

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

6th July 2022

REFERENCE: HW/FUL/22/00029

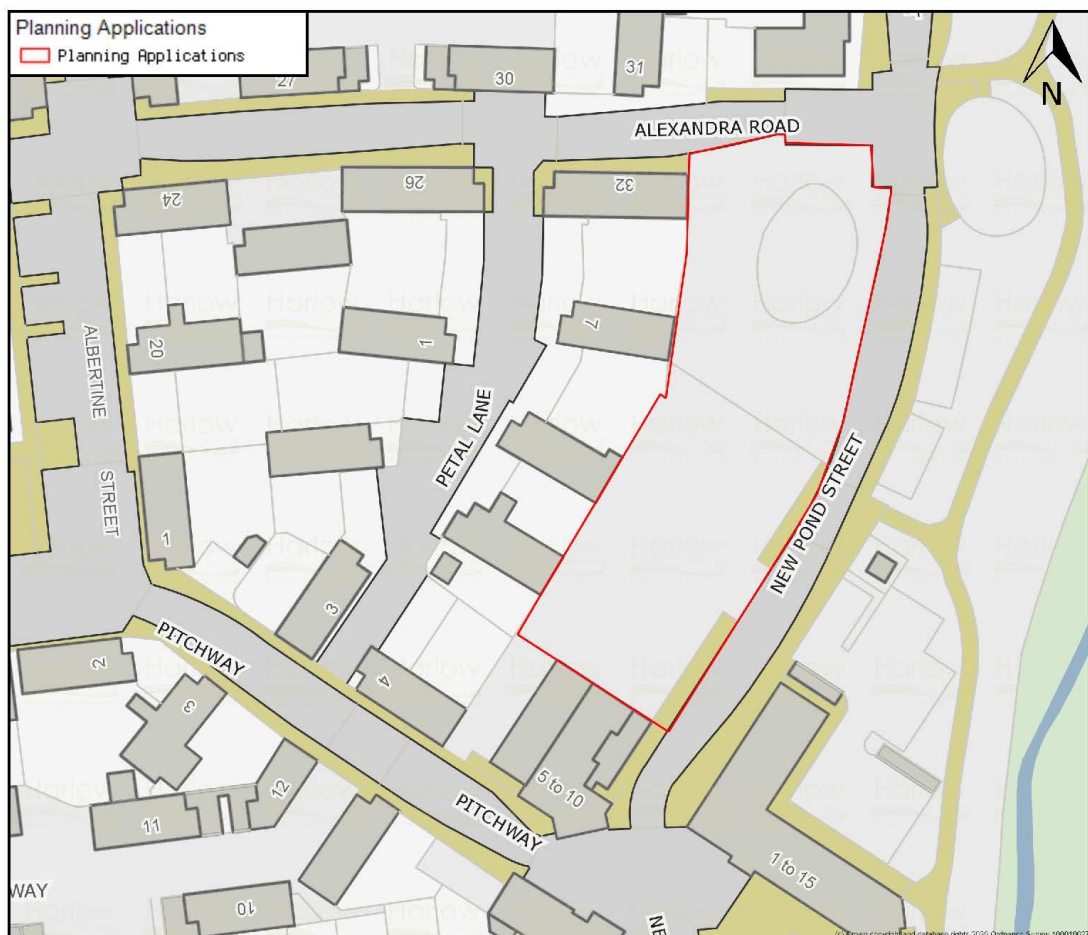
OFFICER: Gavin Cooper

APPLICANT: Montare Newhall Ltd

LOCATION: Land On The West Side Of New Pond Street
New Pond Street
Newhall
Harlow
Essex

PROPOSAL: Erection of 7 No. dwellings, together with associated car parking and amenity space

LOCATION PLAN



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REASONS BROUGHT TO COMMITTEE: More than two objections received.

Application Site and Surroundings

The application site is located to the western side of New Pond Street. Its current use is as an informal car park with hardstanding for vehicle parking and an open space with mainly grass but also a partly dividing wooden paling fence. The site area is 0.17ha.

The surrounding area is mainly relatively new housing within the Phase I Newhall development site with the New Pond Spring linear park on the opposite (eastern) side of New Pond Street with a stream and children's play area, together with some marked parking bays.

New Pond Street and the surrounding roads have parking controlled by the management company for Newhall.

The site is directly North of the Newhall Local Centre which includes a supermarket and café. These facilities are on "The Chase" and have double yellow lines to control parking.

The site adjoins a four storey block of flats that faces New Pond Street and Pitchfield to the South (5-10 Pitchway), and numbers 5, 6 and 7 Petal Lane and 32 Alexander Road to the West. These properties are orientated so that the principal elevations face North and South with the elevation facing the application site being blank except for a high level obscure glazed window. The four storey block of flats to the South has also been designed with a blank elevation.

The site gained planning permission for four storey housing in 2006 but was never implemented.

Details of the Proposal

The proposal is for 7 houses with accommodation on three levels, each with 2 parking spaces and rear amenity space. Additional amenity space would also be provided on a balcony/terrace to the southern side of each dwelling. The houses are designed so that there would be no windows on the northern elevations. On the western elevation two secondary windows are proposed to a bedroom.

It is proposed that each house would be provided with photo-voltaic panels and air source pumps.

A new pedestrian footpath would be created extending from the existing path to the south along the road side. This would provide footpath access to the shops and services to the south at Bridge Street.

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	approved	15.09.1998

	Application) (Phase I Newhall		
HW/PL/04/00228	Plots 1L1 1L2 1L3 & 1L4– 35 Dwellings with 17 Affordable; 1 retail unit.	approved	20.09.2004
HW/PL/06/00323	1L1 1L2 1L3 & 1L4 - approval of 29 flats with 17 affordable homes.	approved	11.12.2006
HW/PL/07/00212	Plots 1L1 1L2 1L3 & 1L4 – approval of Additional 2 No. Dwellings as Amendment to an Existing Approval For 29 No. Dwellings (31 flats with 17 affordable dwellings)	approved	03.09.2007
HW/PREA/21/20023	Erection of 7 new dwelling houses, together with associated car parking and amenity space at New Pond Street	Response sent	14.10.2021

Also relevant are the following surrounding development applications:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/17/00306	Plots 1I and 1F (to north of enquiry site) – 3 houses	approved	30.08.2017
HW/PL/05/00130	Parcel 1G (to south of enquiry site) - Erection of 4 Storey Block Comprising 2 A1/A3 Units at Ground Floor level Plus 3 Live Work Units on Ground And First Floor Level Plus 10 Flats on Upper Floors	approved	27.05.2005
HW/PL/15/00095	Installation of a New Play Area	approved	06.05.2015
HW/CND/15/00250	Play Area (to eastern side of New Pond Street)	approved	31.07.2015

CONSULTATIONS

Internal and external Consultees

Sustainable Drainage Team/ Lead Local Flood Authority

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to suggested conditions.

Essex County Council – Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Prior to the first occupation of the development the existing unmade footway along New Pond Street and Alexandra Road shall be fully constructed and surfaced as indicated within the Design & Access Statement.

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

2. Prior to the first occupation of the development the vehicle and cycle parking, as indicated on the approved plans, shall be provided and retained as such in perpetuity.

Reason: To ensure that appropriate vehicle and cycle parking is provided.

3. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers 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, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

Informative

It should be noted that the roads around the site are currently not adopted highway and are therefore maintained privately.

HDC - Cleansing And Environment

There is minimal concern from a waste collection perspective and have no objections to raise.

The developer will be required to contact the Waste Management team at the Council prior to first occupation, in order to establish the specification of the bins required and arrange their purchase.

Police (Secured by Design)

We recognise that communities where safety and security has been addressed and 'designed out' at the earliest planning stages, will enhance the health and wellbeing of its residents.

Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community. An integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early co-ordination can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

From inspection of the provided documentation, there is insufficient detail to form an opinion on the extent to which Crime Prevention Through Environmental Design (CPTED) has been incorporated into the commercial development.

More information would be required regarding the following:

- Security for the houses
- Cycle and bin security

Essex Police would welcome the opportunity to engage with the applicant to help mitigate any potential security risks by incorporating Crime Prevention through Environmental Design into the building and its immediate surroundings to benefit future users.

Following submission of further details –

Final Comments: I would advise the following for the security measures can be secured by condition:

- PAS 24 16 for door and window security
- Robust rear gate with key to key locking.
- A ground anchor in the shed to secure the cycles

Neighbours and Additional Publicity

Number of Letters Sent: 28

Total Number of Representations Received: 10

Date Site Notice Expired: 25 February 2022

Date Press Notice Expired: N/A

Summary of Representations Received

10 representations have been received. One was in support of the proposal. One indicated that they were generally in support of the scheme but raised areas of concern. The others comprised objections on the following grounds:

Proposed use:

- the car park is in full use daily, particularly in association with the commercial uses to the south; its loss will result in a significant increase in on-street parking.
- "If gone ahead with, the number of parking spaces available to full time residents and those visiting, will be severely reduced. Within the application, it states that there are currently no parking spaces on the proposed site, and that there will be 14 in the proposed plan. In the unmade ground, although no spaces have been drawn out, it is used as a car park and can currently fit around 25 vehicles, as counted based on current usage."

Design/landscaping comments:

- adverse impact on the character and appearance of the area - this part of Newhall is becoming overcrowded.
- "Overbearing and Out of Character. The houses in the adjacent areas to this application are all largish, detached properties reasonably well spaced out. The idea to squeeze 7 new properties in Pond Street is unreasonable, unsightly and out of character with this area."
- "Scale divergence (HDG28): The proposed scheme effectively halves (plot) widths on a number of plots. Impact: The plot coverage ratio is greater (increased build volume)

than the adjoining housing. Equally three storey structures are proposed throughout, two storey having been the established standard for the existing housing.”

- “Plot over-intensification (HDG28): The proposed massing is significantly greater than the existing completed housing. The existing dwellings incorporate a consistent West-East building line, South facing aspect, leaving a clear, open West-East daylight path. Impact: The proposed scheme introduces a common North-South building line, East facing aspect, thus 'blocking' the previously established West-East open design pattern. The impact is further amplified due to the narrow garden strip separating the proposed overlooking 3 storey structures from the completed 2 storey housing.”

Travel/parking related:

- “The current only car parking space in Newhall, which I use daily as I work in this area and there is no public transport through Newhall forcing me to have to drive to work. People visiting the coffee shop, hairdressers, grocery store will have nowhere to park, nor will the employees of these businesses currently in operation in this area. Residents will be left with nowhere for their visitors to park or contractors should residents require maintenance to their properties.”
- insufficient parking provision for residents and commercial uses
- limited visitor parking
- construction vehicle access problems due to narrow existing roads
- “The width of the road and parking - At the moment the road is quite narrow, which makes it difficult for vehicles to pass. If parking is not adequately planned it may make the road difficult to access, which could cause problems. Ideally parking restrictions on one side of the street could solve this problem.”
- “The road is already not wide enough for large vans/lorries to get down due to overspill of the car park and the volume of cars in the road. You already cannot drive two cars past each other due to the width of the road as one car will always have to pull over - especially when there are trees planted in the road limiting the road space further.”

Amenity related:

- loss of privacy/overlooking of properties in Petal Lane and New Pond Street
- loss of light/overshadowing
- “Overshadowing – the proposed new buildings would overshadow the current buildings both behind and in front. The visual plan you have provided is completely inaccurate. It makes it appear that there is a large area of grass in front of the houses, whereas in reality there is a road, and that road is well used and always has a substantial amount of cars parked along it.”
- overbearing
- noise and disturbance (including road closures) during construction – “The actual work schedule would have a huge negative effect for several months on accessibility to surrounding houses and access to walkways. The corner is always very busy and building works would make for even further congestion and danger for its current residents. There would be additional noise, road disruption and complete turmoil not to mention danger to road users.”
- Light disturbance – “I hope that the plans will still allow my home to be flooded with light, which I know maybe compromised by the position of at least two of these new properties, which appear to face my home directly.”

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 – HGGT
SD1 – Sustainable development
HS1 – Housing Delivery
H2 – Housing Allocations
WE1 – Strategic Green Infrastructure
WE3 – biodiversity and geodiversity
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
H1 - allocations
H2 - residential development
H5 - accessible/adaptable
H6 – housing mix
H8 - affordable
L1 - open space, play areas etc.
IN1 - sustainable modes of travel
IN2 - impact on highway network
IN3 - parking standards
IN4 - broadband
IN6 - planning obligations

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

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.

Supplementary Planning Documents (SPD)

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

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

PLANNING ASSESSMENT

Summary of Main Issues

The main issues are:

- Principle of development,
- Design and Its Impact on the Character and Appearance of the Local Area,
- Impact on the amenity of future occupiers,
- Impact on Amenity of Existing Local Residents,
- Highway safety and transport/parking,
- Affordable Housing,
- Sustainable Measures; and
- Other Issues – drainage and waste management.

Principle of Development

The proposal follows an outline approval for planning permission for 440 dwellings to form Phase I of the Newhall neighbourhood and the lapsed grant of planning permission on this site for 18 dwellings in two four storey blocks. However, as this application is for full planning permission and is therefore “stand alone” it does not directly benefit from the considerations made in relation to the outline approval. The lapsed permission is a material consideration. Overall, the application 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 (ref.: HW/96/00088) is also 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. The development was guided by the approved masterplan which is set out below in Figure 1 which shows the site allocated for housing. The number of dwellings that were delivered actually exceeded the proposed number of 440. This site would increase the proposed 440 by an additional 7 dwellings. This would be lower than the lapsed permission for 18 dwellings.



Figure 1 – Phase 1 – Approved Masterplan

The proposal would result in the loss of a substantial area of hardstanding to the southern part of the application site which is currently used for car parking. The application does not provide much detail as to who uses this car park or how full it gets except for indicating that the parking area is temporary and is not used by residents; photographs included in the Design and Access document show that vehicles do use the car park regularly. Objectors to the scheme indicate that the hardstanding is used as a car park by those visiting the nearby shops, café and other services at Bridge Street and that it is also used as overspill car

parking by nearby flat dwellers and other visitors. At the time of various Officer visits to the site and surrounding area it has been noted that the car park was in use by cars and vans.

There is nonetheless no record of planning permission being granted (or any claim that the area has a use which has become lawful over time) in relation to the hardstanding area such that, although comments relate to the proposed loss being unacceptable, as it is not a lawful in planning terms, its loss is not a specific planning consideration.

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. It is considered that the proposal which provides housing in line with the original outline approval is welcomed and is in accordance with Policy HS1 of the HLDP (2020).

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 a predominantly residential area. To the south lies older Newhall Neighbourhood development which is mixed in use and character. The proposal involves the erection of 7 dwellings and associated parking and amenity space.

Existing development is 4-storey mixed commercial and flatted development directly to the south of the application site with a windowless gabled elevation facing the enquiry site. To the west are 4, 2-storey/2.5 storey houses (they have a sole small window each facing the application site) and to the north on the opposite side of Alexandra Road, are 2 storey with accommodation in the roofspace.

The proposal is for 7 houses with individual frontages onto an existing road in a modern vernacular with houses spaced apart to enable wide terraces (but short gardens) to be provided to the south of the east/west orientated dwellings. This approach is similar to that of the properties directly to the western boundary in Petal Lane/Alexandra Road, albeit that there are only 4 dwellings to the west compared with the 7 now proposed. The elevated nature of part of the outdoor amenity space raises amenity issues (see below).

The proposed use of modern materials with plain walls/roofs etc is prevalent through-out Newhall in both Phase I and II (to the east/north) such that the proposed houses would not appear out of character in this new neighbourhood while relating well to the surrounding development and the original masterplan concept and material palate. It is considered that the proposal would meet Policy PL1a), b) and c).

Scale

The 7 houses would be two storey with a third storey in the roof space with a 1st floor link between buildings. The locality comprises mainly 2 and 3-storey dwellings/town-houses of mainly detached/link attached and terraced properties with larger/higher often flatted blocks in particular to the south of the site and at road junctions.

It is considered that the proposed scale of development is in character with other development in the new Newhall neighbourhood area.

Layout

The 7 houses would be located so they each front onto the existing road, New Pond Street, angled to follow the slight curve. All dwellings would have a rear amenity space and a first floor terrace with a parking space/car-port for each house.

The houses would have their gardens to the rear (west) with two parking spaces each provided under the first floor terraced area.

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 on Phase I. In general, the proposed layout achieves a high quality of design while recognising the existing road layout which is a feature across Newhall.

Density

On the basis of the whole site area of 0.17 hectares, the residential density would be 41 dwellings/hectare.

The site is in a sustainable location within the Newhall Neighbourhood as it would be located within easy walking distance of the shops, servicing and community facilities including a nursery and school and is located directly opposite public open space which includes an equipped children's play area. Once the whole Newhall development (Phases I and II) is completed, the site will also be close to a bus route on Bridge Street.

While the site density is slightly above the residential densities across the Newhall site, given the location of site next to facilities, it is considered to be acceptable, on balance.

Design/Appearance

The proposed townhouses are similar in appearance to others provided in the Newhall Neighbourhood. They are of a modern vernacular with little articulation or detailing, relying on materials to provide a sense of character.

The scheme has also incorporated the design principles of the Harlow Design Guide SPD (2011) and the HDG Addendum SPD (2021) such as providing active street frontages and the provision of private amenity space (terraces and ground floor amenity space). Together with the provision of some landscaping along the site boundaries, 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 houses which continues the contemporary design approach of both Newhall Phases I and II.

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 Policy PL1 of the Harlow Local Plan (2020) as well as the design principles of Harlow Design Guide (2011) and Design Guide Addendum (2021).

Impact on the amenity of future occupiers

Good design is not just the quality of how a scheme looks and fits into a wider area in terms of what it looks like but also how it integrates with surrounding development in terms of neighbour impact (see section below) and provides quality accommodation for future occupiers. The quality of a scheme for future occupiers can be measured against the quality of both the internal and external spaces that are provided for each new house. In this case, this is made up of the internal floor area of rooms but also the access to outdoor amenity space. In both instances, overlooking and dominance are relevant.

Internal Floor Area

The Harlow Design Guide SPD of October 2011 indicates at Principle DG46: Space Standards (Table 2) that internal minimum floor areas should be:

3 bed 3 storey house - 101 sq.m

Also of relevance are the National Minimum Internal Space Standards (NMIS). These are a material consideration. The standard indicates minimum gross internal floor areas are:

3b 4p – 90 sq.m

3b 5p – 99 sq m

3b 5p – 108 sq m

The proposed houses would significantly exceed the National minimum internal space standards for dwellings with the houses having a gross internal floor area of 158.3 sq m.

The dwellings would all be dual aspect.

It is considered that a reasonable level of residential amenities by reason of the size of each dwelling would be provided to the occupiers of the proposed houses in accordance with Policy PL2 of the HLDP and Design Guide (and Addendum) SPD.

Access to high quality amenity space:

Policy PL2 of the HDLP indicates that “*Development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported. In assessing the acceptability of development on amenity, the following criteria and the cumulative effects will be considered....*”

(f) access to high quality and useable amenity space;”

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. The Design Guide Addendum (Dec 2021) indicates that for 3 bed roomed houses a minimum of 70 sq metres of private amenity space should be provided.

The proposed houses all have a private garden area/amenity space in excess of 100sqm, which is provided to the south of the east/west orientated dwellings, supplemented by the first floor terrace area (providing 33sqm of amenity space per plot).

It is also noted that directly opposite the application site is a linear park along New Pond Spring which extends to the north and also south beyond the commercial area. The linear

park provides a play area for younger children. Elsewhere on Newhall are LEAPs, NEAPS and other play provision as well as Sports Pitches (to be provided).

It is considered that the private amenity space provision and internal provision would be acceptable and result in a high quality of development in line with Policy PL2 of the HDLP and the Harlow Design Guide Addendum (2021).

Impact on Amenity of Existing Local Residents

In assessing the impact on Petal Lane some regard should be had to the lapsed permission for four storey flats facing Petal Lane. The context of this permission has changed significantly but occupiers of adjoining properties should have been aware that housing would come forward on this site at some point with an associated impact.

Overlooking

The Design Guide Addendum SPD (2021) indicates that “2.2. *Directly-facing habitable room windows will normally require a minimum separation distance of 18 metres, except where the existing character of the area varies from this (see Fig. 2.1 below), such as potentially in the Town Centre. A distance of 9 metres should be kept between gardens and habitable rooms.*”

Although the roads are north/south orientation, the proposed residential properties and the existing residential properties (the properties to the rear) in Petal Lane, are both orientated east/west. The existing properties to the rear do not have any principle windows in their eastern elevations (partly as these are just inside the shared boundary with the application site), nor in their northern elevations which is to avoid overlooking to the properties to their north.

The proposed dwellings would have windows to principal rooms to all elevations of the proposed property including facing west (to the adjoining properties) and their first floor terraces would also enable viewing to the west. The windows in the rear elevations at first floor level (facing west) are to a bedroom and walk-in wardrobe; as both are secondary windows, they are to be fitted with obscure glazing and top hung. These windows would be a minimum 9 metres from the gardens on Petal Lane.

The proposed side terraces/balconies are set in slightly from the rear elevation and are shown on the submitted plans to be a minimum of 13 m from the rear windows (south facing) of the existing properties. Given that all of the relationships to the properties on Petal Lane are at an oblique angle, the distance to windows from the balconies range from 13 metres to 18 metres. Furthermore, the impact of the 1st floor terraces can be controlled through a condition requiring details of the balustrades to ensure that occupiers cannot use 1.0 metres of the terrace closest to Petal Lane.

It is therefore considered that there would be no undue loss of residential amenity from the proposed frontage development by reason of overlooking which was envisaged in the original outline scheme for the Phase I development of Newhall.

Sunlight/ Daylight

The application is supported by a sunlight analysis. This shows that as the site is to the east of Petal Lane there would be no significant impact in terms of sunlight and daylight. The existing properties on Petal Lane essentially overshadow each other as they face North and South.

On this basis, the proposal is considered not to have a significant impact on amenity of adjoining occupiers by reason of sunlight/ daylight.

Impact of construction

The site is vacant at the moment. The nearest properties to the site are the residential properties to the north, west and south. 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.

Overall, the proposed development is therefore not considered to give rise to unreasonable harm to local residents and would be in accordance with policy PL2 of the HLDP.

Access, Parking and Highway Safety Concerns

Parking

HLDP policies in IN1-IN3 seek to achieve a modal shift of 50% of trips being non-car based. This is to be achieved through the improvement of existing public transport but also ensuring that that development schemes have sufficient parking to meet needs but allow for a choice of modes. In applying these policies this means relating parking provision to accessibility to public transport, services and the needs of residents in terms of size of house.

The Essex Car Parking Standards 2009 require 2 spaces per house and 0.25 visitor space per dwelling.

The standards state:

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

The proposal would provide 14 spaces which is 2 spaces below the standard as no visitor parking is provided. Cycle parking is provided for each property. Opposite the site there are 7 visitor spaces which are available for general use

Given the location of the site, close of public transport and local facilities, the car parking provision is considered to be acceptable. Furthermore, the 7 visitor spaces opposite the site can provide extra provision when needed. On this basis the provision for the new houses would be acceptable as it would be in accordance with policy IN3 of the HLDP.

No provision is required for the informal parking that currently takes place on the site. This is overspill from existing residential and commercial properties. Any impact from this would be limited due to the extensive car parking controls that exist in the locality. Parking on New Pond Street and surrounding roads is controlled by the landowner and associated management company for Newhall. Any impact on “The Chase” would be a matter for the Council to enforce the existing parking controls on that road.

Access

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 proposal would not have any new roads as the dwellings would front directly onto an existing road, New Pond Street.

Servicing would take place from New Pond Street. The proposed footpath would provide good connectivity of the site and the wider area.

EV Charging

In line with Policy IN1, each house would have a Electric Charging point.

Conclusion

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).

The parking provision is considered to be in accordance with the Essex Parking Standards and would be in accordance with policy IN3. Furthermore, the layout of the development would not lead to any significant harm to highway and pedestrian safety and would therefore be in accordance with policy IN1 and IN2.

Affordable Housing

Policy H8 indicates that in residential developments of more than 10 dwellings, it will be expected that at least 30% affordable housing is provided. The current scheme is for 7 dwellings and as such, notwithstanding previous approvals which included affordable housing, the policy does not apply to the current scheme.

The 7 houses proposed here together with the 3 already approved to the north would total 10 which would also not cumulatively trigger Policy H8's requirement for affordable housing. It is not considered that the density of development is unduly low on site for separate dwellinghouses.

Affordable housing is not therefore required to be provided in relation to this proposal.

Sustainable measures

In addition to the details submitted with the application, water efficiency measures and energy efficiency details will be required though the attachment of suitably-worded conditions.

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).

Detailed drainage information has been submitted with this application. The Local Lead Flood Authority raise no objections subject to detailed conditions. On the basis of these conditions, the scheme is considered to be acceptable.

Refuse

The plans have been reviewed by the Council's waste team and concludes:

"The developer will be required to contact the Waste Management team at the Council prior to first occupation, in order to establish the specification of the bins required and arrange their purchase."

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

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.

All properties would be provided with level access. Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSIONS

Even though the site has been used for car parking, it has always been allocated for housing within the Masterplan for Newhall Phase 1 and was subject to a lapsed planning permission for 18 dwellings in two four storey blocks. The existing parking cannot be protected as it is informal and is a use outside the overall plan for Newhall and for this site. Any harm from the loss of the parking area would be mitigated by the existing parking controls in the locality.

The proposed development would be less than the 18 dwellings that were granted for this site and are considered to be of a high quality design with no significant adverse impact on local amenity and no access, parking or highway safety concerns. It is therefore considered to accord with national and local policies. The proposal is therefore recommended for approval, subject to planning conditions.

RECOMMENDATION

That Committee resolve to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by this Local Planning Authority.

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

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

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

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

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

4. No development shall take place until comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: walls, roof, windows, balustrades to 1st floor terraces, doors, soffits and guttering. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020 and to protect the amenities of residents of Petal Lane in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

5 The balustrades for the 1st floor terraces shall be a minimum of 1 metre from the rear elevation of each dwelling and shall be retained in accordance with the approved details.

REASON: To protect the amenities of residents of Petal Lane in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.

6. No works shall take 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:

- Limiting discharge rates to 1l/s/ha for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy. The scheme shall subsequently be implemented prior to occupation.

Reason

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

7. No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water

drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

8. 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.

9. No development shall take place until details of the proposed surface details for the existing unmade footway along New Pond Street and Alexandra Road and surface areas to the front of the dwellings shall be submitted and agreed in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To ensure that appropriate and safe pedestrian access is provided. 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, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

10. Prior to the first occupation of the development the vehicle and cycle parking, as indicated on the approved plans, shall be provided and retained as such in perpetuity.

Reason: To ensure that appropriate vehicle and cycle parking is provided. 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, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

11. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers 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, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

12. No construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0800-1800 on weekdays and 0800-1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

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

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), alterations or enlargements to the dwellinghouse as permitted by Schedule 2, Part 1, Class A, or to the roof as permitted by Class B shall not be undertaken to the dwellings, hereby permitted, without apply for permission from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain adequate control over such extensions or alterations to protect the living conditions and amenities of neighbouring residents, in accordance with policies PL2 of the Harlow Local Development Plan, December 2020.

14 The 1st floor rear elevation windows facing Petal Lane shall be glazed in obscure glass at level 5 of the Pilkington Scale or similar and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

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

15 No preliminary groundwork of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

16 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.

17 Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secure By Design principles as required by the Essex Police.

18 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
0212_SLP	--	Location Plan	24.01.2022
0212_BP00	--	Existing and Proposed Block Plan	24.01.2022
0212_GA0 PLOT 1-6	--	Proposed Ground and First Floor Plans	24.01.2022
0212_GA0 PLOT 7	--	Proposed Ground and First Floor Plans	24.01.2022
0212_GA0 P2	--	Proposed Roof and Floor Plans	24.01.2022
0212_GE00 PLOT 1-6	Rev A	Proposed Elevations	21.06.2022

0212_GE00 PLOT 7	Rev A	Proposed Elevations	21.06.2022
0212_GA00	Ground Floor	Proposed Masterplan	24.01.2022
0212_GA01	First Floor	Proposed Masterplan	24.01.2022
0212_GA02	Second Floor	Proposed Masterplan	24.01.2022
0212_GA LASCP	--	Landscape Masterplan	24.01.2022

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. It should be noted that the roads around the site are currently not adopted highway and are therefore maintained privately.