REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/FUL/15/00482
OFFICER: Mark Philpott

APPLICANT: Kier Living Ltd and Harlow Rugby Union Football Club

LOCATION: Land At Latton Farm (Proposed Rugby Club Site)
Latton Street
Harlow
Essex

PROPOSAL: Application for New Rugby Club Pavilion, Pitches, Parking, Access Road, Emergency Vehicle Track, Demountable Netting and Supporting Poles, Floodlighting and Bollard Lighting and Associated Landscaping (Revisions to Previously Approved Scheme Under LPA Reference HW/PL/14/00362)

LOCATION PLAN:
REASON FOR COMMITTEE: More than two representations have been received which are contrary to the officer’s recommendation.

APPLICATION SITE AND SURROUNDINGS

The application site comprises approximately 7.5 hectares of agricultural/grazing land, located to the northern side of Second Avenue.

The site is bounded by Second Avenue to the south and Howard Way to the west. The east of the site is bounded by the Puffers Green Conservation Area. The northern boundary is bounded by Gravelpit Springs, a Local Wildlife Site and Todd Brook on its north western edge and by open agricultural land on its north eastern edge.

The land forming the application site is gently undulating, sloping downwards from midway along the southern boundary towards the western, north western and eastern boundaries, with a significant level change in the north western corner where the site meets Todd Brook. The majority of the site is open, with the main vegetation cover being hedgerows along the site boundaries. Two culverts cross the site and are defined by trees and hedging. A group of three English Oak trees are located fairly centrally within the western part of the site. The site is designated as Green Wedge.

The application site makes up a part of an area of land and buildings which are together known as ‘Latton Farm’. The majority of this area is farmland, however directly to the east of the site, within Puffers Green Conservation Area, is a range of land and residential buildings in private ownership. Notable buildings to the east of the site include Coppins (a Grade II* Listed Building), and the outbuildings to Coppins, the School House and the Clock Tower (Grade II Listed Buildings).

DETAILS OF THE PROPOSAL

The application seeks full planning permission to provide a new home for Harlow Rugby Union Football Club.

The proposal involves the construction of a new clubhouse, new access and car parking and the creation of 6 rugby pitches (a First Team pitch, two ‘Senior’ pitches, two ‘Junior’ pitches and a training pitch).

The clubhouse will be located along Howard Way, in the north-west corner of the site, with the First Team pitch to the south. The remainder of the pitches will be laid out to the east of the First Team pitch across a number of levels.

The scheme is very similar that which was approved by Committee in December 2014 (under reference HW/PL/14/00362). The application has been submitted principally to address a number of Building Regulations issues which arose following the approval of the original application.

The proposed development differs mainly from the approved scheme in the following ways:

- In order to provide an appropriate disabled and fire escape access, a curved access ramp is proposed to the first floor of the clubhouse at its north eastern corner.
- Relocation of the motorcycle parking and bin store and minor changes to the coach turning head are proposed.
- Relocation of the main entrance to the northern side of the clubhouse.
- Removal of two sets of external steps to the southern side of the clubhouse.
• Enclosure of the lift to northern side of the clubhouse.
• Replacement of the horizontal wire balustrading to all balconies and stairs with glass infill panels.
• Ventilation and plant alterations/additions.
• Increase in the maximum height of the building by approximately 0.4m (offset by a slight reduction in the land height on which the clubhouse would be located).
• Amended landscaping.
• Alterations to car parking, including alterations to the layout and increasing the size of some spaces.
• Introduction of a substation opposite the existing site entrance path.
• Introduction of an equipment container, water tank and pump house (for pitch irrigation) to the north of the playing pitches.
• Slight relocation and reduction in the size of the pitches, and alterations to the land levels, to ensure the pitches accord with Rugby Football Union guidelines.
• The erection of a retaining wall to the east of the First Team pitch, to account for the changes in land levels.
• Reduction in the number of floodlight columns from 20 to 14.

RELEVANT PLANNING HISTORY:


CONSULTATIONS:

Internal and external Consultees

HDC – Consultant Arborist

No objection:

Recommends conditions to require the development to be carried out in accordance with the submitted tree protection and landscaping details.

HDC – Environmental Health

No objection:

No concerns regarding floodlighting, which accords with ILP guidance criteria.

Recommends condition to require a noise limiting device to be installed in the function room or the balcony doors to remain closed during the playing of amplified music.

ECC – Highways

No objection:

Recommends conditions to require the development to be carried out in accordance with the submitted construction method statement, construction management plan and access construction details; to ensure that any gates provided at the vehicular access will be inward opening only and shall be set back from the highway; to prevent discharge of surface water onto the highway; and so no unbound material can be used in the surface treatment of the access adjacent to the highway.
**Environment Agency**

No objection:

Recommends informative to highlight the need for prior consent from the Environment Agency for any proposed works or structures in, under, over or within 8m of the top of the bank of the Todd Brook.

**Natural England**

No objection:

The proposal is unlikely to affect any statutorily protected sites or landscapes.

The impact on protected species has not been assessed.

The standing advice produced by Natural England should be used to assess the likelihood of protected species being present.

**ECC - Archaeology**

No objection:

Recommends a condition to secure archaeological work is undertaken in accordance with the submitted Written Scheme of Investigation.

**ECC – Conservation**

No objection:

The development would not adversely impact on the setting or character of the Puffers Green Conservation Area as the open area would be largely retained.

Recommends a materials condition.

**Sport England**

Support:

The site offers a better facility for the rugby club than the existing location of the club in qualitative and quantitative terms.

The applicants have provided a detailed rationale for the need for a larger site.

As an assessment of the ground conditions has been included with the application further analysis of the ground conditions is not required.

Recommends conditions to require details of the management and maintenance of the pitches to be submitted; for permitted development rights to be removed to prevent a change of use of the pitches; and for the pitches to be constructed and laid out in accordance with Sport England's 'Natural Turf for Sport' (2011) guidance note.

**Harlow Badger Group**
No comment received.

**Harlow Civic Society**

No comment received.

**ECC – Sustainable Drainage Team**

Objection:

Groundwater levels in the north-west of the proposed permeable car park may take up some of the available water storage within the permeable paving. More information should be provided to ensure that any exceedance would be safely contained within the site.

**Neighbours and Additional Publicity**

Number of Letters Sent: 441
Total Number of Representations Received: 6
Date Site Notice Expired: 25 December 2015
Date Press Notice Expired: 7 January 2016

**Summary of Representations Received**

Support: 199 Waterhouse Moor

- The facility is needed badly.

Object: 160 Nicholls Field; 234 Nicholls Tower; 1 Puffers Green Cottages; Coppins, Puffers Green; Clock House, Latton Street

- Noise generated by the club's music/entertainment and late night patrons will be disruptive to the local area.
- Floodlighting will negatively impact neighbouring amenity.
- Noise from the carrying on of rugby will negatively impact neighbouring amenity.
- There is no provision for toilets towards the east of the site. People will be tempted to relieve themselves along the eastern edge of the site.
- Design and landscaping of the development, including the pavilion, car park, earthworks, netting, and floodlights, would be contrary to the character of the area.
- Negative impact on heritage assets, including the Conservation Area and nearby Listed Buildings.
- Traffic will increase.
- Local roads will be blocked.
- Second Avenue and surrounding roads already have high traffic levels.
- The Howards Way/Second Avenue roundabout is one of the busiest in Harlow. Traffic and congestion would significantly increase around the roundabout, particularly on Saturdays when the First Team play.
- Puffers Green will be used for access to and parking for those using the training pitches, as the training pitches are located far from the car parking within the site.
- The junction between Puffers Green and Second Avenue could give rise to accidents.
- Verges will be damaged by vehicles.
- Disruption during construction.
- There are already two football pitches on Nicholls Field and nearby pubs and shopping areas.
- Loss of wildlife habitats
The expert ecological information should be independently verified and the impact of the pavilion and lighting on the environment should be assessed.
- Trees T19 and T20 would be behind one of the first team goals and, due to their location and the height of surrounding land, they could be damaged or blow over.
- Two of the goals are oriented to face the woods, any conversion, penalty or drop goal could result in balls going into the woods and hitting trees containing bats or birds.
- The area is beautiful and irreplaceable and needed by people and wildlife.
- Benefits a minority, not all local people.
- The site is a ‘green oasis’ in a busy town.
- The site is designated as Green Wedge by the Adopted Replacement Harlow Local Plan.
- The development is contrary to the character of the Green Wedge.
- The only alternative use of the site should be playing fields in the event that it no longer viable as a working farm, as set out by the Adopted Replacement Harlow Local Plan. The site continues to be used successfully for farming.
- Not all of the site is proposed to be used for playing fields. Only half of the pavilion would be used for purposes to support the use of the pitches, the other half would be used for social events.
- Harlow has a large number of allocated but underutilised playing fields not requiring a change in their use, or loss of natural habitat or features. These should be seriously considered before any change of use is made to the Green Wedge.
- The amended plans show that the pitches are shrinking to fit into the available land. If another lane is added to Second Avenue then the club will lose additional land and pitches.
- The rugby club have pursued this land for around 20 years and Harlow has fought their applications.
- Conditions should be applied to require the rugby club to pay for any required highway improvements to resolve congestion arising from the development; for construction traffic to be prevented from using Puffers Green; for wheel washing and road cleaning during construction; and for working hours, floodlighting and club house use time restrictions.

PLANNING POLICY:

BE1: “Character and Identity” new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

BE2: “Quality, Legibility and Public Realm” permission for major new development will be granted when: new buildings are designed as part of a group creating a sense of enclosure; public spaces should relate to the scale, appearance, location and function of the buildings around it; layout of buildings, routes and spaces are clearly related; fronts of buildings provide primary access and clearly define streets and public spaces; public spaces are distinguished from private areas; the ground floor encourages activity and interest that is appropriate to the location and character of the area; pedestrian, cycling and, horse riding routes are shown on the development layout and link to the existing network.

BE4: “Accessibility” permission will be granted providing provision has been made to achieve accessibility for disable people, including accessibility to any public or private open space that serves the development.
BE5: "Crime Prevention and Personal Safety" proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These should be integral to the design.

BE7: "Listed Buildings" permission for development that would necessitate the demolition of a listed building, or buildings, or compromise its/their character or setting, will not be granted.

BE10: "Conservation Areas" new development within or affecting a Conservation Area will be granted consent subject to: it not harming the character or appearance of the Conservation Area; the scale, height, form, massing, elevation, detailed design, materials and layout respect the character of the Conservation Area; the proposed land use is compatible with the function and activities of the Conservation Area.

BE14: "Archaeology" proposals that affect a site where archaeological remains exist will only be determined after an archaeological field evaluation has been undertaken.

BE15: "Contaminated Land" permission will not be granted for developments on or affected by ground that is known to be contaminated until fully investigated.

BE16: "Light Pollution" external lighting will not be granted if: it is unacceptably intrusive; its use would cause an unacceptable disturbance to the surrounding area; it causes danger to road safety; it is proven to have an adverse effect on sites of wildlife importance. Where permission is granted, means of reducing light spillage should be adopted.

BE17: "Noise Pollution" permission will be granted if noise sensitive developments are located away from existing noise sources and potentially noisy development are located in areas where noise will not be such a consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated and experienced by others.

L10: "Latton Farm" the only viable alternative for use of Latton Farm farmland is as playing fields, if lack of viability is demonstrated.

NE1: "Green Wedge" will be protected from inappropriate development. Permission will be granted, for small scale development proposals or replacement buildings that do not have an adverse effect on the roles of the Green Wedge.

NE11: "Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

NE12: "Landscaping" major developments shall be accompanied by details of landscaping features and wildlife habitats and suitable landscaping schemes to mitigate against any impact, along with new landscaping.

NE15: "Biodiversity and Nature Conservation" permission will not be granted for development that would harm habitats or other features of the landscape, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

NE20: "Protected and Rare Species" applications should be supported by appropriate surveys. Permission will not be granted which will have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, the Protection of
Badgers Act 1992, the Habitats Regulations 1994 and other rare species, unless it can be demonstrated that the need outweighs the need to safeguard the specie(s).

T4:“Green Commuter Plans" a green commuter plan will be required where an application: generates 30+ staff employments; 10+ additional parking spaces; extensions to existing premises where 10+ additional staff generated results in 30+ staff being employed; other instances where the location and/or nature of the development are particularly sensitive.

