

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

4 December 2024

REFERENCE: HW/FUL/24/00217

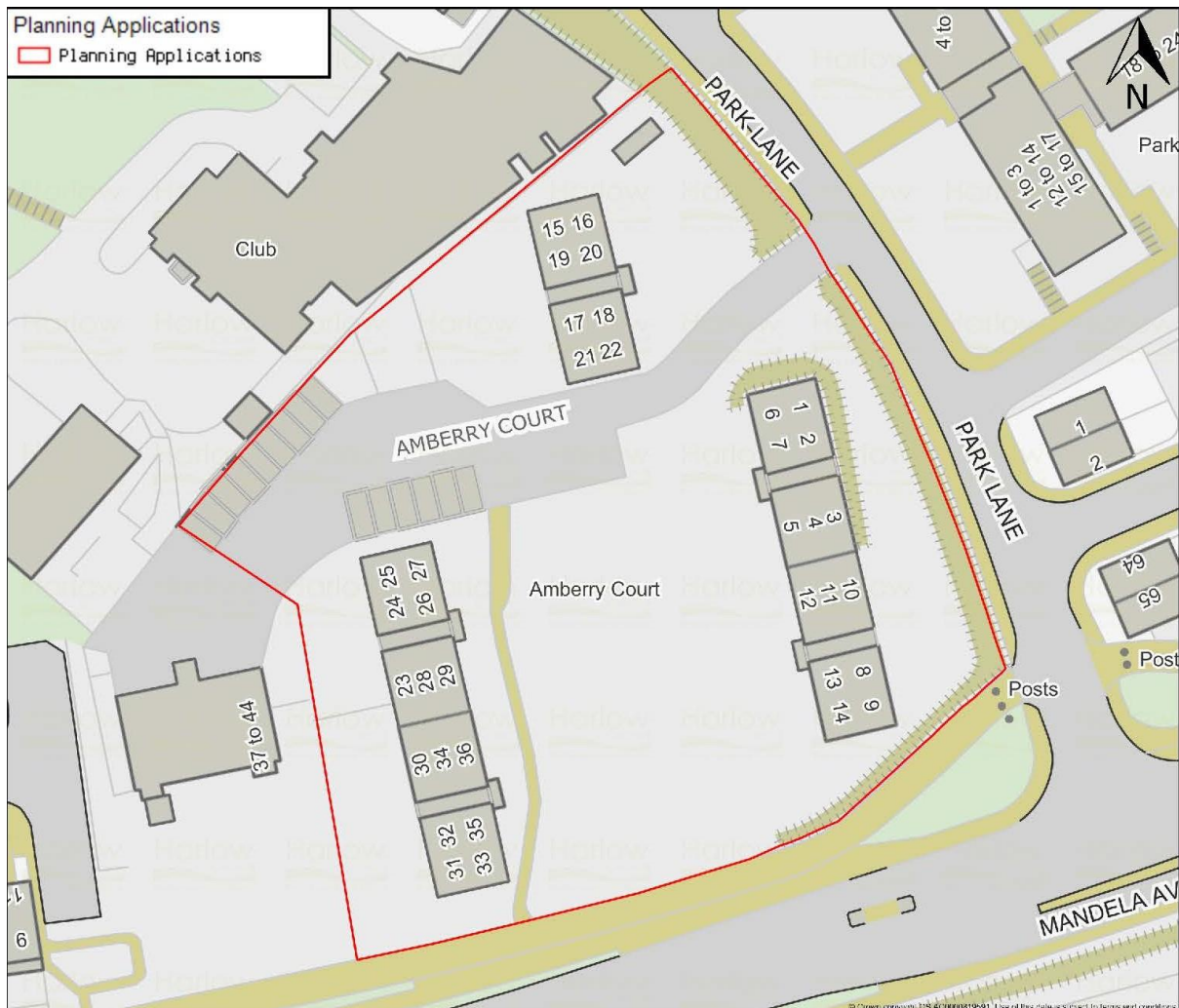
OFFICER: Chris Walter

APPLICANT: Mr Paul Adler

LOCATION: Flat Blocks 1-14 And 15-22 And 23-36
Amberry Court
Harlow
Essex

PROPOSAL: Addition of cycle parking provision to communal external areas

LOCATION PLAN:



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Reason for Committee Referral

Five objections have been received contrary to the officer recommendation of approval.

