

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**16 February 2021**

**REFERENCE:** HW/FUL/20/00543

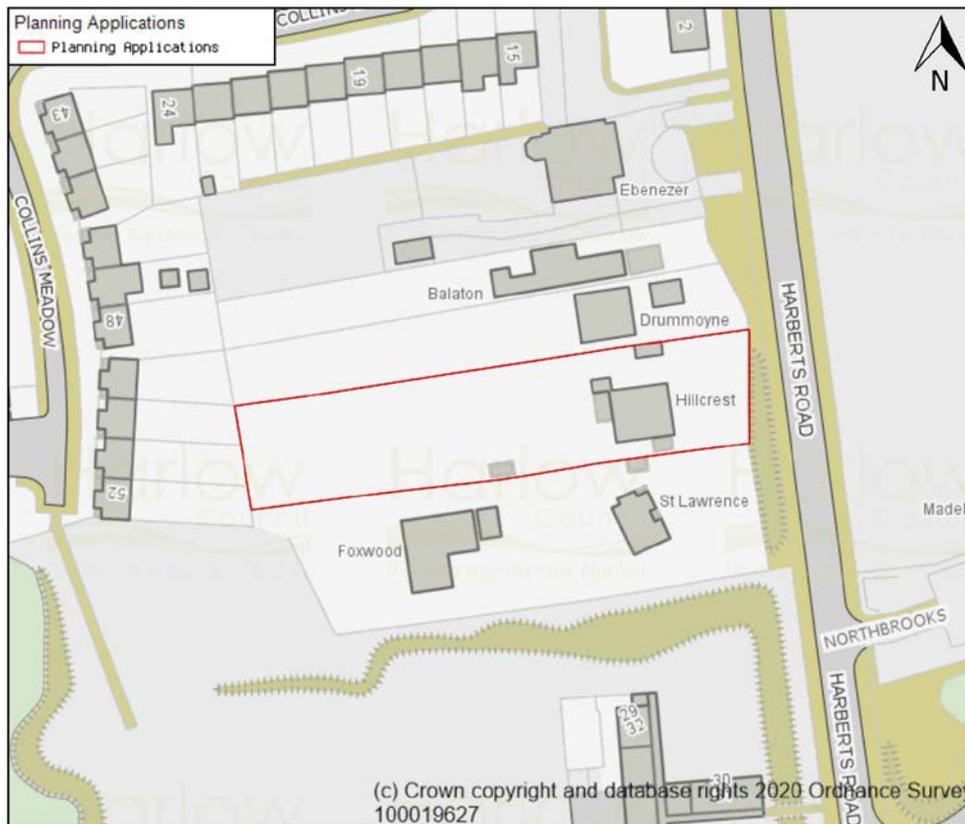
**OFFICER:** Gavin Cooper

**APPLICANT:**

**LOCATION:** Hillcrest  
Harberts Road  
Harlow  
Essex  
CM19 4EU

**PROPOSAL:** Proposal is for 2 x two bed chalet bungalows with a study, car parking, amenity space and soft landscaping.

**LOCATION PLAN**



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**Reason brought to Committee**  
More than two objections received.

## **Application Site and Surroundings**

The application site forms part of a distinct local character area comprising 6 dwellings (Ebenezer, Balaton, Drummoyne, Hillcrest, St Lawrence and Foxwood) of varied design set within substantial plots and within a verdant setting. The dwellings (with the exception of Foxwood) are positioned towards the front of their plots and front Harbets Road.

The application site has a slope which increases by approximately 1 metres from the road to where Hillcrest sits and then slopes down to the rear by approximately 5 metres.

To the north of the site is Drummoyne, to the east is Harbets Road, to the south is Foxwood and St Lawrence and to the west is no.50-52 Collins Meadow. Northbrooks Sports Ground and open space is located opposite to the site.

The application site includes the rear garden of Hillcrest (size)

The application site is located in Flood Zone 1 (low risk of flooding).

The site is not located within a Conservation Area and is not in close proximity to any Listed Buildings.

The site is not the subject of any local or national ecological designation.

## **Details of the Proposal**

Planning permission is sought for the construction of a pair of semi-detached chalet bungalows within the rear garden of Hillcrest.

The proposed dwellings would be 7.65 metres wide and 9.6 metres deep. Both would have front and rear dormer windows with an eaves height (at front) of 2.4 metres and a ridge height of 6.2 metres.

The proposed dwellings would be set 3.0 metres from the side boundaries with Foxwood to the south and Drummoyne to the north.

