

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
17th August 2022

REFERENCE: HW/FUL/22/00237

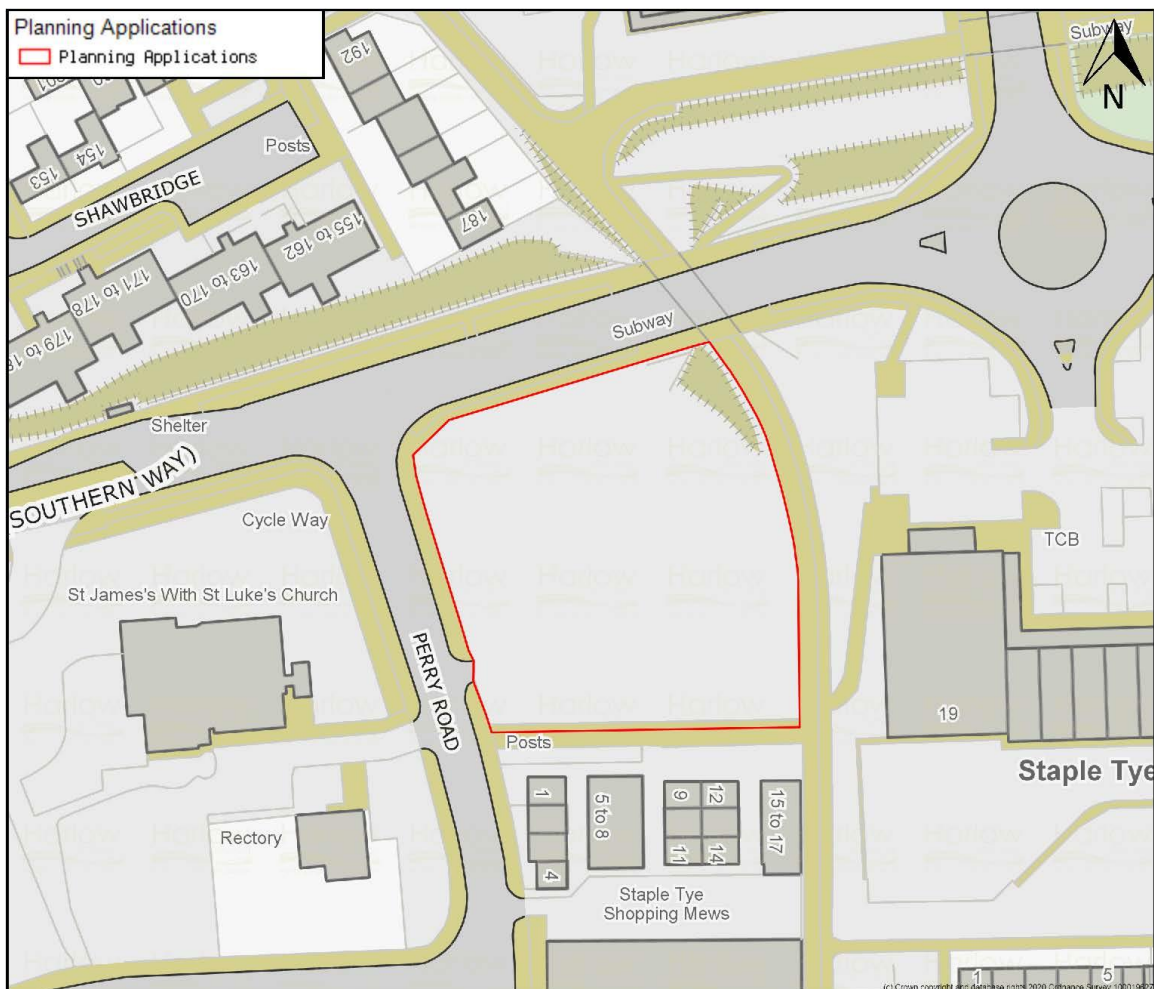
OFFICER: Roland Sheldon

APPLICANT: Harlow District Council

LOCATION: Land To The West Of Staple Tye Shopping Centre
Perry Road
Harlow
Essex

PROPOSAL: Erection of 12 no. residential apartments and commercial space with new hard & soft landscaping and associated parking.

LOCATION PLAN:



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REASON FOR COMMITTEE: This is a Council-led major proposal of sufficient public interest to be considered by the Planning Committee.

Application Site and Surroundings

The subject site is currently vacant land previously occupied by the Lister House Medical Centre at the junction of Perry Road and Southern Way, CM18. The boundaries are currently treated with hoardings but the site is mainly occupied by hardstanding with soft landscaping and trees around the edge of the site. Southern Way is located to the immediate north, with Staple Tye St. James and St. Lukes Church on the other side of Perry Road to the west. A public footway providing access from Perry Road to the pedestrian/cycle path that runs along the east boundary, is located to the south of the site. Beyond this path to the south there is a small Neighbourhood Service Area (NSA) Staple Tye Mews, which is designated within the Local Plan, occupied by retail and commercial units within a group of single and two-storey buildings.

The Staple Tye Depot site is located beyond the NSA to the south. The NSA and the depot form part of a housing allocation as designated within the local plan, with an indicative capacity for 30 dwellings. The Staple Tye Shopping Centre is located beyond the pedestrian/cycle path to the east.

The land to the south of Pegrams Road to the south-west of the site is located within a designated Employment Area within the Local Plan, which contains a mix of light industrial uses and ancillary uses, including an early years child care centre. The site is not located within a conservation area and does not contain a listed building. There are no listed buildings in close proximity to the site.

Details of the Proposal

The proposal seeks the erection of a four-storey building to comprise of 12 social housing units located over the second and third floors, with 1077 sq.m of commercial, business and service floor space located on the ground and first floors of the building. The remainder of the site would be treated with a new landscaped piazza and soft landscaping alongside associated car parking. New links between the site would be created to Staple Tye Mews to the south, and also to the existing pedestrian/cycle path in the south-east corner of the site.

RELEVANT PLANNING HISTORY:

Planning Applications

Site of Former Lister House Perry Road Harlow CM18 7LU

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/18/00298	Demolition of Existing Medical Centre and Erection of 46 No. New Residential Apartments with Private Communal Garden and Associated Undercroft Parking	Granted	21.12.2018
HW/NMA/19/00343	Non Material Amendment Application in Relation to Planning Ref. HW/FUL/18/00298: Amendments to Condition Numbers 4 - Prior Commencement of Above Ground Construction Works, Condition 10 - Prior Commencement of Construction Works, Condition 11 - Prior Commencement of Construction Works and Condition 15 - Prior Removal of Any Sub-Surface Structures and Any Ground Bearing Slabs or Hard Surfaces	Grant Non-Material Amendment	20.09.2019
HW/CND/19/00349	Application for approval of details reserved by condition 8 (Construction	ADIS	14.11.2019

	Method Statement) of planning permission HW/FUL/18/00298 for the demolition of existing medical centre and erection of 46 no. new residential apartments with private communal garden and associated undercroft parking		
HW/REMPVAR/20/006 14	Variation of conditions 9 (Affordable Housing), 16 (Approved Plans), 17 (Amended Parking Scheme) and removal of conditions 10 (Drainage Scheme) and 11 (Drainage Maintenance Plan) of planning permission HW/FUL/18/00298 to increase the number of apartments to 57, increase the number of floors from 5 to 6, increase the number of affordable apartments from 14 to 57, remove secondary staircase and increase articulation, add electrical vehicle charging points, replace proposed heating with air source pumps and remove the rooftop amenity space replacing with balconies. (Amended description)	Withdrawn	10.12.2021
94/00064	SINGLE STOREY EXTENSION TO EXISTING RECORDS OFFICE	Granted	

CONSULTATIONS:

Internal and external Consultees

Internal and External Consultees

HDC - Consultant Arborist

Following the submission of revised plans in which fewer trees than originally were scheduled to be removed, the proposal is acceptable. Several trees would need to be removed to enable such a design and layout. Whilst the loss of the trees will affect the amenity of the site, the long term potential of the proposal landscaping scheme which includes replacement trees will provide greater amenity value than is currently offered. Retention of some of the trees on site will offer some continuity and better link the site to the local landscape. Pre-commencement Arboricultural Method Statement and landscaping scheme conditions will be needed to apply to any grant of consent.

HDC Environmental Health Services

Updated comments on wording of condition 18th July 2022:

Agreed to revise wording of condition that requires an intrusive site investigation to be conducted for the site in accordance with details within the submitted desktop study and conceptual model, with the risk assessment and refined conceptual model submitted to the Local Planning Authority (LPA) and approved, and carried out in accordance with approved details. If previously unidentified contamination is found at the site, no further development should be carried out until a remediation strategy detailing how the contamination shall be dealt with shall be submitted to/approved by the LPA.

07th June 2022 comments:

No objection raised to the proposal subject to the imposition of a number of conditions. These include that demolition and construction works must be undertaken during

standard permitted hours of construction. A method statement for dust control and noise mitigation during construction should be submitted.

HDC - Cleansing And Environment

Revisions and updated information have clarified the size of the bin stores, the stability of the hard paving to accommodate a refuse vehicle and site gradients to the satisfaction of Cleansing and Environment. However, concerns remain with regards to means of access into the site and manoeuvre by all models of Council refuse vehicles. It is considered that this matter can be resolved through a condition to submit satisfactory details of a revised waste and recycling layout for the site.

HDC - Housing Services

No Comment Received.

Regeneration Projects Manager

No Comment Received.

HDC - Assets And Facilities Management

No Comment Received.

Essex County Council - Highways

The proposal is not contrary to National/Local policy and safety criteria. The submitted Transport Statement demonstrates that the impact of the development will be acceptable from a safety and capacity perspective.

The level of parking provision is considered acceptable, taking into consideration the location in terms of easy access to other modes of sustainable travel and the town centre. The proposal would not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

Conditions should be imposed that require the access arrangements, vehicle/cycle parking and turning layouts as shown on plan to be implemented in full prior to first occupation of the development.

In addition, the developer should be required to make provision, implementation and distribution of a Residential Travel Information Park for sustainable transport that is approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The packs should be provided by the developer to each dwelling free of charge.

Environment Agency (Hertfordshire & North London)

No Comment Received.

Place Services (Urban Design)

The building is aligned with both Southern Way and Perry Road, with the public realm and parking located to the rear, which serves to define the street, obscures car parking and creates a sheltered and welcoming space for public realm.

Despite the location of the building entrances to the rear, it is positive that the architecture and fenestration detailing creates an active frontage to Southern Way and Perry Road. The direct connection into the cycle path to the east of the site is commended.

It is positive to see that most of the residential dwellings are dual aspect. In line with the new town design principles of Harlow there is some maintenance of the grass verge between the building and Southern Way. The proposed layout is well connected to the

east, west and south and routes are provided for pedestrians. It is positive that outdoor amenity space has been provided on a relatively small site.

We are pleased to have been involved in the pre-application process and the proposal has evolved to reflect Harlow's character with the use of angular parapet walls, vertical cladding and expressed elements to give the building depth, tone and interest. The protruding elements help break up the massing and provide shelter to the balconies, whilst also creating a sense of activity and interest to the frontage. The signage on the building elevation and entrance space also aid the legibility and welcome users to the site.

Landscaping forms a key aspect of the proposed design and the amount of green and public realm space on a relatively small site is welcomed. The landscaping and public realm proposals look to create a high-quality space that welcomes users into the building. Furthermore, the use of rain gardens and amenity areas with trim trails is commended for a site this size.

It is positive to see consideration of biodiversity, rainfall management and reusing existing materials. It is positive that the scheme has been developed following Passivhaus principles to deliver low space heating demands, thermal comfort and air quality. We welcome the inclusion of cycle storage, connections to the walking and cycling network and the provision of electric vehicle charging points. Roof space also incorporate sustainability measures in the form of PV panels on the larger roof and Sedum roof on the smaller roof.

Designing Out Crime Officer

Essex police met with the applicant on 6th April 2022 to discuss the development in detail. The meeting was very positive, and all recommendations were taken into account. If the applicant wishes to apply for a Secure By Design Silver or Gold award, they be fully supported by local DOCO.

Sustainable Drainage Team

Following the submission of revised/updated details, there is no objection to the planning application subject to the requirements of conditions being met. Conditions for a surface water drainage scheme, details of maintenance arrangements for the drainage system and a requirement for yearly logs of maintenance should be imposed on the development.

Essex County Fire And Rescue Service (Harlow)

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Sprinkler Systems

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS.

Affinity Water Ltd

No Comment Received.

Thames Water Utilities Ltd - DevconTeam

No development should take place until a 'Piling Method Statement' is submitted to and approved in writing by the local planning authority in consultation with Thames Water.

If the development is approved, an 'Groundwater Risk Management Permit' will be required from Thames Water for discharging groundwater into a public sewer.

There would be no objection to the proposal with regards to surface water if the developer follows the sequential approach to the disposal of surface water. Where the developer intends to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

No objections with regards to waste water network and sewage treatment works infrastructure capacity.

Neighbours and Additional Publicity

Number of Letters Sent: 99

Total Number of Representations Received: 0

Date Site Notice Expired: 8 July 2022

Date Press Notice Expired: 7 July 2022

Summary of Representations Received

No representations were received for the planning application.

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 HLDP. The HLDP 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:

- SD1** Presumption in Favour of Sustainable Development
- HS1** Housing Delivery
- HS2** Housing Allocations
- WE1** Strategic Green Infrastructure
- WE2** Green Belt, Green Wedges and Green Fingers
- PL1** Design Principles for Development

- PL2** Amenity Principles for Development
- PL3** Sustainable Design, Construction and Energy Usage
- PL5** Green Wedges and Green Fingers
- PL7** Trees and Hedgerows
- PL8** Green Infrastructure and Landscaping
- PL9** Biodiversity and Geodiversity Assets
- PL10** Pollution and Contamination
- PL11** Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- H1** Housing Allocations
- H2** Residential Development
- H5** Accessible and Adaptable Housing
- H6** Housing Mix
- H8** Affordable Housing
- PR3** Employment Development Outside Employment Areas and Neighbourhood Service Areas
- PR4** Improving Job Access and Training
- L1** Open Spaces, Play Areas, Allotments and Sporting Provision and Facilities in Major Development
- L2** The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities
- IN1** Development and Sustainable Modes of Travel
- IN2** Impact of Development on the Highways Network including Access and Servicing
- IN3** Parking Standards
- IN6** Planning Obligations

Several forms of ‘planning standard’ are relevant to the application. These standards complement Development Plan policies.

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) /Other Guidance

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). (2011)

Emerging Supplementary Planning Documents

Staple Tye Supplementary Planning Document (SPD) Draft August 2022. This SPD is being drafted with a view to help guide future developments in the Staple Tye Neighbourhood Centre and surrounding area.

PLANNING ASSESSMENT:

Summary of Main Issues

The key issues for consideration in the determination of the application are the following:

- Principle of development;
- Design, character and appearance;
- Impact on neighbouring amenity;
- Standard of accommodation;
- Trees and landscaping;
- Access, parking and highway safety;
- Flood risk and drainage;
- Biodiversity/Geo-diversity;
- Energy and sustainability;
- Waste and recycling;
- Contamination;
- Secured by design;
- Employment benefits and
- Equalities.

Principle of Development

Background/context

Planning permission was previously granted on the site for the erection of a 5-storey building containing 46 dwellings largely for private sale under planning reference HW/FUL/18/00298. The development consisted of a podium amenity space set above an undercroft car park level, that occupied the southern area of the site. Following the grant of planning permission, it was ascertained that it would not be possible to implement the consent due to the existence of a Thames Water sewage pipe running along the south from east to west precluding any development in this section of the site. Consequently, the planning permission has not been implemented.

The current development is a rationalised scheme that isolates the built form to the north of the site, with above ground car parking and landscaping placed in the south. There is no material change in planning policy that would preclude the redevelopment of the site for a residential-led scheme.

At the heart of the NPPF 2021 is a presumption in favour of sustainable development which meets social, economic and environmental needs. One of the core principles in the NPPF is that planning should encourage the effective use of land. Paragraph 119 of the NPPF states that strategic policies should set a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Policy SD1 of the HLDP reiterates the presumption in favour of sustainable development and sets out that development that accords with the Local Plan will normally be supported unless material considerations indicate otherwise.

Additional Housing

Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

The proposal would provide 12 self-contained flats on a brownfield site that is not within a designated housing allocation within the Harlow Local Development Plan (HLDP).

HLDP 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).

National planning policies state that authorities may make an allowance for windfall sites in the five year supply if there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply.

Windfall sites are generally sites which are either below the Call for Sites threshold of six dwellings in the Strategic Housing Land Availability Assessment (SHLAA), or are larger sites which have not been allocated in the Local Plan. Windfall sites can provide a number of additional unexpected dwellings and can be a useful addition to the housing mix in the district in terms of tenure, price and design. The site would be considered to be a larger windfall site, given its location outside any of the housing allocations identified within the Local Plan.

It is acknowledged that the scheme would provide a substantially lower level of housing than the previously consented scheme from 2018, but that this is due to it not being feasible to develop a large section of the site due to the existence of the Thames Water pipe in the south of the site.

The development would provide 12 new dwellings that would work towards meeting housing targets within the District. As such the principle of the additional housing on the site is considered to be acceptable.

Affordable housing and housing mix

Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.*

HLDP policy H8 states that in residential developments of more than 10 dwellings, it will be expected that at least 30% affordable housing is provided which should be provided on-site unless exceptional circumstances should require it to be provided elsewhere.

HLDP policy H6 requires new housing developments to have an appropriate mix of housing types and sizes, in order to create balanced communities which reflect Harlow's housing needs and local character.

The Strategic Housing Market Assessment (SHMA) provides robust evidence to establish and provide information on the appropriate mix of housing and range of tenures needed within the district. The SHMA indicates that there is a need for a range of housing types and tenures to meet the needs of different groups within Harlow and to provide a choice, as required by national planning policies and guidance.

The development would provide the following housing mix in terms of size of units:

No. of units (flats)	1-bed	2-bed	3-bed
12	2	8	2
Proportion of 12 units (%)	16.67	66.67%	16.67%

The SHMA figures identified in the supporting text of policy H6 indicates that the largest proportion of demand for affordable housing provision is for 3-bedroom dwellinghouses, with a demand for flats making up 19.4% of affordable housing demand. The location, plot size and constraints of the site does not lend itself to a dwellinghouse-led development. Taking into consideration that the Council are working on delivering a number of social-housing developments across the district in which larger single family dwellinghouses would be provided, it is not considered that the proposed 12 flats would compromise meeting overall housing delivery objectives with regards to housing mix. The provision of a mix of 1, 2 and 3-bedroom flats would work towards meeting identified housing needs within the SHMA.

The proposed development is led by Harlow District Council, and all 12 of the residential units would be delivered as social housing to add Harlow's social housing stock, in accordance with HLDP policy H8 and part (a) of policy H6 with regards to affordable housing provision. This would be secured by condition as this is a Council scheme.

Commercial development

HLDP policy PR3 focuses on employment development outside of employment or Neighbourhood Service Areas (NSAs). Part 1 of the policy states that employment development outside of employment areas or NSAs will be supported where:

- (a) the proposal seeks to redevelop an established employment site, subject to the impact upon the amenity of the surrounding area, highway congestion and movement; or*
- (b) the proposed Use Class is B1 office above ground floor level in the Town Centre.*

The site would introduce 757m² of office floor space to the site. Whilst the site is not technically within a designated employment area, it is located immediately adjacent to one in an area defined by mixed-use characteristics, with the predominant existing employment uses largely being light industrial in nature. The proposal would introduce office workspace in a sustainable location adjacent to an existing employment area, that would serve to provide opportunities for members of the local community to work locally thereby encouraging more sustainable patterns of working/living, and diversifying the local economy. Office use would also be compatible with the proposed residential development and future residential proposals that may come forward nearby on Perry Road. The introduction of the office commercial floorspace would not compromise the viability and function of the adjacent employment area. The principle of introducing office floor space to the site is therefore considered to be acceptable, and in general accordance with HLDP policy PR3.

Design, character and appearance

HLDP policy PL1 (Design Principles for Development) requires a high standard of urban and architectural design for all development. Criteria that must be met to achieve this include, but are not limited to the following:

(a) it is supported by a design rationale based on an understanding and analysis of local context and character, taking into consideration the adopted Harlow Design Guide Supplementary Planning Document (SPD), the Harlow and Gilston Garden Town Vision and Design Guide, the services and access chapter of the Essex Design Guide, and relevant national guidance;

(b) it protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;

(c) it responds to the scale, height, massing, architectural detailing, materials and front boundary treatments of the surrounding area and is visually attractive;

(d) it provides appropriate physical, legible and safe connections with surrounding streets, paths, neighbouring development and Green Infrastructure;

(e) it provides logical and legible layouts which support active street frontages, improves the public realm, provides distinction between public and private space, and provides an appropriate level of well-designed and well-located high quality landscaping;

Principle DG29 of the Harlow Design Guide SPD (2011) states that contemporary and innovative housing design will continue to be encouraged in Harlow.

Design Guide Principle DG12 relates to the improvement of existing neighbourhood centres. The guidance states that proposals should seek to generate activity and surveillance through the day and night by providing mixed use buildings, and reconnect centres with surrounding neighbourhoods, addressing issues of poor connectivity for pedestrians and cyclists.

The proposed design of the development has evolved from a detailed analysis of the characteristics of the locality and further afield within Harlow, including within the Newhall development in the east of the District. The use of angular roof forms, expressed bays, vertical cladding and buff brick have been noted as positive design features found within Harlow that have been incorporated into the design. The development has a four-storey scale with an L-shape footprint that has a strong street presence on both Southern Way and Perry Road, predominantly composed of buff brick but with elevations articulated with the use of recessed elements using a mix of vertical metal cladding and dark grey brick at ground floor level. The bulk, massing and four-storey scale of the building is considered to be appropriate for this prominent corner site. The south of the site would benefit from a south-facing landscaped piazza that would provide links to the adjacent pedestrian/cycle path and Staple Tye Mews, opening up the site and improving links between Perry Road and the wider locality.

The parking area within the south of the site has been kept separate from the landscaped public-space whilst still permitting pedestrian access to Staple Tye Mews. Clear, legible entrances into the separate commercial and residential parts of the building would be provided from the southern courtyard and the building is set-back sufficiently from the Southern Way and Perry Road boundaries to allow for a satisfactory landscaped boundary treatment.

Overall, the proposal is a well-considered development that would introduce an attractive landmark building at the northern end of Staple Tye. Materials and landscaping will be integral to the overall quality of the development. Conditions shall be imposed that require details of materials and a detailed hard and soft landscaping scheme to be submitted to and approved by the LPA prior to the commencement of works on site. Subject to the satisfactory submission of materials and landscaping, the proposal would be acceptable with regards to design, character and appearance considerations, in accordance with relevant design guidance and policy PL1 of the HLDP.

Impact on neighbouring amenity

HLDP policy PL2 states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported.

The nearest residential dwellings to the site are the three-storey apartments within Risdens to the south-east of the site, which would be in excess of 50 metres away from the four-storey proposed building. Given the separation distances involved, the proposed development would not result in any unacceptable impact in terms of loss of outlook, light, sense of enclosure, visual overbearing impact or loss of privacy of any residential property within the locality.

The layout, positioning and scale of the proposed development has also taken into consideration the need to ensure that it should not compromise the future re-development of the Staple Tye Depot site to the south of the site, in accordance with the housing allocation within the Local Plan. The built form would occupy the northern section of the site and would be set at least 20 metres from the southern boundary, allowing adequate separation distance between it and the housing allocation site to ensure that the delivery of future development would not be unduly compromised, and a satisfactory standard of accommodation could be provided for future occupants of any re-development of this site.

Taking the above into consideration, the proposal is acceptable with regards to amenity impact considerations, in accordance with policy PL2 of the HLDP.

Standard of accommodation

The Technical Housing Standards was produced by central government in 2015, and provides national minimum space standards that should be met in new residential developments. Policy PL2 of the HLDP sets out that development which preserves or enhances the level of amenity for existing and future occupants will be supported.

The Harlow Design Guide Supplementary Planning Document (SPD) 2011 also sets out minimum space standards that should be met for new residential development. HLDP policy H5 requires that all new dwellings should meet at least the Building Regulations Part M4(2) standard for accessible and adaptable homes.

The policy furthers, that in major residential development, a suitable proportion of Building Regulations Part M4(3) standard dwellings for wheelchair users should be provided based on the latest Strategic Housing Market Assessment (SHMA) or other appropriate evidence directly related to the housing needs of Harlow. The supporting text of this policy states that based on the latest SHMA housing figures, 10% of market housing and 15% of affordable housing housing should be Building Regulations Part M4(3) standard.

Unit number	Unit type	Tech.Housing Standards req. / Harlow Design Guide	Size (m2)	Accessibility	Balcony amenity (m2)

		req. (m2)			
1	3b5p	86 / 86	96.7	M4(2)	7
2	1b2p	50 / 48	51.2	M4(2)	6
3	2b4p	70 / 70	73.3	M4(2)	6
4	2b4p	70 / 70	75.4	M4(2)	6
5	2b3p	61 / 61	71	M4(2)	6
6	2b4p	70 / 70	95.1	M4(3)	5
7	3b5p	86 / 86	96.7	M4(2)	7
8	1b2p	50 / 48	51.2	M4(3)	6
9	2b4p	70 / 70	73.3	M4(2)	6
10	2b4p	70 / 70	75.4	M4(2)	6
11	2b3p	61 / 61	71	M4(2)	6
12	2b4p	70 / 70	95.1	M4(2)	5

As can be seen in the table above, all of the new residential units would exceed the minimum floor space standards as set out in the Technical Housing Standards and the Harlow Design Guide SPD. Level access would be provided into the residential entrance to make way into the lobby where lift access would provide access to the residential second and third floors, in accordance with Part M4(2) regulations. All units would meet Part M4(2) standards with regards to access with the exception of 2 units that would be wheelchair accessible, meeting Part M4(3) of the Building Regulations. This would equate to a 16.7% proportion of the units being wheelchair accessible which is a proportion in accordance with policy H5. All units would benefit from a satisfactory level of outlook and daylight.

The Harlow Design Guide SPD states that a minimum of 20m² amenity space should be provided for new flats, which can be provided through a combination of balcony space, and a proportion of informal and formal communal areas (and also public amenity areas if considered appropriate, roof-top gardens and amenity areas above the ground floor).

Each unit would benefit from a private balcony space of between 5-7m², and a communal south-facing landscaped piazza treated with high quality soft and hard landscaping. The dedicated landscaped piazza would be in excess of 400m². The combination of the private balconies and communal piazza would be considered to provide a satisfactory standard of amenity space provision for future occupants of the development. Overall, the proposal would provide a satisfactory standard of accommodation for future occupants, in accordance with relevant policy and guidance.

Trees and landscaping

Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change.

Part (e) of policy PL1 of the HLDP requires that proposals provide an appropriate level of well-designed and well-located high quality landscaping. Policy PL7 states development and tree works applications, which ensure that trees and hedges are protected and enhanced, will be supported. The planting of new trees and hedges in development is required to be an appropriate species in appropriate locations, to result in a net increase in total long-term canopy cover. Policy PL8 of the HLDP requires green infrastructure and landscaping to be protected and enhanced as part of development.

There are a number of trees that surround the site, with scattered early-mature trees to the north and west of the building, a hedgerow with lime standards interspersed on the southern boundary, and a group of sycamore and Scots pine to the north-east.

Six trees and three tree groups have been classed as Category B. Nine individual trees and five groups have been classified as Category C.

Eight B category trees, four C category trees and the C category group G2 will require removal for development purposes. These losses will be mitigated in the context of a new landscape plan for the site. Following discussions between the applicant and the Council Arboricultural Officer and subsequent alterations to the landscaping scheme, it was possible for a number of Lime trees in the south-east corner of the site to be retained, alongside a number of Sycamores in the north-east corner.

The proposed landscaping scheme would see the amount of soft landscaping maximised around the proposed piazza, pathway and parking areas of the site. The landscaping scheme would provide a quality public realm including seating areas that could be used by both occupants and employees of the commercial element of the scheme. Permeable paving would be applied within the parking areas to improve drainage, alongside the inclusion of rainwater gardens. The Council Arboricultural Officer has reviewed the revised proposal and concluded that the proposed soft landscaping scheme which includes plans to plant replacement trees, mean that in the long term this site will provide greater amenity in the future than is currently offered. The retention of some of the trees within the site will offer some continuity, and better link the site to the local landscape.

Conditions shall be imposed on the development that requires a fit-for-purpose Arboricultural Method Statement (AMS) and a detailed landscaping scheme which includes details of both hard and soft landscaping, specification and method statement, to be submitted to and approved prior to the commencement of works on site. Subject to compliance with these conditions, the proposal development would be acceptable with regards to trees and landscaping considerations.

Access, parking and highway safety;

Policy IN1 of the HLDP requires proposals to have regard to the modal hierarchy as set out in the policy. Major developments should identify ways to reduce use of the car and promote alternative ways of travel, and should be detailed in a supporting Travel Plan. Developments should make provision for electric vehicle charging points in accordance with latest Government guidance.

HLDP policy IN2 requires proposals to not cause a severe residual cumulative impact on highway congestion and movement, and not cause a detrimental impact on the safety of all highway users. Policy IN3 states that vehicle parking must be provided in accordance with Essex Vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting documents.

The site is located within an urban location with a reasonable level of access to public transport. There are local bus services on the Routes 1, 2 and 3 which run services between Harlow Town Centre/Bus Station – Passmores – Sumners. In addition, there are less regular services operating between Harlow Town Centre and Waltham Cross and Waltham Abbey on the 86 and 505 services. The Harlow Town Rail Station is located approximately 2.5 miles from the site.

The site is well-connected by pedestrian and cycle paths, including the cycle path to the immediate east of the site which links into a network of cycle paths across Harlow that are located off the main roads.

The site has very good access to local services and amenities. Staple Type Shopping Centre is located to the immediate east of the site which provides a range of facilities including a post office, convenience retail and hairdressers. Lister House Medical Centre is accessible a short 5-minute walk from the site to the north. A number of primary and secondary schools are located within 1km of the site. The Staple Tye employment area is also located immediately adjacent to the site, offering local job opportunities.

The proposal would see both pedestrian and vehicular access made separately from the south of the site off Perry Road, with the vehicular access utilizing the existing entry point. 12 parking bays would be provided for the residential units on a one-per-flat basis, with 2 of these bays being Accessible to serve the Wheelchair units. 16 car parking bays are proposed for the commercial floor space, with 2 of these spaces being Wheelchair accessible.

Whilst strict compliance with the Essex Parking Standards would require a minimum provision of 22 residential parking spaces, the site is located within an urban location with access to a wide variety of local amenities and services, alongside access to public transport and good pedestrian and cycle path network. In addition to this, there will be an improved level of public transport and pedestrian cycle networks across the district, as a result of Harlow District Council securing central government funding for such improvements, which needs to be taken into consideration when reviewing schemes of this nature. As such, a parking provision of 1 space per dwelling and the 16 commercial parking spaces would be considered an appropriate level.

Cycle parking for the residential units would be provided within a secure internal store that would be accessible both internally and externally for 25 spaces, more than double the minimum requirements for cycle parking provision within the Essex Parking Standards.

The submitted Transport Statement indicates that a separate cycle store would be provided for the commercial element that would be located to the immediate east of the Building which would accommodate ten bicycles, in excess of Essex Parking Standards.

Essex Highways have reviewed the scheme and raised no objection to the proposal. Recommended conditions with regards to laying out the access and parking arrangements prior to occupation of the development shall be imposed, alongside a condition requiring the submission of and approval of a construction management plan, and the development being carried out in accordance with the approved plan. Subject to compliance with these conditions, the proposal would be acceptable with regards to access, parking and highways considerations.

Flood risk and drainage

In line with the planning standards outlined within the NPPF 2021, policy PL11 of the HLDP requires proposals to follow a risk-based and sequential approach with regards to flood risk, so that development is located in the lowest flood risk area and appropriate mitigation measures are employed. Emphasis is also placed upon the importance to consider waste water, sustainable drainage measures (SuDS) and water quality issues as part of planning applications.

The site is identified as being at very low risk of fluvial flooding, but a high risk area for surface water flooding, on the Government Environment Agency website.

In support of the planning application, a Flood Risk Assessment and Drainage Strategy dated May 2022 by McBains has been submitted. The report highlights that the reason for onsite surface water flooding risk is likely to be a result of an undersized/ineffective/poorly maintained existing surface water drainage network. The report indicates that the new development will see the implementation of a new surface water drainage network to collect and manage all surface water runoff that falls on the site, to manage a 1 in a 100 year storm event +40% climate change. There is an existing foul and surface water sewer that runs across the south of the site from west to east. It is proposed to discharge into this existing sewer using existing connections

where feasible. Rain gardens would be provided within the site alongside an attenuation tank to store water in a 1 in 100 year storm event, and discharge to the public sewer at a controlled rate to avoid flood risk.

A revised landscape plan was submitted that indicated that permeable macadam surfacing would be used on the car parking area to increase the level of porous surface area within the site.

Following the submission of revised/updated details, the Local Lead Flood Authority (LLFA) stated there was no objection to the planning application subject to the requirements of conditions being met. They recommended the inclusion of conditions for a surface water drainage scheme, details of maintenance arrangements for the drainage system and a requirement for yearly logs of maintenance. Such conditions shall be imposed on the development. Subject to compliance with these conditions, the proposal is acceptable with regards to flood risk and drainage.

Biodiversity/Geodiversity

Paragraph 174 of the NPPF 2021 requires planning proposals to protect and enhance sites of biodiversity and geological value and soils. Policy PL9 of the HLDP reiterates this objective and requires that proposals should ensure a net gain in biodiversity.

The application has been accompanied by an Ecological Impact Assessment undertaken by Delta Simons, and a Biodiversity Net Gain Assessment by Delta Simons. The site was surveyed during March 2022 and comprises of scattered trees, shrub, amenity grassland and hardstanding. There are no Habitats of Principal Importance on site and the site is not located within either an International, Nationally Locally Designated Site of Wildlife Value. Given the relatively minor scale of the scheme, no adverse impacts on any designated site would result from the development. A large proportion of the existing on-site habitat would be removed as part of the development, although a number of trees would be retained. Mitigation measures are proposed to compensate for this loss through the provision of new native/wildlife-friendly planting within the landscaped borders and amenity areas of the site.

The site provides suitable nesting habitat for birds within the trees and scrub that would be lost as part of the development. To mitigate for this, suitable habitat will be removed either outside the main nesting bird season, or subsequent to a nesting bird check by a suitably experienced ecologist immediately prior to removal. Further, appropriate mitigation through the implementation of the proposed landscaping strategy is anticipated to result in a negligible effect for birds in the local area that is of neutral significance.

The habitats on site are considered to offer low suitability foraging habitat for bats, although the trees may offer a commuting route along the eastern boundary of the site. The report confirms a suitably licenced ecologist will examine the two bat boxes on site for roosting bats prior to any works which could disturb these boxes commencing with appropriate mitigation put in place to avoid any impact should any evidence of bat roosting be found.

A biodiversity metric has been provided which demonstrates that the development would achieve a net gain in biodiversity in excess of 10% of its current value, meaning there would be a minor beneficial effect on habitats within the site. This would be achieved through measures such as the planting of replacement/additional trees, introduction of a mix of shrubs, and a small green roof. A Landscape and Ecological Management and Maintenance Plan will be conditioned to be submitted to and approved by the LPA, to ensure the development will achieve the quoted biodiversity net gain in the long-term for the site.

Energy and sustainability

The NPPF requires the planning system to support the transition to a low carbon future in a changing climate. HLDP policy PL3 requires new development to deliver high standards of sustainable design and construction and efficient energy use, taking account of predicted changes to heating and cooling requirements as a result of climate change. The policy outlines that for development proposals, the Building Regulations minimum requirement for the conservation of fuel and power should be exceeded, preferably by at least 19%.

An Energy Statement by McBains has been submitted alongside the submission. The report outlines that the scheme has been developed to follow the Passivhaus principles, with the development anticipated to achieve reduction of almost 81% CO2 emissions beyond the requirements of the Building Regulations Part L at the time of submission of the report in May 2022. A number of energy efficiency measures are proposed to be employed, including a highly insulated building fabric, use of a MVHR system in each apartment, use of LED lighting, and provision of air source heat pumps. In addition to the air source heat pump, photovoltaic panels are proposed to be installed on a large section of the building roof, to generate renewable energy and reduce energy demand of the building. The proposal would therefore exceed the requirements of policy PL3. A condition shall be imposed on the development that requires that the development to be carried out in accordance with the specifications outlined within the Energy and Sustainability Report. Subject to compliance with the condition, the development is considered to be acceptable with regards to energy and sustainability considerations.

Waste and Recycling

Part (c) of HLDP policy IN2 requires proposals to provide for adequate, safe and convenient loading and servicing arrangements, access points and drop-off areas and consideration to be given to the movement and turning of emergency vehicles and refuse vehicles. The proposal as submitted would see waste and recycling vehicles entering into the site from the southern access to make collection from the residential and commercial refuse stores on the southern elevation of the building.

Following concerns raised by officers within the Cleansing and Environment (C&E) team, revisions and updated information clarified the size of the bin stores, the stability of the hard paving to accommodate a refuse vehicle and site gradients to the satisfaction of Cleansing and Environment. However, concerns remained with regards to means of access into the site and manoeuvre by all models of Council refuse vehicles. It was therefore agreed with officers within the C&E Team that a revised waste and recycling layout could be conditioned to ensure that safe means of access to carry out waste collections could be undertaken. A condition for a revised landscaping scheme shall also be imposed to factor in any changes that may be required if a revised waste and recycling layout is secured. Subject to compliance with this condition, the proposal would be acceptable with regards to waste and recycling considerations.

Contamination

Paragraph 183 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. HLDP policy PL10 requires all developments must minimise and where possible, reduce all forms of pollution and contamination. This includes inter alia, surface and ground water quality, land quality, condition and stability.

A Preliminary Geo-Environmental Site Investigation Report has been submitted as part of the submission. The report highlights that some contaminants/potential contamination has been identified on site, alongside a qualitative risk assessment that provides recommended actions to either clarify the level or mitigate the risks. The

proposal has been reviewed by a Harlow Environmental Health Officer, including the aforementioned contamination report and its recommendations, and they have concluded that there is no objection to the proposal from an Environmental Health perspective.

Conditions shall be imposed that require an intrusive site investigation to be conducted for the site in accordance with details within the submitted desktop study and conceptual model, with the risk assessment and refined conceptual model submitted to the Local Planning Authority (LPA) and approved, and carried out in accordance with approved details. If previously unidentified contamination is found at the site, no further development should be carried out until a remediation strategy detailing how the contamination shall be dealt with shall be submitted to/approved by the LPA.

Subject to compliance with these conditions, the site should be suitable for the proposed commercial and residential use, in accordance with the requirements of HLDP policy PL10.

Secured by Design

Part (h) of HLDP policy PL1 states that development must create safe and secure environments which help to reduce opportunities for crime and minimise the fear of crime. The applicant has met with the Designing Out Crime Officer (DOCO) in April prior to submission of the application, and all recommendations made by the DOCO have been incorporated into the scheme, to allow them to indicate that the proposal would be eligible for Secure By Design Silver or Gold award if applied for. Some of measures proposed are indicated in the Design and Access Statement, including gates to secure the east side of the site, a well-lit scheme to prevent fear of crime and lockable bin and cycle stores amongst other measures. The proposal would therefore be acceptable with regards to Secure By Design considerations.

Employment Benefits

Policy PL4 of the HLDP requires that for major development, provision will be sought for:

- (a) employment of local people;
- (b) work related training provision;
- (c) education opportunities; and
- (d) affordable childcare.

A condition shall be imposed on the development that requires the applicant to work with the Economic Development Team of Harlow Council to produce an Employment Action Plan for the development, that will set out how job opportunities resulting from the scheme shall be created for local residents. Subject to compliance with the condition, the development is considered to accord with HLDP policy PL4.

Equalities

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

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

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

- age;
- disability;

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

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

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

CONCLUSIONS:

On the basis of the matters considered in this report, it is considered that the proposed development accords with the NPPF, the policies of the HLDP, and there are no other material considerations to indicate otherwise and thus it is recommended that subject to compliance with appropriate conditions as set out in the recommendation below, that planning permission is granted.

RECOMMENDATION

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 Prior to the commencement of any above ground works, comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict 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.

- 3 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the commercial floor space as shown on the ground and first floor plans hereby approved shall be used as offices (Use Class E (g)(i)) only, and shall not be used for any other purpose unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable, consistent with Policy PL1 of The Harlow Local Development Plan 2020.

- 4 Notwithstanding the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no satellite antenna shall be erected or installed on the building hereby approved. The proposed

development shall have a central dish or aerial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: To safeguard the architectural character and appearance of the building, in accordance with policy PL1 of the Harlow Local Development Plan 2020.

5 Before development commences other than for investigative work:

a. Using the information already submitted in 'Preliminary Geo-Environmental Site Investigation Report Ref: 3657 20 08 27 Rpt 01 Rev C JY AG 24/06/22', an intrusive site investigation shall be conducted for the site using information obtained from the desktop study and Conceptual Model. The site investigation must be comprehensive enough to enable; a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

b. The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority which shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

c. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and;

d. A report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

7 Prior to the first occupation of the development the access arrangements, as shown on the plans hereby/subsequently approved, shall be fully implemented, with all details being agreed with the Highway Authority subject to a Section 278 Agreement, the works shall include the following:

A new dropped kerb access;

A cycle connection onto the existing cycleway to the rear of the site;

Removal of any redundant access kerbs along the site frontage and reinstatement of the footway.

Reason: In the interests of highway safety, efficiency and accessibility, in accordance with policy IN2 of the Harlow Local Development Plan 2020.

8 Prior to the first occupation of the development hereby approved, the vehicle and cycle parking, and turning areas as indicated on the approved plans shall be

provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained as such for the lifespan of the development.

Reason: To ensure that appropriate parking provision for vehicles and cycles and turning areas are provided, in accordance with policies IN2 and IN3 of the Harlow Local Development Plan 2020.

- 9 Prior to first occupation of the development hereby approved, 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 operators. 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, in accordance with policy IN1 of the Harlow Local Development Plan 2020.

- 10 No development shall take place, including any works of demolition, until a Method of Statement, to include details of:
- a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities: have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policy IN2 of the Harlow Local Development Plan 2020.

- 11 Before the development hereby permitted is occupied, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the protecting the amenities of neighbouring occupants, in accordance with policy PL1 of the Harlow Local Development Plan 2020.

- 12 Prior to the commencement of all works on site, a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 13 Prior to the commencement of all above ground works on site on site, a Landscape and Ecological Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will be produced to

detail the habitats to be included post development and the management measures required to ensure these habitats reach the required condition as outlined in the Biodiversity Net Gain Calculator for the Site. Where necessary, this report should include details of timescales for monitoring to ensure that the targeted conditions are being reached and remedial measures can be put in place where any habitats are considered unlikely to reach the required condition. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development achieves a net gain in biodiversity value, in accordance with policy PL9 of the Harlow Local Development Plan 2020.

- 14 Prior to the commencement of above ground works on site, the applicant shall enter into discussions with and produce an Employment Action Plan (EAP) alongside Harlow Council Economic Development Team for the development. The EAP shall set out how job opportunities resulting from the development shall be created for local residents. The development shall be carried out in accordance with the approved plans and for the lifespan of the development.

Reason: In the interests of improving job opportunities for local residents, in accordance with policy PR4 of the Harlow Local Development Plan 2020.

- 15 The development shall be carried out in accordance with the measures outlined within the Energy Statement for Planning (Document no. 0003 Rev. P2) by McBains May 2022, to ensure that the development achieves the carbon reduction figures quoted within the report.

Reason: In the interests of ensuring a sustainable design, construction and efficient energy use, in accordance with policy PL3 of the Harlow Local Development Plan 2020.

- 16 Notwithstanding the plans otherwise hereby approved, prior to the commencement of all above ground works on site, a revised Waste and Recycling layout plan and a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation and maintained as such for the lifespan of the development.

REASON: In the interests of highway safety in accordance with policy IN2 of the Harlow Local Development Plan 2020 and the Highway Authority's Development Management Policies.

- 17 Notwithstanding the plans otherwise hereby approved, prior to the commencement of above ground works on site, a revised soft and hard landscaping scheme and site layout plan that incorporates the revised waste and recycling layout plan subsequently approved in condition 16 shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented 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 shall include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 3 years following completion of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to accord with policies PL1, PL7 and PL8 of Harlow Local Development Plan, December 2020.

- 18 Prior to the commencement of all above ground works on site, 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, shall be submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- o Limiting discharge rates to 2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - o 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.
 - o Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - o Final modelling and calculations for all areas of the drainage system.
 - o The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Indices tables should be provided.
 - o Detailed engineering drawings of each component of the drainage scheme.
 - o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - o 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

- o To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- o To ensure the effective operation of SuDS features over the lifetime of the development.
- o To provide mitigation of any environmental harm which may be caused to the local water environment

In accordance with policy PL11 of the Harlow Local Development Plan 2020.

- 19 Prior to occupation, 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, shall be 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, in accordance with policy PL11 of the Harlow Local Development Plan 2020.

- 20 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, in accordance with policy PL11 of the Harlow Local Development Plan 2020.

- 21 No development shall take place on site, including site clearance, tree works, demolition or any other works, until the details relevant to the safe retention and protection of on-site and any relevant off-site trees are submitted within an Arboricultural Method Statement (AMS) in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Following the written approval of the AMS, the proposed development shall be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority (LPA) in writing. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.

The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

Reason: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Local Development Plan of the Local Development Plan.

- 22 The residential floorspace within the development hereby approved shall remain in use as 'Affordable Housing' in perpetuity as defined within the National Planning Policy Framework (NPPF) or any policy document/legislation revoking or replacing the NPPF, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring that the housing needs of Harlow District are met, in accordance with policy H8 of the Harlow Local Development Plan 2020.

- 23 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
HARPR-MCB-XX-ZZ-DR-A-0130-A2	Rev C05 Sheet 1 of 2	Proposed Elevations	31.05.2022
HARPR-MCB-XX-ZZ-DR-A-0131-A2	Rev C05	Proposed Elevations	31.05.2022
HARPR-MCB-XX-ZZ-DR-A-0132-A2	Rev C04	GA Sections	31.05.2022
HARPR-MCB-XX-ZZ-DR-A-0133-A2	Rev C01	GA Elevations	31.05.2022
HARPR-MCB-XX-ZZ-DR-A-0134-A2	Rev C01	GA Site Sections	31.05.2022
740-ALA-00-00-DR-L-0002	Rev P05	Landscape General Arrangement	27.07.2022

McBains 0007 A2	C01	Design and Access Statement	
	--	Arboricultural Impact Assessment	22.07.2022
	PJA 06222	Transport Assessment	22.07.2022
SK16	S1	Bin and Cycle Store	08.07.2022
Delta Simons EIA May 2022	22-0226.01	Preliminary Ecological Appraisal	
Delata Simons Net Gain Assessment	22-0226.01	Bio Enhancement Plan	
McBains Energy Statement	0003 S4 P2		
McBains Flood Risk Assessment and Drainage Strategy	Version P1		27.05.2022
Preliminary Geo- Environmental Site Investigation Report	3657200827 Rpt01RevCJ AG		
740-ALA-00-XX- DR-L-003 S02	Rev P04	Planting Plan	22.07.2022
HARPR-MCB- XX-SI-DR-A-0110 S2	Rev C06	Proposed Site Plan	22.07.2022
740-ALA-00-XX- DR-L-001 S2	Rev P04	Landscape Masterplan	22.07.2022
HARPR-MCB- XX-01-DR-A- 0300-A2	Rev C04	Proposed First Floor Plan	31.05.2022
HARPR-MCB- XX-00-DR-A- 0300-A2	Rev C05	Proposed Ground Floor Plan	31.05.2022
HARPR-MCB- XX-02-DR-A- 0300-A2	Rev C04	Proposed Second Floor Layout	31.05.2022
HARPR-MCB- XX-03-DR-A- 0300-A2	Rev C04	Proposed Third Floor Plan	31.05.2022
HARPR-MCB- XX-RF-DR-A- 0300-A2	Rev C04	Proposed Roof Plan	31.05.2022
HARPR-MCB- XX-SI-DR-A- 0100-A2	Rev C01	Site Location Plan	31.05.2022
HARPR-MCB- XX-SI-DR-A- 0101-A2	Rev C01	Existing Site Plan	31.05.2022

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance

with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant is advised to ensure that there shall be no discharge of surface water onto the Highway.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of The Highway Authority. Details shall be agreed with the Highway Authority before the commencement of works. The applicant is advised to contact the Highways Development Management Team by email at development.management@essexhighways.org
4. In order to comply with environmental health legislation, no construction works involving heavy machinery can take place on the premises outside the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk .
6. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

There are public sewers crossing or close to the development. If planning significant work near Thames Water sewers, it's important that you minimize the risk of damage. It will be necessary for Thames Water to check that the development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

7. The applicant is advised that even where not required under Building Regulations guidance, Essex County Fire & Rescue Service would strongly recommend a risk-based approach to the inclusion of Automatic Water Suppression Systems (AWSS), which can substantially reduce the risk to life and of property loss.
8. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

Take, damage or destroy the nest of any wild bird while that nest is in use or being built

Disturb any wild bird listed on Schedule 1 * while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird

* For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).

If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

9. In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:

Intentionally kill, injure or take a bat;
Sell, hire, barter or exchange a bat, dead or alive;
Be in possession or control of a bat or anything derived from them.

As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

Disturb a bat;
Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.

10. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
 - o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
 - o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
 - o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
 - o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements.