

**SUPPLEMENTARY DOCUMENTS FOR
DEVELOPMENT MANAGEMENT COMMITTEE
Wednesday 8 December 2021 at 7.30pm
Council Chamber, Civic Centre**

The attached documents are due to be considered at the meeting listed above and were unavailable for circulation when the agenda for the meeting was published. The agenda items to which the documents relate is noted below.

AGENDA

7. HW/FUL/19/00321 - Local Centre Phase 1, Bridge Street, New Hall
(Pages 2 - 8)
8. HW/REM/19/00322 - Local Centre Phase 2, Bridge Street, New Hall
(Pages 9 - 11)
11. HW/FUL/19/00520 - Inclusive Play Area, Town Park, Park Lane, Harlow
(Pages 12 - 13)

Item 7 - HW/REM/19/00321

LC1, Newhall

Consultations

Two further representations have been received. Issues raised are addressed below.

Green Space – In the original New Hall plan the application site was to be green open space providing a view of trees and countryside. This area would be better used as planned, a green open space for local children and primary school children to use with a safe drop off and pick up point for children and parents of the primary school.

Officer Response

This site was identified in the 2004 Masterplan for Phase II (approved under ref. HW/PL/04/00302) as an area for additional commercial and employment use.

The height of the proposed buildings will cause a loss of visual amenity for occupiers south of the community buildings

Officer Response

Since the majority of Newhall Phase I and II has been built on formerly open agricultural land, the erection of any buildings (in accordance with the outline approval) are expected to result in some impact on visual amenity, particularly where some buildings are now occupied and some have yet to start. Nonetheless, in line with approved plans, any loss of visual amenity by those currently living on Newhall has to balance in favour of the prior knowledge that those occupiers would see further development on Newhall. Officers consider that the proposed heights would result in high quality design and that there would be no significant harm to the visual amenities of occupiers living beyond the location of the Community buildings.

Loss of privacy due to loss of views of woodland

Officer Response

Loss of a view is not a material planning issue; also loss of an existing view is not a privacy issue.

Car pollution due to additional cars

Officer Response

When permission was granted for phases 1 and 2 of Newhall, it was expected that up to 2 parking spaces could be provided for each dwelling, totalling 5,480 vehicles. While each new development must be considered on its own merits, the proposal would provide a single parking space per flat (38 in total) and electrical vehicle charging points will be provided (subject to a suitably worded condition attached to any approval). Given that this site is also on the proposed bus route and a residential travel pack will be provided to new residents, it is considered that this new scheme would result in less pollution from cars than earlier approved development.

Inadequate parking for occupiers and commercial premises

Officer Response

See above comment. The application site is located in the location on Newhall closest to services, includes service/shop uses on site and is on the (forthcoming) bus route. There are spaces on Forge Road outside the application site which are open for anyone to use such that it should not be necessary for occupiers of the 38 flats to use other people's private parking areas.

In addition, the applicants propose to increase the number of parking spaces adjacent to the community centre which are indicated to be available for school pick up/drop off.

Some of the nursery spaces are being removed for this development exacerbating the parking issue

Officer Response

There is a large car park directly adjacent to the Nursery for its use. Spaces along Forge Lane are not within the control of the Nursery and are generally available.

The Chase, High Chase and surrounding areas are already congested and there are many more houses being built at the top of High Chase who will be accessing The Chase. This is a highway safety issue along with a traffic generation problem.

Officer Response

It is recognised that in the short term while the full loop for the bus route has yet to be provided, such that there will be some congestion issues arising from the whole scheme not being complete. There are nonetheless three constructed vehicle accesses onto London Road and the bus route loop will join Bridge Street/The Chase/High Chase with Barnfield Way. The Highway Authority has not raised any highway safety concerns relating to the proposal. It is therefore not reasonable to stop further development within an approved development area from taking place which will result in short term/peak issues.

Noise of traffic with the type of roads in Newhall would also be an issue

Officer Response

It was accepted that the two Newhall schemes could result in traffic noise associated with upto 5,480 private vehicles, buses and other servicing vehicles as well as noise associated with the provision of around 2,740 new households forming a new Urban Neighbourhood. It is not clear from the comment whether the noise associated with 38 new dwellings and a few commercial uses is considered to be so significant that it would be clearly audible such as to be a noise nuisance. A restrictive condition will limit hours of use of the commercial units and any deliveries to them.

Wear and tear on the roads

Officer Response

Whilst wear and tear on roads is not a material consideration, the construction works will be the subject of a construction management plan that will ensure best practices are followed. Please see condition 15

There's a pothole on the speedbump on The Chase is a result of heavy traffic

Officer Response

The Chase is a distributor road and it is expected that it would have heavier traffic flows. Potholes should be reported to those maintaining the roads.

Commercial units uses and hours they will operate

Officer Response

The proposed uses are identified in the application and Committee Report. It is proposed that a planning condition will be attached to limit opening hours.

Another objection has been received as follows:

“This design and number of units will be detrimental to the local area. The height of the flats and proximity and the outlook will create direct outlook onto the nursery playgrounds.

The design of the block is monstrous and would impact the street scene tremendously.

There is not enough design detail shown for the blocks in the application that I have seen.

In Newhall there is a lack of open space and this area would create a nice break in a heavily dense residential area. This will be decreasing the very little green areas there are in newhall and contributing to the density.

4.8.13 Opportunities to improve the wildlife and biodiversity value of open spaces should be maximised.- from Harlow local SPD. By turning this area into residential there is a reduction in local wildlife habitats.

‘Small-scale residential infill development will be considered against the following criteria. The development should positively respond to the prevailing character of the area by being appropriately designed with regard to:

- **Intensification:** The development should not represent an overdevelopment of the plot. This includes not developing in the gardens of existing dwellings where the result would present an over- intensification of the plot. The distance between buildings, the prevalent building line and typical garden sizes will be taken into account in assessing this. The privacy, outlook and daylight and sunlight exposure of existing and proposed dwellings will also be considered.
- **Scale:** The new buildings should be of a similar scale, massing and height to surrounding buildings. The plot width should also be similar to the surrounding precedent.
- **Design:** The design of rooflines, projections, entrances and the building materials used should follow the prevailing character of the area, unless (i) exceptionally high quality design is proposed and (ii) the location of development is suited to an exceptional building.
- **Front boundary:** The front boundary treatment should be consistent with neighbouring properties (including where there are open fronts) and any landscaping and vegetation provided should be complementary.

- Access: There should be sufficient space for users (including those with mobility needs) to safely and conveniently access the new dwellings without adversely affecting neighbours.
- Parking: There should be sufficient car parking spaces provided for the proposed development, either on-street or on-plot, using the parking levels set out in the Adopted Vehicle Parking Standards

as required by Harlow Local Plan policy T9. Insufficient parking may be used as a reason for refusal if this Local Plan policy is not met. Refer to Principle DG32 on residential parking.’

Taken from the Harlow council design guide SPD. This design and proposal is not in line with any of the above which is outlined by the council.

Currently a children park sits between flats behind the new ground cafe which the access is with a small alley next to the cafe or going around the whole block. If this block was to be built this would create even more dense area.

It is also in direct sight line with the roundhouse listed building. Causing disruption to the views and local area surrounding it. The design has no relation to the listed building, the materials or the design is not sympathetic.

The increase in properties will also cause extreme traffic problems to an area which is already congested especially when school drops are happening. There is currently no spaces to park and alot of blindspots around the current site, parents are on the literally on road with their children entering cars as there is no pavement due to the site work.”

Officer response: matters raised have been addressed in the Committee report and in responses above.

The applicants have raised some issues as follows:

Viability Assessment

The applicants have written to indicate the following:

“I can confirm that Newhall Project would be prepared to agree to an early stage viability review based upon the inputs and allowances contained with the latest Stretton’s Viability assessment (dated 19th November 2021), subject to the market, affordable and non-residential revenues being updated based on evidence at the time, and subject to Stretton’s’ build costs being updated for indexation.

The construction costs would be based upon the Savile Brown Associates cost plan – as referenced within the Stretton’s viability report dated 19th November 2021. It is proposed that the cost per square foot adopted by Strettons would be indexed based upon movement in the BCIS All-In Tender Price Index between the date of the cost plan and the date of the viability review.

As per the Stretton’s assessment, the viability review would therefore not contain any express cost allowances for strategic infrastructure works.

This proposal would provide a simple basis for the viability review, whilst also providing the certainty that Newhall Projects require to proceed with the scheme and the Section 106 agreement. Should this be agreed, it would be relatively straight-forward to have a mechanism crystallised within the Section 106 agreement.”

Officer Response

Confirmation that the applicants have agreed to the early stage review is welcome. The suggestions regarding how the review will be undertaken will need to be discussed with the Council's viability assessor and will form part of the discussions relating to the drafting of a suitable S106 legal agreement.

Action: No change to Committee report or Officer Recommendation.

Conditions

The applicant has made a number of comments regarding the proposed conditions and the following changes are proposed:

Condition 17

17. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include season tickets for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Harlow District Council's Local Development Plan Submission Version 2018.

Applicant's comment: Please can you amend the trigger to be "Prior to first occupation of the *residential elements of the proposed development*

Officer response: For clarification, the condition applying to residential travel packs applies only to residential occupation. "Dwellings hereby permitted" to be inserted instead of "proposed development". Alter condition to read:

17. Prior to first occupation of the dwellings hereby permitted, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include season tickets for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management

Policies, adopted as County Council Supplementary Guidance in February 2011, and Harlow District Council's Local Development Plan Submission Version 2018.

Condition 18

18. No development shall take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.

REASON: To ensure that accessible housing is provided in accordance with Policy H5 of the Harlow Local Development Plan (2020).

Applicant's comments: please can site clearance and site preparation works be excluded from the trigger

Officer's comments: The condition relates to construction only. It is considered that the condition can be amended, as follows:

"18. No development, with the exception of site clearance and site preparation works (not covered by other conditions), shall take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.

REASON: To ensure that accessible housing is provided in accordance with Policy H5 of the Harlow Local Development Plan (2020)."

Following further consideration of the materials submitted, there is a need for these to be agreed following the grant of planning permission. Therefore condition 7 should be replaced as follows:

No development shall take place until comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, balustrades to roof areas and, doors, and soffits. The submission should include bay studies for key parts of the building with associated descriptions and drawings of construction details. A set of full samples should be referenced and access provided to mock ups of the finish and architectural detailing. Appropriate documents, drawings and photographic records of the final approved configuration should be provided. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of the character and appearance of the area and visual amenity, to accord with Policies PL1 and PL2 of the Harlow Local Development Plan (2020).

As the Tenure plans on LC1 are not accurate and do not show the affordable housing that is being offered, condition 22 should be amended as follows to delete the following plans:

NHH-PRP-A01Z- ZZ-DR-A-FP-2030	Rev P03 GROUND FLOOR	Tenure Plan	22.10.2021
NHH-PRP-A01Z- ZZ-DR-A-FP-2031	Rev P02 LEVEL1	Tenure Plan	24.06.2021
NHH-PRP-A01Z- ZZ-DR-A-FP-2032	Rev P02 LEVEL 2	Tenure Plan	24.06.2021

As the tenure plans have been removed from the application , there is a need to ensure that the unit are located appropriately. Therefore an additional condition is required. Condition 23 should state:

23. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a scheme showing the location of the affordable housing units within the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme. Those dwellings providing Affordable Housing shall be made available to occupants in accordance with the approved scheme or as otherwise agreed in writing by the Local Planning Authority.

REASON: To promote tenure mix and ensure the suitable provision of Affordable Housing

Actions:

Revise Recommendation to include amended conditions 7, 17, 18, 22 and 23, as above.

Item 8 - HW/REM/19/00322

LC2, Newhall

An objection has been received as follows:

“This design and number of units will be detrimental to the local area. The height of the flats and proximity and the outlook will create direct outlook onto the nursery playgrounds.

The design of the block is monstrous and would impact the street scene tremendously.

There is not enough design detail shown for the blocks in the application that I have seen.

In Newhall there is a lack of open space and this area would create a nice break in a heavily dense residential area. This will be decreasing the very little green areas there are in newhall and contributing to the density.

4.8.13 Opportunities to improve the wildlife and biodiversity value of open spaces should be maximised.- from Harlow local SPD. By turning this area into residential there is a reduction in local wildlife habitats.

‘Small-scale residential infill development will be considered against the following criteria. The development should positively respond to the prevailing character of the area by being appropriately designed with regard to:

- **Intensification:** The development should not represent an overdevelopment of the plot. This includes not developing in the gardens of existing dwellings where the result would present an over- intensification of the plot. The distance between buildings, the prevalent building line and typical garden sizes will be taken into account in assessing this. The privacy, outlook and daylight and sunlight exposure of existing and proposed dwellings will also be considered.
- **Scale:** The new buildings should be of a similar scale, massing and height to surrounding buildings. The plot width should also be similar to the surrounding precedent.
- **Design:** The design of rooflines, projections, entrances and the building materials used should follow the prevailing character of the area, unless (i) exceptionally high quality design is proposed and (ii) the location of development is suited to an exceptional building.
- **Front boundary:** The front boundary treatment should be consistent with neighbouring properties (including where there are open fronts) and any landscaping and vegetation provided should be complementary.
- **Access:** There should be sufficient space for users (including those with mobility needs) to safely and conveniently access the new dwellings without adversely affecting neighbours.
- **Parking:** There should be sufficient car parking spaces provided for the proposed development, either on-street or on-plot, using the parking levels set out in the Adopted Vehicle Parking Standards as required by Harlow Local Plan policy T9. Insufficient parking may be used as a reason for refusal if this Local Plan policy is not met. Refer to Principle DG32 on residential parking.’

Taken from the Harlow council design guide SPD. This design and proposal is not inline with any of the above which is outlined by the council.

Currently a children park sits between flats behind the new ground cafe which the access is with a small alley next to the cafe or going around the whole block. If this block was to be built this would create even more dense area.

It is also in direct sight line with the roundhouse listed building. Causing disruption to the views and local area surrounding it. The design has no relation to the listed building, the materials or the design is not sympathetic.

The increase in properties will also cause extreme traffic problems to an area which is already congested especially when school drops are happening. There is currently no spaces to park and alot of blindspots around the current site, parents are on the literally on road with their children entering cars as there is no pavement due to the site work.

Officer Response: Issues raised have been addressed in the Committee Report.

Planning History

During the course of drafting the Committee report, an application has been received which needs to be added to the Planning History, as follows:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/S106/21/00597	Discharge of Planning Obligation for S106 Schedule 3 Part A (outline Approval HW/PL/04/00302- Affordable Housing Location, Mix, Size and Tenure relating to LC2	Under consideration	

Affordable Housing section of Committee report

The applicants have confirmed that there was an error in their submission and, following the submission of a viability assessment, that the proposed affordable housing is reduced from 30.8% of affordable housing (8 dwellings) to 15% (4 dwellings) in accordance with the recently submitted details under the affordable housing S106 clause discharge application.

The Committee report is amended, as follows:

“Affordable Housing

Local Plan Policy H8 indicates that affordable housing should form a percentage of housing on major development sites with 30% being the target.

In the case of Newhall Phase 2, the legal agreement (S106) attached to the outline scheme provides a mechanism to agree the percentage of affordable housing for each tranche coming forward as reserved matters. This mechanism allows for a lower percentage of

affordable housing (down to 15%) with an overall requirement that the Newhall Phase II scheme provides 33% affordable dwellings.

To be clear, this application does not determine the quantum or tenure of affordable housing as this is to be determined under the mechanism in the S106 under the reference HW/S106/21/00597.”

Following the amendment of the report to clarify that the affordable housing offer does not form part of this application, the following plans should be deleted from condition 8:

NHH-PRP-A01Z- ZZ-DR-A-RM- 2030	Rev P03 Ground Floor	Tenure Plan	22.10.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2031	Rev P03 Level 1	Tenure Plan	28.10.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2032	Rev P03 Level 2	Tenure Plan	28.10.2021

As the affordable housing is to be determined via the S106 application, there is a need to ensure that the unit are located appropriately. Therefore an additional condition is required. Condition 9 should state:

9. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a scheme showing the location of the affordable housing units within the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme. Those dwellings providing Affordable Housing shall be made available to occupants in accordance with the approved scheme or as otherwise agreed in writing by the Local Planning Authority.

REASON: To promote tenure mix and ensure the suitable provision of Affordable Housing

Actions:

- 1) Amend Committee Report to include S106 clause discharge application in Planning History section
- 2) Amend Affordable Housing Section of the Committee Report as above
- 3) Amend Condition 8 as set out above.
- 4) Add Condition 9 above.

Item 11

HW/FUL/19/00520 – Inclusive Play Area

The following to be added to the Officer's Report, but the officer's recommendation is not changed.

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.

In relation to this application, protected characteristic (age and disability) have been identified by virtue of the nature of an inclusive play area. Nevertheless, the officer has taken this in full into the consideration of this application.