

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 March 2024

REFERENCE: HW/FUL/22/00546

OFFICER: Ross Brereton

APPLICANT: Hybrid Planning & Development c/o Martorana Properties

LOCATION: 10 Wych Elm
Harlow
Essex
CM20 1QP

PROPOSAL: Demolition of the existing building and erection of 10no. storey building comprising 57no. residential flats (Use Class C3) and flexible commercial floorspace (Use Class E), communal amenity space, with associated car and cycle parking, waste and recycling storage and other associated works.

LOCATION PLAN



Reason for Committee Referral

The planning application is proposed in Wych Elm where significant regeneration is earmarked to take place. The proposed development is considered to be in the public interest and is therefore put before the Planning Committee for consideration.

Recommendation

Following a thorough assessment of the planning application it is considered that, on balance, the proposed development accords with National and Local planning policy and is **recommended to the Planning Committee for approval**, subject to the signing of a S106 Agreement and planning conditions listed below.

Details of the Proposal

Full planning permission is sought for the redevelopment of land relating to no.10 Wych Elm, Harlow. The application seeks to demolish the existing MOT centre and replace it with a 10 storey building comprising 123sqm of flexible commercial floorspace (Use Class E) at ground floor level, with 57 flats above. This will be accompanied by communal amenity space, accessible parking and refuse storage.

Application Site and Surroundings

No.10 Wych Elm is located in the north of Harlow town centre. The site currently comprises an MOT garage at the southern end of a row of units in commercial use. No.5 Wych Elm at the far north end of the block has recently obtained a resolution to grant planning permission for 53 flats. A small area of hardstanding is located immediately south of the MOT garage which supports the existing use as a car park and forms part of the red line boundary.

The surrounding area comprises Daniel Robinson & Sons funeral directors which adjoin the boundary of the MOT centre to the north (nos. 6-9 Wych Elm), an area of green public space to the south, the Arriva Bus depot to the east, and the recent redevelopment of Wych Elm House for a 2-11 storey building comprising 122 flats to the west.

In terms of Local Plan designations, the site is situated within the Harlow town centre boundary as identified by the Harlow Local Development (HLDP) (December 2020). There are no statutory designated heritage assets on or within the vicinity of the site. The site is within Flood Zone 1 but is within a Critical Drainage Area identified by Essex County Council (ECC).

The HLDP is supported by the Harlow Town Centre Masterplan Framework SPD (HTCMF SPD) (March 2022). The site is located within *Opportunity Area 2 – Wych Elm* which is identified for residential development with community, healthcare, civic and other uses supported at ground floor. It notes that Wych Elm could be used more intensively and be better integrated with the town centre which is currently separated by the inner ring road (Fourth Avenue). It is also considered suitable for higher density buildings and has the potential to accommodate taller development.

The HLDP is also supported by the Wych Elm Development Brief (December 2022) which has been prepared to guide the regeneration and redevelopment of the Wych Elm Area. The site is located within Land Parcel E which aligns with the HTCMF SPD whereby flexible active uses at ground floor level with residential uses above are considered acceptable.

RELEVANT PLANNING HISTORY:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/ST/00/00268	Alterations and change of use to form motorist centre for the sale and fitting of tyres, exhausts, brakes and other fast fit motorist repairs.	GTD	05/10/2000

RELEVANT APPEAL HISTORY:

No relevant appeal history.

CONSULTATIONS

Internal and external Consultees

Health and Safety Executive

HSE have confirmed that they are content with the fire safety design to the extent it affects land use planning applications.

Environment Agency

The Environment Agency raise no objection to the proposed development and request several informatives be attached to any grant of planning permission.

Stansted Airport Aerodrome Safeguarding

The Safeguarding Authority for Stansted Airport has assessed the proposed development and its potential to conflict with aerodrome safeguarding criteria. They confirm they have no objection subject to a compliance condition requiring robust measures to be implemented to control dust and smoke clouds during demolition and construction.

UK Power Network

No representations received.

HDC Cleansing & Environment

The HDC Cleansing & Environment team objected to the proposed development based on the proposed location of refuse bins being placed on Highways land prior to collection, dropped kerbs, size and capacity of the residential refuse store, management of the refuse store, paving type and distances between residential units and the store.

The applicant has remedied these concerns and the details of which are set out in the relevant section of the planning assessment below.

HDC Environmental Health

Environmental Health (EH) raise no objection to the proposed development subject to standard planning conditions being imposed requiring the developer to submit an intrusive site investigation before development commences, and stopping development and notifying the Council should unidentified contamination be found.

EH did not make any representation concerning noise amenity.

ECC Growth & Development

No representations received.

ECC Highways

ECC Highways have considered the planning application, visited the site and assessed the submitted transport information and have concluded that the proposed development would not be contrary to national/local highway and transportation policy and safety criteria.

The proposed parking provision is considered acceptable especially given the location of the site and its position in terms of easy access to the town centre and other modes of sustainable travel. The surrounding roads in the locality are also well secured with appropriate parking restrictions.

ECC have concluded that the proposed development would not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. It is well located for access to walking, cycling and public transport.

ECC have requested conditions be imposed relating to a Construction Management Plan, vehicle parking and turning, cycle parking arrangements, the implementation of a Residential Travel Pack and a financial contribution towards the Sustainable Transport Corridors initiative.

HDC Arboricultural Officer

The Council's Arboricultural Officer initially requested further information on the proximity of the proposed development to existing trees along the southern boundary inside the public green space.

Following clarification by the applicant, the Arboricultural Officer has confirmed that the proposed development would not significantly harm the area of verge and trees substantially but would likely create conflict with crown growth. However, on balance, it is felt the development can be granted permission subject to imposing a condition requiring the developer to submit an Arboricultural Method Statement.

Essex Police Designing out Crime

Essex Police's Designing out Crime Officer (DOCO) requested more information to be able to make a detailed opinion on the design and layout and if Crime Prevention Through Environmental Design had been incorporated. These matters concern mail delivery, private amenity spaces, boundary treatments, security for all units including the commercial spaces, and external and internal cycle stores.

A planning condition would be imposed requiring the developer submit further information at the detailed design stage.

Affinity Water Ltd

No representations received.

Thames Water

Thames Water have raised no objection to the proposed development subject to a condition requiring the submission of a piling method statement before the commencement of development. They also made several advisory comments regarding waste water assets and surface water drainage which are to be imposed as informatives should planning permission be granted.

Essex County Fire & Rescue Service

Essex County Fire & Rescue Service have commented on access, building regulations, water supply and sprinkler systems and request they be imposed as informatives should planning permission be granted.

ECC Sustainable Drainage Team

The ECC Sustainable Drainage team have withdrawn their holding objection following the submission of further detail by the applicant's hydrologist to remedy their concerns. ECC have requested conditions relating to the submission of a detailed surface water drainage scheme for the site, details of maintenance arrangements and ensuring the maintenance of yearly logs for the installed sustainable drainage system.

Place Services Urban Design Team

Places Services Urban Design team reviewed the proposed development, and following two rounds of consultation, including amendments by the applicant, have confirmed that they endorse the final design of the scheme for approval, subject to the provision of a detailed landscape masterplan.

Harlow Civic Society

No representations received.

NHS Hertfordshire and West Essex Integrated Care Board (HWE ICB)

The HWE ICB have assessed the impact of the proposed development on existing primary health care provision in the vicinity of the development.

The proposed development would likely create 136.8 new patient registrations.

The HWE ICB have identified that the development would have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS.

A contribution of £73,644 is sought through a S106 planning obligation to be focused on Addison House Surgery and Barbara Castle Surgery. A trigger point of payment on occupancy of the 25th dwelling is requested.

EDF Energy Networks Ltd

No representations received.

ECC Infrastructure Planning

ECC infrastructure have reviewed the application and consider a development of this size can be expected to generate the need for up to 1.13 Early Years and Childcare places; 3.75 primary school places and 2.50 secondary school places.

Based on existing capacity within the ward, the additional places would require the following contributions:

- £19,427 index linked to Q1-2020 to mitigate impact on local Early Years and Childcare provision;
- An Employment and Skills Plan to set out how the developer will engage with and maximise local labour and skills opportunities;
- £4,434 index linked to April 2020 to improve, enhance and extend library services; and
- Monitoring Fees at a rate of £550 per obligation (financial and otherwise).

No contributions are sought towards primary or secondary education, post-16 education or school transport.

Neighbours and Additional Publicity

Number of Letters Sent: 160

Total Number of Representations Received: 3

Date Site Notice Expired: 11 May 2023

Date Press Notice Expired: 27 April 2023

Summary of Representations Received

Three representations were received in response to this application and are summarised as follows:

- Lack of vehicle parking for 57 new homes.
- A 10 storey building would be too tall for the area, and would not benefit the local area.
- Car parking would likely increase in the Wych Elm area.
- At least half of the proposed flats should be offered car parking spaces.
- Site is close to the Princess Alexandra Hospital. Concerns that the introduction of free parking at the hospital may lead to residents parking their vehicles there.
- Concerns raised about the loss of commercial space and does not give space for start-ups and other small commercial enterprises.
- Recent development in Wych Elm has led to noise pollution; dust, dirt and major traffic disruption; daily traffic chaos for businesses, customers and delivery drivers; loss of parking during the construction phase.
- Harlow Council is continuing to erode the purpose of Wych Elm as a light industrial area.
- The Council should be working and helping businesses in advance of development to find suitable new premises so that the whole area can be redeveloped at the same time once this issue has been addressed.

- Parking provision proposed as part of the development is unrealistic as most people use cars, which leads to further parking chaos.

PLANNING POLICY

National Planning Policy Framework (NPPF) (2023) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if 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.

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).

The relevant HLDP policies referred to in the determination of this application are as follows:

- SD1 – Presumption in Favour of Sustainable Development
- HS1 – Housing Delivery
- ED2 – Protecting Existing Employment Areas
- RS1 – Retail Hierarchy
- RS2 – Future Retail Floorspace

RS3 – Protecting and Enhancing Existing Retail Centres
WE1 – Strategic Green Infrastructure
WE3 – General Strategy for Biodiversity and Geodiversity
SIR1 – Infrastructure Requirements
PL1 – Design Principles for Development
PL2 – Amenity Principles for Development
PL3 – Sustainable Design, Construction and Energy Usage
PL7 – Trees and Hedgerows
PL8 – Green Infrastructure and Landscaping
PL9 – Biodiversity and Geodiversity Assets
PL10 – Pollution and Contamination
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
PL12 – Heritage Assets and their Settings
H2 – Residential Development
H5 – Accessible and Adaptable Housing
H6 – Housing Mix
H8 – Affordable Housing
PR5 – The Sequential Test and Principles for Main Town Centre Uses
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
IN6 – Planning Obligations

Supplementary Planning Documents / Current Planning Guidance

Town Centre Masterplan Framework SPD (2022);
Wych Elm Development Brief (2022);
Green Infrastructure and Public Open Space SPD (2022)
Affordable and Specialist Housing SPD and Addendum (2021 and 2022);
Harlow Design Guide (2011); and
Harlow Design Guide Addendum (2021).

SUMMARY OF MAIN ISSUES

The key planning matters considered relevant to the determination of this application are as follows:

- Principle of development;
- Housing and standard of accommodation;
- Affordable housing;
- Fire safety;
- Design and layout;
- Landscaping;
- Arboriculture;
- Daylight, sunlight & overshadowing;
- Noise;
- Energy & sustainability;
- Highways & servicing;
- Land contamination;
- Flood risk and drainage;
- Ecology and biodiversity net gain; and
- Planning obligations.

Principle of Development

The Harlow Local Development Plan (HLDP) Policy HS1 identifies sites to deliver at least 9,200 dwellings during the Local Plan Period.

Whilst the site is not allocated in the Local Plan to deliver a proportion of this identified need, NPPF Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, adding that to promote the development of a good mix of sites, local planning authorities should (inter alia) support the development of windfall sites through decisions, giving great weight to the benefit of using suitable sites within existing settlements for homes. The site is within the town centre and considered a sustainable location for housing delivery and Use Class E floorspace.

The HLDP is supported by two recently adopted SPDs which are a material planning consideration in the determination of this application. Firstly, the site forms part of *Opportunity Area 2 – Wych Elm* which is set out in the Harlow Town Centre Masterplan Framework SPD (HTCMF SPD) (2022). This opportunity area is identified for residential development with community, healthcare, civic and other uses supported at ground floor. It notes that Wych Elm could be used more intensively and be better integrated with the town centre which is currently separated by the inner ring road (Fourth Avenue). It is also considered suitable for higher density buildings and has the potential to accommodate taller development.

The second document which supports the HLDP is the Wych Elm Development Brief (December 2022). The vision for Wych Elm is to be a place where residents and visitors will want to shop, relax, eat, socialise, play and make use of community services as well as live and work. Wych Elm is to be redeveloped for a mix of uses, including new homes and active day-time services including community and civic facilities. High quality taller residential blocks which provide active ground floor frontages are supported.

The site is located within Land Parcel E whereby flexible active uses at ground floor level with residential uses above are acceptable. This adds that taller buildings fronting Fourth Avenue may be considered appropriate.

Based on the site's location within Harlow town centre, and more specifically it being located in Wych Elm earmarked for tall buildings accommodating active ground floor uses with residential homes above, the principle of development for both commercial and residential uses are accepted. The commercial floorspace at ground floor level would be permitted as Use Class E to enable sufficient flexibility. This has the potential to attract a variety of operators and encourage active frontage along Fourth Avenue.

It is also important to stress that Wych Elm is not a designated employment area.

Housing and Standard of Accommodation

Housing Mix

HLDP Policy H6 (Housing Mix) states an appropriate mix of housing tenures, types and sizes will be expected to be provided to create balanced communities, which reflect Harlow's housing needs and local character. To achieve this, developers should take account of the latest Strategic Housing Market Assessment (SHMA), or other additional appropriate evidence directly related to Harlow's housing needs.