Due to the slope of the site the new dwellings would be sited 3.2 metres below the level of Hillcrest. The proposed dwellings would be set 0.3 metre below Foxwood.

The proposed dwellings would be accessed by Harbets Road via a new access road leading to a turning head to the front of the properties. The proposal would provide two parking spaces per dwelling. Hillcrest would be left with two parking spaces and one visitor space.

Access to the site would be taken from Harbets Road via the existing crossover and would include a new shared access for the proposed dwellings and Hillcrest.

This application follows a dismissed appeal with a reduced scheme.

The appeal scheme involved a proposal for two-storey dwellings with projecting front gable and a covered front entrance. The appeal scheme dwellings were 8.8 metre wide and 9.8 deep with eaves of 5.0 metres and a ridge 8.0 metre. The new properties were set 1.2 metres from the side boundaries with Foxwood to and Drummoyne.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/19/00288	Erection of 2 No. dwellings, alteration to access, car parking, private gardens and soft landscaping	RF	20.12.2019
Land R/O St. Lawrence, Harberts Road			
HW/ST/02/00427	Erection of 3 Bedroom Detached Bungalow with Single Garage	GTD	06.02.2003

### Planning Appeals

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/APP/20/0100	Erection of 2 No. dwellings, alteration to access, car parking, private gardens and soft landscaping	DIS	21.08.2020
<p>The Inspector concluded that:</p> <p>“The proposal would cause harm to the character and appearance of the area and would conflict with the LP, when taken as a whole. It would fail to fulfil the character and design objectives and overall, the environmental definition of sustainable development as set out in the Framework.”</p>			

## CONSULTATIONS

### Internal and external Consultees

Archaeology

No Objection.

“The Historic Environment Record shows that the proposed development is located close to an area of known archaeological significance. Neolithic pottery sherds and flint and Iron Age and Roman pottery are recorded from the area of the former gravel-pit (EHER 3831-3) adjacent to the proposed development area. It is probable that these represent successive periods of settlement on the slope above the confluence of the Todd and Parndon Brooks. Archaeological deposits are both fragile and finite, in view of this the following recommendation was made to Harlow District Council in line with the National Planning Policy Framework”

Tim Moya Associates

No Objection.

Trees to be retained on site which will be affected by the development, T2, T3, T4 and T8 have been appropriately considered and the methods of surface construction for the access route which affected T4 are suitable, so that the impact should be minimal if the methods are followed.

There is of course significant trees loss, where the dwellings will be which include the removal of G3 which dominate the area of the site they sit within, however it is not believed that this outgrown hedge line is of significance in aesthetics to the site.

The loss of G4 is questionable and it would be proposed that as much of the group is retained as possible. This loss can only be remediated with significant replanting, and whilst there is 'enhanced planting to boundary' there is potential that this replanting just becomes a uniform hedge, cut to shape which is of no substitute to the loss of G4. Therefore, a fully considered landscaping plan which considers how many trees were lost in G4 is replanted in the rear gardens. It may be prudent to consider some retention and replanting in this area to alleviate the need for replanting, thus integrating the scheme into what is already there.

Ultimately, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process.

However, it will be necessary for the issued decision notice to ensure that the proposed development will be undertaken in full accordance with the fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. This therefore requires a performance condition be attached to the decision notice.

HDC - Cleansing And Environment

Objection.

"We note from the latest proposal that the design incorporates 2 bin storage areas however these are located beside each dwelling. In accordance with BS5906, the distance the collecting operatives should be required to wheel bins to the collecting vehicle should not exceed 15m, therefore suitable points should be incorporated into the design to ensure this distance is not exceeded. We are not able to enter the development with a 26t RCV as there is insufficient turning space and road width.

If these bin chambers are brought to the top of the development closer to Harberts Road, 15m can be achieved however it would require the occupiers to regularly carry their waste a distance that exceeds 30m which contravenes building regulations (2010, H6, 1.8). We object to the proposal until the applicant can provide a suitable alternative that mitigates these concerns."

[These comments are addressed in detail in the report below.]

Essex County Council - Highways

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.

Informative

i. There were no highway issues with previous application, or that were raised at the subsequent Appeal.

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](mailto:development.management@essexhighways.org) or by post to:SMO3  
- Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 19

Total Number of Representations Received: 4

Date Site Notice Expired: 29 December 2020

Date Press Notice Expired: 17 December 2020

## **Summary of Representations Received**

4 letters of objection have been received. The objections are summarised as following:

- Impact on neighbours due to loss of light, privacy, over dominance and overshadowing;
- Impact on wildlife including flora and fauna;
- Detrimental to adjoining open spaces;
- Loss of trees; and

## **PLANNING POLICY**

The relevant policies are:

SD1 - Presumption in Favour of Sustainable Development

WE1 - Strategic Green Infrastructure

WE3 - General Strategy for Biodiversity and Geodiversity

H2 - Residential Development

H5 - Accessible and Adaptable Housing

PL1 - Design Principles for Development

PL2 - Amenity Principles for Development

PL3 - Sustainable Design, Construction and Energy Usage

PL7 - Trees and Hedgerows

PL8 - Green Infrastructure and Landscaping

PL9 - Biodiversity and Geodiversity Assets

PL10 - Pollution and Contamination

PL11 - Water Quality, Waste Management, Flooding and Sustainable Drainage Systems

IN1 - Development and Sustainable Modes of Travel

IN2 - Impact of Development on the Highways Network including Access and Servicing

IN3 - Parking Standards

## **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)  
The Essex Parking Standards: Design and Good Practice (2009)  
Planning Practice Guidance (PPG)

### **Summary of Main Issues**

The main issues for consideration of this application are the principle of development; impact on the character and appearance of the area; impact on residential amenity; highway, access and parking issues; and impact on trees and landscaping.

### **ASSESSMENT**

#### ***Principle of the development***

A similar proposal was dismissed at appeal in August 2020. The appeal was determined against the Adopted Replacement Harlow Local Plan 2006. The Inspector described policies BE1 and H10 as:

"Amongst other things and when taken as a whole, these allow planning permission to be granted for residential infill development including the subdivision of garden plots if the proposal would not have an unacceptable adverse effect on the character of the locality."

The Inspector then indicates that the principle of development was acceptable and it was the scale of development that was the issue with the proposed scheme. The Inspector comments:

"Further, that the height, massing, layout, and appearance makes an appropriate visual relationship with that of the form, grain, scale of the surrounding area and building design is specific to context. That would not be the case here." (paragraph 10).

Policies BE1 and H10 of the Adopted Replacement Harlow Local Plan 2006 have been replaced by policies PL1 and H2 of Harlow Local Development Plan 2020. These have a similar thrust to the previous policies in that they allow infill development if does not harm the character of the area.

Policies PL1 and H2 of the HLDP do not preclude infill developments, provided that the established character of the area and neighbour amenity are protected. The development should also make provision for refuse storage and collection, provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The principle of development can be accepted subject to the height, massing, layout, and appearance making an appropriate visual relationship with the form, grain, scale of the surrounding area and building design is specific to context. This is examined in detail below.

## **Impact on the character and appearance of the area**

The character of the area is defined by the six detached residential properties that extend from Ebenezer in the north to St Lawrence/ Foxwood in the south. These properties are detached bungalows with a variety of different designs. The appeal Inspector commented that:

“In combination with a lack of significant development the appeal site and these gardens provide a sense of openness and spaciousness, acting as a visual break between distinctly different residential groups of properties, and allow for a transition from the built environment in this part of the settlement to the open space of Collins Meadow Field and Canons Brook beyond. There may well be diversity in the types of properties in the wider locality but nevertheless, the appeal site positively contributes to the tranquil suburban character and appearance that I experienced and saw.” (Paragraph 6)

As has been set out above the Inspector had no in principle objection to the redevelopment of this site. His concern was that the scale of development was inappropriate. He defines this as follows:

“There is no character study or design guidance for the area, but I must use my own judgement. Despite the use of appropriate and local materials, the proposal would impose a markedly different form, scale, and type of housing onto this undeveloped land. In such proximity to their side boundaries and at the height proposed, with overly prominent gable end projections, the properties would be noticeably larger and taller than the properties that form its immediate and prevailing context.” (Paragraph 7)

The current proposal is significantly smaller than the appeal scheme with semi-detached bungalows now proposed. The footprint of the proposed dwellings would be reduced from 172.5 sq m to 146.9 sq m and the height of the building would be reduced by 1.8 metres. This means that the ridge of the new dwellings will be such that the eaves and ridge will now be lower than the adjoining property at Foxwood. Furthermore, the distance to boundaries has been increased from 1.2 metres to 3.0 metres.

Given that the proposed dwellings are similar in scale to the adjoining development and retain space around the proposed dwellings, it is considered that the proposal would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene. The proposal would therefore be in accordance with policies PL1 and H2 (a) of the HDLP.

## **Neighbouring Amenity**

Policy PL2 of the HDLP and the Harlow Design Guide SPD indicate that proposals should not result in detrimental impacts to neighbouring amenity.

It is noted that concern has been raised from local residents in relation to the impact of construction work and refuse collection on their amenities. It is considered that concerns relating to construction work could be overcome by a construction management plan condition. Whilst comments in relation to refuse collection are duly noted, it is considered that the frequency and duration of collections would be limited and would not therefore result in significant detrimental impacts to neighbouring amenity to justify refusal in this circumstance.

The proposed dwellings would be located 38m from Hillcrest, Drummoyne and no.50-52 Collins Meadow, and are not therefore considered to result in detrimental impacts to the residential amenities of the occupiers of these properties.

The proposed dwellings would be positioned closest to the property of Foxwood, at a distance of 10m. The proposed dwellings would be at a similar level as this property and would be positioned such that they extend 6.2 metres beyond the rear elevation of Foxwood. It is considered that the distance and orientation would prevent them from becoming overbearing to this neighbour.

A condition is recommended to ensure that the new dwellings would be at a similar level as Foxwood given that the change in levels across the site.

It is also considered that suitable landscaping along the shared boundaries could also help to screen the proposal from all neighbours. This could be secured via a landscaping condition.

It is not therefore considered that the proposed development would result in significant detrimental impacts to neighbouring amenity, and is considered acceptable and in compliance with policies PL2 and H2 (a) of the HDLP and the Harlow Design Guide SPD.

## **Parking and Highways**

Policy IN3 of the HDLP and the Essex Parking Standards indicates that the proposal should include a maximum of 2 off-street car parking spaces per dwelling and 0.5 visitor spaces (rounded up to 1) of 2.9m in width and 5.5m in depth each.

The proposal includes 6 car parking spaces and 1 visitor space of the correct dimensions. In addition, it is considered that vehicles could enter and exit the site in a forwards gear. It is not therefore considered that the proposal would result in significant detrimental impacts to parking or the highway, in compliance with policies H2 (b) and IN3 of the HDLP and the Essex Parking Standards.

## **Waste**

The proposal includes bin storage to the front of the proposed dwellings and would require the owners of the new dwellings to wheel their bins to the front each time they needed emptying. The Council's Waste and Recycling Officer objects to the proposal on the basis of the distance involved to move bins to the bin store and to the road frontage would be contrary to Building Control Regulations.

The applicant comments as follows: "The building reg that they quote is Approved Document H: Drainage and Waste Collection states (201), which states at 1.8:

'Storage areas for waste containers and chutes should be sited so that the distance householders are required to carry refuse does not usually exceed 30m (excluding any vertical distance). Containers should be within 25m of the waste collection point specified by the waste collection authority.'

The 30m is the distance carrying a bin bag not wheeling a bin. What we've provided is a bin store next to the houses, which means that residents do not need to carry the bin bag for more than 30m from the internal bin within the house.

On the evening before the waste is collected, the residents will wheel the bin to the proposed collection point near to the road, which is within the required distance from the road.

The proposed strategy is in accordance with the building regs.”

It is considered that the waste provision for the new dwellings would be in accordance with policies PL1 and H2 (c) is therefore acceptable.

## **Trees**

The application is surrounded by the trees and some vegetation along the site boundaries, which has a positive visual amenity value. The proposal would retain some of the existing vegetation and trees with the loss of some of the trees in groups 3 and 4. Both groups include a number of poor quality trees at grade C. Advice from the Council's Arbiculturalist is that some of the trees in group 4 could be retained and should be incorporated into the detailed landscaping scheme. If loss is necessary, this should be mitigated. On this basis, the proposal is acceptable in terms of tree loss and potential for landscaping. The development is therefore in accordance with policies PL1, PL7, PL8 and WE1 of the HDLP.

## **Sustainability**

Policy PL3 (Sustainable Design, Construction and Energy Usage) sets an expectation that all new development shall deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. This policy encourages applicants to consider the impact of their development and seek ways to address the effects, above and beyond those measures required by Building Regulations. The Building Regulations set out the minimum requirements for the conservation of fuel and power. Development will be encouraged to exceed the minimum standards required by Building Regulations. Where exceeded, the amount by which the minimum standards should be exceeded is preferably at least 19%.

