



Appeal Decision

Site visit made on 14th May 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2020

Appeal Ref: APP/N1540/W/19/3244032

Footway adjacent to 1A Broad Walk, The Water Gardens, Harlow, CM20 1HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr L Geddes, Brows Brow Bar Glasgow Limited against the decision of Harlow District Council.
 - The application Ref HW/FUL/19/00248, dated 25 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is the erection of use Class A1 modular pod building with associated signage and air conditioning unit.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of use Class A1 modular pod building with associated signage and air conditioning unit at Footway adjacent to 1A Broad Walk, The Water Gardens, Harlow CM20 1HX in accordance with the terms of the application, Ref HW/FUL/19/00248, dated 25 June 2019, and the plans submitted with it.

Procedural Matters

2. The modular pod building has already been erected and therefore I was able to see it at my visit. I have been provided with a copy of an Enforcement Notice in relation to the development, however I am considering the appeal against the refusal of planning permission rather than the requirements of the notice.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on the vitality and viability of the town centre.

Reasons

Character and appearance

4. The site is located within the Water Gardens Shopping Centre, which is a modern purpose built shopping area with the pod located within the wide street which is bordered by retail units on either side. Within the middle of the street is street furniture and landscaping which contribute to the overall vibrant, open and bustling character of the retail area.
5. The retail pod is positioned in front of one of the retail units and is a freestanding unit. The pods design and materials reflect the existing modern character of the retail units, in particular the use of two shades of grey for the

cladding and fenestration is similar to the colour palette of materials used in the neighbouring retail units and helps to assimilate the development within the wider context of the retail area.

6. The modest width of the pod ensures that it does not impede the flow of pedestrians and sufficient width remains to ensure that the overall character of the street remains open and uncluttered. The pod's projection is similar to that of the colonnades further along the shopping frontage which project into the street by approximately 2.2m. Whilst the pod is situated in front of an existing shopfront, this part of the unit has a blank façade and therefore views of the shopfront are interrupted. Therefore, I do not consider that the pod results in an unacceptable narrowing of the shopping street and it does not detract from the overall open character.
7. For the above reasons, I conclude that the proposed development does not cause harm to the character and appearance of the area. It therefore accords with Policy BE1 of the Adopted Replacement Harlow Local Plan 2006 (LP), which requires development to relate to their setting and enhance the character of the area. The development also accords with Principle DG2 of the Harlow Design Guide Supplementary Planning Document (2011) which seeks to achieve the core objectives of urban design.

Vitality and viability

8. The site is located within the Water Gardens Shopping Centre, which is defined within policy RTCS12 of the LP as a primary shopping frontage area, where Class A1 use is supported.
9. It is not a matter of dispute that there are vacant units within the town centre. The Council has indicated that given the existence of these vacant units there is no need for the pod. However, the consideration of whether a development is necessary is not a criterion of any policy that has been brought to my attention and neither policy RTCS3 nor RTCS4 require the consideration of existing vacant units before new development is allowed. Furthermore, I have no substantive evidence from the Council that it is likely that the business within the pod would relocate to one of the vacant premises should the appeal be dismissed. The pod adds to and thereby improves the range of facilities provided and as such contributes to the vitality and viability of the town centre.
10. Within the evidence before me reference has been made to the Council's emerging Local Plan, the Harlow Local Development Plan Pre-Submission (ELP). However, I have nothing before me to indicate that the emerging policies are materially different to the adopted policies in respect of the consideration of this appeal and I have not been provided with copies of them.
11. In conclusion, the proposal accords with policies RTCS3 and RTCS4 of the LP, which, in combination, seek to improve the range and quality of facilities within the Town Centre and to benefit those visiting, working or residing in the centre.

Other matters

Setting of Listed buildings

12. To the south of the site is the Grade II listed Water Gardens, which is located at the entrance of the shopping centre. Its setting is the commercial shopping centre. As a result of the degree of separation between the Water Gardens and

the pod and its location within an existing commercial setting, having regard to the statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I conclude that the development does not result in harm to the setting of the listed building.

Dry Riser

13. It has been put to me that the position of the pod obstructs a dry riser which is used to attach water hoses for emergency purposes, however there is sufficient space to walk between the pod and the retail unit and therefore I consider that access to the dry riser would remain possible in the event of an emergency.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR