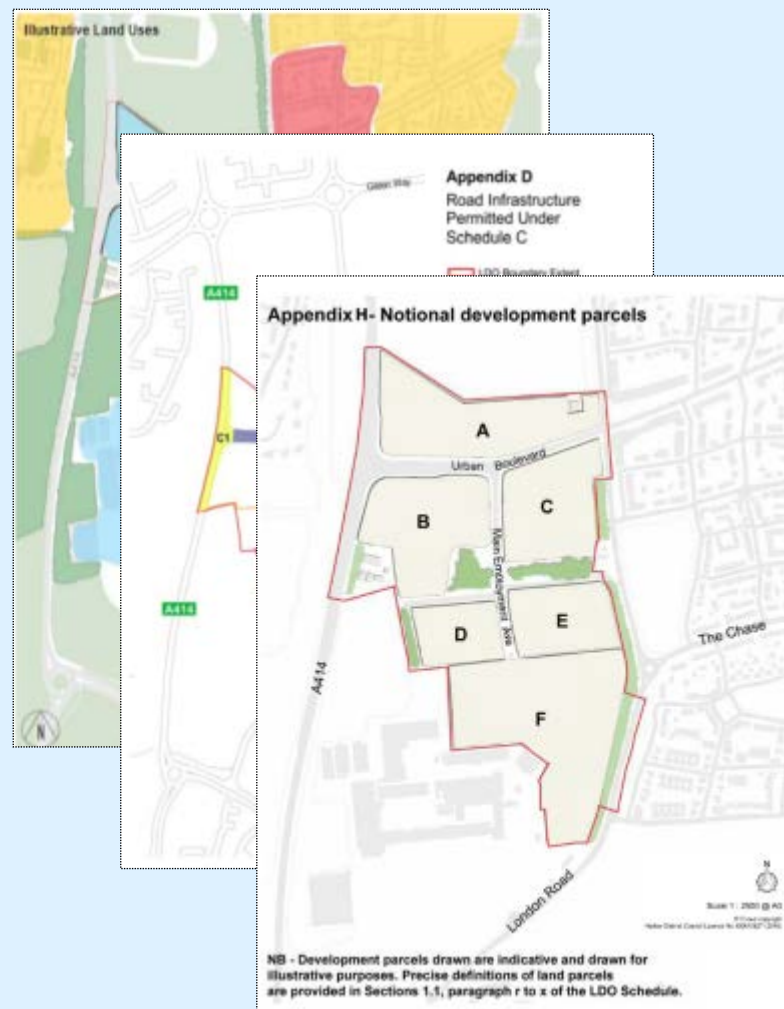


# London Road North

## Local Development Order and Schedule



Revised Version

Adopted January 2022

## **1.0 Interpretations and Definitions**

1.1 For the purposes of this London Road North Local Development Order (“LDO”):

- a) “London Road North” is defined as the area comprised within the red edged boundary shown on the London Road North Local Development Order Boundary Map attached as Appendix A.
- b) “London Road South” is defined as the area comprised within the red edged boundary shown on Appendix A – London Road South LDO Boundary of the London Road South Local Development Order
- c) “Safeguarded Strategic Infrastructure” is defined as the land labelled as Safeguarded Strategic Infrastructure and shaded in brown on the map entitled Safeguarded Strategic Infrastructure attached as Appendix F.
- d) “Development Zone” is defined as the land labelled as Development Zone and shaded yellow on the London Road North Local Development Order Designations Map attached as Appendix C.
- e) The “London Road North Design Code” is defined as the document attached as Appendix E.
- f) Highways works permitted under Class 1 of Schedule C of the LDO are defined as the indicative highways works shaded in yellow and labelled “C1 - Class 1 – New junction and associated highways improvements on A414” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- g) Highways works permitted under Class 2 of Schedule C of the LDO are defined as the indicative highways works shaded in dark blue and labelled “Class 2 – Urban Boulevard (Link Road) West” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- h) Highways works permitted under Class 3 of Schedule C of the LDO are defined as the indicative highways works shaded in light blue and labelled “Class 3 – Urban Boulevard (Link Road) East” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- i) Highways works permitted under Class 4 of Schedule C of the LDO are defined as the indicative highways works shaded in yellow and labelled “C4 – Class 4 – New junction connecting the Urban Boulevard (Link Road) West to the Main Employment Avenue” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- j) Highways works permitted under Class 5 of Schedule C of the LDO are defined as the indicative highways works shaded in yellow and labelled “C5 – Class 5 – New junction connecting the Urban Boulevard (Link Road) East to London Road” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- k) Highways works permitted under Class 6 of Schedule C of the LDO are defined as the indicative highways works shaded in red and labelled “Class 6 – Main Employment Avenue (Feeder Road)” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.

- l) Highways works permitted under Class 7 of Schedule C of the LDO are defined as the indicative highways works shaded in orange and labelled “Enhancement of existing Public Right of Way from London Road to the A414” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- m) Highways works permitted under Class 8 of Schedule C of the LDO are defined as the indicative highways works shaded in pink and labelled “shared pedestrian and cycle link connecting the Main Employment Avenue to the London Road South LDO area” on the map entitled “Road Infrastructure Permitted Under Schedule C” attached as Appendix D.
- n) “Associated Site Infrastructure and Facilities” is defined as comprising:
  - i. the provision of junction accesses onto the highway;
  - ii. the provision of internal private slip roads along a development frontage;
  - iii. the provision of internal access roads to provide vehicular access to development sites only from the road infrastructure defined in paragraph 1.1 f), g), j) and l) of the LDO.
  - iv. the provision of hard standing areas required for vehicle parking bays, disabled parking bays, turning and circulation areas, designated loading and service bays and pedestrian circulation;
  - v. the erection of gates, fences, walls or other means of enclosure;
  - vi. traffic signals, security buildings, bicycle shelters, motorbike shelters, bollards, lamp standards, telephone boxes, post boxes, refuse bins or baskets, waste recycling facilities, facilities for fire fighting or other emergency services, outdoor staff rest areas and smoking shelters.
  - vii. the provision of any Sustainable Urban Drainage (SUDs) features including swales, filter strips, soakaways, green roofs, bio-retention areas, infiltration and detention basins, ponds, wetlands;
  - viii. trees, hedges, vegetation and other areas of soft landscaping;
  - ix. electricity sub stations and associated electric lines, broadband connection, electric vehicle recharging points; and
  - x. CCTV security cameras.
- o) “Development parcel A” comprises land within the Development Zone which is bounded:
  - i. to the north by the London Road North boundary with Mark Hall School;
  - ii. to the east by London Road;
  - iii. to the south by the Urban Boulevard (Link Road) West as defined in paragraph 1.1 g) of the LDO and shown on Appendix D and the Urban Boulevard (Link Road) East as defined in paragraph 1.1 h) of the LDO and shown on Appendix D; and
  - iv. to the west by the A414.

- p) "Development parcel B" comprises land within the Development Zone which is bounded:
- i. to the north by the Urban Boulevard (Link Road) West as defined in paragraph 1.1 g) of the LDO and shown on Appendix D;
  - ii. to the east by the Main Employment Avenue (Feeder Road) as defined in paragraph 1.1 k) of the LDO and shown on Appendix D;
  - iii. to the south by the existing Public Right of Way; and
  - iv. to the west by the A414.
- q) "Development parcel C" comprises land within the Development Zone which is bounded:
- i. to the north by the Urban Boulevard (Link Road) East as defined in paragraph 1.1 h) of the LDO and shown on Appendix D;
  - ii. to the east by London Road and by the London Road North boundary;
  - iii. to the south by the existing Public Right of Way; and
  - iv. to the west by the Main Employment Avenue (Feeder Road) as defined in paragraph 1.1 k) of the LDO and shown on Appendix D.
- r) "Development parcel D" comprises land within the Development Zone which is bounded:
- i. to the north by the existing Public Right of Way;
  - ii. to the east by the Main Employment Avenue (Feeder Road) as defined in paragraph 1.1 k) of the LDO and shown on Appendix D;
  - iii. to the south by land shaded light blue and shown to be in the ownership of PowerRapid Harlow No. 1 Ltd on Appendix G and by the London Road North boundary with London Road South; and
  - iv. to the west by the London Road Northboundary with Markhall Wood.
- s) "Development parcel E" comprises land within the Development Zone which is bounded:
- i. to the north by the existing Public Right of Way;
  - ii. to the east by the London Road North boundary;
  - iii. to the south by land shaded light blue and shown to be in the ownership of PowerRapid Harlow No. 1 Ltd on Appendix G; and
  - iv. to the west by the Main Employment Avenue (Feeder Road) as defined in paragraph 1.1 k) of the LDO and shown on Appendix D.
- t) "Development parcel F" comprises land within the Development Zone which is bounded:
- i. to the north by land shaded green and shown to be in the ownership of Harlow District Council on Appendix G;
  - ii. to the east by the London Road North boundary;

- iii. to the south by the London Road Northboundary with London Road South and Maypole Cottages; and
- iv. to the west by the London Road North boundary with London Road South.
- u) Notional development parcels are illustrated on Appendix H to assist with the interpretation of the definitions provided in paragraphs 1.1 p) to 1.1 v).
- v) "Gross Floor Area" is defined as the total covered floor area inside a building envelope, including the external walls of a building.
- w) "Development" has the same meaning as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).
- x) The time when development has "begun" has the same meaning as defined by Section 56 of the Town and Country Planning Act 1990 (as amended).
- y) "Industrial process" referred to in condition E10 has the same meaning as that defined in Article 1(2) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- z) "Building" includes any structure or erection and, except in the case of demolition, includes any part of a building.
- aa) "Order" is defined as the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended).

## **OPERATIONAL DEVELOPMENT**

### **SCHEDULE A – BUILDING DEVELOPMENT**

#### **Class 1 – Buildings**

##### Development Permitted:

- 1.1 Within the Development Zone, the erection of buildings for:
  - a) any of the specified uses within Class E(g) of the Order;
  - b) any of the specified uses within Class B2 (general industrial) of the Order;
  - c) Conference facilities;
  - d) Non-residential education and training facilities;
  - e) Crèches or day nurseries;
  - f) Gymnasiums / swimming pool facilities;
  - g) any use within Class E(a) of the Order;
  - h) any use within Class E(c) of the Order;
  - i) any use within Class E(b) of the Order; and
  - j) hot food takeaways
- 1.2 Site investigation, demolition and engineering operations directly required by development permitted by paragraph 1.1 of Class 1.
- 1.3 The provision of Associated Site Infrastructure and Facilities directly required by development permitted under paragraph 1.1 of Class 1.

##### Conditions:

- 1.4 Development is permitted by Class 1 subject to the following conditions:
  - a) General conditions G1 to G9;
  - b) Highways conditions H1 to H9;
  - c) Phasing and delivery of highways infrastructure conditions PDH1 to PDH2;
  - d) Parking, loading and refuse conditions P1 to P4;
  - e) Environmental conditions E1 to E11;
  - f) Archaeology conditions A1 to A4;
  - g) development falling within classes E(a), E(c) or E(b) of the Order, or hot food takeaways, shall only be provided at ground floor level;
  - h) individual units within classes E(a), E(c) or E(b) of the Order, or hot food takeaway units, shall comprise of a Gross Floor Area of no greater than 250 square metres;
  - i) the cumulative total Gross Floor Area of all units within Classes E(a), E(c) and E(b) of the Order, and hot food takeaway units, shall not exceed 1,000 square metres in aggregate;

- j) the cumulative total Gross Floor Area of all units within Class E(a) of the Order shall not exceed 400 square metres in aggregate;
- k) the cumulative total Gross Floor Area of all units within Class E(c) of the Order shall not exceed 400 square metres in aggregate;
- l) the cumulative total Gross Floor Area of all units within Class E(b) of the Order shall not exceed 400 square metres in aggregate;
- m) the cumulative total Gross Floor Area of all hot food takeaway units shall not exceed 400 square metres in aggregate;
- n) individual conference facility units shall comprise of a Gross Floor Area of no greater than 750 square metres;
- o) the cumulative total Gross Floor Area of all conference facility units shall not exceed 750 square metres in aggregate;
- p) individual non-residential education and train centre facilities shall comprise of a Gross Floor Area of no greater than 750 square metres;
- q) the cumulative total Gross Floor Area of all non-residential education and training centre facilities within London Road North shall not exceed 750 square metres in aggregate;
- r) individual crèches or day nurseries shall comprise of a Gross Floor Area of no greater than 750 square metres;
- s) the cumulative total Gross Floor Area of all crèches or day nurseries shall not exceed 750 square metres in aggregate;
- t) individual gymnasium / swimming pool facilities shall comprise of a Gross Floor Area of no greater than 1,200 square metres; and
- u) the cumulative total Gross Floor Area of all gymnasium / swimming pool facilities shall not exceed 1,200 square metres in aggregate.

## **Class 2 – Primary Substations**

### Development Permitted:

- 2.1 Within the Development Zone, the construction of electricity substation buildings.
- 2.2 Site investigation, demolition, engineering operations and the provision of security fencing and hard and soft landscaping directly required by development permitted by paragraph 2.1 of this class.

### Conditions:

- 2.3 Development is permitted by Class 2 subject to the following conditions:
  - a) General condition G1, G5, G6 and G7;
  - b) Environmental conditions E1, E2 and E3;

- c) Substation buildings shall not exceed 5 metres in height;
- d) fencing erected shall not exceed 2.4 metres in height, subject to condition 2.3 e); and
- e) where fencing is erected and would lie adjacent to a public right of way it shall not exceed 2 metres in height.



## **SCHEDULE B – EXTENSIONS OR ALTERATIONS**

### **Class 1 - Extensions or alterations of office, research and development and industrial buildings**

#### Development Permitted:

- 1.1 Within the Development Zone, the extension or alteration of buildings used for any of the specified uses within classes B1 and B2 of the Order.
- 1.2 Site investigation, demolition and engineering operations directly required by development permitted by paragraph 1.1 of this class.
- 1.3 The provision of Associated Site Infrastructure and Facilities directly required by development permitted under paragraph 1.1 of this class.

#### Conditions:

- 1.4 Development is permitted by Class 1 subject to the following conditions:
  - a) General conditions G1 to G9;
  - b) Highways condition H10;
  - c) Parking, Loading and Refuse conditions P1 to P4;
  - d) Environmental conditions E1, E9, E10 and E11;
  - e) Archaeology conditions A1 to A4;
  - f) any extension or alteration shall be constructed using materials which have a similar external appearance to those used for the original building extended or altered; and
  - g) development shall not lead to a net reduction in the space available for loading and turning vehicles.

## **SCHEUDLE C – ROAD INFRASTRUCTURE**

### **Class 1 – New junction and associated highways improvements on the A414**

#### Development Permitted:

- 1.1 The construction of a new signalised T-junction on the A414 together with associated highways improvements and landscaping along the A414.

#### Conditions:

- 1.2 Development is permitted by Class 1 subject to the following conditions:
- a) General conditions: G1, G2, G3, G5 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions: E1, E3 and E8; and
  - d) Archaeology conditions A1 to A4;

### **Class 2 – Urban Boulevard (Link Road) West**

#### Development Permitted:

- 2.1 The construction of the Urban Boulevard (Link Road) West to connect a new signalised T-junction on the A414 to a new junction to the Main Employment Avenue (Feeder Road).

#### Conditions:

- 2.2 Development is permitted by Class 2 subject to the following conditions:
- a) General conditions: G1, G2, G3, G5, G6 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions: E1, E3 and E8; and
  - d) Archaeology conditions A1 to A4.

### **Class 3 – Urban Boulevard (Link Road) East**

#### Development Permitted:

- 3.1 The construction of Urban Boulevard (Link Road) East to connect Urban Boulevard (Link Road) West to London Road.

#### Conditions:

- 3.2 Development is permitted by Class 3 subject to the following conditions:
- a) General conditions: G1, G2, G3, G5, G6 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions: E1, E3 and E8; and
  - d) Archaeology conditions A1 to A4.

**Class 4 - New junction connecting the Urban Boulevard (Link Road) West to the Main Employment Avenue (Feeder Road)**

Permitted Development:

- 4.1 The construction of a new junction connecting the Urban Boulevard (Link Road) West to a Main Employment Avenue (Feeder Road).

Conditions:

- 4.2 Development is permitted by Class 4 subject to the following conditions:
- a) General conditions: G1, G2, G3, G6 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions E3 and E8; and
  - d) Archaeology conditions A1 to A4.

**Class 5 - New junction connecting the Urban Boulevard (Link Road) East to London Road**

Permitted Development:

- 5.1 The construction of a new junction connecting the Urban Boulevard (Link Road) East to London Road.

Conditions:

- 5.2 Development is permitted by Class 5 subject to the following conditions:
- a) General conditions: G1, G2, G3, G5, G6 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions: E1, E3 and E8; and
  - d) Archaeology conditions A1 to A4.

**Class 6 – Main Employment Avenue (Feeder Road)**

Permitted Development:

- 6.1 The construction of a Main Employment Avenue (Feeder Road) to connect Urban Boulevard (Link Road) West and Urban Boulevard (Link Road) East

Conditions:

- 6.2 Development is permitted by Class 6 subject to the following conditions:
- a) General conditions: G1, G2, G3, G6 and G7;
  - b) Highways conditions H1 and H5;
  - c) Environmental conditions: E1, E3 and E8; and
  - d) Archaeology conditions A1 to A4.

**Class 7 – The enhancement of the existing Public Right of Way from London Road to the A414.**

Permitted Development:

- 7.1 The enhancement of the existing Public Right of Way from its entrance into the London Road North at London Road to the A414 to adoptable shared pedestrian and cycle lane standard.

Conditions:

- 7.2 Development is permitted by Class 7 subject to the following conditions:
- a) General conditions: G1, G2, G3, G6 and G7;
  - b) Highways conditions H1 and H5; and
  - c) Environmental conditions: E1.

**Class 8 – Shared pedestrian and cycle link connecting the Main Employment Avenue (Feeder Road) to the London Road South LDO area.**

Development Permitted:

- 8.1 The construction of a shared pedestrian and cycle link connecting Main Employment Avenue (Feeder Road) to London Road South.

Conditions:

- 8.2 Development is permitted by Class 8 subject to the following conditions:
- a) General conditions: G1, G2, G3 and G7;
  - b) Highways conditions H1 and H5; and
  - c) Environmental conditions: E1

## **SCHEDULE D - CHANGE OF USE**

### **Class 1 - Permitted change of use within the Development Zone**

#### Permitted Development:

- 1.1 Development consisting of a change of use of buildings:
- a) from any of the specified uses within Class E(g) of the Order to any of the specified uses within Class B2 of the Order;
  - b) from any of the specified uses within Class B2 of the Order to any of the specified uses within Class E(g) of the Order;
  - c) from non-residential education and training facilities to any of the specified uses within classes E(g) or B2 of the Order;
  - d) from conference facilities to any of the specified uses within classes E(g) or B2 of the Order;
  - e) from crèches or day nurseries to any of the specified uses within classes E(g) or B2 of the Order;
  - f) from gymnasiums / swimming pool facilities to any of the specified uses within classes E(g) or B2 of the Order;
  - g) from any use within Class E(a) of the Order to any use within classes E(c), or E(b) of the Order, or hot food takeaways, or any of the specified uses within classes E(g) or B2 of the Order;
  - h) from any use within Class E(c) of the Order to any use within classes E(a) or E(b) of the Order, or hot food takeaways, or any of the specified uses within classes E(g) or B2 of the Order;
  - i) from any use within Class E(b) of the Order to any use within classes E(a) or E(c) of the Order, or hot food takeaways, or any of the specified uses within classes E(g) or B2 of the Order; and
  - j) from hot food takeaways to any use within classes E(a), E(c) or E(b) of the Order, or any of the specified uses within classes E(g) or B2 of the Order.

#### Conditions:

- 1.2 Development is permitted by Class 1 subject to the following conditions:
- a) General conditions G1, G2 and G4;
  - b) Highways conditions H9;
  - c) Parking, loading and refuse condition P1;
  - d) Environmental condition E10;
  - e) Development falling within classes E(a), E(c), or E(b) of the Order, or hot food takeaways, shall only be provided at ground floor level;

- f) individual units within classes E(a), E(c), or E(b) of the Order, or hot food takeaways, shall comprise of a Gross Floor Area of no greater than 250 square metres;
- g) the cumulative total Gross Floor Area of all units within Classes E(a), E(c) and E(b) of the Order, and hot food takeaways, shall not exceed 1,000 square metres in aggregate;
- h) the cumulative total Gross Floor Area of all units within Class E(a) of the Order shall not exceed 400 square metres in aggregate;
- i) the cumulative total Gross Floor Area of all units within Class E(c) of the Order shall not exceed 400 square metres in aggregate;
- j) the cumulative total Gross Floor Area of all units within Class E(b) of the Order shall not exceed 400 square metres in aggregate;
- k) the cumulative total Gross Floor Area of all hot food takeaways shall not exceed 400 square metres in aggregate;
- l) individual conference facility units shall comprise of a Gross Floor Area of no greater than 750 square metres;
- m) the cumulative total Gross Floor Area of all conference facility units shall not exceed 750 square metres in aggregate;
- n) individual training centres shall comprise of a Gross Floor Area of no greater than 750 square metres;
- o) the cumulative total Gross Floor Area of all non-residential education and training centres shall not exceed 750 square metres in aggregate;
- p) individual crèches or day nurseries shall comprise of a Gross Floor Area of no greater than 750 square metres;
- q) the cumulative total Gross Floor Area of all crèches or day nurseries shall not exceed 750 square metres in aggregate;
- r) individual gymnasium / swimming pool facilities shall comprise of a Gross Floor Area of no greater than 1,200 square metres; and
- s) the cumulative total Gross Floor Area of all gymnasium / swimming pool facilities shall not exceed 1,200 square metres in aggregate.

## **SCHEDULE E - MINOR OPERATIONS**

### **Class 1 – Facilities for the storage of oils, fuels and chemicals.**

#### Permitted Development:

- 1.1 The erection of facilities for the storage of oils, fuels and chemicals.

#### Conditions:

- 1.2 Planning permission is permitted by Class 1 subject to the following conditions:
- a) General condition G5
  - b) Storage facilities erected under this class shall be directly required permitted business and industrial activities undertaken on the site and shall not be used for any other purpose.
  - c) Any chemical/ fuel storage tanks must be sited on an impervious base and surrounded by a secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The drainage system of the secondary containment shall be sealed with no discharge to any watercourse, land or underground strata. Associated above ground pipework should be protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the secondary containment.
  - d) Storage facilities erected under this class shall not be located within 10 metres of any public highway or residential boundary.
  - e) Storage facilities erected under this class shall not exceed 5 metres in height.

### **Class 2 – The erection, maintenance or alteration of a fence, gate, wall or other means of enclosure**

#### Permitted Development:

- 2.1 The erection, maintenance or alteration of a fence, gate, wall or other means of enclosure.

#### Conditions:

- 2.2 Planning permission is provided under Class 2 subject to General conditions G2 and G5.

# CONDITIONS

## GENERAL CONDITIONS

### **G1 Confirmation of Compliance**

No development permitted by the LDO shall be begun until:

1. Full details of the proposed development have been submitted to the Local Planning Authority by way of the completion of the LDO Confirmation of Compliance Application Form together with all other supporting documents as required by the LDO Checklist.
2. The Local Planning Authority has sent written acknowledgment to the applicant confirming:
  - a) the receipt of a valid LDO Confirmation of Compliance Application; and
  - b) the start and expiry date of the 28 day LDO Compliance Assessment Period.
3. Following the written acknowledgement described in 2, either:
  - a) The 28 day LDO Compliance Assessment Period has elapsed and the Local Planning Authority has neither certified that the proposal is compliant or non-compliant with the terms of the LDO;
  - or
  - b) Within the 28 day LDO Compliance Assessment Period, the Local Planning Authority issues written confirmation of compliance expressly stating that the proposed development accords with the planning permission granted by the LDO, subject to compliance with other pre-commencement conditions.

For the purposes of calculating the 28 day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Years Day each year shall not be taken into account.

The subsequent development should be carried out strictly in accordance with the LDO Confirmation of Compliance Application.

**Reason:** To ensure that the development is in conformity with the LDO and to ensure that LDO development can be monitored over the lifetime of the LDO.

**Note:** Developers, agents and landowners should refer to the LDO Confirmation of Compliance Protocol.

### **G2 Conformity with Design Code**

Development hereby permitted shall be carried out in accordance with the relevant provisions of the London Road North Design Code.

**Reason:** To ensure the delivery of the LDO Masterplan and to achieve development that is of a high quality in design.

### **G3 Construction Method Statement**



No development shall be begun until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall specify:

1. an appropriate construction access;
2. adequate turning and loading facilities for delivery /construction vehicles within the limits of the construction site;
3. adequate parking areas clear of the highway for those employed in the construction works;
4. wheel cleaning facilities;
5. details of any hoardings to be erected during the construction works;
6. traffic routes to be used by delivery and construction vehicles;
7. the hours of construction work;
8. the protection of public rights of way; and
9. arrangements for a before and after road condition survey.

The approved statement shall be adhered to throughout the construction of the development.

**Reason:** To ensure that an appropriate programme for construction work is carried out during specified hours in the interests of the amenity of the area and to ensure that debris or construction material is not deposited on the highway.

#### **G4 Enterprise Zone Target Sectors**

No buildings shall be used for purposes within classes E(g) or B2 of the Order other than for the specified uses within the Schedule of Permitted Economic Activities contained in Appendix B to the LDO.

**Reason:** To deliver the sector focus of the Enterprise Zone and regulate employment activities not targeted by the LDO.

#### **G5 Safeguarded Strategic Infrastructure**

No development shall be begun on the Safeguarded Strategic Infrastructure unless an alternative scheme for the provision of infrastructure facilities elsewhere is submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following components:

1. details identifying location(s) for the provision of infrastructure;
2. confirmation of the suitability and availability of the location(s) for the infrastructure; and
3. an implementation plan containing a programme of works for the delivery of the infrastructure together with a timetable for implementation and completion of the works.

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

**Reason:** To ensure critical town-wide water infrastructure within the Enterprise Zone is safeguarded or delivered.

## **G6 Demolition Method Statement**

No demolition of buildings shall be begun until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall specify:

1. an appropriate access and egress arrangement for vehicles engaged in the demolition works;
2. adequate turning and loading facilities for vehicles engaged in the demolition works within London Road North;
3. an adequate parking area clear of the highway for those employed in the demolition works;
4. wheel cleaning facilities;
5. a strategy for the recycling and / or reuse of materials;
6. traffic routes to be used by vehicles engaged in demolition works;
7. hours of demolition work;
8. the protection of any public rights of way; and
9. arrangements for a before and after road condition survey.

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

**Reason:** To ensure that demolition works cause minimal disturbance to adjoining land owners and businesses.

## **G7 The Removal of Demolition Building Materials**

All material resulting from demolition shall be completely removed from London Road North within 3 months of completion of the demolition.

**Reason:** To ensure that demolition materials are removed from the site in an appropriate timescale so that they do not negatively impact the character and appearance of the area.

## **HIGHWAYS CONDITIONS**

### **H1 Road Layout and Design**

No development shall be begun until details of any highways works to be undertaken (including layout, geometry, dimensions, levels, gradients, surfacing, visibility splays, means of surface water drainage and street lighting details) have been submitted to and approved in writing by the Local Planning Authority.

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

**Reason:** To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

### **H2 Carriageway Construction**

The carriageway(s) to serve the development shall be constructed up to and including at least road base level, prior to the commencement of the erection of any building intended to take access from the carriageway(s).

Until final surfacing is completed, base course of the adjoining footway shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway.

The carriageways, footways and footpaths, verges and tree planting shall be completed prior to the occupation of any building.

**Reason:** To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.

### **H3 Vehicular visibility splays**

Prior to occupation of the development, any road junction or vehicle access point shall be provided with vehicular visibility splays in accordance with the London Road North Design Code. The vehicular visibility splays shall be provided before the road junction or vehicle access point is first used by vehicular traffic and shall be retained free of any obstruction at all times thereafter.

**Reason:** To provide adequate inter-visibility between vehicles using the road junction / access and those using the existing public highway in the interest of highway safety.

### **H4 Pedestrian Visibility Splays**

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splays, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access from the highway and shall be retained free of any obstruction at all times. These visibility splays must not form part of the vehicular surface of the access.

**Reason:** To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

### **H5 Trees in the Highway**

Any tree planting proposed within the highway must be agreed in writing with the Highway Authority and planted in accordance with the London Road North Design Code.

**Reason:** To avoid the interference with visibility splays, underground services and the lighting of the highway in the interest of highway safety.

### **H6 Unbound Surface Material Adjacent to the Highway**

No unbound material shall be used in the surface treatment of the vehicular access routes within 10 metres of the highway boundary.

**Reason:** To prevent the deposit of unbound material on the highway in the interests of highways safety.

### **H7 Surface Water Drainage on the Highway**

No surface water drainage shall discharge onto the public highway.

**Reason:** To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

#### **H8 Hedges adjacent to a public highway**

Hedges must be regularly maintained so that they do not encroach upon the highway.

**Reason:** To preserve the integrity of the public highway and in the interests of highway safety.

#### **H9 Travel Plans**

Prior to the occupation of development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in accordance with the Enterprise West Essex @ Harlow Framework Travel Plan and must include:

1. Measures to encourage sustainable travel patterns;
2. A scheme for the management and implementation of the Travel Plan;
3. Targets for modal shift;
4. Implementation timescales;
5. Marketing and incentives; and
6. Arrangements for monitoring and review.

Individual Travel Plans shall implement the overarching targets outlined in the Enterprise West Essex @ Harlow Framework Travel Plan.

**Reason:** In the interests of promoting sustainable development and the use of sustainable modes of transport.

#### **H10 Highways works associated with extensions, alterations and change of use**

Where development undertaken through Schedule B of the LDO would require any work to a public highway or any road or footway to which the public will have right of access to, that development shall not be begun until details of those highways works (including layout, geometry, dimensions, levels, gradients, surfacing, visibility splays and means of surface water drainage details) have been submitted to and approved in writing by the Local Planning Authority.

Development undertaken through Schedule B shall not commence until the highway works have been completed in accordance with the approved details.

**Reason:** To ensure all highways works are constructed to an appropriate standard in the interests of highway safety.

## **PHASING AND DELIVERY OF HIGHWAYS INFRASTRUCTURE CONDITIONS**

### **PDH1 Development parcel F**

Where development would be comprised within Development parcel F as defined in paragraph 1.1 u) and would be undertaken under Class 1 of Schedule A of the LDO, that development shall not be occupied until road infrastructure has been completed to the approval of Harlow Council and Essex Highways.

### **PDH2 Phasing and Junction 7**

No development shall be begun under Schedule A or Schedule B of the Local Development Order on any land shaded red on Appendix I until a new junction on the M11 to the east of Harlow (Junction 7a) has been completed and made available for use, or where the proposed development at London Road North can be demonstrated to fall within the employment numbers cap set by Highways England as set out in INF6.

**Reason:** To ensure enterprise zone development is phased to take account of the transport assessment undertaken and the modeled impact of development on junction 7 of the M11.

**Note:** See informative INF6 for further information.

## **PARKING, LOADING AND REFUSE CONDITIONS**

### **P1 Parking Standards for New Development**

Development shall not be occupied until car parking bays, disabled parking bays, powered two wheeler parking bays and secure cycle parking racks or cages have been provided. The provision of all car parking, disabled parking bays, powered two wheeler and cycle parking shall be no lower than the minimum and no greater than the maximum parking standards the London Road North Design Code. Thereafter all parking provision shall be used solely for the specified purposes and for no other purpose whatsoever.

**Reason:** To ensure adequate parking provision is provided in the interests of Highway safety.

### **P2 Loading and Turning Areas (within a site)**

All servicing of the development including designated loading and unloading facilities and vehicle turning areas shall take place from within the site and not from the public highway. Adequate turning space shall be provided within the site such that vehicles can enter and exit the site in a forward gear.

**Reason:** To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

### **P3 Loading and Turning Areas (provision)**

Prior to the occupation of the development, the areas within the site identified for the purpose of loading/unloading and manoeuvring shall be provided and be available for use. Thereafter, these areas shall be retained at all times for that sole purpose.

**Reason:** To ensure that areas intended for loading and unloading are provided prior to occupation and retained for that purpose thereafter.

### **P4 Refuse Storage and Collection Facilities**

No development shall be begun until details of the proposed refuse storage and collection facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided on site, prior to the occupation of the associated buildings (s) and in accordance with the approved details.

**Reason:** To ensure waste arising from the development is appropriately managed.

## **ENVIRONMENTAL CONDITIONS**

### **E1 Works to Retain Existing Trees and Hedgerows**

No development shall be begun until a scheme identifying those trees and hedgerows to be retained and the measures to be taken to protect them during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall take account of the Arboricultural Feasibility Report (May 2012) and the approved measures shall be carried out and retained at all times during the course of the development.

**Reason:** To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity.

**Note:** See informative INF5 (Breeding and Nesting Birds).

### **E2 Detailed Landscaping Scheme**

No development shall be begun until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details during the next planting season following completion of the development. The scheme shall include all hard and soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which will include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 5 years following completion of the scheme.

**Reason:** To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity.

### **E3 Tree Re-Planting**

If, within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, dies, or becomes in the

opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

**Reason:** In the interest of the appearance of the proposed development and to ensure any irreparably damaged or destroyed trees are replaced.

#### **E4 External Lighting Scheme**

No development shall be begun until a comprehensive external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all lighting shall be installed and operated in accordance with the approved details before the development is occupied.

**Reason:** In the interests minimizing light pollution, intrusion and spillage to adjoining residential areas and in the interests of highways safety, to ensure that the lighting does not give rise to glare creating a hazardous distraction to drivers of vehicles on the adjacent highway.

#### **E6 Drainage**

Development shall not be begun until a scheme for the foul and surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

1. be in general accordance with the Flood Risk Assessment;
2. specify the range of measures used to reduce surface water run-off including Sustainable Urban Drainage (SUDs) systems;
3. demonstrate that sufficient foul and surface water capacity exists or will be, provided both on or off site;
4. set out pollution prevention measures including the measures used to reduce the potential for pollutants reaching either ground, surface water bodies or the surface water drainage system; and
5. include a timetable for implementation.

Development shall not be occupied or used until the approved SUDs systems (2); sufficient foul and surface water capacity (3); and approved pollution prevention measures (4) are in place as set out in the approved scheme.

**Reason:** To ensure satisfactory drainage of the development and ensure the implementation of pollution prevention measures.

**Note:** See informatives INF1 (Foul Drainage), INF2 (SUDs Approval) and INF3 (Trade Effluent).

#### **E7 Discharge from Parking and Loading Areas**

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from areas of hardstanding areas intended for vehicle parking, loading and turning and shall be passed through an oil inceptor. Inceptors shall be installed in accordance with detailed foul and surface water drainage schemes submitted and approved in writing by the Local Planning Authority.

**Reason:** To prevent pollution of the water environment.

**Note:** Also see informatives INF3 (Trade Effluent) and INF1 (Foul Drainage).

### **E8 European Protected Species Mitigation Scheme**

No development shall be begun until a detailed scheme for the protection and mitigation of any European Protected Species identified on site has been submitted to and approved in writing by the Local Planning Authority. The scheme will need to take account of the Extended Phase 1 Habitat Survey Report (May 2012) and shall include all of the following elements:

1. An ecological survey of the site, conducted at an appropriate time of year by an appropriately qualified ecologist in accordance with an accepted methodology, assessing the presence/absence of populations of European Protected Species as defined by the Conservation of Habitats and Species Regulations 2010 (as amended).
2. An assessment of the impact of the proposed development on any species identified in 1.
3. Details of mitigation measures to be undertaken to alleviate any impacts of the development on any species highlighted in 2.
4. A statement containing measures for the monitoring of any identified species present together with an action plan setting out measures to ameliorate adverse impacts.

The development shall then be carried out in accordance with the approved mitigation plan.

The time period when the survey required by 1 is to be undertaken and the scope of work to be undertaken must be submitted to and approved in writing by the Local Planning Authority before the survey is undertaken.

**Reason:** To ensure the protection of protected species on site during the construction of development.

**Note:** See informative INF4 (European Protected Species Licenses).

### **E9 Sustainability**

All development shall be constructed to achieve a minimum rating of BREEAM 'very good'.

**Reason:** To ensure development is sustainable and that necessary measures are taken with respect to mitigating environmental impacts with respect to climate change.

### **E10 Operation of Machinery**

Any industrial process associated with development permitted by the LDO shall be carried out within a building and no industrial process shall be carried out in the open air.

**Reason:** In the interests of the amenity and character and appearance of the area.

**Note:** "Industrial process" is defined in paragraph 1.1 cc) of the LDO Schedule.



### **E11 Façade Building Material Samples Along Key Routes**

No development shall be begun in relation to buildings adjacent to the A414, London Road or Urban Boulevard (Link Road) until samples of the materials to be used in the construction of the external surfaces of the building facades visible from the highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

**Reason:** In the interests of the character and appearance of the area.

## **ARCHAEOLOGY CONDITIONS**

### **A1 Archaeology (Written Scheme of Investigation / Methods Statement)**

No development shall be begun until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include a Methods Statement which shall outline a programme of archaeological work including the proposed fieldwork techniques (including trial trenching) to identify archaeological deposits within the site.

The Written Scheme of Investigation shall take account of the Historic Environmental Assessment for London Road North LDO, Harlow (January 2013).

**Reason:** The site is of likely archaeological interest.

### **A2 Archaeology (Location of Trial Trenches)**

The final location of any trial trenches shall be approved in writing by an Essex County Council Historic Environment Officer prior to the commencement of trial trenching.

**Reason:** To ensure trial trenching is undertaken in appropriate locations.

### **A3 Archaeology (Written Report)**

No development, other than that required to carry out archaeological work, shall be begun until a written report outlining the findings of archaeological fieldwork has been submitted to and approved in writing by the Local Planning Authority. The report must include:

1. a description of the survey methods used;
2. the location and size of trial trenches;
3. a detailed summary of all archeological deposits and evidence gathered;
4. an assessment of the significance of all archaeological deposits and evidence gathered;
5. a strategy for the preservation of significant archaeological deposits found on site; and
6. provision to be made for publication and dissemination of the results of the site investigation and archive deposition of the records and finds.

**Reason:** To ensure all archaeological evidence is recorded and assessed and an appropriate strategy is in place for the preservation of archaeological deposits on site.

#### **A4 Archaeology (Code of Conduct)**

All archaeological works shall be carried out in accordance with the Code of Conduct of the Institute for Archaeologists (ifA).

**Reason:** To ensure archaeological survey work is undertaken in accordance with appropriate professional standards.

### **INFORMATIVES**

The following informatives provide guidance to landowners and developers about further statutory consents and requirements. These should not be confused with the planning conditions provided in the LDO Schedule.

#### **INF1 - Foul Drainage**

Developers will be required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where a capacity problem is identified and no improvements are programmed by Thames Water, appropriate improvements will need to be completed prior to the occupation of the development.

#### **INF2 – SuDS Approval**

Essex County Council will become a SuDS Approval Body (SAB) by the enactment of Schedule 3 of the Flood and Water Management Act 2010, which is likely to be from April 2013. This means that all new development which has surface water drainage implications will potentially require SAB approval and need to conform to National and Local Standards. Defra have carried out an initial consultation on the process for gaining SuDS approval and applicants for planning permission should be made aware that:

- i. The National Standards should be followed wherever possible when designing SuDS to increase the likelihood that the SAB can adopt them in the future.
- ii. Essex County Council is developing Local Standards through its SuDS Design and Adoption Guide due out for public consultation in summer 2012 which should be followed wherever possible when designing SuDS to increase the likelihood that the SAB can adopt them in the future.
- iii. Developments with existing planning permission, with one or more reserved matters or where a valid planning application exists before enactment of Schedule 3 (likely April 2013) will not require SuDS approval

during the first 12 months (up to April 2014) but following this date must obtain SuDS approval prior to commencement of development.

For further information and enquiries, please contact Essex County Council's SuDS team at [suds@essex.gov.uk](mailto:suds@essex.gov.uk) or telephone 01245 437138/437062.

### **INF3 – Trade Effluent**

The Water Industry Act 1991 states that any liquid produced wholly or in part from any trade or business activity carried out on your trade premises qualifies as trade effluent and therefore requires consent from United Utilities.

Trade effluent control applies only to those discharges made to the foul sewer. No discharge of trade effluent should be made to the surface water sewer; this includes vehicle washes.

It is the responsibility of land owners and businesses to ensure drains on their site are identified correctly and any trade effluent discharge is directed to foul sewer. Any surface water drains on a site receiving contaminated surface water should be redirected to foul sewer and trade effluent consent applied for.

### **INF4 – European Protected Species Licenses**

In the event that a European Protected Species is identified, a European Protected Species license may be required in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010.

A European Protected Species license will be needed if an appropriately qualified consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably likely to result in an offence under Regulation 41 (animals) or 45 (plants) of the Conservation of Habitats and Species Regulations 2010 (as amended).

If an appointed consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under Regulation 41 or 45 of the above regulations then a European Protected Species license will not be required.

The presence of European Protected Species and the need for a European Protected Species license will be examined in detail on a case by case basis through the discharge of condition E8 (Protected Species Mitigation Scheme).

Landowners and developers should take note of the limitation set out in paragraph 18 of the Order. This states that no development is permitted in this Order where development would comprise an offence under Regulation 41 or Regulation 45 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where a license has not been granted by the relevant licensing body in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 (as amended) and where the specific provisions of such a license have not been complied with.

## **INF5 - Breeding and Nesting Birds**

### Legal Protection

Section 1(1) of the Wildlife and Countryside Act 1981 (as amended), makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

Bird species listed under Schedule 1 of the Act receive extra protection. The Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird.

### Potential Nesting Areas

It should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch side vegetation during the core breeding period, unless a survey had shown this not to be the case. In addition, some species are ground nesting, such as the skylark and lapwing, both of which can occur on grassland areas and cleared sites where there is a time lapse between demolition and development. Particular attention should be paid to any building demolition works as this is where swifts, swallows, house martins and barn owls preferentially choose to nest.

### Site clearance works / demolition / construction

To avoid impact to nesting birds and ensure development is undertaken in accordance with provisions set out by the Wildlife and Countryside Act 1981 (as amended) any vegetation or site clearance works undertaken during the bird nesting season (1 March – 1 September) should only be undertaken once a breeding bird survey carried out during the nesting season by a suitably qualified person such as an ecologist has confirmed the absence of nesting birds and any Schedule 1 bird as set out by the Wildlife and Countryside Act 1981 (as amended).

## **INF6 – Phasing condition PDH2 and Junction 7a**

It is understood that the highways agencies will not oppose a release of condition PDH2 pursuant to Section 73 where it can be demonstrated that sufficient spare highways capacity exists at Junction 7 because of one or more of the following reasons:

1. the monitoring of enterprise zone development across Harlow by the Local Planning Authority has demonstrated that a less transport intensive form of development has been developed such that the net transport impact of the development is lower than the 5,899 net new jobs originally anticipated within the Harlow enterprise zone area to the extent that sufficient spare highways capacity exists on Junction 7 of the M11 to allow development on land shaded red on Appendix I to be begun;  
and/or
2. the monitoring of travel planning measures undertaken within the enterprise zone and/ or within other areas of Harlow has demonstrated that sufficient spare highways capacity exists on Junction 7 of the M11 to allow development on land shaded red on Appendix I to be begun;  
and/or

3. an alternative scheme of highway improvement works to Junction 7 of the M11 has been implemented has delivered the agreed additional highways capacity at Junction 7 such that development on the land shaded red on Appendix I may be begun.

#### **INF7 – Applications to remove or vary a condition under Section 73**

Applications to remove or vary any condition imposed by the LDO may be made under Section 73 of the Town and Country Planning Act 1990 (as amended). The relevant form for making such an application is available on the Council's website.

#### **INF8 – Planning Applications**

A normal planning application may be submitted under the Town and Country Planning Act 1990 (as amended) for development proposals within the LDO area which are outside the scope of the classes of permitted development set out in the LDO. The relevant form for making such an application is available on the Council's website.