T9:”Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

CP12:“Public Utilities" development that will be at risk of flooding, or will contribute to flood risk or has an adverse impact on the river corridor will be resisted.

PLANNING STANDARDS:

National Planning Policy Framework 2012- sets out the Government’s key economic, social and environmental objectives and the planning policies to deliver them. These policies will 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.

Supplementary Planning Documents/Current Planning Guidance

Harlow Design Guide (2011)
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council’s Adopted Development Management Policies (2011)
National Planning Policy Guidance (2014)

PLANNING ASSESSMENT:

The main issues to be considered in the determination of this application are: i) the principle of the development; ii) the design of the proposal and the impact on the character and appearance of the area, including the impact on the Green Wedge and Heritage Assets; iii) landscaping, ecology and biodiversity; iv) the impact on residential amenity; v) Access, parking and the impact on the highway safety.

The application seeks approval of amendments to an approved scheme (reference HW/PL/14/00382). The significance of the differences between the approved and proposed schemes is also a material consideration. Reference to the approved application is made throughout this planning assessment.

Summary of Main Issues

i) Principle of Development

The approved application was accepted in principle. There have been no substantive changes to national or local planning policies since the approval of HW/PL/14/00382 in December 2014, nor does the site appear to have changed.
Policy L10 of the Adopted Replacement Harlow Local Plan (ARHLP) provides for use of Latton Farm as playing fields only where use of the land for farming is no longer viable. The viability of the farmland has not been reassessed as part of the current application; however, as the viability position was considered acceptable just over a year ago it is not felt that a reassessment of viability for the current application is necessary or reasonable.

The proposed scheme is accepted in principle, subject to its compliance with all other material planning considerations.

**ii) Design, Character and Appearance, including the impact on the Green Wedge and Heritage Assets**

The Committee Report for the approved scheme concludes that the clubhouse would have an acceptable impact on the character and appearance of the area, the Green Wedge and nearby Heritage Assets.

The general layout and appearance of the clubhouse, access, car parks and playing pitches would be very similar to the approved application.

Notwithstanding slight changes to the pitch levels and positions, the amendments to the approved scheme would all be located towards the western side of the site and a significant distance from the Conservation Area and Listed Buildings. Therefore it is not considered that the amendments to the approved scheme would result in a significant impact on Heritage Assets.

The alterations to the car parks, bin store and turning head are minor changes which would not have an impact on the quality of the scheme.

The relocation of the main entrance of the clubhouse from the western elevation to the northern elevation is logical and would enhance the legibility of the development as the entrance would be visible from the access road and the visitor parking area.

The ramped access to the first floor of the clubhouse would extend past the northern and eastern elevations, be U-shaped, faced in concrete with gabion walling and screened by planting. The ramp would appear to increase the overall width of the built form slightly; however, it would appear subordinate and small in scale in comparison with the rest of the building. In addition, the apparent increase in the width of the building would be offset by a reduction in the amount of external balconies and staircases surrounding the main part of the building.

The increase in the height of the clubhouse by approximately 0.4m is considered to be slight and would be offset by the clubhouse being set further into the ground, such that it would appear no higher than the approved clubhouse. In addition, the apparent narrowing of the clubhouse as a result of the removal of some of the first floor external balconies and the replacement of the balconies horizontal wire balustrading with glass infill panels would result in a lighter appearance to the building.

The plant required on the roof for the kitchen would not be visible from the south, but otherwise would be visible to a limited extent. The plant would not be prominent from outside the site given its small size and the distance between the site boundaries and the clubhouse. In addition, the plant would be obscured from view on entrance to the clubhouse by being located high up on the northern roof plane.

On balance, it is not thought that the openness of the Green Wedge would be significantly affected by the proposed amendments to the clubhouse.
Details and samples of the materials proposed for the external surfaces of the clubhouse are included with the application. The clubhouse would be primarily finished in red cedar cladding above buff coloured stock brick. The cladding would weather over time to a silver-grey colour. The roof would be finished in single ply roofing with the appearance of a light grey lead sheeting. The fenestration, fascias, verges and trim would be finished in powder coated, grey coloured metal. The bin and plant stores would be finished in cedar cladding to match the clubhouse. The details accord with the materials accepted in principle for the approved scheme.

Due to the relatively large distances between the clubhouse and buildings in the surrounding area it is not necessary for the clubhouse to be finished in materials which match the buildings in the surrounding area, provided that the materials do not increase the prominence of the clubhouse unnecessarily or feel at odds with the Green Wedge or Heritage Assets. It is considered that the stock brick and lead-like roof would have a high quality appearance that would respect the more traditional appearance of development in the Conservation Area and that the vertically laid timber cladding would mitigate the massing of the building and have a naturalistic quality which would be fitting of the verdant, open and natural setting of Latton Farm. The proposed materials are therefore considered to be acceptable.

The approved scheme required amendments to the land levels to provide Rugby Football Union guideline compliant gradients for all of the pitches, as only the First Team pitch meets the guidelines for the approved application. The details show that, like the approved scheme, the First Team pitch would be raised and the other pitches lowered compared to the existing land levels. The changes in levels are not considered to be significant and should continue to only be readily noticeable from within the site.

The proposed substation would be located towards the western boundary of the site and accessed via the existing field access from Howard Way. It would be of a standard glass reinforced plastic design and visible from the footpath which runs along the western site boundary, but it would be small in size and screened to a large extent by existing hedgerow. The equipment container, water tank and pump house would be located to the north of pitch 2. The structures would all be painted green, no greater than 3m in height and obscured by new planting.

The approved scheme includes a number of floodlights to illuminate the pitches and demountable netting and supporting poles to prevent rugby balls going onto the highway. The amended scheme proposes a reduction in the amount of floodlight columns from 20 to 16. This would lead to a reduced impact on the Green Wedge and is therefore supported. The floodlight columns would be slim-line and grey coloured and the demountable netting and supporting columns would be green. It is considered that the design and colour of the floodlight columns and netting and supporting columns would minimise their prominence and mitigate their impact on the Green Wedge. As with the approved scheme, a condition to require the demountable netting to be in a lowered position except immediately before, during and after a rugby match or organised practice is considered to be necessary in order to minimise the impact on the openness of the Green Wedge.

A condition was imposed on the approved scheme to limit the height of the rugby goal posts to 9m for the First Team pitch and 7m for the other pitches. The applicant has explained that posts up to 13m and 9m in height are required for the First Team and other pitches respectively in order to accord with Rugby Football Union guidelines. It is not thought that the increase in the height of the goal posts would be unacceptable, particularly since the number of vertical structures proposed has been reduced as less floodlight columns are now required.
It is considered that the design and its impact on the character and appearance of the area, the impact on the Green Wedge and Heritage Assets is acceptable.

(iii) Landscaping, Ecology and Biodiversity

There are few significant proposed changes to the approved scheme with regards to landscaping. Most of the changes are incidental as a result of the minor alterations to the layout and are limited to amendments to the types and mixes of planting species proposed.

The main changes to the landscaping have occurred so the equipment tank, water container, pump house to the north of pitch 2; the retaining wall to the east of the First Team pitch; and the ramped access to the clubhouse can be screened.

The equipment tank, water container and pump house would be screened from view to the west, south and east by shrub planting (*Prunus lusitana* ‘Portuguese Laurel’) and views to the north would be obscured by the existing adjacent woodland.

The retaining wall would be screened from view to the north, south and west by the proposed land levels. Further planting of *Punus lusitana* would mitigate views of the wall to the east, and create a pleasant area of soft landscaping next to the two retained English Oak trees in the centre of the site.

Shrubs (*Spiraea x arguta* 'Bridal Spray' and *Cornus sanguinea* 'Midwinter Fire') would also be planted on the outer side of the curved access ramp. This would help mitigate the mass of the ramp and improve its appearance and contribute to its integration with the Green Wedge.

The Council’s arborist has no concerns regarding the landscaping scheme or the proposed selection of species.

Updated tree protection plan details have been submitted which show that there would not be any further removal of trees beyond that which has already been accepted as part of the approved scheme. To enhance the quality of the scheme, the applicant proposes to plant an additional English Oak tree in the south-western corner of the site. The tree would be located in a prominent location near to the Howard Way/Second Avenue roundabout and would positively enhance the natural and verdant character of the site. The additional tree is considered to improve on the approved soft landscaping scheme.

Details of the proposed hard landscaping have also been proposed. Marshalls ‘Priora’ brand permeable block paving is proposed for the surfaces of the access road, the northernmost car park and around the clubhouse. Three different finishes to the block paving (shades of brown and grey) are proposed to demarcate the different hardstanding areas. The block paving would appear recessive to and compatible with the materials chosen for the clubhouse and have a ‘soft’ appearance which would minimise the impact on the Green Wedge.

The southernmost parking area, First Team pitch viewing area, the footpath from the clubhouse to the eastern pitches and the emergency access track would be surfaced in grass with a plastic paving grid underlay. This would provide a hardy surface suitable for parking of vehicles whilst reducing the amount of visible hard surfacing. The surface is considered to be appropriate and would ensure that the openness of the Green Wedge is maximised.
An ecological update has been submitted which concludes that there have been no changes to habitats or the presence of protected species. It is considered that there have been no significant changes to habitats. No further evidence of protected species has been identified. Natural England has not objected to the application. Harlow Badger Group have not commented but did not object to the approved scheme. There are no concerns regarding ecology or biodiversity as a result.

Subject to a condition to require the development to be carried out in accordance with the submitted details and an informative to highlight protected species legislation and the potential need to acquire licenses to undertake the works, the application is considered to be acceptable in terms of landscaping, ecology and biodiversity.

(iv) Residential Amenity

The majority of the changes to the approved scheme, such as the minor alterations to the layout and clubhouse, would not materially alter the impacts on residential amenity.

The floodlights are expected to be in use at the same times as with the approved application except there may occasionally be the need to illuminate the First XV pitch between the hours of 14:30-16:30 on Sundays (up to eight times per year in Winter). This is because the rugby club’s Ladies Team has recently been promoted and matches may be scheduled for Sundays. The proposed additional hours of operation are limited and would be early in the evening such that this would not have an unacceptable impact on residential amenity.

Environmental Health has no concerns regarding light or noise pollution.

Subject to the imposition of conditions to require the external lighting to be as per the submitted details, to limit the hours when the site and its surroundings may be illuminated, and to require a noise limiting device to be installed in the clubhouse function room to limit the sound pressure level of any amplified music, as required for the approved scheme, the impact on residential amenity would be acceptable.

(v) Access, Parking and Highway Safety

The Highway Authority has no objection to the application, subject to conditions.

The main vehicular access into the site and standard of the internal road remains unchanged from the previous application such that it is not considered that there would be a material impact on access/egress from the site or highway safety.

The same number of standard, cycle and powered two wheeler parking spaces would be provided as for the approved scheme. All of the standard parking spaces would be to the preferred sizes set out within the ECC Parking Standards, which is an improvement over the approved scheme which featured a number of smaller spaces. A disabled space in the members car park is now proposed to be an ambulance parking space, but the disabled spaces to the immediate north of the clubhouse would be retained. The parking arrangements are considered to be appropriate.

It is considered that the application is acceptable with regards to access, parking and highway safety matters subject to similar conditions as those imposed on the approved application, however, as details have been submitted which show that surface water would not drain onto the highway and that the surface of the vehicular access would be appropriate, conditions to require a drainage scheme to be submitted and to ensure that the surfacing materials near the access to be unbound are no longer necessary.
In addition, detailed construction arrangements have been submitted which show that materials would be stored within the site and that wheel washing would take place, for example. The arrangements should limit disruption and prevent loose materials and spoil from being deposited on the highway. A condition should be imposed to require the development to be carried out in accordance with the construction arrangement details.

(vi) Other Matters

Archaeology

ECC Archaeology had no objection to the approved scheme, subject to the imposition of a condition to require a programme of archaeological work being secured to ensure that the development would not harm any archaeological deposits. A Written Scheme of Investigation has been submitted with the current application, which ECC Archaeology considers to be acceptable. There are no concerns regarding archaeology provided that a condition is imposed to require the scheme to be carried out in accordance with the Written Scheme of Investigation.

Flooding/Drainage

Additional flooding/drainage details have been submitted with the application. The Environment Agency has no objection to the scheme. ECC Sustainable Drainage has raised concerns that the groundwater levels to the north-west of the site would be at a height which may inhibit the drainage capacity of the permeable paving used for the car parks, however, the applicant has submitted details showing that the ground water levels would not be as high as ECC Sustainable Drainage suggest. It is therefore considered that the proposal is acceptable with regards to flooding/drainage.

Playing Pitch Quality

Additional details have been provided to show the proposed quality of the rugby pitches. Sport England has stated that these details are acceptable. Sport England recommends conditions to ensure that the pitches are provided to an appropriate standard, retained as playing pitches, and managed and maintained in accordance with an approved scheme. Similar conditions were imposed on the approved application. Subject to the conditions, the pitches are considered to be appropriate.

Waste

The location of the bin store has been altered, but would be equally accessible as with the approved application. The club would be responsible for making its own private waste collection arrangements. There are no foreseen issues regarding waste collection.

CONCLUSIONS:

The application seeks planning permission for a limited number of amendments to a recently approved scheme. The amendments are not considered to be materially significant.

The proposed development is acceptable in principle, raises no concerns regarding its design, layout and associated landscaping; would have a minimal impact on the Green Wedge and Heritage Assets, biodiversity, ecology and amenity; and would be acceptable with regards access, parking and highway safety matters. No material considerations are considered to be outstanding.
The application proposes development which would improve the quality and quantity of rugby facility provision within Harlow and would be of great benefit to the local community.

It is recommended that planning permission be granted, subject to conditions.

**RECOMMENDATION:**

That Committee 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. The playing fields and pitches shall be used for Outdoor Sport and for no other purpose including without limitation any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (or in any statutory instrument revoking and re-enacting that Order with or without modification).
   
   **REASON:** To prevent the loss of the sports pitches, to maintain the quality and secure the safe use of the pitches and to protect the character of the Green Wedge in accordance with policy NE1 of the Adopted Replacement Harlow Local Plan, July 2006.

3. The sports pitches shall be constructed and laid out in accordance with the 'Site Plan' (Drawing No. '5410-100-T2) and with the standards and methodologies set out in guidance note 'Natural Turf for Sport' (Sport England 2011).
   
   **REASON:** To ensure the quality of the sports pitches is satisfactory.

4. Prior to first use of the development, a Management and Maintenance Scheme for the sports facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
   
   **REASON:** To ensure that new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit to sport.

   
   **REASON:** To ensure satisfactory landscape treatment of the site, to protect damage to trees identified for retention and to screen and enhance the development in the interests of visual amenity, in accordance with policies NE11 and NE12 of the Adopted Replacement Harlow Local Plan, July 2006.

6. The development shall be carried out in accordance with the 'Materials Schedule' (Reference 180116).
   
   **REASON:** To ensure that the materials used in the construction of the development are appropriate in the interest of visual amenity and the character and appearance of
the area in accordance with policies BE1, BE7, BE10 and NE1 of the Adopted Replacement Harlow Local Plan, July 2006.

7 The development shall be carried out in accordance with the details submitted in relation to the floodlight columns and netting and supporting poles (Technical Report (Reference: UKS8111), Demountable Netting - Supporting Information (Reference: NH072314), HL250D15 Mast HL250D15/2/AL5760 and Floodlight Brochure-Challenger-1 UKS8111) and shall be retained in perpetuity.
REASON: To ensure that the finished appearance of the floodlight columns and netting and supporting poles are compatible with characteristics of the Green Wedge, in accordance with policy NE1 of the Adopted Replacement Harlow Local Plan, July 2006.

8 The netting shall be lowered to a height of not exceeding 0.5m above the ground upon which the nets are erected, except during and immediately before and after a rugby football game or organised practice takes place on a pitch within the site.
REASON: To minimise the impact of the development on the Green Wedge, in accordance with policy NE1 of the Adopted Replacement Harlow Local Plan, July 2006.

9 The external lighting and levels of illumination shall be as detailed on the approved plans and as described on the External Floodlighting Plan UKS8111/1/A. The site and its surroundings shall not be illuminated by lighting within the site at any time other than as specified on lighting information sheet reference CAPL321390/A6.
REASON: In the interests of neighbouring amenity in accordance with policy BE16 of the Adopted Replacement Harlow Local Plan, July 2006.

10 Prior to the clubhouse becoming operational, a noise limiting device shall be installed and retained in the clubhouse function room. The noise limiting device shall limit the sound pressure level of any amplified music to no more than 85dB(A) at any time.
REASON: To safeguard the amenity of occupiers of surrounding properties from unreasonable noise levels in accordance with policy BE17 of the Adopted Replacement Harlow Local Plan, July 2006.

11 The development shall be carried out in accordance with the submitted drainage layout (drawings DR-00-00_E1, DR-00-01_E1, DR-00-02_E1, DR-99-01_E1, DR-99-02_E1). The drainage layout shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
REASON: To prevent the increased risk of flooding and to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety, in accordance with Policy CP13 of the Adopted Replacement Harlow Local Plan, July 2006 and the Highway Authority's Development Management Policies, February 2011.

12 The submitted Construction Method Statement and Construction Management Plan shall be adhered to throughout the construction period.
REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with the Highway Authority's Development Management Policies, February 2011.

13 Prior to the first occupation of the proposed development the applicant shall implement the access for the proposal, as shown in principle on drawing EW-00-10 E1, with all details being agreed with the Highway Authority and to include:
- 2.4m x 120m visibility splays clear to ground level;
- Minimum radii of 6m;
- Suitable pedestrian dropped kerbs and tactile paving across the new bellmouth access;
- The provision of 2 dropped kerb pedestrian crossing points, with appropriate tactile paving, across Howard Way within the vicinity of the new access.

REASON: In the interests of highway safety, efficiency and accessibility, in accordance with the Highway Authority's Development Management Policies, February 2011.

14 The proposed development shall not be occupied until such time as the vehicle parking and turning area on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking and turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and turning is provided, in accordance with the Highway Authority's Development Management Policies, February 2011.

15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the Highway Authority’s Development Management Policies, February 2011.

16 The programme of archaeological work will be carried out in accordance with the Written Scheme of Investigation (Reference MF/20724/01, dated 7 October 2015).

REASON: To ensure the protection of archaeological features and deposits, in accordance with policy BE14 of the Adopted Replacement Harlow Local Plan, July 2006.

17 Prior to the first occupation of the development hereby approved, a scheme for the promotion of sustainable methods of transport shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of promoting sustainable development and in the interests of highway safety.

18 The development shall be carried out in accordance with the following approved plans:

- Site Location: 1512/06 (27.11.15)
- Latton Farm Site Constraints: 16559/2002 A (27.11.15)
- Site Plan: 5410-100-T2 (27.11.15)
- Ground Floor Plan: 5410-101-T1 (27.11.15)
- First Floor Plan: 5410-102-T1 (27.11.15)
- Proposed Elevations: 5410-104-T1 (27.11.15)
- Clubhouse and Environs: 5410-105-T1 (27.11.15)
- Section A-A _ B-B: 5410-110-T1 (27.11.15)
- Bin Enclosure: 5410-700-T1 (27.11.15)
The proposed development is acceptable in principle, raises no concerns regarding its design, layout and associated landscaping; would have a minimal impact on the Green Wedge and Heritage Assets, biodiversity, ecology and amenity; and would be acceptable with regards access, parking and highway safety matters. No material considerations are outstanding. The application proposes development which would improve the quality and quantity of rugby facility provision within Harlow and would be of great benefit to the local community. The application has been recommended for approval accordingly.

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.
3. The badger is a protected species and is specifically protected under The Protection of Badgers Act 1992. It is an offence to:

- Disturb a badger when it is occupying a sett.
- Obstruct access to, or any entrance of, a badger sett.
- To interfere with a sett by damaging or destroying it, or
- Willfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so.

Natural England is the licensing authority for sett interference or disturbance to badgers within setts that might result from land development.

A licence must be obtained from Natural England before any works commence that might affect a badger sett. Licences cannot be issued retrospectively. Natural England should be contacted at an early date to establish their requirements for a licence application.

If at any time badgers or evidence of badgers are observed during any works operations should cease.

4. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Todd Brook, designated a 'main river'.

5. 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 or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Hall Drive, Brentwood. CM13 3HD

6. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Dianne Cooper
Planning & Building Control Manager

Mark Philpott
Contributing Officer