The proposed housing mix would be as follows:

No. of units	1-bed starter	1-bed	2-bed
57	7	30	20
Proportion	12.3%	52.6%	35.1%

The proposed housing mix would include 37 x 1 bed flats and 20 x 2 bedroom flats.

It is highlighted that this development would provide a modest portion of 1b1p homes, referred to by the applicant as ‘starter homes’. Whilst these are technically studio flats, they present a better standard of accommodation (47sqm) closer to a 1b2p flat (50sqm). The minimum sizes for studios are 37-39sqm. This unit type is well laid out, would offer dual aspect outlook and provide a large balcony of 6.6sqm. The applicant considers that they offer a unit type that would improve levels of affordability in the town centre, as well as enabling a higher number of units to be delivered in the scheme. One ‘starter home’ would be located on each floor 1-7.

Whilst no family accommodation is proposed as part of this development (3+ bed units), it is noted in the HTC MF SPD that housing delivery in the town centre could meet a range of housing needs, with higher density smaller units in the core town centre. Coupled with the size constraints of the site and it being a high-density development, the proposed mix of housing is therefore considered acceptable in this location.

Standard of Accommodation

The Nationally Described Space Standards (NDSS) set out the requirements for the Gross Internal Area of new dwellings across all tenures. The NDSS is also supported by the Harlow Design Guide Principle DG46.

All homes would meet the minimum gross internal floor areas set out within the NDSS and would comprise 1b1p, 1b2p and 2b3p units.

The 1b1p units are proposed to be 47.1 sqm which is significantly greater (10sqm) than the minimum requirements of the NDSS for this unit type. As noted in the proceeding section, this unit type is also considered to present a product that can further assist first time buyers.

In addition, HLDP Policy H5 (Accessible and Adaptable Homes) requires all new dwellings to meet at least the Building Regulations Part M4(2) standard for accessible and adaptable homes. In major residential developments, a suitable proportion of Building Regulations Part M4(3) standard dwellings for wheelchair users should be provided based on the latest SHMA or other appropriate evidence directly related to the housing needs of Harlow. For market housing, the requirement for Part M4(3) dwellings is 10%.

The development proposes to provide seven M4(3) dwellings across floors 1-7. This amount equates to 12%. The remaining 50 units would all be M4(2) compliant. All homes would, therefore, be in accordance with the requirements of Policy H5.

It is also noted that all units would be dual aspect and include spacious combined kitchen/living/dining areas with full bathrooms and adequate built-in storage space.

Amenity Space

The Harlow Design Guide Addendum SPD provides guidance for amenity space in tall buildings. The minimum standard for flats is 20qsm, which can include balcony space and a proportion of informal and formal communal areas, roof-top gardens, amenity areas above ground floor and children's play spaces.

Each unit would be served by a private amenity space. The size of each private amenity space varies but all are between 5.5sqm and 9.5sqm. A communal amenity space at 8th floor level would also be provided amounting to 141.2sqm. In total, the proposed development would provide 544.1sqm which is the equivalent of 9.5sqm per unit.

Whilst this falls short of the minimum standard set out in the Harlow Design Guide, a lower standard may be considered appropriate if the site is within a 10-minute walking distance (or 800m as the crow flies) of an alternative, appropriate, and accessible multi-functional green space.

It is noted that Rectory Wood is located to the north of the site (approx. 120m), Hester's Park to the north-west (approx. 430m) and Harlow Town Park to the west (approx. 400m).

Based on the provision of private and communal amenity space, coupled with nearby public green space, the levels of amenity space are considered acceptable for a development comprising flats on a small site within the town centre. Details of the communal roof terrace to demonstrate that it will be a fully functionable area and accessible to all residents would be imposed as a planning condition.

Affordable Housing

HLDP Policy H8 (Affordable Housing) states in residential developments of more than ten dwellings, it will be expected that at least 30% affordable housing is provided. A reduction of this percentage may be permitted for viability reasons. Any reduction or non-agreement between the development and the Council will require an independent viability assessment.

Policy IN6 adds that where it is accepted that planning contributions are reduced below the requirements set out in policies of the Local Plan, a viability review mechanism will be required to enable a fully policy compliant level of contribution to be achieved over the lifetime of the project.

The applicant has submitted a Financial Viability Assessment (FVA) which determines that is unviable to provide any affordable housing on-site, or any financial contributions towards off-site delivery. The applicant's FVA has been independently reviewed by the Council's appointed viability consultant, as required by Policy H8, and concludes that the provision of any affordable housing, either on site or by means of a commuted payment, would be unviable.

In such circumstances, Policy IN6 permits the Council to impose a review mechanism to enable a fully policy compliant level of contribution to be achieved over the lifetime of the project. In this case, an early-stage review is considered the most appropriate form given that the development would be brought forward in a single phase for a relatively modest number of units.

Fire Safety

Measures to ensure the consideration of fire safety matters are incorporated at planning stage for schemes involving a relevant high-rise residential building. This has culminated in the introduction of Planning Gateway One which requires applicants to submit a Fire Statement setting out fire safety considerations specific to the development, and to establish

the Health and Safety Executive (HSE) as a statutory consultee for relevant applications. These details are set out in Planning Practice Guidance (PPG) and are a result of the Town and Country Planning (Development Management Procedure and Section 62A Applications (England) (Amendment) Order 2021.

Relevant buildings are defined as meeting a height condition of 18m or more in height, or 7 or more storeys, and containing two or more residential dwellings. This application therefore triggers Planning Gateway One.

The applicant has submitted a Fire Statement, which has been prepared by BB7 Consulting. This was prepared in September 2022 before the Secretary of State announced in July 2023 that 18m would be the threshold for new buildings requiring second staircases.

As a result of this Ministerial Statement, HSE raised fire safety concerns regarding means of escape. The applicant has since amended their plans to incorporate a second staircase extending to the 9th floor. The HSE have been re-consulted and they have since withdrawn their original fire safety concerns, noting that they are now content with the fire safety design to the extent it affects land use planning considerations.

Essex County Fire & Rescue Service (ECFRS) have also responded to the consultation and raise no objection. They have, however, recommended several standard informatives relating to access, building regulations, water supplies and sprinkler systems, to be imposed to any decision to grant planning permission.

Based on the information provided, and the responses received from HSE and ECFRS, it is considered that the fire safety measures proposed for the development are acceptable in planning terms.

Design and Layout

HLDP Policy PL1 (Design Principles for Development) requires a high standard of urban and architectural design for all development and must meet the criteria set out within the policy. This requires development to demonstrate design rationale; provide local distinctiveness; respond to scale, height, massing and architectural details; provide legibility; provide a logical and legible layout, form inclusive development; provide flexibility and create a safe and secure environment.

The HLDP is supported by the design principles set out in the 2011 Harlow Design Guide (and 2021 Addendum).

The application is supported by a Design & Access Statement and a suite of proposed plans and elevations, prepared by Akroyd Lowrie.

The height of the building is proposed to be 10 storeys (including ground floor) which is considered to be an appropriate height that would bookend Wych Elm, and in line with the Wych Elm Development Brief.

