

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

14 October 2020

REFERENCE: HW/REMVAR/20/00358 OFFICER: Patricia Coyle

APPLICANT: Mrs Catherine Brooking

LOCATION: Proposed Junction Of London Road At Link Road And
Associated Road Works
London Road
Harlow
Essex

PROPOSAL: Variation of condition 5 of planning permission
HW/FUL/17/00130 to delay the implementation of the bus gate
prior to the occupation of the 767th residential unit to the
917th residential unit

LOCATION PLAN



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REASONS BROUGHT TO COMMITTEE

More than two objections have been received.

PROPOSED DEVELOPMENT

Variation of condition 5 of planning permission HW/FUL/17/00130 to delay the implementation of the bus gate prior to the occupation of the 767th residential unit to the 917th residential unit

Application Site and Surroundings

The application site is the same as for the original planning application (HW/FUL/17/00130) and is at the proposed Junction of London Road at Link Road, London Road.

Details of the Proposal

The current proposal is for a change to the implementation timing for the bus gate approved in 2017 (planning permission HW/FUL/17/00130). Permission HW/FUL/17/00130 was for Second Primary Access and Associated Highway Works to Serve Newhall Phase II; and Condition 5 reads:

“Prior to the occupation of the 767th residential unit constructed pursuant to planning permission HW/PL/04/00302, the bus gate as shown in principle on Drawing No. A102131_104 Rev P2, shall be installed and completed, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway capacity and efficiency.”

The proposal is for the variation of Condition 5 so that the condition is amended to read:

“Prior to the occupation of the 917th residential unit constructed pursuant to planning permission HW/PL/04/00302, the bus gate as shown in principle on Drawing No. A102131_104 Rev P2, shall be installed and completed, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway capacity and efficiency.”

Planning permission HW/PL/04/00302 relates to Phase 2 of the Newhall Neighbourhood which includes 2,300 dwellings.

This proposal to amend Condition 5 of HW/FUL/17/00130 would result in a delay to the timing for the bus gate until the 40% of dwellings are occupied, rather than the 33% as Condition 5 currently indicates. This represents a 7% increase in the number of dwellings to be occupied before the bus gate is implemented.

The proposal does not otherwise affect the implementation of the approved bus gate which has been considered acceptable in principle.

RELEVANT PLANNING HISTORY

Application Reference Number: HW/FUL/17/00130

Proposal: Second Primary Access and Associated Highway Works to Serve Newhall Phase II

Application Status: Granted Planning Permission

Date Application Received: 24 March 2017

Date Application Decided: 6 July 2017

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

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, and Policy T9 of the Adopted Replacement Harlow Local Plan.

Tree Experts

No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 448

Total Number of Representations Received: 62

Date Site Notice Expired: 4 September 2020

Date Press Notice Expired: 3 September 2020

Summary of Representations Received

There have been 62 objections received opposing a bus gate in London Road.

There are no specific objections have been received to the proposal to delay implementation of the bus gate until a later stage.

PLANNING POLICY

BE21:"Newhall Plan" the developer will be required to submit a Masterplan for approval. It will incorporate a design statement that will demonstrate in principle and in detail how development will encompass the Local Plan Design Policies and those in the Essex Design Guide for Residential and Mixed Use Areas.

T6:"Cycling and Walking" new developments, including re-developments, changes of use and town centre and transport interchange improvements will be required to provide: safe, direct cycleways within the development; appropriate contributions to improve and develop cycleways serving the development; links to the existing cycleway network; safe, secure and convenient cycle storage; other facilities for cyclists as appropriate.

T8:"Passenger Transport" provision of adequate public transport access and facilities will be secured at major developments. These shall be provided at an early stage of the development process, or as identified via a TIA.

T11:"Road Planning" a link road from Newhall to the highway network, the A414, is required.

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, were consulted upon between 12 March and 31 May 2020. On the 8 September 2020: Harlow Council published a new report relating to housing need. A consultation on this report ran for 2 weeks until 25 September 2020. Subject to receipt of the Inspectors report, is anticipated the Plan will be formally adopted by the Council in Autumn 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.

PLANNING ASSESSMENT

The principle of a second access and associated road works including the requirement for a bus gate have previously been considered to be acceptable (HW/FUL/17/00130) approved in 2017 which followed the outline approval HW/PL/04/00320, approved in 2012.

There were 2 legal agreements attached to the outline approval; one relates in part to Highway Works. The legal agreement required the provision of, among others, traffic calming measures and a bus gate in association with Phase 2 of the Newhall Neighbourhood scheme.

The 2017 approval has been implemented in part with the link road, known as Newhall Way already completed linking London Road with the A414 to ensure traffic particularly associated with the Enterprise Zone does not utilise local roads. There is a temporary chicane arrangement on London Road between The Chase roundabout and Newhall Way.

The main issue is whether the proposed delay in the implementation of the bus gate would be acceptable in planning and highway terms.

This proposal to amend Condition 5 of HW/FUL/17/00130 would result in a delay to the timing for the bus gate until the 40% of dwellings are occupied, rather than the 33% as Condition 5 currently indicates. This represents a 7% increase in the number of dwellings associated with Phase 2 of the Newhall Neighbourhood to be occupied before the bus gate is implemented.

The proposal does not otherwise affect the implementation of a bus gate which has been considered acceptable in principle.

In 2017, it was assessed that the road system could operate until the 767th dwelling was occupied on Phase 2 of the Newhall Neighbourhood, at which time a bus gate would need to be implemented so that traffic was diverted onto the main road network.

The applicants have submitted a transport assessment as part of the current submission which has reviewed the information used in 2017 and has been able to use real data (rather than the estimates previously used) to identify that there is sufficient road capacity for the bus gate to be delayed to a later stage in the development, i.e., until the 917th unit is occupied, before implementing the bus gate.

The Highway Authority have assessed the details submitted and have no objection to the proposed timing delay for the implementation of the bus gate. It is therefore considered that introducing a slight delay to the provision of the bus gate will not have any harmful impact on the highway network.

Proposed Conditions:

The proposal is for the variation of a condition through a Section 73 (S73) application. Conditions attached to the original approval (HW/FUL/17/00130) are required to be attached to any S73 approval if they remain relevant (i.e., relevant to the variation itself and relevant because the requirement of the condition remains outstanding). Proposed Condition 2 is proposed to replace Condition 5 of the original approval, in line with the applicants request while proposed Conditions 1 and 3 relate to other details which have partly been implemented/the plans originally detailing the proposal.

Conditions 1 and 2, which replace those of Conditions 4 and 5 in the original approval are also subject to the Non-Material Amendment which was allowed to remove the “tail piece” of “unless otherwise agreed in writing by the Local Planning Authority” from both conditions.

Response to Issues Raised

Objections have been received which relate to their not wanting to have a bus gate on London Road.

The bus gate was considered to be acceptable as part of the approval of a second access into the Newhall Neighbourhood when the host application (HW/FUL/17/00130) was originally considered.

The current proposal is not seeking to remove the bus gate but to delay its implementation. Therefore while there are objections they are not specifically related to the current proposal which is under consideration.

There would be an opportunity to comment on the exact details of a bus gate if the Highway Authority undertakes consultation.

CONCLUSION

The proposal to slightly delay the implementation of a bus gate to London Road would not result in any issues arising from a lack of capacity in the highway network and the proposed delay in implementation would therefore be acceptable in line with Policies T8 and T11 of the ADRLP 2006.

RECOMMENDATION

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

- 1 The access arrangements, including associated traffic calming, speed limits and bus stop, as shown in principle on Drawing No. A102131_103 Rev P2, shall be installed and completed.
REASON: In the interests of highway safety, capacity and efficiency.
- 2 Prior to the occupation of the 917th residential unit constructed pursuant to planning permission HW/PL/04/00302, the bus gate as shown in principle on Drawing No. A102131_104 Rev P2, shall be installed and completed.
REASON: In the interests of highway capacity and efficiency.
- 3 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
A102131_105	P2	Levels and Kerb Schedule	08.05.2017
A102131_106	P1	Location Plan	24.03.2017
A102131_100	P2	General Arrangement	08.05.2017
A102131_103	P2	Traffic Calming	08.05.2017
A102131_104	P2	Traffic Calming	08.05.2017

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.