

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
10 January 2024

REFERENCE: HW/FUL/23/00376

OFFICER: Mick Gavin

APPLICANT: Mr Bob Purton

LOCATION: Proposed Parking North Of 19-36 Whitewaits Garage Site
Whitewaits
Harlow
Essex

PROPOSAL: Extension to existing hardstanding to provide 10 no. additional bay car parking spaces, the proposed extension to the parking area will be bound to the east and west by a 1 m tall brick wall and north of the site to be bound by a kneerail fence.



LOCATION PLAN

PROPOSED DEVELOPMENT: Extension to existing hardstanding to provide 10 no. additional bay car parking spaces, the proposed extension to the parking area will be bound to the east and west by a 1 m tall brick wall and north of the site to be bound by a kneerail fence.

Reason brought to committee

The applicant is Harlow District Council.

Summary

The proposal would provide additional car parking to address issues of on-street parking congestion. The proposal is considered to be acceptable on balance and it is recommended that permission be granted subject to conditions.

Details of Proposal

Permission is sought for the provision of 10 additional car parking spaces on hardstanding which would form an extension to the existing garage court located on the north side of Whitewaits opposite the junction with Parsonage Leys.

The parking area would extend 13.7m from the rear of the existing garage court, maintaining the same width of 19.3m. The parking would be contained within a one-metre-high brick wall on its side boundaries and a kneerail fence on its north boundary. An area of meadow planting is proposed adjacent to the parking to extend a further 7.7m.

Site and Surroundings

The site area is currently part of a larger area of landscaping comprising grass and trees which sits between nos.33-42 Whitewaits on its west side and nos.246-256 Arkwrights on its east side.

The site falls within the built envelope of the town in a residential area. It is not within a conservation area or near a listed building.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

CONSULTATIONS

Internal and external Consultees

Essex County Council - Highways

There are no highway issues associated with the above PA, as the proposal is sited well off the highway.

Arboriculture Consultant

The Consultant states that while the development would result in the loss of two trees, this impact can be adequately addressed with replanting. The red horse chestnut tree has a limited life expectancy based on its current condition, which overall is poor. The other tree is

a maturing London plane tree that has not reached its full potential and is not of overt significance to the landscape in its current form. The replacement of the two trees will ensure a longer-term amenity, and tree coverage. The addition of a wildflower meadow will be beneficial to the rather monotonous mowed grass area. There would also be ample room to plant further on this green if needed in future, as the development does not occupy a large area of the total green.

The trees to the east side of the current garages are being retained, their size and proximity would suggest that the impact of development can be dealt with by conditioning an arboricultural method statement (AMS). A landscaping condition is needed to ensure the landscaping is established with a clear maintenance programme, and so tree species to be planted can be discussed.

Officer comment: Landscaping and Method Statement conditions are proposed.

Neighbours and Additional Publicity

Number of Letters Sent: 31

Total Number of Representations Received: 3

Date Site Notice Expired: 26 October 2023

Date Press Notice Expired: 2 November 2023

Summary of Representations Received

Objections received from two residents (41 Whitewaits and 249 Arkwrights), which are summarised below.

- Strongly object as parking is going to be right in front of many dwellings one of which is mine.
- Object to extension of parking and resulting loss of trees and green.
- Currently live off the road in a quiet green space and do not want a concrete hardstanding and cars and vans outside my window.
- Destruction of green space which should be retained in perpetuity; stupid idea.

PLANNING POLICY

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2023 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The relevant strands are considered further in the report.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 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. For the purposes of this application, the Development Plan comprises the Harlow District Local Plan (HDLP).

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

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

Paragraph 38 of the NPPF further states that:

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

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

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

SD1 – Presumption in Favour of Sustainable Development
PL1 - Design Principles for Development
PL2 – Amenity Principles for Development
PL3 – Sustainable Design, Construction and Energy Use
PL7 – Trees and Hedgerows
PL8 - Green Infrastructure and Landscaping
PL10 – Pollution and Contamination
PL11 – Water Quality, Water Management, Flooding and Sustainable Urban Drainage Systems
L4 – Health and Wellbeing
IN1 – Development and Sustainable Modes of Travel
IN2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
The Harlow Design Guide Addendum SPD (2021)
Essex Parking Standards Design and Good Practice (2009)
ECC Development Management Policies (2020 – living document with regular updates)

HGGT Guidance

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

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

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

ASSESSMENT

Principle

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

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

Development on Other Open Spaces must meet the following criteria:

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

As set out below, although there is a degree of conflict with the aims of criteria (a) of this policy, on balance it is considered that the development is acceptable taking account of other material considerations.

Character and appearance, trees and biodiversity

It is acknowledged that the replacement of the existing area of landscaping with a hard surface does not enhance the area. The area is however a small part of this relatively large area of grass and trees, the majority of which will remain as existing: the proposed parking comprises 264 sqm within the overall area of approximately 1,350 sqm (less than a fifth). The two small trees which would be lost would be replaced by new trees, this to be secured by condition. A new area meadow is also proposed, the details of which are also proposed to be reserved by condition. In biodiversity terms appropriate species rich meadow is of greater value than the existing grass cover.

Residential amenity

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

The occupiers of the terrace of three houses comprising nos. 41, 42 and 43 Whitewaits are those most directly affected. The new parking would sit to the front of these properties with commensurate impacts on outlook and disturbance from manoeuvring vehicles. There is greater separation to the facing houses on the other side of the green and less impact (nos. 246-256 Arkwrights).

Parking and highways

Policy IN3 allows for a flexible approach to the provision of parking. It allows the Council to secure more spaces in areas that experience parking problems. In this case it is considered that alleviation of on-street parking congestion in the area justifies provision of the proposed additional parking.

The proposed spaces have the same footprint as the existing garages and this is considered acceptable. No highway safety issues arise.

Flooding

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

Balancing exercise

It is accepted that there are adverse impacts arising from the proposal in terms of appearance and residential amenity. The impact on appearance is proposed to be mitigated by conditions to ensure replacement planting of trees and meadow. The need to address on-street car parking congestion in the area is however given significant weight, and on balance this material consideration is considered to justify the grant of permission.

Equalities

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

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

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

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

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

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

CONCLUSION

The proposed development is considered on balance to be acceptable, subject to conditions.

RECOMMENDATION

That Committee is recommended to resolve to grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of any works an Arboriculturally Implication Assessment (AIA) will be submitted to the Local Planning Authority and approved in writing. The AIA will consider the current and future relationships between the proposed development and the existing trees and will follow the recommendations set out within the current BS5837.
REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with policies PL1, PL7 and PL8 of the Harlow Local Development Plan 2020 and to ensure that damage to vegetation identified for retention is avoided and to allow proper consideration of the impact of the proposed development on the amenity of the existing site so as to protect and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.
3. No development shall commence until full details of hard and soft landscaping proposals have been submitted to and approved by the Local Planning Authority. These shall include:

Details of replacement trees including species, size and siting
Details of meadow planting including a schedule of species, size, density
A method statement for implementation and long-term maintenance and aftercare including how replacement planting will occur when necessary
Details of materials and design of walls and fences
Details of surface materials and how these facilitate sustainable drainage of the site

The development shall be implemented in full accordance with the approved details.

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity, biodiversity and drainage and to comply with Policies PL1, PL7, PL8 and PL11 of the Harlow Local Development Plan 2020.

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. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

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

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

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

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

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

3. Pursuant to condition 2 the AIA must follow the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction.