

REPORT TO: CABINET

DATE: 2 DECEMBER 2021

TITLE: HARLOW DESIGN GUIDE

PORTFOLIO HOLDER: COUNCILLOR MICHAEL HARDWARE,
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GROWTH

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This is not a Key Decision
It is on the Forward Plan as Decision Number I012707
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

- A** Notes the responses received to the consultation and approves the consequential amendments made to the Design Guide Addendum Supplementary Planning Document (SPD).
- B** Formally adopts the SPD as set out in the Appendix A to this report.

REASON FOR DECISION

- A** To enable the SPD to be formally adopted under Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** To meet the legal requirements of developing and adopting an SPD.

BACKGROUND

1. The Harlow Local Development Plan (HLDP) was adopted by the Council on 10 December 2020. The Local Plan sets out a long-term vision for Harlow,

identifying land where development will be acceptable and where it will be unacceptable.

2. The HLDP contains policies which ensure that there is a high standard of urban and architectural design in all development and sets out a number of design criteria to support this. It also includes policies on amenity principles and sustainable design, construction and energy use.
3. Whilst the policies in the HLDP give significant detail of the Council's requirements, the additional guidance contained in an SPD expands on the HLDP, to give additional guidance to developers when making planning applications, to Officers when making recommendations, and to Councillors when making decisions.
4. The Council already has an adopted Design Guide SPD which is used to assist Officers in examining design principles in new development, when determining planning applications.
5. The existing Design Guide was adopted in 2011 and, although most of it is still relevant, it does not include guidance on a range of subject matters which are now addressed by recently-updated national planning policy and guidance. Many of these issues are now becoming relevant to Harlow.
6. Officers prepared a draft Addendum to the existing Design Guide which seeks to amplify and aid the effective and consistent implementation of the design, amenity and climate change policies in the HLDP, specifically Policies PL1, PL2 and PL3.
7. The Design Guide Addendum SPD comprises five sections, detailed below. Sections 1, 2, 3 and 5 are new supplements to the Design Guide. Section 4 provides additions to the existing Householder section of the Design Guide.
 - a) Section 1: Tall Buildings – Given the increased number of planning applications submitted and the growing level of interest, particularly in the Town Centre, this part of the addendum provides design guidance on tall buildings. It ensures developers take into consideration appropriate height, scale, massing and materials for tall buildings, overshadowing and light requirements both for occupiers and street level pedestrians and the potential impact of tall buildings on the landscape of Harlow.
 - b) Section 2: Privacy and Overlooking – This section sets out specific calculations to ensure that the privacy of neighbouring properties is maintained; for example a minimum window to window distance. It balances the need between privacy of private gardens and spaces with the importance of natural surveillance of public areas.
 - c) Section 3: Amenity Space and Gardens – This section provides minimum garden size requirements for new dwellings. The standards have been chosen based on a comparison of other local authority

requirements and Harlow's ambitions of becoming a Garden Town based on Garden City principles. This section also includes minimum amenity space requirements for new flats and how this could be provided, e.g. balconies, communal space and/or roof-top gardens, which supports Section 1: Tall Buildings.

d) Section 4: Updated Householder Guidance – The existing Design Guide already contains detailed guidance for householder extensions and alterations and this will be retained. This section of the addendum provides additional guidance where it is currently absent including acceptable height and depth measurements for rear extensions, dormers and Velux windows and acceptable roof changes.

e) Section 5: Climate Change - This element of the Design Guide addendum provides further information on how to implement the principles of HLDP Policy PL3: Sustainable Design, Construction and Energy Usage within new development. This includes how to design buildings and implement landscaping which will prevent overheating and provide natural cooling, the consideration of natural lighting and ventilation in new properties and the implementation of rainwater harvesting and grey water-reuse. It should be read alongside the Harlow and Gilston Garden Town (HGGT) Sustainability Guidance and Checklist.

8. It should be noted that an SPD cannot introduce new policy over and above that contained in the adopted local plan. The Design Guide Addendum SPD can, therefore, only relate to existing policies in the HLDP.
9. Before 2023, the Council expects to produce an entirely new Design Guide SPD, which would supersede both the existing (main) Guide and the Addendum.

ISSUES/PROPOSALS

Consultation

10. In July 2021, Cabinet approved the draft Addendum to enable it to be published for the purposes of consultation.
11. The consultation period started on Thursday 22 July 2021 and closed on Sunday 17 October 2021, having been extended.
12. The Council complied with the legislative requirements for consulting on an SPD, as well as the requirements set out in the Council's adopted Statement of Community Involvement.
13. This included:
 - a) notifications being sent to people, organisations and businesses who have either recorded an interest in SPDs or are statutory consultees;

- b) a notice being published in the local newspaper;
- c) posts being made on the Council's social media channels to advertise the consultation;
- d) hard copies of the SPD being available at the Civic Centre, Latton Bush Centre and libraries in Harlow; and
- e) an online version being available on the Council's website.

14. Additionally a questionnaire was published on the Council's website (and advertised via social media) for members of the public to complete and return.

15. In total, 51 people, organisations or companies responded to the consultation, including members of the public who completed and returned the questionnaire. From these responses, 221 points were extracted which are detailed, along with a Council response to each, in the Consultation Statement at Appendix B of this report. This also includes the results of the questionnaires.

16. The table below summarises the main issues raised during the consultation which required amendments to the draft Addendum.

| Issue | Amendment |
|---|---|
| Guidance on how tall buildings can be designed to encourage physical activity should be added | Relevant text added |
| Impact of tall buildings on assets further afield should be considered | Relevant text added |
| Dual aspect requirement for tall buildings should be increased from 80% to 100% | Requirement changed to 90%, but flexibility allowed where strong justification provided |
| Dual aspect requirement for tall buildings should be lowered | See above |
| Green walls/roofs on tall buildings should be referenced | Relevant text added |
| 18-metre privacy rule between houses not relevant in all areas | Amendment made to allow exceptions where the existing character of the area deviates from this, e.g. in the Town Centre |
| Guidance on how amenity space should be multi-functional to encourage physical activity should be added | Relevant text added |
| Minimum garden standards too high and onerous | Text amended to say that flexibility may be given where viability is an issue, subject to the submission of an independent viability assessment |

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| There are some instances where it is not appropriate to provide a flat with private external amenity space (i.e. a balcony) | Amendment made to state that when reduced provision of balconies is sufficiently justified, high-quality communal amenity space should be provided to offset the lack of private amenity space |
| Importance of sustainable design in retrofitting (e.g. change of use) should be added | Relevant text added |
| Required level of internal planning is unlikely to be possible for all developments | Text amended to add that flexibility on this may be allowed where there are site-specific constraints |
| Climate change section not referenced enough in other sections, particularly the Tall Buildings section | Additional references added |
| Reference to community engagement needed | Relevant text added |
| Cross-reference to the Town Centre Masterplan needed | Cross-references have been added. However, these cannot be in great detail due to the Masterplan currently being in draft format. The full update to the Design Guide will be able to contain further cross-references and consistency after the Masterplan has been adopted |
| Other minor issues including requirement of clarifications or changes to wording to ensure consistency throughout the Addendum | Text amended/added where necessary |

17. The following issues were raised which will be addressed in the full update of the main Design Guide (some of these are already present in the main Design Guide but would benefit from being updated):

a) Guidance needed on:

- i) providing Green Infrastructure and features beneficial to wildlife within development;
- ii) impact of lighting on landscape and biodiversity
- iii) minimum distances between habitable rooms in flats as well as balconies
- iv) minimum distances for setbacks which are deemed insufficient in size

- b) Requirement needed for submission of landscape characterisation and townscape assessments, and sensitivity and capacity assessments (may be addressed in a future Local Plan Review instead)
- c) Need identification of spatial areas most suited to tall buildings (likely to be addressed in a future Local Plan Review instead)
- d) Need clarification of the relationships between the various Essex, Garden Town, Harlow, etc. Design Guides
- e) Need good practice examples/illustrations of:
 - i) each category of tall building
 - ii) boundary conditions
 - iii) side elevations of housing
 - iv) householder development, including well-proportioned works
 - v) high quality sustainable development

18. Other issues were also raised which did not require an amendment to the Addendum (or consideration in the full update to the Design Guide). The full schedule of issues raised and the Council's responses can be seen in the Consultation Statement at Appendix B of this report.

Next Steps

- 19. The Design Guide Addendum, once adopted, will accompany the existing main Design Guide as an SPD and both should be read together. The Addendum will be a material consideration in the determination of planning applications and will also inform pre-application discussions on relevant developments.
- 20. The adopted Addendum SPD will be hosted on the Council's website alongside the existing Design Guide SPD, with a number of hard copies also being made available.
- 21. Before 2023, the Council expects to produce an entirely new Design Guide SPD, which would supersede both the existing (main) Guide and the Addendum. This would be reported to the Town Plan Panel and Cabinet and would be consulted on in the same ways described in this report.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

As set out in the report.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance (Includes ICT, and Property and Facilities)

As contained in the report.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As contained in the report.

Author: Andrew Murray, Director of Housing

Community Wellbeing

As contained in the report.

Author: Jane Greer, Director of Communities and Environment

Governance (Includes HR)

As contained in the report.

Author: Simon Hill, Director of Governance and Corporate Support

Appendices

Appendix A – Harlow Design Guide Addendum Supplementary Planning Document

Appendix B – Consultation Statement

Background Papers

Harlow Local Development Plan: Adopted December 2020

Harlow Design Guide: Adopted October 2011

HGGT Sustainability Guidance and Checklist

Glossary of terms/abbreviations used

HGGT – Harlow and Gilston Garden Town

HLDP – Harlow Local Development Plan

SCI – Statement of Community Involvement

SPD – Supplementary Planning Document