
Appeal Decision

Site visit made on 14 September 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 22 December 2021

Appeal Ref: APP/N1540/W/21/3269402

Land adjacent to Greenway House, Parkway, Harlow, Essex, CM19 5FY

- 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 Greenway Trading Ltd against the decision of Harlow District Council.
 - The application Ref HW/FUL/20/00373, dated 30 July 2020, was refused by notice dated 10 December 2020.
 - The development proposed is erection of 4 storey building comprising office space and 32 flats, together with parking, refuse area and rooftop amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is accompanied by a Unilateral Undertaking dated 28 September 2021 which includes a commitment to the provision of affordable housing and contributions towards public open space. I refer to this matter later in this decision.
3. Since the Council's decision letter was issued it has adopted the Harlow Local Development Plan 2020 (HLDP). For this reason, all policy references included in this decision are taken from the recently adopted plan.

Main Issues

4. The appeal scheme raises 3 issues:
 - Its effects on the supply of employment land,
 - Whether or not the location of the site is accessible by a range of transport modes, and
 - Its effect on the living conditions of future occupants.

Reasons

Employment land

5. The appeal site forms part of the Pinnacles employment area and was formerly car parking to the Greenway House when it was in office use. It would appear that since the Greenway House was converted to residential use following the Prior Approval (PA) it has been surplus and fenced off from the remainder of the site.

6. The proposed mixed use scheme involving office space and 32 flats on the upper floors preserves some employment use at this site. Policy ED2 of the HLDP includes the strategic aim of retaining and protecting employment areas. The Council also cite Policy PR1 in its first reason for refusal as requiring that where there is a change of use it should provide a complementary or ancillary benefit to employment areas.
7. The PA for the change of use included the appeal site in the red line. The fact that both parties acknowledge that the PA has been implemented is a recognition that residential use has been implemented in this location. The appeal scheme involving a mixed use does not result in the complete loss of employment land.
8. For the above reasons, on this main issue, I conclude that the proposal does not conflict with Policies ED2 and PR1 of the HLDP which seeks to retain and protect employment uses in the Pinnacles employment area.

Living Conditions

9. Although the principle of residential use has been accepted on this site following the implementation of the PA scheme, the detail of this appeal scheme requires assessment against the policies of the HLDP.
10. The parties differ on how accessible the site is to services required for the normal enjoyment of residential use. Apart from a café on the neighbouring site there would appear to be no other shops or facilities within easy walking distance of the site.
11. It is evident from my visit that the site is located well away from schools, shops and services being over 2km from Harlow town centre. The nearest bus stop is some distance from the site and does not enjoy regular services throughout each day of the week. The site does not lie on a cycle lane. These distances would limit how people could access services and shops to meet their everyday needs. The site does not enjoy a genuine choice of transport modes.
12. Whilst I acknowledge that the pandemic may have eroded some traditional behaviours such as the daily commute, people still require easy access to services and facilities by a range of transport modes to support their lives.
13. Furthermore, the site's location, surrounded by other employment sites means that there would be a lack of surveillance from neighbours as normally found in a residential area. This could prejudice personal safety.
14. There can be no guarantee that those living on the site will be able to secure employment either within the same block or within the vicinity of the appeal site as the appellant suggests.
15. Whilst it is understood that there are plans for major new employers coming to the Pinnacles no details of the timeline of these plans or their exact location in relation to the appeal site were included in the appeal submissions. It is unlikely therefore that any expansion of these business activities could provide for the range of service and facilities to support the proposed residential use.
16. Although one of my Inspector colleagues in dismissing an appeal¹ for a similar proposal on this site did consider that a mixed use scheme would be acceptable

¹ APP/N1540/W/21/3184841

this was a decision made in respect of Policies SD3 and SD5 of the adopted replacement Harlow Local Plan (2006). These policies are replaced by Policies PL1 and IN2 of the HLDP (2020) which place a stronger emphasis on safety and accessibility.

17. For the above reasons I conclude that the appeal scheme conflicts with Policies PL1 and IN2.

Amenity space

18. The appeal scheme includes amenity space in the form of both balconies and a roof top area. Of the 32 flats, 8 would have balcony space of a size, in accordance with the Essex Design Guide. The other flats would have Juliette balconies but can also access the roof top amenity area which comprises 520sm.
19. The balconies together with the roof top amenity space would meet the requirements of adopted policy in the amount of space provided. For this reason, I conclude on this main issue that the proposed scheme is not in conflict with Policy PL2 of the HLDP.

Other Matters

20. The submitted Unilateral Undertaking includes financial contributions towards the provision of play facilities for occupants of Greenway House. The appellant indicates that play facilities could be located on land outside the appeal site within the ownership of Greenway House.
21. Whilst I understand that this obligation is designed to address local concerns over the lack of provision of play facilities for Greenway House, it is unclear how this provision relates to the appeal scheme, how it would meet the tests identified in Paragraph 57 of the Framework and how this could actually be delivered. For this reason, I do not give any substance to this aspect of the Undertaking in my consideration of this appeal.
22. The Undertaking includes the provision of 8 affordable dwellings which although not policy compliant is acceptable to the Council because of the site's recent planning history. This would be in line with Paragraph 57 of the Framework.

Conclusion

23. The proposed scheme would not offend policies which seek the protection of employment land on the Pinnacles. Furthermore, it includes 8 affordable dwellings with sufficient amenity space. The proposed scheme would result in some job creation during the construction period and would support the local economy in this regard.
24. I have considered the appellants additional comments made in response to the Council's statement. However, the determining issue in this appeal is the distances of the site to services required for people living at this site. The limited bus services and absence of cycle lanes would not enable ready access to services by active and sustainable transport. The proposed scheme would lead to a large increase in journeys by private car.
25. It is not disputed by the parties that the Council can demonstrate a policy compliant housing land supply situation. In these circumstances, the development of 32 dwellings in a location which is not adequately located in

relation to services would be in conflict with Policies PL1 and IN2 of the HLDP 2020. The provision of these dwellings is not essential to achieving the Council's housing targets.

26. For these reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR