

DEVELOPMENT MANAGEMENT COMMITTEE
Wednesday 8 December 2021 at 7.30pm
Council Chamber, Civic Centre

AGENDA

1. Apologies for Absence and Substitutions

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 3 - 5)

4. Matters Arising

5. Written Questions

6. Procedure for Consideration of Planning Applications

At the discretion of the Chair, the following procedure will apply to the consideration of planning items:-

- * Planning Officer presents reports.
- * Comments invited from members of the public who have registered with the Governance Support Section (01279 446057) at least 24 hours in advance of the meeting, as follows:
 - 3 (maximum) against an application.
 - 3 (maximum) for an application.
 - each speaker is limited to 3 minutes (maximum).
- * Comments invited from the applicant/agent for a maximum of 3 minutes (who has also given at least 24 hours notice to the Governance Support Section) of their wish to speak.
- * Councillors' questions and clarifications.
- * Officers respond to the technical planning questions raised as directed by the Chair.
- * Councillors debate and make a decision.

7. HW/FUL/19/00321 - Local Centre Phase 1, Bridge Street, New Hall
(Pages 6 - 51)

8. HW/REM/19/00322 - Local Centre Phase 2, Bridge Street, New Hall (Pages 52 - 84)
9. HW/FUL/21/00486 - Telecommunication Mast, North East of Katherines Roundabout, Katherine's Way (Pages 85 - 95)
10. HW/FUL/21/00501 - 3A - 3B Queensgate Centre, Edinburgh Way, Harlow (Pages 96 - 112)
11. HW/FUL/19/00520 - Inclusive Play Area, Town Park, Park Lane, Harlow (Pages 113 - 124)
12. HW/HSE/21/00540 - 17 Mark Hall Moors, Harlow (Pages 125 - 135)
13. References from Other Committees

Any references received after the publication of this agenda will be circulated separately.

14. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE
HELD ON**

13 October 2021

7.30 - 8.11 pm

PRESENT

Committee Members

Councillor Michael Garnett (Chair)
Councillor Sue Livings (Vice-Chair)
Councillor Jean Clark
Councillor Bob Davis
Councillor Mike Danvers
Councillor James Leppard
Councillor Nicky Purse

Officers

Gavin Cooper, Development Manager
Julie Galvin, Legal Services Manager
Hannah Criddle, Governance Support Officer
Andrew Bramidge, Director of Strategic Growth and Regeneration

34. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Ash Malik. Councillor Clive Souter attended as a substitute for Councillor Ash Malik.

35. **DECLARATIONS OF INTEREST**

Councillor Jean Clark declared a non-pecuniary interest in item 7 (HW/FUL/21/00384) as an occasional user of the business.

Councillor Bob Davis declared a non-pecuniary interest in item 8 (HW/HSE/21/00388) as a Mark Hall Ward Councillor.

Councillor Mike Garnett declared a non-pecuniary interest in item 8 (HW/HSE/21/00388) as an Essex County Councillor for Harlow North.

Councillor Nicky Purse declared a non-pecuniary interest in item 7 (HW/FUL/21/00384) as a business manager in the Water Gardens.

Councillor Clive Souter declared a non-pecuniary interest in item 7 (HW/FUL/21/00384) as an Essex County Councillor for Harlow West.

36. **MINUTES**

RESOLVED that the minutes of the meeting held on 15 September 2021 were agreed as a correct record and signed by the Chair.

37. **MATTERS ARISING**

None.

38. **WRITTEN QUESTIONS**

None.

39. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

RESOVLED that the procedure for the conduct of the meeting be noted.

40. **HW/FUL/21/00384 - ESQUIRES COFFEE HOUSE, CIVIC WALK, COLLEGE SQUARE, HARLOW**

The Committee received a report and application (HW/FUL/21/00384) on the change of use of case to a restaurant and bar.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included an additional condition and amended drawings received.

RESOLVED that planning permission is **GRANTED** subject to the conditions in the report and the additional condition in the supplementary report.

41. **HW/HSE/21/00388 - 17 MARK HALL MOORS, HARLOW**

The Committee received a report and application (HW/HSE/21/00388) on a single storey rear extension and summerhouse to the rear garden.

Presentations were heard from an objector and the applicant's agent.

RESOLVED that planning permission is **GRANTED** subject to the conditions set out in the report.

42. **HW/HSE/21/00451 - 64 PURFORD GREEN, HARLOW**

The Committee received a report and application (HW/HSE/21/00451) on a single storey wrap around extension consisting of pitched roof construction.

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included an additional third condition.

Presentations were heard from the applicant's agent.

RESOLVED that planning permission is **GRANTED** subject to the conditions set out in the report and the additional condition in the supplementary report.

43. **REFERENCES FROM OTHER COMMITTEES**

None.

44. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

8 December 2021

REFERENCE: HW/FUL/19/00321

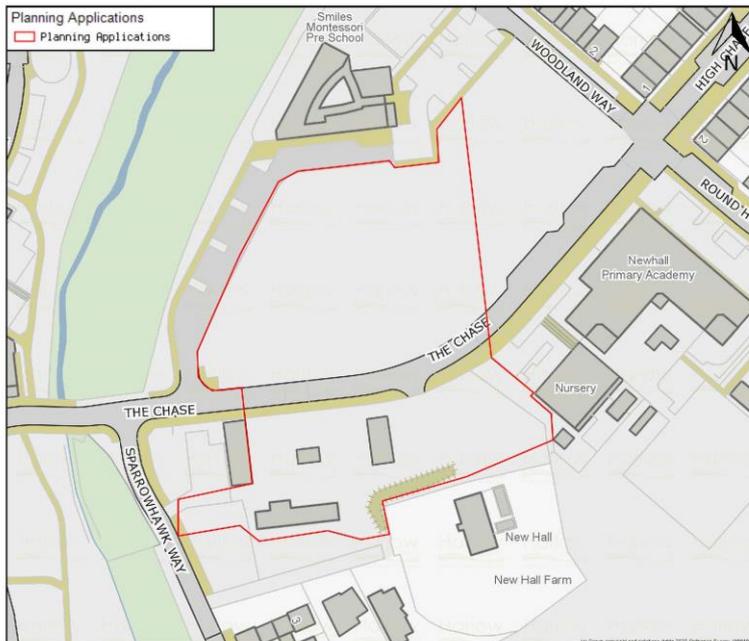
OFFICER: Patricia Coyle

APPLICANT: Newhall Projects Ltd.

LOCATION: Local Centre Phase 1
Bridge Street
Newhall
Harlow
Essex
CM17 9ST

PROPOSAL: Full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works. (Amended Description).

LOCATION PLAN



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

Reason brought to Committee

More than 2 objections have been received.

PROPOSED DEVELOPMENT: Full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works. (Amended Description).

Application Site and Surroundings

The site is located straddling the highway, Bridge Street, and including the existing (former farm) buildings to the south of the road and a cleared area to its north, currently contained behind hoardings. The site area is 1 hectare.

The surrounding area comprises the school and school playing fields to the south/south-east, the nursery school to the north, and an open space to the west which includes a brook.

Directly to the east of the site is an area known as LC2 (Local Centre 2) which is contained within the same hoardings and is also cleared in preparation for development. LC2 is the subject of a current planning application (HW/REM/19/00322). Beyond the identified community buildings are mainly residential areas which form part of the Newhall Neighbourhood with some commercial development to the west of the site.

Ground levels rise to the east and rear (north) of the application site.

Details of the Proposal

While this application does follow the outline approval for 440 dwellings in Phase I of the Newhall Development, it is not for a reserved matters application. The application is in full and is for the development of 38 dwellings, 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure.

The proposed 38 dwellings would be provided in 4 blocks set out in triangle formation and comprise a mix of 1 and 2 bedroom units: 14 x 1-bed, 24 x 2- bed.

It is proposed to provide 6 affordable housing (2x1-bed and 4x2-bed) units; all as intermediate forms such as shared ownership.

Commercial space of 199 sq.m is to be provided in the form of 4 units to the ground floor fronting onto Bridge Street/Green Lane. The proposed flexible uses are display of retail sale of goods (E(a)), sale of food and drink where most consumption is off premises (E(b)), financial, professional and other services appropriate to provide in a commercial, business or service locality (E(c)), and office to carry out and operational or administrative functions, research and development of products or processes or any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit (E(g)).

38 car parking spaces would be provided within a courtyard area (27) and in undercrofts (11) accessed via a single point to the south-west of the application site. Given the proposal is for 38 dwellings, this would provide 1:1 (or 100%) parking provision. There would also be an additional 10 (+ 2 half spaces) car parking spaces provided to the south of the highway adjoining the community centre and would amount to 49 parking spaces in connection with the proposal). It is proposed that this parking area would be for use by those visiting the community facilities and also for school pick up/drop off.

In addition, as this application also covers part of the LC2 scheme in that 2 and 2, half car parking spaces would be provided within this application in for the the LC2 proposal (which is currently under consideration).

The proposal is accompanied by a viability assessment which indicates that the scheme cannot provide any affordable housing nor any contributions towards local infrastructure which arise as a result of this development. Nonetheless, the applicant has offered “without prejudice” to provide 6 of the 38 dwellings proposed as affordable housing which would represent 15.8% of the total.

The proposal also subsumes and requests following a 2015 approval (no longer extant) for the Newhall neighbourhood’s community facilities to be considered in relation to an extended car parking area adjacent to the community facilities to the south of the highway. The community facilities works are otherwise identical to those approved in 2015 which were the subject of the design brief approved under the outline legal agreement.

In order to secure the community facilities, the applicants have indicated that they will enter into a legal agreement to ensure that these facilities come forward for the benefit of all the occupiers of the Newhall neighbourhood. Timescales are to be agreed in the S106 legal agreement; it has been proposed that this would be in the order of completing the construction of a minimum of 50% of the Community Building prior to the first Occupation of 50% of the Dwellings hereby approved; and then to complete the full construction of the Community Buildings prior to the first Occupation of 90% of the Dwellings hereby approved

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/96/00088	Residential Development Of 440 Dwellings with supporting amenities (Outline Application) (Phase I Newhall	<u>Approved</u>	06.2004
HW/PL/14/00309	Application for Discharge of Planning Obligation in Relation to Schedule 1. Confirmation of Ownership Retained By Newhall Projects Ltd & Schedule 2. Submission of Design Brief for Community Accommodation of Planning Application HW/PL/96/00088	<u>Approved</u>	24.07.2014
HW/PL/15/00026	Discharge of Phase I S106 Planning Obligations Relating to: Paragraphs 1, 2(a)(b)(c)(d)(f) - Playgrounds; Paragraphs 3(a)(b)(c)(d) - Landscaping; Paragraphs 6(a)(b) - Landscape Maintenance; Paragraphs 7, 8 - Sculpture	<u>Refused</u>	
HW/PL/15/00094	Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Species for Community Use. Landscaped Open Space	<u>Approved</u>	07.04.2015

HW/CND/15/00449	<p style="text-align: center;">Forming Multi-Use</p> <p>Application for Approval of Details Reserved By Condition 2 (External Materials), Condition 3 (Detailed Landscape Scheme), Condition 4 (Arboricultural Method Statement), Condition 5 (Proposed Cycle Parking Provision), Condition 7 (Details of Access to the Parking Area, Including Visibility Splays, Drainage and Surface Materials), Condition 8 (Details of External Lighting) and Condition 9 (Details and Layout of Proposed Solar Panels) of Planning Permission HW/PL/15/00094 for Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Spaces for Community Use. Landscaped Open Space Forming Multi-Use Square and Associated Parking Facilities.</p>	Approved	10.04.2016
-----------------	---	----------	------------

And on the related, adjoining site current application:

Application Reference Number: HW/REM/19/00322

Proposal: LC2 - Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 26 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 (Phase 2, Newhall).
Application Status: pending

CONSULTATIONS

Internal and external Consultees

Urban Design, Place Services

April 21 - In principle the amendments proposed show an uplift in both the parking areas for the local centre.

There is a need for clarity on where allocated parking is for blocks A and B. Will there be access to the rear of the building to the parking court?

The ground floor apartments to Block F appear to work well if a robust landscape treatment can be delivered.

Consider clay paver finish should be extended into the parking courts

Would like to see opportunities in bringing tree planting further into the court between the parking spaces. Add height and additional screening into this space.

Opportunities should be taken to accent the building entrances further. Possible to demarcate areas in change in surface materials.

In relation to the Community Building, there's a real risk this parking provision for residential occupiers could be taken advantage of. Even if residential spaces were focused to the northern bays only there still holds this risk. Management in terms of barrier or control would be over doing it I feel.

July 21 - Further to our past discussions and comments it is considered the application has addressed a majority of our initial concerns. The application has moved on positively in reducing parking which in turn has resulted in more allowance for landscaped and open space, along with three additional units.

The approach to the hard landscape again has been received positively where a constant finish quality is applied to the site as a whole, rather than to just the peripherals.

It is noted that the scheme hasn't addressed concerns around the location of bin stores to the south of blocks A and B as well as opening up opportunity to create direct access/active frontages to ground floor apartments. We appreciate these would have been reviewed and considered the balance between greater emphasis on the landscape and reduction of parking provides a good compromise.

As outlined above, the landscape approach and details are supported. We would note however, we would recommend a tree pit detail is included for tree planting located between parking bays. It is unclear on how this could be executed in what is a confined space between kerbs and haunching. Further clarity could be included.

Summary - Overall, it is considered that proposed local centre development provides a strong approach to architecture and landscape which has created a development which will respond well to Newhall and also provide a high-quality community. The ongoing discussions have seen positive outcomes which have been addressed above. We support the submitted application subject to minor comments above be addressed.

Place Services - Heritage Advice

July 2020 - With regards to heritage, the above concerns the setting of a number of non-designated heritage assets of 19th century or earlier provenance as inferred from cartographic evidence, historically forming part of Gravelpit Farm, granted permission for redevelopment into Community Hall Buildings under HW/PL/15/00094.

Located in close proximity to a historic stable, barn, and an old dairy, where the tallest of the structures is a two-storey building, the proposed development dominates its historic setting in terms of size, scale and massing, causing detriment to the appreciation of the non-designated heritage assets and negating their prominence. Proposing the construction of a large hard-surfaced parking area adjacent to the former farm complex, the proposal also introduces an inappropriate and unattractive component to this historically agricultural site, at odds with its traditional character. This is also seen to go against planning permission granted under HW/PL/15/00094, where modest parking provisions were made and ample soft-landscaping was provided.

For the above, the proposal is considered to cause harm to the significance of several non-designated heritage assets as derived from their setting and paragraph 197 is relevant.

July 21 - The application site is within the setting of several non-designated heritage assets of nineteenth century or earlier derivation which historically formed part of Gravelpit Farm.

This is the third consultation within this application. The current iteration of the scheme has been revised to reduce the parking provision and allow for more landscape and open space.

The rural setting of the non-designated heritage assets has largely been compromised by existing development. The proposal, however, would encroach development closer to the non-designated heritage asset and emphasise the presence of development within their immediate setting. The additional development would inevitably have an impact on the setting of the non-designated heritage assets. However, given the existing development the level harm identified under paragraph 203 of the NPPF would be at the lower end of the scale.

Environment Agency (Hertfordshire & North London)

No Comment Received.

Sustainable Drainage Team/ Lead Local Flood Authority

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide:

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council – Highways

Feb 21 - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to a Construction Management Plan, laying out of parking and turning facilities and provision of Residential Travel Packs together with a request for a contribution of £175,000 (one hundred seventy-five thousand pounds), five thousand pounds per dwelling, index linked from April 2019 towards Infrastructure (Highway improvement schemes and Passenger Transport) in line with the wording in the Deed of Variation for the Newhall Outline S106.

July 21 - The Highway Authority has nothing further to add to our previous comments for this application.

Regeneration Services

The offer of 6 shared ownership units instead of any affordable rented units on this Newhall parcel would equate to achieving 15.8% of the units as intermediate units. (6 out of a total of 38 units) We are not happy with this outcome as it would not be compliant with our policies which has a clear focus on achieving affordable rented units that would help meet our clear housing need in the town. However, given that the viability appraisal has indicated that no affordable housing would be viable at this point on this site, and the alternative is to undertake a review after the site has been built out which has no guarantee of achieving any funding for affordable housing, it would seem that 6 shared ownership units would be a better outcome than no affordable housing at all.

Essex County Fire And Rescue Service

No Comment Received.

HDC - Cleansing And Environment

Feb 20 - Access and Swept Path Analysis

The proposal specifies two elevated width restrictions on Bridge Street which reduces the road to 4.5m (metres). These locations have also been identified as being the stationary point for the refuse collection vehicle (RCV) in order to service blocks A, B, E and the commercial unit. Bridge Street is a major access road to a large part of the Newhall development and the Council will not permit a RCV to remain stationary on width restrictions for any period of time as it will stop traffic flow. In addition, the vehicle would be forced to remain half on and half off the elevated width restriction resulting in the vehicle being positioned at inconsistent heights. This poses a risk to the collecting operatives and the lifting equipment cannot lock onto a bin without the operatives handling it into place whilst raising the lifters and the sensors will not necessarily identify the bin has reached the end of its travel. This has the potential to result in the container falling mid-tip into the hopper of the vehicle or falling back and striking the operatives. There is also a manual handling concern regarding the strain upon the operatives having to hold the bin in an awkward position at the beginning of the tipping process.

The applicant has proposed 4 wheeled containers for the development which are a suitable choice of containment however, the distance the bins are required to be wheeled to the RCV exceeds 10m specified in accordance with BS5906. Approximately, Block A is 15m, Block B is 25m and Block E is 20m from the bin store doors. This does not include the additional distances from within the stores. These distances are unacceptable. Block F does also exceed this distance from the rear of the store depending on which side of the road the vehicle remains stationary however, this is the most appropriate of all the proposed stores.

The swept path analysis clearly shows the RCV travelling at Bridge Street and Woodland Road however there is some additional information required before we can accept the vehicle's travel on the road. Please would the applicant:

- Amend the analysis to include the RCV entering from Bridge Street from both directions;
- Amend the analysis to include the RCV entering from Woodland Way from both directions and not just south easterly;
- Clarify the tree that has been proposed within the road at the 90 degree turn which does not appear on the analysis but does on other plans (full clearance of the tree is required);

- Clarify the turn at Woodland Way as it appears that the analysis overlaps with 2 or more parking bays.

Blocks A and B - The store has a proposed depth of 1.5m, width of 3m and a door width of 2.5m. The layout of the store would see both the 660L and 1100L bins side by side with the lids accessible from the entrance. These bin sizes have a width of 1270mm (millimetres). In accordance with BS5906 the collection operatives should not be required move one container to access another and have 150mm between containers, surrounding walls and doors between collections. In addition, the users of the bins should be able to access any part of the lid of the bin in order to deposit their waste easily.

Therefore the width of the store does not allow sufficient space for either bin to be removed or returned, and fails to offer sufficient clearance for the user; essentially the store is too small. The Council will tolerate a minimum handling space of 300mm (millimetres) either side of the bin when removed/returned in a diagonal direction. It should also be noted that the issue is exacerbated with Block B as the doors are not centralised.

Block E and Commercial - The store has a proposed depth of 8m however the width is 2.5m. The orientation of the bins in a single column is suitable but the width does not afford sufficient handling space. In order to remove the bins without the need to manoeuvre others the width of the store must be a minimum of 2.75m (150mm from the wall to the stationary bin, 1m depth for the stationary bin, 1m depth for the bin that is being removed and a further 300mm handling space either side). The commercial store also has the same issue. In addition, the entrance doors are both stores are 1.5m wide, in order to comply with BS5906 they must be a minimum of 2m with the doors fully open.

There are no issues noted with the layout of the store serving Block F. However, please would the applicant provide us with details as to where the utilities will be located within the stores as they also have the potential to impact on waste collections by causing obstructions (water, gullies etc.).

The majority of the stores fail to provide adequate space for the safe handling of waste containers and does not afford any space for additional waste provisions that may be required in the future. Whilst space for additional waste containment is not a reason to object to the proposal, the applicant should be aware that the design of the store will be very restrictive for any potential changes to the Council's collection scheme. Additionally, the provision of 660L waste containers do not fulfil the maximum capacity advertised due to their restrictive dimensions and therefore the capacity that has been proposed to satisfy the number of occupants will in fact not be sufficient in practice; we recommend that these container types are altered to 1100L bins.

Waste containers should be purchased from the Council however, if the applicant wishes to purchase bins from another supplier they must seek the exact specifications and requirements from Waste Management at Harlow Council before doing so. The Council will not empty any waste containers that have not been provided in accordance with the precise specification.

The southern aspect of the development was previously granted approval under HW/PL/15/00094 which is understood to have expired. The applicant has failed to include any relevant information as to how waste will be managed at any part of land south of Bridge Street. Please would the applicant submit their proposal for this aspect of the development.

We strongly object to the proposal until such time our concerns are mitigated. Please do not hesitate to contact us should you require clarification.

In relation to subsequent revisions:

.....

The tracking plan for Forge Lane shows the vehicle having to use both sides of the carriage way to successfully navigate the road. This in itself is not a problem although it requires some form of parking restrictions to prevent on-street parking that will inhibit our access. Has the applicant provided any information on this, I cannot see any on the planning portal's revised documents added on 23/10/2021.

The revisions to blocks A, B and E is an improvement on what was originally submitted in terms of distances however it does not resolve the problems.

Block A: located to the SW of the development could only be serviced by the RCV travelling in a westerly direction however the raised traffic restriction requires the oncoming traffic to wait for the westerly travelling vehicles to pass. If the operatives attend in busier times, the waiting cars will block the vehicles access to the section of road required. If our vehicles are parked on the specified location servicing the store, on coming vehicles travelling in an easterly direction will not have a line of sight to see around the RCV onto the oncoming traffic and the width restriction to see if it is clear to pass. This is simply due to the curvature of the road.

Block B: similar to block A but in reverse. Vehicles travelling in a easterly direction will have a reduced line of sight (not as severe as block A but still an issue) to see around the RCV.

Block E: if the block is serviced with the RCV facing west it will block the width restriction and stop traffic flow. If it is serviced whilst facing oncoming traffic it will restrict the line of sight those travelling in a westerly direction.

The sticking point with all 3 blocks is the width restrictions. Highway Authority comments are requested on this. Whilst bearing in mind how heavily trafficed this road is, we cannot endorse a proposal that causes risk to anyone utilising the roads and footpaths, and has the potential to lead to significant disruption on the highway."

Highway comments, on the matters raised by Waste Services Team:

Firstly with regard to the tracking along Forge Lane – this is no different to a lot of the design in Newhall, which is tight and angular. Furthermore, at this time Forge Lane is not adopted, presumably it was built by Newhall Projects, so any parking restrictions would have to be agreed with the current owner, not the Highway Authority, if this was an issue once development was occupied. Consequently, I would not expect to see anything regarding parking restrictions within this application.

With regard to the build-outs, it is not particularly dangerous; it's an unclassified, residential, 20mph, traffic calmed road, outside a school - vehicle speeds will be low and drivers will be being careful. Also the inside of the bend will be completely open allowing good visibility up the road. Refuse vehicles are infrequent and only cause momentary obstructions in the highway, in this instance it is not any different from any other residential environment, other than it benefits from the aforementioned i.e. traffic calming etc. Consequently, other than possibly moving the highway access points for Block B & E to a mid-point, (obviously I would defer to the Waste Team on this though) I would not have any highway safety concerns with regard to this.

Further Comments from Waste Services Team (in response to Highway Authority Comments):

1. We accept that parts of Newhall are pretty tight but it causes us problems now on various parts, as such we look to avoid these issues in every planning application we are consulted on. It appears highways have not considered the impact it would have on our crews if we get 30 metres in and are forced to reverse all the way back out, in terms of efficiency, operative safety and compliance with BS5906. Although Highways may not consider it necessary for any form parking restrictions, we do, particularly on turns.
2. We could not accept a central stationary point to collect from both blocks. Disagree with Highway Authority that visibility will be good on the inside of the bend and wonder whether it has been tested on a scaled diagram. In addition, the collection operatives deal with frustrated drivers being held up by their activities

on a regular basis, sometimes even weekly, therefore we would disagree on the thought that drivers will automatically be careful. However, if Highways are happy for us to obstruct the road, then this will occur. It is necessary to identify that the Waste Services Team (and contractors) would not be liable for third party incidents as a result of waste collections, the operatives time in conducting their duties or obstructing Bridge Street for any length of time as necessary to complete these duties as a result of the proposed layout.

[Officer comment: The applicants have agreed to a planning condition requiring the submission of details for parking controls on Forge Lane, as requested.

While there is a difference between the above comments, the Highway Authority's response relates only to public roads and to whether there is a Highway Safety concern, whereas the Waste Team concerns are for any (public or private) road and the Health and Safety of their personnel]

Archaeology Officer (ECC)

The proposed development area has been previously archaeologically trial-trenched and no further archaeological work is required on this site.

Tree Consultants

July 21 - An Arboricultural Impact Assessment has been submitted. An Arboricultural Management Schedule condition was previously requested. No further comments.

Designing Out Crime Officer For E Forest & Harlow

No major concerns, however insufficient details to confirm that the proposal would meet Secure by Design requirements. Revisions/additional details would be needed.

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Their Appendix provides advice on amongst others, Environmental enhancement - Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Neighbours and Additional Publicity

Number of Letters Sent: 223

Total Number of Representations Received: 15

Date Site Notice Expired: 13 September 2019

Date Press Notice Expired: 19 September 2019

Summary of Representations Received

15 representations have been received. The initial consultation resulted in two objections with 13 received in response to consultation on revisions on the following grounds:

Proposed use:

- this area was supposed to be a green area for residents/insufficient green space for Newhall residents
- contrary to the primary development purpose of Newhall is to: - create a primary pedestrian space;
- the proposed commercial premises and new housing are not needed in Newhall

Design/landscaping comments:

- adverse impact on the character and appearance of the area-this part of Newhall is becoming overcrowded. This part of Newhall is likely to have an unrelieved cramped urban feel to it; overbearing and out of character development
- 3-storey development is inappropriate on this site
- no significant addition of attractive public open space to the whole of Phase 2
- too few shrubs and trees. There is no provision for naturalistic planting, especially of trees, other than small ornamental ones
- further breaches the Newhall Phase II Environmental Statement; and would be in breach of the assured 40% green spaces across the developments.
- previously consented Newhall schemes promised more green space and this scheme would breach the 40% rule such that no different schemes should be considered as there is insufficient green space in Newhall overall
- The area needs some green space in the middle between the school and nursery to allow safe pickup of children and a nice area for them to play when they come out of school.
- flatted blocks here would ruin the look of the estate
- The density for this site was fixed by the Newhall Phase II Environmental Statement; this site represents excessive density in relation to this earlier document which is associated with the previous outline approval such that this breaches the legal contract [*Officer comment: This application is for full planning permission and is not legally tied to the provisions of the previous outline consent; the outline consent does nonetheless continue to be a material consideration*]

Travel/parking related:

- increased traffic and danger to children attending nearby day nursery/school
- increase in pollution

- Bridge Street is the only access into and out of Newhall and additional vehicles will add to danger using this road
- possible safety issues
- insufficient parking provision for residents
- limited visitor parking
- proposed amendments to the original road layout have not been the subject of public consultation
- parents collecting children drive and manoeuvre their vehicles dangerously
- Newhall is supposed to be a pedestrian environment but cars are everywhere
- there is already a bottle neck at the School/Day nursery at peak times which results in congestion and would prevent emergency vehicles passing through; the proposed dwellings and extra traffic would exacerbate this existing problem
- Concern expressed regarding the section of footpath that does not exist on the north side of the viaduct on Bridge Street going West to East that parents and children wishing to walk or bike to the amenities in the area have to either cross the road three times or walk dangerously into the road whilst making that journey, this is quite apparent now but when these properties are completed then many more residents will add to the danger. [*Applicant response: "There is an existing mature Oak tree which precludes the provision of a conventional footpath along the northern edge of the road. This has been previously discussed with Highways and it was agreed to incorporate the provision of drop kerbs on either side of the road to facilitate crossing. In addition, Newhall Projects have been looking at how they could incorporate a footpath along this edge as part of the design and delivery of the proposed LEAP which is due to come forward under a separate application submission shortly. The proposed design incorporates a footpath / boardwalk surface which protects the roots of the existing tree and also provides a continuous footpath link along the northern edge of the road and therefore addresses the concerns raised in the objection."*]

Amenity related:

- loss of existing quality of life for existing Newhall residents
- loss of light due to flatted blocks
- unacceptable increase in noise in Newhall
- loss of existing residents' views across the site of trees/woods

General/other:

- Charging points for Electric Vehicles are needed
- Consideration should be given to provisions to proactively prevent anti-social behaviour from young people congregating in the area i.e. youth provision in the form of skate/bike park/youth neighbourhood centre?
- people living in flats which overlook a school or day nursery may be unsavoury
- Development on the nearby school site for vehicle parking has meant it isn't a green field
- Quite disappointing to see the conditional statement surrounding the provisions for affordable housing being on condition there is "no late stage review mechanism requested".
- concern expressed about Fire Safety and Cladding Scandal - Councils should not grant any new planning permissions and developers should not be allowed to build any new development until this is resolved

PLANNING POLICY

Development Plan

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 part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. 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:

Strategic Policies

HGT1 - Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town

SD1 – Sustainable development

HS1 – Housing Delivery

HS2 – Housing Allocations

HS3 – Strategic Housing Site East of Harlow

RS1 – retail hierarchy

RS2 - Future retail floorspace

WE1 – Strategic Green Infrastructure

WE3 – biodiversity and geodiversity

WE4 – Heritage

SIR1 – Infrastructure requirements

DM Policies:

PL1 – Design principles

PL2 - Amenity Principles

PL3 – Sustainable Design, Construction and Energy Usage

PL5 – Other Open Spaces

PL6 – trees and Hedgerows

PL7 – Green Infrastructure and Landscape

PL8 – Bio and Geo Assets

PL9 - Pollution/Contamination

PL10 – Water environment

PL11 - Heritage

PL12 – Adverts

H1 – housing allocations

H2 - residential development

H5 - accessible/adaptable housing

H6 – housing mix

H8 - affordable housing

PR3 - employment development outside employment areas/neighbourhood service areas

PR4 - Improving Job Access/Training

L1 - open space, play areas etc. for major development

L3 - public art

L4 - Health and Wellbeing

- IN1 - sustainable modes of travel
- IN2 - impact on highway network
- IN3 - parking standards
- IN4 - broadband
- IN6 - planning obligations

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

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 areas 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.

HGGT Guidance

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.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

The HGGT Infrastructure Delivery Plan sets out infrastructure investment plans and developer contribution requirements.

The HGGT Sustainability Guidance and Checklist lists specific development quality standards and provides a quality assessment process. Applicants for any major development are expected to prepare a self-assessment of their proposals using this document and submit it with the application. The purpose is to allow the applicant to demonstrate the quality of the development within a consistent comparative framework. The assessment is set in the context of Development Plan and the NPPF, but it can also to show where the development achieves high quality outcomes against HGGT principles, and may therefore exceed baseline planning policy requirements.

For all major development, HGGT Local Planning Authorities (LPAs) take independent specialist advice on urban design and sustainability matters (as included in the Checklist noted above) from the HGGT Quality Review Panel (QRP) (QRP Terms of Reference). Often

this happens at an informal pre application enquiry stage, where early influence is more readily achieved. On this scheme the applicant engaged with the QRP at pre-application and subsequently amended the scheme following the detailed feedback.

The HGGT How to Guide on Planning Obligations and Viability sets out expected good practice on these matters, which are central to decision making on major developments. The Guide is based on the principle that Heads of Terms should be considered by the applicant at pre application stage and submitted in draft, but specific and detailed, form with the application. This facilitates effective negotiation with the LPA on these important matters. The aim is then to have a full planning agreement in draft form at the point the application is determined. For this application, because of the viability position (see below), this report includes only initial information and recommendations on Heads of Terms.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Affordable Housing and Specialist Housing Supplementary Planning Guidance (SPD) (2007) – currently being updated (a draft is published)

HDC Design Guide SPD (2011) – currently being updated with a Design Guide Addendum SPD (a draft is published). The addendum is particularly relevant as it includes guidance on tall buildings, privacy and overlooking.

HDC Open Spaces, Sport and Recreation SPD (2007)

HDC Employment and Skills Contributions in New Development (2021)

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

Essex Local Viability Protocol (2018) An Essex wide approach to best practice for viability assessment that is generally compatible with the wider ranging HGGT How To Guidance noted above.

Essex Street Materials Guide (2012)

Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

Summary of Main Issues

The main issues are:

- HGGT growth context
- Principle of development,
- design and layout of the proposal,
- Impact on the character and appearance of the locality,
- Impact on heritage assets,
- Provision of affordable housing together with wheelchair-suitable and adaptable homes,
- Energy efficiency/carbon reduction,
- Bio and geo-diversity; and
- Highway safety and transport/parking.

HGGT growth context

Major residential development proposals in Harlow must be considered in the context of the very substantial proposed growth of the Town as whole and its future as a 'Garden Town'. (HDLP Policy HGT1).

National and local partnership arrangements and policies for achieving Garden Town 'principles' (HGGT Vision, NPPF Para 72) are relevant to major urban redevelopment sites and thus to this application. HGGT principles for Sustainability (HGGT Sustainability Guidance and Checklist), facilitating transport mode shift (Draft Transport Strategy) and infrastructure provision (HGGT IDP) are particularly important.

The general form of the proposed development accords well with the main HGGT principles because:

- it provides much needed new housing;
- the new housing is in a highly accessible location, creating an opportunity to live close to existing community facilities, services and public transport (when provided) and thus minimising reliance on travel by private car;
- it achieves efficient use of allocated urban land

Achievement against HGGT principles and quality on some more detailed matters is assessed as part of some of the considerations below.

Principle of Development

The proposal follows an outline approval for planning permission for 440 dwellings to form Phase I of the Newhall neighbourhood. However, this application is for full planning permission and is therefore "stand alone"; as such while the general principle of development of this site as a Local Centre was considered acceptable under the 1996 scheme submission, it does not directly benefit from the considerations made in relation to the outline approval. It must therefore be assessed on its own planning merits in line with currently adopted planning policies and any material considerations.

Policy HS1 states that "*The Local Plan identifies sites to deliver at least 9,200 dwellings during the Local Plan period (1 April 2011 to 31 March 2033). In view of the lead time for bringing forward the Strategic Housing Site East of Harlow, together with the sites at Newhall and the Princess Alexandra Hospital, this will be provided in accordance with a stepped requirement of 361 dwellings per annum from April 2011 to March 2024 and 501 dwellings per annum from April 2024 to March 2033.*"

While the scheme is not a reserved matters application under the original outline approval, the outline approval is a material planning consideration as part of the planning history of the application site. It was expected that 440 dwellings would be provided within Phase I of Newhall, of which the application site will provide 38 dwellings. It is considered that the proposal which provides housing in line with the original outline approval is welcomed in accordance with Policy HS1.

It is therefore considered that the proposed provision of housing at this site would accord with the current planning policies and the general principle of this site being previously considered to be acceptable in principle for housing.

The proposal would provide 199 sq.m of floorspace for commercial use. The applicants have asked that this be flexible within the new "E"- Use class. This part of the proposal would coincide with the original concept for Newhall with a commercial/work space provided centrally in this core location, either side of the bridge. The proposal will provide separate work, professional offices (old A2 Use Class) or shop, café etc. uses to the ground floor of the block fronting Bridge Street. It is considered that this accords with policies relating to the shopping hierarchy and workspaces – Policies RS1&2 and PR3, nonetheless as the "E" Use Class is wide, the new "E" Use any grant of planning permission would also allow the units to flexibly change to the full list including indoor sport, recreation or fitness (E(d)), provision of medical or health services (Ee), crèche, day nursery or day centre (E(f)) unless a condition is imposed restricting the uses, together with a planning reason for so doing.

While not specifically identified as forming part of this scheme, the application's red-line boundary does encompass the community buildings. This does still need to come forward and the applicants have confirmed a willingness to provide sufficient finance to ensure that this comes forward.

The proposal is not tied to the outline approval and is therefore not tied to the S106 legal agreement tied to it. Nonetheless, as a major application consideration will be given to whether any of the original schedules and clauses of the agreement should be carried forward. It is considered that the proposal is acceptable in principle. Detailed matters are addressed below.

Design and Its Impact on the Character and Appearance of the Local Area

The application site lies within the new Newhall Neighbourhood and, as such, is for new development on a previously open, undeveloped site which was released for development of a mixed use site including housing within an area of new and relatively new housing, commercial and community development, some of which has been erected including to the north/east of the application site. To the south are older, pre-Newhall Neighbourhood ex-farm buildings which are to be converted into community uses for all Newhall residents to make use of. The proposal involves the erection of 38 dwellings and associated parking and landscaping.

Scale

The flatted blocks would be 3-storey and contain 38 dwellings together with 4 commercial units of 199 sq.m to the ground floor around a triangle courtyard area. There would be a range of sizes of units with bedroom numbers from 1 to 2 for upto 4 people. The proposed dwellings would be 14 x 1-bed units and 24 x 2 bed units.

The Strategic Housing Market Assessment Update 2012 (2013) highlights the majority needs for smaller units (95%) within the District. This scheme provides a variety of small residential units to meet the identified local demand, with all of the dwellings to be 1 to 2 bed units for 2 – 4 people which would meet this identified need.

All flats have a balcony of between 5 sq.m and 7 sq.m depending on no of occupants with the larger flats having the largest balconies; some face roads and others over the hardstanding/parking/shared open space in the courtyard of the blocks. External green shared amenity space is provided within the courtyard area and in addition included in the application site to its eastern side, is Green Lane, a public pedestrianised/ landscape area and in terms of design, it is considered that this would provide overall a reasonable level and quality of amenity space for the residents.

Layout

Two blocks (A & B) would front onto Bridge Street with Block E to the eastern boundary and Block F to the western boundary. The Courtyard area would contain hardstanding for vehicle parking with an area to the north laid out as a landscaped open space.

Blocks A and B would front onto Bridge Street with block F fronting onto Forge Street. Block E would front onto the proposed Green Lane between LC2 and LC1 to the east.

It is proposed to build both LC2 and LC1 at the same time and will reinforce the connection between the two, linked sites.

The layout of the site has taken into account the natural features (sloping ground levels) on site, design parameters, connections to other approved and future land parcels of Phases I and II. In general, the proposed layout achieves a high quality of design while recognising the existing road layout and rear parking courts for flatted development which is a feature across Newhall.

Density

On the basis of the whole site area of 1 hectare, the residential density would be 38 units/hectare; however part of the site is not for residential development (where the community buildings are located and the section of main road also included); the residual area is less than half of the whole site so a proposed density of around 90 units/hectare is more accurate. While this is above the residential densities across the Newhall site.

The proposal is for an all flatted scheme where higher densities with high quality can be achieved. The site is also in a higher sustainable location within the Newhall Neighbourhood as it would be located close to shopping, servicing and community facilities including a nursery and school and access to nearby open space just beyond and west of the bridge. Further, part of the scheme would provide additional commercial facilities within Use classes E(a), E(b), E(c) and E(g) – i.e., shops etc.

Design/Appearance

The block to the western boundary would be provided with a statement roof which would be eye-catching and match with one roof to the proposed neighbouring development at LC2.

The frontage block onto Bridge Street would have 3 commercial units (with a further commercial unit to Block E) and a flat to the ground floor with some bin/cycle storage at that level with two floors of residential units above and the block onto the Forge Road such that there would be activity at ground floor level as a result. There would also be some activity relating to the adjoining equipped play area/Green Lane and the school/nursery to front and rear, such that some separation of the residential units in the eastern block (by them being at first and second floor level) would reduce the impact of these mainly day-time noise generators.

According to the submitted Design and Access Statement and the Material Strategy, the same palette of materials would be used for the scheme, which is in line with the Design Guidance of the outline consent. The palette proposed does accord with the materials palette approved in Phase II of Newhall.

The scheme has also incorporated the design principles of the Harlow Design Guide (2011) such as providing active street frontages with commercial premises to the ground floor and provision of private amenity space (balconies and ground floor amenity space). Together with the provision of landscaping along the site boundaries and between the Phase I and Phase II

developments, it is considered that the development would positively contribute to the streetscene.

The proposal would facilitate another phase of housing development in a higher sustainable locality within Phase I area of Newhall, such that it is considered that it would be of a scale and residential density which is proportionate to the site without resulting in an over-intensifying the site.

It is considered that a high standard of design is presented by the proposed blocks which continues the contemporary design approach of both Newhall Phases I and II. Furthermore, design advice from Place Services is supportive of the proposed design.

It is considered that the design, layout, scale, density and appearance of the proposed development represents a high standard of design and accords with the provisions of Policies PL1 and PL2, of the Harlow Local Plan (2020) as well as the design principles of Harlow Design Guide (2011) and draft Addendum to the Design Guide (2021).

Impact on Heritage Assets/setting of the nearby Listed Building

The application site lies to the north of a Listed Building, The Round House (Grade II). At the outline stage, the only concern raised was that any consideration at reserved matters stage should take into consideration the impact of any scheme on the Listed Building and its setting. There was no “exclusion area” agreed, nor was there any suggestion as to what area may be considered to form the setting for the Listed Building.

The Conservation/Heritage Officer indicates that the proposal would appear in the backdrop of views of The Round House, a Grade II Listed Building, located along Round House Way and that it should be relocated so that it is not visible as it would result in “*less than substantial*” harm to the setting of The Round House.

The application site is located to the western end of Round House Way at its junction with The Chase/Bridge Street and Woodland Way. Nonetheless, the proposed 3-storey block fronting onto Bridge Street would be visible as a vista feature from the Listed Building. While this would be the case, there are numerous dwellings both constructed and approved (Sector V) which are significantly closer to The Round House and the two-storey high school buildings on the opposite side of Bridge Street, closer to the Listed Building would partially obscure the, albeit 3-storey, block. The block would be of modern design with an unusual pitched/valleyed roof; given the significant distance away, it is considered that while it would be visible in the views of and from The Round House from the east that it would not compete with it such that the harm to The Round House or its setting as a result of this proposal would be particularly limited.

The Round House is Grade II Listed and it is considered that “*less than substantial harm*” would occur to its setting. On this basis, in line with the NPPF (paragraphs 201 and 203), the public benefits of the proposal have to be considered. The impact first needs to be assessed in relation to Policy PL12 of HLDP (Dec 2020) which indicates that the impact on a Listed Building will be assessed based on the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);

- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and
- (e) any public benefits of the development

The Round House is located within a wide curtilage which is significantly larger than proposed residential curtilages and has hedges to its northern/eastern and western boundaries with a small wooded area to the south.

The Round House is located, at around 150 m, some distance away from the nearest point of the application site, beyond the school. New housing development of upto 3 stories has already been constructed and development to the northern side of Round House Way to the north-east of the application site, directly to the north of the Round House on the opposite side of Rose Crescent, with a half-moon amenity area providing an element of separation beyond Round House Way and development of 49 houses has been approved directly to the south-east of the Round House (Sector V) just across a two-way road (around 9m away)

While it is recognised that this particular Listed Building would be surrounded by new housing, including on the application site. Views from windows in a Listed Building of new development is not of itself a reason to refuse new development, bearing in mind that Listed Buildings in built-up areas often do not have large landscaped areas around them, even where they may have been in a rural area when originally built. In any event, it is not the rural landscape that makes the building worthy of its Listed Status.

Notwithstanding, it is accepted that new development on site would be located such that it could sit in part in the backdrop to the Round House in views from the east/south-east.

The proposed development, like other modern development within Newhall would not harmonise with or otherwise be in character with the Listed Building. Nonetheless, the residential development is being provided in order to meet the house numbers for the tranche originally allocated and approved within the outline scheme and the outline scheme allowed for new development, of which all new development coming forward does not harmonise with the Listed Building. The scheme has been brought forward in line with the outline approval and as modern, contemporary housing on a 440 dwelling new, modern estate, while it is expected to provide a high quality of design and layout is not expected to match the Listed Building by way of character and appearance. It is considered that the proposed modern buildings on this application site are in character with existing new housing development on Newhall and, as such, that it appears as in juxtaposition to the original rural character of Round House. Given that this site is significantly further away from The Round House (around 150m) compared with existing and already approved development (as little as 9m away), it is considered that the harm identified to the setting of the Listed Asset is minimal.

The proposed development would not interfere in longer distance views from the west/north-west of the Listed Building from the west along RoundHouse Way and Woodland Way.

The works to the community buildings themselves would be exactly the same as those approved in 2015 when heritage considerations were taken into account. The current application would extend the approved car park adjacent to the community buildings which are indicated by the Heritage Advisors as non-designated heritage assets. The Heritage Advisors have previously consider that this proposal, which includes flats to the north of the community buildings, would result in harm to the original rural character of these buildings which formed part of Gravel Pit Farm (other buildings for this farm were located on the LC1 site itself). It is

considered that as non-designated heritage assets, this harm is “less than substantial”. Given that the LC1 plot is vacant and the former farm buildings on that plot have been removed and that this site was included in the earlier Phase I Newhall development as a plot for mixed use development, it is considered that the proposed development would have been expected once the outline scheme was approved.

The heritage assets that are being retained are being converted and extended (in accordance with the 2015 approval) to provide community buildings for the new residential development of Newhall Phase I and II, nonetheless as a result, building nearby was expected. The proposed flatted buildings are 3-storeys in height and given their location to the north, do not interfere in views of the community buildings along Bridge Street from East and West.

There is an existing residential development to the south of the community buildings and LC1 will be visible in the backdrop from these dwellings; nonetheless it is not considered that the non-designated heritage assets would be unduly affected by the presence of 3-storey development on the opposite side of Bridge Street.

The public benefits of the scheme also include 15.8% affordable housing. While this would not meet the 30% target in Policy H8, given that most tranches across Newhall Phase II provide the minimum of around 15% (which is the minimum allowed in the outline’s Legal Agreement), this is considered to be a public benefit.

The public benefits arising from the proposal are that 38 new dwellings would be erected for use by market purchasers as well as 6 being for affordable housing. During construction, employment will be provided and following construction the houses will meet the urgent need to provide housing as identified in the local housing needs assessments. The community buildings would also represent a public benefit.

It is therefore considered that the scheme would result in ~~significant~~ public benefits which would outweigh the less than substantial harm identified. It is therefore considered that the proposal would therefore accord with heritage policy PL12 of the HLDP (2020) and the provisions of paragraphs 201 and 203 of the NPPF (2021).

Impact on Trees, other Landscaping

The site is currently vacant with a vacant area to the north/east (LC2) and a few new trees and other vegetation outside the site boundaries. To the south of the proposed extended parking area near the Community Centre is an area of woodland. The applicant has submitted a Landscape Plan in support of the scheme.

Policies PL6 – trees and Hedgerows and PL7 – Green Infrastructure and Landscape are relevant. In relation to protected trees to the south of the Community facility car park, the Council’s Arboricultural Consultant considers that the proposed car park extension would not result in any harm to these existing trees.

Suitable conditions are proposed to be attached to any grant of planning permission to ensure the protection of the preserved trees during construction and the provision and maintenance of the trees proposed as part of the detailed landscaping scheme.

Bio and Geo-Diversity

Policy PL9 relates to Bio and Geo Diversity Assets.

A condition of the original outline consent for the Phase I area required an Ecological Management Plan outlining measures to protect flora, fauna and wildlife affected by the

development within each phase to be submitted to and agreed in writing by the Local Planning Authority.

While this is a full application, Natural England have been consulted on this application and have indicated that they have no objections although they do suggest that environmental enhancement could include:

- Providing a new footpath through the new development to link into existing rights of way.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.

Details will be required for bird and bat boxes though a suitably-worded condition.

Impact on Amenity of Local Residents

In line with Policy PL2, the amenity of existing and further occupiers should be protected.

All the flats would at least meet the National minimum internal space standards for dwellings

It is proposed that there will be a landscaped communal open space for the flat dwellers to the north of the courtyard area and the Green Lane would provide an outdoor space close to the blocks and there would be an equipped play area.

Given that the proposed blocks are located around a triangular-shaped courtyard and are separated by the access to the parking area and the open landscaped area to the north, there would be no direct back to back situations between the residential properties. It is acknowledged that it would be difficult to fully achieve separation distances within a higher-density residential flatted development but it is considered that due to the angles and relative distances, that the proposal would avoid direct overlooking. Potential occupiers will be also be fully aware of these arrangements when purchasing the properties. It is not considered that any unreasonable overlooking or inter-looking as a result.

Principle DG33 of the Harlow Design Guide (2011) specifies that all development should have some private open space. This space should be appropriate to the type and size of the accommodation. According to the revised drawings, there would be a shared, landscaped open space provided to the north of the triangular courtyard area all the flats would have a balcony/patio areas of between 5-7 sq.m each, the larger ones for the 3 and 4 person 2-bed units. While some of the units would have north-facing balconies which would be less usable, it is considered that the shared open space and Green Lane do offset these balconies which would not receive direct sunlight.

While the balcony/patio of the units located along the Green Lane would be located to the east close to the proposed play area, there would be a degree of separation with hedge planting and some grass such that it is consider that this occupier's amenities would be reasonable for thes flats.

While the main purpose of Green Lane is to provide a pedestrian link following a "desire line" between the primary school and the the day-nursery, it does provide a landscaped gap between the LC1 dwellings and the proposed dwellings/car park of the proposed LC2 scheme for 25 dwellings, it would provide a small play area and location where outdoor relaxation is

provided for residents of the conjoined schemes, albeit more public in nature. It is welcomed as part of the open space within the scheme.

The blocks (A&B) to the south are likely to result in some over-shadowing of the blocks located to the north, in particular in the winter and at early/late parts of the day. However, it is not considered that the back blocks would unduly over-shadowed to the degree that the amenities of the occupiers would be adversely affected.

It is not therefore considered that the proposed layout and design gives rise to concerns with regard to unreasonable harm to the amenities of future occupiers.

The site is vacant at the moment. The nearest properties to the site are the residential properties to the north-east. Some disruption may be experienced during the construction phase, however, this is to be expected from any development and will only be temporary in nature. A condition should be attached to restrict construction hours and a condition should be added to require the use of wheel washing equipment to ensure that the construction works do not prejudice the amenity of neighbouring residents. A construction Management Plan can be required by the attachment of a suitably worded condition.

The landscaping strategy with trees and hedging to the rear and road frontages will improve the landscape value of the area and enhance visual amenity locally to the benefit of existing and future occupiers.

It is therefore not considered that the proposal would give rise to unreasonable harm to local residents.

Access, Parking and Highway Safety Concerns

The main access points to/from London Road (via Round House Way), connections with the wider area and circulatory routes throughout Newhall Phase 1 were assessed and fixed by the outline consent. The traffic and highway safety impacts of the development were also assessed at outline application stage. The impacts were considered to be acceptable, subject to conditions.

The internal road and the design of accesses and junctions to London Road itself were considered acceptable by the Highway Authority under Application No. HW/REM/17/00225, as were those to Roundhouse Way and Spine Road. The proposal would not have any new roads as the two blocks would front onto existing roads, Bridge Street and Woodland Way; although new footpaths would be provided to them. No large vehicles would need to enter the site as refuse lorries and other servicing vehicles would be able to do so from the existing roads. The proposed footpaths would provide good connectivity within the site and the wider area.

The proposal would not have any new roads as the southern and western blocks would front onto existing roads, Bridge Street and the unnamed road to the day-nursery; although new footpaths would be provided to them. The third block would be to the south of the day-Nursery Road but otherwise front onto the proposed pedestrian Green Lane between this site and the LC2 site. No large vehicles would need to enter the site as refuse lorries and other servicing vehicles would be able to do so from the existing roads. The proposed footpaths and Green Lane would provide good connectivity within the site and the wider area.

Given the provision of commercial units within the Local Centre 1 site and as there are commercial and other facilities in close proximity, including a school, day-nursery, a park and the forthcoming community facilities adjacent to the application site, the parking provision has been reduced to one parking space for each of the dwellings, i.e., 1:1. The scheme will provide

car parking spaces for future residents in the form of a courtyard/rear open parking and undercroft parking. It is considered that this is in line with the adopted parking standards in areas of higher accessibility and Policy IN1 which seeks to reduce the reliance on private cars for work/shopping/services in the District.

Cycle storage for LC1 occupiers will be located in private areas in the undercroft areas. While the proposal crosses/includes the existing highway of Bridge Street, it does not propose any alterations to it except the provision of bays for short term parking in association with visitors and the commercial units.

A number of additional parking spaces are proposed adjoining the Community facilities; while it is expected that Newhall residents using these facilities would mainly walk to them, it is recognised that visitors vehicles to the area would benefit from parking off street. The applicants have indicated that the proposed extension of the car park to the Community Halls would provide additional parking for residents, users of the community facilities and a school drop off/pick up facility.

The site and surrounding roads including Forge Street and Bridge Street are in private ownership and are not controlled in respect of parking restrictions by the local Highway Authority. Parking on street is not controlled although in this case, parking restrictions have been agreed to be introduced on Forge Street to enable the refuse servicing vehicles to access without hindrance. A suitable condition can be attached to require the implementation of the parking restrictions. Should any roads within Newhall become public highway, it would be for the Highway Authority to consider whether and where parking restrictions may be applied.

Public transport:

A bus route through Newhall has been agreed in relation to the outline approval for Phase II Newhall. It will be provided in accordance with the relevant legal agreement and will run along Bridge Street/Spine Road, exiting onto London Road. It will be provided once the Spine Road is completed to connect the new neighbourhood with the town centre, employment areas and railway station(s).

It is intended that the eastern arm of the Sustainable Transport (STC) route will run either through Newhall or close to it enabling connections across the urban area.

Essex County Council Highway Authority have raised no objection to the scheme as it is not contrary to the Highway Authority's Development Management Policies (2011). In line with Policy IN1, Provision of Electric Charging Points for Vehicles, "Development must provide electric vehicle charging points (EVCPs) in accordance with the latest Government guidance." A suitable condition will be attached to require details to be submitted.

Affordable Housing

Local Plan Policy H8 indicates that affordable housing should form a percentage of housing on major development sites with a minimum of 30% and that the reduction of this percentage will require an independent viability assessment. The provision will be expected to be 85% of those to be provided as affordable rent with the remaining 15% to be intermediate affordable housing.

As this is a separate full application it does not directly benefit from affordable range of 15% - 40% identified in the legal agreement attached to the outline approval for Phase I Newhall and would therefore need to meet Policy H8 provisions for affordable housing

The applicants have made an offer in respect of affordable housing to provide 6 of the 38 dwellings proposed as affordable housing which would represent 15.8%. They will be 1- and 2-bedroom flats (intermediate such as shared ownership).

As the provision falls below the requirement of 30%, the applicant has submitted a detailed financial viability assessment (FVA) which demonstrates that the provision of 0% affordable housing is the maximum achievable for this site. This was reviewed by Strettons, an expert appointed by the Council. Strettons also reviewed a revised FVA submitted in December 2020.

The assessed FVAs' reviews looked at the key elements of viability which are: gross development value, costs, land value, landowner premium, and developer return.

Gross development value (GDV) is an assessment of the value of development. For residential development, this is total sales taking account of market evidence (rather than average figures) from the actual site or from existing developments can be used. For commercial this is an expected return per square meter. Any market evidence used should be adjusted to take into account variations in use, form, scale, location, rents and yields, disregarding outliers.

The applicant assessment of sales values indicates (Dec 2020) a GDV of £9,817,087. This is based on looking at comparable developments and values being achieved in the areas. The Council's assessor has looked at the comparable evidence and considers that given the quality of the scheme, a premium can be achieved which means that GDV should be nearer to £10,360,000.

The development costs of the development have been reviewed in detail using a quantity surveyor and have been considered to be acceptable.

The second main area that has been examined is the issue of land value. National Planning Guidance states:

"To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called 'existing use value plus' (EUV+)."

The site is currently vacant with the former farm buildings removed some time ago. The existing use value for the site is quite low. Albeit that the site is included in the outline approval for mixed commercial/residential development.

The Council's Local Plan Viability Study (BNP Paribas, March 2018) refers to greenfield land values in the region of £250,000 to £370,000 per gross hectare. *This is within the range we would normally expect and the December 2019 FVA adopted a notional BLV of £500,000, across the 0.05 hectare site as a whole. This represents an increase above the higher end of the BLV range applied to the Local Plan Study.* Strettons in their review of the FVA considered that the benchmark Land Value, based off greenfield land value for 0.5ha, would be £155,000.

The third area to be considered is developer return. Developer return is essentially related to the risk of development. It is accepted that development is generally risky and that a profit of 15% for commercial and 20% from residential of gross development value (GDV) is

considered a suitable return to developers. This has been consistent throughout the FVAs submitted.

The December 2019 FVA indicates that there would be a gross deficit of £1,584,835. The assessment of the FVA by Strettons makes a number of judgements regarding the three aspects of viability assessments (Costs, Revenue and Land Value) and concludes that the scheme is unviable with a gross deficit of £1,469,532. Strettons indicate that there would be a deficit of £3,511,532 before the required developer's profit margin is reached which "we consider appropriate."

The July 2021 FVA indicated a "With the 6 shared ownership units offered by the applicant, the viability assessment shows a deficit of circa £790,000 which reflects the baseline figure position."

Following revisions, a revised FVA was submitted in October 2021; Turner Moran (applicants VA) indicate that there would be a deficit of £2,012,741 against the benchmark land value of £522,000 would result in a negative profit margin of £74,071. The Council's assessors (Strettons) have concluded that the benchmark land value £155,000 would be a "negative profit margin of £74,071 compared to the desired rate of £1,938,670, which means there is currently a deficit of £2,012,741 before an appropriate developers profit margin is reached."

The overall viability position is that the scheme is unviable.

However, there are a number of aspects that are uncertain such as whether costs may be reduced at a later stage. Given this, an early stage viability review mechanism is proposed.

On the basis of the advice received and the submitted FVA (October 2021), it is considered that the provision of 15.8% affordable housing is more than could be delivered viably on this site. On this basis, the proposal to provide the level of affordable housing offered by the applicants would be in accordance with policy H8 of the HDLP.

Nonetheless, in order that the viability assessment remains relevant for the time period involved, it is recommended that an early stage review (at 18 months following the signing of the legal agreement/decision issue) is included in the Section 106 agreement to ensure that the development either comes forward earlier in the 3-year implementation period or that any additional monies are shared between the developer and the Council in respect of the provision of any additional affordable housing.

The proposed percentage of affordable housing would be within the range previously agreed for Newhall Phase I, albeit at the lower end of the range. Nonetheless, given that the scheme has been shown not to be viable and the proposal is not subject to the existing legal agreements, while the offer of 15.8% affordable housing is below the minimum 30% level, it is welcomed.

The Harlow Design guide (2011) advises that affordable housing should be tenure blind and pepper-potted throughout the site. The affordable housing is provided within the block to the eastern side of the site fronting onto the proposed Green Lane. While not pepper-potted, as would be preferred, due to the provision of other phases of development, including those proposed at the adjoining LC2 being located on its eastern side, it is considered that the affordable housing provided in this scheme would not be viewed isolated in associated with the wider development.

S106/Other Contributions

The applicants have submitted a Viability Assessment. This has been scrutinised on behalf of the Council and it is confirmed that the proposal is not viable. Notwithstanding, the applicants have made an offer in respect of affordable housing (see above).

Education contributions under the provisions of the previous outline approval made in the form of the provision of schools; of which a primary school has already been constructed almost directly opposite the application site in the Phase II Area of Newhall. This full application for this Phase I site currently being considered already benefits from this as 440 dwellings were expected to be constructed within Phase I, including a proportion on this tranche (LC1).

The Highway works approved under the two outline approvals for Phase I and Phase II of Newhall include the provision of a new junction on the A414 with a link road and connection to London Road and access for high quality public transport to the application site. Capacity improvements to the A414 junction were to be either by the developer or by the provision of a contribution to the County Council.

The Masterplan map of 5/2010 (Drawing 887-036H) indicates that Bridge Street is a proposed bus route which lies directly south/outside the application site. Bus stop facilities were to be provided along the internal spine road. The bus service to start in January 2012 (or later – 12 months after implementation and maintained until completion of 2,000th residential unit).

Highways Authority have written to request the provision of a contribution towards Infrastructure (Highway improvement schemes and Passenger Transport) which reflects that of the Newhall Outline S106s. The total payable to Essex County Council being £175,000 (one hundred seventy-five thousand pounds), five thousand pounds per dwelling, index linked from April 2019. To ensure deliverability of the wider infrastructure needs and improving sustainable links from the town centre, to the train station and within the employment zones.

Travel Packs should be provided to the first occupiers of each residential unit.

As a separate full application, details are specifically required in relation to the education and transport, however, the viability assessment indicates that the scheme is not viable and the legal agreement will therefore contain a claw-back mechanism (early review mechanism). The S106 will contain an appropriate section relating to the Highway Authority contribution request.

The FVA does include an amount towards S106 payments (albeit at a deficit overall). It is considered that a suitable condition could be attached to require the provision of Residential Travel Packs.

Community Centre – The proposal includes the community centre buildings within its area and seeks to extend the Community Centre car park. Nonetheless, works have started in relation to the 2015 reserved matters approval and, as such, planning permission is not being sought through this current application for the community centre itself. It nonetheless remains an outstanding element as agreed under the Outline approval for Phase I of Newhall.

Outline approval was granted for Phase I of the Newhall development in September 1998 (Ref. HLW/96/00088) which was for 440 dwellings and supporting facilities. The legal agreements attached to this approval required a Design submission for the Community buildings and one was submitted and approved. There then followed two planning applications for works to provide the Community buildings; both these applications were granted but have now passed their “start-by” dates included on the planning approval. However, there has been little progress, except the stripping off of the roof/walls of one of the buildings.

There was no requirement in the original legal agreements on Phase I of Newhall that monies needed to be set aside for the Community Buildings and the LPA do not therefore have control over this. The applicants have indicated in relation to ensuring that the Newhall Community Centre is completed that they would be willing to set aside sufficient monies in a secure account which shall solely be used to finish the work on the Community Centre. This is subject to planning permission being granted and details to secure this arrangement would need to be included in a planning legal agreement for Tranche LC1. It is expected that the legal agreement will also contain a timetable for the completion of the Community Centre works.

Commercial units conversion to residential units – the applicants have indicated that they would prefer residential units to the ground floor fronting onto Bridge Street and provided a draft S016 with details of how this might be tied in to this application. Since it was agreed to provide commercial units to the ground floor as a revision to the application, a further change to the application scheme has resulted in an increase in the number of residential units from 35 to 38 (effectively restoring those “lost” to the provision of the 3 commercial units).

The applicants recognise that to make a change from commercial to residential units would have previously required planning permission however, under the changes to the Use Classes Order and General Permitted Development Order which came into force on 1st August 2021, such a change would not now normally require planning permission.

However, this scheme is located within the Local Centre of Phase I (LC1) and additional commercial spaces for a Hatch/Neighbourhood Centre commensurate with the scale of the whole Newhall neighbourhood comprising around 2,740 dwellings have been awaited in connection with Phase I of Newhall for a considerable period of time. While a few commercial units do exist in the Phase I area on the other side of the bridge, it is considered that a wider range of uses, including offices would augment this limited offer, more akin to a “Hatch” rather than a Neighbourhood Centre. As such, it is proposed that the commercial units are implemented and tied by a suitably-worded condition to restrict them being used solely within uses as contained in Use Classes E(a) (formerly A1); E(c) (formerly A2); E(b) (formerly A3) Use as a public house, wine bar or drinking establishment (in a class of their own; sui generis) (formerly A4), Use as a hot foot takeaway (in a class of its own; sui generis) (formerly A5) and E(g) (Formerly B1).

If they wish to change them to other uses, including additional residential units at the site and this would be subject to further consideration. The applicants can apply later providing supporting documentation such as a marketing exercise.

Cross-boundary works - A proposal has been submitted for the adjoining site known as Local Centre 2 or LC2 (Ref. HW/REM/19/00322). The LC2 site is within the Phase II area of Newhall and the proposal submitted is as a reserved matter following the outline approval for Phase II. The works needed to provide the LC2 area with its full parking compliment and the ability for vehicles to manoeuvre on site requires some of those works to be undertaken within the LC1 area. These works are required for LC2 and both applications will need to make provisions to ensure that the LC2 development is completed. Provisions for these partial works are shown on the LC1 plans and need to be tied together under legally-binding mechanisms (a S106 clause for LC1 and a Unilateral Undertaking for LC2).

Local Employment and Training

In line with the Local Plan Policy ED3, Council’s Guidance Document “Employment and skills contributions in new development”(March 2021) sets out Harlow Council’s approach to delivering employment and skills opportunities from planning applications. The scheme will be expected to provide opportunities for employment, skills and training, opportunities and

apprenticeships or work experience schemes. It is therefore proposed that a Head of Terms is included in the S106 legal agreement to require details of how this would be implemented.

The S106 legal agreement

It is considered that the S106 agreement would need to have Heads of Terms which cover the following:

- a) Completion of the community buildings work (including details of escrow monies and timing of works)
- b) Affordable housing provision at 15.8%
- c) A claw-back/early review mechanism
- d) Cross-boundary works completion to benefit LC2
- e) Arrangements for a local employment and training offer and liaison applicable to the construction phase of development (to HDC corporate standard)

The applicants have indicated that they expect to be in a position to implement the scheme within 15-21 months of an approval.

While there will be a delay (often months) between any resolution to approve and the S106 itself being signed; with this level of confidence, considerable preparatory work can take place during that period, including preparing any details required by conditions.

An associated early stage upward only review mechanism is required to address under-provision against the normal HDLP policy affordable housing requirement (30% of total) and in relation to the highway and other requested contributions if substantial implementation has not occurred within 18 months of the signing of the S106 legal agreement/approval.

Sustainable measures

In addition to the provision of electrical vehicle charging points, water efficiency measures and energy efficiency details will be required through the attachment of suitably-worded conditions.

Local Employment and Training

In line with the Local Plan Policy ED3, Council's Guidance Document "Employment and skills contributions in new development" (March 2021) sets out Harlow Council's approach to delivering employment and skills opportunities from planning applications. The scheme will be expected to provide opportunities for employment, skills and training, opportunities and apprenticeships or work experience schemes. It is therefore proposed that a Head of Terms is included in the S106 legal agreement to require details of how this would be implemented.

Other Issues

Flooding and SuDS

The application site is not within a flood plain (not Zone 3a/b or Zone 2) nor close to a Main River. The Environment Agency have not raised any concerns.

A strategic drainage strategy covering the Phase I Newhall Area was approved which the site benefits from (although this is a full application and does not benefit from any previously approved site specific measures). In addition, the LC1 site abuts the Phase 2 Newhall Area where a drainage strategy was considered acceptable under approved Application HW/REM/17/00225 with a foul and surface water drainage system including a new attenuation pond and detention basin as strategic infrastructure.

The LLFA has written to advise that insufficient detail have been submitted for this scheme and that they want detailed assessments to be submitted prior to planning permission being issued. Given the previous considerations in relation to the whole of the Newhall Phase I and II area, it is not considered that there are outstanding significant concerns on flooding or drainage for the current application site. The drainage details therefore requested by the LLFA are very detailed and are indicated by the LLFA as being possible to provide at either the full application stage or via the discharge of conditions. It is therefore considered in this case (given that strategic drainage measures have been previously approved) to be unduly onerous that full details are required at application stage for this scheme when they can be provided under suitably-worded conditions. Details of drainage works will be required under suitably-worded conditions to ensure that adequate provision is made.

Archaeology

A condition of the outline consent for the Phase I area required a written scheme of investigation and implementation of a programme of archaeological work, which has been discharged.

The Historic Environment Officer of Essex County Council has been consulted and confirmed that there was previous trial trenching on this site and that no further archaeological work is required.

Refuse

A Refuse Strategy Plan has been submitted to demonstrate that storage capacity based on will be provided in accordance with the Building Regulations. No residents will be required to walk more than 30m to reach a designated collection point.

The waste collection arrangements include use of Bridge Street to service Blocks A, B and E and use of Forge Lane for servicing Block F. A tracking plan has been submitted which shows servicing vehicles can run the full length of Forge Street, nonetheless the off-set square area would need to be provided with parking restricting to prevent vehicles stopping within the tracking limits.

The Council's Street Scene Manager has confirmed that subject to parking restrictions being placed on Forge Lane (so that servicing vehicles are not hindered though the off-set square) that the proposal to service LC1 residential units with stopping points on Bridge Street and Forge Lane is acceptable.

The Highway Authority confirm that servicing vehicles stopping on Bridge Street would be acceptable from a highway safety viewpoint. Waste personnel servicing from Bridge Street are expected to take appropriate health and safety precautions while carrying out waste collections.

It is therefore considered that the proposed residential refuse arrangements are acceptable.

A condition can be attached to ensure commercial servicing arrangements details are provided.

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 scheme is considered to promote high quality design and landscaping with no significant adverse impact on local amenity and no access, parking or highway safety concerns. The uses proposed together with the quantum of the development and access, scale, appearance, layout and landscaping of the proposed development are considered appropriate and satisfactory. It is considered to accord with national and local policies. The proposal is therefore recommended for approval, subject to the signing of a legal agreement and planning conditions.

RECOMMENDATION

That Committee resolve to GRANT PLANNING PERMISSION subject to:

- (i) The applicant entering into an appropriately worded Section 106 Legal Agreement to secure the following:
1. Affordable housing provision of 6 units (15.8% of total). An associated early stage upward only review mechanism is required to address under-provision against the normal HDLP policy requirement (30% of total).
 2. Arrangements for planning obligation and condition monitoring fees (to HDC and ECC corporate standards).
 3. Completion of the community buildings work (including details of escrow monies and timing of works)
 4. Cross-boundary works completion to benefit LC2

5. Arrangements for a local employment and training offer and liaison applicable to the construction phase of development (to HDC corporate standard).
- ii) Should a S106 Legal Agreement not be signed by the applicant by 08 February 2022 (3 months from the date of the Planning Committee decision), powers be delegated to the Head of Planning and Building Control to refuse the planning application in relation to those matters covered by the S106 which would not be resolved:
- **The proposal provides no (or insufficient) affordable housing to address local needs. The proposal is therefore contrary to Policy H8 of the Harlow Local Development Plan (2020).**
 - **Cross-boundary works would not be secured resulting in harm to visual amenities and reduced parking/landscaping provision within LC2 site resulting in harm to residential amenities and visual amenities contrary to Policies PL1 and PL2 of the Harlow Local Development Plan (2020).**
 - **Lack of community centre provision forming infrastructure to meet local needs contrary to Policies L2 and IN6 of the Harlow Local Development Plan (2020).**

iii) And the following Conditions:

1. 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. The dwellings shall not be occupied until Building Regulations Part M4(2) standard for accessible and adaptable homes has been complied with.
REASON: To ensure that the new dwellings are both accessible and adaptable to meet the changing needs of occupants, in accordance with Policy H5 of the Harlow Local Development Plan, December 2020.
3. The development shall be undertaken in accordance with the approved affordable housing plan. 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.
4. Restriction of uses of ground floor commercial units – The proposed 199 sq.m of commercial space shall be used only for Use Classes E(a) – shops; E(b) cafes and restaurants; Use Class E(c) - financial, professional and other services and E(g) – offices, research and development or any light industrial process.
REASON: to ensure that goods and services offered in this part of the Local centre are commensurate with retail policies PR8/PR9 for Neighbourhood Centres/Hatches of the HLDP (Dec 2020) in line with the original concept for Newhall of an independent neighbourhood with a core of services for the day-to-day needs of the occupiers.

5. Research and development, light industrial uses, cafes and restaurants hereby permitted shall not open except between 08:00 and 22:00 hours Monday to Saturday and between 09:00 and 18:00 Hours on Sundays and Bank Holidays
Reason: In the interests of residential amenities in accordance with Policy PL2 of the Harlow Local Development Plan, Dec 2020
6. Details of how the commercial units will be serviced shall be submitted to the Local Planning Authority prior to the first use of any of the commercial units hereby approved. Once approved, the details shall be implemented and retained in perpetuity
Reason: To ensure that servicing of the commercial units is undertaken appropriately in accordance with Policy PL2 of the Harlow Local Development Plan, Dec 2020
7. The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the plans submitted in relation to the development hereby permitted.
REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, Dec 2020.
8. Obscure glazing – Windows identified as being provided with obscure glazing shall be provided with obscure glazing in perpetuity and shall only be openable at 1.7m or over above finished floor levels.
Reason: In the interests of residential amenities in line with Policy PL2 of the HLDP (Dec 2020)
9. Existing tree protection - Details relevant to the safe retention and protection of trees within the Arboricultural Method Statement (AMS) submitted with this application will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.
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 with those policies of the Development Plan set out in the attached Informative.
10. Proposed landscaping provision and maintenance - All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.
REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
11. Details of bird and bat boxes shall be submitted and, once approved in writing, shall be implemented prior to first occupation of the dwellings hereby permitted.
REASON: To ensure that there is net biodiversity gain from the proposal, in accordance with Policy PL9 of the Harlow Local Development Plan Dec, 2020)
12. No development except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

• Detailed engineering drawings of each component of the drainage scheme.
REASON: • To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. • To ensure the effective operation of SuDS features over the lifetime of the development. • To provide mitigation of any environmental harm which may be caused to the local water environment. • Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

13. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14. Construction Hours Construction works shall only take place between 08:00 to 18:00 Mondays to Fridays and from 08:00 to 13:00 on Saturdays; no construction works shall take place on Sundays or Bank Holidays.

REASON: IN the interests of residential amenities in accordance with Policy PL2 of the HLDP (Dec 2020)

15. Construction Management Plan - No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

16. Prior to the first occupation of the development the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided.

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.

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).

19. The dwellings shall not be occupied until the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations has been complied with.

REASON: To ensure that the new dwellings minimise impact on the water environment, in accordance with Policy PL11 of the Harlow Local Development Plan, December 2020.

20. Electric Vehicle Charging point details - Prior to first occupation of the residential and commercial units hereby approved, details for electrical vehicle charging points shall be provided; once approved in writing by the Local Planning Authority the charging points shall be implemented in accordance with the approved details and retained.

Reason: To promote greener alternative travel in line with Policy IN1 of the Harlow Local Development Plan (December 2020)

21. Details of the proposed parking restrictions for Forge Lane shall be submitted to the Local Planning Authority prior to the first occupation of any of the dwellings in block F; once approved in writing, the details shall be implemented and retained in perpetuity.

Reason: To ensure that servicing vehicles can operate along the whole length of Forge Lane though the off-set square in accordance with Policy PL2 of the Harlow Local Development Plan (December 2020)

22. 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.

Plan Reference	Version No.	Plan Type	Date Received
NHH-PRP-A01Z-ZZ-DR-A-FP-0200	--	Location Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-0202	Rev P03	Proposed Site Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2000	Rev P03 GROUND FLOOR	Site Layout Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2001	Rev P02 LEVEL 1	Site Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2002	Rev P02 LEVEL 2	Site Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2003	Rev P02 ROOF LEVEL	Site Layout Plan	24.06.2021

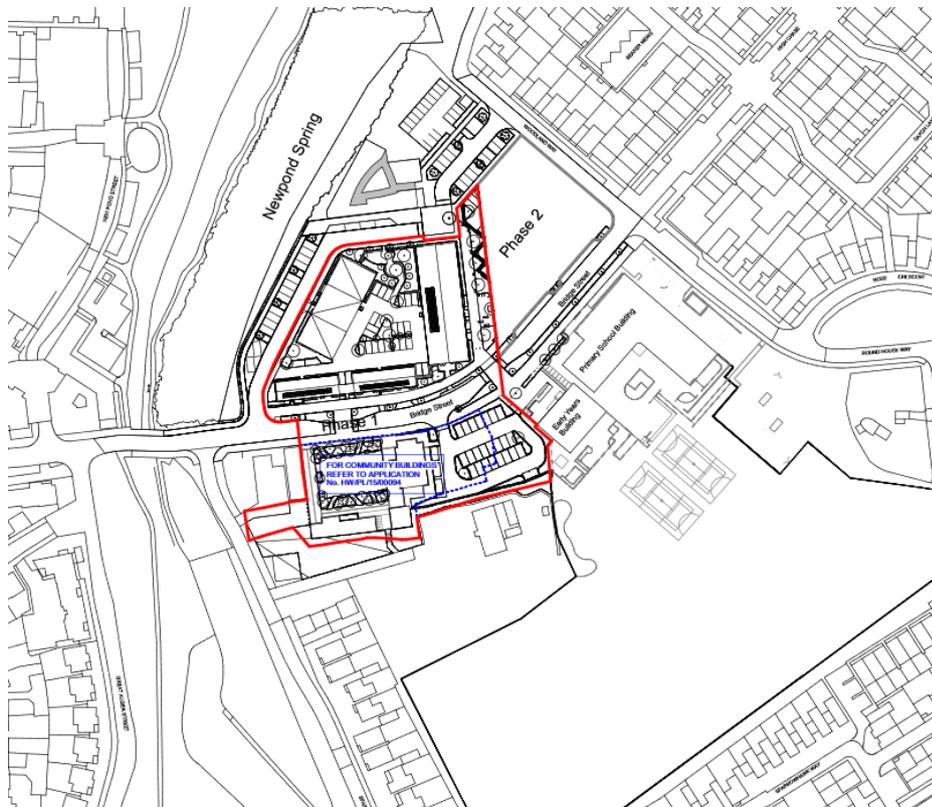
NHH-PRP-A01Z-ZZ-DR-A-FP-2010	Rev P03	Parking Layout	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2011	Rev P03	Cycle Store	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2020	Rev P03	Refuse Store	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2030	Rev P03 GROUND FLOOR	Tenure Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2031	Rev P02 LEVEL1	Tenure Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2032	Rev P02 LEVEL 2	Tenure Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2050	Rev P03 SITE	Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2100	Rev P02 BLOCK A	GA Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2101	Rev P02 BLOCK B	GA Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2102	Rev P02 LEVEL 1 BLOCK E	GA Floor Plans	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2103	Rev P01 Lvl2 BLOCK E	GA Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2104	Rev P02 BLOCK E	Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2105	Rev P02 BLOCK F Grd Lvl	GA Floor Plans	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2106	BLOCK F ROOF LEVEL	GA Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2107	Rev P01 BLOCK F	Elevations	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2200	1B2P PRIVATE	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2201	1B2P PRIVATE LIVE _ WORK	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2202	Rev P01 2B3P Type 1	Layout Plan	24.06.2021

NHH-PRP-A01Z-ZZ-DR-A-FP-2203	2B3P PRIVATE TYPE 2	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2204	2B4P PRIVATE TYPE 1	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2205	2B4P PRIVATE TYPE 2	Layout Plan	24.06.2021
P.1166.31.002.F	--	Landscape General Arrangement	22.10.2021
P.1166.31.102.F	--	Landscape Hardworks Plan	22.10.2021
P.1166.31.202.B	--	Site Sections	22.10.2021
P.1166.31.302.E	--	Tree Planting Plan	22.10.2021
P.1166.31.304.D	AREAS 1, 2, 3	Planting Details	22.10.2021
P.1166.31.305.E	AREAS 4, 5	Planting Details	22.10.2021
P.1166.31.306.D	AREAS 6, 7, 8	Planting Details	22.10.2021
P.1166.31.402.A	Phase 1	Tree Pit Details	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-0201	--	Existing Site Plan	24.06.2021
19-081_SKC02	Rev A	Tracking	22.10.2021

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Highways Informatives:
 - i. The above measures should be imposed by way of negative planning conditions or a planning obligation.
 - ii. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
 - iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
 - iv. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

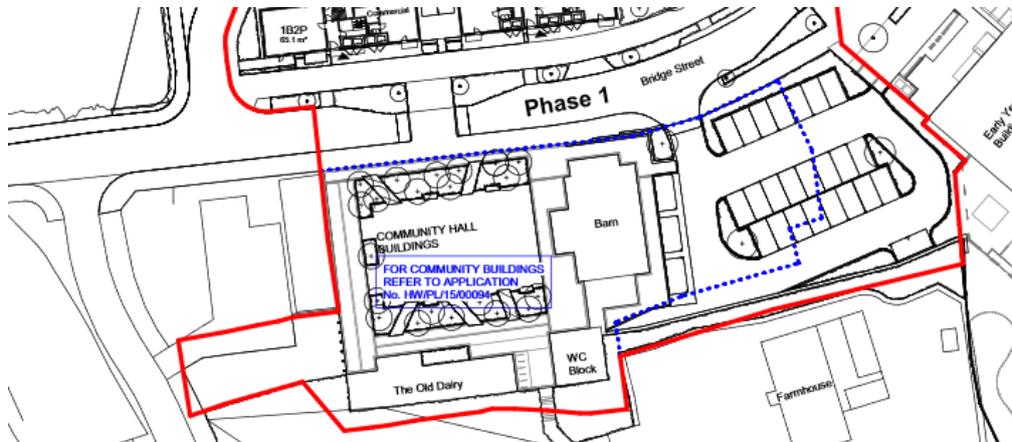
LOCATION PLAN



Proposed Layout – Residential/North of Bridge Street



Proposed Layout – South of Bridge Street



Southern elevations – Blocks A, B and E



Elevation C - South West Elevation
1 : 200

Eastern elevations – Block E and B



Elevation B - East Elevation
1 : 200

North-Western View of Elevations – Blocks F, E, A and B (part)



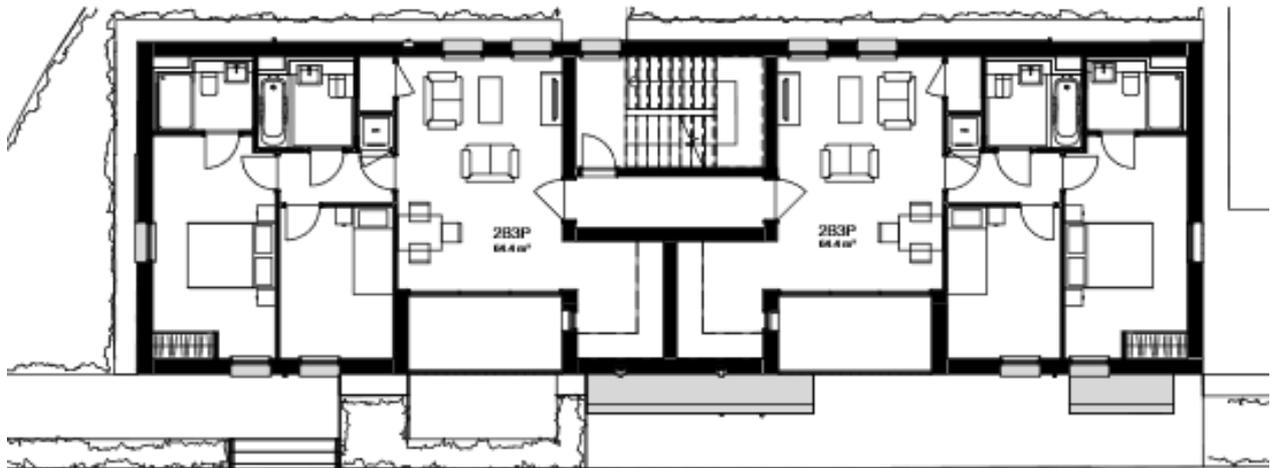
Elevation A - West Elevation
1 : 200

Block A – Ground, level 1 and level 2



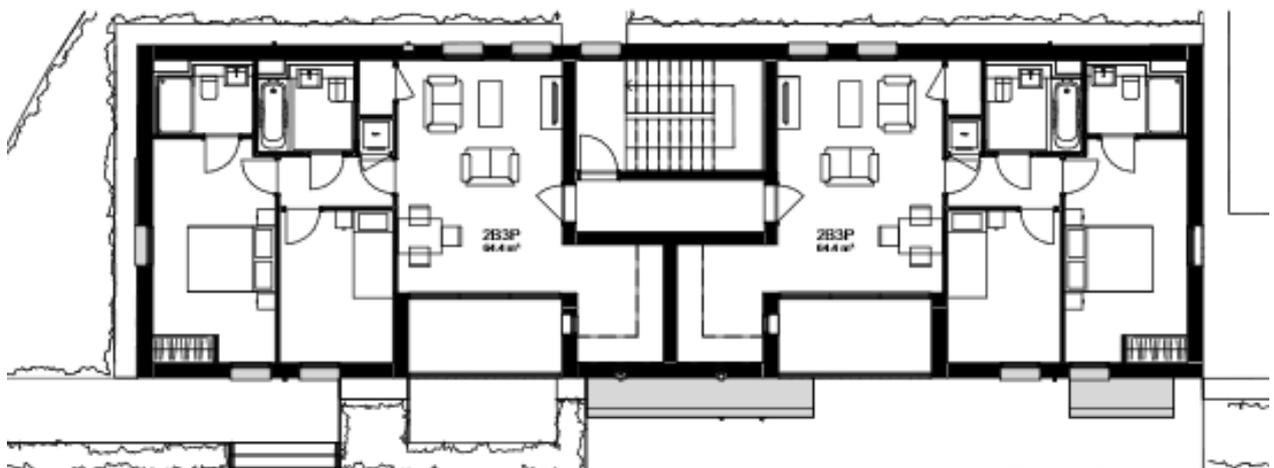
A01A-L00-FFL - Block A

1 : 100



A01A-L01-FFL - Block A

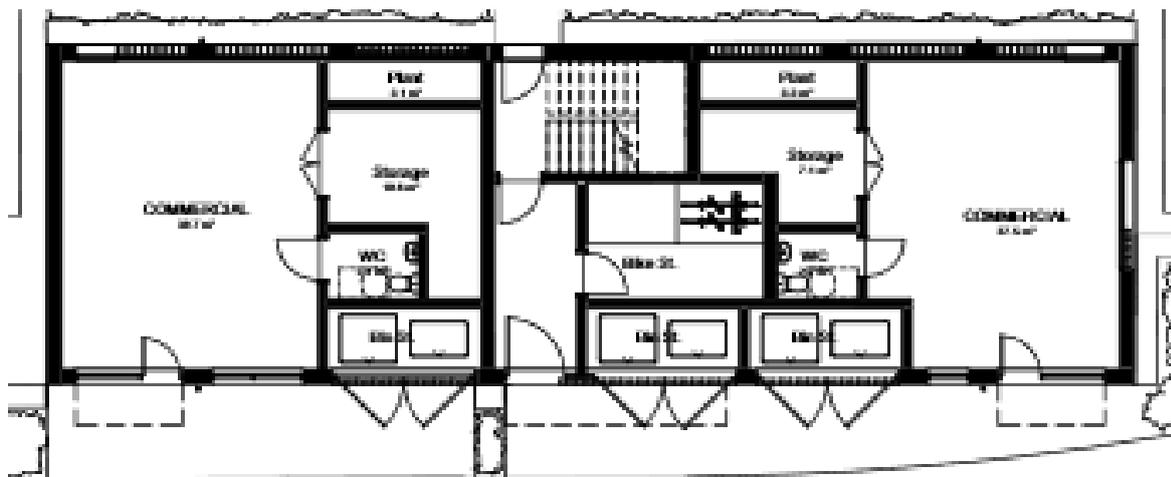
1 : 100



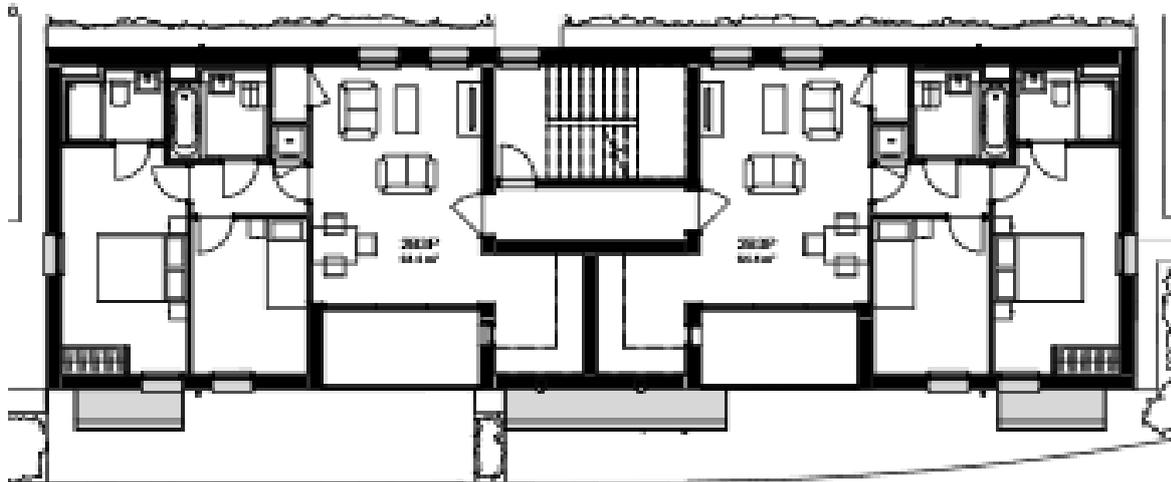
A01A-L02-FFL - Block A

1 : 100

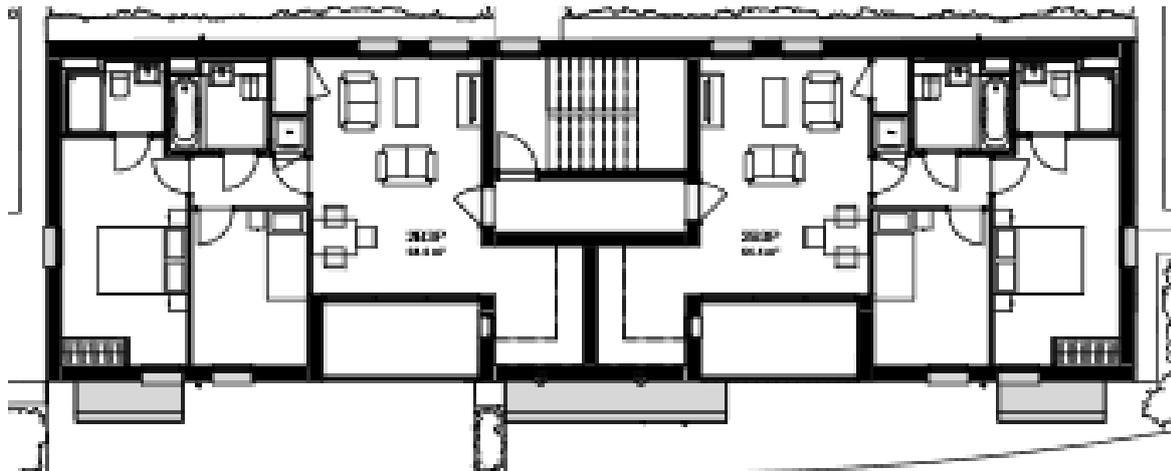
Block B – Ground, level 1 and level 2



BE-L00-FFL - Block B



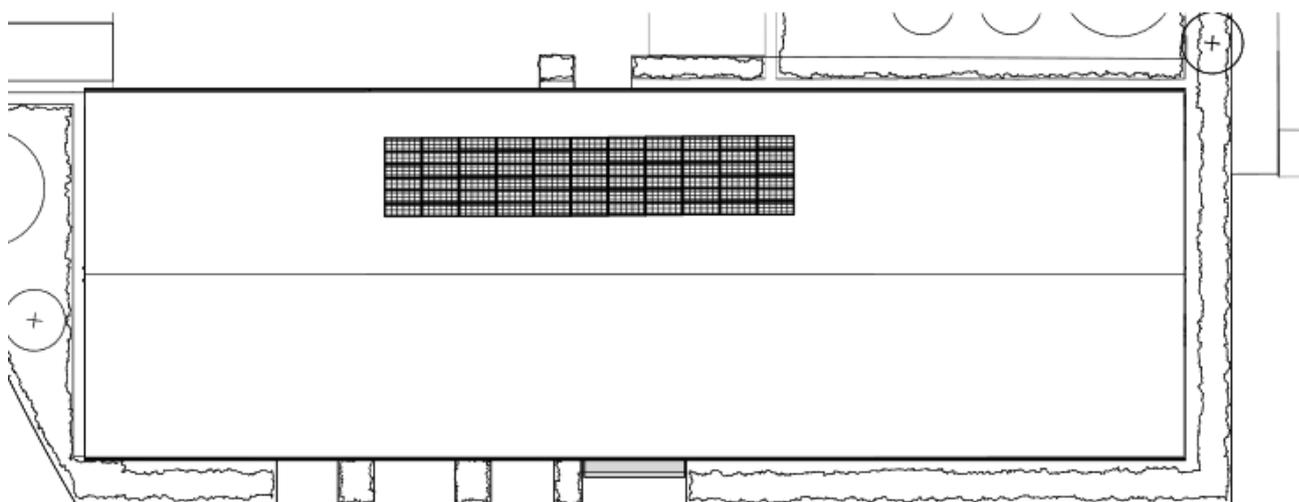
BE-L01-FFL - Block B



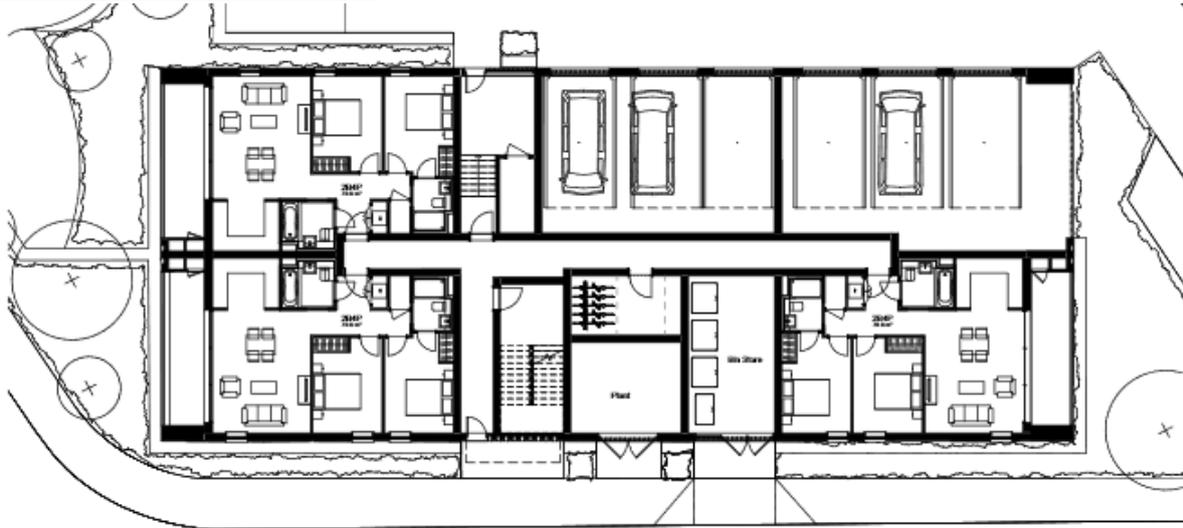
Block E – level 2 and roof



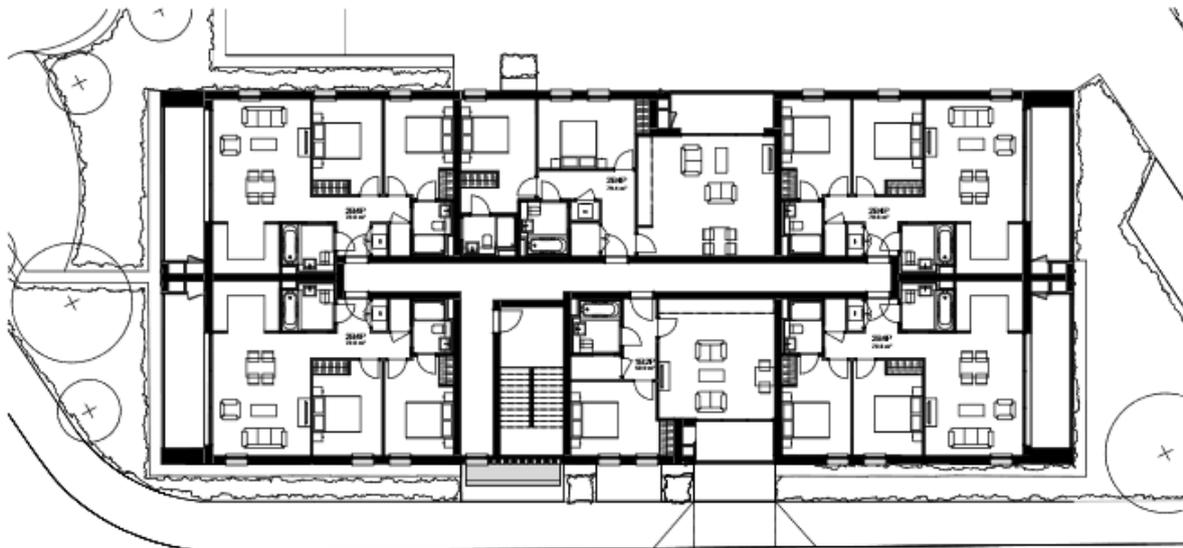
L02-FFL - Block E



Block F – Ground and level 1



A01F-L00-FFL - Block F
1:100



A01F-L01-FFL - Block F
1:100

Green Lane/Pedestrian Route



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8 December 2021

REFERENCE: HW/REM/19/00322

OFFICER: Patricia Coyle

APPLICANT: Newhall Projects Ltd

LOCATION: Local Centre Phase 2
Bridge Street
Newhall
Harlow
Essex
CM17 9ST

PROPOSAL: Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 26 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 (Phase 2, Newhall)

LOCATION PLAN



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

Reason brought to Committee

Referred to Committee by Officers due to linked/cross-boundary application for abutting site LC1; application no. HW/FUL/19/00321; considered elsewhere on this agenda.

Application Site and Surroundings

The application site is located to the northern side of The Chase/Bridge Street within the Newhall Neighbourhood. The site is currently cleared for development. The site area is 0.2 hectares.

There is a slope across the application site such that the north/eastern side is at a higher point than the south-western side.

The surrounding area comprises housing, a school, a nursery school and an area prepared for development (LC1).

Details of the Proposal

This application seeks planning permission to discharge reserved matters at the site known as tranche Local Centre Phase II (LC2). This application follows an outline approval (Ref No: HW/PL/04/00302) for Phase II of the Newhall Neighbourhood.

There are two Legal Agreements attached to the outline approval relating to Phase II which are relevant to this application (one relates to Affordable Housing and the other relates to Highways and other matters).

The current proposal seeks permission for the provision of 26 residential units (Use Class C3) and associated 26 car parking spaces.

The proposal would provide two blocks of development (referred to as blocks C and D). Both blocks would be three-storeys high; the block fronting onto The Chase would have a valley-ed, mono-pitched roof, the smaller block would have a pitched roof.

The block fronting The Chase would be 3-storey and provide 21, 1 & 2-bed apartments and a 1-bed live/work unit (to the south-eastern corner) and the block to the rear, fronting Woodland Way would be of 4 dwellings. The flats would meet the national minimum internal space standards.

The landscaping strategy indicates that amenity areas would be provided in the courtyard area.

Shared communal amenity space would be provided together with balconies or patio areas. . Balconies/patios would be provided for each flat on the basis of 2people – 5sq.m; 3-people – 6 sq.m and 4 people – 7 sq.m. The Landscaping strategy indicates that amenity areas would be provided in the courtyard area, nonetheless these would be more for viewing than provide usable sitting out or gathering spaces, given the high proportion of hardsurfacing for vehicle parking. Occupiers of LC2 would also benefit from a Green Lane of 350 sq.m between LC2 and LC1 (part of which is in the application site) which would, in part, be visible from the rear facing flats and provide a pedestrianized area adjoining the application site. The Green Lane is wider at the southern end with the provision of a raised seating area, tree and other planting adjacent to Block C within this new public realm area.

The green lane would also provide pedestrian access between the day nursery to the north of the application site and school to the south of the site. It would also provide front door access to blocks within Phase LC1.

A public landscaped pedestrian lane would be provided to the western boundary, providing separation between LC2 and the adjoining LC1 development. The “Green Lane” would be a

new public realm providing access north/south between the nursery and school as well as front door access to blocks within Phase LC1. It would be provided with shrubs and trees, together with seating and cycle stands

In terms of affordable provision, it is proposed to provide 4 affordable rent and 4 intermediate units distributed across the two blocks. This provision equates to 30.8% of the total number of units within the scheme.

It is proposed to provide 26 car parking spaces (1 space per unit) within the landscaped courtyard to the rear of the blocks.

It is proposed that 25% would be for visitors with 6 visitor spaces located on Forge Lane. While this is within the ownership of the applicants, it is existing parking provision. This is not within the application site, nor within a blue lined area and cannot for this reason be considered to be part of this application's provision.

The access to the parking areas is from Woodland Way between the two proposed blocks.

Block pavers cover the entirety of the car parking areas within the courtyard.

Some of the parking spaces and turning areas shown associated with the Phase 2 (LC2) residential blocks are at least in part within the Phase LC1 development which is yet to be determined (details below). While the applicants indicate that both schemes will be implemented together, for the purposes of this report, only those which are shown as fully within the LC2 application site boundary are taken into this consideration as part of this application.

Two cycle stores will be provided; one per block for 26 cycles for occupiers. It is proposed that 4 visitor cycle bays are provided on the proposed Green Lane.

The parking areas would be provided with some trees and there would be hedging around the front and sides of The Chase block.

The application is directly adjacent and tied to a separate application - LC1 (planning application No. HW/FUL/20/000321) which is a full application for dwellings, commercial and community uses within Phase 1 of Newhall and follows approval of an outline scheme which includes Local Centre (LC1) site and community buildings area (the latter also the subject of subsequent detailed approval). The LC1 and LC2 applications were submitted at the same time appearing as a combined scheme; they are referred to together within the LC2 submitted Design and Access Statement; nonetheless, this scheme for LC2 can only be considered, and its impact assessed, on its own planning merits.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/04/00302	Outline approval - Outline planning permission is sought for the erection of 2,300 Dwellings Including Parkland and Recreation, Employment and the Development of the	Approved	27.06.2012

	Local Centre into a Full Neighbourhood Centre		
HW/REM/20/00303	Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 23 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 (Phase 2, Newhall).	PCO	Duplicate application
HW/FUL/19/00321 – LC1 Area	Full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works.	PCO	

CONSULTATIONS

Internal and External Consultees

Place Services - Urban Design

The application needs to establish where it sits in terms of its approach and use. Named the local centre, it would be expected to see a range of mixed use, higher density developments with high quality public realm. Currently the proposals do not conform to this approach where the residential development has been designed to assume retail or commercial use but not delivered.

It is expected that the approach to a local centre character has seen density driven up which has resulted in an insensitive street level development. The approach to containing car parking within the undercroft and courtyard arrangement is a supported approach but it is clear this has driven activity above the street level resulting in a non-active frontage to many of the blocks. At pedestrian level the development contributes slatted screens to the undercroft parking, fenestration, bin stores and one access door. It would be expected to have seen a more active frontage where ground floor apartments could have separate access from the street.

Access into phase 1 and phase 2 is questioned why this isn't directed to the north of each phase. Forge Lane holds little presence in terms of its use and purpose. By drawing access to the north this opens up further opportunities in developing stronger corner builds.

It is considered that the residential apartments along Green lane can contribute more to this frontage. Individual accesses to each apartment provide a functioning active frontage.

The car park arrangement to phase 2 raises concerns. It is considered parking backing onto parking creates a poor outlook where further opportunities should be explored. Drawing access off the square to the north west could hold further potential.

The block to the north east boundary of phase 2, requires justification around how this works with the existing street scene. This is in terms of scale, response to unit type and building set back.

In response to the revised plans:

Following on from our historic comments and discussions relating to this application, it is considered the amendments and revisions to the application are positive, which have resulted in a high-quality proposal.

It is noted that the quantum of landscaped areas has been increased which provides a more welcoming and residential character to the central parking court. The use of clay pavers to both the external public realm and internal parking court is supported.

Amendments to the frontage of Block D are again seen positively where parking has been downgraded and a more generous areas of landscaping now fronts the building.

We have only mirror comments made to the Phase 1 application where we suggest the additional tree pit detail is included for the trees planted between the parking bays. This is to demonstrate suitable growing volume for this trees.

The west of the parking court where the retaining wall meets the public realm/footpath, we question whether this wall detail can be simplified where the current saw tooth wall creates awkward meets between the soft landscaping and hard landscaping. If the wall could be finished in parallel to the footpath there could be a consistent set back along the public realm which would result in a more established landscape scheme where the areas of landscaping beds within the parking court would be reduced.

Additionally, we would encourage direct access from the street into the ground floor apartments to Block C. We appreciate the applicant has reviewed the options but would always encourage this approach for a build of this size and location.

Further to our past discussions and comments it is considered the application has addressed a majority of our initial concerns. The application has moved on positively in reducing parking which in turn has resulted in more allowance for landscaped and open space.

HDC - Consultant Arboriculturalist

Following an assessment of the provided documents accompanying the proposed approval of reserved matters on 27th September 2019, there are no objections to the provided details and technical drawings. Therefore, the reserved matters can be approved.

Following revisions:

No further comment to make providing the tree pits are implemented as shown.

HDC Environmental Health Services

No Comment Received.

HDC - Cleansing and Environment

Provided that the path between the store and the road has a gradient of not more than one in 12, there is no dropped kerb and the space between the trees is at least 2 metres, then the revised plans are acceptable.

Essex County Council - Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:
 - Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

2. Prior to the first occupation of the development the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided.

3. 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.

Informatives

- i. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority,

details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

- iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

In relation to the revised scheme:

The Highway Authority has nothing further to add to our original comments, attached, for this application.

Heritage Officer

The application site forms the eastern half of the Local Centre site, which is located within the Phase 2 boundary of the Newhall development. The site is situated at the corner of Woodland Way and Bridge Street. The Grade II listed The Round House (List Entry Number: 1166304) is located within proximity to the site.

It is proposed to provide 23 residential units on the site, with associated car parking and infrastructure works. Access to the site would be provided from Woodland Way, which would lead to the parking on the west side of the site. The proposed apartment blocks would be situated along the north east and south east sides of the site and would be three storeys in height.

It is considered that development on the application site would cause harm to the significance of the identified listed building, due to the loss of part of its rural setting. However, in considering this reserved matters application, it is acknowledged that the application site has consent and therefore this forms the baseline from which to assess the reserved matters detailing.

The proposed development on the site would be visible in views from the listed building along Round House Way/Woodland Way as it projects beyond the building line of the Primary School. It would also potentially be visible in views above the school building as the proposed is three storeys in height. Although when considered as part of the consented masterplan as a whole, the proposals on the site would be read in conjunction with the interposing and adjacent development, it is considered that the overall scale and massing of the proposed development would detract from the appreciation of the significance of the listed building.

It is considered that the harm to the listed building could be mitigated through setting the building line further south west, in line with the school building, or through reducing the height of the proposed development.

In conclusion, it is considered that the proposals in their current form would cause harm to the significance of the listed building. I therefore cannot support the application from a conservation perspective. This harm would have to be weighed in the balance against the public benefits of the scheme.

Sustainable Urban Drainage Team

As the Lead Local Flood Authority (LLFA) this ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015. In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents: • Non-statutory technical standards for sustainable drainage systems • Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide • The CIRIA SuDS Manual (C753) • BS8582 Code of practice for surface water management for development sites. Lead Local Flood Authority position

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following: The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide.

[Officer comments: details of SuDS are required under the outline conditions. Details have separately been submitted which will be considered outside of this reserved matters application]

Place Services- Archaeology

The proposed development area has been previously archaeologically trial-trenched and no further archaeological work is required on this site.

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Essex County Fire and Rescue Service (Harlow)

The Fire Service comment that access by fire vehicles is acceptable (which will be confirmed through a Building Regulations application), that additional water facilities may be needed and that the applicants should consider providing a sprinkler system.

Thames Water

Waste Comments - Thames Water confirms the foul water condition referenced, can be discharged based on the information submitted.

Surface water - Thames Water confirms the surface water condition referenced can be discharged based on the information submitted.

[Officer comment: Drainage details have been submitted under this reserved matters application and under a separate discharge of conditions. The comments above indicate that the details submitted under both are acceptable; for the same details they recommend condition discharge]

Supplementary Comments - Thames water would advise that it would not have any objections if the works were to be carried out as per drainage statement dated July 2019.

Regeneration Projects Manager

In regards to the amended description for HW/FUL/19/00322 we understand that this would result in an increase in the total number of units for this parcel. As such we would recommend that any increase in units is also reflected in the delivery of Affordable Housing. The minimum % of Affordable Housing for this parcel is 15%, therefore Affordable Housing should be considered based on the increased number for dwellings

Designing Out Crime Officer

No Comment Received.

Environment Agency (Hertfordshire & North London)

The EA have reviewed the application details and have no comments to make.

HDC - Assets and Facilities Management

No Comment Received.

Essex Wildlife Trust

No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 47

Total Number of Representations Received: 0

Date Site Notice Expired: 16 October 2019

Date Press Notice Expired: 17 October 2019

Summary of Representations Received

None.

PLANNING POLICY

Development Plan

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 part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. 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:

Strategic Policies

- HGT1 - Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town
- SD1 - Presumption in Favour of Sustainable Development
- HS1 - Housing Delivery
- HS3 - Strategic Housing Site East of Harlow
- ED3 - Developing a Skills Strategy for Harlow
- WE1 - Strategic Green Infrastructure
- WE2 - Green Belt, Green Wedges and Green Fingers
- WE3 - General Strategy for Biodiversity and Geodiversity
- WE4 - Safeguarding Wildlife Sites Beyond the District Boundary
- WE5 - Heritage
- SIR1 - Infrastructure Requirements

Development Management Policies

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- PL3 - Sustainable Design, Construction and Energy Usage
- PL5 - Green Wedges and Green Fingers
- PL6 - Other Open Spaces
- PL7 - Trees and Hedgerows
- PL8 - Green Infrastructure and Landscaping
- PL9 - Biodiversity and Geodiversity Assets
- PL10 - Pollution and Contamination
- PL11 - Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- PL12 - Heritage Assets and their Settings
- H2 - Residential Development
- H5 - Accessible and Adaptable Housing
- H6 - Housing Mix
- H8 - Affordable Housing
- H9 - Self-build and Custom-build Housing
- PR1 - Development within Employment Areas
- PR4 - Improving Job Access and Training
- PR5 - The Sequential Test and Principles for Main Town Centre Uses
- L1 - Open Spaces, Play Areas and Sporting Provision and Facilities in Major Development
- L4 - Health and Wellbeing
- IN1 - Development and Sustainable Modes of Travel
- IN2 - Impact of Development on the Highways Network including Access and Servicing
- IN3 - Parking Standards
- IN6 - Planning Obligations

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

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 areas 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.

HGGT Guidance

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.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

The HGGT Infrastructure Delivery Plan sets out infrastructure investment plans and developer contribution requirements.

The HGGT Sustainability Guidance and Checklist lists specific development quality standards and provides a quality assessment process. Applicants for any major development are expected to prepare a self assessment of their proposals using this document and submit it with the application. The purpose is to allow the applicant to demonstrate the quality of the development within a consistent comparative framework. The assessment is set in the context of Development Plan and the NPPF, but it can also to show where the development achieves high quality outcomes against HGGT principles, and may therefore exceed baseline planning policy requirements.

For all major development, HGGT Local Planning Authorities (LPAs) take independent specialist advice on urban design and sustainability matters (as included in the Checklist noted above) from the HGGT Quality Review Panel (QRP) (QRP Terms of Reference). Often this happens at an informal pre application enquiry stage, where early influence is more readily achieved. On this scheme the applicant engaged with the QRP at pre-application and subsequently amended the scheme following the detailed feedback.

The HGGT How to Guide on Planning Obligations and Viability sets out expected good practice on these matters, which are central to decision making on major developments. The Guide is based on the principle that Heads of Terms should be considered by the applicant at pre application stage and submitted in draft, but specific and detailed, form with the application. This facilitates effective negotiation with the LPA on these important matters. The aim is then to have a full planning agreement in draft form at the point the application is determined. For this application, because of the viability position (see below), this report includes only initial information and recommendations on Heads of Terms.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Affordable Housing and Specialist Housing Supplementary Planning Guidance (SPD) (2007) – currently being updated (a draft is published)

HDC Design Guide SPD (2011) – currently being updated with a Design Guide Addendum SPD (a draft is published). The addendum is particularly relevant as it includes guidance on tall buildings, privacy and overlooking.

HDC Open Spaces, Sport and Recreation SPD (2007)

HDC Employment and Skills Contributions in New Development (2021)

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

Essex Local Viability Protocol (2018) An Essex wide approach to best practice for viability assessment that is generally compatible with the wider ranging HGGT How To Guidance noted above.

The Essex Parking Standards: Design and Good Practice (2009)

Essex Street Materials Guide (2012)

Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

Summary of Main Issues

Following approval of the outline scheme, this application is for reserved matters, namely access, appearance, landscaping, layout and scale. Access was a matter considered at the outline stage however, there are additional roads and vehicle access into each property and parking court areas.

The main issues for consideration of this application are:

- HGGT growth context
- Principle of development
- Impact on the character and appearance of the area
- Urban design detail
- Impact on the development potential of adjoining land and the amenity of its existing and future occupiers
- Transport, highway access and parking
- Infrastructure requirements
- Housing provision including type/ size mix, accessible housing and affordable housing

- Sustainability
- Viability

HGGT growth context

Major residential development proposals in Harlow must be considered in the context of the very substantial proposed growth of the Town as whole and its future as a 'Garden Town'. (HDLP Policy HGT1).

National and local partnership arrangements and policies for achieving Garden Town 'principles' (HGGT Vision, NPPF Para 72) are relevant to major urban redevelopment sites and thus to this application. HGGT principles for Sustainability (HGGT Sustainability Guidance and Checklist), facilitating transport mode shift (Draft Transport Strategy) and infrastructure provision (HGGT IDP) are particularly important.

The general form of the proposed development accords well with the main HGGT principles because:

- it provides much needed new housing;
- the new housing is in a highly accessible location, creating an opportunity to live close to existing community facilities, services and public transport (when provided) and thus minimising reliance on travel by private car;
- it achieves efficient use of allocated urban land

Achievement against HGGT principles and quality on some more detailed matters is assessed as part of some of the considerations below.

Principle of Development

The proposal follows an outline approval for planning permission for 2,300 houses and infrastructure granted in 2012 (Planning ref. HW/PL/04/00302) for Phase 2 of the Newhall Neighbourhood. As such, the principle of development on the Phase 2 area is accepted.

The approved Masterplan (5/2010) for the Phase 2 part of the Newhall Neighbourhood does not contain any reference to LC2 (Local Centre 2) containing any local centre function or land uses. Nonetheless, the proposal does include a live/work unit which is similar to others in Phase 1 of the Newhall Neighbourhood.

As the principal of development has already been considered at the outline stage and through the approved Masterplan, only matters which are directly related to appearance, means of access, landscaping, layout and scale of the proposed development may be considered in the assessment of this current application.

The current proposal must accord with the terms of the original outline consent of HW/PL/04/00302, which was granted on 27 June 2012.

The application must also accord with the 2 legal agreements attached to the outline consent and be compatible with details of other Phase 2 approved reserved matters.

This reserved matters application is for all reserved matters to be considered (access, siting, appearance, layout and landscaping) on the site Tranche LC2 within Phase 2 of the Newhall development and remains acceptable in principle.

Design and Its Impact on the Character and Appearance of the Local Area

The application site lies within the new Newhall Neighbourhood and, as such, is for new development on an open undeveloped site which was released for development of new housing within an area of new and relatively new housing, some of which has been erected including to the north/east of the application site.

Scale:

The proposal involves the erection of 26 dwellings and associated parking and landscaping. It comprises 3-storey flats with a range of bedroom numbers from 1 to 2 for up to 4 people. There will be: 9 x 1-bed units and 17 x 2 bed units; one as a live/work unit.

The blocks proposed would be similar in scale as those in the adjoining proposed LC1 development and would reflect the scale of development to the west of the nearby bridge within the higher density commercial area. It is considered that the two blocks would appear of a suitable scale and mass on the application site with both blocks being located onto road frontages with a small set-back with parking and landscaping areas to the rear.

The proposal would facilitate another phase of housing development in a higher sustainable locality as part of the outline scheme for Phase 2, such that it is considered that it would be of a scale and residential density which is proportionate to the site without resulting in an over-intensifying the site.

The Strategic Housing Market Assessment Update 2012 (2013) highlights the majority needs of smaller units (95%) within the District. This scheme provides a variety of small residential units to meet the identified local demand, with all of the dwellings to be 1 to 2 bed units which would all meet, or exceed, the National Minimum Internal Space Standards.

All of the dwellings would meet, or exceed, the National Minimum Internal Space Standards; for example two, 1-bed 2 person flats at 61.3 sq.m are well above the 50sq.m indicated and the live/work unit for 1-bed 2 people is 72.2sq.m being significantly above the 50 sq.m. While the Harlow Design Guide has slightly different internal space standards, this is dated 2011 and the NMIS Standards are dated 2012. As the local standards were effectively replaced by a national minimum standard, it is considered that the local standard which relates to a previous Local Plan (2006) is somewhat out of date. It is therefore reasonable (and now, some 9 years later) that the NMIS Standards are taken in effect as industry minimum standards. It would therefore be unreasonable to refuse development which meets these national standards, particularly as many units exceed these minimums.

Principle DG33 of the Harlow Design Guide (2011) specifies that all development should have some private open space. This space should be appropriate to the type and size of the accommodation. According to the revised drawings, all the flats would have a balcony with sizes ranging from 2 people flats with 5 sq.m to, 3-people flats at 6 sq.m to 4 people dwellings with 7 sq.m. While the balcony/patio of the live/work unit would be located to the west close to the proposed play area/Green Lane, there would be a degree of separation with hedge planting and some grass such that it is considered that this occupier's amenities would be reasonable for a ground floor flat. There would be no communal open space for the flat dwellers; however, the Green Lane would provide an outdoor space adjoining the application site, close to the blocks and open space is provided in Newhall as part of the

outline approval which includes LEAPS, NEAPS, a linear park (New Pond Spring) and sportsfields and allotments. New Pond Spring linear park is located either side of the Bridge on Bridge Street within 5 min walk of LC2.

Layout:

The blocks would be laid out so one would be to the south (Block C), parallel to Bridge Street and the other to the east (Block D) of the site parallel to Woodland Way. The two blocks, located at right-angles, present a firm edge to the north/west corner of the cross-roads cut only by the vehicle access onto Woodland Way and provide an element of enclosure of the application site.

While the rear courtyard area is relatively open, the proposed block E (in LC1) fronts onto Green Lane providing an element of enclosure on this "third" site; nonetheless, the landscaping in the courtyard would link visually though to the soft and pedestrian landscaping within the Green Lane.

There would be a single vehicle access into the courtyard area between the two blocks where parking provision would be provided on hardstanding in the courtyard and in undercrofts.

The approach with blocks to the front and parking/landscaping to the rear is considered to be in character with existing flatted forms across Newhall Phase II.

The layout of the site has taken into account the natural features (sloping ground levels) on site, design parameters, connections to other approved and future land parcels of Phases 1 and 2. The site is divided with the two blocks on the south/eastern and north-eastern parts of the site with grade level parking to the rear interspersed with trees (augmented in the revision to add three more trees). In general, the proposed layout achieves a high quality of design while recognising the existing road layout; it would also have a frontage onto the proposed Green Lane between LC2 and LC1 to the west/south.

Density:

The proposed density would be 130 units per hectare. While this is above the residential densities across the Newhall site unlike the previously approved schemes, the proposal is for a fully flatted scheme where higher densities with high quality can be achieved. The site is also in a higher sustainable location within the Newhall Neighbourhood as it adjoins the Neighbourhood's Local Centre with its shopping, servicing and community facilities including a nursery and school and access to nearby open space just beyond, west of the bridge.

Design/Appearance:

The frontage block would be provided with a statement roof which would be eye-catching and match with one roof to the proposed neighbouring development at LC1. It is proposed to build both LC2 and LC1 at the same time and will reinforce the connection between the two, linked sites.

The proposed 3-storey height would be the same as for the existing houses at cross-roads of Bridge Street, High Chase Woodlands Way and Roundhouse Way, This would also match with the developments to the west of the bridge which are 3/4-storey and other 3 storey development across the Newhall Phase II area, albeit much of the development is 2 storey (often with accommodation in higher-pitched roof-spaces).

The proposal would provide a reasonable degree of windows as is appropriate for residential development which would appear as glazed features in the otherwise solid walls of the buildings (as normal). Such fenestration, together with the proposed roof forms and material palette (which would accord with the approved Newhall Palette) would be appropriate to the flatted block arrangements reflecting the characteristic modern architectural approach which is evident across the whole of the Newhall Phase II development.

The frontage block onto Bridge Street would have a live/work unit to the ground floor with other residential units with bin/cycle storage at that level with two floors of residential units above and the side block onto Woodland Way would be similarly provided.

Apart from the live/work unit which would have a customer door to the street, here would be the main residential entrance and bin/cycle stores at ground floor level with no individual front doors to ground floor flats fronting onto Bridge Street. While Policy PL1 would normally require activity to the front of dwellings, the lack of front doors in flatted development is not unusual, particularly where cycle storage is provided communally and access to this would be located from internal corridors. The design is however considered acceptable due to the live work unit being on the frontage onto Bridge Street and from the activity generally relating to the frontage commercial units in the adjoining LC1 area and in association with people accessing/using the adjoining school, the Green Lane, day nursery and community halls.

Woodland Way is a side street where it would be expected that there would be a quieter residential environment and front doors are provided for access to the ground floor units facing housing on the opposite side of the road.

It is considered that a high standard of design is presented and continues the contemporary design approach of both Newhall Phase 1 and Phase 2. According to the submitted Design and Access Statement and the Material Strategy, the same palette of materials would be used for the scheme, which is in line with the Design Guidance of the outline consent. The scheme has also incorporated the design principles of the Harlow Design Guide (2011) such as providing shared and private amenity space (balconies). Together with the provision of landscaping along the site boundaries/to Green Lane, it is considered that the development would positively contribute to the streetscene.

The buildings would be located at right angles to each other with the southern block and eastern blocks being separated by the access into the parking area. There would be no back to back situations and separation distances between residential properties are considered to be acceptable to avoid direct overlooking. It is not considered that any unreasonable overlooking or inter-looking will result. It is not considered that the north-eastern block would be unduly over-shadowed by the south-eastern block.

65% of the flats would be dual aspect which is considered to provide a reasonable standard to the 2-bedroom units and the majority of the single-aspect flats would be south-facing. The 4 that would be north-facing would have balconies and overlook the landscaped courtyard/parking area and have views of the wooded area to the north of the application site beyond the single-storey day nursery. It is considered on balance that the provision of a limited no. of single-aspect flats here would not be considered to provide a poor standard of design.

It is considered that the proposed layout would be acceptable in respect of the proposed level of residential amenities of the future occupiers.

It is considered that the design, layout, scale, density and appearance of the proposed development represents a high standard of design which would be in character with other new development in the Newhall Phase II area and accords with the provisions of Policies

PL1, PL2, H3 and H6 of the Harlow Local Development Plan (2020) as well as the design principles of Harlow Design Guide (2011) and emerging Harlow Design Guide Addendum (2021).

Impact on the setting of the nearby Listed Building

The application site lies to the north of a Listed Building, The Round House (Grade II). At the outline stage, the only concern raised was that any consideration at reserved matters stage should take into consideration the impact of any scheme on the Listed Building and its setting. There was no “exclusion area” agreed, nor was there any suggestion as to what area may be considered to form the setting for the Listed Building.

The Conservation/Heritage Officer indicates that the proposal would appear in the backdrop of views of The Round House, a Grade II Listed Building, located along Round House Way and that it should be relocated so that it is not visible as it would result in “*less than substantial*” harm to the setting of The Round House.

The application site is located to the western end of Round House Way at its junction with The Chase/Bridge Street and Woodland Way. Nonetheless, the proposed 3-storey block fronting onto Bridge Street would be visible as a vista feature from the Listed Building. While this would be the case, there are numerous dwellings both constructed and approved (Sector V) which are significantly closer to The Round House and the two-storey high school buildings on the opposite side of Bridge Street, closer to the Listed Building would partially obscure the, albeit 3-storey, block. The block would be of modern design with an unusual pitched/valleyed roof; given the significant distance away, it is considered that while it would be visible in the views of and from The Round House from the east that it would not compete with it such that the harm to The Round House or its setting as a result of this proposal would be particularly limited.

The Round House is Grade II Listed and it is considered that “*less than substantial harm*” would occur to its setting. On this basis, in line with the NPPF (paragraphs 202 and 203), the public benefits of the proposal have to be considered. The impact first needs to be assessed in relation to Policy PL12 of HLDP (Dec 2020) which indicates that the impact on a Listed Building will be assessed based on the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and
- (e) any public benefits of the development

The Round House is located within a wide curtilage which is significantly larger than proposed residential curtilages and has hedges to its northern/eastern and western boundaries with a small wooded area to the south.

The Round House is located, at 130 m, some distance away from the nearest point of the application site, beyond the school. New housing development of upto 3 storeys has already been constructed and development to the northern side of Round House Way to the south-

east of the application site, directly to the north of the Round House on the opposite side of Rose Crescent, with a half-moon amenity area providing an element of separation beyond Round House Way and development of 49 houses has been approved directly to the south-east of the Round House (Sector V) just across a two-way road (around 9m away)

While it is recognised that this particular Listed Building would be surrounded by new housing, including on the application site. Views from windows in a Listed Building of new development is not of itself a reason to refuse new development, bearing in mind that Listed Buildings in built-up areas often do not have large landscaped areas around them, even where they may have been in a rural area when originally built. In any event, it is not the rural landscape that makes the building worthy of its Listed Status.

Notwithstanding, it is accepted that new development on site would be located such that it would sit in part in the backdrop to the Round House in views from the east/south-east.

The proposed development, like other modern development within Newhall would not harmonise with or otherwise be in character with the Listed Building. Nonetheless, the residential development is being provided in order to meet the house numbers for the tranche originally allocated and approved within the outline scheme and the outline scheme allowed for new development, of which all new development coming forward does not harmonise with the Listed Building. The scheme has been brought forward in line with the outline approval and as modern housing on a 2,300 dwelling estate, while it is expected to provide a high quality of design and layout is not expected to match the Listed Building by way of character and appearance. It is considered that the proposed modern buildings on this application site are in character with existing new housing development on Newhall and, as such, that it appears as in juxtaposition to the original rural character of Round House. Given that this site is significantly further away from The Round House (130m) compared with existing and already approved development (as little as 9m away), it is considered that the harm identified to the setting of the Listed Asset is minimal.

The proposed development would not interfere in longer distance views from the west/north-west of the Listed Building from the west along RoundHouse Way and Woodland Way.

The public benefits of the scheme also include 30.8% affordable housing which would slightly exceed the target in Policy H8. Given that most tranches across Newhall Phase II provide the minimum of around 15% (which is the minimum allowed in the outline's Legal Agreement), this is considered at twice this, to be a significant public benefit.

The public benefits arising from the proposal are that 26 new dwellings would be erected for use by market purchasers as well as 8 being for affordable housing. During construction, employment will be provided and following construction the houses will meet the urgent need to provide housing as identified in the local housing needs assessments.

It is therefore considered that the scheme would result in significant public benefits which would outweigh the less than substantial harm identified. It is therefore considered that the proposal would therefore accord with heritage policy PL12 of the HLDP (2020) and the provisions of paragraphs 195 and 196 of the NPPF (2021).

Impact on Trees and other Landscaping

The site is currently vacant with a vacant area to the west/south (LC1) and a few new trees and other vegetation outside the site boundaries. The applicant has submitted a Landscape Plan in support of the scheme.

The Council's Arboricultural Consultant originally raised some concerns that the AIA is slightly deficient in relation to existing trees and the applicants have responded increasing the number of trees by 3 in the parking area. Suitable conditions could be attached to any grant of planning permission to ensure the provision and maintenance of the trees proposed. In any event, Condition 7 of the outline consent requires submission of a detailed landscaping scheme. This condition would ensure that the amenity value of the site and its relationship with adjacent development and open countryside would not be adversely impacted on.

Impact on Amenity of Existing Residents

In line with Policy PL2, Principle DG33 of the Harlow Design Guide (2011) indicates that new development should not result in undue harm to existing occupiers' residential amenities in respect of privacy/overlooking, overshadowing, noise etc.

The nearest properties to the site are the residential properties to the north and east in Woodland Way and High Chase. The site is vacant at the moment. Given that the application site's buildings would be located to the south/west of the existing properties, there would be some loss of amenity to the properties with elevations fronting onto Woodland Way on the opposite side of the public highway. The reason for this is that where there is no development now, there will be 2 storey and 3 storey development on the opposite side of the public road (approx. 5m wide). While current levels of privacy, sunlight and daylight etc. for existing occupiers may be affected, this is a normal arrangement with buildings facing each other either side of a highway. Bearing in mind that both sets of dwellings were envisaged by the outline approval/Masterplan for Newhall Phase II, it is not considered that there would be any significant loss of existing residential amenities due to the proposed development.

Some disruption may be experienced during the construction phase, however, this is to be expected from any development and will only be temporary in nature. Condition 11 of the outline consent restricts the construction hours and Condition 15 requires the use of wheel washing equipment to ensure that the construction works do not prejudice the amenity of neighbouring residents.

The landscaping strategy with trees and hedging to the rear and road frontages will improve the landscape value of the area and enhance the visual amenity.

It is therefore not considered that the proposal would give rise to unreasonable harm to existing residents and, as such would accord with Policy PL2 of the HLDP (2020) and the Harlow Design Guide SPD.

Access, Parking and Highway Safety Concerns

The main access points to/from London Road (via Round House Way), connections with the wider area and circulatory routes throughout Newhall Phase 2 were assessed and fixed by the outline consent. The traffic and highway safety impacts of the development were also assessed at outline application stage. The impacts were considered to be acceptable, subject to conditions requiring additional information/details to be implemented.

The internal road and the design of accesses and junctions to London Road itself were considered acceptable by the Highway Authority under Application No. HW/REM/17/00225, as were those to Roundhouse Way and Spine Road.

The proposal would not have any new roads as the two blocks would front onto existing roads, Bridge Street and Woodland Way; although new footpaths would be provided to them. A new vehicle access would be provided to Woodland Way to access the courtyard car park.

No large vehicles would need to enter the site as refuse lorries and other servicing vehicles would be able to do so from the existing roads. The proposed footpaths would provide good connectivity within the site and the wider area.

Parking

Policies IN1-IN3 of the HLDP (2020) seek to achieve a modal shift of 60% of trips being non-car based. This means that car parking provision should relate to the size of house and whether the site is accessible now and is likely to be accessible to public transport.

The Essex Car Parking Standards state: “For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment (paragraph 2.5.1)”

A Car Parking Strategy Plan and a Cycle Storage Strategy Plan are submitted in support of the application. Parking is provided on a 1 space per dwelling basis with 26 spaces in total. This has enabled additional landscaping in the rear courtyard area to the benefit of future residents.

Given that the dwellings, of which 35 % are 1-bedroom and the remainder are all 2-bedroom, are provided in the mixed-use centre of the Phase I and Phase II parts of Newhall, close to shopping and other services with a nursery, school and community facilities on its boundaries, it is considered that this reduced number of parking spaces is commensurate with the high degree of access associated with the site’s sustainable location.

Cycle storage for 26 cycles will be located in private areas to the ground floor of the two blocks with 4 cycle spaces for visitors in the Green Lane.

The overall parking provision (car and cycles) is generally in line with the adopted parking standards which allow for lower provision of cars and higher provision of cycles in sustainable locations, such as at LC2

Given that the proposed development results in a higher density of residential provision, limiting car parking provision also provides a benefit for occupiers in the resultant increased landscaping that is to be provided.

Policy IN3 states that “Development must provide electric vehicle charging points (EVCPs) in accordance with the latest Government guidance”. A suitably-worded condition will be attached to any approval requiring the provision and retention of evc points.

A bus route through Newhall has been agreed in relation to the outline approval for Phase II Newhall. It will be provided in accordance with the relevant legal agreement.

Essex County Council Highway Authority have raised no objection to the scheme as it is not contrary to the Highway Authority’s Development Management Policies (2011). Highway

details and pedestrian protection measures are reserved by Conditions 3 and 13 of the outline consent to ensure highway safety.

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. This proposal provides 30.8% of affordable housing; 8 dwellings. The legal agreement (S106) attached to the outline scheme allows for a lower percentage of affordable housing (down to 15%; upto 40%) with an overall requirement that the Newhall Phase II scheme provides 33% affordable dwellings.

The Viability assessment submitted has been reviewed and it is noted that viability is limited to the degree that less than 15% affordable properties could be provided. For this 26 dwelling scheme, as has been accepted for other sites within Phase 2 of Newhall previously that 15% would be acceptable and in line with the legal agreement attached to the outline approval; the proposal would exceed meet this minimum at 30.8%.

The application proposes of the 26 dwellings that 8 would be provided as affordable dwellings (3 x 1-bed and 5 x 2-bed). 4 would be provided at affordable rent and the other 4 would be provided as intermediate forms of affordable housing.

The Harlow Design guide (2011) advises that affordable housing should be tenure blind and pepper-potted throughout the site. The affordable housing is provided within the block of flats to the rear of the main road, fronting onto Woodland Way. While not pepper-potted, as would be preferred, due to the provision of other phases of development, it is considered that the affordable housing provided in this scheme would not be viewed isolated in associated with the wider development.

The provision would be in line with the Legal Agreement which requires that no more than 50% of the affordable housing is provided across the Newhall Neighbourhood is provided for rent.

It is considered that the affordable housing provision is acceptable in line with Policy H8 of the HLDP (Dec 2020).

Unilateral Undertaking – Cross boundary works

As some of the parking provision and landscaping works proposed for use by LC2 occupiers are in part within the adjoining LC1 land area, in order to ensure that LC2 is implemented together an appropriately, a Unilateral Undertaking (UU) is required under Section 106 of the Town and Country Planning Act 1990 (as amended). The applicants submitted a draft Unilateral Undertaking in which on Cross boundary works. This states:

“The Owner hereby covenants with the Council as follows:

1. to use Reasonable Endeavours to ensure the coordinated construction and delivery of the Permission and the Development to the reasonable satisfaction of the Council; and
2. following the Commencement of Development to keep the Council informed as to the construction and delivery programme for the associated Permission.”

Other Contributions

The applicants indicate in their submitted Planning Statement dated June 2020, that physical and financial contributions will be made (including contributions towards education and

transportation measures) within Phase 2 in accordance with the two Section 106 Agreements legal agreements for the Newhall Phase 2 development and that the subsequent developer will be responsible for the release payment as set out in the Deed of Variation.

Legal agreement S106 dated 21 June 2012 for affordable housing and other contributions, S106 are dated 21 June 2012 for education and transport and the Deed of Variation is dated 29 September 2014 under approval HW/PL/04/00302.

According to one of the June 2012 Agreements, education contributions are to be made in the form of the provision of schools. This is not linked specifically to this tranche of the development and the first school has already been constructed on the opposite side of Bridge Street to the application site. The Highway works were to include the provision of a new junction on the A414 with a link road and connection to London Road and access for high quality public transport to the Application site. Capacity improvements to the A414 junction were to be either by the developer or by the provision of a contribution to the County Council. Such works were to be completed before the occupation of the 751st Unit (dwelling).

The S106 agreement also indicates that the provision of cycling and walking facilities should be made in accordance with the details shown on the Plan attached to the Agreement as Annexure 1.

Bus stop facilities were to be provided along the internal spine road. The bus service to start in January 2012 (or later – 12 months after implementation and maintained until completion of 2,000th residential unit); this has yet to be provided. Travel Packs are to be provided to the first occupiers of each residential unit.

The Masterplan map of 5/2010 (Drawing 887-036H) indicates that Bridge Street is a proposed bus route which lies outside the application site.

As this is a reserved matters approval application, no details are specifically required under this approval in relation to the education and transport commitments made in the legal agreements/Deed of Variation as they do not specifically impact on the matters to be determined at this stage. The education and other commitments, including provision of open space, are required to be implemented by the legal agreement itself.

Other matters:

Flooding and SuDS

A drainage strategy covering the site and wider remaining Phase II area was considered acceptable under approved Application HW/REM/17/00225. A foul and surface water drainage system including a new attenuation pond and detention basin will be provided as strategic infrastructure for the remaining parcels of Phase II. Details of drainage works on each tranche is required under Condition 9 of outline consent to ensure that adequate provision is made. Therefore, there are no significant concerns on flooding or drainage for the current application and additional conditions are not required.

Ecology

Condition 18 of the outline consent requires an Ecological Management Plan outlining measures to protect flora, fauna and wildlife affected by the development within each phase to be submitted to and agreed in writing by the Local Planning Authority.

The site is currently vacant and cleared awaiting development. While it could exist, it is unlikely that there is much existing ecology on site. The NPPF indicates that there should be a net biodiversity gain on site. The proposal would introduce new landscaping, including trees in the courtyard and along the new Green Lane which will promote ecology and biodiversity. The Green Lane will link with the existing treed/stream area to the east/north of the application site beyond the day nursery development. The applicants have indicated a willingness to provide bat/bird boxes and a condition is attached to require the submission of details.

Natural England have been consulted on this reserved matters application and have indicated that they have no objections.

It is considered that there should be a net gain in biodiversity from the proposed landscaping measures and proposed boxes for protected species in accordance with the relevant paragraphs of the NPPF and Policy PL9 of the HLDP (Dec 2020)

Archaeology

Condition 17 of the outline consent requires a written scheme of investigation and implementation of a programme of archaeological work, which has been discharged under Application No. HW/CND/17/00297. The Historic Environment Officer of Essex County Council has been consulted and confirmed that this application requires no further archaeological input.

Refuse

Storage capacity will be provided in accordance with the Building Regulations. No residents will be required to walk more than 30m to reach a designated collection point.

The Street Scene Manager was consulted on the original scheme and raised an objection. The Refuse Strategy Plan has been amended. Further comments indicate that provided the path between the store and the road has a gradient of not more than one in 12, there is no dropped kerb and the space between the trees is at least 2 metres, then the revised plans are acceptable.

It is confirmed that these requirements are met and that the arrangements are therefore considered to be acceptable.

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 reserved matters scheme is considered to promote high quality design and landscaping with no significant adverse impact on local amenity and no access, parking or highway safety concerns. The “less than substantial harm” to the setting of the nearby Listed Buildings - The Round House (Grade II) is considered to be outweighed by the public benefits of the scheme.

The access, scale, appearance, layout and landscaping of the proposed development are considered appropriate and satisfactory. It is considered to accord with national and local policies. Conditions imposed on the outline consent reserve a number of matters for later consideration and provide a mechanism for extra or amended details to be provided as necessary. The proposal is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Committee Members are recommended:

- **to delegate to Officers to agree a Unilateral Undertaking (UU) in relation to cross-boundary works and, following the UU’s signing/submission,**
- **to approve, subject to the following conditions:**

- 1 The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the plans submitted in relation to the development hereby permitted, unless alternative materials are proposed.
REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Plan (HLDP), July 2021.
- 2 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:
 - o Safe access into the site
 - o The parking of vehicles of site operatives and visitors
 - o Loading and unloading of plant and materials
 - o Storage of plant and materials used in constructing the development

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

REASON:

- 3 Prior to the first occupation of the development the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
REASON: To ensure that appropriate access, parking and turning is provided.
- 4 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.
REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 5 Details relevant to the safe retention and protection of trees within the Arboricultural Method Statement (AMS) submitted with this application will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.
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 with those policies of the Development Plan set out in the attached Informative.
- 6 Details of bird and bat boxes shall be submitted and, once approved in writing, shall be implemented prior to first occupation of the dwellings hereby permitted.
REASON: To ensure that there is net biodiversity gain from the proposal, in accordance with Policy PL9 of the Harlow Local Development Plan Dec, 2020)
- 7 Details of electric vehicle charging points shall be submitted and, once approved in writing, shall be implemented prior to first occupation of the dwellings hereby permitted. The evc points shall be retained thereafter.
REASON: To ensure that , evc points are provided in accordance with Policy IN1 of the Harlow Local Development Plan Dec, 2020)
- 8 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.

Plan Reference	Version No.	Plan Type	Date Received
NHH-PRP-A01Z-ZZ-DR-A-RM-0200	--	Site Location Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-0201	--	Existing Site Plan	24.06.2021
NHH-PRP-A01Z-	Rev P03	Proposed Site Plan	22.10.2021

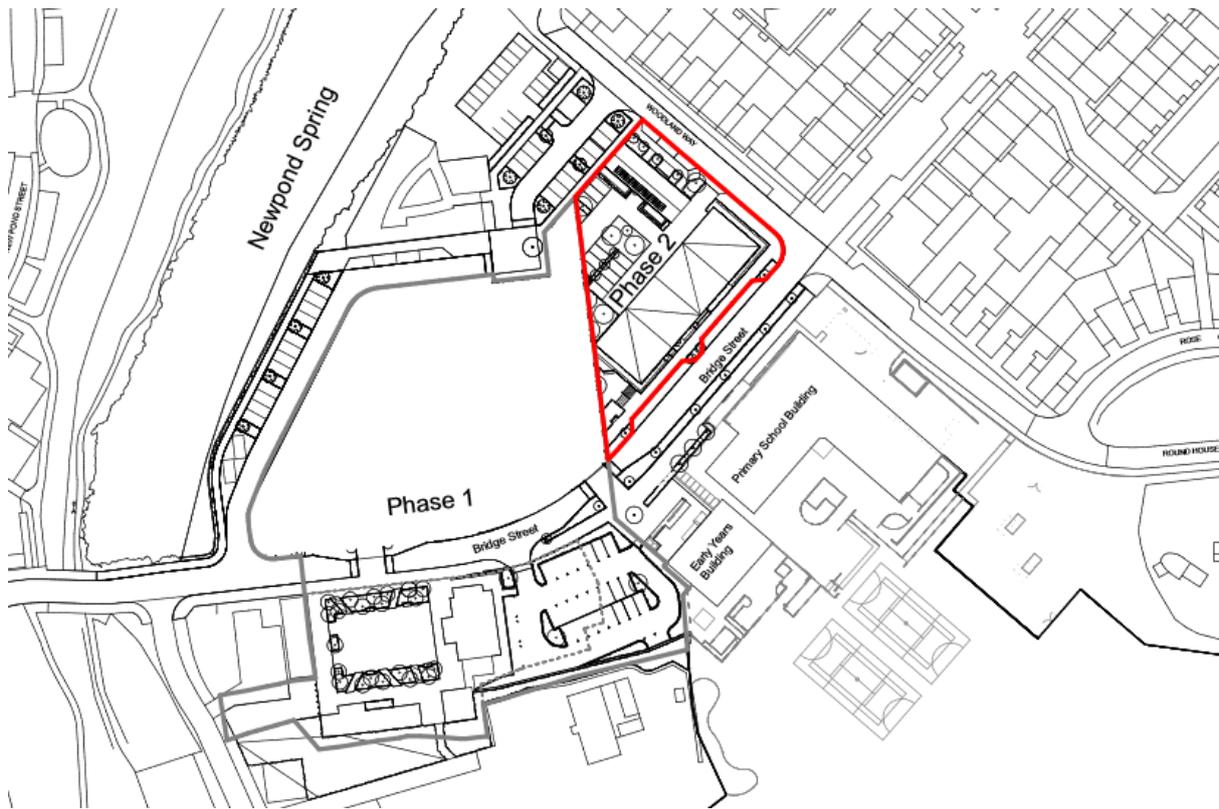
ZZ-DR-A-RM-0202			
NHH-PRP-A01Z-ZZ-DR-A-RM-2000	Rev P03 Ground Floor	Site Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2001	Rev P02 Level 1	Site Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2002	Rev P02 Level 2	Site Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2003	Rev P02 Roof Level	Site Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2011	Rev P03	Cycle Store Details	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2201	Rev P01 1B2P Affordable	Proposed Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2010	Rev P03	Parking Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2020	Rev P03	Refuse Plan	22.10.2021
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
NHH-PRP-A01Z-ZZ-DR-A-RM-2050	Rev P02	Site Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2100	Block C Grd & Lvel 1 Rev P03	General Arrangement	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2101	Block C Lvel 2 & Roof	General Arrangement	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2102	Rev P02 Block C	Proposed Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2103	Rev P02 Block D	Proposed Floor and Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-2200	Rev P01 1B2P Private	Proposed Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-RM-	1B2P Private Live-	Proposed Floor Plans	24.06.2021

2202	Work		
NHH-PRP-A01Z- ZZ-DR-A-RM- 2203	Rev P01 2B3P Private	Proposed Floor Plans	24.06.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2204	2B3P Affordable	Proposed Floor Plans	24.06.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2205	2B4P Private	Proposed Floor Plans	24.06.2021
P.1166.31.003.F	--	Landscape General Arrangement	22.10.2021
P.1166.31.403.A	--	Hard and Soft Landscaping Proposals	22.10.2021
P.1166.31.103.F	--	Hardworks Plan	22.10.2021
P.1166.31.203.B	--	Site Section	22.10.2021
P.1166.31.303.F	--	Tree & Hedging Plan	22.10.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2207 Rev P01	2B3P Private - Type 2	Proposed Floor Plans	22.10.2021
NHH-PRP-A01Z- ZZ-DR-A-RM- 2206	1B2P Private - Type 2	Proposed Floor Plans	24.06.2021
19-081_SKC02	Rev A	Tracking	22.10.2021

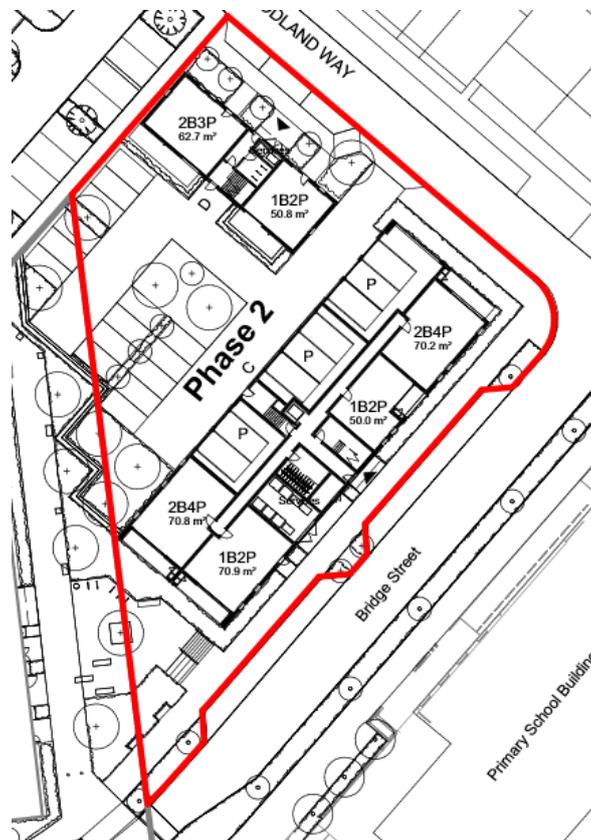
INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Highways Informatives
 - i. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
 - ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
 - iii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

LOCATION PLAN



Proposed Layout



Elevations – Block C



Block C North Elevation
1:100



Block C East Elevation
1:100



Block C South Elevation
1:100

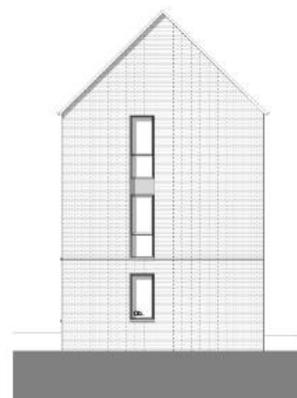


Block C West Elevation
1:100

Elevations – Block D



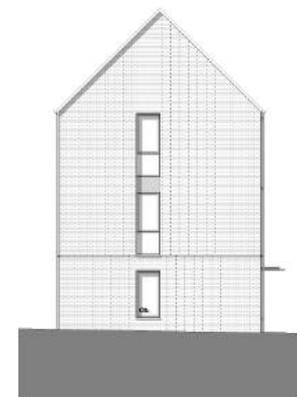
Block D West Elevation
1:100



Block D North Elevation
1:100



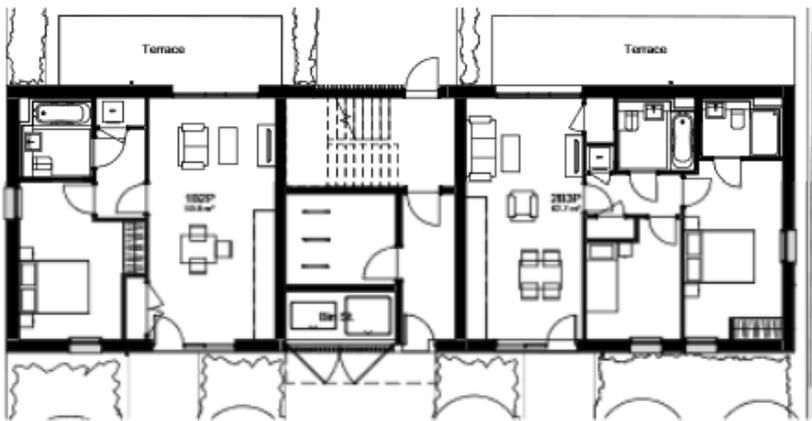
Block D East Elevation
1:100



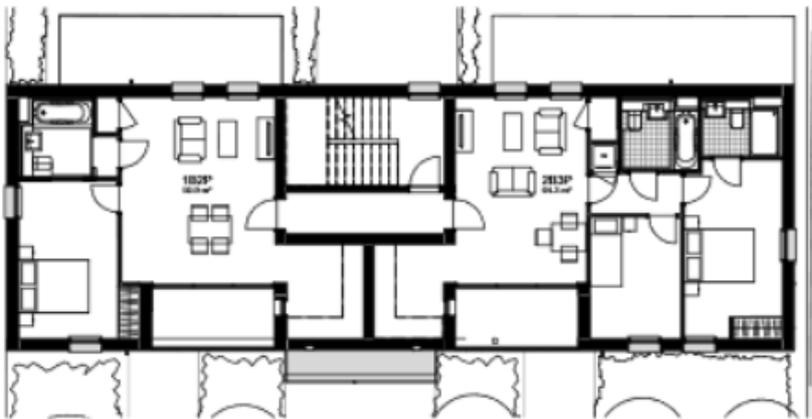
Block D South Elevation
1:100

Block C – Ground, level 1 and level 2

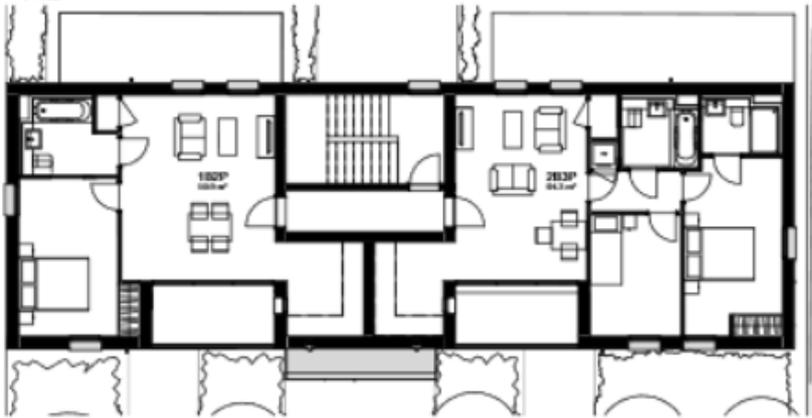
Block D – Ground, level 1 and level 2



A01D-L00-FFL - Block D
1:100



A01D-L01-FFL - Block D
1:100



A01D-L02-FFL - Block D

Green Lane/Pedestrian Route



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

8th December 2021

REFERENCE: HW/FUL/21/00486

OFFICER: Leah McGuinness

APPLICANT: Cornerstone Telefonica UK Ltd

LOCATION: Telecommunication Mast North East Of Katherines Roundabout
Katherine's Way
Harlow
Essex

PROPOSAL: Proposed upgrade to an existing base station consisting of the replacement of a 20.0m monopole with a 20m monopole, internal works to the existing cabinets addition together with ancillary works

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

More than two objections have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application site relates to a grass highway verge located north east of Katherine's Way roundabout. A public footpath lies behind the verge.

Currently there is a 20m monopole on site and three green cabinets located at the rear of the adjacent public footpath. There are a number of lampposts located along Katherine's way and along the adjacent roundabout.

The nearest residential properties Sycamore Field lie approximately 123m south west of the site and Deer Park approximately 154m east of the site.

The site is designated as a Green Wedge on the Local Plan Policies Map 2020.

Details of the Proposal

The application seeks to upgrade the existing base station with a 20m monopole supporting 3 antenna and to carry out internal works to the existing cabinet on site to provide 5G access within the area. The new proposed pole will be placed 2.1m south of the existing pole.

RELEVANT PLANNING HISTORY

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/13/00113	Erection of a 15m Elara Monopole to Replace The Existing 15m Flexicell 2 Monopole, Along With Additional Ground Based Cabinets And Ancillary Development	Granted Planning Permission	13.05.2013

CONSULTATIONS

Internal and external Consultees

Essex County Council - Highways

No objections

Environmental Health Officer

The Stewart Report from 2020 and subsequent studies have not proven any confirmed link to the presence of radio frequency electromagnetic waves and ill health. To that end I have no further comments to make.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 5

Date Site Notice Expired: 9 July 2021

Date Press Notice Expired:

Summary of Representations Received

Five representations have been received with four raising objection to the proposal and outlining a number of concerns summarised below;

- We are concerned there may be an impact on the environment. We already are kept awake during the night due to noise. It has been reported many times without any response, and we don't know if this is coming from the existing pole? Would the replacement also emit this noise and would it affect the environment wildlife and loss of flora?
- Will any trees need to be removed? Noise is heard from existing pole and with a 5G mast, would this noise increase?
- We do not need another ugly mast put up damaging our environment including birds and trees. Never consulted on the previous application – otherwise I would have objected. My health has not been good since last mast erected. Traffic congestion as result of the works being done causing delays getting to work. It would be an eyesore when viewed from my property making me more ill and angry.
Appears to be another money making idea for the Council and of it goes ahead I will request a freedom of information act. It will 100% have a negative outcome on the area and I object to the proposal.
- I oppose on Environmental grounds as a hazard to human health and living organisms. It will have a detrimental effect to our habitat and all those living within our local community/wildlife. There are severe medical implications/complications/sickness & illnesses, that stem from prolonged exposure to Radiation/ Electromagnetic Fields. These Include: Headaches, Body Pain, Lethargy, Tinnitus, Nausea, Burning sensation, Heart arrythmia and anxiety. Exposure to large levels of high frequency EMFs is known to damage human DNA and cells. It will therefore, impact the general health and wellbeing of local residents & detrimentally so. The proposed upgrade to 5g Infrastructure, will be operating at much higher frequencies' than the current communication pole, hence the reason Harlow Council are Legally bound, to write to local residents to obtain consent.
I wish to raise a complaint. The initial letter, dated above is very misleading. Nowhere does it say it is a planned upgrade to 5g infrastructure. You have given a very limited time frame for residents to gather, discuss & reply. Many are likely to forget to respond. I do not consent.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

PLANNING POLICY

The following polices of the Harlow Local Development Plan (2020) are relevant to this application:

- PL1: Design Principles for Development
- PL2: Amenity Principles for Development
- PL5: Green Wedges and Green Fingers
- IN2: Impact of Development on the Highways Network including Access and Servicing
- IN4: Broadband and Development
- IN5: Telecommunications Equipment

Supplementary Planning Documents/Current Planning Guidance)

The Harlow Design Guide SPD (2011)

Draft Harlow Design Guide Addendum Supplementary Planning Document (2021)

Summary of Main Issues

The main determining issues are considered to be:

- The principle of development;
- The impact on the visual amenities of the area (Including the Green Wedge);
- The impact on neighbouring amenities;
- Highway impact
- Impacts on Health and wellbeing impacts.

Principle of Development

Paragraph 115 of the NPPF states the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.

Policy IN4 of the HLDP states the development of high speed broadband technology and other communications networks play a vital role in enhancing the provision of local community facilities and services. High quality communication is also essential for sustainable economic growth and to help attract businesses to the district.

Policy IN5 of the HLDP aims to balance the need for expanding communications equipment whilst protecting the district's environment. It states development of telecommunications equipment must include appropriate evidence to show that opportunities have been explored to share existing masts or sites with other providers.

The proposal seeks to replace an existing 20m monopole with an upgraded 20m monopole located approximately 2.1m south of the existing pole. The upgrade of the existing apparatus will improve the existing mobile signal offering in the area and will provide a 5G network.

The site has an established base station and is an accepted part of the street scene. It makes sense to upgrade the current equipment serving the area rather than seek an alternative site. This also follows the Code of Best Practice for Mobile Network Development in England which advises alternative sites are not required when an existing site is being upgraded. In this case alternative sites have not been considered due to the existing presence of this base. Use of the existing base would maximise the opportunities to consolidate the number of base stations and reduce the environment impact of network development. Therefore the proposal would comply with IN5 of the HLDP.

Therefore, the proposed replacement would be acceptable in principle subject to it being considered appropriate in other respects

Impact on the visual amenities of the area

Policy PL5 of the HLDP states development on land designated as Green Wedge must meet be a) for small-scale development and (b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge location and demonstrates it is of benefit to the wider community.

The replacement pole would essentially be a 'like for like' replacement measuring the same height as the existing pole with the only discernible difference being it moved 2m south and to

the top of pole due to the replacement antennas. It would not be unduly prominent within the street scene and it comparable in height and appearance to the light poles within the area. The trees to the east and south of the site provide some level of screening to the surrounding residential properties which softens the views towards the site also.

A condition will be attached to ensure the existing pole is removed in a timely manner.

The existing green base cabinets will remain exactly as they are with all works proposed internal.

The replacement pole will not result in any harmful impact to the character of the Green Wedge and overall the proposal is considered to preserve the character and appearance of the site and wider area and would be in accordance with Policy PL1 and PL5 of the HLDP

Impact on neighbouring amenities

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure developments do not adversely affect adjacent residents, taking into consideration impacts on access to daylight and sunlight, overshadowing, privacy and overlooking.

The nearest residential properties Sycamore Field lie approximately 123m south west of the site and Deer Park approximately 154m east of the site. Trees are located to the east and south/ southwest of the site which further provides some screening from the site resulting in minimal impact to the views from the residential properties.

Due to the location, presence of trees and nature of the proposal, it would not result in any detrimental impact to any nearby residential properties in terms of loss of light or loss or privacy.

Highway Impact

Policy IN2 of the HLDP ensures development would not cause a severe residual cumulative impact on highway congestion and movement and would not cause a detrimental impact on the safety of all highway users including pedestrians, cyclists and horse-riders.

The replacement equipment due to its location and design would not restrict the use of the public footpath or cause hazard to users of the pathway or block the visibility of drivers on the adjacent highway.

ECC Highways have raised no objections to the proposal and overall it is considered in compliance with Policy IN2 of the HLDP.

Health and Wellbeing Impacts

Paragraph 117 of the NPPF (2021) states '*Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include....B) an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection*'

Furthermore under Policy IN5 of the HLDP paragraph 17.31 states *Telecommunication equipment must conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines taking into account the cumulative impact of all operators' equipment located on the mast/site where appropriate.*

The application is supported by ICNIRP declaration certificate which confirms the proposal has been designed to comply with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. It is noted ICNIRP guidelines have formal backing of the World Health Organisation.

Therefore the proposal would not give rise to any health impacts in the wider area and is in compliance with local and national policy.

Other Issues

A number of objections have been received stating noise is coming from the existing pole. No noise was evident when the case officer visited the site so it is unclear where the noise is coming from exactly. In any case, a condition will be attached to ensure the existing pole is removed from site and a further condition requesting the noise levels (if any) from the proposed pole are submitted and approved by the Council before the commencement of development.

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

Overall it is considered the replacement pole in this location would be acceptable and would not give rise to any detrimental harm to the character and appearance of the Green Wedge or surrounding area. This location makes logical sense and avoids alternative sites for development being sought elsewhere within the district.

The replacement equipment will not give rise to harmful impacts to neighbouring amenity or highway safety and a condition will be attached to ensure any noise is at an acceptable standard.

It is therefore considered that the proposed development would comply with Policies PL1, PL2, PL5, IN2, IN4 and IN5 It is recommended for approval subject to conditions.

RECOMMENDATION

That Committee resolve to: GRANT PLANNING 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 Prior to commencement of development the noise levels of the proposed pole and equipment will be submitted to and approved in writing by the local planning authority. The works will be carried out in accordance with the approved details.
REASON: To ensure that no inappropriate noise levels are emitted from the proposed pole and equipment and to protect the amenity of the surrounding residents in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.
- 3 The existing pole will be removed before the proposed works are completed and construction is finished on site. The works will not be considered complete until the existing pole is removed.
REASON: To preserve the character and appearance of the Green Wedge and wider area and to prevent overdevelopment on the plot.
- 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.

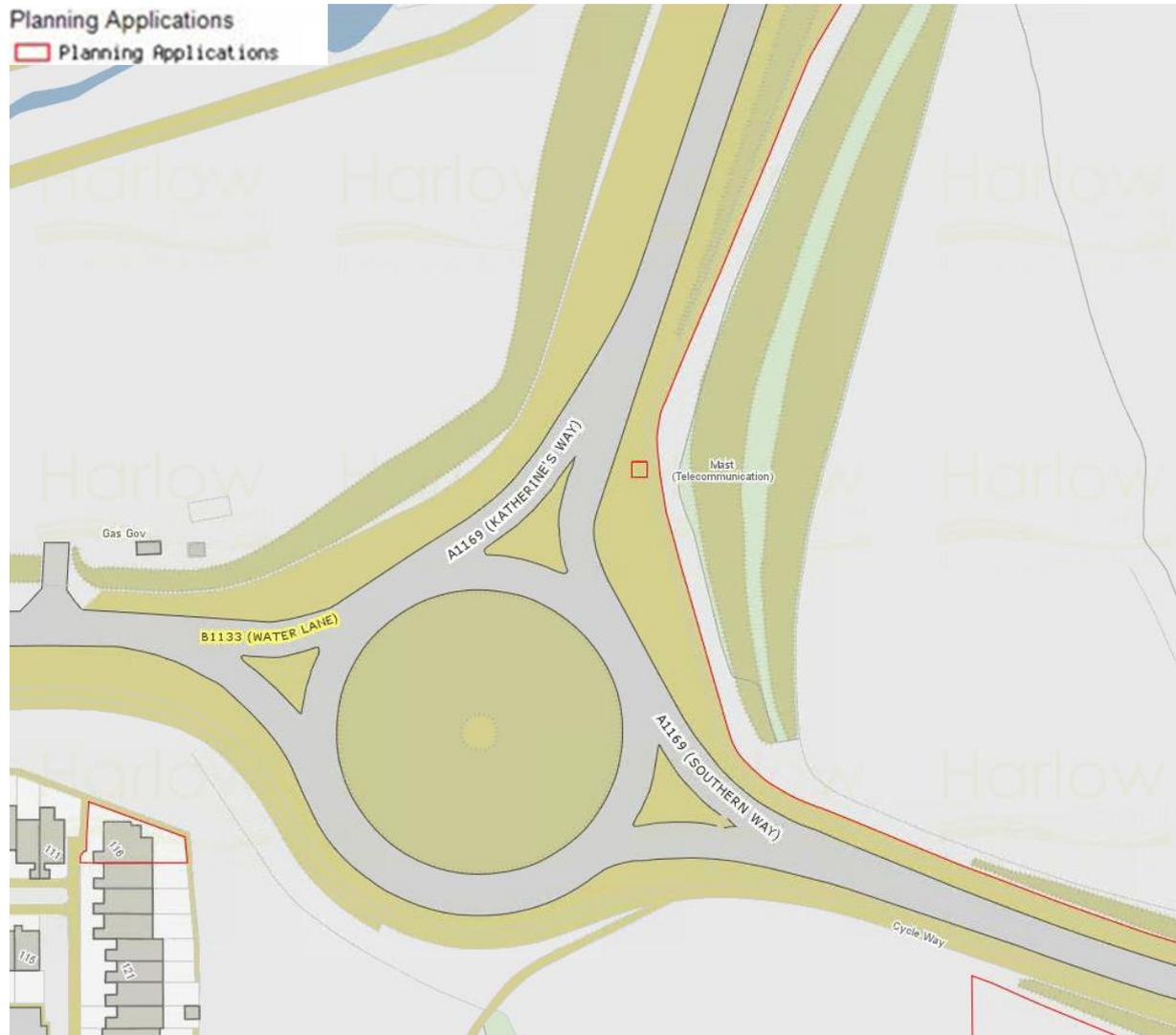
	Plan Reference	Version No.	Plan Type	Date Received
-	201	Rev A	Proposed Site Plan	06.09.2021
-	301	Rev A	Proposed Site Elevation	06.09.2021

INFORMATIVE CLAUSES

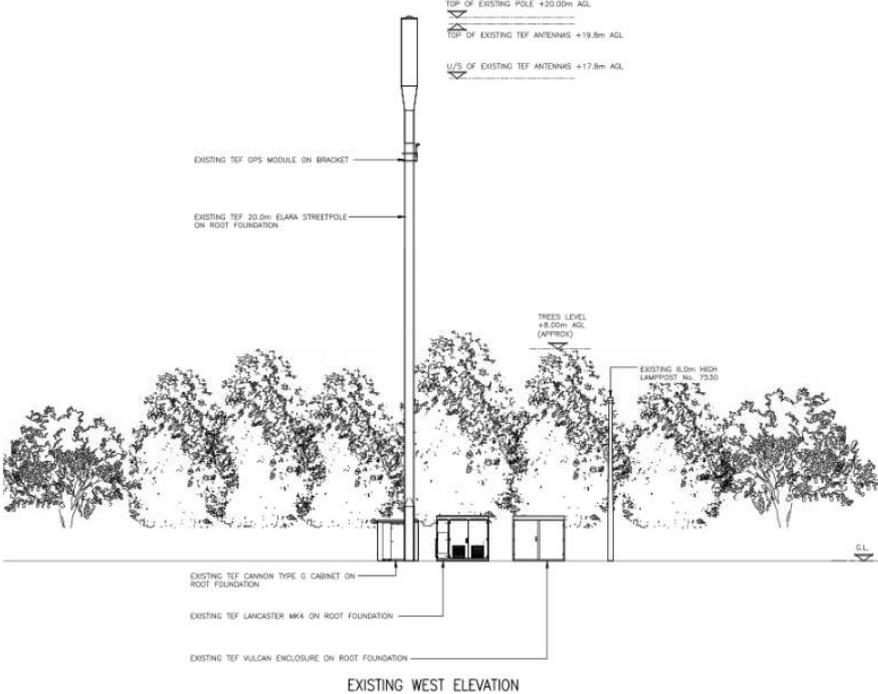
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning

policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LOCATION PLAN

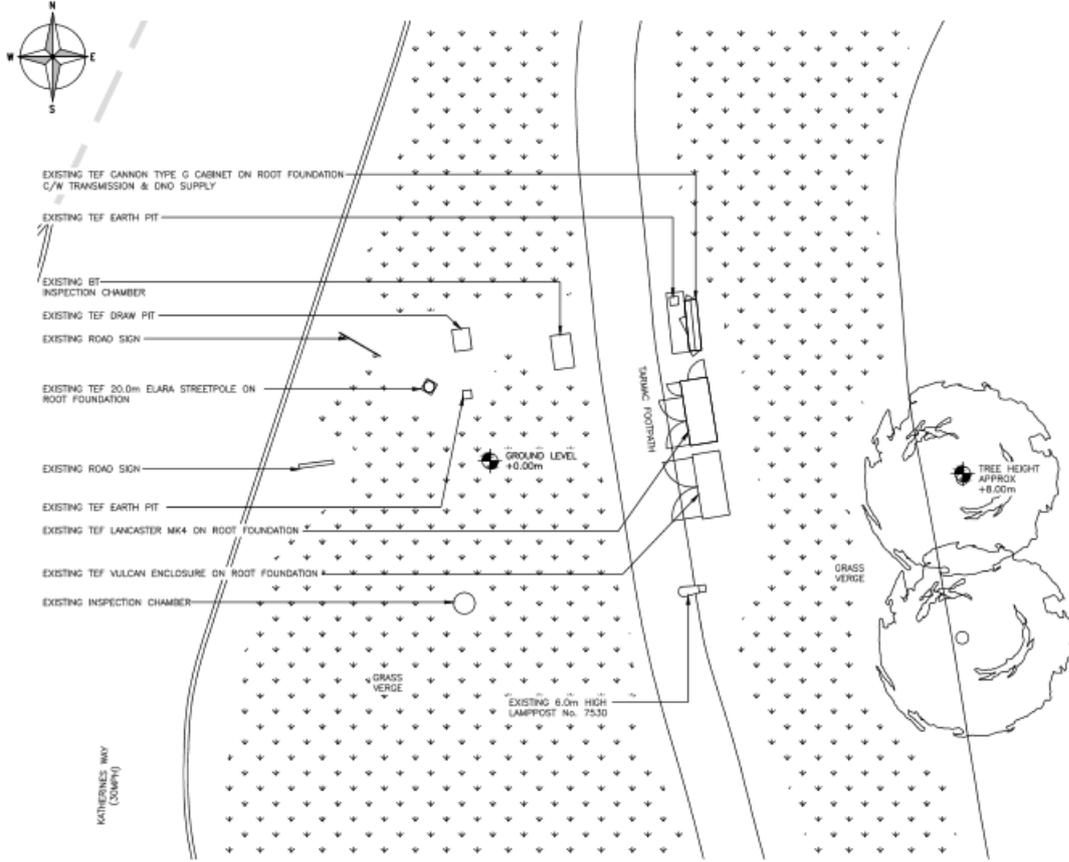


EXISTING ELEVATIONS



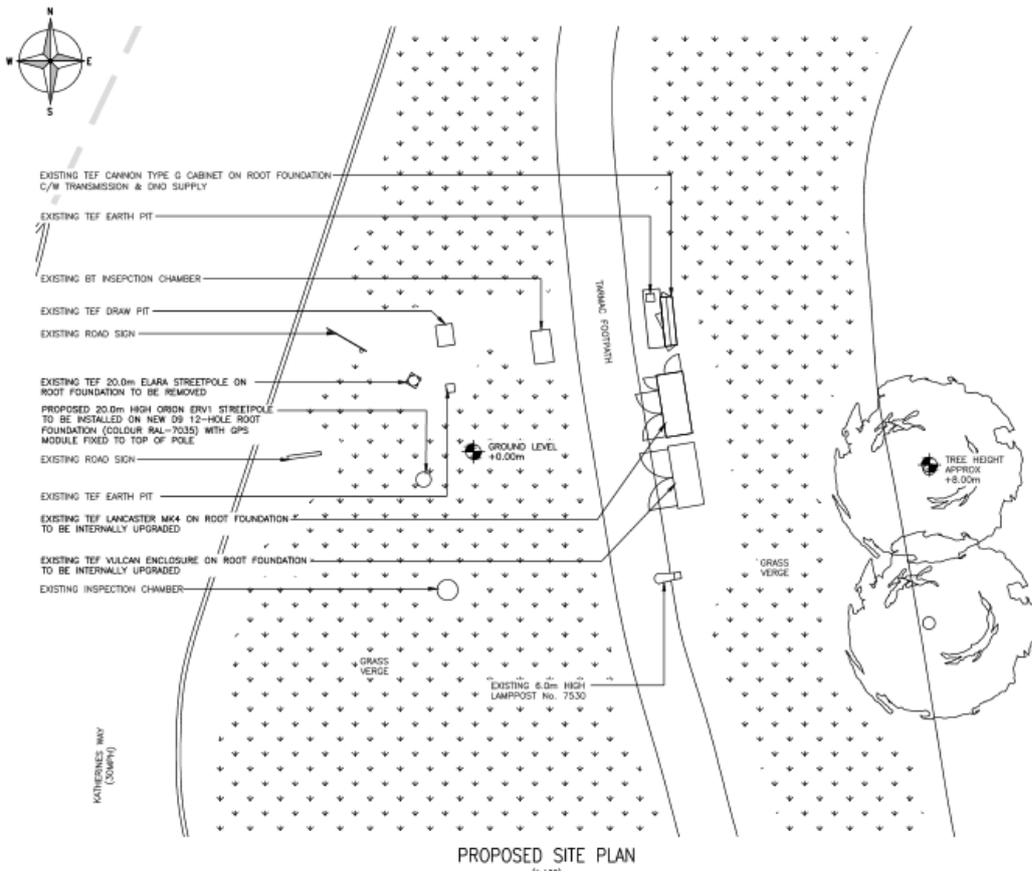
EXISTING WEST ELEVATION

EXISTING SITE PLAN

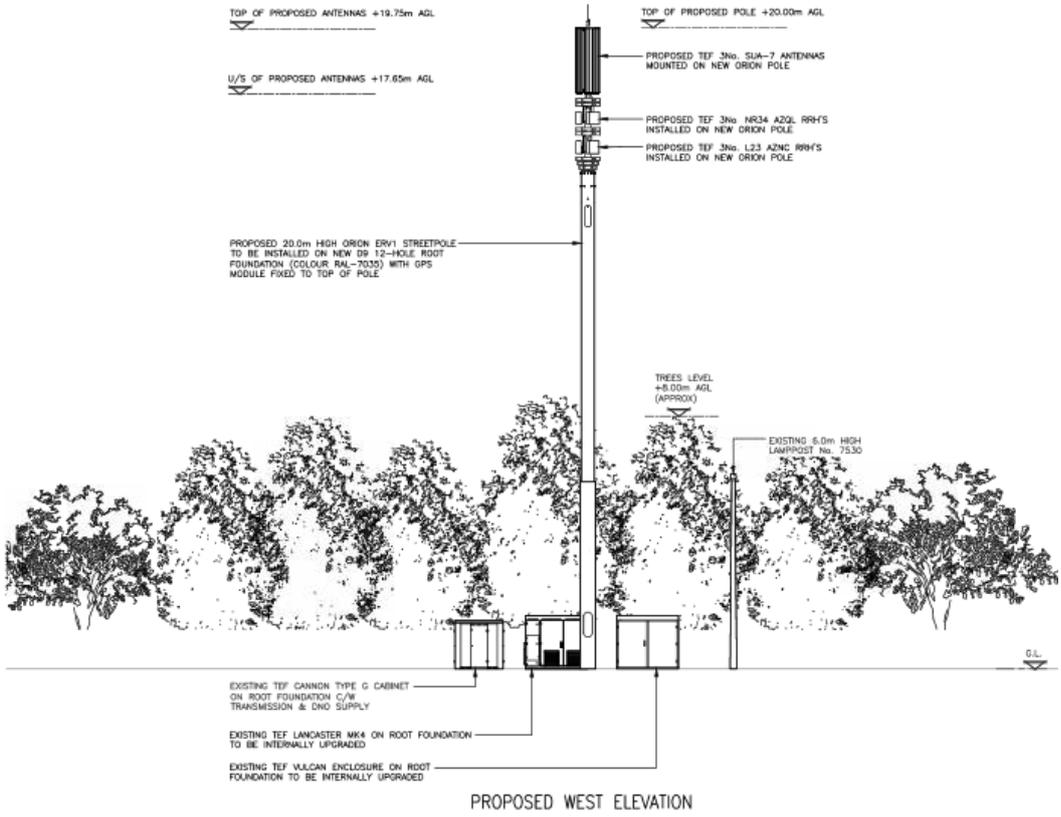


EXISTING SITE PLAN

PROPOSED SITE PLAN



PROPOSED ELEVATION



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8th December 2021

REFERENCE: HW/FUL/21/00501

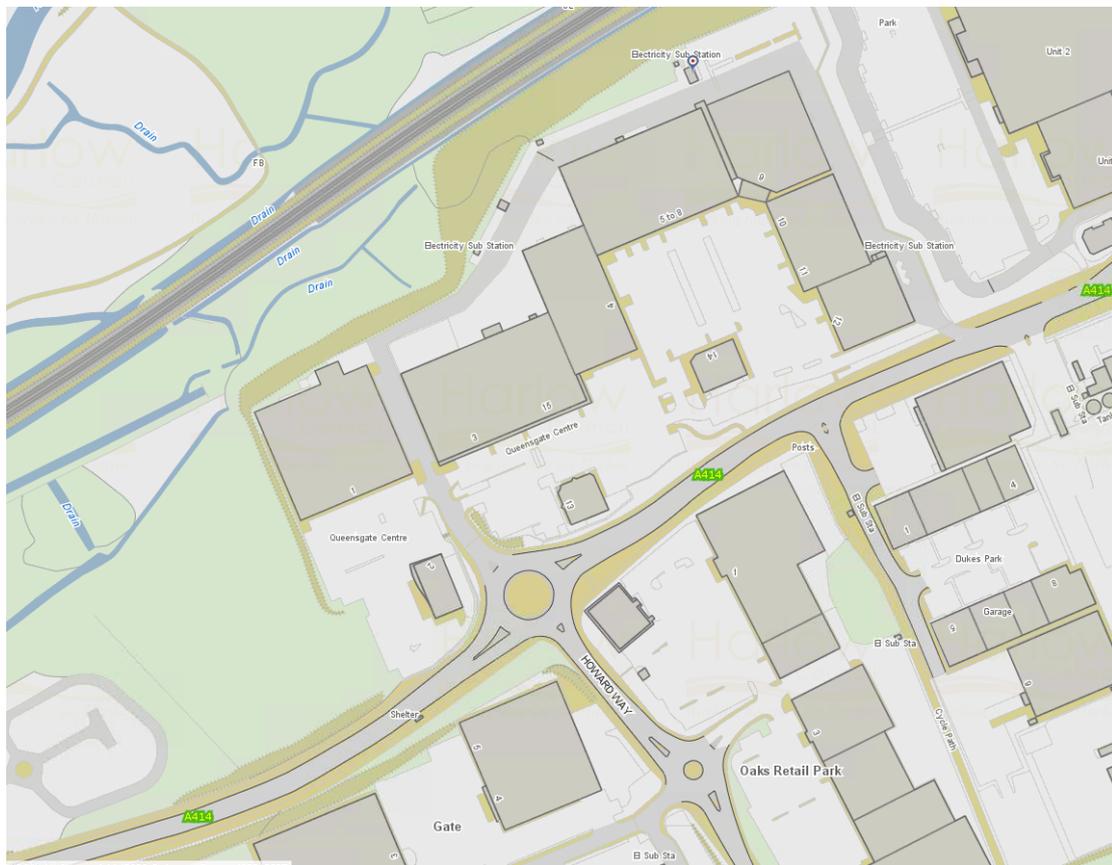
OFFICER: Leah McGuinness

APPLICANT: The Crown Estate

LOCATION: 3A - 3B Queensgate Centre
Edinburgh Way
Harlow
Essex

PROPOSAL: External alterations associated with the amalgamation of Units 3A and 3B, reinstatement of garden centre, continued use of the combined unit for Class E and to allow for the sale of food (up to 10% of GIA), drink (up to 5% of GIA), toiletries (up to 5% of GIA) and other associated works

LOCATION PLAN



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

REASON BROUGHT TO COMMITTEE: A major application which is considered to be of significant public interest.

Application Site and Surroundings

The application site comprises Units 3A and 3B at the Queensgate Centre in Harlow, along with the external areas to the rear of the unit. The Queensgate Centre is a retail park located in an 'out of centre' location which includes a number of retailers including Smyths Toys, Hobbycraft, Currys PC World, Next Home, and Wren Kitchens. It also accommodates a Tim Hortons, Costa and Subway.

The northern boundary comprises the railway line which runs along an embankment. The site is accessed from Edinburgh Way at the roundabout with Howard Way. There is an egress only onto Edinburgh Way to the eastern end of the site adjacent to Mothercare.

Units 3A and 3B are located to the north of the main entrance and opposite Pizza Hut Restaurant. Unit 3A is soon to become vacant following the relocation of Bensons for Beds into Unit 6A (subject to planning), while Unit 3B is vacant following the closure of Decathlon in early 2020.

The site lies within a designated '*Out of Centre Retail Park*'.

Details of the Proposal

Planning permission is sought for external alterations associated with the amalgamation of Units 3A and 3B, reinstatement of the garden centre, relaxation of the range of goods to allow the sale of food (up to 10% of GIA), drink (up to 5% of GIA), and other associated work to allow the occupation of the unit.

The proposal will accommodate B&M, a specialist discount retailer, selling a limited range of discounted convenience and comparison goods. B&M's unique selling point is the competitiveness of its low prices and the breadth of the predominantly bulky goods product range. The stores primarily sell paint, wallpaper, furniture, home textiles, home furnishings, wall decor, garden ranges & leisure products. Food and drink products are also sold within the stores made up of largely non perishable foods including tinned foods, cereals, teabags etc and a large variety of sweets and drinks. They are stored on shelves and usually are placed at the entrance.

B&M are currently trading at Princes Gate Retail Park. Their relocation to the application site would allow B&M to operate with a garden centre and expand their current offering. It is anticipated the existing store will close and much of the current trade will simply 'transfer' over to the new store. B&M will vacate the existing store when the lease expires, however it is not known what the landlords plans for re-letting the store will be.

The proposals involve the reinstatement of the former garden centre to the rear of the unit, associated with the previous use of the unit as a DIY retailer. The garden centre will be used for the storage and display of a range of garden and associated products.

Once amalgamated, Unit 3 A/B will measure a total of 3,232 sq.m (GIA) at ground floor level, in addition to 796 sq. m for the external garden centre, to provide a total of 4,027 sq. m, which will be used principally for the sale of comparison goods. The existing mezzanine floor in Unit 3A will be removed, resulting in an overall net reduction of GIA floorspace of 746 sq. m. In addition, it is not proposed to retain the safeguarded mezzanine provision of 689 sq. m in Unit 3B.

RELEVANT PLANNING HISTORY:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/CND/20/00100	Application for approval of details reserved by condition 5 (quantum and location of floorspace) of planning permission HW/PL/14/00069	Condition Discharged	17.06.2021
HW/PL/14/00354	External Alteration to Unit 3, The Queensgate Centre	Granted planning permission.	02.10.2014
HW/PL/14/00285	Confirmation that the Occupation of Floorspace Comprising Units 3b and 3c (as shown on drawing 1340-U3-P22-A, date stamped 01.07.2014) by Decathlon for the Sale of Sports Goods and Equipment Falls Within the Scope of Planning Permission HLW/220/88.	Lawful Certificate Granted.	06.08.2014
HW/PL/14/00069	Sub-division of Units 3 & 3A Queensgate Centre to Create 3 No. Units, Insertion of Mezzanine Floors, Alterations to the External Appearance Including New Shopfronts & Entrance Features, and Associated Works Including the Reconfiguration of Car Parking.	Granted planning permission.	09.04.2014
HW/PL/12/00100	Alterations to elevations and associated works including revised external storage area to support Sub-division of the Unit	Granted planning permission.	29.05.2012
HW/PL/08/00262	Application for the Variation of Condition 3 of Planning Permission HLW/220/88 to Facilitate the Re-Occupation of Part of the Property by Another Retailer within the Home Retail Group Ltd-Home Store and More.	Granted Planning Permission	26.09.2008
HW/PL/05/00189	Variation of Condition 3 Attached to Planning Permission Reference HLW/220/88 to Allow a Catalogue Retailer to Trade From Part of Unit 3 And Formation of Mezzanine Floor.	Granted Planning Permission	30.08.2005

CONSULTATIONS

Internal and external Consultees

ECC Highways

No objection.

The applicant has submitted a robust Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development, will result in a small but acceptable level of increase.

Consequently, the impact of the development on the highway network could not be considered as severe. Furthermore, the parking provision is considered to be acceptable. Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

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 policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020 and the NPPF 2021.

Neighbours and Additional Publicity

Number of Letters Sent: 5

Total Number of Representations Received: 0

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

Summary of Representations Received

None received.

PLANNING POLICY

Development Plan

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 part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see 'Planning Standards' below. 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:

Strategic Policies

- SD1 (Presumption in Favour of Sustainable Development)
- RS1 (Retail Hierarchy)
- RS2 (Future Retail Floorspace)
- RS3 (Protecting and enhancing existing Retail Centres).

Development Management Policies

- PL1 – Design Principles for Development
- PL3 – Sustainable Design, Construction and Energy Usage.
- PR5 (Sequential Test and Principles for Main Town Centre Uses)
- PR10 (Development in Retail Parks)
- IN1 - Development and Sustainable Modes of Travel
- IN2 – Impact of Development on the Highways Network including Access and Servicing
- IN3 – Parking Standards

For the benefit of this application it is noted that Use Class A1 was revoked and Use Class E a) now covers display or sale of retail goods.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

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 areas 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.

HGGT Guidance

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.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011) – currently being updated with a Design Guide Addendum SPD (a draft is published). The addendum is particularly relevant as it includes guidance on tall buildings, privacy and overlooking.

ECC Essex Parking Standards Design and Good Practice (2009)

Essex Local Viability Protocol (2018) An Essex wide approach to best practice for viability assessment that is generally compatible with the wider ranging HGGT How To Guidance noted above.

Planning Practice Guidance (PPG)

Summary of Main Issues

The key issues for consideration in the determination of this application are: the principle of the development; the proposals compliance with the sequential approach; the impact on the vitality and viability of the town centre; and impact on highway safety and accessibility.

Assessment

Principle of Development

Condition 3 of Planning Permission HW/PL/14/00069 restricted the range of goods which could be sold be from the unit to *DIY goods, furniture, floor coverings, textiles and furnishings (including soft furnishings) and homewares, leisure and garden products, motor accessories and electrical and ancillary goods and services only*".

It is considered that 'ancillary goods' include the sale of food and drink, however the applicant wants to vary the condition wording from the previous permission and have the following wording included as a condition within this new permission to include the specific range of foods. This includes *'used for the sale of food (up to 10% GIA), drink (up to 5% GIA), and toiletries (up to 5% GIA)* for clarity.

Harlow Local Development Plan 2020 (HLDP) Policy PR5 seeks to protect the vitality and viability of town centres by ensuring that all town centre uses must be directed in the 1st instance to town centres unless there are no suitable or available sites. Development will be supported if all of the following criteria are met: a) the sequential test is met; b) an active frontage is achieved at ground floor; c) the vitality and viability of the retail centre is preserved and enhanced; and d) is well relation to public transport facilities or where sustainable transport can be provided.

Also of relevance is policy PR10 of the HLDP which specifically relates to development proposals on retail parks. This policy specifies that proposals for development must meet the following criteria and will not be permitted if they involve any of the following a) the sequential approach is satisfied; b) the development is in Use Class A1 and is for the sale of bulky goods, or provides leisure activities; c) any sub-division does not result in any separate retail unit being less than 1,000 sq.m in size.

B&M is in Use Class A1 (Class E) and would be for the sale of bulky goods. Therefore the proposal would comply with policy PR10 (b) and would be deemed acceptable. Overall it is considered that there are no sequentially preferable sites for such development and the retail impact of the development would not be harmful on existing retail centres. The proposal would be in accordance with policy PR5 and the overall strategy set out in the Development Plan and therefore should be granted. These issues are detailed below.

Sequential Test

The application site is an established retail destination in a highly accessible location. Due to its location in an out-of-centre location, a sequential test must be undertaken in line with national and local policy.

The National Planning Policy Framework (NPPF) seeks to protect the vitality and viability of town centres by ensuring that Local Planning Authorities apply a sequential test for planning applications for retail development (and other main town centre uses) that are not in existing centres or in accordance with up-to-date Local Plans. The sequential assessment requires applications for main town centre development uses should be located, firstly, in town

centres, then in edge of centre locations and only if suitable sites are not available should out of centre location be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

The National Planning Policy Guidance for Town Centres & Retail (NPPG) advises that the sequential test should recognise that certain town centre uses may have particular location requirements which mean they may only be accommodated in specific locations and the Local Planning Authorities need to be realistic and flexible in terms of their expectations of the sequential assessment. It also advises that sequentially preferable sites must be 'suitable' and the developer must consider whether there is scope for flexibility in terms of format and scale of proposals. The NPPG advises that it is for the applicant to demonstrate compliance with the sequential test.

The applicant identified specific requirements for candidate sites, as follows:

- minimum floorspace threshold of 2,320 sqm gross for the covered store area
- floor area for a garden centre
- sites should be currently vacant, or be available in the short term

A total of 39 sites were examined by the applicant in Harlow Town Centre. The applicant identified two units that met the minimum floorspace including the former BHS unit at the 24 Harvey Centre (3,160 sqm) and the former Odeon Cinema on West Gate (3,000 sqm). LSH considered the assessments by the applicant on both units and concluded that 24 Harvey Centre is not available and can be discounted as sequentially preferable to the application site and the Odeon is not suitable as it is not available to support the level of bulky goods floorspace required.

The applicant has also assessed the potential to accommodate the proposal within the Town Centre North scheme in Harlow Town Centre but LSH agree that the site is not suitable or available to support the proposal.

In terms of Neighbourhood Centres a high level desktop review has been carried out on Old Harlow, The Stow, Staple Tye Shopping Centre, Church Langley, and Bush Fair and no vacant or suitable units were identified.

Therefore LSH concluded;

'The assessment of sites was based on the potential to accommodate a B&M Home Store and Garden Centre, but subject to demonstrating flexibility in format and scale. We have questioned whether ME has adequately demonstrated flexibility in format in scale, specifically in only considering a floorspace reduction of 10%. However, we acknowledge that even if a further reduction in floorspace is applied, such as to reflect a minimum unit size sought by B&M in other locations, this would not change the outcome of the conclusions.

That conclusion is that there are no sites within or edge of centre to Harlow Town Centre and the District's neighbourhood centres that are suitable and/or available to accommodate the type of bulky goods floorspace intended for occupation by a bed retailer.

Therefore, we consider that the sequential test has been passed in line with paragraph 86 of the NPPF and Policy PR5 of the Harlow Local Development Plan.'

On the basis of the advice from LSH, it is considered that the sequential test is met in accordance with policy PR5 criteria (a) of the HLDP.

Impact on Vitality and Viability

Separate to the sequential test, policies RS3 and PR5 criteria (c) require that the impact of the proposal on the vitality and viability of town centres is assessed. The role of Harlow Town Centre, Neighbourhood Centres, Hatches and Retail parks should be protected. The threshold for a formal impact assessment is 500 sq m.

An impact assessment is not required on the basis that the area of floorspace (484.8 sqm GIA) that is subject to the removal of condition relating to the sale of goods falls under the Council's threshold for triggering an impact assessment (500 sqm gross). However, there is still a need to consider the impact of the proposal on the vitality and viability of town centres.

The proposed new store at Queensgate retail park will enable an established business to expand their current offering by providing a dedicated garden centre, thereby improving customer choice and competition within Harlow. The existing store at Princes Gate will close and much of the current trade will simply 'transfer' over to the new store. Both locations consist of '*Out of Centre Retail Parks*' and it is not considered the proposal would have a significant impact on Harlow Town Centre.

On this basis, it is considered that the proposal would be in accordance with policies RS3 and PR 5 criteria (c).

Other Retail Issues

Policy PR5 criteria b) and d) requires that an active frontage is achieved and that the site is well related to public transport facilities. Given that the use is existing, these requirements of policy PR5 do not apply and are therefore considered to be met.

Overall

The vitality and viability of the Town Centre is important to the local economy and to ensure it is an attractive place for residents, employees and visitors. The proposed amalgamation of the site and reinstatement of the garden centre will not result in any significant impact to trade of other centres and it could not have been provided in a sequentially better location. On this basis, the proposal would be in accordance with policy PR5 of the HDLP.

Visual Amenity

The proposal includes the addition of composite metal to the roof of the building (no increase in height) which would integrate well with the existing building and raises no concerns.

The proposed fencing located to the rear of the garden centre element measures 4.8m in height and is made of galvanised mesh panels and roll with 3 strands of barbed wire on top of this. No concerns are raised with this addition.

The proposed sprinklers would measure 6.5m in height and would not be visible from the street scene. They are required in the event of a fire and their location in the corner of the site is considered acceptable. The proposed pumphouse would measure 3m in height, 2.6m in width and 3.4 in depth. It is small in scale and simple in design and would be a minor addition to the site.

Overall the proposed development would not result in any harm to the character and appearance of the site or wider area and would be in accordance with Policy PL1 of the HLDP.

Highway Safety and Accessibility

A Transport Assessment has been submitted with the application and accessed by ECC Highways Officer. Whilst the proposed development would result in a small increase in the level of traffic flow to the site, it would be considered acceptable. Any impact to the highway network would not be considered severe and the parking provision provided is acceptable also. Two suggested conditions will be attached to ensure local and national highway policies are complied with.

One condition relates to a Travel Plan to be secured by a legal agreement for the one off payment of £6,132. The applicant has agreed to the condition.

Conditions

The proposal seeks planning permission for external alterations associated with the amalgamation of Units 3A and 3B which include a new composite metal profiled roof, new fence enclosure with associated fire exit, to the proposed garden centre area to the rear of the unit, along with two sprinkler tanks and a pump house.

The applicant also wants the following condition with the specific wording below to be included within the application.

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the range of goods to be sold from the subdivided retail warehouse units, identified as Unit 3a, Unit 3b and Unit 3c on the 'Unit 3, Subdivision Proposed Site Plan' drawing 1340-U3-LP22, date stamped 17th February 2014, shall be restricted to DIY goods, furniture, floor coverings, textiles and furnishings (including soft furnishings) and homewares, leisure and garden products, motor accessories and electrical and ancillary goods and services only. In addition, Unit 3A/B as shown on Drawing Ref. 154482-STL-03-00-DR-A-XXXX-01000-PL01 can also be used for the sale of food (up to 10% GIA), drink (up to 5% GIA), and toiletries (up to 5% GIA).

The wording suggested above by the applicant is considered acceptable.

Planning Balance

In determining this application, there is also a need to have regard to the economic benefits of the proposal. This is one of the three pillars of sustainable development that are set out in the NPPF. These benefits should be weighed against any harm that is identified.

The proposed development will allow an established business to expand their current offering by providing a dedicated garden centre, thereby improving customer choice and competition within Harlow. It would also protect existing jobs and taking this into account the proposal is recommended for approval.

CONCLUSIONS

Overall the location of the proposed development from one 'Out of Centre Retail Park' to another is considered acceptable in this instance as it allows the applicant to expand their current store offering by providing a dedicated garden centre, and improving customer choice and availability of goods.

The sequential test looked at whether the proposal could be located in a better location. The conclusion of the assessment was that there was no suitable alternative site. The proposal would therefore be in accordance with policies RS3, PR 5 and PR10 of the HLDP and the Development Plan as a whole and planning permission should be granted.

RECOMMENDATION

That Committee resolve to APPROVE subject to the following conditions subject to

- a. a unilateral undertaking including a one off monitoring fee of £6,132 (Six Thousand One Hundred Thirty-Two Pounds index linked from April 2021) to be paid to Essex County Council prior the first occupation.
 - b. to the conditions outlined below.
1. The use of Unit 3A & 3B hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
 2. The external materials to be used in the construction of development hereby permitted shall be those which are outlined on the Unit 3A/3B Proposed GA Elevations (Dr No.02000 Rev PL01) submitted with this application. These materials shall not be varied without approval and written consent from the Local Planning Authority.
Reason: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.
 3. "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the range of goods to be sold from the subdivided retail warehouse units, identified as Unit 3a, Unit 3b and Unit 3c on the 'Unit 3, Subdivision Proposed Site Plan' drawing 1340-U3-LP22, date stamped 17th February 2014, shall be restricted to DIY goods, furniture, floor coverings, textiles and furnishings (including soft furnishings) and homewares, leisure and garden products, motor accessories and electrical and ancillary goods and services only. In addition, Unit 3A/B as shown on Drawing Ref. 154482-STL-03-00-DR-A-XXXX-01000-PL01 can also be used for the sale of food (up to 10% GIA), drink (up to 5% GIA), and toiletries (up to 5% GIA).
Reason: Reason - To protect the vitality and viability of town centres in accordance with policy PR5 of the Harlow Local Development Plan 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.

Plan Reference	Version No.	Plan Type	Date Received
154482-STL-03-XX-DR-A-XXXX-02000	R PL01	Proposed Elevations	03/09/21
154482-STL-03-XX-DR-A-XXXX-03000	R PL01	Proposed Sections	03/09/21
154482-STL-03-02-DR-A-XXXX-01001	R PL01	Proposed Roof Plan	03/09/21
154482-STL-03-00-DR-A-XXXX-01000	R PL01	Proposed Ground Floor Plan	03/09/21

5. Prior to the commencement of the development details shall be submitted to the Local Planning Authority for approval in writing for the provision of staff cycle parking. The approved facilities shall be safe, secure and covered and provided prior to the first occupation of the development.

Reason: To ensure appropriate bicycle parking is provided, in the interests of relying on the private motor vehicle.

6. Prior to the first occupation of the proposed development, the Developer shall submit a Workplace Travel Plan for approval in writing to the Local Planning Authority, in consultation with Essex County Council. The approved Workplace Travel Plan shall then be actively implemented for a minimum period of 5 years.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7. The fencing to the rear of the building shall be built and completed in accordance with the fencing details submitted with this application (Dr No. JHJ-BM-SD) and shall not be varied without written consent from the Local Planning Authority.

Reason : In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.

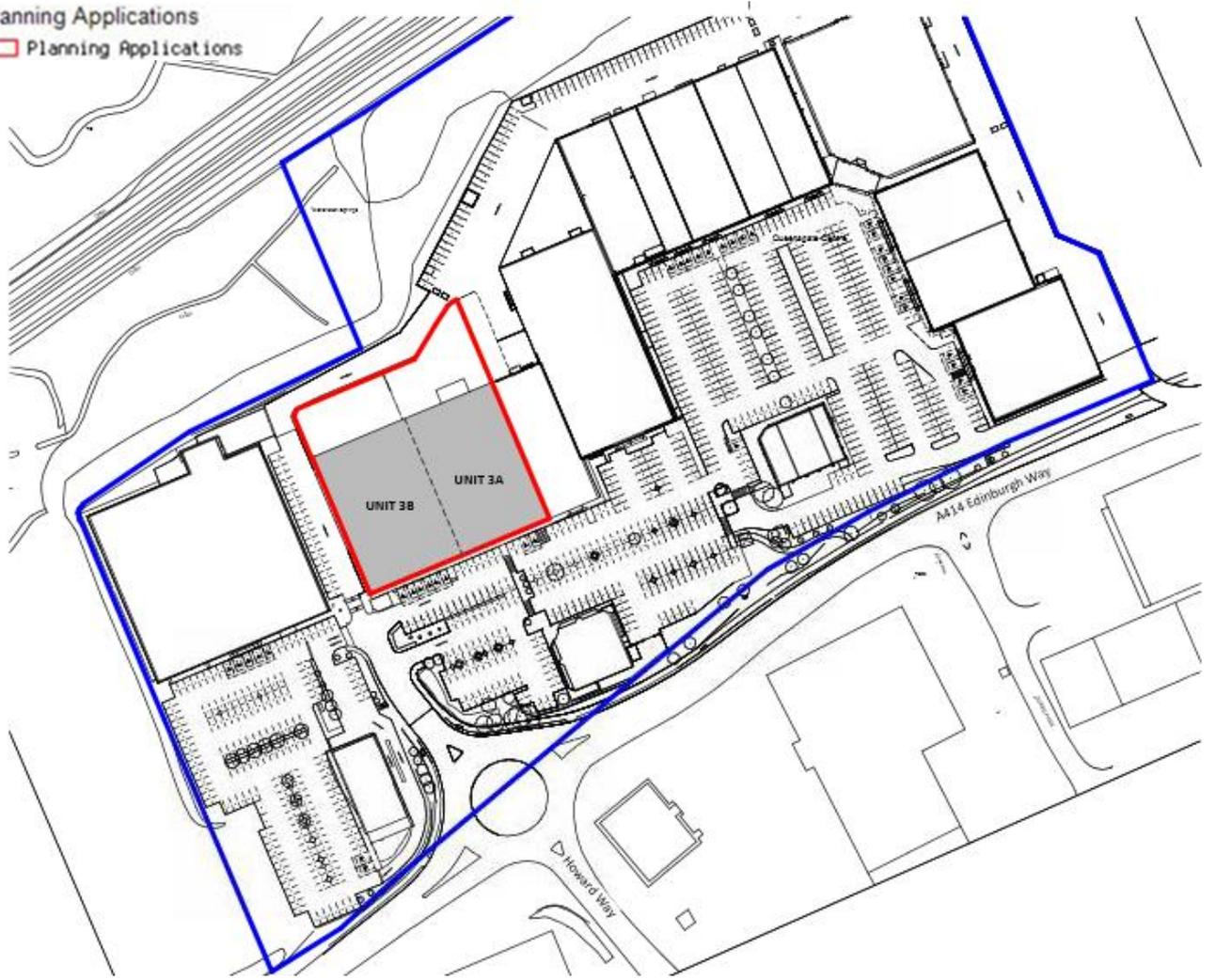
INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

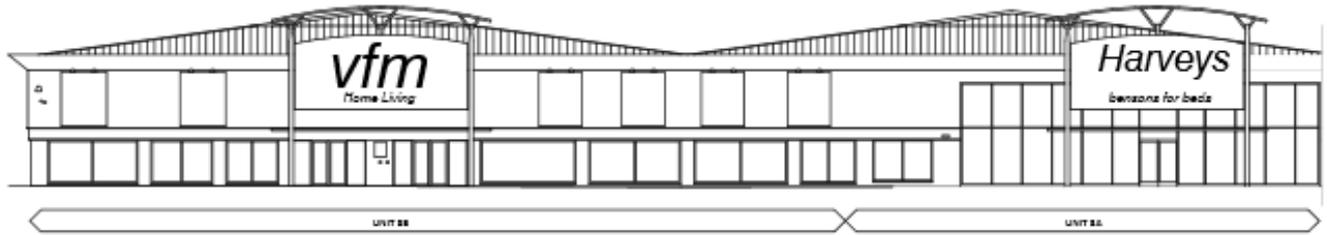
LOCATION PLAN

Planning Applications

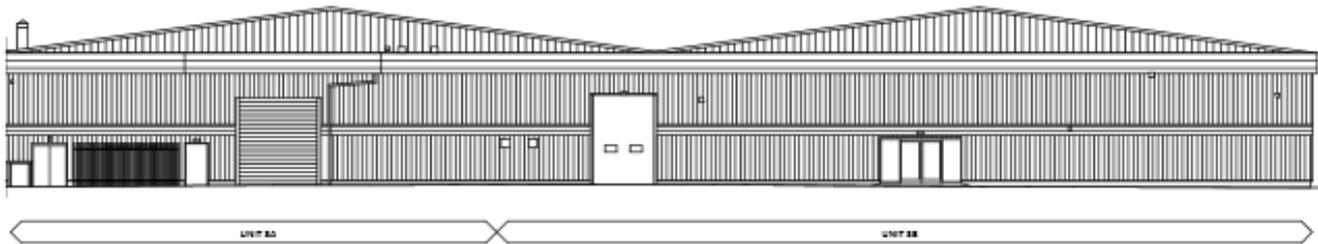
 Planning Applications



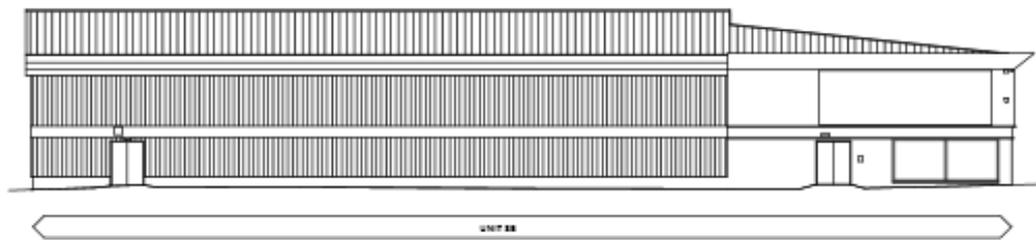
EXISTING ELEVATIONS



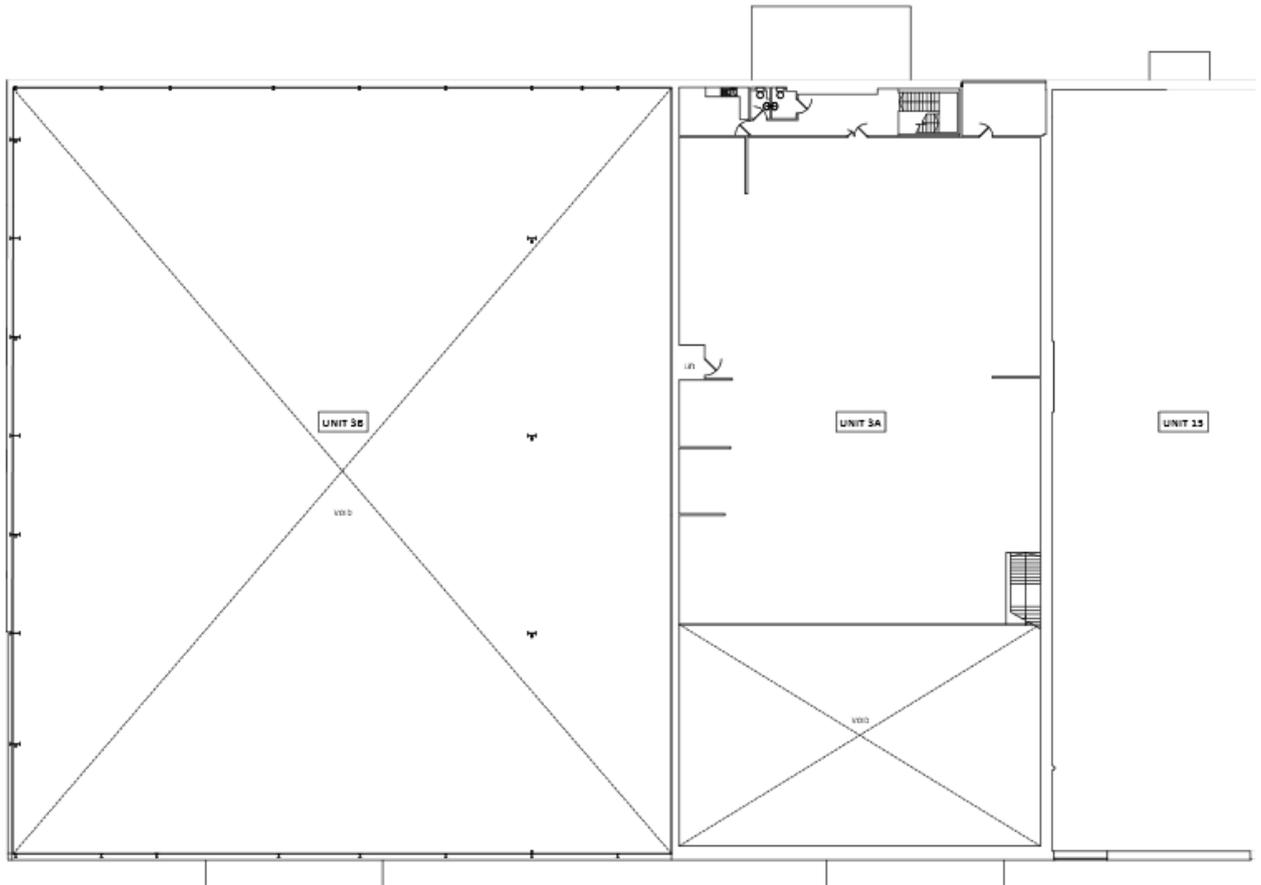
Existing GA Elevation South-East
1:100



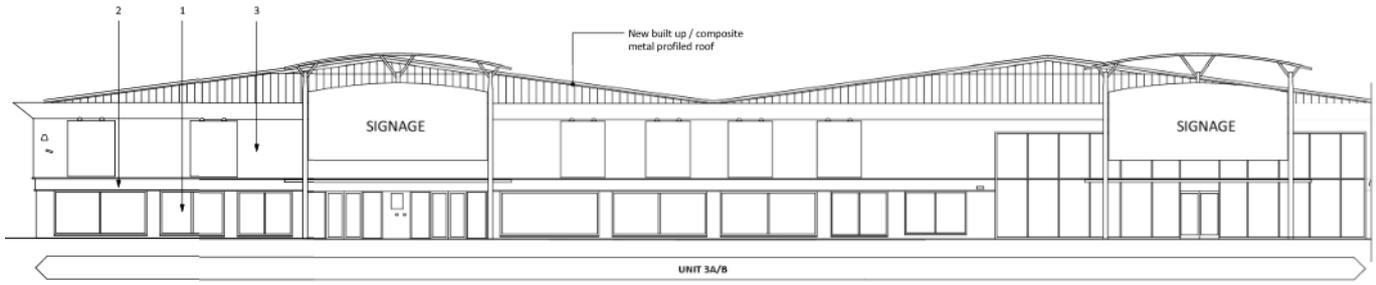
Existing GA Elevation North-West
1:100



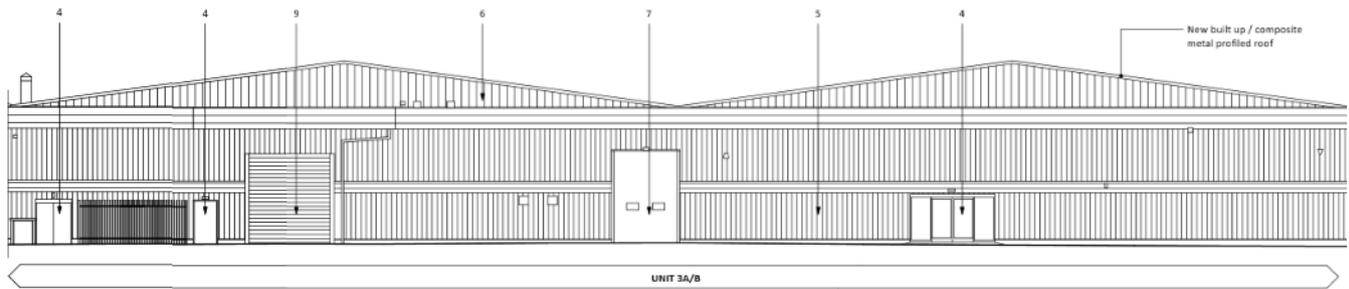
EXISTING MEZZANINE FLOOR



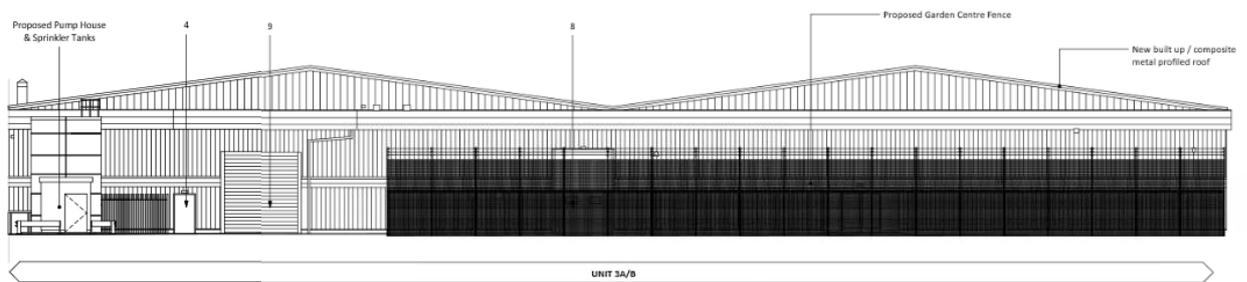
PROPOSED ELEVATIONS



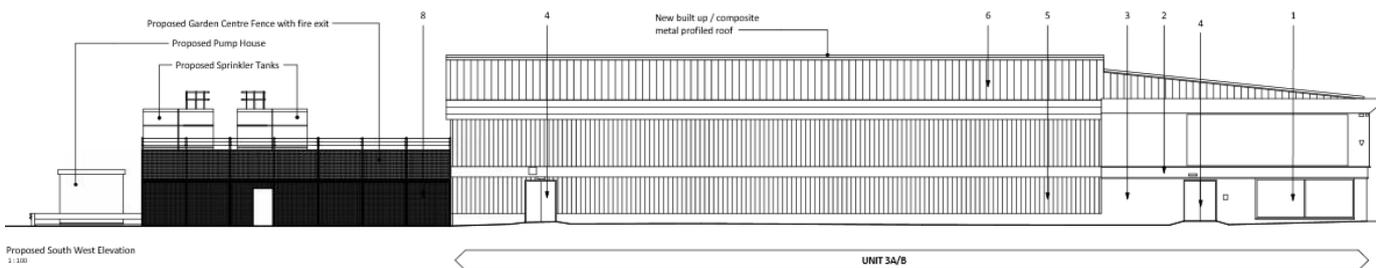
Proposed South East Elevation
1:100



Proposed North West Elevation

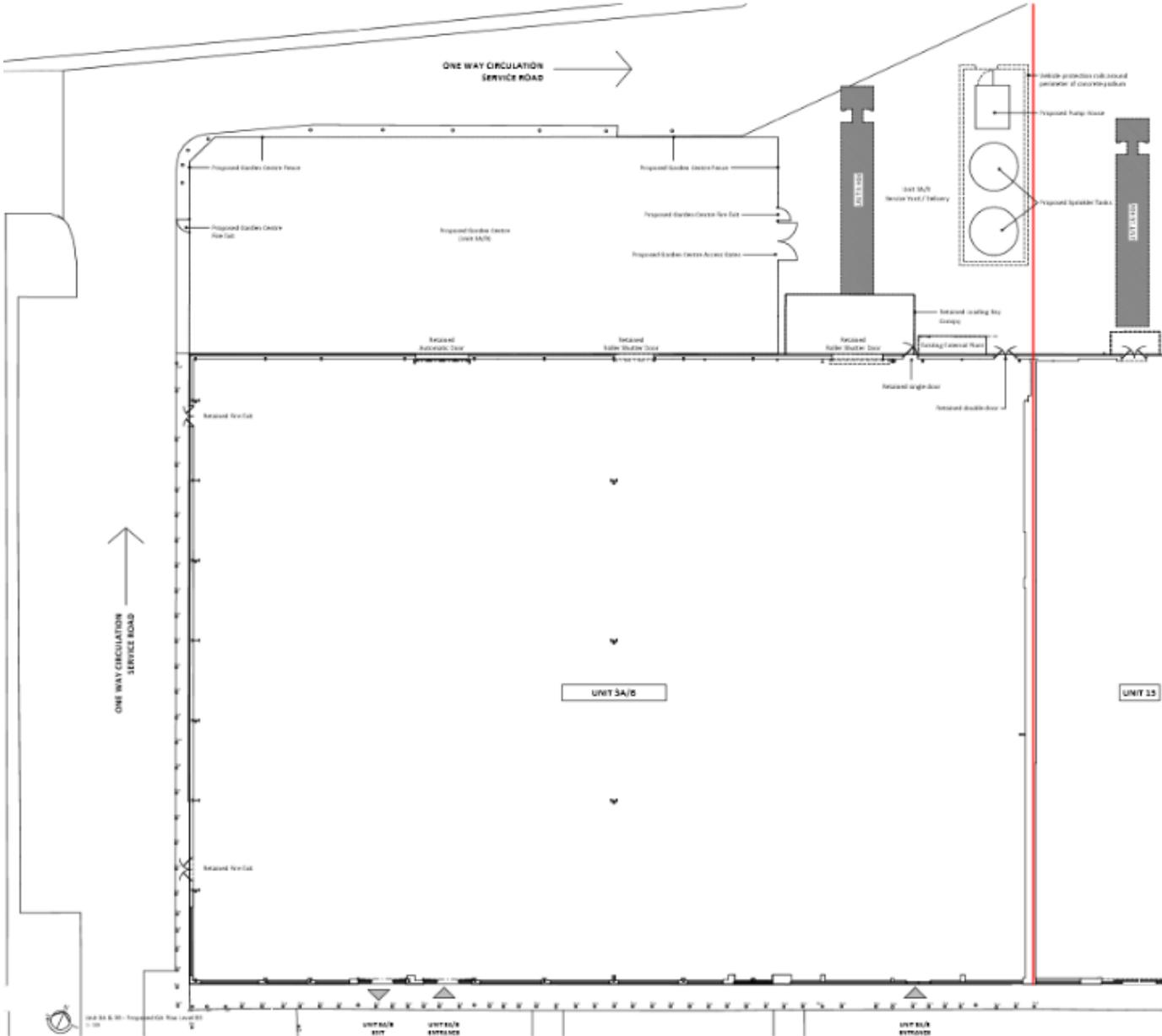


Proposed North West Elevation with Garden Pump House, Sprinkler Tanks & Fence
1:100



Proposed South West Elevation
1:100

PROPOSED FLOOR PLANS



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8 December 2021

REFERENCE: HW/FUL/19/00520

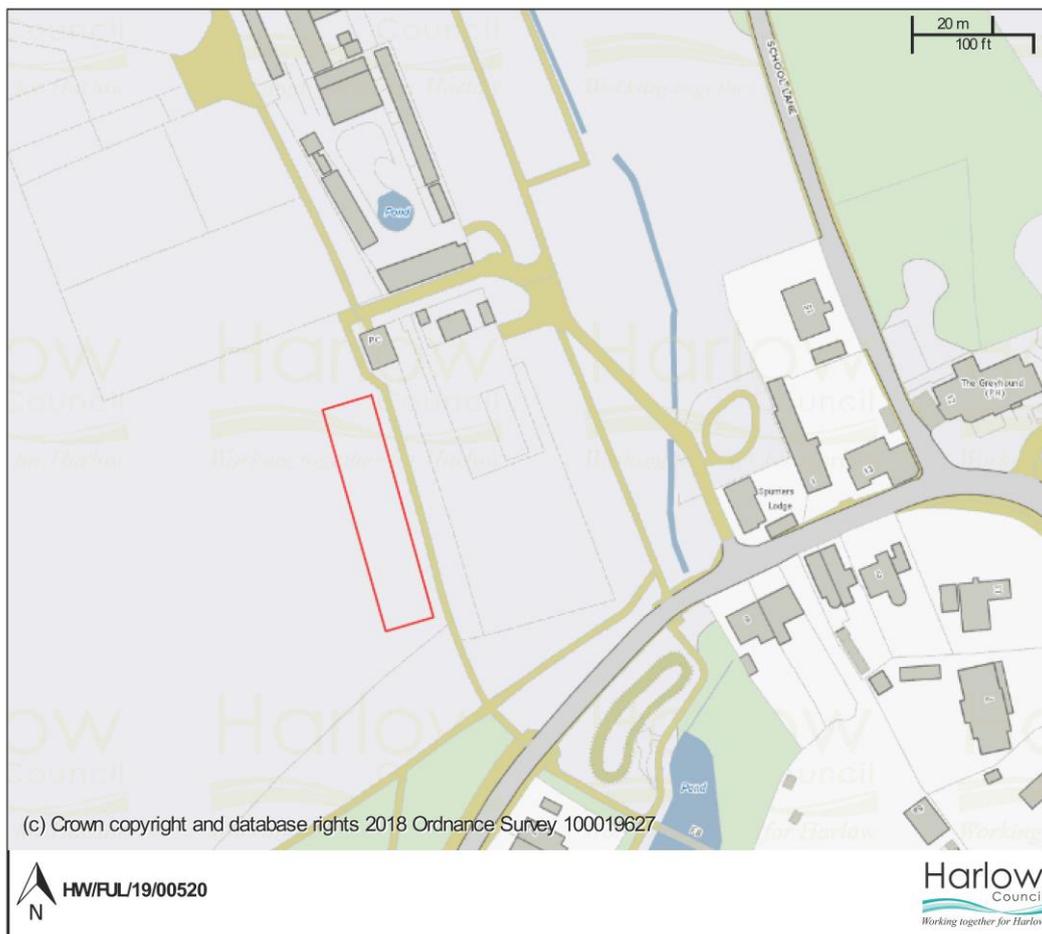
OFFICER: Nicholas Fu

APPLICANT: Mr M Levett

LOCATION: Inclusive Play Area
Town Park
Park Lane
Harlow
Essex

PROPOSAL: Retrospective application for an inclusive play area (Amended description removing fence from proposal)

LOCATION PLAN



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

REASON BOUGHT TO COMMITTEE: The application has been made by Harlow Council and more than two representations have been received which are contrary to officer recommendation.

Application Site and Surroundings

The application relates to the open grassland located between the Pets Corner and Park Lane within Harlow Town Park. The Town Park is positioned within a Green Wedge as shown on the Harlow Local Development Plan (HLDP) Policies Map. It is also a Grade II listed site having been added to the list of Register of Parks and Gardens of Special Historic Interest by Historic England.

The application site is located just outside the Town Park & Netteswell Cross Conservations Area, which has the boundary running along the footpath to the rear of the Walled Garden. The residential properties on Park Lane are more than 60m away from the site. The site also sits on a slope such that it is 3.5m above the level of the highway.

Details of the Proposal

The application relates to an inclusive play area. The philosophy of inclusive play area is to enable people with profound and multiple disabilities to use a public play area, and enables all children to play together including family members who might have differing abilities and needs. Although the main focus of inclusive play facility is around special needs and disabilities, it is also designed to provide play opportunities that includes everyone.

The play area and facilities have been constructed and are therefore seeking for retrospective permission. For the most part, the facility could be considered as permitted development under Schedule 2 Part 12 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The installations which fall outside of the permitted development provision are those with height more than 4m, including the bridge at 4.1m and tree house at 4.7m.

The play area is a long rectangular size including ranges of play equipment. It is surrounded by 1.1m tall railings fence. The existing trees within the site are retained and incorporated into the landscaping.

The proposal previously also includes the installation of an acoustic fence. This is however removed from the current application due to concerns on trees and heritage. It is understood that the applicant is intended to address the concerns on noise impact with a separation application. The current application, therefore, only deals with the retrospective permission for the inclusion play area. .

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS:

Internal and external Consultees

HDC - Consultant Arboricultural Officer

No objections. The trees on site have been retained as part of the play area, but it is impossible to know retrospectively how the work undertaken may have affected the trees. The trees are protected as being within a Conservation Area. Any subsequent removal of trees would require consents from the Council and suitable replacement planting would be expected.

Essex County Council - Highways

No Objections - From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council - Heritage

Objection - The setting of the conservation area incorporating the Harlow Town Park has remained purposefully undeveloped, open green space and contributes positively to the significance of the conservation area, which serves to preserve the old hamlet.

The construction of a play area in this location has altered the setting of the Town Park from open to developed land.. This is considered to result in direct harm to the Harlow Town Pak, which is a registered park and garden, and indirect harm to the setting of the Conservation Area and surrounding listed buildings.

It is considered that the development would result in less than substantial thus paragraph 202 of the NPPF is relevant.

Neighbours and Additional Publicity

Number of Letters Sent: 13

Total Number of Representations Received: 10

Date Site Notice Expired: 1 October 2021

Date Press Notice Expired: 7 October 2021

Summary of Representations Received

Six objection and three observation letter (excluding duplicated submissions) were received from local residents. The following concerns regarding the inclusive play area are raised.

- This is a retrospective application, and there was a lack of consultation prior to the construction
- Impacts on neighbour amenity, including noise and overlooking
- The facility is very close to a road which would result in highway safety concerns
- The play area invites unauthorised on-street parking on Park Lane
- There are better locations within the Town Park

PLANNING POLICY:

The following polices of the Harlow Local Development Plan (2020) are relevant to this application:

PL1: Design Principles for Development

PL2: Amenity Principles for Development

WE2: Green Belt, Wedges and Green Fingers

PL5: Green Wedges and Green Fingers

PL7: Trees and Hedgerows

PL8: Green Infrastructure and Landscaping

WE5: Heritage

PL12: Heritage Assets and their Settings

IN3: Parking Standards

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
Open Spaces, Sport and Recreation SPD (2007)

PLANNING ASSESSMENT:

The key issues for consideration in the determination of this application include the principle of development, its impact on the character and appearance of the area including to the Green Wedge and the nearby Conservation Area and Listed Buildings, neighbouring amenity and parking and highway safety.

Principle of Development

Policy PL5 of the Harlow Local Development Plan (HLDP) states that small scale development proposals, which do not have an adverse impact on the roles of the Green Wedge, could be permissible. The supporting text to the policy suggests that community uses can classify as small scale development. It is considered that the inclusive play value would be of considerable community value, to provide inclusive facility, and to support the accessibility of the Town Park. It is therefore considered that the proposal is an acceptable form of development within Green Wedge. The impact on the roles of the Green Wedge is discussed later in this report.

The provisions for leisure and recreational facilities and improvement of the overall health and well-being of local residents are amongst the main objections of the HLDP, and supported by Policies L1 and L4. The principle of providing inclusive and accessible environment is also echoed across the NPPF, the HLDP and the Harlow Design Guide. This application provides an inclusive play area which was previously lacking within the Town Park, which is an important material consideration in favour of the application.

The principle of providing inclusive play facilities within the Town Park is therefore considered acceptable, subject to the compliance with other relevant policies and supplementary documents.

Character and appearance

The play area is more than 40m from Park Lane and not readily visible from the highway due to the existing trees and shrubs. It is located behind the Walled Garden and the Pets Corner public toilet and not visible from the east.

The majority of views would be from the west, which is open grassland with no obvious feature to provide any screening. The development results in hard landscaping and structures on the land which would otherwise be part of the grassland. Nevertheless, despite the lack of screening feature, the play area is not visible from the distance (for example from Fifth

Avenue) due to the topography of the Town Park. Moreover, the site is located towards the eastern end of this grassland and adjacent to the Walled Garden, Pets Corner and Bandstand. This inclusive play area could be seen as part of the existing built-up cluster of the Town Park. The site is served by existing footpath and within close distance to existing facilities, which is a reasonable location for an inclusive facility. It is therefore considered that the development would be in keeping with the character of the Town Park.

The equipment sits below the existing trees and is not visually intrusive due to the “roofless” design and hollow appearance. The low level fence is painted green to mitigate its impact on the appearance of the grassland beyond. The development incorporates existing trees into its design assisting in softening the appearance and ensuring the environmental quality of the Town Park is not compromised. Overall, it is considered that the play area is sympathetic to the character and appearance of the Town Park and acceptable in terms of design.

The development is therefore considered to be in compliance with Policy PL1 of the HLDP and the Harlow Design Guide SPD.

Trees

The playground has incorporated trees and landscaping into its design. The Council's Consultant Tree Officer pointed out that it would be impossible to know retrospectively how the work undertaken may have affected the trees.

The trees are protected as being within a Conservation Area. Any subsequent removal of trees would require consents from the Council and suitable replacement planting would be expected.

Notwithstanding the above, a more recent inspection from the Town Park Manager found that there are two dead trees in the middle of the play area. While it is unclear whether this was caused by the construction of the play area in retrospect, a tree works application HW/TP/21/10052 has been submitted including 2 replacement trees. This application is still under consideration.

Green Wedge

Policy WE2 seeks to protect Green Wedge and Policy PL5 prevents inappropriate development within Green Wedge.

Policy WE2 sets out the roles for Green Wedge are to:

- (a) provide physical, visual and audial separation between neighbourhoods and between residential and industrial areas;
- (b) provide Green Infrastructure, including open spaces for sport, recreation and quiet contemplation; wildlife corridors; footpaths, cycleways and bridleways; and rivers, canals, ponds, lakes and other bodies of water;
- (c) protect and enhance natural habitats, ecological assets and landscape features;
- (d) protect existing uses which have an open character;
- (e) provide settings which preserve the character of historic/cultural sites and areas; and
- (f) provide opportunities for Sustainable Drainage Systems (SuDS)

The development, which this application relates, is located in the middle of the Town Park and occupies a relatively small portion of the large open grassland. The inclusive play area is considered to be an appropriate feature within the Town Park, and would enhance the function

of the Town Park by providing inclusive and accessible facility. It is therefore not considered to conflict with the roles of the Green Wedge, but rather seeks to ensure that this Green Wedge is maintained to provide a landscape design feature for the town and to protect and enhance the qualities of the landscape. The development would not harm the open character of the Town Park and is considered to be of benefit to the amenities of local residents. It is therefore considered that the development is in compliance with Policies WE2 and PL5 of the HLDP.

Conservation Area and Listed Buildings

The Harlow Town Park is a Grade II Listed Park and Garden. The site is positioned just outside the Town Park & Netteswell Cross Conservation Area. There are a number of Listed and Locally Listed Buildings within the Town Park. The closest Listed Building is the Grade II Listed Greyhound Public House which is 150m east of the site, and nearest Locally Listed Buildings are 6 Park Lane which is 80m southeast and the Y.H.A which is 130m east of the site. There is significant vegetation separating the site from these heritage assets.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy PL12 seeks to protect the significance of heritage assets. Where development affects a heritage asset or its setting, the level of impact should be assessed on the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset;
- (e) any public benefits of the development.

The play area introduces hard surfacing, playing equipment and fencing to the otherwise undeveloped piece of open green space. Essex County Council's Heritage Officer considers that the construction of the play area results in direct harm to the Town Park and indirect harm to the setting of the Conservation Area and nearby listed buildings. The level of harm identified would be "less than substantial harm". Paragraph 202 of the NPPF states that where a proposal would result in "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed development.

As discussed before, the play area is not readily visible from the highway and nearby buildings, and therefore its impact on the character and appearance of the Conservation Area and Listed Building would be indirect.

The application site is part of the largely undeveloped open green space on the western side of the Town Park, and the construction of this play area "chipped away" part of the openness and alters the way in which this wider greenspace is appreciated. The development would therefore result in direct harm to this Grade II Listed Park.

Nonetheless, the Heritage Officer accepts that some form of play area would not be objectionable given the function and nature of the Town Park. The application site constitutes a relatively small portion of the larger greenspace, and it is located at the eastern end of this grassland adjoining the existing developed area of the Town Park. From a distance, the playground is viewed against the Pet Corner and the toilet building, and the tall and dense trees in the background provide a defined visual boundary limiting the developments in this location. As a result, it is considered that the playground relates well to surrounding developments and can be viewed as part of the existing developed cluster within the Town Park.

A lot of the play equipment and the low level railing fence are coloured in green, and the development incorporates landscaping features and existing trees. These design choices has assisted in softening the appearance and ensuring the environmental quality of the Town Park is not compromised. It is considered that the play area demonstrates a reasonable design quality, in which it is a noticeable but not an obtrusive installation.

The proposal provides an inclusive play area which is previously lacking within the Town Park, and is considered to be of significant public benefits. It is also considered to have contributed and strengthened the function and role of the Town Park as a valuable public leisure and recreation space for local residents of differing abilities and needs.

Although the installations would detract from the character and setting of designated heritage assets, the level of harm is identified as "less than substantial". In pursuit of paragraph 202 of the NPPF, it is therefore considered that, in this instance, the public benefit on providing inclusive and accessibility facility would outweigh the less than substantial harm on heritage assets.

Neighbour Amenity

There are no residential properties within the immediate vicinity of the site. There are some dwellinghouses on the other side of Park Lane, with the closest property being 60m away from the site, and separated by trees and shrubs and the highway. The play area is located on a higher ground level than the dwellinghouses on Park Lane, which raises concern regarding overlooking and privacy. This is however considered acceptable due to the separation distance of over 60 metres and vegetation in between.

The local residents also raised concerns regarding noise generated from the playing facility. The play area is more than 60m away from the neighbouring residential units, and noise could be screened by the existing landscape to some extent.

These dwellinghouses are located within the centre of the Town Park, which is a popular destination for leisure and casual recreation activities, and there are some degrees of existing disturbance.

The proposed play area is located adjacent to existing facilities within the Town Park, and given the relatively small scale of the development it is considered the existing residential amenities enjoyed by the occupiers would not be adversely affected.

It is considered the proposal would have an acceptable impact on neighbour amenity. The proposal previously includes the installation of acoustic fence. However, due to unresolved issues relating to tress and heritage preservation, the acoustic fence has been taken out of the current application. It is understood that the applicant is intended to address the concerns on noise impact with a separation application.

Highway and Parking

The local residents are concerned about the parking and highway safety.

Essex County Council's Highway Engineer has been consulted and has no objection to the development.

There are three public car parks within the Town Park, which are located near the Greyhound Public House, which is less than 200m from the site; off Fifth Avenue, which is less than 250m from the site; and at the rear of Tanyard Place, which is 300m away. In terms of the concern on street parking, this part of Park Lane is marked with single yellow line with parking restriction between 8am and 8pm.

In terms of public transport, the Town Park is surrounded by bus stops with multiple and regular routes. The Harlow Train Station is located 400m from the site and the Town Centre 700m away.

Although the proposal does not provide any additional parking space, given its sustainable location and the public car parks available within the Town Park, it is not considered the application should be refused on parking grounds.

The existing footpaths are set back from Park Lane, and there are existing barriers along the highway and designated crossing locations to protect users of the Town Park. The site is located 40m away from the highway, and given there are existing recreational facilities with the Town Park, it is considered the proposed facility would not worsen the existing highway situation.

Other Matters

Some local residents consider there are other more suitable locations within the Town Park for the inclusive play area. However, an application cannot be refused on the basis that there are other more suitable location unless there is a clear material justification, such as policy support. There is no planning policy suggesting the inclusive play area should be placed elsewhere in this instance. Other material planning consideration, such as impact on character and appearance and neighbour amenity, has been discussed in the relevant section of this report.

CONCLUSIONS:

Whilst the proposal would result in "less than substantial harm" to nearby heritage assets, it is considered that the public benefit of providing inclusive facility would outweigh the harm.

In addition, it is considered that the development would have an acceptable impact on the character and appearance of the surrounding area, the roles of Green Wedge, neighbour amenity, parking and highway safety. It is therefore recommended that planning permission is granted subject to condition.

RECOMMENDATION:

That Committee resolve to: GRANT PLANNING PERMISSION subject to the following condition

- 1 The development hereby permitted shall be retained in accordance with the approved details as shown in the table below.

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

Drawing Reference	Plan Type	Date Received
GIM4410-130B	Site Location Plan	20.12.2019
06UJ9A003K5Z	Proposed Plan	20.12.2019
13620RP REV F0	Section	24.11.2020
13620RP REV F0	Topographical Survey	24.11.2020

INFORMATIVE CLAUSES

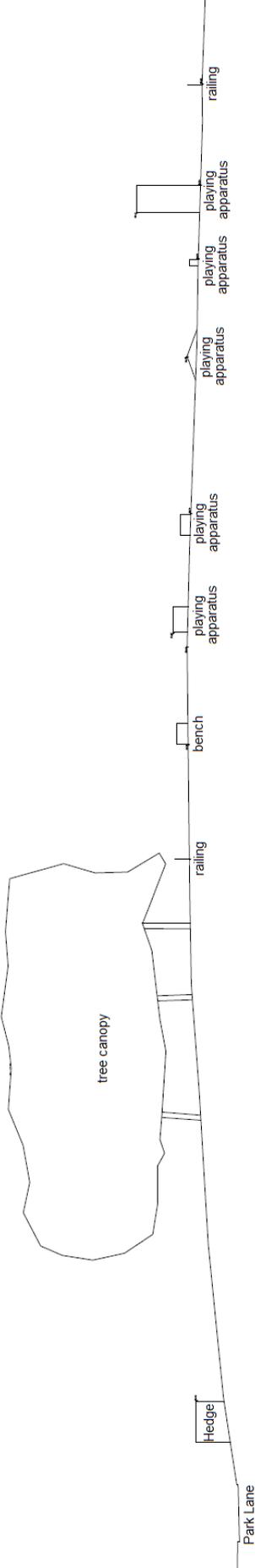
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. It is advised that the applicant shall actively engage with the Planning Department and Essex County Council's Historic Environment Team in addressing the noise impact in an acceptable way which would not result in due harm to the surrounding landscaping and the setting of heritage assets.

Location Plan



Proposed elevation



REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8th December 2021

REFERENCE: HW/HSE/21/00540

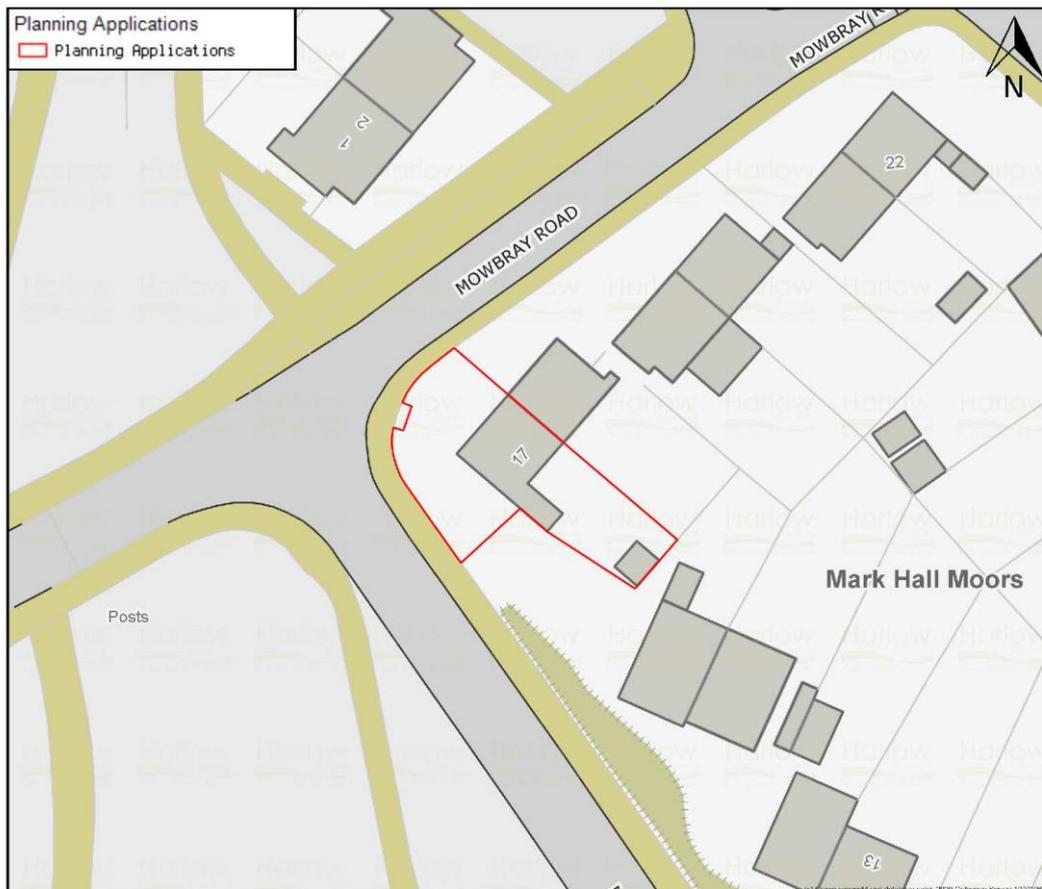
OFFICER: Leah McGuinness

APPLICANT: Mr Ivan Burca

LOCATION: 17 Mark Hall Moors
Harlow
Essex
CM19 4HB

PROPOSAL: Replacing white uPVC windows with grey uPVC windows

LOCATION PLAN



REASON BROUGHT TO COMMITTEE – multiple objections have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application property is one of a pair of semis located on the corner at the junction of Mowbray Road and Muskham Road. Its front elevation faces north-northwest. The plot is L-shaped as a “bite” of land between it and the house to the rear, 16 Mark Hall Moors, is public open space. The house is brick-built with rendered panels and a tiled roof. There is a narrow rear projecting element on the western side of the house, probably built as a coal store, and there is an outbuilding at the end of the rear garden (both of these would be demolished if the development goes ahead). The rear garden slopes up away from the house.

On the opposite side of Muskham Road is Mark Hall Park and on the opposite side of Mowbray Road is a footpath with wide verges and to the west of that is Tanys Dell Community Primary School. There are residential properties on the southern, eastern and northern sides with the properties on the opposite side of the road being the flats in Stackfield.

The majority of the properties in the area support white uPVC windows, however a number of properties including No.9, No. 10, No. 19, No. 69 and No. 74 Mark Hall Moors all have dark framed windows similar to the application site.

The site is located in the Mark Hall North Conservation Area.

Details of the Proposal

The application seeks retrospective planning permission for the replacement of white uPVC windows (and door) in the house with grey uPVC. Whilst the size of the openings have not changed, the profile of the windows have been altered slightly for e.g. the ground floor front elevation window has changed to include 3 panels and the first floor right hand window has replaced the fanlight opening with a casement window.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/21/00388	Single storey rear extension and summerhouse to rear garden (Amended description)	Granted	14.10.2021

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

The proposal to replace the existing white uPVC windows with grey uPVC windows would not be supported. The significance of the Conservation Area partly derives from the regular and uniform appearance of the properties. The grey uPVC windows would be inconsistent with the appearance of windows in the prevailing streetscene, compromising the uniformity of the street and wider Conservation Area. The proposal would undermine a key feature of Conservation Area’s significance, failing to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is

considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199.

Neighbours and Additional Publicity

Number of Letters Sent: 5

Total Number of Representations Received: 8

Date Site Notice Expired: 6 August 2021

Date Press Notice Expired: 5 August 2021

Summary of Representations Received

7 objections have been received from 5 local residents. They object to the application for the following reasons:

- 50 per cent of the grey windows were put in about 4 weeks ago. Planning permission should have been sought before carrying out any work. This is totally disregarding the planning office.
- This is a Conservation area and the grey windows look very tacky.
- The windows should be white in line with the rest of the properties in the area. The new owners are making lots of changes which do not keep with the look of other properties that makes it a desired area to live in.
- In terms of the Conservation Area status this application must be refused. All of the houses along this road, bar four, have white frames based on the original Crittall design, which can still be seen on one property in Stackfield, just a few yards from the applicant. There is one property (19 MHM) which has dark grey frames and one property at the end of the road (74 MHM) which has dark brown frames. There are a couple which have undecorated aluminium frames which blend in as almost white. Dark grey is not in keeping with the overall aspect of the neighbourhood and there is no reason to deviate from the general appearance of properties in this area. If it was not that important why is a planning application necessary? It is good to see the chimney stack reinstated in the drawings submitted although no work has begun on its reconstruction.
- These were put in 4 weeks ago without planning permission. The rest of the house has had extensive alterations carried out including the removal of the chimney, which is not in keeping with the row of houses in the conservation area, and also without the drawings of the changes being approved. How does the council know if these alterations ie removal of walls and chimneys are within safety rules and that the house is not in danger of collapse if they have not attended the house and seen the unapproved alterations.
- In response to a neighbours comments "Although the neighbourhood is a conservation area, many houses are already different is personality and we feel you should be allowed to gently reflect our modern times". These houses are in a conservation area because they are the first of their kind in the town and are of historic value the architect and his family are buried in the local church. Adding double stories to the rear and side of these houses, removing chimneys and changing the window frames to almost black does not gently reflect modern times. If the owner wanted to completely redesign his house then his property surveyor should have informed him that the house was in a conservation area, that's why people have a surveyor to inform them of any problems that could arise from buying a property.
- The black/grey windows do not conform to the Conservation Act.

1 letter of support has been received from a neighbour stating;

- Many of the houses are already different in personality and you should be able to gently make changes to reflect modern times. The proposed change brings a drab house up to modern standards. If the Council insists in keeping the area in the 1950s we would all have wooden window frames and burgundy coloured doors.

Taking into account the objections received, retrospective applications are within the realm of planning and there is nothing in law to preclude applications from being determined retrospectively.

Matters of appearance and impact on the character of the area have been addressed within the body of the report.

PLANNING POLICY

The relevant policies of the Harlow Local Development Plan (HLDP) 2020 are:

PL1 Design Principles for Development
PL2 Amenity Principles for Development
PL12 Heritage Assets and their Settings

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Supplementary Planning Documents/Current Planning Guidance

The Harlow Design Guide SPD (2011)
The Harlow Design Guide Addendum SPD (2021)

Summary of Main Issues

The main determining issues are the impact of the changes to the character and appearance for the surrounding Conservation Area.

Principle of Development

The application seeks retrospective planning permission for replacing the existing openings with grey uPvc aluminium frames. Carrying out alterations and upgrades to a development is a common occurrence and the proposed development is considered acceptable in principle.

Character and Appearance and Impact on the Conservation Area.

Policy PL1 of the HLDP and the Harlow Design Guide SPD states that proposals for householder developments should respect the size, grain, height, materials, features and layout of the building to be extended or altered.

Policy PL12 of the HLDP aims to protect the significance of heritage assets including any buildings or structures within the curtilage or wider setting of a heritage asset and which contribute towards its significance.

Paragraph 199 of the NPPF 2021 outlines *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

Paragraph 201 of the NPPF (2021) states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'*. Paragraph 202 further states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.

The Mark Hall North Conservation Area was designated in 1987 as it was the 1st housing area in Harlow. The Conservation Area is a long rectangle on an east to west axis of 65 hectares. It is bounded to the north by the cycle track which runs between Old Harlow and the town centre. The core of this area is the parkland of the old Mark Hall estate which extends as a valley from First Avenue down to the cycle track. Landscape features were key to the layout of the housing with three areas: Glebelands, Tanys Dell and Mark Hall Moors. The significance of the Conservation Area arises from the form of the housing and that it was the 1st housing estate which then informed the development of the further housing areas that came forward.

The property lies within the Mark Hall North part of the Mark Hall North Conservation Area to the east of the central parkland. The character of this area comes from the mix of houses and how they relate to the areas of open space. Many of the surrounding properties support white uPVC windows which forms part of the original design of the houses when built. Whilst the grey uPVC windows are largely not in keeping with the appearance of the neighbouring windows, it is not considered the colour change would be so detrimental to the character of the Conservation Area that a refusal is justified.

Furthermore there are a number of properties in the vicinity that support darker framed windows including No.9, No. 10, No. 19, No. 69 and No. 74. Therefore the change is not completely at odds within the surrounding area and the uniformity of the area has already been altered somewhat throughout the years. It is noted that these windows are lawful due to the passage of time.

The Heritage Officer advises: *'The grey uPVC windows would be inconsistent with the appearance of windows in the prevailing streetscene, compromising the uniformity of the street and wider Conservation Area'*.

As stated above, a number of properties within the area have made changes to their windows to dark coloured frames which goes against the dominating white colour and style. The applicant has stated that the changes were carried out to modernise the house and replicate other houses in the area, refusal on impact to the Conservation area is not warranted in this case. The openings have remained the same size and width and the

appearance of the dwelling itself is unchanged apart from the window profile and colour. The proposed development would not lead to substantial harm to the Conservation Area and the public benefit would outweigh this harm.

Therefore the proposal is acceptable on design grounds and the proposals are considered to comply with policies PL1 and PL12 of the HLDP and comply with paragraph 199- 202 of the NPPF 2021.

Impact on neighbours

Due to the nature of the proposal, there would be no harmful impact to residential amenity in terms of loss of light or loss privacy.

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 addition of grey uPVC to the openings of No. 17 is not considered to result in such a detrimental impact to the character and appearance of the surrounding Conservation that a refusal would be warranted in this instance.

The proposal is therefore considered to comply with the relevant Local Plan policies PL1 and PL12 and it is recommended the application should be granted.

RECOMMENDATION

Granted Planning 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 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.

Plan Reference	Version No.	Plan Type	Date Received
MHM_DR_320	REV P1	PROPOSED ELEVATION_SW	13.09.21
MHM_DR_321	REV P1	PROPOSED ELEVATION_NW	13.09.21
MHM_DR_323	REV P1	PROPOSED ELEVATION_SE	13.09.21

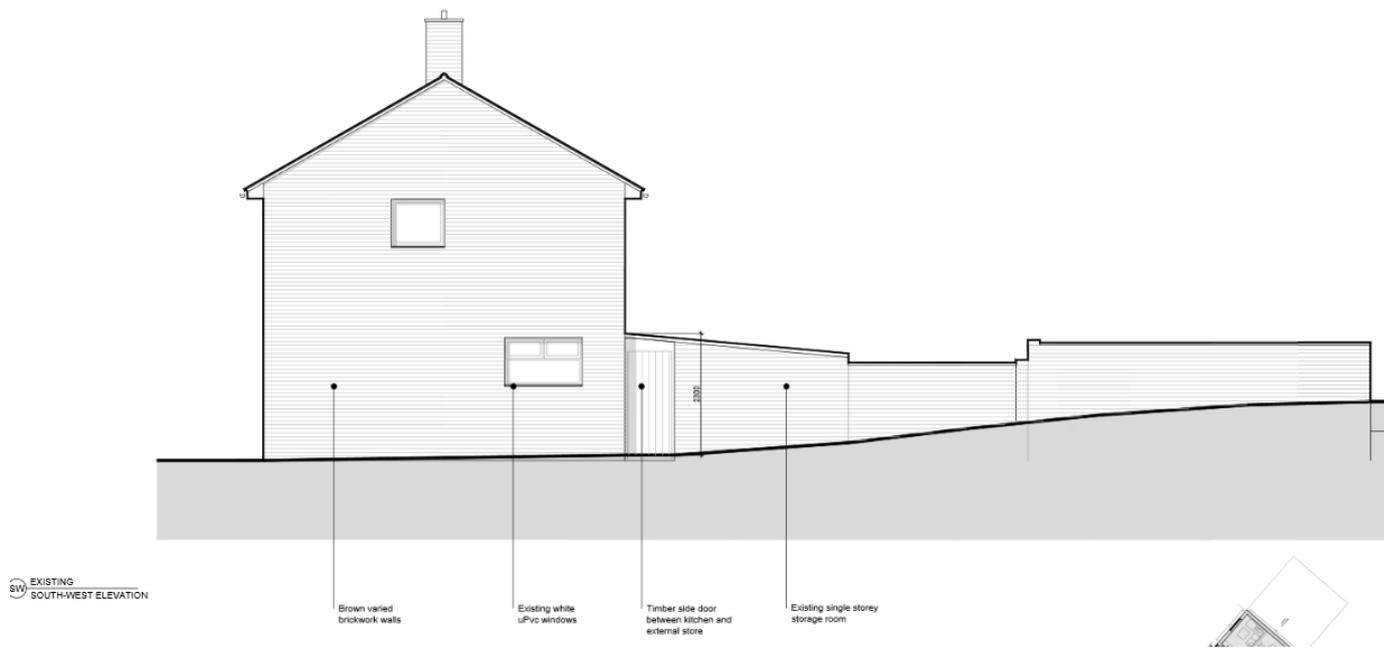
INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

LOCATION PLAN



EXISTING ELEVATIONS





(NW) EXISTING
NORTH-WEST ELEVATION

Existing neighbouring property

White uPvc glazed entrance door



(SE) EXISTING
SOUTH-EAST ELEVATION

Existing brick single storey storage building

Glazed rear doors

Existing neighbouring property

PROPOSED ELEVATIONS

