

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

19 August 2020

REFERENCE: HW/FUL/20/00135

OFFICER: Nicholas Fu

APPLICANT: Mr Hann

LOCATION: Proposed Development At Land Adjacent To Parndon Lodge,
Parndon Mill Lane, Harlow, Essex

PROPOSAL: Erection of 9 dwellings, alterations to access road and
associated works

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE:

The proposal is a departure of the Local Development Plan

Application Site and Surroundings

The application relates to approximately 0.48 hectares of land off Parndon Mill Lane. The site is currently used for storage of approximately 120 caravans. Access to the site is through a 200m long private road taken from Parndon Mill Lane. There are five dwellinghouses along this private road, including a detached dwelling under construction following a planning permission granted in 2016 (HW/FUL/16/00471).

The site is bounded to the north by the railway line, which is screened by dense planting. The Grade II Listed Parndon Mill House and the navigation of River Stort are located on the other side of the tracks.

To the west of the site is a section of woodland which is identified as the Ram Grose Wildlife Site as shown on the Adopted Replacement Harlow Local Plan (ARHLP) Proposals Map 2006. The Harlow Town Cricket Club is located beyond this piece of woodland.

To the south of the site is the former Harlow Rugby Club site, where planning permission was granted for a redevelopment to provide 125 dwellings (HW/PL/14/00361) and it is near completion. There is ground level difference of up to 2.5m between the two sites.

The application site is located within the Metropolitan Green Belt as shown on the ARHLP Proposals Map 2006. The Green Belt extends to the west including the woodland and the Cricket Club and beyond. To the north the Green Belt includes the Parndon Mill House and extends to the northern boundary of the district. The site is located at the south-eastern edge of this section of the Green Belt.

The application site, together with other properties to the south of the railway line, are proposed to be taken out from the Green Belt as part of the Council's emerging Local Plan. The woodland to the west of the site and the Cricket Club would be re-designated as Green Wedge, whilst land to the north of the railway tracks would remain as part of the Metropolitan Green Belt.

Details of the Proposal

This application seeks planning permission for the erection of 9 dwellings with associated road and landscape works.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/04/00135	Caravan Storage on Land Adjacent The Lodge, Parndon Mill Lane	GTD	26 May 2004

CONSULTATIONS:

HDC - Consultant Arborist

No objections subject to a pre-commencement condition for a fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012

The tree removals stated are low quality trees some with notable defects and a limited safe life expectancy, it is agreeable that they are removed. The work within the root protection areas of trees highlighted on the tree protection plan must be carefully considered as to not adversely impact the safe retention of the trees in the long term, and therefore further detail regarding this will be expected with a method statement on the works proposed.

HDC - Cleansing and Environment

No objections in principle. The turning head must not be obstructed.

The proposed dwellings would not be eligible for wheeled bins. Sacks and boxes would be provided to the residents instead.

HDC - Environmental Health Services

No objections. The following conditions are recommended:

1. That no construction work that involves the production of noise capable of being heard beyond the property boundary is conducted outside of the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on a Saturday. No works to be carried out on a Sunday or public/bank holiday.
2. Ensure that dust production is kept to a minimum which may need the utilisation of water damping measures being employed.
3. Ensure that a suitable and sufficient wheel wash is on site and that all vehicles exiting the site make use of it in order to minimise dust production.
4. Bonfires are not to be held on site.

An informative is also suggested regarding the need for a Site Waste Management Plan.

ECC Place Services - Heritage Officer

No objections subject to a pre-commencement condition on hard and soft landscaping and boundary treatment details.

The site is currently a caravan storage area, located to the south of the railway line. Access will be provided from Pardon Mill Lane, adjacent to the proposed access is the Church of St Mary, Grade II listed (list entry number: 1111721). It is a nineteenth century building, comprising a single cell with east apse. Across the railway tracks are the two listed buildings, Parndon Mill House, Grade II (list entry number: 1169613) and Little Parndon Watermill, Grade II (list entry number: 1337045). Across Parndon Mill Lane from the sites access and the Church is the Scheduled Monument site of Parndon Hall (list entry number: 1002185) and behind this site to the north by the River Stort is the Scheduled Monument of Little Parndon moated site (list entry number: 1002184).

The proposed erection of the dwellings will likely detract from the setting of the listed buildings of Parndon Mill House and Little Parndon Watermill to the north, however this can be considered very limited. The site is largely screened by existing landscaping, and it should be ensured that the existing boundary treatments (trees and hedgerows) of the site be retained further mitigating the impact of the proposed scheme. Additionally, a robust buffer will be required to the north of the site to ensure no intrusion to the designated heritage assets and views.

The proposed erection of the nine dwellings and works to the access lane, including passing places, I do not consider to detract from the setting or harm the significance of the Church. Regarding works to the access lane, it should be ensured that where passing places are created, these are along the northern boundary, and not to be adjacent to the Church.

ECC Place Services - Archaeological Officer

No objections subject to a pre-commencement condition on programme of archaeological work.

The Historic Environment Record (HER) shows that the proposed development is located within an area of known archaeological significance, on the edge of the historic settlement of Parndon. The site of Parndon Hall Moated Site is a Scheduled Monument (List Entry 1002185). The Listed Church of St Mary is post-medieval in date, it replaced a medieval predecessor (HER 3585). To the north of the proposed development is the Listed Parndon mill House (HER 31723) and Parndon Mill (HER 31724).

Trial-trenching on the site of the former Rugby Club site to the immediate south of the proposed development recorded three probably prehistoric pits and a scatter of residual Mesolithic and Neolithic/Early Bronze Age struck flints. There is also the potential for palaeoenvironmental deposits to be present in former channels of the River Stort.

ECC - Highways

No objections subject to conditions.

The applicant has submitted a Transport Statement (TS) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be an acceptable level, and is very likely to create less vehicle movements on average than the current lawful use of the site. It also has the advantage of removing larger vehicles off of Parndon Mill Lane currently associated with the existing use. Further to this the applicant has offered to implement some minor highway improvements which will also have a highway safety benefit to all users of the highway.

The enhanced pedestrian route has been considered but it is felt that this will not actually improve pedestrian safety owing to the narrow width of the lane. Furthermore, nine dwellings will not generate a significant amount of pedestrian movement and the traffic generated by the development over a 12-hour period is roughly equivalent to 3 vehicles an hour, which is negligible in highway terms. Consequently, the Highway Authority does not require this proposal to be secured to make the application acceptable in highway terms.

ECC - Sustainable Drainage Team

No Comment Received.

Essex Police

No objections - There are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Natural England

Has no comments to make

Environment Agency (Hertfordshire & North London)

No objections to the application on flood risk grounds. All buildings will be located within Flood Zone 1, and the applicant has taken a precautionary approach to use finished floor levels 300mm above the ground level. This is a conservative approach, as 300mm above ground level is greater than 600mm above the 1 in 1000 year flood levels at this location.

Neighbours and Additional Publicity

Number of Letters Sent: 28

Total Number of Representations Received: 5

Date Site Notice Expired: 19 June 2020

Date Press Notice Expired: 25 June 2020

Summary of Representations Received

5 representations, including one from the St Mary's Church, were received either supporting or having no objections to the proposed development. They have raised the following observations:

- Concerns on highway and pedestrian safety on Parndon Mill Lane
- Improved pedestrian access on Parndon Mill Lane and Elisabeth Way should be provided
- Ensure no parking near the Church and double yellow line should be introduced
- Measures should be in place to ensure the boundary wall of the Church would not be damaged
- Works should include junction improvement, additional street lights and introducing speed limits
- The proposal would improve the appearance of the site
- Compared to the existing caravan storage use, the proposed residential use would have less impact to the traffic condition of Parndon Mill Lane

PLANNING POLICY:

BE1:"Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

BE3:"Sustainable Development" development on previously developed land at a higher density than that existing will be supported providing; it is accessible by public transport or is in a sustainable location relative to proximity to supporting services and/or employment sites;

does not result in over development; is compatible with the character of the area and urban design policies and guidance.

BE6:"Listed Buildings" proposals for the extension or alternation of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following: the character that forms its value as being of special architectural or historic interest; particular physical features that justify its protection; its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas.

H10: "Existing Housing Areas" planning permission will be granted for infill development if: the proposal does not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene or the amenities afforded to occupiers of adjacent dwellings; off street parking and access arrangements are acceptable and do not prejudice the potential for comprehensive development of adjacent land.

NE3:"Metropolitan Green Belt" there is a general presumption against inappropriate development. Except in special circumstances for development required by agriculture and forestry; essential small scale facilities for outdoor recreation and sport, for cemeteries etc; limited extension, alteration and replacement of existing dwellings; reuse of existing buildings in accordance with policy NE9. Development permitted should retain the openness of the Green Belt and should not conflict with any of the main purposes of the land and must be of a scale, design and siting so as to not affect the character and appearance of the countryside.

NE11:"Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

NE12:"Landscaping" major developments shall be accompanied by details of landscaping features and wildlife habitats and suitable landscaping schemes to mitigate against any impact, along with new landscaping.

T9:"Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

NE15:"Biodiversity and Nature Conservation" permission will not be granted for development that would harm habitats or other features of the landscape, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature.

CP12:"Public Utilities" development that will be at risk of flooding, or will contribute to flood risk or has an adverse impact on the river corridor will be resisted.

Harlow Local Development Plan Pre-Submission Publication (2018)

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the

greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, was consulted on between 12 March and 31 May 2020. The Inspector is considering the representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in late summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

PLANNING STANDARDS:

National Planning Policy Framework (NPPF) (2019) - 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)
The Essex Parking Standards: Design and Good Practice (2009)
Essex County Council's Adopted Development Management Policies (2011)
Planning Practice Guidance (PPG)

PLANNING ASSESSMENT:

The main considerations for this application are the principle of development including the impact on the Green Belt, character and appearance of the surrounding area including and nearby heritage assets, trees and landscaping, neighbour amenities, flooding, and parking and highway issues.

Principle of development

The proposal would develop the existing caravan storage site for 9 new dwellings. Policy H10 of the ARHLP is supportive of infill development provided that a number of criteria are met.

The application site is also located within the Green Belt on the ARHLP Proposals Map. Section 13 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt, however paragraph 145 sets out exceptions which might be appropriate. Policy NE3 of the ARHLP stipulates that within the Green Belt there is a general presumption against inappropriate development and new development should preserve the openness of the Green Belt and should not conflict with the purposes of including land within it.

The application site is proposed to be taken out from the Green Belt as shown on the emerging Local Plan. Paragraph 48 of the NPPF states that the more advanced the preparation of an emerging Local Plan, the greater the weight that may be given. The emerging Local Plan is currently at a relevantly advanced stage where it is expected to be adopted later this year, and therefore significant weight could be given to it according to the NPPF.

The acceptability of the principle of development is therefore dependent on the proposals compliance with national and local policies, in particular as to whether exceptions exist for the construction of the proposed dwellings in this location.

Metropolitan Green Belt

Adopted Replacement Harlow Local Plan (2006)

The application site falls within the Metropolitan Green Belt on the ARHLP Proposals Map.

Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 goes on to list out the five purposes that the Green Belt serves:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The application site is currently used as caravan storage. It is bounded by residential developments to the south and the east, the railway line to the north, and a piece woodland to the west. It is considered that the site is not preventing the sprawl of a large built up area or preventing neighbouring towns from merging into one another. Furthermore, it is not positioned within a historic town or within the open countryside. The construction of dwellings would not alter these circumstances. It is not therefore considered that the proposed development would impact the purpose of including land within the Green Belt.

The proposal would construct new dwellings within the Green Belt which could be considered inappropriate and harmful to the Green Belt according to Paragraph 143 of the NPPF. However, paragraph 145 stipulates that the construction of new buildings within the Green Belt may not be considered inappropriate if, in which this application is concerned, it includes limited infilling in villages or redevelopment of previously developed land.

The ARHLP does not have areas designated as a village and therefore it is the decision of the Local Planning Authority as to whether the site appears to be in a village. The site can be seen as a natural extension of the small community on Parndon Mill Land, which comprises of a group of houses and a church, with the Parndon Mill House to the north and a development of 125 dwellings to the south (under construction). Given these characteristics, it appears that the site could reasonably fall to be a village. However, it is not considered that the construction of 9 new dwellings would constitute 'limited infilling' in this context.

In terms of the consideration of previously developed land, Annex 2 of the NPPF set out the defines 'previously developed land' as land which is, or was, occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. However, it excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

An appeal decision APP/P2935/A/14/3000634 concluded that caravan site is not a use that would constitute 'previously developed' as caravans are not considered to be permanent structures, but the Inspectorate noted that consideration should be also be given the condition of the fixed surface structures.

The hard surface of the current application appears to be well maintained, which shows little signs of blended into the surrounding landscape, if not none. The caravans on the site are also in good condition, which reasonable suggest that the site is in active use and not abandoned.

It is therefore considered reasonable to conclude that the application site is a previously developed land in accordance with the NPPF. The assessment is therefore on whether the proposal would result in a greater impact openness of the Green Belt than the existing development. The application site is used for storage of caravans, which are temporary structure in nature and no taller than a single storey building. Although the proposed 9 dwellings on the site would be less dense than the 120 caravans on the site, the proposed dwellings are permanent structures of 2 to 2.5 storeys in height. This is considered that the nature of residential development would result in some degree of harm to the openness of the Green Belt, and the impact would be greater than the existing development. This aligns with the abovementioned appeal consideration APP/P2935/A/14/3000634.

Nonetheless, the application site is enclosed by vegetation and separated from the wider Green Belt by the railway line. It is considered that its enclosure and separation limit the influence of the site on the openness of the Green Belt. Moreover, viewed from the Parndon Mill House across the railway line, the proposed dwellings would largely be screened by the trees along the boundary, with the properties on the former Rugby Club site as the backdrop due to their higher ground levels. It is therefore considered the overall impact to the openness of the Green Belt, albeit greater than the existing use, would not be significant.

Emerging Local Plan - Harlow Local Development Plan Pre-Submission Publication (2018)

According to the Green Belt Review prepared by the Council in 2016, this section of the Green Belt scored poorly in the assessment. Whilst the Review suggested that wider Green Belt land to the west of the application site to be re-designated as Green Wedge, it is also recognised that the site in which this application relates was not functioning as a Green Belt and was proposed to remove it from any green infrastructure designations. This document forms the evidence base for the preparation of the emerging Local Plan, and the recommendations were subsequently included in the emerging Local Plan.

In terms of the process of the emerging Local Plan, the Examination with public hearings were ended in April 2019. The detailed Main Modifications to the emerging Local Plan was published in March 2020 and under public representation. The Inspector during Examination did not disagree with the proposal to remove the site in question from the Green Belt, and no subsequent modification has been made to the land designation of the current application.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan. The emerging Harlow Local Plan is at a relatively advanced stage, where it is expected to be formally adopted later in the year. It is therefore considered that significant weight could be given to the relevant policies in the emerging plan, according to paragraph 48 of the NPPF.

It is highly likely that the application site would be excluded from any green infrastructure designation on the forthcoming new Local Plan. According to the emerging Local Plan, Green Belt would not be a relevant material consideration.

Conclusion (Principle)

The proposed development does not sit comfortably within the “very special circumstances” as stipulated on the NPPF, and should be considered as inappropriate development within the Green Belt. However, the harm the proposal would represent in terms of openness is concluded to be minor in nature. According to paragraph 48 of the NPPF weight should be given to the situation in which the site would be taken out from the Green on the emerging Local Plan, which is currently at a relatively advanced stage and expected to be formally adopted later this year.

In this circumstance, it is considered the limited demonstrable harm to the openness of the Green Belt, together with the significant weight to be given to proposals to remove this site from the Green Belt in the Council’s emerging Local Plan means that the principle of this development can be seen as acceptable.

Design and character

The proposed dwellings as shown on the drawings submitted demonstrate a satisfactory design and quality. The scheme includes 6 different ‘house types’ for the 9 dwellinghouses proposed, offering slightly different variations in materials, relief, colour and architectural detailing, yet a consistence design language could be seen across all proposed dwellings. The proposed dwellings are mostly two storeys in height, although some would include a bedroom at the ‘loft’ with dormer windows which create a 2.5 storey appearance, all properties would have similar eaves and ridge heights.

The design and appearance of the proposal would be different from the nearby properties. Nonetheless, the dwellings along Parndon Mill Lane have various heights, designs and appearance. The enclosed nature of the application site allows the site to be distinctive. Moreover, the proposal for residential development is considered to have positive impact to the appearance of the existing use which is for caravan storage.

The layout of the proposed development is also considered to be reasonable. The horseshoe shaped access road allows each property to have a frontage of the road and assigned parking spaces. The properties would have a reasonably sized rear garden of 10m in depth, which is not considered to be an overdevelopment. However, a rear extension of up to 8m for detached houses could be constructed under permitted development rights subject to prior approval notification to the Local Planning Authority. Given the limited size of the rear gardens of the

proposed dwellings, it is considered necessary to remove their permitted development rights for larger householder extensions.

The northwest corner of the site would be mostly landscaping, this is to prevent building on the flood zones and is considered acceptable. Nonetheless, to ensure a satisfactory landscaping quality, a condition should be imposed for the details of hard and soft landscaping including boundary treatment to be agreed.

It is therefore considered the proposal would have an acceptable impact to the character and appearance of the wider surrounding. The materials shown are not explicit and indicative. It is therefore recommended that a condition be imposed on any consent requiring external materials to be agreed.

Heritage and archaeology

There are several heritage and archaeology assets within the surrounding area. A Heritage Statement was submitted as part of the application. Essex County Council's Heritage Officer and Archaeological Officer were consulted and have no adverse comments to the proposed development.

The site is approximately 200m west of the Grade II Listed St Mary's Church, and there is a row of 5 dwellinghouses in between. It is therefore considered that the proposed development would not detract from the significance and setting of the Church. The Site of Parndon Hall and the Little Parndon Moated Site are located further away, and the proposed development would have an unperceivable impact upon these two Scheduled Monuments.

The Parndon Mill House and the Little Parndon Watermill, both Grade II Listed, are located on the other side of the railway line approximately 60m away from the site. The Heritage Officer considers that the proposed dwellings would likely detract from the setting of these two Listed Buildings, but the impact would be limited. The site is largely screened by existing landscaping, and it should be ensured that the existing boundary treatments (trees and hedgerows) of the site be retained, further mitigating the impact of the proposed scheme. Additionally, a robust buffer will be required to the north of the site to ensure no intrusion to the designated heritage assets and views. It is therefore considered that the impacts to the Parndon Mill House and Watermill would be acceptable.

The Archaeological Officer noted that the trial-trenching on the site of the former Rugby Club site to the immediate south of the proposed development recorded palaeoenvironmental deposits. There is also potential these deposits could be present on the site. Therefore, a pre-commencement condition on programme of archaeological work is recommended shall permission was granted.

The St Mary's Church submitted representation concerning that constructions access through Parndon Mill Lane might damage the history boundary wall of the Church site. However, this is some distance away from the current application site. Furthermore, Parndon Mill Lane is an existing highway serving a number of properties within the surrounding. It is not considered reasonable for the applicant to take up the responsibility to provide protective structures despite the heritage significance of the Church site. Nevertheless, a Construction Management Statement, which would be discussed later in this report, would ensure safe construction access.

Landscape

Despite its current Green Belt designation on the ARHLP Proposals Map, the application site comprises mostly of hard surfaced land with trees only found along the north, west and south boundaries. There are two protected trees within the site, including an ash tree located at the northwest corner and a pine tree adjacent to the main entrance to the east of the site.

The applicant provided an amendment Arboricultural Impact Assessment and Tree Protection Plan following early comments from the Council's Arboricultural Officer.

There would be a total of 5 trees and some hedgerows to be removed, but these are stated to be of low quality trees with some having notable defects and a limited safe life expectancy, and their removal is considered therefore it is acceptable. Most vegetation along the boundaries of the site would be retained, and therefore the enclosed nature and visual amenity of the site would be preserved. It is therefore considered that the proposal would have an acceptable impact in arboricultural terms. A condition requesting a fit-for-purpose Arboricultural Method Statement is recommended.

The woodland to the west of the site is identified as a wildlife site on the ARHLP Proposals Map, and this designation is retained on the emerging Local Plan. The applicant has submitted a Phase 1 habitat survey, and no significant effects on the habitats and protected species are anticipated. The report recommended ecological enhancement such as bat boxes and woodcrete nest boxes to be installed in suitable locations, and this could be secured through conditions. Natural England has confirmed that the application would have no impact on any statutory nature conservation sites and raised no objections to the development.

Flooding

The site is approximately 60m from the navigation of River Stort and there is a brook running through the woodland to the west. The north-western part of the site is a Flood Zone 3 on the Environment Agency Flood Map for Planning, but also shown as areas benefiting from flood defences. The applicant has submitted a Flood Risk Assessment with Drainage Strategy.

It is evident that the scheme has been designed to steer away from the Flood Zone 3. Land within the Flood Zone 3 would comprise mostly of landscaping with minimal hard surface. The proposed dwellings would be constructed on area shown as Flood Zone 1, whilst the property closest to the Flood Zone 3 (i.e. plot 7 as shown on the proposed site plan) would have a brick wall constructed along the parameter of the Flood Zone 3 to provide some degree flooding precaution. The Flood Risk Assessment prepared by the applicant also states that a precautionary approach to use finished floor levels 300mm above the ground level. The Environment Agency was consulted and has no objections to the proposed development on flood risk grounds.

Residential Amenity

The layout of the proposed development has been designed in a way that each property would have reasonable sized private amenity spaces. The dwellings would have a rear garden of at least 10m in depth which is considered sufficient for the enjoyment for future residents. The properties are also reasonably separated and sensibly positioned, which would not result in unacceptable overshadowing or overlooking issues. Most of the windows on the side elevation would be for non-habitable rooms such as staircases and toilets. In the cases these windows are located with a habitable room, they are not the primary window to the room which it is serving. A condition on obscure-glazed windows could be imposed to the permission.

The application site is relatively enclosed, with residential developments only to the east and south. The main house of the Parndon Lodge, which is the neighbour located east of the site, is more than 20m away from the site boundary. There are some existing buildings within Parndon Lodge but they are single storey in height. The above-mentioned obscure-glazed windows condition would also prevent overlooking to Parndon Lodge. It is therefore considered that the proposal would not result in any detrimental harm to the living condition of its eastern neighbour.

The new dwellings to the south within the former Rugby Club site are at least 20m away from the boundary of the site. The former Rugby Club site also has a ground level of approximately 2.5m higher than the current application site. Given the separation distance between the properties and the site level difference, it is not considered that the proposal would result in any demonstrable harm to the prospective residents at the development to the south of the site.

It is therefore considered that proposed development would be acceptable in terms of residential amenity.

Parking and highway

Policy H10 indicates that off-street parking would need to be provided for both existing and proposed dwellings, in accordance with the adopted Parking Standards. Policy T9 of the ARHLP and the Essex Parking Standards requires dwellings with two or more bedrooms to have two off-street vehicle parking spaces. A Transport Statement has been provided as part of the application submission.

According to the proposed site plan, each dwelling would be provided with at least two designated parking spaces including the attached garages. The sizes of the garages and parking spaces also meet the requirements of the Essex Parking Standards.

The front driveway of some dwellings could only fit one car, and therefore the garage would be essential in order to provide the required level of parking. It is therefore considered reasonable that a condition shall be attached to ensure the garages to be used for parking purposes only. This would also allow the Local Planning Authority to assessment the situation when garage conversion proposals are received in the future.

The proposed development would have a single access point, and the proposed horseshoe shaped internal road means that a turning area is required for larger vehicles, such as waste collection or emerging vehicles. The proposed layout plan shows a turning area sufficient for the manoeuvring of a 7.5 tonne heavy vehicles. A condition should be imposed to ensure that this would be kept clear at all time.

The application site is accessible through a private road taken from Parndon Mill Lane, and it is noted that this junction has poor visibility especially when cars travelling from the north across the bridge. The applicant proposed some highway improvement works including signage and road markings at this junction. Essex County Council's Highway Authority welcome the proposed improvement works as this would also benefit other users of Parndon Mill Lane. A Grampian style condition would be imposed to the permission to secure this.

Parndon Mill Lane is a relatively narrow road, and concerns from the public has been raised regarding pedestrian safety on this highway. The applicant proposed enhanced pedestrian route, but the Highway Authority consider the work would have limited effect in improving pedestrian safety on Parndon Mill Lane due to the narrow width. Furthermore, the proposal for 9 dwellings would not generate a significant amount of pedestrian movement. The Highway Authority considers that the traffic generated by the proposal development would be negligible

in highway terms. As compared to the existing 120-capacity caravan storage use of the site, the proposal for 9 dwellings would reduce the number of larger vehicle movements on Parndon Mill Lane, which is considered to have advantages on highway and pedestrian safety.

It is therefore considered that the proposal would be acceptable in terms of highway and pedestrian safety.

Refuse

The Council's Street Scene Manager was consulted and has no objections to the proposed development in principle. He however noted that the proposed dwellings would not be eligible for wheeled bins, and sacks and boxes would be provided to the residents instead. Therefore, a condition requesting detailed waste management and refuse collection strategy shall be attached if permission was granted.

Planning Obligations

Policy H5 of the ARHLP states that affordable houses would only be required for residential development of 15 or more dwellings. This application is only for 9 dwellings and therefore not required to provide any affordable housing onsite. The number of dwellings provided would also be reasonable for this site for the reasons discussed earlier in this report, and it is not considered that the Council would have missed an opportunity to request affordable housing contributions. Given the scale of the proposal, it is also not considered other contribution is required.

CONCLUSIONS:

The application site falls within the Green Belt as shown on the ARHLP Proposals Map 2006, and it is considered the proposed development would be inappropriate within the Green Belt. However, weight is given to the emerging Local Plan which is expected to be formally adopted later this year. The site has been removed from the Green Belt on the emerging Local Plan and would not have any green infrastructure designation. It is therefore on balance considered that the proposal for the erection of 9 dwellinghouses in this location would be acceptable in this instance.

The proposed development demonstrates a satisfactory design quality and would have an acceptable impact to the character and appearance of the surrounding area including the nearby landscaping, ecology and heritage assets. The proposal is considered acceptable in terms of neighbour amenity, parking provision, and highway and pedestrian safety. The proposed development is therefore considered acceptable, and would be in accordance with the relevant policies in the NPPF, the emerging Local Plan, the Harlow Design Guide SPD, and the Essex Parking Standards.

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 No development shall commence on site until details of the types and colours of all external facing and roof materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to accord with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

- 3 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON: To prevent any impacts of the development on archaeological features and deposits in accordance with Policy BE14 of the Adopted Replacement Harlow Local Plan, July 2006.

- 4 No development shall take place on site, including site clearance, tree works, demolition or any other works, until the details relevant to the safe retention and protection of on-site and any relevant off-site trees are submitted within an Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Following the written approval of the AMS, the proposed development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority (LPA) in writing. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.

The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

REASON: To ensure that damage to vegetation identified for retention is avoided, in accordance with Section 197 of the Town and Country Planning Act 1990 and Policy NE11 of the Adopted Replacement Harlow Local Plan, July 2006.

- 5 No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscaping proposals have been submitted to and approved by the Local Planning Authority. These shall include:

- Details and locations of hard surfacing
- A method statement for implementation and maintenance
- Location of proposed above and below ground functional services
- Details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare.
- Details of all boundary treatments
- Surface water and drainage connections

REASON: To ensure satisfactory landscape treatment and to screen and enhance the development in the interests of visual amenity and natural environment. To comply with the duties indicated in Section 197 of The Town

and Country Planning Act 1990, and Policies BE1, NE11 and NE15 of the Adopted Replacement Harlow Local Plan, July 2006.

- 6 No development shall take place, including any ground works or demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP 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
 - A suitable and sufficient wheel wash is on site and that all vehicles exiting the site make use of it in order to minimise dust production and mud

The CMP shall also include details to confirm how the management of the works will secure the following:

- No construction work that involves the production of noise capable of being heard beyond the property boundary is conducted outside of the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on a Saturday. No works to be carried out on a Sunday or public/bank holiday
- Dust production is kept to a minimum which may need the utilisation of water damping measures being employed.
- Bonfires are not to be held on site

The approved CMP shall be adhered to throughout the construction period.

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. To ensure that the proposed construction works do not prejudice the amenity of neighbouring residents

- 7 The development hereby permitted shall not be commenced until a detailed drainage strategy for the site, based on the agreed Flood Risk Assessment (Prepared by RMA Environmental, Report Number RMA-RC2055, dated 24th March 2020) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity in accordance with the National Planning Policy Framework and Policies NE13 and CP12 of the Adopted Replacement Harlow Local Plan, July 2006.

- 8 Prior to the first occupation of the development hereby permitted, a scheme for the provision of bat and bird boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the exact location, specification and design of the bat and bird boxes. The boxes shall be installed within the site prior to the first occupation of the development and retained thereafter.

REASON: To ensure the provision of roosting opportunity for bats and nesting opportunity for birds, in accordance with Policies NE15 and NE20 of the Adopted Replacement Harlow Local Plan, July 2006.

- 9 Prior to the first occupation of the development, hereby permitted, a waste management scheme including the detail and design of refuse storage, display and

collection areas, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

REASON: To ensure waste collection can be undertaken appropriately and in the interests of character and appearance in accordance with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

- 10 No development or other operations shall commence on site in connection with the development hereby approved until the proposed highway improvements, as shown on drawing no.SK002 Rev A as attached in Appendix F of the Transport Statement (dated March 2020), which are: Two passing bays; Give Way markings; Warning sign as shown; have been fully implemented.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose. The garages shall be retained for the sole purpose of parking of vehicles.

REASON: To ensure that appropriate parking and turning is provided, in accordance with Policy T9 of the Adopted Replacement Harlow Local Plan, July 2006.

- 12 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers 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.

- 13 Any first floor windows to be installed to the side elevations of the dwellinghouses hereby permitted shall be glazed with obscured glass and be non-opening to a minimum height of 1.7 metres above internal floor level, and shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), enlargements as permitted by Schedule 2, Part 1, Class A, Paragraph A.1(g) (prior approval for larger rear extension) shall not be undertaken to the dwellings, hereby permitted, without apply for planning permission from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions to protect living conditions and residential amenities, in accordance with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.

- 15 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
82322-03	House Type 1	Proposed Plans and Elevations	24.03.2020
82322-04	House Type 1	Proposed Roof Plan & Elevations	24.03.2020
82322-05	House Type 2	Proposed Plans and Elevations	24.03.2020
82322-06	House Type 2	Proposed Roof Plan & Elevations	24.03.2020
82322-07	House Type 2A	Proposed Plans and Elevations	24.03.2020
82322-08	House Type 2A	Proposed Roof Plan & Elevations	24.03.2020
82322-09	House Type 3	Proposed Plans and Elevations	24.03.2020
82322-10	House Type 3	Proposed Roof Plan & Elevations	24.03.2020
82322.11	House Type 4	Proposed Plans and Elevations	24.03.2020
82322.12	House Type 4	Proposed Plans and Elevations	24.03.2020
82322.13	House Type 5	Proposed Plans and Elevations	24.03.2020
82322.14	House Type 5	Proposed Plans and Elevations	24.03.2020
82322.15A	--	Panaramas	24.03.2020
82322.02A	--	Site Roofscape	24.03.2020
82322.01A	--	Site Plan	24.03.2020
EAS-003	Rev 2	Tree Constraints Plan	17.04.2020
EAS-003	Rev 2	Tree Protection Plan	17.04.2020
Rev 2	Sheet 1 of 4	Topographical Survey	24.03.2020
Rev 2	Sheet 2 of 4	Topographical Survey	24.03.2020
Rev 2	Sheet 3 of 4	Topographical Survey	24.03.2020
Rev 2	Sheet 4 of 4	Topographical Survey	24.03.2020
	--	Site Location Plan	24.03.2020

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. 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.
3. Site Waste Management: The applicant is informed that he has a legal 'Duty of Care' to correctly dispose of all waste arising from the development hereby permitted and for developments with a relevant cost greater than £300,000 (excluding VAT), there is a legal requirement to produce a Site Waste Management Plan before work begins
4. The dwellinghouses hereby permitted would not be eligible for wheeled bins. Each dwelling will be provided a maximum of 3 purple sacks for residual waste, blue boxes for recycling and food caddies. Each dwelling will also be subject to the same collection frequencies as ordinary dwellings and will not receive increased collections as a result of receiving a bag and box service.
5. Flood Risk Activity Permit - The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
6. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;
 - Kill, injure or take a wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Disturb any wild bird listed on Schedule 1* while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird
 - * For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

7. In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:

- Intentionally kill, injure or take a bat;
- Sell, hire, barter or exchange a bat, dead or alive;
- Be in possession or control of a bat or anything derived from them.

As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

- Disturb a bat;
- Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.