To address the requirements of Policy PL3, it is recommended that a condition be imposed requiring the submission of a Sustainability Strategy. This strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO<sub>2</sub>) emissions. The Sustainability Statement should make clear how measures have been incorporated into the design of the development to ensure they are well integrated.

Policy PL11 (Water Quality, Water Management, Flooding and Sustainable Drainage Systems) seeks to minimise impact on the water environment and requires that all new dwellings should achieve the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations. It is recommended that this is achieved through the imposition of a planning condition.

## **Accessible and Adaptable Housing**

Policy H5 (Accessible and Adaptable Housing) seeks (Part a) to ensure that all new dwellings should be at least Building Regulations Part M4(2) standard for accessible and

adaptable homes. It is recommended that this is achieved through the imposition of a planning condition.

## CONCLUSIONS

The proposal has addressed the issues raised in the planning appeal by making the scheme significantly smaller. The proposal would therefore retain the tranquil suburban character and appearance of the area. The proposal would provide sufficient car parking, waste facilities and retain sufficient trees and landscaping. The proposal would therefore be in accordance with policies H2, H5, PL1, PL2, PL3, PL7, PL8, PLL, WE1 and IN3 of the HDLP and the Harlow Design Guide SPD. The scheme is recommended for grant.

## 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 the commencement of development, a Sustainability Strategy for the development shall be submitted to and approval in writing by the Local Planning Authority. The submitted Sustainability Strategy shall include details of any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building contributes to reducing carbon dioxide (CO<sub>2</sub>) emissions. The Sustainability Statement should make clear the target total carbon dioxide (CO<sub>2</sub>) reduction level, by using nationally recognised, independently audited schemes such as Energy Performance Certificates. The evidence should include a clear breakdown of the percentage of carbon savings delivered by building efficiency and the use of any low carbon or renewable energy technologies. The development shall thereafter be carried out in accordance with the approved Sustainability Strategy.  
**REASON: To ensure that the proposal meets with the requirements of sustainability, in accordance with Policy PL3 of the Harlow Local Development Plan, December 2020.**
- 3 Prior to the commencement of development, a detailed landscape scheme shall be submitted to the local authority for approval and shall be implemented during the next planting season following completion of the development. The scheme shall include all hard and soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare, and a programme of maintenance for a period of 3 years following completion of the scheme.  
**REASON: 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 so as to ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity.**

- 4 Prior to the commencement of development, a construction method statement should be submitted to and approved in writing by the planning authority. The construction method statement shall include details of how the development will be carried out including the transport and storage of materials and how the impact on adjoining residents will be mitigated. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.  
**REASON: To protect the amenity of adjoining residents in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.**
- 5 The proposed development shall be completed in full accordance with the submitted arboricultural details of the consented submission package. Specifically, this includes the following documents: Arboricultural report: Rev 2 dated 7th December 2020. Any alterations to the agreed details must be prior-approved by the Local Planning Authority (LPA) in writing.  
**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 policies PL1 and PL8 of Harlow Local Development Plan, December 2020.**
- 6 No construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0800-1800 on weekdays and 0800-1300 on Saturdays, nor at any time on Sundays or Bank Holidays.  
**REASON: In the interests of the amenity of adjoining residents, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.**
- 7 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), alterations or enlargements to the dwellinghouse as permitted by Schedule 2, Part 1, Class A, or to the roof as permitted by Class B shall not be undertaken to the dwellings, hereby permitted, without apply for permission from the Local Planning Authority.  
**REASON: To enable the Local Planning Authority to retain adequate control over such extensions or alterations to protect the living conditions and amenities of neighbouring residents, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.**
- 8 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.**
- 9 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.**
- 10 No development above ground level shall take place until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

**REASON: The proposed levels of the development are required prior to commencement for clarity and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.**

- 11 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.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
	2	Tree Protection Plan	07.12.2020
NWA-19-027-12	Rev A	Proposed Section	08.01.2021
NWA-19-027-LOC_PC	--	Proposed Block and Location Plans	13.11.2020
NWA-19-027-10	Rev B	Proposed Layout Plan	08.01.2021
NWA-109-027-11	--	Proposed Plans and Elevations	13.11.2020
NWA-19-027-LOC_E	--	Existing Block and Location Plans	13.11.2020
NWA-19-027-SURV	Rev A	Site Survey	08.01.2021
NWA-19-027-VOL	--	Scheme Comparison	08.01.2021

## **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.
  - i. There were no highway issues with previous application, or that were raised at the subsequent Appeal.
  - 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](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD