

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8th June 2021

REFERENCE: HW/FUL/20/00569

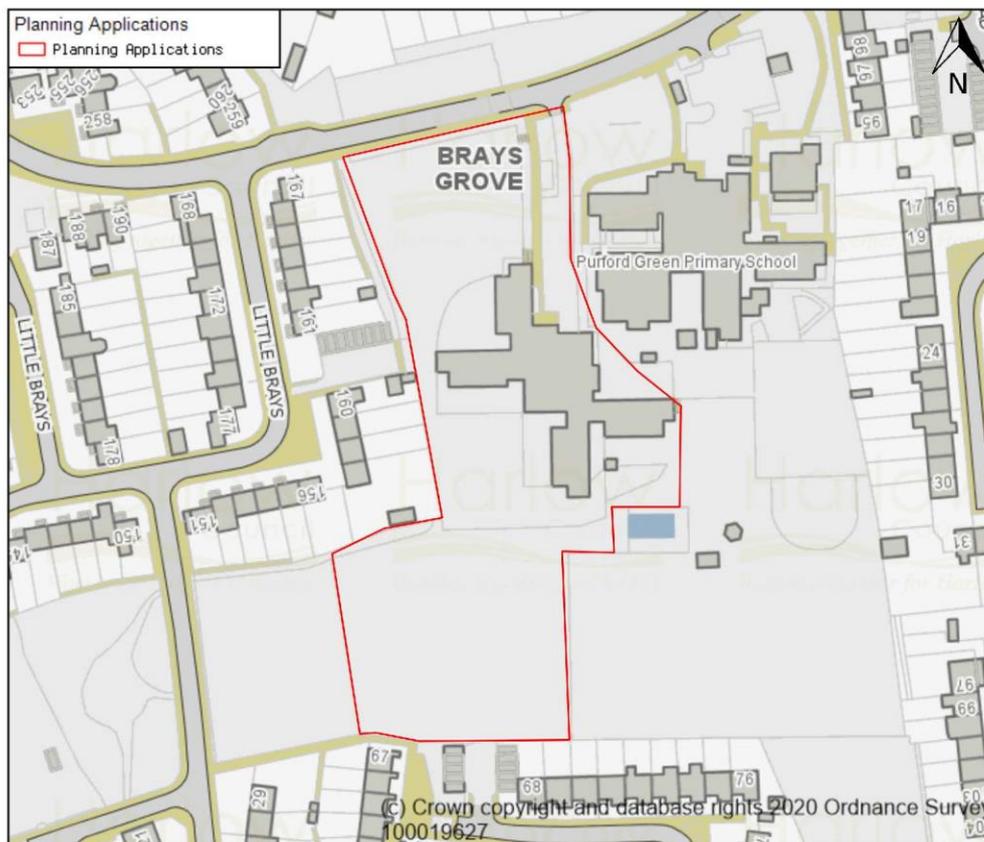
OFFICER: Gavin Cooper

APPLICANT: Essex Housing

LOCATION: Purford Green Development Site
Purford Green
Harlow
Essex

PROPOSAL: Demolition of existing building and redevelopment to provide 35 dwellings incorporating parking, open space, landscaping and associated infrastructure.

LOCATION PLAN



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Reason brought to Committee

More than two objections received.

Application Site and Surroundings

The application site is a former junior school, which is surplus to requirement following the merging of the former junior school and infants' school on the adjoining site to become Purford Green Primary School.

The application site is located within a predominantly residential area of Brays Grove, accessed from the part of Little Brays that runs from west to east. The area is generally characterised by two storey, residential terraced houses, although there are also some semi-detached properties.

Little Brays forms the northern boundary of the application site, with an area of car parking immediately opposite. Immediately to the west of the site lie terraces of properties served off Little Brays with rear gardens backing onto the site and an area of allotment gardens. To the south of the site lie further terraces of houses, again with some of the rear gardens backing onto the school site. On the eastern side of the site lies the Purford Green Primary School, with car parking located off Little Brays at the northern end, with the school buildings immediately to the south. To the south of the school buildings lie the play areas and playing fields.

Details of the Proposal

Demolition of existing building and redevelopment to provide 35 dwellings incorporating parking, open space, landscaping and associated infrastructure.

The scheme proposes two terraces perpendicular to Little Brays and forms the access to the site. At the rear there are a further five smaller terraces, a semi-detached pair and two detached houses. The properties are two storey with the two end terraces at the access from Little Brays being three storey. The design approach is modern with the use of a beige-grey brick.

The terraces that face 161-167 Little Brays have 1st floor terraces that sit between each of the properties.

The proposed mix would be 12 two bedroom houses (34%), 21 three bedroom houses (60%) and 2 four bedroom houses (6%).

A total of 65 car parking spaces will be provided within the development. This equates to 1.9 spaces per dwelling.

The scheme delivers 6 affordable units (17%). These are identified as the units in the southern terrace.

RELEVANT PLANNING HISTORY.

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PREA/20/20009	Pre-Application for: "Development of 35 Dwellings on former site of Purford Green School"	Response sent	29.10.2020
Concluded: "There is no in principle objection to the residential use of the Site. The			

development would take place on a brownfield site and optimise the use of the land, providing a significant amount of housing (including affordable housing) in a sustainable location with good access to public transport.”

HW/DEM/20/00608	Demolition of Former Purford Green Junior School	Prior Approval not Required	28.01.2021
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CONSULTATIONS

Internal and external Consultees

HDC - Landscape Comments

Existing Trees

Concerns are that whilst attempting to retain many of the mature trees there has unlikely been any acknowledgement of the future risk of tree loss caused by the development.

- T2, G3 (one tree) will be within the curtilage of private ownership so there is no guarantee of its retention.
- G4 will have a new building in close proximity and may cause a conflict with the trees in the longer term resulting in the loss of CAT B Oak trees. Has the distance of the building from the tree been taken in to account? The exact distance is not clear. Have the correct foundations been provided for this building so that tree roots are not going to be deemed a reason to remove the trees.
- The trees to be removed that are noted as part of G3, the information does not state what specific species of category B trees they are.
- The council states that they do not remove trees due to reduced light the G6 canopies are going to be covering about 80% what is one of the smallest gardens and due to the aspect this will reduce light for that property at certain times. This will likely cause conflict with a dweller and put pressure on the council to remove the tree and thereby putting the trees retention at risk. The Daylight Assessment by MLM does not appear to take tree canopies in to account.

Proposed trees

- The scheme does not appear to provide sufficient mitigation for the species lost as a result of the development. The street trees will not provide comparable canopy cover, amenity value, wildlife habit or resource or match any benefit to climate change prevention.
- The proposed *Quercus palustris* may not be the most suitable species to be located next to the access gate. This depends on the use of the gate but large vehicles may clash with the tree canopies due to the natural shape of this species (wide base). A clear stem of more than 2m may be required.

Proposed planting

- Hedge planting species in the strategy are appropriate
- Wildflower meadow needs to be considered to be redefines as the context of the locations such as the shaded north facing areas under mature trees are unlikely to deliver desired results. Appropriate seed mixes to suit the locations (possibly more than one type) need to be proposed.
- A habitat area is noted but no details are provided. What type of habitat is it recording.

Recommendation

- Sufficient measures should be put in place to secure the retained trees at risk of future loss.
- More detail of species loss of trees.
- Soil shrinkage from Oak trees can be significant and this should be anticipated and the buildings foundations would need to accommodate this. This is something that would need to be checked on site to ensure the design is not value engineered out.
- Tree replacement mitigation, can any off site contribution be suggested in the more immediate location of the development if not achieved on site.

It is suggested that the tree mitigation is resolved before the application is approved.

Officer Comment: Amended plans have been received which address the concerns raised.

Tim Moya Associates

The proposed development at Purford Green Development Site, Purford Green, Harlow (the 'application site') is for Demolition of existing building and redevelopment to provide 35 dwellings incorporating parking, open space, landscaping and associated infrastructure. (the 'proposed development').

With regard to planning policy and statutory responsibility, Harlow Council (HC) must – in accordance with Section 197 of The Town and Country Planning Act 1990 – “ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees”. In terms of policy, with regard to the National Planning Policy Framework 2019 (NPPF), paragraph 170 states that HC must recognise the “benefits from natural capital and ecosystem services - including the economic and other benefits of [...] trees and woodland” and more broadly ensure landscape resilience to the effects of climate change “through the planning of green infrastructure” (paragraph 150). Therefore, it is crucial that HC ensure that green infrastructure including trees is considered sufficiently within the planning and development process.

Following a site visit to assess any potential arboricultural constraints on 17th December 2020, it was evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan. Specifically, the proposed development application has provided an Arboricultural Impact Assessment (AIA) with an Arboricultural Method Statement (AMS) including a Tree Protection Plan (TPP).

The submitted AIA and AMS do contain sufficient detail, although at this stage there is clearly a subject of detailed design namely to the services on site which whilst adequately discussed does pose a risk to retained trees unless the method is clearly followed, and that if detailed design results in changes to the proposals then the AIA and AMS must be updated. Furthermore, the loss of trees on site is not seen to the detriment of the area, as many of the trees being lost are not large imposing specimens and are rather limited in their impact to character of the area. There is at present a limited hard and soft landscaping plan proposed which does include several new trees.

The new trees proposed in number, seem sufficient but are unlikely to provide the associated benefits which the current on site trees offer, due to their placement in and around hard surfaced areas in most cases. It does seem that *Quercus palustris* and *Amelanchier lamarckii*, is being overused on site so it would be prudent to diversify the species mix in respect of these species, to new not already included species. There is some concern that trees that become ownership of the private residences may be at risk from

removal in future, so it should be imposed that all trees planted are protected from removal and need to be replaced if they fail to establish.

At this stage, a further landscaping condition can be imposed to ensure the above occurs prior to the work to implement it. Therefore, 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.

Place Services – Archaeology

The Historic Environment Record shows that the proposed development is located within an historic landscape. The eastern boundary of the site comprises parish boundary between Netteswell and Latton, is of probable early medieval date. To the south and west are historic footpaths and field boundaries. Excavation on other sites in Essex has identified a link between the routes of historic footpaths and medieval settlement sites. Excavation to the south and east has identified sites associated with the medieval and post-medieval pottery industry. Fieldwork on the Harlow Rugby Club site to the north of the proposed development has identified Iron Age and medieval activity, including an Iron Age cremation.

Archaeological deposits are both fragile and finite, in view of this a condition is requested in line with the National Planning Policy Framework.

HDC - Housing Services

Within this site it is disappointing that 30% affordable housing could not be achieved and the site has not met policy compliant standards. The location and size of the site would have made it an optimal site to supply affordable housing and address local housing need..

HDC - Environmental Health

As the contractor has incorporated Officer recommendations concerning noise and dust mitigation into the draft Construction Method Statement, the statement is considered to be acceptable. The geo environmental report is acceptable and Officers recommend that its recommendations at 7.4 of the report are fully implemented as part of any planning permission.

HDC - Cleansing And Environment

No Comment Received.

Essex County Council – Highways

No objection.

Given the scale of the development the Highway Authority is satisfied that in terms of safety and capacity that the impact of the proposal will be insignificant on the local highway network.

The parking provision is considered to be acceptable especially given the location of the site and its position in terms of easy access to other modes of sustainable travel. Therefore, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

Essex County Council - Infrastructure Planning Officer

Assuming that all of these units are homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.15 Early Years and Childcare (EY&C) places; 10.50 primary school, and 7.00 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare:

Based on the demand generated by this proposal as set out above, a developer contribution is not sought.

Primary Education:

Based on the demand generated by this proposal as set out above, a developer contribution is not sought.

Secondary Education:

With regards to secondary education needs, Essex County Council's 10 Year Plan forecasts a significant deficit in secondary places which by the end of the period will exceed the additional capacity added by the new Sir Fredrick Gibberd Academy. The demand generated by this development would be in addition to this demand. So, based on the demand generated by this proposal as set out above, a developer contribution of £166,425.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on secondary education. Our standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

Sustainable Drainage Team

No objection

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, Officers do not object to the granting of planning permission based on conditions.

Place Services

No Comment Received.

NHS West Essex CCG

No Comment Received.

Thames Water Utilities Ltd

No objection.

Sport England

In summary, the planning application involves a residential development of 35 dwellings on the former Purford Green Junior School site which closed in 2013 following its amalgamation with the adjoining Purford Green Infant School to form a combined Purford Green Primary School. The redevelopment of the former school site would result in the loss of the school's playing field. While use of the playing field by the former Purford Green Junior School formally ceased in 2013, it is understood that the adjoining Purford Green Primary School were able to use the playing field on an informal basis (as the playing field was not fenced off from the primary school site) until it was fenced off in 2018. The playing field is understood to have not been used since March 2018. As set out in the applicant's letter dated 3rd February 2021, the loss of the former Purford Green Junior School playing field is proposed to be mitigated by a financial contribution that would be used towards new or enhanced playing pitch or sports pavilion provision at Harlow Council's Church Langley Country Park.

Assessment against Sport England Policy

The applicant has engaged with Sport England and Harlow Council at pre-application stage and during the determination of the planning application with a view to developing a playing field mitigation package that would accord with our policy. The current package is set out in abovementioned letter and, in summary, involves:

- A financial contribution of £75,708 being paid to Harlow Council that would be used towards either playing pitch improvements or new/enhanced sports pavilion provision at the Council's nearby Church Langley Country Park to help implement priority playing field projects identified in Harlow Council's Playing Pitch Strategy & Action Plan and the Harlow Local Football Facilities Plan;
- The financial contribution being secured through a section 106 agreement and paid to the Council prior to commencement of development;
- The financial contribution being required to be spent by the Council on the project(s) at Church Langley Country Park within 5 years of receipt of the contribution.

Exception 4 of Sport England's playing fields policy permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development. When assessed against this exception (which is consistent

with paragraph 97(b) of the NPPF), the package would not entirely accord with the policy. This is because the proposal to make a financial contribution that would be used towards enhanced playing pitches or sports pavilion provision at Church Langley Park, would not deliver a replacement playing field of equivalent or greater quantity to the playing field that is being lost on the application site because the contribution would be used towards enhancing the facilities at an existing playing field site rather than creating a new playing field. Furthermore, due to the potential time lag between development starting on the playing fields on the application site and the mitigation projects (that would be funded by the financial contribution) being delivered, the replacement playing fields would not be expected to be available prior to development commencing on the playing fields that would be lost.

While the mitigation package that has been offered would not fully accord with exception 4, the following considerations which apply specifically to this case are significant to my assessment:

- The playing field is no longer needed for educational use since the former Purford Green Junior School closed in 2013 and while the adjoining Purford Green Primary School used the playing field on an occasional informal basis up until 2018, the primary school has its own playing fields which are understood to be sufficient for meeting the school's educational needs. The playing field is now disused and has not been maintained for three years.
- The playing field is only 2,162 square metres in size and due to the limited area and its irregular shape, it would only be possible to accommodate a single mini 5v5 football pitch on the space available. Furthermore, since the former Purford Green Junior School was closed the buildings have not been maintained and are in a poor state of repair awaiting demolition. Based on Sport England's experience, it is considered very unlikely (if the proposed development was not approved and implemented) that Essex County Council, as the landowner, would open up the playing field for formal sports use (i.e. for bookings by sport teams) by the community and maintain it to the required standard given the associated maintenance costs and management requirements together with the limited revenue generating potential to offset these costs. Furthermore, a single 5v5 mini soccer pitch site with no toilet and refreshment facilities would not usually be attractive to community youth football clubs to use because clubs prefer larger multi-pitch sites where multiple teams within the club can play at the same time and which are supported by toilet and refreshment facilities. In view of these considerations that apply to this particular site, the principle of enhancing the quality of the facilities on an existing community playing field would be considered to offer more benefits to community sport than seeking to safeguard the former school playing field for potential formal sports use by the community in the future;
- Harlow Council's Playing Pitch Strategy (2018) has identified that some of the current demand for football pitches can be accommodated through enhancements to existing pitches and facilities and the strategy recommends (Recommendation 3) that its action plan be used to prioritise pitch and ancillary facilities enhancements with priority being given to multi-pitch sites and proposed football hub sites. Church Langley Country Park provides one of Harlow's largest multi-pitch Council owned playing fields which has been marked out for 8 football pitches of different sizes and a cricket square. The Playing Pitch Strategy rated the quality of the pitches and the changing facilities at this site as being poor with most of the pitches being overplayed. The strategy's action plan identified the site as a high priority within Harlow for investment in relation to improving the quality of football and cricket pitches and improving the pavilion. The Harlow Local Football Facilities Plan (2018) that was prepared by the Football Foundation in consultation with the Council following the completion of the Playing Pitch Strategy also identified Church Langley

Country Park as one of the priorities in Harlow for enhanced natural turf pitch provision and changing facility provision. Harlow Council's proposal that the financial contribution be used towards implementing either playing pitch or pavilion enhancements at this site would therefore be consistent with the Playing Pitch Strategy and Local Football Facilities Plan's priorities for addressing playing field deficiencies. Using the proposed financial contribution to help address these deficiencies would be considered to offer greater benefits to community sport than safeguarding the playing field on the application site given the considerations outlined above. Furthermore, as Church Langley Country Park is a local authority owned site there is more certainty offered that any investment into this site will deliver long term benefits to the local community than being invested into maintaining a former school playing field site that is not controlled by the Council. The Football Foundation and Essex County FA are also supportive of the financial contribution being used for delivering these projects. Church Langley Country Park is also one of the closer Council owned public playing fields to the application site.

- The proposed financial contribution that has been proposed is considered to be appropriate in terms of its amount for providing a replacement playing field that would be equivalent or better in quantity and quality to the playing field that would be lost. The proposed contribution would be equivalent to the current capital cost (based on Sport England's average facility costings) of providing a playing field equivalent in area (2.162 ha) to that which would be lost in accordance with Sport England's design guidance together with the cost associated with providing some basic toilet/refreshment facilities. Consequently, the scale of the financial contribution proposed would be adequate for delivering a replacement playing field that would meet exception 4 of our policy;
- As the former school's playing field has been out of use since 2018, on this occasion it is not essential that the replacement facilities funded by the financial contribution are completed and operational in advance of development commencing because there is not a need to provide continuity of provision for an existing playing field user.

On the basis of the above considerations, while I am of the view that the proposed playing field mitigation would broadly meet the intention of exception 4 of our policy, I am satisfied that exceptional circumstances exist to justify a departure from our playing fields policy on this occasion in relation to the proposal not according with the equivalent or greater quantity and continuity of use criteria in exception 4 on the basis of the considerations set out above that apply specifically to this proposal.

Conclusions and Recommendation

In conclusion, it is considered that while the proposed playing field mitigation package would not fully accord with exception 4 of our policy, on this occasion based on the specific considerations set out above which are unique to this proposal, a departure to our policy in relation to expecting all of the criteria in the exception 4 to be met is considered to be justified. I can therefore confirm that Sport England makes no objection to the planning application as a statutory consultee.

Place Services - Design

The application is considered to provide a well thought out layout with good connectivity that responds well to the wider community. The approach to architecture and design creates a responsive proposal which addresses set a good precedent of development of the area. However, there are a number of elements we consider should be reviewed to ensure the best quality scheme is delivered as part of this development. These have been outlined below.

Layout

Overall, it is considered the approach and delivery of the arrangement of the proposed dwellings is suitable to the size and arrangement of the site. There is one area we consider to not provide the best approach where space and arrangement doesn't make the best use of land. Plots 25-27 detract from the overall quality of development where their location and siting do not respond to either the habitat area or streetscene. The awkward arrangement which has rear gardens backing onto open space has the potential of create an unwelcoming and unsecure environment. The configuration and arrangement of the southern parcel to the development, in our opinion, holds further potential in encompassing the habitat area and focusing dwellings to the eastern and southern boundaries. Here homes would face onto open space rather than back on, address with wider green corridor which is formed to both the east and west of the site and provide a safe and welcoming open space which links to the south connection point.

The arrival into the site has also been raised as a potential issue where it is considered confusing to which street the gateway buildings address. From the streetscenes provided it appears as though the main focus onto Little Brays is of the side elevations and long extent of garden wall where the primary elevation faces into site. We appreciate that neighbouring arrangement approach development in this manner but question how this development will be perceived when arriving. The three storey elevations fronting Little Brays are inactive and provide little interest in a primary access route. Ideally, we would push for the gateways builds to address and connect with the wider highways ensuring the development isn't inward looking and turning its back onto the community it is being developed within. Given the scale, height, and prominence of the buildings we would request further review is undertaken to address this arrival.

Garden sizes to many of the dwellings appear to be unproportioned in comparison to the size of the dwelling. We appreciate there is no guidance from Harlow Council on garden sizes but would reference the applicant to the Essex Design Guide which outlines proposed square meterage to ensure adequately sized gardens are delivered (100m² 3 bed plus).

Architecture

As highlighted in the pre application discussions, it is considered the approach to the house types and character of development is that of a high-quality build. The scheme is both responsive while being innovative in the context of the application site. As raised above we would look to see further justification around the gateway builds and how they address the wider streetscene and arrive to the site.

Landscape

Following a review of the hard and soft landscape proposals we have the following requests and questions which should be justified in the approach. We raise concerns around the extent of grey, in particular the grey brick to the dwellings, black and grey asphalt road and pavement, along with the grey block pavers to the drives. We would consider the grey approach to be overbearing to the development which a more mixed palette of materials would help break up this up further. This combined with the limited landscaping to the streetscenes could create a harsh environment.

We question the extent of tree planting and the practical approach in delivering a majority of the trees. Trees location in the landscape beds to the front of the dwellings to the main access road are not realistic. Little growing volume or room to establish will not create the effect the scheme is looking to achieve. We would recommend low level ornamental planting

where we would push for street tree planting is explored further to help break up the long continuous vista to the main access road and assist in adding some element of green infrastructure to the proposals.

As outlined above we would question whether tree planting can be achieved in the parking areas of other confined spaces around the scheme. We would request further details are provided around tree pit details demonstration rooting volumes.

The green space on the arrive to the east of the entrance junction is underwhelming and considered dead space. There is a clear missed opportunity to delivering as well needed public space. The use of seating, footpaths, play and further tree planting would be required. This space holds opportunity in serving the development but also being a key space for the school where parents and children can meet and play before and after school. The proposals to this space currently are unacceptable.

Summary

Overall, it is considered the approach to the development is acceptable where there are several key areas which require addressing to ensure the best outcomes are met for the new community being created. A review of the southern parcel would be recommended to address the open space/habitat area and ensuring this is part of the development and not an afterthought. The approach to both the hard and soft landscape strategy needs considering to further integrate greening into what could be a very grey proposal. Lastly to address the forgotten space to the north to ensure this is a well-used and accessible piece of land for the community.

Essex Fire & Rescue Services (Water Section)

No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 138

Total Number of Representations Received: 29

Date Site Notice Expired: 8 January 2021

Date Press Notice Expired: 7 January 2021

Summary of Representations Received

There have been 29 objections received. The following comments have been made:

- **Principle of Development** – “I agree the current school and playground are brownfield sites but there is no acknowledgement that the ground covering intended properties 25 to 35 will take over green sites. Consideration should be given not building on this and retaining the green land as a park or extension to the current school which has too few spaces for the children who want to attend there. 10 houses less and retaining green area should not be underestimated. By increasing families in the area this will be even further detrimental to current residents who assume their children will attend the school when they reach that age in the next couple of years and it does not appear that this has been taken into account.”
- **Loss of school** when there is demand for school places;

- **Loss of open space** – “The plans also appear to be using a sizeable portion of the current school playing field- which is completely unacceptable.”
- **Out of character** – “The two 3 storey dwellings at the entrance to the site are out of scale with the surrounding dwellings in Little Brays and Great Leylands.”;
- **Impact on residential amenity of 163 Little Brays** – “I believe the 3 storey houses will take away light to homes”;
- **Traffic congestion especially given the school** – “The road around this area is already clogged due to current homes and of course the primary school”, “More houses and therefore cars, will also impact traffic in this area where there is already enough traffic congestion especially around school times and not enough parking available for us residents living in the vicinity. To get to another end of Harlow you have to always allow 30/40 minutes to travel because of traffic.”;
- **Parking issues** - insufficient parking - “The traffic and parking along this road is already incredibly busy without having numerous new houses needing parking for visitors and the through traffic it will create.”, “I live in stile croft the parking in our street is bad now.”and “It will create major congestion, including already dangerous school times with drop offs currently being made in the middle of the road or parking on zigzagged lines outside the school, due to the insufficient parking levels. where the new road enters the new builds will be located in an awful positions causing congestion both coming in and out of the area as it is located to close to a zebra crossing”and “The scheme does not provide enough visitor parking.”
- **Impact of the construction including noise, dust etc-** “There will also be a considerable amount of noise pollution while they build this estate which will be disruptive to the children's education. The traffic build up around the school is already bad enough so adding construction vehicles to the mix will just make it even more unbearable.
- **Ground movement and subsidence** – “There is significant ground movement and subsidence in this area already which the council ignore.”;
- **Impact on drainage** - ; “With regard to the water and flooding assessments, I have a neighbour who was previously the chair of governors for Purford Green Infant school. During this time, there were floods due to the properties to the east of the school taking their gardens further into the gullies of the playground. I am therefore aware that any changes to the land is highly likely to lead to flooding.”
- **Overlooking of school** – “I do not agree with how overlooked the school will be by these houses with how close they are.”
- **Impact on wildlife** – “As well as bats, we have Kite, Herons, two families of foxes (11), squirrels and lots of other birds which have lived undisturbed for over 10 years since the school was closed. I can see no assessment of the impact on wildlife from any documents in the planning process.” ;
- **Overdevelopment** – “This town has grown considerably since 1990's and certainly not for the better!! We have the worst roads ever, to get from one end if this town say Bushfair to the Train station - when most people are at work can take up to 40 minutes or longer if there's an incident”;
- **Impact on doctors' surgeries** – “The local doctors surgeries are already overwhelmed, where will new locals attend if the current surgeries cannot cope?”
- **Sunlight/daylight loss to Stile Croft**
- **Noise level demolition/construction**
- **Overlooking of Stile Croft** - “The proposed Plot 15 building orientation has 2 windows on the side of the property that will oversee the gardens of residents from Stile Croft street” and “The designs as outlined appear to show that new plot 30 for example will look directly into my neighbours house from their bedroom windows. I have lived here for nearly 30 years and bought the property as it overlooked the school and would not have people there in the evenings and weekends. I now face

the prospects of buildings looking into my house from feet away with only two garden lengths between.”

- **Noise and disturbance** - “..erecting building so close to the back of those garden will cause an excess noise and distress to the nearby residents of Stile Croft.”
- **Affordable housing** - “..should be prioritised to local people who have grown up in the town who are struggling to get onto the housing ladder and remain close to their family).”
- **Accessibility** – “..the existing footpath to which it connects that passes between the allotments and Stile Croft is unevenly surfaced and is often heavily overgrown with brambles which can be dangerous particularly at eye level, and is extremely dark at night as it does not benefit from street lighting (whilst being enclosed by 2m fences on one side and an even taller hedge on the other). Therefore, if the proposals could make provision for providing a smooth and even surface to the footpath, the long term maintenance of the overgrown hedge to the north to ensure the brambles are kept cut back and the provision of good quality vandal resistant street lighting this would be a great benefit to the local community who use this footpath as a convenient and sustainable pedestrian route to Bush Fair shops, doctors e.t.c in one direction and a safe pedestrian route for students walking to Passmores School in the other.”
- **Impact on adjoining school** – “Major concerns for the children attending the school with over looking properties into the school.”

PLANNING POLICY

The relevant policies of the Harlow Local Development Plan 2020 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
IN6 – Planning Obligations

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 Essex Design Guide (2005)

The Harlow Design Guide SPD (2011)

The Harlow and Gilston Garden Town Design Guide (2018)

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

Essex County Council's Adopted Development Management Policies (2011)

Planning Practice Guidance (PPG)

Summary of Main Issues

The main issues for consideration of this application are:

- Principle of development;
- Loss of school and associated playing field;
- Impact on the character and appearance of the area;
- Delivery of Affordable Housing
- Housing Mix and Accessibility;
- Impact on Access, Parking and Highway Safety;
- Impact on the amenity of adjoining occupiers
- Impact on trees and landscaping;
- Impact on Ecology and Biodiversity;
- Impact on drainage and flooding;
- Other Issues; and
- Planning Balance

PLANNING ASSESSMENT

Principle of the development

National planning policies state that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three roles:

- (a) an economic role by contributing to a strong, responsive and competitive economy;
- (b) a social role by supporting strong, vibrant and healthy communities; and
- (c) an environmental role by contributing to the protection and enhancement of the environment.

Paragraphs 117 and 118 of the NPPF requires that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

Promoting effective land use in meeting the need for homes accords with this aim as does the adopted Local Plan (policy SD3). Local plan policy HS1 seeks to provide at least 9,200 dwellings over the plan period and this this proposal would contribute towards this goal.

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.

Policy L2 of the HDLP requires that schools and associated playing fields are not lost unless one or more of the following are met: a) it can be demonstrated that the use and/or facility is surplus to requirements and an alternative replacement is not required; b) replacement uses and/or facilities of equivalent or better quantity and quality are provided in a suitable location before the existing use and/or facility is replaced. The replacement should be provided in an agreed location; and c) such a development is ancillary or will support and enhance the existing use and/or facility.

The principle of development can be accepted subject to: the loss of the school and playing field being acceptable; and 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. Any harm must be weighed against the overall benefits of the scheme. This is examined in detail below.

Loss of School and Associated Playing Field

The junior school that was located on the application site merged with the infants' school on the land to the east to become a primary school. The former school has been vacant ever since and is surplus to requirements for education. On this basis the loss of the former school can be accepted.

The playing fields to the rear of the former school were used by the new Purford Green Primary School on an informal basis (as the playing field was not fenced off from the primary school site) until it was fenced off in 2018. The playing field has not been used since March 2018.

Given that the playing fields have been in recent use, there has been a need to consult Sport England under the Playing Fields Direction. Sport England's playing fields policy permits the loss of playing fields if the playing field that would be lost as a result of the proposed development would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development. This test is similar to that set out in policy L2 (b).

To mitigate the loss of the playing field, the applicant has offered £75,708 towards either playing pitch improvements or new/enhanced sports pavilion provision at the Council's nearby Church Langley Country Park to help implement priority playing field projects identified in Harlow Council's Playing Pitch Strategy & Action Plan and the Harlow Local Football Facilities Plan.

The proposed mitigation does not meet Sport England's Playing Fields policy but Sport England have raised no objection for the following reasons:

- 1) The playing field is no longer needed for educational use since the former Purford Green Junior School closed in 2013 and while the adjoining Purford Green Primary School has its own playing fields which are sufficient for meeting the school's educational needs;

- 2) The playing field is only 2,162 square metres in size and due to the limited area and its irregular shape, it would only be possible to accommodate a single mini 5v5 football pitch on the space available;
- 3) A single 5v5 mini soccer pitch site with no toilet and refreshment facilities would not usually be attractive to community youth football clubs to use because clubs prefer larger multi-pitch sites where multiple teams within the club can play at the same time and which are supported by toilet and refreshment facilities;
- 4) The playing field have been unused since 2018 and would need associated changing facilities;
- 5) Harlow Council's Playing Pitch Strategy (2018) has identified that some of the current demand for football pitches can be accommodated through enhancements to existing pitches and facilities ;
- 6) As Church Langley Country Park is a local authority owned site there is more certainty offered that any investment into this site will deliver long term benefits to the local community than being invested into maintaining a former school playing field site that is not controlled by the Council. The Football Foundation and Essex County FA are also supportive of the financial contribution being used for delivering these projects. Church Langley Country Park is also one of the closer Council owned public playing fields to the application site; and
- 7) The proposed financial contribution that has been proposed is considered to be appropriate in terms of its amount for providing a replacement playing field that would be equivalent or better in quantity and quality to the playing field that would be lost.

It is considered that given that the school and playing fields are surplus to requirements and not fit for purpose that the proposal would be in accordance with policy L2 of the HLDP. There is therefore no in principle objection to redevelopment for housing.

Impact on the character and appearance of the area

Policy PR1 of the HLDP requires a high standard of design with the need to: a) be supported by a design rationale based on an understanding of context and character including the Harlow Design Guide; b) it protects, enhances or improves local distinctiveness without restricting style and innovation ; c) it provides appropriate physical, legible and safe connections; d) it responds to the area; e) it provides logical and legible layouts that support active frontages; f) forms inclusive development that makes sustainable modes a priority; g) has flexibility; and h) is safe.

One of the core planning principles of national policy as set out in the NPPF is always to secure high quality design. The Council places emphasis on new buildings to be of the highest architectural quality. The NPPF also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment. Local and national design policies advise that planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to occupants of neighbouring dwellings, overshadowing or over-dominance, traffic danger or congestion.

An important aspect of policy PR1 of the HDLP is how a development integrates into the wider area in terms of both the physical design and layout of buildings but also how the

scheme allows connections to the wider area including walking and cycle routes but also access to public transport stops and facilities such as local shops.

Harlow's collective streetscape can best be defined as reflecting its continuous evolution. The result of this densely built-up nature is that there are no sites within the borough that are so large or so detached from their surroundings that the context can be ignored and an entirely different typology, character or scale introduced. The nearby houses are not unattractive and have some architectural merit given their simple and unfussy concepts. They display some pleasing design features, most notably the predominance of facing-brickwork. Whilst there are clear exceptions, limited adaptation in terms of post-construction additions has resulted in most of the nearby houses retaining their original form thus reinforcing a sense of local character and creating a pattern of development, therefore the contribution to the urban grain should not be underplayed. The applicant has drawn from the architectural cues seen in the houses in the immediate vicinity of the site in the realisation of the design of the proposal but managed to create something unique. Both local and national policy states that the applicant should not feel bound by the prevalence of a particular architectural. This is especially relevant given the variance of the wider context vernacular when looking beyond the surrounding streets

The proposal involves a pedestrian access to Stile Croft from the southern edge of the site. This access is crucial to ensure that the scheme is intergrated into the wider area but also allows transport connections and access to facilities.

Concerns have been raised by local residents regarding the lighting and the quality of the footway. To ensure that the footpath is upgraded, a financial contribution towards the improvement of this footpath has been sought.

Place Services comment on the quality of the scheme as follows:

“Overall, it is considered the approach to the development is acceptable where there are serval key areas which require addressing to ensure the best outcomes are met for the new community being created. A review of the southern parcel would be recommended to address the open space/habitat area and ensuring this is part of the development and not an afterthought. The approach to both the hard and soft landscape strategy needs considering to further integrate greening into what could be a very grey proposal. Lastly to address the forgotten space to the north to ensure this is a well-used and accessible piece of land for the community.”

A review of the layout and further consideration of the approach to landscaping has been requested in advance of Committee. Notwithstanding, this the detailed design of the landscaping can be addressed by the proposed condition.

On this basis, the design of the buildings and the integration of the site is therefore considered to be in accordance with PL1 of the HLDP.

Delivery of Affordable Housing

Policy H8 of the HDLP indicates that major residential development (of over 10) must provide at least 30% affordable housing and that the reduction of this percentage will require an independent viability assessment. The provision will be expected to be 85% of those to be provided as affordable rent with the remaining 15% to be intermediate affordable housing.

The Harlow Design guide (2011) advises that affordable housing should be tenure blind and pepper-potted throughout the site.

The applicant has indicated that 6 units of affordable housing can be provided comprising 3 no. 3 bed houses for affordable rent and 3 no. 3 bedroom houses for shared ownership along with a late stage viability review. This equates to 17% of units and a tenure split of 50/50. The affordable housing provision is 16.5% when considered in terms of habitable rooms (24 affordable and 130 private) and the provision is 17.9% of floor area (6,510 sq ft affordable and 30,095 sq ft private).

As the provision falls below the requirement of 30%, the applicant has submitted a detailed financial viability assessment (FVA) which demonstrates that the provision of 17% affordable housing is the maximum achievable for this site. This has been reviewed by Bailey Venning Associates (BVA) an expert appointed by the Council.

This review that has been undertaken looked at the key elements of viability which are: gross development value, costs, land value, landowner premium, and developer return.

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

The applicant assessment of sales values indicates a GDV of £13,525,000. This is based on looking at comparable developments and values being achieved in the areas. The Council's assessor has looked at the comparable evidence and considers that given the quality of the scheme, a premium can be achieved which means that GDV should be nearer to £13,905,000.

The development costs of the development have been reviewed in detail using a quantity surveyor and the review of the FVA concludes:

"We have considered the additional cost rates, in the context of other available information regarding items such as electrical vehicle charging points, PV panels and media connections. On this basis, the applied additional cost is found to be broadly reasonable."

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

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

As the school is vacant and is surplus to requirements, the existing use value for the site is quite low. The approach that has been adopted is that the site should be considered on the basis of a cleared site with the costs of clearance added to the development cost of the development. Advice from BVA states:

“The Council’s Local Plan Viability Study (BNP Paribas, March 2018) refers to greenfield land values in the region of £250,000 to £370,000 per gross hectare. This is within the range we would normally expect and the January 2021 BVA report adopted a notional BLV of £500,000, across the 1.05 hectare site as a whole. This represents an increase above the higher end of the BLV range applied to the Local Plan Study. Whilst we would not normally apply an uplift, this increase is applied, in order to account for a level of tolerance.”

The benchmark land value of £500,000 is considered to be acceptable given the Local Plan Viability Study and the need to bring forward this brownfield site. This approach has been challenged by applicant but has been accepted.

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

For this proposal, the BVA states:

“In terms of the approach adopted by BVA, we typically apply a differential level of developer profit. This includes 20% of GDV applied to the private market dwellings. A developer profit of 6% is assumed for the affordable housing units. On this basis, the applicant’s applied profit rate is considered appropriate. This profit assumption is also consistent with the 2018 BNP Paribas Local Plan Viability Study.”

The assessment of FVA’s by BVA makes a number of judgements regarding the three aspects of viability assessments (Costs, Revenue and Land Value) and concludes that the scheme is viable to deliver the 6 affordable dwellings offered and assumed Section 106 Cost allowance of £248,173. The viability assessment is based upon a 50:50 affordable housing tenure mix and each of the affordable housing units offered are 3 bed houses. However, there are a number of aspects that are uncertain such as what values and what costs will actually be achieved. Given this a late stage viability review mechanism is proposed.

The late stage viability review mechanism looks at the change in GDV from the grant of planning permission i.e if sales values are higher and the change in build costs from the grant of planning permission. As there is a need to incentivise the developer, the additional profit is split 40/60 with the larger amount going to the Council to invest in delivering affordable housing elsewhere.

On the basis of the advice received and the submitted FVA, it is considered that the provision of 17% affordable housing is the maximum that can be delivered on this site. On this basis, the proposal would be in accordance with policy H8 of the HDLP.

Housing Mix and Accessibility

In terms of housing mix, policy H6 of the HDLP identifies a target mix for market houses of 23.9% 2 bed homes, 66.3% 3 bed homes and 2% 4 bed homes. For affordable housing the target mix is 28.1% 2 bed homes, 41.8% 3 bed homes and 10.7% 4 bed homes. .

The proposed mix for market homes would be 12 two bedroom houses (41%), 15 three bedroom houses (52%) and 2 four bedroom houses (7%). All of the six affordable dwellings will be three bedroomed houses.

The proposed mix of the market homes has 5 larger three bedroomed units compared to the target mix and the affordable homes has 3 three bedroomed properties at the expense of two 2 bed homes and 1 four bed home.

Given the numbers of houses proposed and the need for the site to be developed to maximise the development on the site, the variation from the target mix of both market and affordable houses are not considered to be significant. The thrust of the policy is to ensure that there is developments provide a range of housing types and tenures to meet the needs of different groups within Harlow and to provide a choice. The development provides this choice and is therefore considered to be in accordance with policy H6.

The Council recognises its commitment to promote accessibility for all in the realisation of development schemes. Therefore, the proposal is required to be developed in accordance with Policy H5 of the HDLP in that all dwellings are, as a minimum, constructed to the requirements of Part M(2) of the Building Regulations. As outlined in paragraph 14.26 details that 10% of market housing and 15% of affordable housing must be Building Regulations Part M4(3) standard. However, where it can be demonstrated by the applicant that it is not practically achievable or financially viable to deliver this policy new development will be exempt from these requirements.

Two of the affordable units would be M4(3) standard. This equates to 33% of the affordable units. For the market housing four units would be provided. This would be 14%. It is therefore considered that the provision of M4 (3) would be in accordance with policy H5 of the HLDP.

Impact on Access, Parking and Highway Safety

HLDP policies in IN1-IN3 seek to achieve a modal shift of 60% of trips being non-car based. This is to be achieved through the improvement of existing public transport but also ensuring that that development schemes have sufficient parking to meet needs but allow for a choice of modes. In applying these policies this means relating parking provision to accessibility to public transport, services and the needs of residents in terms of size of house.

The Essex Car Parking Standards state:

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

The proposal would provide 65 spaces which is 82% of the 79 car parking spaces required by the standard. This also equates to 1.8 spaces per dwelling. Cycle parking is provided for each property.

The site is accessible to a small supermarket and a church which are located a short walk (approximately 250m) to the East along Little Brays, at Manor Hatch. The nearest bus stops are also located here on Tumble Road, providing frequent access to Harlow Town Centre and links into the wider infrastructure network, including Harlow Town Train Station. Bush Fair Shopping Centre is approximately a 10 minute walk to the South East of the site and has a wide range of services including a post office, a newsagent, a barbers shop, a pharmacy, takeaways, a cafe and a laundrette.

The existing problems of parking associated with access to the school and the wider area raised by local residents are noted in considering whether the amount of parking is acceptable.

The parking provided on this site should therefore not lead to any further on-street parking in the locality.

Given that the site is accessible to local services, the level of car parking provision is considered to be acceptable in terms of the Essex Car Parking Standards. It is considered that the level of provision would meet the needs of future residents and would not lead to further on-street parking in the wider area. Also, ECC Highways raises no concerns in terms of highway safety or vehicle movements. On this basis, the proposal would be in accordance with policies IN1, IN2 and IN3 of the HLDP.

Impact on the amenity of adjoining occupiers

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

The impact on the amenity of adjoining residential properties arises from the proposed terrace which forms plots 1, 2-14 (evens) backs which onto 161-168 Little Brays and plots 30-35 backing onto on 66-69 Stile Croft. Plot 15 has a limited impact on adjoining occupiers at 156-160 Little Brays as it is orientated side onto these properties. No windows are proposed at 1st floor.

The impact on the amenity of the school arises from the relationship between the school and plots 3-13 (odds) and plots 22 and 23.

In terms of the impact on the sunlight and daylight of adjoining properties including the school has been submitted by the applicant. The detailed analysis submitted demonstrates that none of the surrounding properties will see a significant reduction in daylight or sunlight both within buildings and to amenity areas.

The main impact on the privacy of adjoining residents would be from windows in the rear elevations of the proposed houses particularly from the 1st floor and the 1st floor terraces that are proposed for plots 2-14 (even).

The impact on 161-168 Little Brays is mitigated by the distance between properties and the proposed development and trees and landscaping that would be retained. Plots 1, 2-14 (even) would be set a minimum 23 metres from the properties on Little Brays with 2-10 (even) being over 30 metres.

The impact on 161-168 Little Brays can also be further mitigated by ensuring that the only 1st floor windows which are to bathrooms are obscured. Plot 1 has no windows at 1st floor. Furthermore, the impact of the 1st floor terraces can be controlled through a condition requiring details of the balustrade and planting to ensure that occupiers cannot use 0.8 metres of the terrace closest to Little Brays.

Plot 15 would not have any significant impact on Little Brays as it is orientated so that the front and rear elevations look North and South and not at the gardens at 157 to 160 Little Brays. On this basis the plot 15 would not result in harm to the amenity of these properties.

In assessing the impact on privacy of the school regard should be had to when impacts are likely to occur and what harm would occur from overlooking. As the school is single storey the impact would be quite limited. To ensure the impact is limited further, boundary screening will be secured by condition and the use of the 1st floor balconies will be controlled through condition.

The primary impact on Stile Croft is the relationship of plot 30 to 68 Stile Croft. It is considered that given landscaping, a distance of 21 metres and one of the 1st floor windows being obscured (to a bathroom) that there would no significant impact on the privacy of 68 Stile Croft. Amended plans have been sought to amend the layout of plot 31 which also overlooks 68 Stile Croft so that the bathroom is at the rear and is obscured.

On the basis, of the extensive landscaping that is existing and is to be strengthened, the proposed conditions to mitigate impact and the distances between properties that there would be no significant impact on the amenity of adjoining occupiers by reason of a loss of privacy, loss of sunlight/ daylight or excessive sense of enclosure. The proposal would therefore be in accordance with policy PL2 of the HLDP.

Impact on trees and landscaping

Policies PL1, PL7 and PL8 require that trees and landscaping are retained and are integral to the design of a scheme.

Advice from the Council's tree consultant states:

“The submitted AIA and AMS do contain sufficient detail, although at this stage there is clearly a subject of detailed design namely to the services on site which whilst adequately discussed does pose a risk to retained trees unless the method is clearly followed, and that if detailed design results in changes to the proposals then the AIA and AMS must be updated. Furthermore, the loss of trees on site is not seen to the detriment of the area, as many of the trees being lost are not large imposing specimens and are rather limited in their impact to character of the area. There is at present a limited hard and soft landscaping plan proposed which does include several new trees.

The new trees proposed in number, seem sufficient but are unlikely to provide the associated benefits which the current on site trees offer, due to their placement in and around hard surfaced areas in most cases. It does seem that Quercus palustris and Amelanchier lamarckii, is being overused on site so it would be prudent to diversify the species mix in respect of these species, to new not already included species. There is some concern that trees that become ownership of the private residences may be at risk from removal in future, so it should be imposed that all trees planted are protected from removal and need to be replaced if they fail to establish.”

The landscaping and retention of existing trees is extremely important to the success of this scheme. The Council's Landscape Officer raises concerns that have been addressed to some extent. However, it is considered that the detailed design will need to be subject to the submission and agreement of details through a condition. This detailed design will also need to address the concerns raised by Place Services regarding the overall approach. On this basis, the proposal is considered to be in accordance with policies PL1, PL7 and PL8 of the HLDP.

Impact on Ecology and Biodiversity

In determining applications, paragraph 175 of the NPPF states:

“ When determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

There is a need that biodiversity net gain is demonstrated on this site.

The applicant has submitted Biodiversity Net Gain Assessment which concludes:

“Following the biodiversity net gain assessment undertaken on the proposed residential development at the former perfect green primary school, it is anticipated that an overall biodiversity net gain of 4.12% is expected to be achieved. This is a result of the area habitats on site, with hedgerow linear habitats achieving a score of 5.47% (the lowest score is taken to be that achieved by the site).”

In terms of ecology, paragraph 170 of the NPPF states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:
...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;...”*

Ecology is different to the need to achieve biodiversity net gain. The applicant has submitted an “Ecological Impact Assessment” (agb Environmental) . This concludes:

“The development can proceed with minimal impact to habitats and protected / notable species if the mitigation measures outlined within Section 5 are implemented.

There is also the opportunity to enhance the development for local wildlife in the long-term by implementing the enhancement measures.”

The recommended mitigation measures will be subject to a condition. On this basis, the proposal is not considered to have a significant impact on ecology.

Impact on drainage and flooding

The application site is located in Flood Zone 1 where there is a low probability of flooding.

A Flood Risk Assessment has been submitted and Essex County Council’s Sustainable Drainage department raise no objection. Detailed conditions are proposed.

Thames Water raises no objection to the scheme.

On this basis, the proposal is considered to be in accordance with policy PL11 of the HLDP.

Delivery of Infrastructure

Policy IN6 requires planning contributions which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind are provided for related infrastructure, affordable housing, services, facilities and environmental protection.

Advice from Essex County Council's Infrastructure Officer states that the only impact on school provision is on secondary provision and advises as follows:

“With regards to secondary education needs, Essex County Council’s 10 Year Plan forecasts a significant deficit in secondary places which by the end of the period will exceed the additional capacity added by the new Sir Fredrick Gibberd Academy. The demand generated by this development would be in addition to this demand. So, based on the demand generated by this proposal as set out above, a developer contribution of £166,425.00, index linked to January 2020, is sought to mitigate its impact on local secondary school provision.”

A contribution of £166, 425 towards secondary education has been agreed by the applicant.

No response has been received from NHS West Essex CCG regarding the impact on health services. Given the lack of response it is impossible for the Council to request any contribution.

On the basis of the provision of affordable housing in accordance with policy H8 (see above), the provision towards playing pitches at Church Langley (also see above) and provision towards secondary education, the proposal would be in accordance with policy IN6 of the HLDP.

Other Issues

Concerns have been raised from residents regarding the impact of the construction phase of the development and the potential contamination of the site. These issues have been examined in detail by the Council's Environmental Health team. They raise no objections subject to detailed conditions. Detailed conditions are proposed below. On this basis the proposal is not considered to be contrary to policies PL2 and PL10 of the HLDP.

Planning Balance

The overriding purpose of the planning system is to contribute to the achievement of sustainable development, which has three roles:

- (a) an economic role by contributing to a strong, responsive and competitive economy;
- (b) a social role by supporting strong, vibrant and healthy communities; and
- (c) an environmental role by contributing to the protection and enhancement of the environment.

Any harm must be balanced against the benefits of the scheme.

The harm on the wider area and adjoining residents is not considered to be significant as set out above. However, the harm can be clearly outweighed by the following benefits of the scheme:

- a) Delivery of an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to this benefit in accordance with paragraphs 117 and 118 of the NPPF;
- b) Delivery of 6 affordable housing units; and
- c) Provision of a high quality scheme with significant landscaping and materials.

On this basis, the proposal would be in accordance with policies PL1, H2 and PL12 of the HLDP.

CONCLUSIONS:

There is no in principle objection to the residential use of the Site. The development would take place on a brownfield site and optimise the use of the land, providing a significant amount of housing (including affordable housing) in a sustainable location with good access to public transport.

The proposed scale and design would be appropriate to the wider area and would be of high standard of design that would integrate into the area with access to local services and facilities.

The quality of the scheme, impact on infrastructure and surrounding neighbours can be mitigated through both a S106 agreement and the detailed design that will be necessary to be agreed via the proposed conditions. On this basis, the scheme is recommended for grant.

RECOMMENDATION

That Committee resolve to GRANT PLANNING PERMISSION subject to:

- (i) The applicant entering into an appropriately worded Section 106 Legal Agreement to secure the following:
 - a) A financial contribution of £75,708 to be used towards either playing pitch improvements or new/enhanced sports pavilion provision at the Council's nearby Church Langley Country Park;
 - b) Six units of affordable housing (3 social rent and 3 intermediate) and a late stage viability review mechanism;
 - c) A financial contribution of £166,425.00 towards secondary school education;
 - d) A financial contribution towards the upgrade of the footpath between Little Brays and Stile Croft; and
 - e) Monitoring fee for both Harlow and Essex S106 requirements.
- ii) Should the S106 agreement not be signed by the applicant by 8 September 2021(3 months from the date of planning committee), powers be delegated to the Head of Planning and Building Control to under delegated powers to refuse the planning application, if appropriate, for the reason set out below:

Suitable provision for affordable housing, secondary school education and playing pitches has not been secured. The proposal would therefore not deliver sufficient infrastructure and affordable housing to meet local needs and mitigate the loss of the existing playing fields. The proposal would therefore be contrary to policy IN6 of the Harlow Local Development Plan 2020.

(iii) And 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 take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by this Local Planning Authority.

REASON: In order to ensure development is implemented in accordance to the principles of presumption in favour of sustainable development and to accord with Policy PL3 and SD1 of the Harlow Local Development Plan (Adopted December 2020).

3. No development, including site clearance, tree works, demolition or any other works, shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities
- Measures to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction process;
- Measures to demonstrate how dust production during the demolition and construction process is kept to a minimum.

The development shall be carried out in accordance with the approved details.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, and to ensure that noise and dust are controlled during demolition and construction in accordance with policies IN2 of the Harlow Local Development Plan, December 2020 and the Highway Authority's Development Management Policies. The details are required to be approved before works commence to ensure the impacts of the development are acceptable.

4. No development shall take place until comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, balustrades to 1st floor terraces, doors, soffits and guttering. 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 PL1 of the Harlow Local Development Plan, December 2020.

5 Notwithstanding drawing PSF1157PG100 Rev A, no development (including any demolition, earthworks or vegetation clearance) shall take place before a scheme of landscaping, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. Details should include; Tree species, with height, girth, stem, root system. Shrubs species, with pot size, height/spread; Hedge formation noted, seed or turf speciation's shown; All planting to have detailed specifications (including tree pits designs) and an establishment and longer term aftercare plan. The details shall also incorporate the recommendations in section 4.3 from the submitted Biodiversity Net Gain report by SWECO.

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.

6. No development except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Detailed engineering drawings of each component of the drainage scheme.

REASON

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

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

REASON

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

8. All hard and soft landscape works as required by condition 5, shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

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

10 Prior to occupation, details of the landscaping and other measures of the 1st floor terraces proposed for plots 1-14 (inclusive) as shown on drawing 6659-1103-P9 (received May 2021) shall be submitted and approved by the Local Planning Authority. The details submitted shall ensure that the depth of the terrace is reduced by a minimum of 0.8 metres. The development shall thereafter be carried out in accordance with the approved details.

REASON: To protect the amenity of adjoining residents and the adjoining school in accordance with policy PL2 of the Harlow Local Development Plan 2020.

11. A minimum of 10% of the market dwellings and 15% of the affordable dwellings hereby approved shall comply with Building Regulations Optional Requirement Approved Document M4(3) Category 3: Accessible and adaptable Wheelchair User dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

REASON: To ensure that accessible housing is provided.

12. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include travel vouchers/season tickets for use with the relevant local public transport operator or rail operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy IN1 of the Harlow Local Development Plan, December 2020.

13. 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.

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

14. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

15. Prior to the first occupation of the development the access arrangements and associated works, as shown on PJA drawing no.04060-TR-01 Rev P3, shall be fully implemented with all details being agreed with the Highway Authority.

Reason: To ensure that appropriate and safe access is provided.

16 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.

17 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 policies PL2 of the Harlow Local Development Plan, December 2020.

18 The 1st floor rear elevation windows of plots 1-14 (inclusive) as shown on drawing 6659-1103-P9 (received May 2021) and the bathroom windows of plots 30 and 31 shall be glazed in obscure glass at level 5 of the Pilkington Scale or similar and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

REASON: In the interests of the amenity of adjoining residents, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

19 No preliminary groundwork 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 to and approved in writing by the Local Planning Authority.

REASON: In the interest of protecting and conserving any archaeological assets in compliance with PL12 of the Harlow Local Development Plan, December 2020.

20 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.

21 The development hereby approved shall be carried out in accordance with the submitted details and recommendations set out in the submitted Phase I & II Geo-Environmental Assessment.

REASON: In the interests of the amenity of adjoining residents, in accordance with policy PL10 of the Harlow Local Development Plan, December 2020.

22 The development hereby approved shall be carried out in accordance with the submitted details and recommendations set out in the submitted agb Environmental Ltd report 2018.

REASON: To protect the ecology of the site, in accordance with the NPPF.

23 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
6659-1303-P3	Sheet 3 of 3	Proposed Street Elevations	24.11.2020
PSF1157PG100	A	Hard and Soft Landscaping Proposals	12.05.2021
6659-1202-A1-00-p4	Hse Type A1	Proposed Plans and Elevations	05.05.2021
6659-1101-C	--	Site Location Plan	07.05.2021
6659-1102-01	--	Existing Site Plan	07.05.2021
6659-1104-B	--	Demolition Plan	07.05.2021
6659-1103-P10	--	Proposed Layout Plan	25.05.2021
6659-1201-A-00-P4	Hse Type A	Proposed Plans and Elevations	05.05.2021
6559-1203-A2-00-P4	Hse Type A2	Proposed Plans and Elevations	05.05.2021
6559-1204-A3-00-P4	Hse Type A3	Proposed Plans and Elevations	05.05.2021
6559-1205-B-00-P4	Hse Type B	Proposed Plans and Elevations	05.05.2021
6559-1206-C-00-P4	Hse Type C	Proposed Plans and Elevations	05.05.2021
6559-1207-C1-00P4	Hse Type C1	Proposed Plans and Elevations	05.05.2021
6559-1209-E-oo-P4	Hse Type E	Proposed Plans and Elevations	05.05.2021
6559-1210-F-00-P4	Hse Type F	Proposed Plans and Elevations	05.05.2021
6559-1211-A4-00-P1	Hse Type A4	Proposed Plans and Elevations	05.05.2021
6659-1702-P4		Proposed Plans	05.05.2021
6659-2002	Accom&Amenity Substation	Proposed Plans and Elevations	05.05.2021

6659-1108-P1	Roof level	Proposed Layout Plan	05.05.2021
PSF1157PG200-01	Rev D	Planting Plan	05.05.2021
PSF1157PG200-02	Rev D	Planting Plan	05.05.2021
6659-1208-D-00-P7	Hse Type D	Proposed Plans and Elevations	06.05.2021
6659-1301-P6	Sheet 1 of 3	Proposed Street Elevations	06.05.2021
6659-1302-P5	Sheet 2 of 3	Proposed Street Elevations	06.05.2021
04060 - TR - 01	Rev P3	Site Access Plan	21.01.2021
	Noise & Dust	Noise Assessment	12.01.2021

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.