and appearance**

Both areas of land are sited next to existing parking, open at site A and garages at site B, and are modest in size. Site B is wholly screened from the surrounding area by buildings and garages. Site A is also screened by buildings and its position behind the rear gardens of houses fronting Joyners Field. The installation of the parking areas would have no material impact on the wider character, openness and urban design of the area, and are compliant with policy PL6 in those respects.

### **Trees and Biodiversity**

At site B there are three trees (not two as shown on the submitted plan) close to the proposed parking, the middle one of these three is extremely close. While the description of development includes reference to crown lifting, the actual impact on the trees would be from root excavation. As set out in the consultation response above, the Council's Arboriculture Consultant advises that an Arboricultural Impact Assessment (AIA) be submitted to include tree protection measures within a tree protection plan. The assessment should include the method of construction of parking which is likely to require a no dig solution. It is considered that it is appropriate to secure this by a condition. The trees are not prominent in the wider area but are attractive features for residents and of intrinsic ecological value, and their retention is necessary to ensure compliance with policy PL6

### **Highways**

The proposed parking space dimensions are 2.5m by 5.0m. This does not meet the required size for a parking space of 2.9m by 5.5m set out in the Essex Parking Standards 2009, which states that smaller bays require exceptional circumstances.

In this case the bays are being added to areas of existing parking and the proposed dimensions match those existing. For site B there is also a constraint due to need to protect trees. In addition the applicant has explained the following:

*As part of the regulatory requirements for improved Building Safety measures, directly related to the accessibility of the fire service to the immediate proximity of the flat blocks, we are reducing the size of the parking area in the forecourt of 61-88 and 95-122 Joyners Field which will allow the appliances to alight closer to the locations of the dry risers and provide ladder rescue.*

*In order to not disproportionately burden the estate with excessive congestion and increase risk associated with the acute road safety hazards, the intention is to provide parking spaces, no smaller in size or fewer in number to those lost, equal to the reduced area in the flat block forecourt. ... wider implications of requiring larger spaces, albeit to current policy, which would result in a net loss of parking provision to the residents of the flat blocks, and surrounding estate...also concern that larger spaces may encourage commercial vehicles to park in the unallocated spaces and raise tensions of the community, already a contentious matter.*

In the light of the above circumstances the proposed bay dimensions are considered acceptable.

Disabled persons parking bays are not included in the submission. A condition is proposed to secure provision of one disabled bay in each of the two sites. For site B it appears that the end bay (space 9) on the east side could be enlarged without harming the nearest tree (subject to compliance with the AIA), and similarly it appears space 12 at site A could be enlarged.

Subject to this it is considered that the proposal is compliant with policies IN3 and IN2 of the HLDP.

### **Residential Amenity**

Policy PL2 states that development which preserves the level of amenity of existing neighbours in the local area will be supported.

The affected neighbours are occupiers of the flatted block 61-68 Joyners Field. Additional vehicular movements associated with the new spaces may increase disturbance to neighbours in the nearest flats, but given this area is already used for garaging and parking it is not considered any impact would be significant. It is noted no objections have been received and support has been expressed.

The proposal is considered acceptable pursuant to Policy PL2 of the HLDP 2020.

### **Flooding**

The site falls within Flood Zone 1, that at the lowest risk of flooding. A condition is proposed to secure appropriate surface details which will ensure the site is sustainably drained in accordance with policy PL11 of the HLDP 2020.

### **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 proposed new parking are considered to comply with Development Plan policy and subject to conditions the development is considered acceptable.

## **RECOMMENDATION**

**That Committee is recommended to resolve to grant 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. Prior to the commencement of any works an Arboricultural Implication Assessment (AIA) will be submitted to the Local Planning Authority and approved in writing. The AIA will consider the current and future relationships between the proposed development and the existing trees and will follow the recommendations set out within the current BS5837.  
REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with policies PL1, PL7 and PL8 of the Harlow Local Development Plan, December 2020 and to ensure that damage to vegetation identified for retention is avoided and to allow proper consideration of the impact of the proposed development on the amenity of the existing site so as to protect and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.



3. Prior to commencement of works details of the proposed surface materials to be used, including how these facilitate sustainable drainage of the site shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.  
REASON: In the interests of the appearance of the site and to secure sustainable drainage of the site, to comply with Policies PL1 and PL11 of the Harlow Local Development Plan 2020.
4. Notwithstanding the approved plans works shall not commence until amended plans showing provision of one disabled persons space at Site A and one disabled persons space at Site B have been submitted to and approved in writing by the local planning authority, and the development shall not be implemented otherwise than in accordance with the approved plans.  
REASON: To ensure provision of disabled persons parking and to comply 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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.

3. With reference to Condition 2, the AIA shall include a Tree Protection Plan and shall address the detailed method of construction taking account of the need for no dig construction.