Details of the Proposal

Planning permission is sought for the addition of 45 secure cycle storage spaces across three locations along the edges of the central communal amenity space within Amberry Court.

Three drums, storing up to five cycles, will be placed at each location. Each individual drum measures 2.3 metres in depth, 1.35 metres in height and 2.4 metres in width.

The drums would be secure and finished in green.

Site and surroundings

The application site relates to the central communal amenity space within Amberry Court. It is located within the Nettleswell ward and is to the north-east of the Town Centre. Vehicular access is available via Park Lane from First/Mandela Avenue.

The site is in Flood Zone 1 and not within a Critical Drainage Area and is therefore at the lowest risk of flooding. The site is not constrained by any statutory designated heritage asset, but the central communal amenity space is recognised as 'Other Open Space' as defined in HLDP Policy PL6.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/21/00434	External works including 54 car parking spaces, 30 cycle spaces, new playground area and associated landscaping	Refused	15.12.2021
HW/PANDBF/24/00035	Construction of 2 additional floors to blocks 1, 2 & 3 to create 30 residential flats.	Prior Approval Refused	01.05.2024
HW/FUL/24/00036	Alterations to external communal areas to provide 17no. car parking spaces and 40 covered cycle spaces.	Refused	01.05.2024

Planning Appeals

<u>Appeal Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/APP/22/0145	External works including 54 car parking spaces, 30 cycle spaces, new playground area and associated landscaping	Dismissed	01.02.2023
HW/APP/24/0200	Construction of 2 additional floors to blocks 1, 2 & 3 to create 30 residential flats.	In Progress	
HW/APP/24/0201	Alterations to external communal areas to provide 17no. car parking spaces and 40 covered cycle spaces.	In Progress	

Application HW/FUL/24/00036 was refused for the following reasons:

1. The proposed development fails to comply with Policy PL6, part a, which would result in the loss of Other Open Space between Block 2 Amberry Court and 37-44 Amberry Court, contrary to the urban design principles of Sir Frederick Gibberd's masterplan for the Harlow district to be interspersed with open spaces.
2. The proposed development fails to provide adequate car parking provision to serve 30 proposed studio flats (sought through a parallel prior approval application ref: HW/PANDBF/24/00035) at a ratio of 0.5 spaces per unit and is therefore contrary to the requirements of Policy IN3.

For the reasons set out below, it is considered that the current application has addressed previous concerns at both the local and Inspectorate determination route.

It should be noted that applications HW/PANDBF/24/00035 and HW/FUL/24/00036 are currently pending decision at appeal.

CONSULTATIONS

Internal and External Consultees

Arboriculture Consultant

Following a site visit to assess any potential arboricultural constraints on the 16th of September 2024, it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure at this stage, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan.

This is in consideration to the fact that it is felt the cycle storage can be placed near trees, if a specific methodology is followed to construct them. This method can be developed within an arboricultural method statement which will aim to work with retaining trees as is the expectation with this proposal.

Therefore, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process.

A pre-commencement condition to secure an AMS is recommended.

Essex County Council - Highways

No Objection.

Place Services – Urban Design

Representation 1 – 25 September 2024

Place Services Urban Design team initially commented on the scheme, confirming it to be generally acceptable from an urban design perspective, but that some elements could benefit from further design refinement to ensure that a good standard of design is achieved. Their recommendations are summarised as follows:

- Add cover to the Sheffield Stand cycle storage provided for Block 1
- Consider relocating the cycle storage adjacent to Block 1 to the west of the block;
- Provide the material and colour palette for the proposed Barrel Style cycle storage for Blocks 2 and 3.

