

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

8 December 2021

REFERENCE: HW/FUL/19/00321

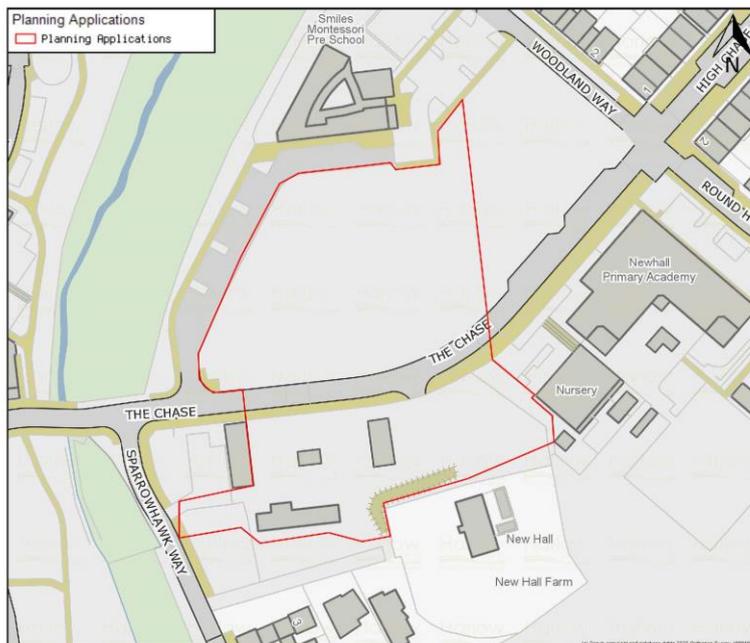
OFFICER: Patricia Coyle

APPLICANT: Newhall Projects Ltd.

LOCATION: Local Centre Phase 1
Bridge Street
Newhall
Harlow
Essex
CM17 9ST

PROPOSAL: Full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works. (Amended Description).

LOCATION PLAN



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Reason brought to Committee

More than 2 objections have been received.

PROPOSED DEVELOPMENT: Full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works. (Amended Description).

Application Site and Surroundings

The site is located straddling the highway, Bridge Street, and including the existing (former farm) buildings to the south of the road and a cleared area to its north, currently contained behind hoardings. The site area is 1 hectare.

The surrounding area comprises the school and school playing fields to the south/south-east, the nursery school to the north, and an open space to the west which includes a brook.

Directly to the east of the site is an area known as LC2 (Local Centre 2) which is contained within the same hoardings and is also cleared in preparation for development. LC2 is the subject of a current planning application (HW/REM/19/00322). Beyond the identified community buildings are mainly residential areas which form part of the Newhall Neighbourhood with some commercial development to the west of the site.

Ground levels rise to the east and rear (north) of the application site.

Details of the Proposal

While this application does follow the outline approval for 440 dwellings in Phase I of the Newhall Development, it is not for a reserved matters application. The application is in full and is for the development of 38 dwellings, 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure.

The proposed 38 dwellings would be provided in 4 blocks set out in triangle formation and comprise a mix of 1 and 2 bedroom units: 14 x 1-bed, 24 x 2- bed.

It is proposed to provide 6 affordable housing (2x1-bed and 4x2-bed) units; all as intermediate forms such as shared ownership.

Commercial space of 199 sq.m is to be provided in the form of 4 units to the ground floor fronting onto Bridge Street/Green Lane. The proposed flexible uses are display of retail sale of goods (E(a)), sale of food and drink where most consumption is off premises (E(b)), financial, professional and other services appropriate to provide in a commercial, business or service locality (E(c)), and office to carry out and operational or administrative functions, research and development of products or processes or any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit (E(g)).

38 car parking spaces would be provided within a courtyard area (27) and in undercrofts (11) accessed via a single point to the south-west of the application site. Given the proposal is for 38 dwellings, this would provide 1:1 (or 100%) parking provision. There would also be an additional 10 (+ 2 half spaces) car parking spaces provided to the south of the highway adjoining the community centre and would amount to 49 parking spaces in connection with the proposal). It is proposed that this parking area would be for use by those visiting the community facilities and also for school pick up/drop off.

In addition, as this application also covers part of the LC2 scheme in that 2 and 2, half car parking spaces would be provided within this application in for the the LC2 proposal (which is currently under consideration).

The proposal is accompanied by a viability assessment which indicates that the scheme cannot provide any affordable housing nor any contributions towards local infrastructure which arise as a result of this development. Nonetheless, the applicant has offered “without prejudice” to provide 6 of the 38 dwellings proposed as affordable housing which would represent 15.8% of the total.

The proposal also subsumes and requests following a 2015 approval (no longer extant) for the Newhall neighbourhood’s community facilities to be considered in relation to an extended car parking area adjacent to the community facilities to the south of the highway. The community facilities works are otherwise identical to those approved in 2015 which were the subject of the design brief approved under the outline legal agreement.

In order to secure the community facilities, the applicants have indicated that they will enter into a legal agreement to ensure that these facilities come forward for the benefit of all the occupiers of the Newhall neighbourhood. Timescales are to be agreed in the S106 legal agreement; it has been proposed that this would be in the order of completing the construction of a minimum of 50% of the Community Building prior to the first Occupation of 50% of the Dwellings hereby approved; and then to complete the full construction of the Community Buildings prior to the first Occupation of 90% of the Dwellings hereby approved

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/96/00088	Residential Development Of 440 Dwellings with supporting amenities (Outline Application) (Phase I Newhall	<u>Approved</u>	06.2004
HW/PL/14/00309	Application for Discharge of Planning Obligation in Relation to Schedule 1. Confirmation of Ownership Retained By Newhall Projects Ltd & Schedule 2. Submission of Design Brief for Community Accommodation of Planning Application HW/PL/96/00088	<u>Approved</u>	24.07.2014
HW/PL/15/00026	Discharge of Phase I S106 Planning Obligations Relating to: Paragraphs 1, 2(a)(b)(c)(d)(f) - Playgrounds; Paragraphs 3(a)(b)(c)(d) - Landscaping; Paragraphs 6(a)(b) - Landscape Maintenance; Paragraphs 7, 8 - Sculpture	<u>Refused</u>	
HW/PL/15/00094	Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Species for Community Use. Landscaped Open Space	<u>Approved</u>	07.04.2015

HW/CND/15/00449	<p style="text-align: center;">Forming Multi-Use</p> <p>Application for Approval of Details Reserved By Condition 2 (External Materials), Condition 3 (Detailed Landscape Scheme), Condition 4 (Arboricultural Method Statement), Condition 5 (Proposed Cycle Parking Provision), Condition 7 (Details of Access to the Parking Area, Including Visibility Splays, Drainage and Surface Materials), Condition 8 (Details of External Lighting) and Condition 9 (Details and Layout of Proposed Solar Panels) of Planning Permission HW/PL/15/00094 for Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Spaces for Community Use. Landscaped Open Space Forming Multi-Use Square and Associated Parking Facilities.</p>	Approved	10.04.2016
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And on the related, adjoining site current application:

Application Reference Number: HW/REM/19/00322

Proposal: LC2 - Approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 26 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 (Phase 2, Newhall).
Application Status: pending

CONSULTATIONS

Internal and external Consultees

Urban Design, Place Services

April 21 - In principle the amendments proposed show an uplift in both the parking areas for the local centre.

There is a need for clarity on where allocated parking is for blocks A and B. Will there be access to the rear of the building to the parking court?

The ground floor apartments to Block F appear to work well if a robust landscape treatment can be delivered.

Consider clay paver finish should be extended into the parking courts

Would like to see opportunities in bringing tree planting further into the court between the parking spaces. Add height and additional screening into this space.

Opportunities should be taken to accent the building entrances further. Possible to demarcate areas in change in surface materials.

In relation to the Community Building, there's a real risk this parking provision for residential occupiers could be taken advantage of. Even if residential spaces were focused to the northern bays only there still holds this risk. Management in terms of barrier or control would be over doing it I feel.

July 21 - Further to our past discussions and comments it is considered the application has addressed a majority of our initial concerns. The application has moved on positively in reducing parking which in turn has resulted in more allowance for landscaped and open space, along with three additional units.

The approach to the hard landscape again has been received positively where a constant finish quality is applied to the site as a whole, rather than to just the peripherals.

It is noted that the scheme hasn't addressed concerns around the location of bin stores to the south of blocks A and B as well as opening up opportunity to create direct access/active frontages to ground floor apartments. We appreciate these would have been reviewed and considered the balance between greater emphasis on the landscape and reduction of parking provides a good compromise.

As outlined above, the landscape approach and details are supported. We would note however, we would recommend a tree pit detail is included for tree planting located between parking bays. It is unclear on how this could be executed in what is a confined space between kerbs and haunching. Further clarity could be included.

Summary - Overall, it is considered that proposed local centre development provides a strong approach to architecture and landscape which has created a development which will respond well to Newhall and also provide a high-quality community. The ongoing discussions have seen positive outcomes which have been addressed above. We support the submitted application subject to minor comments above be addressed.

Place Services - Heritage Advice

July 2020 - With regards to heritage, the above concerns the setting of a number of non-designated heritage assets of 19th century or earlier provenance as inferred from cartographic evidence, historically forming part of Gravelpit Farm, granted permission for redevelopment into Community Hall Buildings under HW/PL/15/00094.

Located in close proximity to a historic stable, barn, and an old dairy, where the tallest of the structures is a two-storey building, the proposed development dominates its historic setting in terms of size, scale and massing, causing detriment to the appreciation of the non-designated heritage assets and negating their prominence. Proposing the construction of a large hard-surfaced parking area adjacent to the former farm complex, the proposal also introduces an inappropriate and unattractive component to this historically agricultural site, at odds with its traditional character. This is also seen to go against planning permission granted under HW/PL/15/00094, where modest parking provisions were made and ample soft-landscaping was provided.

For the above, the proposal is considered to cause harm to the significance of several non-designated heritage assets as derived from their setting and paragraph 197 is relevant.

July 21 - The application site is within the setting of several non-designated heritage assets of nineteenth century or earlier derivation which historically formed part of Gravelpit Farm.

This is the third consultation within this application. The current iteration of the scheme has been revised to reduce the parking provision and allow for more landscape and open space.

The rural setting of the non-designated heritage assets has largely been compromised by existing development. The proposal, however, would encroach development closer to the non-designated heritage asset and emphasise the presence of development within their immediate setting. The additional development would inevitably have an impact on the setting of the non-designated heritage assets. However, given the existing development the level harm identified under paragraph 203 of the NPPF would be at the lower end of the scale.

Environment Agency (Hertfordshire & North London)

No Comment Received.

Sustainable Drainage Team/ Lead Local Flood Authority

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the development. Please provide information as required within the new ECC SUDS design guide:

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Essex County Council – Highways

Feb 21 - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to a Construction Management Plan, laying out of parking and turning facilities and provision of Residential Travel Packs together with a request for a contribution of £175,000 (one hundred seventy-five thousand pounds), five thousand pounds per dwelling, index linked from April 2019 towards Infrastructure (Highway improvement schemes and Passenger Transport) in line with the wording in the Deed of Variation for the Newhall Outline S106.

July 21 - The Highway Authority has nothing further to add to our previous comments for this application.

Regeneration Services

The offer of 6 shared ownership units instead of any affordable rented units on this Newhall parcel would equate to achieving 15.8% of the units as intermediate units. (6 out of a total of 38 units) We are not happy with this outcome as it would not be compliant with our policies which has a clear focus on achieving affordable rented units that would help meet our clear housing need in the town. However, given that the viability appraisal has indicated that no affordable housing would be viable at this point on this site, and the alternative is to undertake a review after the site has been built out which has no guarantee of achieving any funding for affordable housing, it would seem that 6 shared ownership units would be a better outcome than no affordable housing at all.

Essex County Fire And Rescue Service

No Comment Received.

HDC - Cleansing And Environment

Feb 20 - Access and Swept Path Analysis

The proposal specifies two elevated width restrictions on Bridge Street which reduces the road to 4.5m (metres). These locations have also been identified as being the stationary point for the refuse collection vehicle (RCV) in order to service blocks A, B, E and the commercial unit. Bridge Street is a major access road to a large part of the Newhall development and the Council will not permit a RCV to remain stationary on width restrictions for any period of time as it will stop traffic flow. In addition, the vehicle would be forced to remain half on and half off the elevated width restriction resulting in the vehicle being positioned at inconsistent heights. This poses a risk to the collecting operatives and the lifting equipment cannot lock onto a bin without the operatives handling it into place whilst raising the lifters and the sensors will not necessarily identify the bin has reached the end of its travel. This has the potential to result in the container falling mid-tip into the hopper of the vehicle or falling back and striking the operatives. There is also a manual handling concern regarding the strain upon the operatives having to hold the bin in an awkward position at the beginning of the tipping process.

The applicant has proposed 4 wheeled containers for the development which are a suitable choice of containment however, the distance the bins are required to be wheeled to the RCV exceeds 10m specified in accordance with BS5906. Approximately, Block A is 15m, Block B is 25m and Block E is 20m from the bin store doors. This does not include the additional distances from within the stores. These distances are unacceptable. Block F does also exceed this distance from the rear of the store depending on which side of the road the vehicle remains stationary however, this is the most appropriate of all the proposed stores.

The swept path analysis clearly shows the RCV travelling at Bridge Street and Woodland Road however there is some additional information required before we can accept the vehicle's travel on the road. Please would the applicant:

- Amend the analysis to include the RCV entering from Bridge Street from both directions;
- Amend the analysis to include the RCV entering from Woodland Way from both directions and not just south easterly;
- Clarify the tree that has been proposed within the road at the 90 degree turn which does not appear on the analysis but does on other plans (full clearance of the tree is required);

- Clarify the turn at Woodland Way as it appears that the analysis overlaps with 2 or more parking bays.

Blocks A and B - The store has a proposed depth of 1.5m, width of 3m and a door width of 2.5m. The layout of the store would see both the 660L and 1100L bins side by side with the lids accessible from the entrance. These bin sizes have a width of 1270mm (millimetres). In accordance with BS5906 the collection operatives should not be required move one container to access another and have 150mm between containers, surrounding walls and doors between collections. In addition, the users of the bins should be able to access any part of the lid of the bin in order to deposit their waste easily.

Therefore the width of the store does not allow sufficient space for either bin to be removed or returned, and fails to offer sufficient clearance for the user; essentially the store is too small. The Council will tolerate a minimum handling space of 300mm (millimetres) either side of the bin when removed/returned in a diagonal direction. It should also be noted that the issue is exacerbated with Block B as the doors are not centralised.

Block E and Commercial - The store has a proposed depth of 8m however the width is 2.5m. The orientation of the bins in a single column is suitable but the width does not afford sufficient handling space. In order to remove the bins without the need to manoeuvre others the width of the store must be a minimum of 2.75m (150mm from the wall to the stationary bin, 1m depth for the stationary bin, 1m depth for the bin that is being removed and a further 300mm handling space either side). The commercial store also has the same issue. In addition, the entrance doors are both stores are 1.5m wide, in order to comply with BS5906 they must be a minimum of 2m with the doors fully open.

There are no issues noted with the layout of the store serving Block F. However, please would the applicant provide us with details as to where the utilities will be located within the stores as they also have the potential to impact on waste collections by causing obstructions (water, gullies etc.).

The majority of the stores fail to provide adequate space for the safe handling of waste containers and does not afford any space for additional waste provisions that may be required in the future. Whilst space for additional waste containment is not a reason to object to the proposal, the applicant should be aware that the design of the store will be very restrictive for any potential changes to the Council's collection scheme. Additionally, the provision of 660L waste containers do not fulfil the maximum capacity advertised due to their restrictive dimensions and therefore the capacity that has been proposed to satisfy the number of occupants will in fact not be sufficient in practice; we recommend that these container types are altered to 1100L bins.

Waste containers should be purchased from the Council however, if the applicant wishes to purchase bins from another supplier they must seek the exact specifications and requirements from Waste Management at Harlow Council before doing so. The Council will not empty any waste containers that have not been provided in accordance with the precise specification.

The southern aspect of the development was previously granted approval under HW/PL/15/00094 which is understood to have expired. The applicant has failed to include any relevant information as to how waste will be managed at any part of land south of Bridge Street. Please would the applicant submit their proposal for this aspect of the development.

We strongly object to the proposal until such time our concerns are mitigated. Please do not hesitate to contact us should you require clarification.

In relation to subsequent revisions:

.....

The tracking plan for Forge Lane shows the vehicle having to use both sides of the carriage way to successfully navigate the road. This in itself is not a problem although it requires some form of parking restrictions to prevent on-street parking that will inhibit our access. Has the applicant provided any information on this, I cannot see any on the planning portal's revised documents added on 23/10/2021.

The revisions to blocks A, B and E is an improvement on what was originally submitted in terms of distances however it does not resolve the problems.

Block A: located to the SW of the development could only be serviced by the RCV travelling in a westerly direction however the raised traffic restriction requires the oncoming traffic to wait for the westerly travelling vehicles to pass. If the operatives attend in busier times, the waiting cars will block the vehicles access to the section of road required. If our vehicles are parked on the specified location servicing the store, on coming vehicles travelling in an easterly direction will not have a line of sight to see around the RCV onto the oncoming traffic and the width restriction to see if it is clear to pass. This is simply due to the curvature of the road.

Block B: similar to block A but in reverse. Vehicles travelling in a easterly direction will have a reduced line of sight (not as severe as block A but still an issue) to see around the RCV.

Block E: if the block is serviced with the RCV facing west it will block the width restriction and stop traffic flow. If it is serviced whilst facing oncoming traffic it will restrict the line of sight those travelling in a westerly direction.

The sticking point with all 3 blocks is the width restrictions. Highway Authority comments are requested on this. Whilst bearing in mind how heavily trafficed this road is, we cannot endorse a proposal that causes risk to anyone utilising the roads and footpaths, and has the potential to lead to significant disruption on the highway."

Highway comments, on the matters raised by Waste Services Team:

Firstly with regard to the tracking along Forge Lane – this is no different to a lot of the design in Newhall, which is tight and angular. Furthermore, at this time Forge Lane is not adopted, presumably it was built by Newhall Projects, so any parking restrictions would have to be agreed with the current owner, not the Highway Authority, if this was an issue once development was occupied. Consequently, I would not expect to see anything regarding parking restrictions within this application.

With regard to the build-outs, it is not particularly dangerous; it's an unclassified, residential, 20mph, traffic calmed road, outside a school - vehicle speeds will be low and drivers will be being careful. Also the inside of the bend will be completely open allowing good visibility up the road. Refuse vehicles are infrequent and only cause momentary obstructions in the highway, in this instance it is not any different from any other residential environment, other than it benefits from the aforementioned i.e. traffic calming etc. Consequently, other than possibly moving the highway access points for Block B & E to a mid-point, (obviously I would defer to the Waste Team on this though) I would not have any highway safety concerns with regard to this.

Further Comments from Waste Services Team (in response to Highway Authority Comments):

1. We accept that parts of Newhall are pretty tight but it causes us problems now on various parts, as such we look to avoid these issues in every planning application we are consulted on. It appears highways have not considered the impact it would have on our crews if we get 30 metres in and are forced to reverse all the way back out, in terms of efficiency, operative safety and compliance with BS5906. Although Highways may not consider it necessary for any form parking restrictions, we do, particularly on turns.
2. We could not accept a central stationary point to collect from both blocks. Disagree with Highway Authority that visibility will be good on the inside of the bend and wonder whether it has been tested on a scaled diagram. In addition, the collection operatives deal with frustrated drivers being held up by their activities

on a regular basis, sometimes even weekly, therefore we would disagree on the thought that drivers will automatically be careful. However, if Highways are happy for us to obstruct the road, then this will occur. It is necessary to identify that the Waste Services Team (and contractors) would not be liable for third party incidents as a result of waste collections, the operatives time in conducting their duties or obstructing Bridge Street for any length of time as necessary to complete these duties as a result of the proposed layout.

[Officer comment: The applicants have agreed to a planning condition requiring the submission of details for parking controls on Forge Lane, as requested.

While there is a difference between the above comments, the Highway Authority's response relates only to public roads and to whether there is a Highway Safety concern, whereas the Waste Team concerns are for any (public or private) road and the Health and Safety of their personnel]

Archaeology Officer (ECC)

The proposed development area has been previously archaeologically trial-trenched and no further archaeological work is required on this site.

Tree Consultants

July 21 - An Arboricultural Impact Assessment has been submitted. An Arboricultural Management Schedule condition was previously requested. No further comments.

Designing Out Crime Officer For E Forest & Harlow

No major concerns, however insufficient details to confirm that the proposal would meet Secure by Design requirements. Revisions/additional details would be needed.

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Their Appendix provides advice on amongst others, Environmental enhancement - Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.

- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Neighbours and Additional Publicity

Number of Letters Sent: 223

Total Number of Representations Received: 15

Date Site Notice Expired: 13 September 2019

Date Press Notice Expired: 19 September 2019

Summary of Representations Received

15 representations have been received. The initial consultation resulted in two objections with 13 received in response to consultation on revisions on the following grounds:

Proposed use:

- this area was supposed to be a green area for residents/insufficient green space for Newhall residents
- contrary to the primary development purpose of Newhall is to: - create a primary pedestrian space;
- the proposed commercial premises and new housing are not needed in Newhall

Design/landscaping comments:

- adverse impact on the character and appearance of the area-this part of Newhall is becoming overcrowded. This part of Newhall is likely to have an unrelieved cramped urban feel to it; overbearing and out of character development
- 3-storey development is inappropriate on this site
- no significant addition of attractive public open space to the whole of Phase 2
- too few shrubs and trees. There is no provision for naturalistic planting, especially of trees, other than small ornamental ones
- further breaches the Newhall Phase II Environmental Statement; and would be in breach of the assured 40% green spaces across the developments.
- previously consented Newhall schemes promised more green space and this scheme would breach the 40% rule such that no different schemes should be considered as there is insufficient green space in Newhall overall
- The area needs some green space in the middle between the school and nursery to allow safe pickup of children and a nice area for them to play when they come out of school.
- flatted blocks here would ruin the look of the estate
- The density for this site was fixed by the Newhall Phase II Environmental Statement; this site represents excessive density in relation to this earlier document which is associated with the previous outline approval such that this breaches the legal contract [*Officer comment: This application is for full planning permission and is not legally tied to the provisions of the previous outline consent; the outline consent does nonetheless continue to be a material consideration*]

Travel/parking related:

- increased traffic and danger to children attending nearby day nursery/school
- increase in pollution

- Bridge Street is the only access into and out of Newhall and additional vehicles will add to danger using this road
- possible safety issues
- insufficient parking provision for residents
- limited visitor parking
- proposed amendments to the original road layout have not been the subject of public consultation
- parents collecting children drive and manoeuvre their vehicles dangerously
- Newhall is supposed to be a pedestrian environment but cars are everywhere
- there is already a bottle neck at the School/Day nursery at peak times which results in congestion and would prevent emergency vehicles passing through; the proposed dwellings and extra traffic would exacerbate this existing problem
- Concern expressed regarding the section of footpath that does not exist on the north side of the viaduct on Bridge Street going West to East that parents and children wishing to walk or bike to the amenities in the area have to either cross the road three times or walk dangerously into the road whilst making that journey, this is quite apparent now but when these properties are completed then many more residents will add to the danger. [*Applicant response: "There is an existing mature Oak tree which precludes the provision of a conventional footpath along the northern edge of the road. This has been previously discussed with Highways and it was agreed to incorporate the provision of drop kerbs on either side of the road to facilitate crossing. In addition, Newhall Projects have been looking at how they could incorporate a footpath along this edge as part of the design and delivery of the proposed LEAP which is due to come forward under a separate application submission shortly. The proposed design incorporates a footpath / boardwalk surface which protects the roots of the existing tree and also provides a continuous footpath link along the northern edge of the road and therefore addresses the concerns raised in the objection."*]

Amenity related:

- loss of existing quality of life for existing Newhall residents
- loss of light due to flatted blocks
- unacceptable increase in noise in Newhall
- loss of existing residents' views across the site of trees/woods

General/other:

- Charging points for Electric Vehicles are needed
- Consideration should be given to provisions to proactively prevent anti-social behaviour from young people congregating in the area i.e. youth provision in the form of skate/bike park/youth neighbourhood centre?
- people living in flats which overlook a school or day nursery may be unsavoury
- Development on the nearby school site for vehicle parking has meant it isn't a green field
- Quite disappointing to see the conditional statement surrounding the provisions for affordable housing being on condition there is "no late stage review mechanism requested".
- concern expressed about Fire Safety and Cladding Scandal - Councils should not grant any new planning permissions and developers should not be allowed to build any new development until this is resolved

PLANNING POLICY

Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

Strategic Policies

HGT1 - Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town

SD1 – Sustainable development

HS1 – Housing Delivery

HS2 – Housing Allocations

HS3 – Strategic Housing Site East of Harlow

RS1 – retail hierarchy

RS2 - Future retail floorspace

WE1 – Strategic Green Infrastructure

WE3 – biodiversity and geodiversity

WE4 – Heritage

SIR1 – Infrastructure requirements

DM Policies:

PL1 – Design principles

PL2 - Amenity Principles

PL3 – Sustainable Design, Construction and Energy Usage

PL5 – Other Open Spaces

PL6 – trees and Hedgerows

PL7 – Green Infrastructure and Landscape

PL8 – Bio and Geo Assets

PL9 - Pollution/Contamination

PL10 – Water environment

PL11 - Heritage

PL12 – Adverts

H1 – housing allocations

H2 - residential development

H5 - accessible/adaptable housing

H6 – housing mix

H8 - affordable housing

PR3 - employment development outside employment areas/neighbourhood service areas

PR4 - Improving Job Access/Training

L1 - open space, play areas etc. for major development

L3 - public art

L4 - Health and Wellbeing

IN1 - sustainable modes of travel
IN2 - impact on highway network
IN3 - parking standards
IN4 - broadband
IN6 - planning obligations

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - 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.

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale (housing) development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

The HGGT Infrastructure Delivery Plan sets out infrastructure investment plans and developer contribution requirements.

The HGGT Sustainability Guidance and Checklist lists specific development quality standards and provides a quality assessment process. Applicants for any major development are expected to prepare a self-assessment of their proposals using this document and submit it with the application. The purpose is to allow the applicant to demonstrate the quality of the development within a consistent comparative framework. The assessment is set in the context of Development Plan and the NPPF, but it can also to show where the development achieves high quality outcomes against HGGT principles, and may therefore exceed baseline planning policy requirements.

For all major development, HGGT Local Planning Authorities (LPAs) take independent specialist advice on urban design and sustainability matters (as included in the Checklist noted above) from the HGGT Quality Review Panel (QRP) (QRP Terms of Reference). Often

this happens at an informal pre application enquiry stage, where early influence is more readily achieved. On this scheme the applicant engaged with the QRP at pre-application and subsequently amended the scheme following the detailed feedback.

The HGGT How to Guide on Planning Obligations and Viability sets out expected good practice on these matters, which are central to decision making on major developments. The Guide is based on the principle that Heads of Terms should be considered by the applicant at pre application stage and submitted in draft, but specific and detailed, form with the application. This facilitates effective negotiation with the LPA on these important matters. The aim is then to have a full planning agreement in draft form at the point the application is determined. For this application, because of the viability position (see below), this report includes only initial information and recommendations on Heads of Terms.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Affordable Housing and Specialist Housing Supplementary Planning Guidance (SPD) (2007) – currently being updated (a draft is published)

HDC Design Guide SPD (2011) – currently being updated with a Design Guide Addendum SPD (a draft is published). The addendum is particularly relevant as it includes guidance on tall buildings, privacy and overlooking.

HDC Open Spaces, Sport and Recreation SPD (2007)

HDC Employment and Skills Contributions in New Development (2021)

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

Essex Local Viability Protocol (2018) An Essex wide approach to best practice for viability assessment that is generally compatible with the wider ranging HGGT How To Guidance noted above.

Essex Street Materials Guide (2012)

Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

Summary of Main Issues

The main issues are:

- HGGT growth context
- Principle of development,
- design and layout of the proposal,
- Impact on the character and appearance of the locality,
- Impact on heritage assets,
- Provision of affordable housing together with wheelchair-suitable and adaptable homes,
- Energy efficiency/carbon reduction,
- Bio and geo-diversity; and
- Highway safety and transport/parking.

HGGT growth context

Major residential development proposals in Harlow must be considered in the context of the very substantial proposed growth of the Town as whole and its future as a 'Garden Town'. (HDLP Policy HGT1).

National and local partnership arrangements and policies for achieving Garden Town 'principles' (HGGT Vision, NPPF Para 72) are relevant to major urban redevelopment sites and thus to this application. HGGT principles for Sustainability (HGGT Sustainability Guidance and Checklist), facilitating transport mode shift (Draft Transport Strategy) and infrastructure provision (HGGT IDP) are particularly important.

The general form of the proposed development accords well with the main HGGT principles because:

- it provides much needed new housing;
- the new housing is in a highly accessible location, creating an opportunity to live close to existing community facilities, services and public transport (when provided) and thus minimising reliance on travel by private car;
- it achieves efficient use of allocated urban land

Achievement against HGGT principles and quality on some more detailed matters is assessed as part of some of the considerations below.

Principle of Development

The proposal follows an outline approval for planning permission for 440 dwellings to form Phase I of the Newhall neighbourhood. However, this application is for full planning permission and is therefore "stand alone"; as such while the general principle of development of this site as a Local Centre was considered acceptable under the 1996 scheme submission, it does not directly benefit from the considerations made in relation to the outline approval. It must therefore be assessed on its own planning merits in line with currently adopted planning policies and any material considerations.

Policy HS1 states that "*The Local Plan identifies sites to deliver at least 9,200 dwellings during the Local Plan period (1 April 2011 to 31 March 2033). In view of the lead time for bringing forward the Strategic Housing Site East of Harlow, together with the sites at Newhall and the Princess Alexandra Hospital, this will be provided in accordance with a stepped requirement of 361 dwellings per annum from April 2011 to March 2024 and 501 dwellings per annum from April 2024 to March 2033.*"

While the scheme is not a reserved matters application under the original outline approval, the outline approval is a material planning consideration as part of the planning history of the application site. It was expected that 440 dwellings would be provided within Phase I of Newhall, of which the application site will provide 38 dwellings. It is considered that the proposal which provides housing in line with the original outline approval is welcomed in accordance with Policy HS1.

It is therefore considered that the proposed provision of housing at this site would accord with the current planning policies and the general principle of this site being previously considered to be acceptable in principle for housing.

The proposal would provide 199 sq.m of floorspace for commercial use. The applicants have asked that this be flexible within the new "E"- Use class. This part of the proposal would coincide with the original concept for Newhall with a commercial/work space provided centrally in this core location, either side of the bridge. The proposal will provide separate work, professional offices (old A2 Use Class) or shop, café etc. uses to the ground floor of the block fronting Bridge Street. It is considered that this accords with policies relating to the shopping hierarchy and workspaces – Policies RS1&2 and PR3, nonetheless as the "E" Use Class is wide, the new "E" Use any grant of planning permission would also allow the units to flexibly change to the full list including indoor sport, recreation or fitness (E(d)), provision of medical or health services (Ee), crèche, day nursery or day centre (E(f)) unless a condition is imposed restricting the uses, together with a planning reason for so doing.

While not specifically identified as forming part of this scheme, the application's red-line boundary does encompass the community buildings. This does still need to come forward and the applicants have confirmed a willingness to provide sufficient finance to ensure that this comes forward.

The proposal is not tied to the outline approval and is therefore not tied to the S106 legal agreement tied to it. Nonetheless, as a major application consideration will be given to whether any of the original schedules and clauses of the agreement should be carried forward. It is considered that the proposal is acceptable in principle. Detailed matters are addressed below.

Design and Its Impact on the Character and Appearance of the Local Area

The application site lies within the new Newhall Neighbourhood and, as such, is for new development on a previously open, undeveloped site which was released for development of a mixed use site including housing within an area of new and relatively new housing, commercial and community development, some of which has been erected including to the north/east of the application site. To the south are older, pre-Newhall Neighbourhood ex-farm buildings which are to be converted into community uses for all Newhall residents to make use of. The proposal involves the erection of 38 dwellings and associated parking and landscaping.

Scale

The flatted blocks would be 3-storey and contain 38 dwellings together with 4 commercial units of 199 sq.m to the ground floor around a triangle courtyard area. There would be a range of sizes of units with bedroom numbers from 1 to 2 for upto 4 people. The proposed dwellings would be 14 x 1-bed units and 24 x 2 bed units.

The Strategic Housing Market Assessment Update 2012 (2013) highlights the majority needs for smaller units (95%) within the District. This scheme provides a variety of small residential units to meet the identified local demand, with all of the dwellings to be 1 to 2 bed units for 2 – 4 people which would meet this identified need.

All flats have a balcony of between 5 sq.m and 7 sq.m depending on no of occupants with the larger flats having the largest balconies; some face roads and others over the hardstanding/parking/shared open space in the courtyard of the blocks. External green shared amenity space is provided within the courtyard area and in addition included in the application site to its eastern side, is Green Lane, a public pedestrianised/ landscape area and in terms of design, it is considered that this would provide overall a reasonable level and quality of amenity space for the residents.

Layout

Two blocks (A & B) would front onto Bridge Street with Block E to the eastern boundary and Block F to the western boundary. The Courtyard area would contain hardstanding for vehicle parking with an area to the north laid out as a landscaped open space.

Blocks A and B would front onto Bridge Street with block F fronting onto Forge Street. Block E would front onto the proposed Green Lane between LC2 and LC1 to the east.

It is proposed to build both LC2 and LC1 at the same time and will reinforce the connection between the two, linked sites.

The layout of the site has taken into account the natural features (sloping ground levels) on site, design parameters, connections to other approved and future land parcels of Phases I and II. In general, the proposed layout achieves a high quality of design while recognising the existing road layout and rear parking courts for flatted development which is a feature across Newhall.

Density

On the basis of the whole site area of 1 hectare, the residential density would be 38 units/hectare; however part of the site is not for residential development (where the community buildings are located and the section of main road also included); the residual area is less than half of the whole site so a proposed density of around 90 units/hectare is more accurate. While this is above the residential densities across the Newhall site.

The proposal is for an all flatted scheme where higher densities with high quality can be achieved. The site is also in a higher sustainable location within the Newhall Neighbourhood as it would be located close to shopping, servicing and community facilities including a nursery and school and access to nearby open space just beyond and west of the bridge. Further, part of the scheme would provide additional commercial facilities within Use classes E(a), E(b), E(c) and E(g) – i.e., shops etc.

Design/Appearance

The block to the western boundary would be provided with a statement roof which would be eye-catching and match with one roof to the proposed neighbouring development at LC2.

The frontage block onto Bridge Street would have 3 commercial units (with a further commercial unit to Block E) and a flat to the ground floor with some bin/cycle storage at that level with two floors of residential units above and the block onto the Forge Road such that there would be activity at ground floor level as a result. There would also be some activity relating to the adjoining equipped play area/Green Lane and the school/nursery to front and rear, such that some separation of the residential units in the eastern block (by them being at first and second floor level) would reduce the impact of these mainly day-time noise generators.

According to the submitted Design and Access Statement and the Material Strategy, the same palette of materials would be used for the scheme, which is in line with the Design Guidance of the outline consent. The palette proposed does accord with the materials palette approved in Phase II of Newhall.

The scheme has also incorporated the design principles of the Harlow Design Guide (2011) such as providing active street frontages with commercial premises to the ground floor and provision of private amenity space (balconies and ground floor amenity space). Together with the provision of landscaping along the site boundaries and between the Phase I and Phase II

developments, it is considered that the development would positively contribute to the streetscene.

The proposal would facilitate another phase of housing development in a higher sustainable locality within Phase I area of Newhall, such that it is considered that it would be of a scale and residential density which is proportionate to the site without resulting in an over-intensifying the site.

It is considered that a high standard of design is presented by the proposed blocks which continues the contemporary design approach of both Newhall Phases I and II. Furthermore, design advice from Place Services is supportive of the proposed design.

It is considered that the design, layout, scale, density and appearance of the proposed development represents a high standard of design and accords with the provisions of Policies PL1 and PL2, of the Harlow Local Plan (2020) as well as the design principles of Harlow Design Guide (2011) and draft Addendum to the Design Guide (2021).

Impact on Heritage Assets/setting of the nearby Listed Building

The application site lies to the north of a Listed Building, The Round House (Grade II). At the outline stage, the only concern raised was that any consideration at reserved matters stage should take into consideration the impact of any scheme on the Listed Building and its setting. There was no “exclusion area” agreed, nor was there any suggestion as to what area may be considered to form the setting for the Listed Building.

The Conservation/Heritage Officer indicates that the proposal would appear in the backdrop of views of The Round House, a Grade II Listed Building, located along Round House Way and that it should be relocated so that it is not visible as it would result in “*less than substantial*” harm to the setting of The Round House.

The application site is located to the western end of Round House Way at its junction with The Chase/Bridge Street and Woodland Way. Nonetheless, the proposed 3-storey block fronting onto Bridge Street would be visible as a vista feature from the Listed Building. While this would be the case, there are numerous dwellings both constructed and approved (Sector V) which are significantly closer to The Round House and the two-storey high school buildings on the opposite side of Bridge Street, closer to the Listed Building would partially obscure the, albeit 3-storey, block. The block would be of modern design with an unusual pitched/valleyed roof; given the significant distance away, it is considered that while it would be visible in the views of and from The Round House from the east that it would not compete with it such that the harm to The Round House or its setting as a result of this proposal would be particularly limited.

The Round House is Grade II Listed and it is considered that “*less than substantial harm*” would occur to its setting. On this basis, in line with the NPPF (paragraphs 201 and 203), the public benefits of the proposal have to be considered. The impact first needs to be assessed in relation to Policy PL12 of HLDP (Dec 2020) which indicates that the impact on a Listed Building will be assessed based on the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);

- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and
- (e) any public benefits of the development

The Round House is located within a wide curtilage which is significantly larger than proposed residential curtilages and has hedges to its northern/eastern and western boundaries with a small wooded area to the south.

The Round House is located, at around 150 m, some distance away from the nearest point of the application site, beyond the school. New housing development of upto 3 stories has already been constructed and development to the northern side of Round House Way to the north-east of the application site, directly to the north of the Round House on the opposite side of Rose Crescent, with a half-moon amenity area providing an element of separation beyond Round House Way and development of 49 houses has been approved directly to the south-east of the Round House (Sector V) just across a two-way road (around 9m away)

While it is recognised that this particular Listed Building would be surrounded by new housing, including on the application site. Views from windows in a Listed Building of new development is not of itself a reason to refuse new development, bearing in mind that Listed Buildings in built-up areas often do not have large landscaped areas around them, even where they may have been in a rural area when originally built. In any event, it is not the rural landscape that makes the building worthy of its Listed Status.

Notwithstanding, it is accepted that new development on site would be located such that it could sit in part in the backdrop to the Round House in views from the east/south-east.

The proposed development, like other modern development within Newhall would not harmonise with or otherwise be in character with the Listed Building. Nonetheless, the residential development is being provided in order to meet the house numbers for the tranche originally allocated and approved within the outline scheme and the outline scheme allowed for new development, of which all new development coming forward does not harmonise with the Listed Building. The scheme has been brought forward in line with the outline approval and as modern, contemporary housing on a 440 dwelling new, modern estate, while it is expected to provide a high quality of design and layout is not expected to match the Listed Building by way of character and appearance. It is considered that the proposed modern buildings on this application site are in character with existing new housing development on Newhall and, as such, that it appears as in juxtaposition to the original rural character of Round House. Given that this site is significantly further away from The Round House (around 150m) compared with existing and already approved development (as little as 9m away), it is considered that the harm identified to the setting of the Listed Asset is minimal.

The proposed development would not interfere in longer distance views from the west/north-west of the Listed Building from the west along RoundHouse Way and Woodland Way.

The works to the community buildings themselves would be exactly the same as those approved in 2015 when heritage considerations were taken into account. The current application would extend the approved car park adjacent to the community buildings which are indicated by the Heritage Advisors as non-designated heritage assets. The Heritage Advisors have previously consider that this proposal, which includes flats to the north of the community buildings, would result in harm to the original rural character of these buildings which formed part of Gravel Pit Farm (other buildings for this farm were located on the LC1 site itself). It is

considered that as non-designated heritage assets, this harm is “less than substantial”. Given that the LC1 plot is vacant and the former farm buildings on that plot have been removed and that this site was included in the earlier Phase I Newhall development as a plot for mixed use development, it is considered that the proposed development would have been expected once the outline scheme was approved.

The heritage assets that are being retained are being converted and extended (in accordance with the 2015 approval) to provide community buildings for the new residential development of Newhall Phase I and II, nonetheless as a result, building nearby was expected. The proposed flatted buildings are 3-storeys in height and given their location to the north, do not interfere in views of the community buildings along Bridge Street from East and West.

There is an existing residential development to the south of the community buildings and LC1 will be visible in the backdrop from these dwellings; nonetheless it is not considered that the non-designated heritage assets would be unduly affected by the presence of 3-storey development on the opposite side of Bridge Street.

The public benefits of the scheme also include 15.8% affordable housing. While this would not meet the 30% target in Policy H8, given that most tranches across Newhall Phase II provide the minimum of around 15% (which is the minimum allowed in the outline’s Legal Agreement), this is considered to be a public benefit.

The public benefits arising from the proposal are that 38 new dwellings would be erected for use by market purchasers as well as 6 being for affordable housing. During construction, employment will be provided and following construction the houses will meet the urgent need to provide housing as identified in the local housing needs assessments. The community buildings would also represent a public benefit.

It is therefore considered that the scheme would result in ~~significant~~ public benefits which would outweigh the less than substantial harm identified. It is therefore considered that the proposal would therefore accord with heritage policy PL12 of the HLDP (2020) and the provisions of paragraphs 201 and 203 of the NPPF (2021).

Impact on Trees, other Landscaping

The site is currently vacant with a vacant area to the north/east (LC2) and a few new trees and other vegetation outside the site boundaries. To the south of the proposed extended parking area near the Community Centre is an area of woodland. The applicant has submitted a Landscape Plan in support of the scheme.

Policies PL6 – trees and Hedgerows and PL7 – Green Infrastructure and Landscape are relevant. In relation to protected trees to the south of the Community facility car park, the Council’s Arboricultural Consultant considers that the proposed car park extension would not result in any harm to these existing trees.

Suitable conditions are proposed to be attached to any grant of planning permission to ensure the protection of the preserved trees during construction and the provision and maintenance of the trees proposed as part of the detailed landscaping scheme.

Bio and Geo-Diversity

Policy PL9 relates to Bio and Geo Diversity Assets.

A condition of the original outline consent for the Phase I area required an Ecological Management Plan outlining measures to protect flora, fauna and wildlife affected by the

development within each phase to be submitted to and agreed in writing by the Local Planning Authority.

While this is a full application, Natural England have been consulted on this application and have indicated that they have no objections although they do suggest that environmental enhancement could include:

- Providing a new footpath through the new development to link into existing rights of way.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.

Details will be required for bird and bat boxes though a suitably-worded condition.

Impact on Amenity of Local Residents

In line with Policy PL2, the amenity of existing and further occupiers should be protected.

All the flats would at least meet the National minimum internal space standards for dwellings

It is proposed that there will be a landscaped communal open space for the flat dwellers to the north of the courtyard area and the Green Lane would provide an outdoor space close to the blocks and there would be an equipped play area.

Given that the proposed blocks are located around a triangular-shaped courtyard and are separated by the access to the parking area and the open landscaped area to the north, there would be no direct back to back situations between the residential properties. It is acknowledged that it would be difficult to fully achieve separation distances within a higher-density residential flatted development but it is considered that due to the angles and relative distances, that the proposal would avoid direct overlooking. Potential occupiers will be also be fully aware of these arrangements when purchasing the properties. It is not considered that any unreasonable overlooking or inter-looking as a result.

Principle DG33 of the Harlow Design Guide (2011) specifies that all development should have some private open space. This space should be appropriate to the type and size of the accommodation. According to the revised drawings, there would be a shared, landscaped open space provided to the north of the triangular courtyard area all the flats would have a balcony/patio areas of between 5-7 sq.m each, the larger ones for the 3 and 4 person 2-bed units. While some of the units would have north-facing balconies which would be less usable, it is considered that the shared open space and Green Lane do offset these balconies which would not receive direct sunlight.

While the balcony/patio of the units located along the Green Lane would be located to the east close to the proposed play area, there would be a degree of separation with hedge planting and some grass such that it is consider that this occupier's amenities would be reasonable for the flats.

While the main purpose of Green Lane is to provide a pedestrian link following a "desire line" between the primary school and the the day-nursery, it does provide a landscaped gap between the LC1 dwellings and the proposed dwellings/car park of the proposed LC2 scheme for 25 dwellings, it would provide a small play area and location where outdoor relaxation is

provided for residents of the conjoined schemes, albeit more public in nature. It is welcomed as part of the open space within the scheme.

The blocks (A&B) to the south are likely to result in some over-shadowing of the blocks located to the north, in particular in the winter and at early/late parts of the day. However, it is not considered that the back blocks would unduly over-shadowed to the degree that the amenities of the occupiers would be adversely affected.

It is not therefore considered that the proposed layout and design gives rise to concerns with regard to unreasonable harm to the amenities of future occupiers.

The site is vacant at the moment. The nearest properties to the site are the residential properties to the north-east. Some disruption may be experienced during the construction phase, however, this is to be expected from any development and will only be temporary in nature. A condition should be attached to restrict construction hours and a condition should be added to require the use of wheel washing equipment to ensure that the construction works do not prejudice the amenity of neighbouring residents. A construction Management Plan can be required by the attachment of a suitably worded condition.

The landscaping strategy with trees and hedging to the rear and road frontages will improve the landscape value of the area and enhance visual amenity locally to the benefit of existing and future occupiers.

It is therefore not considered that the proposal would give rise to unreasonable harm to local residents.

Access, Parking and Highway Safety Concerns

The main access points to/from London Road (via Round House Way), connections with the wider area and circulatory routes throughout Newhall Phase 1 were assessed and fixed by the outline consent. The traffic and highway safety impacts of the development were also assessed at outline application stage. The impacts were considered to be acceptable, subject to conditions.

The internal road and the design of accesses and junctions to London Road itself were considered acceptable by the Highway Authority under Application No. HW/REM/17/00225, as were those to Roundhouse Way and Spine Road. The proposal would not have any new roads as the two blocks would front onto existing roads, Bridge Street and Woodland Way; although new footpaths would be provided to them. No large vehicles would need to enter the site as refuse lorries and other servicing vehicles would be able to do so from the existing roads. The proposed footpaths would provide good connectivity within the site and the wider area.

The proposal would not have any new roads as the southern and western blocks would front onto existing roads, Bridge Street and the unnamed road to the day-nursery; although new footpaths would be provided to them. The third block would be to the south of the day-Nursery Road but otherwise front onto the proposed pedestrian Green Lane between this site and the LC2 site. No large vehicles would need to enter the site as refuse lorries and other servicing vehicles would be able to do so from the existing roads. The proposed footpaths and Green Lane would provide good connectivity within the site and the wider area.

Given the provision of commercial units within the Local Centre 1 site and as there are commercial and other facilities in close proximity, including a school, day-nursery, a park and the forthcoming community facilities adjacent to the application site, the parking provision has been reduced to one parking space for each of the dwellings, i.e., 1:1. The scheme will provide

car parking spaces for future residents in the form of a courtyard/rear open parking and undercroft parking. It is considered that this is in line with the adopted parking standards in areas of higher accessibility and Policy IN1 which seeks to reduce the reliance on private cars for work/shopping/services in the District.

Cycle storage for LC1 occupiers will be located in private areas in the undercroft areas. While the proposal crosses/includes the existing highway of Bridge Street, it does not propose any alterations to it except the provision of bays for short term parking in association with visitors and the commercial units.

A number of additional parking spaces are proposed adjoining the Community facilities; while it is expected that Newhall residents using these facilities would mainly walk to them, it is recognised that visitors vehicles to the area would benefit from parking off street. The applicants have indicated that the proposed extension of the car park to the Community Halls would provide additional parking for residents, users of the community facilities and a school drop off/pick up facility.

The site and surrounding roads including Forge Street and Bridge Street are in private ownership and are not controlled in respect of parking restrictions by the local Highway Authority. Parking on street is not controlled although in this case, parking restrictions have been agreed to be introduced on Forge Street to enable the refuse servicing vehicles to access without hindrance. A suitable condition can be attached to require the implementation of the parking restrictions. Should any roads within Newhall become public highway, it would be for the Highway Authority to consider whether and where parking restrictions may be applied.

Public transport:

A bus route through Newhall has been agreed in relation to the outline approval for Phase II Newhall. It will be provided in accordance with the relevant legal agreement and will run along Bridge Street/Spine Road, exiting onto London Road. It will be provided once the Spine Road is completed to connect the new neighbourhood with the town centre, employment areas and railway station(s).

It is intended that the eastern arm of the Sustainable Transport (STC) route will run either through Newhall or close to it enabling connections across the urban area.

Essex County Council Highway Authority have raised no objection to the scheme as it is not contrary to the Highway Authority's Development Management Policies (2011). In line with Policy IN1, Provision of Electric Charging Points for Vehicles, "Development must provide electric vehicle charging points (EVCPs) in accordance with the latest Government guidance." A suitable condition will be attached to require details to be submitted.

Affordable Housing

Local Plan Policy H8 indicates that affordable housing should form a percentage of housing on major development sites with a minimum of 30% 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.

As this is a separate full application it does not directly benefit from affordable range of 15% - 40% identified in the legal agreement attached to the outline approval for Phase I Newhall and would therefore need to meet Policy H8 provisions for affordable housing

The applicants have made an offer in respect of affordable housing to provide 6 of the 38 dwellings proposed as affordable housing which would represent 15.8%. They will be 1- and 2-bedroom flats (intermediate such as shared ownership).

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 0% affordable housing is the maximum achievable for this site. This was reviewed by Strettons, an expert appointed by the Council. Strettons also reviewed a revised FVA submitted in December 2020.

The assessed FVAs' reviews 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. For commercial this is an expected return per square meter. 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 (Dec 2020) a GDV of £9,817,087. 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 £10,360,000.

The development costs of the development have been reviewed in detail using a quantity surveyor and have been considered to be acceptable.

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+)."

The site is currently vacant with the former farm buildings removed some time ago. The existing use value for the site is quite low. Albeit that the site is included in the outline approval for mixed commercial/residential development.

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 December 2019 FVA adopted a notional BLV of £500,000, across the 0.05 hectare site as a whole. This represents an increase above the higher end of the BLV range applied to the Local Plan Study.* Strettons in their review of the FVA considered that the benchmark Land Value, based off greenfield land value for 0.5ha, would be £155,000.

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% for commercial and 20% from residential of gross development value (GDV) is

considered a suitable return to developers. This has been consistent throughout the FVAs submitted.

The December 2019 FVA indicates that there would be a gross deficit of £1,584,835. The assessment of the FVA by Strettons makes a number of judgements regarding the three aspects of viability assessments (Costs, Revenue and Land Value) and concludes that the scheme is unviable with a gross deficit of £1,469,532. Strettons indicate that there would be a deficit of £3,511,532 before the required developer's profit margin is reached which "we consider appropriate."

The July 2021 FVA indicated a "With the 6 shared ownership units offered by the applicant, the viability assessment shows a deficit of circa £790,000 which reflects the baseline figure position."

Following revisions, a revised FVA was submitted in October 2021; Turner Moran (applicants VA) indicate that there would be a deficit of £2,012,741 against the benchmark land value of £522,000 would result in a negative profit margin of £74,071. The Council's assessors (Strettons) have concluded that the benchmark land value £155,000 would be a "negative profit margin of £74,071 compared to the desired rate of £1,938,670, which means there is currently a deficit of £2,012,741 before an appropriate developers profit margin is reached."

The overall viability position is that the scheme is unviable.

However, there are a number of aspects that are uncertain such as whether costs may be reduced at a later stage. Given this, an early stage viability review mechanism is proposed.

On the basis of the advice received and the submitted FVA (October 2021), it is considered that the provision of 15.8% affordable housing is more than could be delivered viably on this site. On this basis, the proposal to provide the level of affordable housing offered by the applicants would be in accordance with policy H8 of the HDLP.

Nonetheless, in order that the viability assessment remains relevant for the time period involved, it is recommended that an early stage review (at 18 months following the signing of the legal agreement/decision issue) is included in the Section 106 agreement to ensure that the development either comes forward earlier in the 3-year implementation period or that any additional monies are shared between the developer and the Council in respect of the provision of any additional affordable housing.

The proposed percentage of affordable housing would be within the range previously agreed for Newhall Phase I, albeit at the lower end of the range. Nonetheless, given that the scheme has been shown not to be viable and the proposal is not subject to the existing legal agreements, while the offer of 15.8% affordable housing is below the minimum 30% level, it is welcomed.

The Harlow Design guide (2011) advises that affordable housing should be tenure blind and pepper-potted throughout the site. The affordable housing is provided within the block to the eastern side of the site fronting onto the proposed Green Lane. While not pepper-potted, as would be preferred, due to the provision of other phases of development, including those proposed at the adjoining LC2 being located on its eastern side, it is considered that the affordable housing provided in this scheme would not be viewed isolated in associated with the wider development.

S106/Other Contributions

The applicants have submitted a Viability Assessment. This has been scrutinised on behalf of the Council and it is confirmed that the proposal is not viable. Notwithstanding, the applicants have made an offer in respect of affordable housing (see above).

Education contributions under the provisions of the previous outline approval made in the form of the provision of schools; of which a primary school has already been constructed almost directly opposite the application site in the Phase II Area of Newhall. This full application for this Phase I site currently being considered already benefits from this as 440 dwellings were expected to be constructed within Phase I, including a proportion on this tranche (LC1).

The Highway works approved under the two outline approvals for Phase I and Phase II of Newhall include the provision of a new junction on the A414 with a link road and connection to London Road and access for high quality public transport to the application site. Capacity improvements to the A414 junction were to be either by the developer or by the provision of a contribution to the County Council.

The Masterplan map of 5/2010 (Drawing 887-036H) indicates that Bridge Street is a proposed bus route which lies directly south/outside the application site. Bus stop facilities were to be provided along the internal spine road. The bus service to start in January 2012 (or later – 12 months after implementation and maintained until completion of 2,000th residential unit).

Highways Authority have written to request the provision of a contribution towards Infrastructure (Highway improvement schemes and Passenger Transport) which reflects that of the Newhall Outline S106s. The total payable to Essex County Council being £175,000 (one hundred seventy-five thousand pounds), five thousand pounds per dwelling, index linked from April 2019. To ensure deliverability of the wider infrastructure needs and improving sustainable links from the town centre, to the train station and within the employment zones.

Travel Packs should be provided to the first occupiers of each residential unit.

As a separate full application, details are specifically required in relation to the education and transport, however, the viability assessment indicates that the scheme is not viable and the legal agreement will therefore contain a claw-back mechanism (early review mechanism). The S106 will contain an appropriate section relating to the Highway Authority contribution request.

The FVA does include an amount towards S106 payments (albeit at a deficit overall). It is considered that a suitable condition could be attached to require the provision of Residential Travel Packs.

Community Centre – The proposal includes the community centre buildings within its area and seeks to extend the Community Centre car park. Nonetheless, works have started in relation to the 2015 reserved matters approval and, as such, planning permission is not being sought through this current application for the community centre itself. It nonetheless remains an outstanding element as agreed under the Outline approval for Phase I of Newhall.

Outline approval was granted for Phase I of the Newhall development in September 1998 (Ref. HLW/96/00088) which was for 440 dwellings and supporting facilities. The legal agreements attached to this approval required a Design submission for the Community buildings and one was submitted and approved. There then followed two planning applications for works to provide the Community buildings; both these applications were granted but have now passed their “start-by” dates included on the planning approval. However, there has been little progress, except the stripping off of the roof/walls of one of the buildings.

There was no requirement in the original legal agreements on Phase I of Newhall that monies needed to be set aside for the Community Buildings and the LPA do not therefore have control over this. The applicants have indicated in relation to ensuring that the Newhall Community Centre is completed that they would be willing to set aside sufficient monies in a secure account which shall solely be used to finish the work on the Community Centre. This is subject to planning permission being granted and details to secure this arrangement would need to be included in a planning legal agreement for Tranche LC1. It is expected that the legal agreement will also contain a timetable for the completion of the Community Centre works.

Commercial units conversion to residential units – the applicants have indicated that they would prefer residential units to the ground floor fronting onto Bridge Street and provided a draft S016 with details of how this might be tied in to this application. Since it was agreed to provide commercial units to the ground floor as a revision to the application, a further change to the application scheme has resulted in an increase in the number of residential units from 35 to 38 (effectively restoring those “lost” to the provision of the 3 commercial units).

The applicants recognise that to make a change from commercial to residential units would have previously required planning permission however, under the changes to the Use Classes Order and General Permitted Development Order which came into force on 1st August 2021, such a change would not now normally require planning permission.

However, this scheme is located within the Local Centre of Phase I (LC1) and additional commercial spaces for a Hatch/Neighbourhood Centre commensurate with the scale of the whole Newhall neighbourhood comprising around 2,740 dwellings have been awaited in connection with Phase I of Newhall for a considerable period of time. While a few commercial units do exist in the Phase I area on the other side of the bridge, it is considered that a wider range of uses, including offices would augment this limited offer, more akin to a “Hatch” rather than a Neighbourhood Centre. As such, it is proposed that the commercial units are implemented and tied by a suitably-worded condition to restrict them being used solely within uses as contained in Use Classes E(a) (formerly A1); E(c) (formerly A2); E(b) (formerly A3) Use as a public house, wine bar or drinking establishment (in a class of their own; sui generis) (formerly A4), Use as a hot foot takeaway (in a class of its own; sui generis) (formerly A5) and E(g) (Formerly B1).

If they wish to change them to other uses, including additional residential units at the site and this would be subject to further consideration. The applicants can apply later providing supporting documentation such as a marketing exercise.

Cross-boundary works - A proposal has been submitted for the adjoining site known as Local Centre 2 or LC2 (Ref. HW/REM/19/00322). The LC2 site is within the Phase II area of Newhall and the proposal submitted is as a reserved matter following the outline approval for Phase II. The works needed to provide the LC2 area with its full parking compliment and the ability for vehicles to manoeuvre on site requires some of those works to be undertaken within the LC1 area. These works are required for LC2 and both applications will need to make provisions to ensure that the LC2 development is completed. Provisions for these partial works are shown on the LC1 plans and need to be tied together under legally-binding mechanisms (a S106 clause for LC1 and a Unilateral Undertaking for LC2).

Local Employment and Training

In line with the Local Plan Policy ED3, Council’s Guidance Document “Employment and skills contributions in new development”(March 2021) sets out Harlow Council’s approach to delivering employment and skills opportunities from planning applications. The scheme will be expected to provide opportunities for employment, skills and training, opportunities and

apprenticeships or work experience schemes. It is therefore proposed that a Head of Terms is included in the S106 legal agreement to require details of how this would be implemented.

The S106 legal agreement

It is considered that the S106 agreement would need to have Heads of Terms which cover the following:

- a) Completion of the community buildings work (including details of escrow monies and timing of works)
- b) Affordable housing provision at 15.8%
- c) A claw-back/early review mechanism
- d) Cross-boundary works completion to benefit LC2
- e) Arrangements for a local employment and training offer and liaison applicable to the construction phase of development (to HDC corporate standard)

The applicants have indicated that they expect to be in a position to implement the scheme within 15-21 months of an approval.

While there will be a delay (often months) between any resolution to approve and the S106 itself being signed; with this level of confidence, considerable preparatory work can take place during that period, including preparing any details required by conditions.

An associated early stage upward only review mechanism is required to address under-provision against the normal HDLP policy affordable housing requirement (30% of total) and in relation to the highway and other requested contributions if substantial implementation has not occurred within 18 months of the signing of the S106 legal agreement/approval.

Sustainable measures

In addition to the provision of electrical vehicle charging points, water efficiency measures and energy efficiency details will be required through the attachment of suitably-worded conditions.

Local Employment and Training

In line with the Local Plan Policy ED3, Council's Guidance Document "Employment and skills contributions in new development" (March 2021) sets out Harlow Council's approach to delivering employment and skills opportunities from planning applications. The scheme will be expected to provide opportunities for employment, skills and training, opportunities and apprenticeships or work experience schemes. It is therefore proposed that a Head of Terms is included in the S106 legal agreement to require details of how this would be implemented.

Other Issues

Flooding and SuDS

The application site is not within a flood plain (not Zone 3a/b or Zone 2) nor close to a Main River. The Environment Agency have not raised any concerns.

A strategic drainage strategy covering the Phase I Newhall Area was approved which the site benefits from (although this is a full application and does not benefit from any previously approved site specific measures). In addition, the LC1 site abuts the Phase 2 Newhall Area where a drainage strategy was considered acceptable under approved Application HW/REM/17/00225 with a foul and surface water drainage system including a new attenuation pond and detention basin as strategic infrastructure.

The LLFA has written to advise that insufficient detail have been submitted for this scheme and that they want detailed assessments to be submitted prior to planning permission being issued. Given the previous considerations in relation to the whole of the Newhall Phase I and II area, it is not considered that there are outstanding significant concerns on flooding or drainage for the current application site. The drainage details therefore requested by the LLFA are very detailed and are indicated by the LLFA as being possible to provide at either the full application stage or via the discharge of conditions. It is therefore considered in this case (given that strategic drainage measures have been previously approved) to be unduly onerous that full details are required at application stage for this scheme when they can be provided under suitably-worded conditions. Details of drainage works will be required under suitably-worded conditions to ensure that adequate provision is made.

Archaeology

A condition of the outline consent for the Phase I area required a written scheme of investigation and implementation of a programme of archaeological work, which has been discharged.

The Historic Environment Officer of Essex County Council has been consulted and confirmed that there was previous trial trenching on this site and that no further archaeological work is required.

Refuse

A Refuse Strategy Plan has been submitted to demonstrate that storage capacity based on will be provided in accordance with the Building Regulations. No residents will be required to walk more than 30m to reach a designated collection point.

The waste collection arrangements include use of Bridge Street to service Blocks A, B and E and use of Forge Lane for servicing Block F. A tracking plan has been submitted which shows servicing vehicles can run the full length of Forge Street, nonetheless the off-set square area would need to be provided with parking restricting to prevent vehicles stopping within the tracking limits.

The Council's Street Scene Manager has confirmed that subject to parking restrictions being placed on Forge Lane (so that servicing vehicles are not hindered though the off-set square) that the proposal to service LC1 residential units with stopping points on Bridge Street and Forge Lane is acceptable.

The Highway Authority confirm that servicing vehicles stopping on Bridge Street would be acceptable from a highway safety viewpoint. Waste personnel servicing from Bridge Street are expected to take appropriate health and safety precautions while carrying out waste collections.

It is therefore considered that the proposed residential refuse arrangements are acceptable.

A condition can be attached to ensure commercial servicing arrangements details are provided.

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSIONS

The scheme is considered to promote high quality design and landscaping with no significant adverse impact on local amenity and no access, parking or highway safety concerns. The uses proposed together with the quantum of the development and access, scale, appearance, layout and landscaping of the proposed development are considered appropriate and satisfactory. It is considered to accord with national and local policies. The proposal is therefore recommended for approval, subject to the signing of a legal agreement and planning conditions.

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:
1. Affordable housing provision of 6 units (15.8% of total). An associated early stage upward only review mechanism is required to address under-provision against the normal HDLP policy requirement (30% of total).
 2. Arrangements for planning obligation and condition monitoring fees (to HDC and ECC corporate standards).
 3. Completion of the community buildings work (including details of escrow monies and timing of works)
 4. Cross-boundary works completion to benefit LC2

5. Arrangements for a local employment and training offer and liaison applicable to the construction phase of development (to HDC corporate standard).
- ii) Should a S106 Legal Agreement not be signed by the applicant by 08 February 2022 (3 months from the date of the Planning Committee decision), powers be delegated to the Head of Planning and Building Control to refuse the planning application in relation to those matters covered by the S106 which would not be resolved:
- **The proposal provides no (or insufficient) affordable housing to address local needs. The proposal is therefore contrary to Policy H8 of the Harlow Local Development Plan (2020).**
 - **Cross-boundary works would not be secured resulting in harm to visual amenities and reduced parking/landscaping provision within LC2 site resulting in harm to residential amenities and visual amenities contrary to Policies PL1 and PL2 of the Harlow Local Development Plan (2020).**
 - **Lack of community centre provision forming infrastructure to meet local needs contrary to Policies L2 and IN6 of the Harlow Local Development Plan (2020).**

iii) And the following Conditions:

1. 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. The dwellings shall not be occupied until Building Regulations Part M4(2) standard for accessible and adaptable homes has been complied with.
REASON: To ensure that the new dwellings are both accessible and adaptable to meet the changing needs of occupants, in accordance with Policy H5 of the Harlow Local Development Plan, December 2020.
3. The development shall be undertaken in accordance with the approved affordable housing plan. 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.
4. Restriction of uses of ground floor commercial units – The proposed 199 sq.m of commercial space shall be used only for Use Classes E(a) – shops; E(b) cafes and restaurants; Use Class E(c) - financial, professional and other services and E(g) – offices, research and development or any light industrial process.
REASON: to ensure that goods and services offered in this part of the Local centre are commensurate with retail policies PR8/PR9 for Neighbourhood Centres/Hatches of the HLDP (Dec 2020) in line with the original concept for Newhall of an independent neighbourhood with a core of services for the day-to-day needs of the occupiers.

5. Research and development, light industrial uses, cafes and restaurants hereby permitted shall not open except between 08:00 and 22:00 hours Monday to Saturday and between 09:00 and 18:00 Hours on Sundays and Bank Holidays
Reason: In the interests of residential amenities in accordance with Policy PL2 of the Harlow Local Development Plan, Dec 2020
6. Details of how the commercial units will be serviced shall be submitted to the Local Planning Authority prior to the first use of any of the commercial units hereby approved. Once approved, the details shall be implemented and retained in perpetuity
Reason: To ensure that servicing of the commercial units is undertaken appropriately in accordance with Policy PL2 of the Harlow Local Development Plan, Dec 2020
7. The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the plans submitted in relation to the development hereby permitted.
REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, Dec 2020.
8. Obscure glazing – Windows identified as being provided with obscure glazing shall be provided with obscure glazing in perpetuity and shall only be openable at 1.7m or over above finished floor levels.
Reason: In the interests of residential amenities in line with Policy PL2 of the HLDP (Dec 2020)
9. Existing tree protection - Details relevant to the safe retention and protection of trees within the Arboricultural Method Statement (AMS) submitted with this application will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.
REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with those policies of the Development Plan set out in the attached Informative.
10. Proposed landscaping provision and maintenance - All hard and soft landscape works 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.
11. Details of bird and bat boxes shall be submitted and, once approved in writing, shall be implemented prior to first occupation of the dwellings hereby permitted.
REASON: To ensure that there is net biodiversity gain from the proposal, in accordance with Policy PL9 of the Harlow Local Development Plan Dec, 2020)
12. 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.

13. 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.

14. Construction Hours Construction works shall only take place between 08:00 to 18:00 Mondays to Fridays and from 08:00 to 13:00 on Saturdays; no construction works shall take place on Sundays or Bank Holidays.

REASON: IN the interests of residential amenities in accordance with Policy PL2 of the HLDP (Dec 2020)

15. Construction Management Plan - No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

16. Prior to the first occupation of the development the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

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

17. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include season tickets for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Harlow District Council's Local Development Plan Submission Version 2018.

18. 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 the Local Planning Authority. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.

REASON: To ensure that accessible housing is provided in accordance with Policy H5 of the Harlow Local Development Plan (2020).

19. 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.

20. Electric Vehicle Charging point details - Prior to first occupation of the residential and commercial units hereby approved, details for electrical vehicle charging points shall be provided; once approved in writing by the Local Planning Authority the charging points shall be implemented in accordance with the approved details and retained.

Reason: To promote greener alternative travel in line with Policy IN1 of the Harlow Local Development Plan (December 2020)

21. Details of the proposed parking restrictions for Forge Lane shall be submitted to the Local Planning Authority prior to the first occupation of any of the dwellings in block F; once approved in writing, the details shall be implemented and retained in perpetuity.

Reason: To ensure that servicing vehicles can operate along the whole length of Forge Lane though the off-set square in accordance with Policy PL2 of the Harlow Local Development Plan (December 2020)

22. 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
NHH-PRP-A01Z-ZZ-DR-A-FP-0200	--	Location Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-0202	Rev P03	Proposed Site Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2000	Rev P03 GROUND FLOOR	Site Layout Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2001	Rev P02 LEVEL 1	Site Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2002	Rev P02 LEVEL 2	Site Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2003	Rev P02 ROOF LEVEL	Site Layout Plan	24.06.2021

NHH-PRP-A01Z-ZZ-DR-A-FP-2010	Rev P03	Parking Layout	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2011	Rev P03	Cycle Store	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2020	Rev P03	Refuse Store	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2030	Rev P03 GROUND FLOOR	Tenure Plan	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2031	Rev P02 LEVEL1	Tenure Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2032	Rev P02 LEVEL 2	Tenure Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2050	Rev P03 SITE	Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2100	Rev P02 BLOCK A	GA Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2101	Rev P02 BLOCK B	GA Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2102	Rev P02 LEVEL 1 BLOCK E	GA Floor Plans	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2103	Rev P01 Lvl2 BLOCK E	GA Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2104	Rev P02 BLOCK E	Elevations	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2105	Rev P02 BLOCK F Grd Lvl	GA Floor Plans	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2106	BLOCK F ROOF LEVEL	GA Floor Plans	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2107	Rev P01 BLOCK F	Elevations	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2200	1B2P PRIVATE	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2201	1B2P PRIVATE LIVE _ WORK	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2202	Rev P01 2B3P Type 1	Layout Plan	24.06.2021

NHH-PRP-A01Z-ZZ-DR-A-FP-2203	2B3P PRIVATE TYPE 2	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2204	2B4P PRIVATE TYPE 1	Layout Plan	24.06.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-2205	2B4P PRIVATE TYPE 2	Layout Plan	24.06.2021
P.1166.31.002.F	--	Landscape General Arrangement	22.10.2021
P.1166.31.102.F	--	Landscape Hardworks Plan	22.10.2021
P.1166.31.202.B	--	Site Sections	22.10.2021
P.1166.31.302.E	--	Tree Planting Plan	22.10.2021
P.1166.31.304.D	AREAS 1, 2, 3	Planting Details	22.10.2021
P.1166.31.305.E	AREAS 4, 5	Planting Details	22.10.2021
P.1166.31.306.D	AREAS 6, 7, 8	Planting Details	22.10.2021
P.1166.31.402.A	Phase 1	Tree Pit Details	22.10.2021
NHH-PRP-A01Z-ZZ-DR-A-FP-0201	--	Existing Site Plan	24.06.2021
19-081_SKC02	Rev A	Tracking	22.10.2021

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Highways Informatives:
 - i. The above measures should be imposed by way of negative planning conditions or a planning obligation.
 - ii. Any trees, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
 - iii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
 - iv. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

