

REPORT TO: CABINET

DATE: 27 JANUARY 2022

TITLE: ADOPTION OF THE AMENDED LONDON ROAD NORTH LOCAL DEVELOPMENT ORDER

PORTFOLIO HOLDER: COUNCILLOR DAN SWORDS,
PORTFOLIO HOLDER FOR REGENERATION

LEAD OFFICER: ANDREW BRAMIDGE, DIRECTOR OF STRATEGIC GROWTH AND REGENERATION
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This is a Key Decision

It is on the Forward Plan as Decision Number I013051

Call-in Procedures may apply

This decision will affect Church Langley, Mark Hall, and Old Harlow Wards.

RECOMMENDED that:

- A** Cabinet notes the responses received to the consultation on the draft updated LDO, and how they were taken into consideration in finalising the updated LDO.
- B** Cabinet adopts the updated LDO (thereby revoking the existing LDO).
- C** Subject to recommendation B, authority be delegated to the Director of Strategic Growth and Regeneration, in consultation with the Portfolio Holder for Regeneration, to make minor or inconsequential amendments to the Order as may be required following adoption.

REASON FOR DECISION

- A** To ensure that the consultation responses have been appropriately taken into account.
- B** To follow the required procedure to adopt the LDO to ensure it becomes a material planning consideration, so that greater flexibility can be provided in the delivery of development at the Harlow Innovation Park site and to overcome some barriers to appropriate development which have become apparent through the practical implementation of the planning framework.

- C** To ensure that any required amendments, which do not affect the function of the LDO, can be easily and swiftly made.

BACKGROUND

1. The Local Development Order (LDO) for London Road North (now known as Harlow Innovation Park) was adopted in July 2014.
2. Experience of delivery in the last three years has identified that this framework is in many places inflexible and actually acts as a constraint to development. The layout of the site is rigidly defined in the LDO and it does not allow any deviation from this. This has presented some practical difficulties in achieving delivery of the Innovation Park as any minor deviation from the original LDO requires a full planning application to be submitted.
3. This defeats the purpose of the LDO which is intended to provide a simplified planning framework and this is one of the key marketing tools for the Innovation Park.
4. The amended LDO will not allow any increase in uses, but will permit them to be located anywhere within the site. None of the changes will result in any substantive changes to the purpose and vision of the Innovation Park, nor will they have any impact on the quality of design of the buildings constructed there. Instead, they will permit more flexibility for the development of buildings and enable development to come forward more quickly.
5. It is possible that without the adoption of the amended LDO, every development on the Innovation Park could be subject to a full planning application, rather than using the LDO process which was designed to prevent this.
6. Whilst the amendments create more flexibility, the opportunity has also been taken to update the LDO in a number of factual matters such as changes to land ownership on the site, amendments to the Use Classes Order and an extension of the LDO period to 2034 to provide further encouragement to businesses to locate in Harlow throughout the potential build-out period for the site.

ISSUES/PROPOSALS

Consultation Process

7. On 14 October 2021, Cabinet approved the draft amendments for consultation. The consultation on the updated LDO and associated documents was subsequently undertaken between Thursday 25 November 2021 and Friday 24 December 2021.

8. The consultation was carried out in accordance with the relevant legislation for LDOs (the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Management Procedure) England) Order 2015.
9. Notifications of the consultation were sent to:
 - a) All statutory stakeholders (such as utility providers and relevant national and local organisations);
 - b) Businesses and individuals who had previously registered an interest in such matters.
10. For the purposes of the consultation and in accordance with the relevant legislation, the updates to the LDO were treated as a large-scale major development. In accordance with the requirements of the Council's adopted Statement of Community Involvement for large-scale major development, notifications of the consultation were also sent to all properties within the boundary of the LDO site and all properties within an 80-metre external buffer of the boundary. Additionally, notifications were also sent to all landowners of properties within the LDO boundary.

Consultation Responses and Resulting Amendments

11. Given the specific technical nature of the consultation, it was expected that the level of response would be lower than other consultations. In total, five people, organisations or companies responded – of those, three (Historic England, Environment Agency and National Highways) stated they had no comments to make.
12. Substantial comments were received from Barton Willmore (acting on behalf of Powerrapid Ltd.) and Jemma Humphery (owner of a property which falls in the 80-metre external buffer of the boundary). These comments are summarised below, along with the Council's response and, where relevant, the change to the LDO that was made as a result.

Comment	Council Response <i>(changes highlighted in bold)</i>
<i>Barton Willmore (on behalf of Powerrapid Ltd.)</i>	
1. Welcomes extension of LDO lifespan	Noted.
2. Welcomes proposed amendments to definition of Main Employment Avenue	Noted.
3. Removal of the previously adopted Main Employment Avenue through the Powerrapid site is considered to represent a	Noted.

positive step	
4. Welcomes the proposed amendments to the definition of "Buildings"	Noted.
5. Appendix H: note that the plan appears to indicate a gap in the established hedgerow along the eastern boundary of the Site	This was an error in the image which has been corrected.
6. Supportive of the creation of a single development zone	Noted.
7. The LDO should also be sufficiently flexible in accommodating provision for B8 development	<p>While the Council recognises the demand for B8 development, it does not consider the London Road North site is appropriate for such development, partly because it is not a logistics site. There are other sites which can provide B8 development.</p> <p>Furthermore, given the LDO is essentially a permission for a specific form of development, it cannot have flexibility for a wide range of other uses. A planning application could still be submitted in the normal way for a B8 use.</p>
8. It would be beneficial for the LDO to allow for other uses, including B8, where there is demonstrable evidence of need for these, as well as where it can be demonstrated that there is a lack of demand for the permissible uses within the LDO area	See response to Comment 7.
9. Concerns with the upper limits on permissible development types as listed at 1.4(h-u). Each case should be determined on its own merits and against the need for such a development typology, as well as the existing level of such, in order to establish whether said development could be appropriately accommodated	These other uses are intended to be ancillary and supportive of the main B1/B2 uses on the site, and should not have the potential to become predominant.
10. Electricity substations provided for at Class 2 – welcomes this provision	Noted.

11. Supportive of proposed amendments to Schedule C insofar as they relate to their land interest	Noted.
12. Our Client would highlight a requirement for the retention of the southern access road, which they consider remains an important piece of infrastructure for the future development of the site.	On Appendix D, an indicative access road, primarily for construction purposes, has been added which connects the truncated Main Employment Avenue to London Road.
13. Broadly supportive of amendments to the Conditions	Noted.
14. Condition G2 – request that additional wording to be added to the condition to ensure that development shall be carried out in accordance with the provisions of the Design Code, unless otherwise agreed in writing by the Local Planning Authority	No change, to ensure all development is carried out in accordance with the Design Code.
15. Policy G4 – additional caveats should be included to allow the Council to consider alternative uses should there be market interest for such	See response to Comment 7.
16. Condition PDH1 – no objections to this condition	Noted.
17. A number of the diagrams (including the front cover of the Design Code) appear to illustrate the proposed scheme as per the current LDO	The front covers have been amended. See also response to Comment 19.
18. Could identify illustrative site access locations that, whilst not binding, provide a degree of clarity on where the Council consider that suitable site access may be obtained	See response to Comment 12.
Jemma Humphery	
19. All maps (including line drawing and aerial images) shown within the LDO and all associated documents are substantially out of date and do not reflect the current state of the land within and adjacent to the LDO boundary <i>[list of maps supplied]</i> . Since the LDO	This update to the LDO focuses primarily on issues which have been addressed as a priority for increasing flexibility in certain parts, ensuring the whole LDO is more effective. Any new structures, etc. which

<p>is being updated at this time and is intended to inform development within the area for the next decade, the maps and aerial images for all the LDO and associated documents should be updated to reflect the current state</p>	<p>are not shown on the maps were taken into consideration when preparing the update. The Council will amend the base maps in a future update.</p>
<p>20. The Main Employment Avenue terminates at the northern boundary of development parcel F and does not continue southward, facilitating connection through development parcel F to London Road as indicated in the LDO Masterplan.</p>	<p>Appendix D has been amended to show an indicative route between the truncated Employment Avenue and London Road (the reasoning for the truncation of the Employment Avenue is explained in more detail in the consultation documents relating to this update). However, this route would primarily be for construction purposes. The masterplan continues to require a pedestrian/cycle route which connects the LDO site with London Road.</p> <p>The landowner of the southern parcel of land has access rights into the Kao Data entrance on London Road and so will look to incorporate that into their scheme. The aim of the updated LDO is to create flexibility for the most appropriate layout to serve development proposals which come forward, without being prescriptive.</p>
<p>21. Indicative Site Access to/through Development parcel F is missing from Design Code, therefore no access is indicated for the land in this area, either from its northern boundary or from the Main Employment Avenue. Nor does this section indicate any access from London Road in the east, both of which would be necessary to facilitate a road/pedestrian/cycle route through this area to achieve the Masterplan.</p>	<p>See response to Comment 20.</p>

<p>22. I would also like to note that the opportunity has not been taken to permit development of a roadway connection within the LRN area to the London Road South section of the London Road Enterprise Zone, offering tenants and employees of the London Road South section an alternative point of entry into the Enterprise Zone than the current entrance, which puts additional traffic pressure on nearby London Road and Church Langley way which may be alleviated if they could enter the Enterprise Zone from the A414 via the Urban Boulevard, especially noting the future intended development of the bus gate/1-way system for London Road.</p>	<p>This update to the LDO focuses primarily on issues which have been addressed as a priority for increasing flexibility in certain parts, ensuring the whole LDO is more effective.</p> <p>The Council does not consider that road access between the two sites is required. The pedestrian and cycle route between the two sites remains part of the LDO.</p>
<p>23. Noting the presence of a substantial residential population close to the Enterprise Zone and the reasonable expectation that employment opportunities offered by the Enterprise Zone will attract inwards movement the local area; there is an opportunity for additional provision for pedestrian/cycle access to the area (beyond that provided by the Class 7 approval shown in orange in LDO Appendix D) by extending the Class 8 development approved under Schedule C of the LDO (shown in pink on Appendix D) eastwards through development parcel F, to join with the existing former pedestrian/cycle entrance that exists on London road, adjacent to the pedestrian crossing opposite Maypole Street. This would provide pedestrian/cycle access to local Residents to both sections of the Enterprise Zone.</p>	<p>This update to the LDO focuses primarily on issues which have been addressed as a priority for increasing flexibility in certain parts of the documentation, ensuring the whole LDO is more effective.</p> <p>The Council considers that the public right of way enhancements (Class 7) and pedestrian and cycle link to the south (Class 8) will provide sufficient new opportunities for pedestrian/cycle access.</p> <p>The pedestrian and cycle route through the site immediately south of Newhall Cottages is to be reinstated and so this will improve access.</p>

IMPLICATIONS

Strategic Growth and Regeneration

The adoption of the amendments to the London Road North LDO will create more flexibility for development and enhance the prospects for bringing development forward at a greater pace.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

As contained in the report.

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

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Communities and Environment

As contained in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

None specific.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

Appendix 1 - LDO Order and Schedule

Appendix 2 - Appendices A – I

Appendix 3 - Design Code (Appendix E)

Appendix 4 - Statement of Reasons

Background Papers

None.

Glossary of Terms/Abbreviations Used

LDO – Local Development Order