Representation 2 – 28 October 2024

Following the submission of revised plans and supporting information, Place Services Urban Design consider the scheme acceptable. It is suggested, however, that a cycle store to the west of the northern block would further reflect policy and best practice design.

Neighbours and Additional Publicity

Number of Letters Sent: 36

Total Number of Representations Received: 8

Date Site Notice Expired: 3rd October 2024

Date Press Notice Expired: 7th November 2024

Neighbour Consultation Period 1 Expired: 1st October 2024

Neighbour Consultation Period 2 Expired: 28th November 2024

Summary of Representations Received

Eight letters of objection were received during the two statutory consultation periods raising the following material considerations:

- Design: unnecessary and inconsiderate; provision serves little purpose; eye; out of place; impact on safety; hazardous; quantity is excessive
- Amenity: will block view of amenity space; noise disturbance;
- Parking & Highway: Health & Safety concerns; increased footfall;

Officer Comment: The issues raised within these representations, including impact to the character and appearance of the area; neighbouring amenity and parking/highway safety, will be discussed further under the appropriate sections of this report.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

The Local Plan in this instance is the Harlow Local Development Plan (2020).

Harlow Local Development Plan 2020

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The HDLP is prepared in the context of the National Planning Policy Framework (NPPF). It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

SD1 – Presumption in Favour of Sustainable Development
WE1 – Strategic Green Infrastructure
PL1 – Design Principles for Development
PL2 – Amenity Principles for Development
PL6 – Other Open Spaces
PL7 – Trees and Hedgerows
PL8 – Green Infrastructure and Landscaping
IN1 – Development and Sustainable Modes of Travel
N2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards

National Planning Policy Framework (NPPF) (2023)

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 NPPF is a material consideration in the determination of applications.

Supplementary Planning Documents

The following s are material planning considerations in the determination of applications and appeals:

HDC Design Guide SPD (2011)
Design Guide Addendum SPD (adopted December 2021).
Essex Parking Standards (2009)
HGGT Guidance

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for larger scale (housing) development. Of particular note is the emphasis on; existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

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.

SUMMARY OF MAIN ISSUES

The key planning matters assessed in the determination of this application are as follows:

- Principle of Development
- Urban Design & Layout
- Provision of Cycle Parking
- Trees and Hedgerows
- Residential Amenity
- Equalities

Principle of Development

Policy WE1 of the Local Plan recognises Other Green Spaces as forming part of the Strategic Green Infrastructure network for Harlow. It notes that such spaces, including landscaping, trees and hedgerows, which contribute to Green Infrastructure will be protected and enhanced. It adds that new Green Infrastructure must be planned into new development and, where possible, linked to existing Green Infrastructure.

This strategic policy is supported by Policy PL6 which requires development on Other Open Space to meet the stipulated criteria. This includes:

- a) Not compromising the landscape character, openness, biodiversity or urban design principles of the town and/or the surrounding area;
- b) 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; and
- c) Would not prejudice the potential for comprehensive development of adjacent land.

Having reviewed the proposed development in the context of previous applications, the central amenity space on which the cycle storage units would be sited, would constitute a form of Other Open Space under PL6, part a. Parts b and c are not relevant to this application.

Supporting text of policy PL6 outlines that Harlow was originally planned in in such a way so that the district would be interspersed with many open spaces to offset the provision of small open gardens. Amberry Court is a typical example of presenting such provision as no private amenity space is available to existing residents.

In this instance, the cycle storage units would be located along the edges of the central communal amenity space within Amberry Court. By virtue of their scale and siting, they would not compromise the hierarchy of green spaces, with the rest of the public green area remaining unchanged.

It is also proposed that a new pathway would connect Block 2 (west) and Block 3 (east). While this would cut across the communal amenity space, it would not compromise the urban design principles of the green space. It would also provide convenient access for cyclists to access the cycle lane along Mandela Avenue.

The principle of development would therefore be acceptable, subject to detailed assessment of other planning policies and considerations.

Urban Design & Layout

Policy PL1 of the HLDP 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 Council's urban design advisor has reviewed the scheme and considers it acceptable from an urban design perspective, noting that the introduction of accessible, conveniently located and secure cycle storage would encourage modes of active travel. The units would not dominate the streetscape, nor negatively impact the arrival experiences into Amberry Court.

While it is suggested that a more suitable location for one of the cycle stores would be to the west of the northern block, the revised layout would support greater passive surveillance, with all stores being directly overlooked by a minimum of two flat blocks.

The proposal is acceptable with regards to urban design and layout considerations. It complies with policy PL1 of the HLDP and guidance within the Harlow Design Guide SPD and Addendum.

Cycle Parking Provision

Policies IN1, IN2 and IN3 of the HLDP requires proposals to have regard to the modal hierarchy as set out in the policy. Developments should not cause a severe residual cumulative impact on highway congestion and movement, and not cause a detrimental impact on the safety of all highway users. Cycle parking must be provided in accordance with Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting documents.

For all dwellings, the minimum parking provision is one cycle space per dwelling.

The provision of 45 cycle storage spaces would deliver and exceed the required number of cycle spaces. It would also encourage the use of more sustainable modes of transport, thereby improving public health, physical activity and quality of life.

Essex Highways were consulted and raised no objections to the proposal.

On this basis, the application would be in compliance with policies IN1, IN2 and IN3 of the HLDP.

Trees

Part (b) of HLDP policy PL1 states that proposals should protect, enhance or improve local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment.

Policy PL7 indicates that proposals should not result in unacceptable impacts to trees.

Policies PL8 and WE1 requires green infrastructure and landscaping to be protected and enhanced as part of development.

The Council's consultant Tree Officer has indicated that at this stage of the application process, the proposed works have sufficiently considered the arboricultural impacts on

nearby adjacent trees. The submission of an Arboricultural Method Statement (AMS) as a pre-commencement condition is advised so that the proposals do not impact trees due to improper land usage, and that methods of working around trees are shown and can be examined before work commences.

The proposal is therefore in compliance with policies PL1 (b), PL7, PL8 and WE1 of the HLDP, subject to the satisfactory submission of an Arboricultural Method Statement (AMS) prior to the commencement of any works.

Residential Amenity

Policy PL2 states development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported. In assessing the acceptability of development on amenity, criteria including privacy and overlooking, including its cumulative effects, will be considered.

Having reviewed the proposed development in the context of the previous schemes, it is noted that would be conflict no with the living conditions of neighbouring properties. Given their scale, the storage drums would not overshadow or appear overbearing, nor infringe on the privacy of ground floor flats.

The proposal would not result in unacceptable harm to the amenities of neighbouring occupants. It complies with policy PL2 of the HLDP and guidance outlined within the Harlow Design Guide SPD and Addendum.

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.

CONCLUSIONS

The application complies with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly, subject to the planning conditions set out below.

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) 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 BS 5837:2012 - Trees in relation to design, demolition and construction. Following the formal discharge of the AMS, the proposed development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority (LPA) 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.

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.

REASON: To ensure that damage to vegetation identified 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

- 3) Acceptable work hours are between 8:00 to 18:00 on Mondays to Fridays and 8.00 and 13.00 on Saturdays. No works should take place outside these hours.
REASON: In the interests of neighbouring amenity, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

- 4) The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

REASON: For the avoidance of doubt and in the interests of proper planning.

<u>Plan and Document Reference</u>	<u>Date Received</u>
SO-793-25 Proposed Cycle Storage	
Site Location Plan	17.06.2024
Cycle Storage Plan	03.10.2024

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INFORMATIVES

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote delivery of sustainable development and to approach decision taking in a positive way.