In terms of massing, the building has been designed to emphasise one of the four corners of Wych Elm (Nos, 4, 5, 10 and Wych Elm House) that ultimately define the character of the area. The building itself is formed by two staggered blocks linked together by two cores. The north-western block extends to eight storeys whilst the south-eastern block extends to 10 storeys. This pattern helps to break up the massing and height of the building and provide architectural definition when viewed in its totality. The communal roof terrace at 8th floor further accentuates the break-up of the massing.

This site would effectively create a gateway into Wych Elm when arriving from the south (Fourth Avenue). It is therefore important that the building presents a welcoming statement with active ground floor frontage and high-quality public realm. The development would achieve this by providing flexible commercial floorspace (Use Class E) at ground level to activate the frontage with Fourth Avenue in this location. Furthermore, new public realm would integrate with the existing green space that separates the site from Fourth Avenue. The new public realm would also include an area to provide public art which is an additional benefit of the scheme.

In terms of materiality, the building would be constructed using a varied colour palette of brick masonry. This would comprise of white grey, light grey and mid grey in horizontal and vertical patterns to delineate between each floor and its extent. The balustrades, windows, gates and ground floor fenestration would be finished in dark grey metal (RAL 7016).

In terms of the layout of the building, the residential demise would be accessed from the western elevation. The lobby would comprise the lift, postal area and access to the bike store and undercroft car park. Access to the residential stairwells would be via two external doors either side of the lobby – this is for fire safety reasons. The residential refuse store and vehicle access to the undercroft car park would also be accessible via entrance points along the west elevation. The commercial demise would be located to the south of the building and would be entirely separate to the residential demise and have its own refuse store.

Floors 1-7 are repeated for structural efficiency, whilst floors 8-9 differ slightly to accommodate the communal roof terrace which would be accessible to all residents at 8th floor level. All units are designed in accordance with national space standards, benefit from dual aspect layouts (albeit to varying degrees) and include private amenity space. Two stair cores are provided in line with fire safety requirements. There would be no windows on the northern elevation (with the exception of corner inset balconies) to enable the future redevelopment of units 6-9 Wych Elm should they come forward. The roof would be inaccessible to residents but would contain a 372sqm green roof and photovoltaic array, with room available for air source heat pumps.

Following three rounds of consultation with Place Services Urban Design team, which has included answers to questions and amendments to the proposed design, they have confirmed that the design and layout is now acceptable.

Whilst it would be the Council's preference to see Wych Elm developed comprehensively, it is acknowledged that Wych Elm is made up of varying land ownerships, and doing so would be significantly challenging to achieve during the Plan Period. However, when coupled with Wych Elm House (which is now complete), the recent resolution to grant planning permission for the redevelopment of No.5 and a live application for mixed-use development at No.4, the proposed development is considered to act as one of the key catalysts in bringing forward positive regeneration to the Wych Elm area. It would also largely complete the redevelopment of Wych Elm that fronts Fourth Avenue, thus providing an attractive and modern gateway into the area which is hoped will bring about further redevelopment over time.

Therefore, based on the proposed design and layout, and subject to the satisfactory discharge of a condition requiring the developer to submit details of all external materials, the development is considered to be acceptable and in accordance with the Local Plan and relevant SPDs concerning design.

Landscaping

Policy PL1 states that development must provide appropriate physical, legible and safe connections with surrounding streets, paths, neighbouring development and Green Infrastructure. Policy PL8 adds new Green Infrastructure and landscaping must be well planned, taking into consideration the practicalities and requirements of future management and maintenance, and providing appropriate footpaths, for example. Policy PL4 states major development should provide and maintain public art.

The proposed development plans to introduce a new area of public realm which integrates with the existing Green Infrastructure and footpath immediately south of the site. This area would also introduce a sculpture garden and planting. The proposed landscaping is considered a positive feature of the site and is equally supported by the Council's Trees Officer.

It has been agreed with the applicant that a landscaping and planting strategy for the public realm can be dealt with by condition prior to first occupation with implementation during the first planting season following completion of the development. In addition, a further condition would be imposed requiring the applicant to engage with the Harlow Arts Trust to source a suitable sculpture to be placed in the area earmarked on the proposed site plan. This area of public realm would be subject to a detailed method statement to ensure adequate maintenance.

Providing all the above conditions are suitably discharged, the proposed development would demonstrate accordance with Policies PL1, PL8 and PL4.

Arboriculture

HLDP Policy PL7 states that development which ensures that trees and hedges are protected and enhanced, will be supported. The acceptability of development and tree works will be assessed on criteria relating to the impact of the development and the proposed measures to mitigate any impacts; the character and value of the trees; the existing condition of the trees; any existing specific protection; and the provision of replacement trees which are a suitable species.

The application is supported by an Arboricultural Impact Assessment & Method Statement, prepared by Canopy Consultancy. This document has been reviewed by the Council's Trees Officer who requested further information on the proximity of the proposed development to trees along the southern boundary.

Following further clarification by the applicant, the Trees Officer has confirmed that the proposed development has sufficiently considered the impacts to trees and green infrastructure and has requested a condition be imposed to any grant of planning permission requiring the developer to submit an updated arboricultural method statement to demonstrate that the construction of the development would not impact the identified trees. This would be imposed as a pre-commencement condition.

Subject to the satisfactory discharge of the proposed condition, the scheme is considered acceptable and in accordance with HLDP Policy PL7.

Daylight, Sunlight & Overshadowing

HLDP Policy PL2 (Amenity Principles for Development) requires the Council to determine the acceptability of development on overshadowing and loss of daylight and sunlight.

The application is supported by a Daylight, Sunlight and Overshadowing Assessment, prepared by NRG Consulting. It assesses the impact of the proposed development on

surrounding properties, notably Wych Elm House to the west, and the internal daylight the proposed development would likely receive.

The results of the analysis demonstrate that the neighbouring habitable windows/rooms analysed satisfy the target requirements of the BRE guidance for daylight and sunlight with no significant adverse material effect arising from the proposed development.

Additionally, the report concludes that the daylight levels within the proposed habitable rooms are adequate and exceed the target criteria set out within BRE guidance.

Overall, the proposed development fully complies with BRE guidelines and demonstrates that the proposed development would be acceptable and in accordance with HLDP Policy PL2.

Noise

HLDP Policy PL2 also states that in assessing the acceptability of development on amenity, the compatibility and sensitivity of adjacent uses will be considered. This is further supported by Policy PL10 (Pollution and Contamination) which requires all development proposals to minimise, and where possible, reduce all forms of pollution, which includes noise pollution.

The application is supported by a Noise Impact Assessment Report, prepared by KP Acoustics. This report confirms that the noise survey data and subsequent analysis has allowed the assessment of daytime and night-time levels to be experienced by the proposed development. Measured noise levels have determined a robust glazing specification, ventilation strategy and a suitable buildup between the ground floor commercial use and first floor bedrooms above.

Environmental Heath have not responded to this application on noise matters and so it is considered that they have no objection to the proposed development. Standard planning conditions requiring the applicant to submit details of the glazing and ventilation specifications, and to ensure that any mechanical plant installed, does not exceed the prevailing background noise levels identified within the report would be imposed.

Conditions would also be imposed restricting the opening hours of the commercial floorspace to between 07:00 and 23:00 daily and restricting deliveries outside of these hours.

Subject to the satisfactory discharge and compliance of the recommended planning conditions, the proposed development is considered to accord with the requirements of HLDP Policies PL2 and PL210 in regard to noise pollution.

Energy & Sustainability

NPPF Paragraph 157 states that the planning system should support the transition to a low carbon future in a changing climate and help to shape places in ways that contribute to radical reductions in greenhouse gas emissions; minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

This is supported by HLDP Policy PL3 (Sustainable Design, Construction and Energy Usage), which states new development will be expected 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 supporting policy text outlines that for development proposals, the minimum requirement for the conservation of fuel and power should be exceeded, preferably by at least 19%.

The application is supported by a Sustainability and Energy Report, prepared by Ensphere. The report confirms that a range of sustainable design features are proposed, and construction would be responsibly managed to ensure minimal impact on the environment and local community. The energy strategy is considerate of the Energy Hierarchy and a priority is given to efficient design. Air source heat pumps are proposed for domestic hot water, along with an array of 98 PV panels at roof level, thermal efficiency and high efficiency lighting. On this basis, carbon savings are anticipated to be greater than 19% relative to Part L of the 2021 Building Regulations. The applicant has provided further clarity on the estimated reduction for the entire building once scaled up which is anticipated to result in a 70% reduction.

Based on the findings of the report, the proposed energy strategy is estimated to significantly exceed the requirements of Policy PL3. A planning condition would be imposed requiring the development to be built out in accordance with the recommendations and strategy set out within the report.

Highways & Servicing

NPPF Paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

HLDP Policy IN1 states all development should have regard to the modal hierarchy, adding that major development proposals should identify ways to reduce the use of the car and promote alternative ways to travel. This should be detailed in a supporting Travel Plan.

HLDP Policy IN2 requires development not to cause a severe residual cumulative impact on highway congestion and movement; would not cause a detrimental impact on the safety of all highways users; and provide for adequate, safe and convenient loading and servicing arrangements, access points and drop-off areas, and consideration to the movement and turning of emergency and refuse vehicles.

HLDP Policy IN3 requires vehicle parking to be provided in accordance with the adopted Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting documents.

The application is supported by a Transport Statement, prepared by Entran. The report confirms that the site is in a highly accessible location with a full range of facilities and services including education, employment, retail, healthcare and leisure provision within a short walk from the site.

The site is well connected by public transport. Bus stops in both directions are located on Fourth Avenue providing local and out-of-town links to Epping and Broxbourne. Harlow's main bus station is situated approximately 400m south of the site whilst the town's train station is located approximately 1.1km to the north.

The original submission proposed six car parking spaces (including two accessible parking spaces). This provision has since been reduced to three spaces with EV charging (including two accessible space) to allow for the introduction of a second stairwell for fire safety reasons. Regardless of this reduction, the site is in a highly accessible location and a reduced number of spaces is considered acceptable in the town centre, and in line with ECC guidance, to further encourage the use of sustainable modes of transport.

60 long stay, secure and covered cycle spaces are provided at ground floor level within the residential demise, along with six external visitor/commercial cycle parking spaces. This quantity exceeds ECC requirements.

ECC Highways have been consulted on the proposed development and have concluded that the proposed development would not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network. This is subject to conditions requiring the developer to submit a Construction Management Plan, implement car and cycle parking in accordance with the approved plans, distribute a Residential Travel Pack to the occupiers of the units, and provide a contribution towards the Sustainable Transport Corridors initiative. ECC Highways have also stipulated that should any highway require Stopping Up, development may not commence until a Stopping Up Order has been confirmed extinguishing all Highway Rights.

In addition, the Council's Cleansing and Environment team have been consulted on the proposed development's refuse strategy. They raised several matters regarding the external, temporary collection point being located on ECC land; the use of dropped kerbs; the layout and refuse store doors; paving type and the distance between the furthest entry door and refuse store.

The applicant has remedied and clarified these concerns by removing the temporary refuse area from ECC land. Instead, the managing agent would manoeuvre the bins from the store to near the roadside within the applicant's land ownership. The pavement would be made flush with the road.

The refuse store layout has been improved to enable bin manoeuvrability and double doors would be installed to provide a minimum clearance of 2m when fully open. The applicant did revise the surfacing to tarmac but this needs to be permeably paved to minimise surface water flooding. The distance between the furthest entry and the refuse store would be below the threshold of 30m.

A planning condition would be imposed requiring the applicant to provide details of the management agent, including who would be responsible for manoeuvring the bins to and from the roadside on collection days.

Based on the information provided concerning highways and servicing matters, and the satisfactory discharge of the recommended conditions, the proposed development is considered to align with the requirements of HLDP Policies IN1, IN2 and IN3.

Land Contamination

NPPF Paragraph 189 requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. This is supported by HLDP Policy PL10 (Pollution and Contamination) which requires that all development proposals must minimise and, wherever possible, reduce all forms of pollution and contamination.

The application is supported by a Phase I Desk Study and Preliminary Contamination Risk Assessment, prepared by Brown Fisher Environmental.

In summary, the report confirms that a site walkover has been completed a conceptual model of the site has been developed which demonstrates some significant potential pollutant linkages. Through the risk assessment it has not been possible to prove with the required degree of certainty that the site is uncontaminated for the proposed use. This

relates to the historical use of the site as a garage including a dealership, and more recently, a tyre, exhaust and servicing centre.

There is also some anecdotal evidence that a dispensing pump was located at the front of the site, therefore the possibility of underground tanks at the site cannot be discounted. The site currently collects and stores waste oil and there is evidence of such staining in the periphery of the site. The site is also used for the parking and storage of cars to the south of the building on soft landscaped grounds which may have been impacted by this use.

The report recommends that the soils at the site should be further understood and assessed for possible presence of contamination, and should be combined with a geotechnical assessment to determine the suitability of the site soils for the proposed foundation design. Therefore, further work is required to confirm and characterise the presence of contamination on site and will need to take the form of an intrusive investigation and further generic or detailed risk assessment.

The Council's Environmental Health department have reviewed the supporting information and have requested conditions be imposed requiring the developer to submit an intrusive site investigation before development commences, and to submit a remediation strategy should unidentified contamination be found. Subject to the satisfactory discharge and compliance of these standard planning conditions, the proposed site is considered suitable for residential development and accords with the requirements of HLDP Policy PL10.

Flood Risk and Drainage

NPPF Paragraph 173 states 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 (FRA). NPPF Paragraph 175 adds that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

These national requirements are further supported by HLDP Policy PL11 (Water Quality, Water Management, Flooding and Sustainable Drainage Systems), adding that development proposals should identify how there is sufficient surface water, foul drainage and treatment capacity which can serve the development. The use of SuDS in all development proposals is encouraged and will be supported.

Whilst the site is less than 1ha and within Flood Zone 1, it is located within a Critical Drainage Area, as identified by the Lead Local Flood Authority (LLFA), therefore, a combined Flood Risk Assessment and Surface Water Drainage Strategy has been submitted to support the application.

The report concludes that flood risk from all sources, with the exception of surface water, is currently Low. However, the implementation of a sustainable drainage system to manage surface water would improve the rating to Low.

The LLFA reviewed the proposed strategy and requested a series of clarifications amendments to the proposed drainage strategy. This has now resulted in the LLFA removing their holding objection, subject to planning conditions requiring the developer to submit a detailed surface water drainage scheme for the site, the submission of a maintenance plan detailing the maintenance arrangements of the proposed surface water drainage system and undertaking yearly logs, and ensuring that existing pipes are cleared of any blockages.

Therefore, subject to the satisfactory compliance and discharge of the proposed planning conditions, the proposed development is considered not to increase flood risk elsewhere and would incorporate a sustainable drainage system in line with national and local planning policy.

Ecology and Biodiversity Net Gain

NPPF Paragraph 180 requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts on and providing net gains for biodiversity. This is further supported by HLDP Policy PL9 which states development must conserve and enhance existing biodiversity features to ensure a net gain.

The application is supported by a Preliminary Bat Roost Assessment (including a biodiversity net gain calculation) prepared by Weddle Landscape Design. The document includes a desk study of designated sites and ecological data, and a detailed walkover survey of the site considering habitats and species.

No ecological constraints were identified for roosting bats or foraging and commuting bats. The existing building was assessed as supporting 'Negligible' roosting suitability as no potential roost features were recorded with no identified access points.

In addition, the site is within a built-up urban context and no connective vegetative corridors were recorded for foraging and commuting bats. Similarly, the site is considered to be of 'Negligible' habitat survey.

Based on these findings, no additional surveys are considered necessary to support the planning application, and no avoidance, mitigation or compensation is required.

The assessment also recorded no evidence of breeding birds or access opportunities within the existing building. Therefore, breeding birds are not considered to be a constraint to the proposed development.

The report recommends that the site should provide ecological enhancements in the form of two bat boxes to promote bat populations. The site would also provide a green roof and landscaping at ground level.

As the site does not contain any baseline biodiversity units, the recommended post-habitat enhancements would result in a net gain for biodiversity. This is in accordance with Policy PL9. There is no requirement for this application to achieve a 10% net gain as the application was submitted in advance of the legal requirement taking effect.

Based on the findings and recommendation of the Preliminary Roost Assessment, the proposed development would not impact negatively on assessed ecological habitats. In addition, the proposed development would achieve a significant biodiversity net gain based on the existing baseline. Planning conditions would be imposed requiring the developer to implement the recommendations set out within the report and provide details of the proposed green roof and ground level landscaping, along with a maintenance plan. These conditions would ensure the development is in accordance with HLDP Policy PL9.

Planning Obligations

Policy IN6 states that planning permission will only be granted for development if provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection, and any other planning contributions which are necessary to make the

development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Several consultees have responded to this application setting out the financial contributions sought for local infrastructure.

Following negotiations with the applicant, full contributions have been offered to the NHS Hertfordshire & West Essex Integrated Care Board, and Essex County Council for libraries. A contribution towards the Sustainable Transport Corridor would also be made as requested by Essex County Council Highways.

The agreed Heads of Terms would be captured by a Section 106 Agreement and are as follows (exc. Indexation):

- £73,644 to the NHS Hertfordshire & West Essex Integrated Care Board to be focused on Addison House Surgery and Barbara Castle Surgery. Payment shall be made on the occupancy of the 25th dwelling.
- £31,171.40 to Essex County Council to support the delivery of the Sustainable Transport Corridor.
- £19,427 to Essex County Council for the provision of additional local Early Years and Childcare provision;
- £4,434.60 to Essex County Council to support library services.
- A non-financial contribution to prepare an Employment and Skills Plan to set out how the developer will engage with and maximise local labour and skills opportunities.
- An Early Stage Review mechanism requiring a re-assessment of the scheme's viability to determine affordable housing contributions.
- Monitoring Fees charged at a rate of £550 per obligation (x6).

The applicant has shown willingness throughout the determination period to provide an appropriate level of financial contribution to make the proposed development acceptable in planning terms. On this basis, the proposed development is considered to broadly align with the requirements of Policy IN6.

Conclusions

The proposed development seeks to continue the regeneration of the Wych Elm area in Harlow town centre in accordance with the Wych Elm Development Brief and Harlow Town Centre Masterplan Framework.

It would deliver a 10 storey building comprising commercial floorspace at ground level, with 57 flats above at one of the four corner sites that either benefit from planning permission or are currently in the process of being determined by the Council. 10 Wych Elm is considered a gateway site into the Wych Elm area and would help to largely complete the area of Wych Elm that fronts Fourth Avenue (when coupled with Wych Elm House).

The key benefits of the scheme include: the delivery of homes in a highly sustainable location that meet space standards and offer high standards of accommodation with good outlook and residential amenity; private and communal open space and close proximity to areas of public open space; the provision of high quality public realm and artwork that would integrate with the existing green infrastructure fronting Fourth Avenue; measures to minimise the risk and fear of crime; biodiversity net gain; policy compliant carbon reductions and the introduction of air source heat pumps and PV arrays; a car free development (with the exception of a small provision of accessibility bays) with good access to alternative modes of

transport and local services; and the installation of a sustainable drainage system that would help to reduce surface water flooding in the area.

Whilst the proposed development has been assessed as not being financially viable to deliver on-site or off-site contributions towards affordable housing, the applicant has agreed to undertake an early stage review to enable the Council to clawback contributions should circumstances allow. Furthermore, it is highlighted that this particular scheme includes a proportion of 'starter homes' which the applicant considers to provide a more affordable product.

The applicant has also agreed to provide financial contributions towards healthcare services, libraries, early years and childcare provision and the Sustainable Transport Corridor initiative; all of which have been sought by our consultees and would make the development acceptable.

Therefore, on balance, the proposed development is considered acceptable and is recommended for approval subject to the signing of a S106 Agreement and the planning conditions set out below.

RECOMMENDATION

It is resolved that the Development Management Committee **GRANT PLANNING PERMISSION** subject to conditions listed below and a Section 106 Agreement to secure the Heads of Terms detailed within the report.

Should the S106 Agreement not be signed by the applicant by 13 September 2024 (6 months from the date of planning committee), that powers be delegated to the Head of Planning to refuse the planning application (unless evidence provided by the applicant demonstrates that reasonable endeavours have, and continue to be made between the signatories of the S106 Agreement) for the reason set out below:

Suitable provision to secure financial contributions towards infrastructure (health care, libraries and sustainable transport initiatives) have not been secured. The application therefore fails to adequately address the necessary infrastructure requirements to make the proposed development acceptable and is therefore contrary to the requirements of HLDP Policy IN6.

PLANNING CONDITIONS

1	The development hereby permitted shall be begun before the expiration of the 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	Before development commences other than for investigative work: a) Using the information already submitted in the Phase 1 Desk Study and Preliminary Contamination Risk Assessment prepared by Brown Fisher Environmental (ref: 21CLR5153CW, dated 30 July 2021), an intrusive site investigation shall be conducted for the site using information obtained from the desktop study and Conceptual Model. The site investigation must be comprehensive enough to enable: a risk

	<p>assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.</p> <p>b) The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority which shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.</p> <p>c) Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out.</p> <p>d) A report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.</p> <p>Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.</p>
3	<p>If during development contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with NPPF Paragraph 189.</p>
4	<p>No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.</p>
5	<p>No development shall take place, including any ground works or demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway where possible:</p> <p>a) Safe access into the site.</p> <p>b) The parking of vehicles of site operatives and visitors.</p> <p>c) Loading and unloading of plant and materials.</p> <p>d) Storage of plant and materials used in constructing the development,</p>

	<p>e) Wheel and underbody washing facilities.</p> <p>Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose material and spoil are not brought out into the highway in the interest of highway safety.</p>
6	<p>No development shall take place on site, including site clearance, tree works, demolition, or any other works, until the details relevant to the safe retention and protection of on-site and any relevant off-site trees are submitted within an Arboricultural Method Statement (AMS) in accordance with <i>BS 5837:2012 – Trees in relation to design, demolition and construction</i>. Following the written approval of the AMS, the development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority in writing. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.</p> <p>The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.</p> <p>Reason: To ensure that damage to vegetation for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Harlow Local Development Plan, December 2020.</p>
7	<p>No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:</p> <ul style="list-style-type: none"> • Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated. • Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. • Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. • Final modelling and calculations for all areas of the drainage system. • The appropriate level of treatment for all runoff leaving the site including the undercroft car park, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. • As the site in the NHLW_08 Rivermill Critical Drainage Area, water butts must be included within the drainage design and shown on the drainage plan. Permeable paving must be used as extensively as possible. • Detailed engineering drawings of each component of the drainage

	<p>scheme. Where any contamination/made ground is discovered, unless remediation action is taken, the SuDS features should be lined with an impermeable membrane.</p> <ul style="list-style-type: none"> • FFL's should be set 300mm above ground level. • A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. • An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. <p>The scheme shall subsequently be implemented prior to occupation.</p> <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.</p>
8	<p>The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.</p> <p>Reason: To ensure that the drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.</p>
9	<p>Prior to the commencement of above ground works, details of the double glazing and ventilation proposed to be installed shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>The specification will be in accordance with the approved Noise Impact Assessment Report, prepared by KP Acoustics (ref: 22062.NIA.01.Rev B, dated 27 January 2024). The development shall be carried out in accordance with the approved details prior to first occupation and maintained as such for the lifetime of the development.</p> <p>Reason: To protect occupiers of the premises from excessive noise, and to ensure accordance with Policies PL2 and PL10 of the Harlow Local Development Plan, December 2020.</p>
10	<p>Prior to the first use of the external materials to be used for the finish of the development hereby permitted, a detailed materials schedule which clearly depicts the external materials proposed to be used in the development and the exact location of each material, shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and maintained in perpetuity.</p>

	Reason: To ensure the development responds appropriately to its context and in the interest of visual amenity in accordance with Policy PL1 of the Harlow Local Development Plan, December 2020 and the Harlow Design Guides.
11	<p>Prior to above ground works, the developer shall submit details of the external lighting to be installed on the site to be approved in writing by the Local Planning Authority.</p> <p>Reason: To provide a high standard of design, minimise the fear of crime and to minimise the risk of harm to bat habitats, in accordance with Policies PL1 and PL9 of the Harlow Local Development Plan, December 2020.</p>
12	<p>Prior to the first occupation of the development hereby permitted, a hard and soft landscaping plan for ground level, communal roof terrace, and green roof, shall be submitted to and agreed in writing by the Local Planning Authority. This shall include details of:</p> <ul style="list-style-type: none"> • Planting types, including trees, shrubbery and plants; • Plant boxes, including their material and finish; • Boundary treatments; • All areas that would be covered in hardstanding, including the material, finishing and jointing; and • Public and communal amenity space furniture, including seating areas. <p>The approved hard landscaping and green roof shall be implemented prior to first occupation.</p> <p>The approved soft landscaping at ground level and communal roof terrace shall be implemented during the first planting season following completion of the development hereby permitted.</p> <p>Reason: To enable the local planning authority to retain adequate control over the landscaping of the site, to screen and enhance the development in the interests of visual amenity, and to achieve a biodiversity net gain in accordance with Policies PL1, PL7, PL8 and PL9 of the Harlow Local Development Plan, December 2020.</p>
13	<p>Prior to first occupation of the development hereby permitted, two surface mounted bat boxes shall be installed on the southern elevation of the building at a height of no less than 5m from ground level, be free of climbing vegetation and not be positioned exposed to driving rain or weathering.</p> <p>Reason: To promote bat populations in the local area as recommended in the approved Preliminary Roost Assessment, and to ensure accordance with Policy PL9 of the Harlow Local Development Plan, December 2020.</p>
14	<p>Prior to first occupation of the development hereby permitted, the developer shall work with the Harlow Arts Trust to curate a suitable piece of public art to be installed in the area identified on the approved site plan. The public art agreed shall be installed prior to first occupation of the development and maintained thereafter.</p> <p>Reason: To ensure the form of public art would comply with Policy L3 of the Harlow Local Development Plan, December 2020 and principle DG22 of the</p>

	Harlow Design Guide.
15	<p>Prior to first occupation of the development hereby permitted, a landscape and green roof management plan which details the maintenance and management of the hard and soft landscaping at ground level, the communal roof terrace and green roof, shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>The development shall be carried out in accordance with the landscape management plan agreed in perpetuity.</p> <p>Reason: To protect green infrastructure and landscaping, and to ensure accordance with Policy PL8 of the Harlow Local Development Plan, December 2020.</p>
16	<p>Prior to first occupation, details demonstrating the incorporation of Crime Prevention Through Environmental Design measures for the residential demise, will be submitted to and approved in writing by the Local Planning Authority for the following:</p> <ul style="list-style-type: none"> • Security and compartmentalisation for all residential accesses, including refuse and cycle stores; • Audio and visual external access system; • Secure parcel and mail delivery arrangements; • Management Plan for public realm and shared facilities; • All windows and balcony doors to first floor level, and all residential front doors, to meet a minimum of <i>PAS 24: 2022 Standard</i>. <p>CCTV should provide evidential quality and be monitored 24/7, if required.</p> <p>The development shall be carried out in accordance with the approved details and for the lifespan of the development.</p> <p>Reason: To create a safe and secure environment which helps to reduce opportunities for crime, and minimise the fear of crime, in accordance with Policy PL1(h) of the Harlow Local Development Plan, December 2020.</p>
17	<p>Prior to first occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.</p> <p>Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.</p> <p>Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.</p>
18	<p>Prior to the first occupation of the development, the access arrangements, vehicle parking (including fast electric vehicle charging points) and turning areas as indicated on the approved plans shall be provided and retained as</p>

	<p>such for the life of the development.</p> <p>Reason: To ensure that appropriate access and parking is provided, and to ensure accordance with Essex County Council's Supplementary Guidance, February 2011; and Policies IN1, IN2 & IN3 of the Harlow Local Development Plan, December 2020.</p>
19	<p>Prior to the first occupation of the development, the cycle parking, both internal and external, as indicated on the approved plans, shall be provided and retained as such for the life of the development.</p> <p>Reason: To ensure that appropriate cycle parking is provided, and to ensure accordance with Essex County Council's Supplementary Guidance, February 2011; and Policies IN1, IN2 & IN3 of the Harlow Local Development Plan, December 2020.</p>
20	<p>Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include season tickets for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.</p> <p>Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, and to ensure accordance with Essex County Council's Supplementary Guidance, February 2011; and Policies IN1, IN2 & IN3 of the Harlow Local Development Plan, December 2020.</p>
21	<p>The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.</p> <p>Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.</p>
22	<p>During demolition and construction, robust measures must be taken to control dust and smoke clouds.</p> <p>Reason: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.</p>
23	<p>The cumulative rating level of any mechanical plant installed to the building (as defined by BS4142:2014) shall not exceed the prevailing background noise level identified within the approved Noise Impact Assessment, prepared by ES Acoustics (ref: 20502.ENIA.RPT.01, dated 9 August 2023). If the background noise level is exceeded, the use of mechanical plant shall cease until it is brought below this level. The measurement position and assessment shall be made according to BS4142:2014 (+A1:2019).</p> <p>Reason: To protect occupiers of the premises from excessive noise from mechanical plant, and to ensure accordance with Policies PL2 and PL10 of the</p>

	Harlow Local Development Plan, December 2020.
24	<p>The development shall be carried out in accordance with the measures outlined within the approved Sustainability & Energy Statement, prepared by Ensphere Group Ltd (ref: V4, dated January 2024), to ensure the development achieves carbon savings that exceed Building Regulation requirements by at least 19%.</p> <p>Reason: In the interests of ensuring sustainable design, construction and efficient energy use, in accordance with Policy PL3 of the Harlow Local Development Plan, December 2020.</p>
25	<p>The building's management shall be responsible for ensuring that the residential refuse bins are manoeuvred between the approved stores and temporary refuse collection area on collection days as illustrated on the approved ground floor plan (ref: 778-101 P3).</p> <p>Reason: To ensure that the development makes adequate provision for refuse collection.</p>
26	<p>The communal roof terrace at 8th floor level shall be made accessible to all occupiers of the residential units and retained as such for the lifetime of the development.</p> <p>Reason: To ensure inclusive public space is provided as part of the development, in accordance with Policy PL1 of the Harlow Local Development Plan, December 2020.</p>
27	<p>The flats identified as M4(3) on the approved plans shall be implemented and retained as such for the lifetime of the development. All remaining flats will be M4(2) compliant.</p> <p>Reason: To ensure that homes are both accessible and adaptable to meet the changing needs of occupants, in accordance with Policy H5 of the Harlow Local Development Plan, December 2020.</p>
28	<p>No demolition or construction work shall take place outside of the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 Saturday. No works are to be carried out on site on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of the amenity of adjoining residents, and to accord with Policies PL2 and PL10 of the Harlow Local Development Plan, December 2020.</p>
29	<p>Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the commercial floorspace at ground floor hereby approved shall be restricted to Commercial, Business and Service use (Use Class E) only and shall not be used for any other purpose unless approval is obtained for a variation of this condition through the submission of a planning application.</p> <p>Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another</p>

	Use Class are not necessarily considered to be acceptable, consistent with Policy PL1 of the Harlow Local Development Plan, December 2020.
30	<p>The Use Class E floorspace at ground floor level hereby permitted shall be restricted to hours of operation between 07:00 and 23:00 from Mondays to Sundays, including Bank and Public Holidays. No deliveries shall take place outside of these hours.</p> <p>Reason: In the interest of amenity, and to ensure accordance with Policy PL2 of the Harlow Local Development Plan, December 2020.</p>
31	<p>No bonfires shall be held on site during the construction of the development.</p> <p>Reason: To prevent unnecessary air pollution, and to ensure accordance with Policies PL2 and PL10 of the Harlow Local Development Plan, December 2020.</p>
32	<p>The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

Plan Reference	Version No	Plan Type	Date Received
778-001	P1	Location Plan	12/12/2022
778-010	P1	Existing Ground Floor Plan	12/12/2022
778-011	P1	Existing Roof Plan	12/12/2022
778-020	P1	Existing Elevations	12/12/2022
778-050	P1	Demolition Ground Floor Plan	12/12/2022
778-060	P1	Demolition Elevation Plans	12/12/2022
778-099	P4	Proposed Site Plan	26/02/2024
778-100	P4	Proposed Ground Floor Plan	26/02/2024
778-101	P3	Proposed 1 st Floor Plan	15/02/2024
778-102	P3	Proposed 2 nd Floor Plan	15/02/2024
778-103	P3	Proposed 3 rd Floor Plan	15/02/2024
778-104	P3	Proposed 4 th Floor Plan	15/02/2024
778-105	P3	Proposed 5 th Floor Plan	15/02/2024
778-106	P3	Proposed 6 th Floor	15/02/2024

		Plan	
778-107	P3	Proposed 7 th Floor Plan	15/02/2024
778-108	P3	Proposed 8 th Floor Plan	15/02/2024
778-109	P2	Proposed 9 th Floor Plan	15/02/2024
778-110	P2	Proposed Roof Plan	15/02/2024
778-120	P3	Proposed South Elevation	15/02/2024
778-121	P3	Proposed West Elevation	15/02/2024
778-122	P3	Proposed North Elevation	15/02/2024
778-123	P3	Proposed East Elevation	15/02/2024
778-130	P3	Proposed Section AA+BB	15/02/2024

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	Please read [Thames Water] 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working about or near to [Thames Water] pipes or other structures. Should you require further information please contact Thames Water.
3	There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. Thames Water will need to check that your development does not limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read their guide working near or diverting our pipes.
4	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. Should you require further information please refer to their website.
5	Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site

	<p>remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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. Thames Water 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. Application forms should be completed online. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
6	<p>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.</p>
7	<p>The applicant / developer is advised to refer to the advice issued by the Environment Agency (dated 31 March 2023) regarding the protection of groundwater and surface water from contamination.</p>
8	<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 – Section 13. Fire Service access to the proposed development appears sufficient, meeting the requirements of Section B5 Approved Document "B" Fire Safety Volume 1 and Volume 2. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>
9	<p>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 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).</p>
10	<p>The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 756000.</p>
11	<p>The applicant is advised that even where not required under Building Regulations guidance, Essex County Fire & Rescue Service would strongly recommend a risk-based approach to the inclusion of Automatic Water Suppression Systems (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.</p> <p>The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/.</p>

12	The Highways measures should be imposed by way of negative planning conditions or a planning obligation.
13	Any trees, structures and non-standard materials proposed within the existing extent of the public highway, or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
14	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 .
15	The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, 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.
16	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 Charger [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.
17	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 .
18	Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
19	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.
20	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.
21	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.
22	[ECC] 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.