

By Planning Portal

Harlow Council
Civic Centre
The Water Gardens
Essex
CM20 1WG

Date: 14 June 2021

Our ref: 15528/01/NG/TW/19752867v1

Your ref: PP-09905954

Dear Sir/Madam

Building B, Icon Harlow, Third Avenue, Harlow, CM19 5AD**Application for lawful development certificate for additional internal floorspace**

On behalf of our client, Icon (Harlow) Limited, we enclose an application for a lawful development certificate ("LDC") relating to the creation of additional internal ancillary floorspace within Building B at the above location.

Application submission

The application has been submitted via the Planning Portal (ref. PP-09905954) and comprises the following information:

- 1 Completed application form for a lawful development certificate;
- 2 Application boundary plan (location plan), drawing no. 7805/P100, rev. A; and
- 3 Building B Proposed General Arrangement Plans, drawing no. 8396/102;

The following evidence documents:

- 4 Employer's Requirements, Goodrich Consulting LLP, 30 January 2019;
- 5 Statement of Practical Completion, Goodrich Consulting LLP, 17 October 2019;
- 6 Notice of Completion of Making Good Defects, Goodrich Consulting LLP, 23 February 2021;
- 7 Contract Document for Unit B Fit Out, Goodrich Consulting LLP, dated 28 April 2021;
- 8 Unit B overview programme, Capital Group; and
- 9 Site Progress Report, Capital Group, dated 14 April 2021.

Payment of £3,234 to cover the application fee has been made via the Planning Portal. This is based on the fee for the creation of c. 520 sqm non-residential floorspace.

Site planning history

On 22 December 2017, Harlow Council granted outline planning permission (ref. HW/OUTAM/17/00246) for:

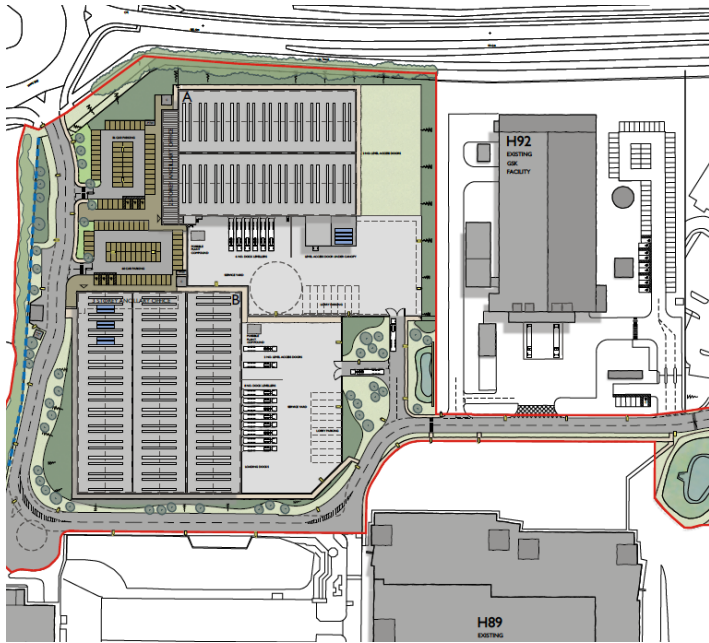
“Redevelopment of The Former GSK South Site to Erect Up To 46,916 sqm (GIA) of Class B8 Floorspace, Including Demolition of Buildings, Construction of New Paved Surfaces, Boundary Treatment and Landscaping, Parking and Associated Works.”

Three units (A, B and C) have now been constructed; two of which are occupied. Construction of Units D and E has commenced in 2021 following reserved matters approval having been granted in January this year.

Unit B

Unit B is the building in the south-western corner of Plot 2, as shown in Figure 1, with Unit C above.

Figure 1 Plot 2 site plan



Source: 7972_P101, rev. B prepared by Saunders, approved under HW/OUTAM/18/00070

Plot 2 was built out following and in accordance with the reserved matters approval granted in May 2018 (ref. HW/OUTAM/18/00070).

The start date on site was December 2018. A Statement of Practical Completion for Units B and C was issued by Goodrich Consulting LLP on 17 October 2019.

See below photo taken 26th April 2021 of the internal mezzanine approved under the reserved matters approval.



Icon (Harlow) Limited received interest from a Harlow-based employer, Baker Ross, to occupy Unit B. Baker Ross's occupation of Unit B will enable the business to significantly increase the size of their operation and their workforce.

To occupy the unit, Baker Ross required additional internal floorspace to be created on the first floor and second to create ancillary back-up space to serve the main warehouse use. In effect this would be an extension of the existing internal mezzanine shown in the photo above. This additional floorspace is shown on the enclosed Building B Proposed General Arrangement Plans (drawing no. 8396/102).

The PPG confirms that "*interior alterations*" and "*building operations which do not materially affect the external appearance of a building*" are categories of work that do not amount to 'development'.¹

It was agreed with planning officers through pre-application discussions that these internal works to create internal floorspace at the first floor through extending the completed mezzanine would not constitute development and as such do not require planning permission. This was confirmed in emails from Andrew Bramidge, Head of Environment and Planning, and Jade Clifton-Brown, Principal Planning Officer, on 25 January 2021. See attached at Annex 1 to this letter.

A planning application was submitted in January 2021 for the external alterations (i.e. additional glazing) required to facilitate and serve the internal works which the subject of this LDC submission. Planning permission was granted on 10 March 2021 (ref. HW/FUL/21/00033).

It should be noted, albeit not relevant as the addition of floorspace is not 'development', that the floorspace limits imposed by the outline planning permission (HW/OUTAM/17/00246; as mostly recently been amended by HW/REMVAR/20/00461) have not been breached through the addition of this internal floorspace.

¹ PPG paragraph: 001, reference ID: 13-001-20140306.

As shown on the Construction Overview Programme, the extension fit out works commenced on 23 May 2021. These works are entirely separate to the initial build-out of the unit which were completed in October 2020 and are solely related to the works required for Baker Ross's occupation of the unit.

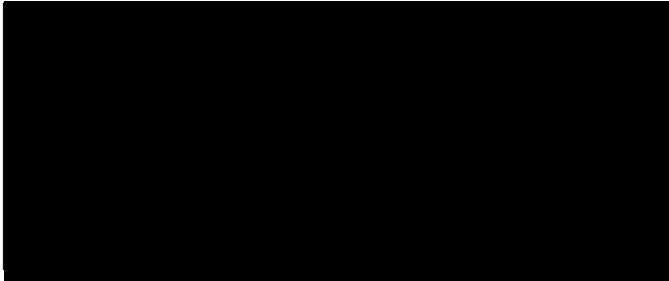
Given the clear separation between the build out of Unit B and the current works, it is clear that the current works are not 'development' as defined under the 1990 Town and Country Planning Act. This was agreed with planning officers prior to the submission of application ref. HW/FUL/21/00033. It is clear therefore that an LDC can be granted.

Concluding Remarks

We trust that the information provided is sufficient to enable the Council to validate and determine the application and look forward to receiving confirmation of this at the earliest opportunity.

In the meantime, if you have any queries or require clarification on any aspect of the details enclosed, please contact me or my colleague, Dennis Pope.

Yours faithfully



Dennis Pope
Planning Director

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Annex 1: Officer emails