

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
27 September 2022

REFERENCE: HW/REM/20/00218

OFFICER: John Hoad

APPLICANT: Countryside PLC

LOCATION: Tranche / Phase (Parcel) CP 3C
Phase 2 Newhall
Redwing Way
Newhall
Harlow
Essex

PROPOSAL: Approval of reserved matters following outline approval (reference HW/PL/04/00302) for the erection of 138 residential units at Phase CP 3C

LOCATION PLAN



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Reasons Brought to Committee

The application raises strategic issues.

Application Site and Surroundings

The site forms part of the planned Newhall Neighbourhood and adjoins other housing areas already constructed, or permitted in full, situated to the West of this location (see Plan at Appendix 1 for site context). To the South is further residential development land in Newhall Phase 2 Parcel CP 3B which is not yet subject to a reserved matters permission and associated condition discharges (see below). To the northern boundary is planned structural open space with play area and drainage ponds.

The development of the site would be an extension of the existing and future housing areas to the Northern end of High Chase and Eastern end of Barnfield Way (parts of the Newhall spine road).

The site is roughly rectangular. It covers an area of 3.87 hectares. It is an open area of former agricultural land cleared ready for development. There is a fall across the site generally from the Southeast to the Northwest.

Towards the Southern boundary, there is a surfaced haul road for construction vehicles. To the Eastern edge of the site there is a substantial field boundary hedgerow with some mature trees.

It should be noted that for the Eastern boundary of the application site there is an area of land (covering the field boundary / treed hedgerow) that is within the Outline Planning Permission (OPP) boundary but not included in this application. This area appears to fall under separate land ownership / holding arrangements. This has implications for some of the application issues.

On the western side of the site there is an existing built-up area (kennels).

Details of the Proposal

The proposal is for 138 dwellings (all use class C3 - single household) and the associated road layout, car parking, infrastructure works and landscaping.

The OPP Ref. HW/PL/04/00302 for Phase 2 of Newhall establishes the principle of development and the Masterplan and strategic access arrangements across a much larger area (see plan at Appendix 1). This proposal is for the approval of reserved matters details only, under the terms of the OPP.

The OPP conditions and the related Planning Agreements (The ‘Harlow Agreement’ and the ‘Essex Agreement’) set up a process of reserved matters approvals, condition discharges and agreement clause approvals to be progressed by ‘tranche’ (a subdivision of the whole development defined around the Master plan and spine road network, envisaged as up to 200 dwellings at a time). However, the term tranche has been used only loosely and ‘phase’ and ‘parcel’ have also been regularly referred to with the same purpose. For this application ‘Parcel’ is used in the report.

The dwellings would be split into 108 houses and 30 flats. Of the Houses: 5, 2-bed; 43, 3-bed and 60, 4-bed are proposed. The flats would be comprised of 9, 1-bed and 21, 2-bed. There is a range of 2, 2.5, 3 and 4 (flats) storey heights.

There would be 21 affordable homes (15% of the dwellings proposed).

Access and layout are based on a ‘spur’ extension of the Barnfield Way part of the spine

road (with bus route capability and clearway design and segregated cycle and footpaths) along the southern edge of the site (but also presented as an overlapping proposal in the adjoining Parcel CP 3B application for the land to the south).

This spine road 'spur' runs North-Eastwards and is intended to create a strategic access road or bus only connection into adjoining land that will be developed as part of residential growth of Harlow in the future. Implementation of these strategic access connections features in the two OPP planning agreements.

The design and extent of the spine road and its bus route capability are matters that have been subject to detailed consideration by the Highway Authority because they expect to adopt this road and manage it as a clearway, with no on street parking allowed.

Secondary and tertiary streets would be provided in a perimeter block layout.

Parking provision would be 1 space for each 1 bed dwelling and 2 spaces for each 2-bed plus dwelling (totalling 267 spaces) and 36 visitor spaces including 3 disability access spaces.

Further background explanation on the planning history and OPP context for this application is provided in the associated report on the reserved matters application for the adjoining Parcel CP 3B (see also information below) and is not repeated in this report.

Amendments and resubmission

The original application (June 2020) has been subject to amendments in several iterations and respects (albeit relatively minor), leading to a full re-submission and re-consultation in May 2022.

The amendments resulted from the Council's feedback and requests for clarification on some detailed design matters:

- RM principles and potential use of conditions
- General urban design detail
- Overall site planning and housing mix, with implications for private amenity space provision
- Biodiversity (including net gain)
- EV charging points provision and appearance
- Dwelling energy performance in context of HGGT guidance
- Dwelling water use efficiency measures
- Broadband provision

This feedback was informed by advice from the Council's specialist urban design advisor - Essex Place Services.

The 'Consultations' section of the report includes information on both the responses to the submitted proposals and updates arising from the amendments.

The 'Assessment' section of the report refers only to the application as amended.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/04/00302	Outline approval - Outline planning permission is sought for the erection of 2,300 Dwellings Including Parkland and Recreation, Employment and the Development of the Local Centre into a Full Neighbourhood Centre	Approved	27.06.2012
HW/FUL/17/00130	Second Primary Access and Associated Highway Works to Serve Newhall Phase II.....associated with approved application HW/PL/04/00302 (Phase 2, Newhall)	Approved	06.07.2017
HW/REM/17/00225	Application for Approval of Reserved Matters for Strategic Infrastructure (Access and Drainage), in Accordance with Condition 22 of Application HW/PL/04/00302	Approved	22.08.2017
HW/S106/20/00376	Parcel CP3C, Newhall Phase II, London Road, Harlow, Essex. - Harlow S106 Agreement, Schedule 3 (A) Affordable Housing	Approved	06.06.2022
HW/CND/20/00225	Application for approval of details reserved by condition 3 (highway design) and condition 9 (foul and surface water drainage) of planning permission HW/PL/04/00302 3CPC	Pending consideration	NA
HW/CND/20/00226	Application for approval of details reserved by conditions 4 & 7 (Hard & Soft Landscaping), condition 12 (External Materials), condition	Pending consideration	NA

	18 (Ecological Management Plan) and condition 22 (Energy Reduction) of planning permission HW/PL/04/00302 3CPC		
HW/REM/20/00255 Adjoining Parcel – application being considered alongside the subject application. The applications need to be considered together in respect of some of the considerations identified in this report	Approval of some reserved matters (appearance, landscaping, layout and scale) relating to the development of the 3B site to provide 160 residential units (use class C3) and associated car parking and infrastructure works associated with approved outline application HW/PL/04/00302 Phase 2, Newhall.	Pending consideration (Reported on elsewhere on the agenda for 17.08.2022 Committee meeting)	NA

Application relationships

The site plan and design for the adjoining Parcel CP 3B was prepared with that for this Parcel and the two applications were made together. The applications are linked in this respect. To an extent there is always a linkage between adjoining parcels within a masterplan, most obviously at the boundaries and for road layout. However, in this case strategic access issues are a particular cross parcel boundary issue and there are also some consistent general detailed design themes.

The applications are therefore closely related in terms of considerations set out in respective reports. As a result, they should be considered together in a consistent way. To assist in this the reports are placed together on the Committee Agenda and some cross references are made within them, with more detail provided in the CP 3B report (Ref: HW/REM/20/00255).

CONSULTATIONS

Internal and external Consultees

Summary / edited on presentational points only.

Internal:

HDC Senior Landscape Officer

Tree planting

There seems to be a missed opportunity to plant trees of significant size to the north boundary of this phase. Tree planting within the area of development is limited to small street trees which contribute much less in terms of habit and ecological enhancement, longevity and place making. The space should be considered for a more substantial scheme with a variety of species. Reason – habitat enhancement in response to biodiversity crisis, Carbon reduction in response to climate emergency, robust sustainably place making for

future generations.

Tree pits and use of root barriers There are various tree pit details. there are some minor overlaps which may be that plans have been superseded, but this is not clear. General observation; The root barriers should not be used to line a tree pit as standard practice and should not be used to essentially create a "pot" for the tree to sit within. Root barriers should only be used if there is a feature located within the anticipated area of future root growth or there are known issues of risk of soil shrinkage adjacent to buildings. The placement of root barriers should be located near the feature being protected so may not necessarily be located with the tree pit. The use of root barriers should not impede on the trees ability to have the correct soil capacity required to establish to maturity. If this is not achievable such as with area of highways..... then the rafting system allowing root growth should be used.

The soil capacity for each species in this context should be shown and the allowance of suitable soil accessible to the root structure demonstrated either through the rafting system and or larger area of soft ground. Alternative species may be a suitable response but overall the diversity of the tree planting should not be restricted. (Some detail)..... suggests the root barrier is used horizontally across the top of the tree pit. This suggests the non-permeable product will restrict water accessing the root structure which will then have to rely solely on the irrigation system. This is not a suitable use of this product. The non-permeable barrier will also cause localised ponding of water to the area of hogging as it will likely hold water above the barrier rather than allow it to infiltrate through to the tree roots. Whilst there are suggestions of root barriers and root supporting systems it is not clear from the information submitted so far when and how the root barriers and rafting systems are to be used in each context. A plan should be supplied to show each tree location with the extent and location of root barriers and rafting shown. The plan should show hard surface areas, underground services and any other feature related to the use of barriers and rafting.

Trees surrounded by hard surfacing and those that are significantly restricted should note the soils capacity in m³ for each species and a measurement shown to demonstrate this has been achieved. Reason - As the overuse of barriers and under use of rafting can cause longer term issues with tree establishment beyond the 5 year period it is key to ensuring the retention of the proposed trees in the longer term.

Planting detail

Full plant stock specification and schedules (required) for all trees and hedging. Reason – to ensure suitable stock sizes are used for trees and hedging in each context and include a diverse range of species within the scheme.

Recommendation that these conditions are put in place to secure the future of the trees and planting for environmental and aesthetic purposes.

Note: Some of the detailed matters have been addressed in amendment submissions and condition approvals will address further.

HDC Arboricultural Consultant

The loss of one tree T48 (sycamore on western boundary for car parking area), and a portion of S134 (western scrub hedgerow for road link) on the scheme is not seen as detrimental.

There is concern over the incursion into the root protection areas (RPAs) of some trees, notably T50 & T51, which are considered of high amenity, this will need to be managed

carefully considering drainage layouts indicateclose proximity.

At present the supporting arboricultural impact assessment does not supply enough detail in the method statement, and it is noted as preliminary. It will be required to produce a highly detailed arboricultural method statement in support of this scheme, so that a clear decision can be made to see if the scheme is achievable in relation to trees. Further note should be made on the proposed soft landscaping scheme..... as with other parts of Newhall there are opportunities taken to plant trees. The species selection is acceptable.

At present it will be necessary for the issued decision notice to ensure that the proposed development will be undertaken in full accordance with the fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction.

May 2022 amendments re-consultation:

Comments made prior to revised submissions remain valid, as the highlighted points have not been addressed.

{Officer Comment: The landscaping is a reserved matter as well as the detailed matter that is subject to a separate application to discharge a condition on the original Outline. This is explained below.}

HDC Cleansing and Environment

Block C2 has a waste storage area located towards.... the rear of the block and is accessed from an alleyway to the north. The distance between the bins within the store and the stationary collection vehicle exceeds the 10m limit as specified within BS5906. The design of the waste arrangements should be amended to comply with this distance.

It appears that all three flats have suitable waste storage layouts and entrance doors that are 2m wide to ensure safe handling of the bins however, the application does not confirm the design of the kerbs that will lead to the collection vehicles. Dropped kerbs are not suitable for bulk waste containers due to the potential risk of the bins toppling over when fully laden, therefore these sections of pavement should be flush with the road surface with gradients that do not exceed 1:12. If the developer opts to purchase communal waste containers rather than purchasing them from the Council, they must be EN840 compliant and ensure that recycling bins specify what items can be deposited into these containers. The developer must also consult Waste Management prior to first occupation regarding the purchasing of household bins.

The Council do not support communal collection points for low rise households however they are tolerable in cases where there are no alternative arrangements available. Every collection bay must specify which household it belongs to and ensure adequate separation between each container. It would also be preferable for each bay to be divided by a low fence or railing to further ensure adequate separation. In addition, the Council may seek to serve Section 46 Notices of the Environmental Protection Act 1990 upon these households that will specify their waste arrangements and capacity restrictions. This would result in waste that is non-compliant (being)....left and it would be the occupiers responsibility to dispose of such waste appropriately. Because of this, the Council will not under any circumstances accept communal collection points that are located adjacent to an adopted path or highway. All land surrounding such communal collection points must remain in private ownership, otherwise the Council may be required to clear waste that is transferred

onto the public highway and thus making the Council's education and enforcement mechanisms impotent.

No objection subject to some refuse collection strategy clarifications and any necessary plan amendments.

HDC specialist advisors on drainage (JBA Consultancy)

General position on drainage detail. Following confirmation that the strategic drainage network is complete and operational, drainage details are acceptable.

HDC specialist advisors on heritage - Essex County Council Place Services

The proposed development site is separated from the Old Harlow Conservation Area to the north by several fields, the impact to its setting is negligible. The Conservation Area will be screened by the existing buildings and its pre-Harlow New Town agrarian setting was irrevocable altered by the later New Town development. Thus, the proposed development does not harm the setting or significance of the Conservation Area.

To the Northwest of the site is the Scheduled Monument, Bowl Barrow (list entry number: 1017474). There will remain a field between the sites, however the proposed will have an impact upon the setting of the designated heritage asset. The development will be visible from theasset, however the proposed landscaping scheme is considered to be robust. To the Southeast is Hubbard's Hall, Grade II listed (list entry number: 1123949), which has views across to the site, however this does not detract or harm the significance of theasset.

No objection.

May 2022 amendments re-consultation:

Confirm previous comments.

HDC specialist advisors on urban design - Essex County Council Place Services

... the proposed reserved matters application provides a well-connected parcel, linked with a series of spaces creating a well-defined development. The approach to architecture and design..... creates a responsive proposal which addresses many of the principles of the wider development.

However, there are a number of elements that should be reviewed to ensure the best quality scheme is delivered

Layout

... the approach is to create two connecting squares to both the east and west of the 'East West Link'. It is considered these spaces contribute positively to the development and provide much needed breathing space within the dense parcels They work well in wayfinding and creating parcel character which is delivered well around Newhall. It is considered both of these spaces could be further reviewed to create a defined square character through the use of materiality, built form and landscaping. Eastern Square – it is considered the use of clay pavers can be extended west along the East West Link to create a contained square which would include the parking to plots 71-74. The quality of pavers over asphalt will enhance the space and ensure it is read as one. Pavers can also be used

to the parking spaces to the frontage of plots 24-27 to promote the connected character the square will bring. Western Square – it is considered this space works more successfully through the use of materials and layout.

It is however considered further work around how the dwellings address the square are needed, in particular to the north (plot 122 and 123). It should be considered if the orientation of these plots (should) address(s) the square and not the highway. inward-looking character and containment would contribute more positively to this important space.

The East West Link also provides a much-needed relief in the road types seen in development of this scale. The contained and characterful approach to the highway works well. It is however considered that the mews character and approach are not successful in the continuous built form line. The kerb edge creates the idea of a meandering lane on plan but in reality,the built form will dictate the character of this space. In order to successfully deliver this mews like street, which is seen elsewhere around Newhall..... the building line of both the north and south needs to vary creating more interest. It is considered the proposals are not far from creating this but minor amendments would be beneficial.

Parking

In accordance with the Essex Parking Standards parking courts need to be designed carefully to ensure overlooking and direct access. They must be high quality in design terms and have a sense of place and feel secure, to encourage ownership. This is applicable to all parking courts as part of this parcel where further enhancement in the quality of materials and approach to boundaries are required. Where parking meets boundaries, this needs to be finished in a brick to ensure durability where conflicts are likely. Alternatively, timber fencing can be maintained where a suitable depth planting bed can be incorporated to again deter conflict.

Example of current conflicts include: • Between bays 48 and 49 • Bays 38 and 43 • North of bay 51 and 94 • South of bay 77 • The connection between plots 29 and 30 • West of plot 75, between plot and parking court • South of parking court (bays 56-61) due to dwellings location in the parking court.

Tree planting within the parking courts also needs review where their contribution and impact should not only impact the court for the residents but also views from the street in. Green through views to depict gardens is encouraged (with) parking concentrated out of view. Access to rear properties can be further enhanced where it cannot be expected for residents to use front access as primary access where parking is located to the rear.

One particular parking court is considered to be reviewed in further detail to ensure a split in character to promote a home zone environment. This is applicable to plots 61-63. Currently the dwellings are accessed through a parking court (no pedestrian routes) where the outlook is of the parking court. There is a real opportunity to create a square directly to the frontage of these dwellings to change the character and create a home zone approach. It is proposed that the parking court is divided with soft landscaping between parking bays 57 and 58 as currently shown. Here the parking court to the east can remain with the addition of a dedicated pedestrian route. A change in surface material such as the clay paver would then demarcate the home zone and additional soft landscaping used. It is appreciated that parking bays would be included in this area which are not 61-63 but should be encompassed in this character zone. Areas of on plot parking which contribute to key character areas where surface materials see the higher quality finish of clay paver use, should also be finished in the clay paver material. Currently the quality of public realm is enhanced through the use of the pavers where drives meeting these spaces then revert back to tarmac drives,

and in turn detract from the desired approach. The above approach is also applicable to prominent visitor bays. The visitor bay opposite plot 18 is a key example given its location adjacent to one of the main focal squares. Parking to the squares as highlighted in the above section need to be controlled through either site furniture and subtle detailing (signage, tree planting, kerb detailing etc). The proposal for several bollards creates an over ('defended') space where more openness needs to be promoted. There is no mention of electric charging as part of this application. Further information is required.

Flexibility and adaptability

Internal plot layouts are recommended to show a location of home working in the form of a desk. Layouts need to demonstrate that they are adaptable to allow for homeworking considering the change in working approaches. This can be simply showing the location of a desk within a spare room or other living space.

Landscaping

In line with the above comments around the further creation of the two squares.....these can be further defined through the extension of the clay pavers to accent these zones. This would include incorporating the parking bays to the frontage of plots 71-74 across to the on-street parking in front of plots 24-27. This would also be applicable to the square to the east in front of plots 118-120. It would be encouraged to review the extent of hoggin used where currently there appears to be small strips proposed. This material is successful on large expanses of surfacing and focused to the base of the proposed trees.

Bin storage/collection has been noted in front of plot 82 where it appears bins are collected from this dwelling's front garden. This raises the practicality of this proposal This could take the form of a bin store/collection location incorporated into the built form close to the junction.

House Types

Overall, it is considered the approach to the house types and architecture is positive where the use of material, form and design contribute to the wider Newhall development.....
...however

HT 405. In review of all of the house types proposed, it is considered the form and approach to the elevation is not in keeping with the wider architecture. It is considered the elevations are busy with many variations in its treatment. The predominant use of render for these focal buildings, again, does not portray quality and resembles more of a 'standard' house type. It is proposed the unit would hold a stronger standing in the wider parcel should the gable be extended to the front elevation. Alternatively, there should be a review to explore alternative corner turning units more in keeping with the character of the proposals.

HT Dunham. From a review of the proposed elevations it appears to be heavily dominated from the roof skylight. The balance in the elevation is outweighed by this feature which detracts from the house type and also the wider streetscene. It is considered there are two options which can be explored. Firstly, a dormer feature could be proposed which is more in keeping with the architectural style of the development and also responds better in terms of scale. Alternatively, the skylight feature can be positioned to the rear of the property. The Essex Design Guide promotes skylight features to the rear face of the property which would be encouraged in this instance.

C2 Block. there is a contrast in quality of the front facing elevations between blocks C2 and C3. Block C2 has a flat and minimal frontage where there is little play in the

fenestration, both arrangement and size of window units. This is a prominent elevation where morecan be done to enhance the elevation to better marry with C3. It is considered there is potential to include recessed balconies much like C3 where this could play well with the pinched arrangement of the living room spaces.

Detached garages

All detached garages need to respond to the host dwelling through materiality and roof detailing. The current proposals show a standardised approach across all units which do not marry with the host dwellings.

Amenity Space

It is not clear within the proposals of the allocation of amenity space for residents within the apartment blocks. There is no usable space proposed where private space for residents to dry washing, fix a bike or play for example is required. Further consideration required.

Plot 121 It is clear this unit has no allocated garden space.

Summary

Overall, the proposals set a good standard of design across the parcel which works well with the wider Newhall development. It is considered there are further works around enhancing and promoting the squares through the use of landscaping, plot orientation and hard landscaping. This will create distinctive spaces within the development and contribute greatly to the character. It is clear that further review is required for both Block C2 and HT 405. The quality of finish and approach do not marry with the wider development and are seen as the weak links within the application. The approach to parking courts in general requires review in terms of landscaping and boundaries. This is particularly true to the southern parking court to plots 61-63 where there is a great opportunity to create a home zone to help ensure these dwellings are not perceived as units located in a car park.

Note: The applicant responded to these comments. The amendment submission makes changes to the proposal on some points. The main change is in private amenity space provision improvements. Also design and materials for the apartment blocks and some of the standard house types have been enhanced. This assists with the appearance of some of the most prominent buildings. However, many suggestions for improvement were not addressed. This includes some of the points on the design of 'squares', the design dominance of car parking and its relationship to some of the dwellings and street frontages and various aspects of hard and soft landscaping detail. The provision of electric charging points is addressed by a suggested condition below. (See Assessment Section of Report)

External:

Essex County Council - Highways

No objections. Standard informatives advised.

Note this response does not seek to address strategic access issues (see report).

Essex County Council – Fire and Rescue

May 2022 amendments re-consultation:

No in principle comments. Standard advice referred to.

Environment Agency

No comments.

May 2022 amendments re-consultation:

Confirm no comments.

Essex County Council as Lead Local Flood Authority (Sustainable Urban Drainage Schemes - SuDS)

It is noted that that the information provided refers to the Strategic Infrastructure Scheme approved under application Ref HW/REM/17/00225 (see 'Relevant Planning History'). The LLFA do not examine all the details of the scheme.

Advice provided on standard conditions and informatives.

May 2022 amendments re-consultation:

Holding objection based on lack of information. See previous comment and HDC drainage advice above.

Thames Water (surface and foul water drainage)

Note limited drainage information – context is reserved matters with earlier drainage approvals.

No objection, but reference to standing advice.

May 2022 amendments re-consultation:

Confirm previous comments.

Essex County Council Place Services – Archaeology

Parcel CP3C has been previously evaluated and no further archaeological work is required....

However Mitigation Area A, located on the southern edge of the Option Area contains significant archaeological deposits and the excavation in this area needs to be completed and a programme for post-excavation analysis and publication agreed before (development).

Secured by Design (Essex Police)

There are no apparent concerns with the layout; however there are concerns that the Northeast of the development appears to be devoid of street lighting therefore relying on the borrowed lighting of the lamps on the properties....

To comment further finer details such as the physical security measures on the properties would be required, as well as the proposed mail delivery, visitor and entry systems to the apartment blocks. There is an opportunity to consult on this development to assist the developer with their obligation under this policy at the same time as achieving a Secured by Design award.

NHS West Essex Trust

The proposal would result in new patients. There is no provision for these in existing GP Surgeries and it is indicated that a financial contribution of £68,100 should be made to provide additional facilities.

Detailed justification provided.

Neighbours and Additional Publicity

Number of Letters Sent: 5

Total Number of Representations Received: 0

Date Site Notice Expired: 10 July 2020

Date Press Notice Expired: 2 July 2020

Amendments Re-consultation June 2022

Number of Letters Sent: 5

Total Number of Representations Received: 0

Date Expired: 28 June 2022

Summary of Representations Received

None.

PLANNING POLICY

National Planning Policy Framework (NPPF)

This sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

(National) Planning Practice Guidance (PPG) – regularly updated

Detailed guidance to complement the 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).

NPPF and NPPG references are only included in the report where particularly relevant to the application issues identified.

Development Plan

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

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

Policies relevant to this application are:

Strategic Policies

- HGT1 - Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town
- SD1 - Presumption in Favour of Sustainable Development
- HS1 - Housing Delivery
- HS2 - Housing Allocations
- HS3 - Strategic Housing Site East of Harlow
- WE1 - Strategic Green Infrastructure
- WE2 - Green Belt, Wedges and Green Fingers
- WE3 - Biodiversity and Geodiversity
- WE5 - Heritage
- SIR1 - Infrastructure Requirements

Development Management Policies

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- PL3 - Sustainable Design, Construction and Energy Usage
- PL5 - Green Wedges and Green Fingers
- PL6 - Other Open Spaces
- 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
- PL12 - Heritage Assets and their Settings
- H1 - Housing Allocations
- H2 - Residential Development
- H5 - Accessible and Adaptable Housing
- H6 - Housing Mix
- H8 - Affordable Housing
- H9 - Self-build and Custom-build Housing
- L1 - Open Spaces, Play Areas and Sporting Provision and Facilities in Major Development
- L4 - Health and Wellbeing
- IN1 - Development and Sustainable Modes of Travel
- IN2 - Impact of Development on the Highways Network including Access and Servicing
- IN3 - Parking Standards
- IN4 - Broadband and Development
- IN5 - Telecommunications Equipment
- IN6 - Planning Obligations

Planning Standards

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

Supplementary Planning Documents (SPD) / Other Current Planning Guidance

Harlow District Council (HDC)

- Design Guide SPD (2011) and its Addendum (2021)

This guidance supports HLDP Policies PL1 and 2. It is particularly relevant to this application as it addresses detailed design and layout quality of new residential development.

- Affordable Housing and Specialist Housing SPD (2021)
- Green Infrastructure and Public Open Space SPD (2022)

Essex County Council (ECC)

- Essex Parking Standards Design and Good Practice (2009)
- ECC Development Management Policies (2020 - living document with regular updates).

Harlow and Gilston Garden Town (HGGT)

Harlow and Gilston Garden Town (HGGT) is a designated ‘Garden Community’ under the Government’s NPPF based Garden Communities Programme (See below).

NPPF Para. 73 provides the specific national policy context for 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 local guidance documents:

- HGGT Infrastructure Delivery Plan (2017) (undergoing evidence and costs refresh 2022)
Thus sets out infrastructure investment plans and developer contribution requirements.
- HGGT Vision (2018) This elaborates HGGT’s interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.
- HGGT Design Guide (2018) This requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.
- HGGT How to Guide on Planning Obligations and Viability (2019)
- HGGT Quality Review Panel (QRP) (QRP Terms of Reference) (2020)
- HGGT Sustainability Guidance and Checklist (2021) This lists specific development quality standards and provides a quality assessment process. Applicants for any major development are expected to prepare a self-assessment of their proposals using this document and submit it with the application. The purpose is to allow the applicant to demonstrate the quality of the development within a consistent comparative framework. The assessment is set in the context of Development Plan and the NPPF, but it can also

to show where the development achieves high quality outcomes against HGGT principles, and may therefore exceed baseline planning policy requirements. For this application the long-standing outline planning permission sets the main considerations and it is not possible to apply the full checklist approach to a reserved matters application. Nevertheless, some contextual considerations are relevant.

- HGGT Transport Strategy (2021) This explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned. This is highly relevant to this application as it provides a specific context on the importance of creating coherent Sustainable Transport Corridor (STC) routes to support HGGT growth.
- HGGT Draft Healthy Garden Town Framework (2019)

All this HGGT guidance has less weight than a formal SPD, but is material.

For all major development, HGGT Local Planning Authorities (LPAs) take independent specialist advice on urban design and related sustainability matters (as included in the HGGT Guidance and Checklist noted above). This is through Essex Place services (ECC) and the HGGT QRP. Often this advice is provided at an informal pre-application enquiry stage, where early design influence is important.

For this application, the lead outline planning permission predates HGGT, and the basic design parameters are already established. As a result, QRP involvement is not appropriate.

Emerging Policy

Harlow Town Plan Consultation Draft

This is a corporate document setting out the Council's vision and aspirations for Harlow / HGGT growth beyond the current Development Plan period. Although this plan will not become part of the Development Plan it is capable of being a material consideration and provides an important context for decisions on major planning applications. For this application the central 'Town Plan' issue of the implications of the scale of Town wide growth for travel behaviour and associated transport infrastructure investment is highly relevant.

SUMMARY OF MAIN ISSUES

The main issues for consideration of this application are:

- Principle of development (in a reserved matters context)
- Strategic access
- Housing type and size mix
- Affordable housing
- Design style and quality
- Layout principles
- Layout detail
- Scale
- Appearance
- Landscaping
- Heritage assets
- Highway safety/parking and servicing
- Energy and sustainability

ASSESSMENT

Italic text in the Assessment indicates direct quotation from a source document.

Principle of development (in a reserved matters context)

The proposal is for the full design of the Parcel. It follows from an outline planning permission (OPP) for Phase 2 of Newhall Neighbourhood granted in 2012 (HW/PL/04/00302 – see ‘Details of the Proposal’ and ‘Relevant Planning History’ above).

The principle of residential development is established through the OPP, which implements a Development Plan allocation.

Considerations now are solely focused on the outstanding, legislatively prescribed, reserved matters (See Appendix 3 for details):

- *Appearance*
- *Landscaping*
- *Scale*
- *Layout*

The prescribed matter of *Access* can also be a reserved matter. However, it is not included in this application because the relevant matters are already determined in the OPP or are covered under separate, spin-off, condition approvals (see ‘Relevant Planning History’). Access overlaps with *Layout* in many respects (see below).

Strategic access

This is a consideration that applies to both this application and the application for reserved matters approval on the adjoining Parcel CP 3B (see ‘Relevant Planning History’ and separate, but related, report). Decisions on this matter need to be consistent across the Parcel boundaries.

The general access, traffic and highway safety impacts of the whole of Newhall Phase 2 development were fully assessed at OPP stage (through the environmental assessment - with traffic modelling). Impacts were considered acceptable with the mitigation measures proposed. Matters of detailed design and implementation were subject to conditions and planning obligations.

Access is now controlled through a rather complicated interaction of the:

- approved (but *illustrative*) masterplan which shows the strategic access points, the road / street hierarchy and general circulation pattern. The OPP includes a masterplan compliance condition which indicates its central role in the implementation of the OPP:

Condition 19: The development shall be carried out in accordance with the outline masterplan (see ‘Details of the Proposal’ above on Drawing referencing) ... unless otherwise agreed in writing by the Local Planning Authority. Reason: In order to ensure an appropriate layout and mix of use and to accord with Policies BE1 and ER2 of the adopted Replacement Harlow Local plan July 2006.

- planning agreements (‘Harlow Agreement’ and ‘Essex Agreement’). The agreements include obligations covering implementation requirements; primarily timing and

funding of the strategic access works (with significant off-site elements), public transport (bus) measures and access connections to adjoining land which is also proposed for development (now 'East of Harlow' under HLDP Policy HS3).

- reserved matters related conditions Though the strategic access arrangements were part of the OPP and shown in the masterplan, Condition 22 has always been construed as requiring some 'reserved matters' submissions for aspects of Access).

Condition 22: (specifically on reserved matters) The development shall be undertaken in phases to be agreed in writing with the Local Planning Authority and approval of the Local Planning Authority shall be obtained in writing with respect to plans and particulars of the following reserved matters (namely access, appearance, landscaping, layout and scale) (hereinafter called the reserved matters) for each phase of the development before commencement of any development within the phase to which the details relate. Any subsequent changes to the Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority before they take effect. Reason: To comply with policies BE2 and BE3 of the adopted Replacement Harlow Local plan July 2006.

Overall details of the strategic road network were formally approved as reserved matters (HW/REM/17/00225). This covered design of the main western external road connections and the junctions to London Road and Bridge Street, Barnfield Way, The Chase / High Chase, Roundhouse Way and, in principle, the remainder of the spine road route.

- Other Planning conditions Condition 3 requires submission and approval of full highway design details and specifications for areas within the site on a phase-by-phase basis.

Condition 3: Details of the proposed layout, design road hierarchy, materials and their disposition within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before commencement of the development within the phase of development to which such details relate. Reason: In the interests of visual amenity and to accord with policy BE1 of the adopted replacement Harlow Local Plan July 2006.

(For this application the term 'phase' translates as 'Parcel'; an agreed subdivision of the whole of Newhall Phase 2).

For this reserved matters application there are, therefore, counterpart condition discharge submissions, including on detailed highway related matters (see 'Relevant Planning History'). These are normally for officer delegated decision, but must be determined in conjunction, and consistently, with this application.

Reserved matter *layout* clearly includes the spine road / bus route with cycleway and footpath layout within the Parcel (phase).

Layout must be determined with reference to the overall access arrangements set in the OPP and the *layout* in adjoining parcels. For access, consistency of *layout* in terms of movement through the parcel and points of connection is a fundamental requirement. Specification details of the route designs is also relevant to *layout*. Therefore, this matter overlaps with the condition discharge requirements described above.

Appendix 1 shows the overall Phase 2 subdivision into parcels and the road layout now

approved / being constructed - with the exception of the subject application site and Parcel CP 3B).

Appendix 2 shows the detail of the proposed road layout / hierarchy for this Parcel, including the line of the spine road / bus link.

The application proposals include a spur extension of the Barnfield Way and High Chase spine road route North-Eastward along the Southern boundary of the application site (abutting / overlapping the adjoining Parcel CP 3B application site). This runs on to the application Eastern site boundary. (See Appendix 1 for overall Phase 2 subdivision into parcels and the road layout already approved / being constructed - with the exception of the subject application site and Parcel CP 3B site).

Secondary and tertiary streets are appropriately designed to accord with this spine road arrangement and the overall street hierarchy in Newhall.

For most Newhall parcels the reserved matters interrelationship with the OPP strategic access requirements and highway design condition discharges has been straightforward. However, for this Parcel (and for the adjoining Parcel CP 3B), the proposals require detailed scrutiny in respect of the strategic access implications arising from the proposed *layout*.

Parcels CP 3C (and B) are situated at the eastern boundary of the Newhall Projects ownership section of Newhall Phase 2, where the OPP strategic access requirements apply in respect of connections with adjoining land. This adjoining land includes the area known as the 'Hubbards Hall Land' (see 'Details of the Proposal' above). This land is in different ownership from this reserved matters application site but is part of the OPP site. Routing of the spine road with bus route Eastwards, into and through, the Hubbards Hall Land has always been part of the Masterplan. The Masterplan also envisaged onward connection to (the then potential) further development 'East of Harlow' (now HLDP Policy HS3). In respect of the Hubbards Hall land part of Newhall Phase 2, the OPP has now lapsed due to reserved matters submission time limit conditions. Nevertheless, this land is clearly committed for future residential development. Its development is acceptable in principle, sought by the planning authority and expected to occur at some stage. Thus, the comprehensive planning requirements inherent in the OPP remain important.

It is essential that the detailed design of development of this Parcel of Newhall Phase 2 (and Parcel CP 3B) facilitates all strategic transport connections in a well-planned way. This was the clear intent in the approved OPP Masterplan and associated conditions and planning agreements.

This importance of this access route issue is further emphasised because it is the Barnfield Way part of the spine road, with its design provision for bus routing and stops and segregated cycle / foot paths that will eventually provide the Sustainable Transport Corridor (STC) connection through Newhall (HLDP Policy SIR1 '*the Policies Map identifies infrastructure items which require safeguarding or have a land use implication. This includes ...SIR1-2 East West Sustainable Transport Corridor – see Appendix 2 Plan C*'). The STCs underpin HLDP and HGGT transport policies and must function effectively. Strategically, for the East-West STC connections into residential areas and the new hospital proposed at East of Harlow, there is no practical alternative route available that avoids Newhall, so achieving an appropriate connection to the Newhall spine road loop as envisaged in the Masterplan is crucial.

The position in relation to the spine road route and bus link location under the Masterplan is detailed in the report for parcel CP 3B as the main issues relate to that application site.

The submitted *layout* relates to a spine road at the boundary with adjoining Parcel CP 3B that, in the Masterplan was not expected to be in the position shown. This means that the overall *layout* of the Parcel and access roads into it need consideration in conjunction with the final intended Masterplan road and residential layout for Parcel CP 3B. If the alignment of the spine road were to change the proposed *layout* could not function. As well as re-designing the reserved matters proposals overall, it would probably be necessary to rethink the parcel boundary between CP 3B and C (so as to create a new economical secondary street layout and corresponding perimeter blocks).

Overall, it is clear that the application proposal outcomes are not those expected in the Masterplan. The access and related *layout* proposals do not comply with the Masterplan or the Development Plan. Whether they are acceptable or not depends on the decision on the Parcel CP 3B application.

If they are judged acceptable a condition requiring a scheme for implementation of the proposed bus link is recommended, as with any CP 3B permission.

Housing type and size mix

The OPP does not set parameters and conditions on required, or target, housing mix or on net density. Only overall dwelling numbers are controlled (a maximum). This means that these matters cannot of themselves be determining factor in a reserved matter decision.

Nevertheless, the reserved matters are all significantly affected by initial decisions about mix. The chosen mix creates *layout, scale and appearance* constraints and determines design quality outcomes. If there are planning reasons why the proposals that result are harmful, then mix can be taken into account in the reserved matters decision. This is particularly the case if, as in this instance, there is clearly no housing need reason to adopt the chosen mix.

An analysis of the proposals is set out in the table below. The table gives a comparison to the HDLP guidelines on mix (HDLP Policy H6).

Dwelling Size / Type Mix Analysis (% rounded):

Bed size	Dwelling Totals	Detached	Semi (including garage linked forms)	Terrace	Flat	Totals	HDLP guidance on size mix
1	9 (7%)	0	0	0	9	9	7%
2	26 (19%)	0	2	3	21	26	25%
3	43 (31%)	4	25	14	0	43	66%
4	60 (43%)	15	18	27	0	60	2%
<hr/>							
Totals	138 (100%)	19 (14%)	45 (33%)	44 (32%)	30 (22%)	138 (100%)	100%

These are figures agreed with the applicant.

Several conclusions relevant to reserved matters approvals sought can be drawn:

- This scheme provides a variety of smaller dwellings units that help address local needs. In particular, 57% of the dwellings are to be 1 to 3 bed units.
- However, there is still a very high proportion of larger, 4 bed, dwellings (43%), meaning the overall size mix is not particularly appropriate for local housing needs. This is probably market sales driven.
- The housing is predominately of semi-detached and terraced types and flats.
- Net density is low 'suburban', at 36 dwellings per hectare (138 dwellings on 3.87 Ha = 35.7dph). This does not achieve best use of land or support HGGT sustainable travel objectives (more people living close to and underpinning viability of local facilities and bus services). However, this appears to have become the established norm for Newhall Phase 2. Densities were generally higher in Phase 1.
- Despite this overall relatively low density, the size and type mix and the volume of parking creates a quite cramped layout.
- There are implications arising from these constraints, which limit the space available for private amenity (gardens and balconies) and communal amenity for flats.

The *layout* and *appearance* issues affected by mix are considered further below. To be clear, the failure against policy H6 cannot be used to refuse the application as this matter should have been considered at Outline stage.

Accessible Housing (wheelchair and disability needs)

It should be noted that, in terms of type mix, the proposal provides no fully accessible housing (HDLP Policy H5).

This is not something that can be addressed through a reserved matters decision. It must be an outline permission requirement. In this case the OPP does require all houses to be built with enhanced width doors and level access (Condition 6). This is useful because it makes for more readily adaptable dwellings.

Affordable housing

Provision of affordable housing is another matter that is already largely determined by the OPP. The OPP 'Harlow (Planning) Agreement' sets the level and type of provision applied by way of parcel-by-parcel planning agreement approvals. For this parcel the relevant planning agreement submission has been approved (See 'Relevant Planning History').

Of the 138 dwellings, 21 would be provided as affordable dwellings. There would be 8, 1 bed flats, 4, 2 bed flats, 5, 2 bed houses and 4, 3 bed houses.

The flats would be in Block C1 on the Western-most corner frontage with Barnfield Way and its nearby 'flat over garage' (FoG) unit. The houses are proposed in the central part of the site.

For note only; the level and type of provision is disappointing (the agreed minimum of 15% of dwellings, all as shared ownership). The planning agreement allows for provision to be subject to a viability review mechanism (which takes account of possibility of greater provision considering changing land and development / sales values and construction costs). The Council commissioned an independent expert viability review. This demonstrated that

the detailed, pre-determined, assumptions in the agreement effectively allow no scope for greater provision.

Affordable housing provision is therefore relevant to this application only in respect of *layout* and *appearance* of the affordable dwellings. This is determined as part of the parcel reserved matters, which overlap with the already approved planning agreement submissions. The outcomes must be consistent.

In respect of *layout* a very good level of ‘pepper-potting’ (spread to avoid a ‘ghetto’ effect) is achieved within the site. Also, the long-established context; of parcel-by-parcel provision, is helpful because it effectively introduces automatic pepper-potting across the whole of Phase 2. On *appearance* the house designs are suitably ‘tenure blind’.

Overall, this means there is excellent integration of affordable housing (HLDP Policy H8, and Design Guide SPD and its Addendum and Affordable Housing and Specialist Housing SPD).

Design style and quality

The application proposals continue the distinctive contemporary design approach established in Newhall. The landowner has chosen to act as a ‘master developer’ and to apply property controls through land leases to partner developers and use of a ‘coordinating brief’ and ‘design codes’. These are not planning controls, but they are very effective and have contributed significantly to *layout and appearance* outcomes. The quality of design achieved is generally recognised as above the norm for large scale residential developments.

In most respects the design accords well with the principles of the Harlow Design Guide SPD and its Addendum. It is consistent with earlier development and continue to achieve well in respect of style and quality.

This is evident in a simple perimeter block layout, creation of active street frontages with open house fronts and provision of generally well-defined private and communal amenity spaces. Communal amenity space is overlooked by habitable rooms, providing natural surveillance and a sense of ownership.

However, it is important to note that this outcome would also be readily achievable with a different housing size and type mix and density. This is relevant in respect of conclusions drawn below.

Layout principles

Setting aside the implications of strategic access considerations (see above) the layout principles are acceptable.

The site is divided into five perimeter block sections, generally with North-South orientated access roads running off the spine road. There is a central East-West street with greater provision of small public spaces and tree planting.

The perimeter blocks provide a clear and legible street hierarchy, with homes facing direct onto streets. This creates a conventional, tried and tested, practical relationship between public and private space, with good privacy and security surveillance.

Buildings have been positioned such that there would be ‘landmark’ wayfinding ‘blocks’ especially to the key street corners on the spine road towards the West of the site and an there is an attractive tree-lined frontage to the Barnfield Way spine road section.

Relationships with other approved and proposed future land parcel designs are appropriate. On the north side of the site the houses face out to structural open space, creating an attractive relationship and appropriate security surveillance. The *layout* relates well to the trees and hedgerow on the Eastern boundary (but see above on strategic access). To the west of the site there is a landscaped verge with parking forming a buffer to existing properties adjoining the site (kennels).

The *layout* takes account of topography with its slopes.

Parking is successfully accommodated on plot and in both on street bays and parking courts within blocks, though it is quite visually dominant on frontages and in relationships with many of dwellings. This is particularly true where dwellings are placed close to or even within parking courts. Reduced parking (in the HGGT context – see ‘Planning Policy’ Section above), would be one option to address some of the detailed layout issues (see below).

Green infrastructure in layout

Most of the communal / public open space for Newhall is provided strategically and fixed in the OPP. The Parcel has good access to, and a well-planned relationship with, Newhall structural open space to the North and (close by) West (New Pond Spring).

For individual parcels local communal amenity space and play provision is relevant to the reserved matters under consideration. The level of provision is considered under ‘Layout detail’ below.

There would be incidental amenity space in the verges / tree-lined frontage to the Barnfield Way spine road extension, and on the central East-West street. A significant number of trees will be planted within the Parcel, but the consultations point out that more could have been done at the junction with the open space to the North.

The approach to green infrastructure is in character with other parcels within Phase II of Newhall and results in generally high-quality soft landscaping.

Overall, the *layout* principles successfully meet the requirements of HLDP Policies H2 and PL 1 and 2 and the Harlow Design Guide and Addendum SPD.

Layout detail

The Council’s urban design advisor identifies some concerns. The most serious have been addressed in amendments, but there are still some issues.

They arise mainly from the chosen housing type and size mix, density and parking arrangements (see above).

No property would be unreasonably over-shadowed by another and separation / overlooking distances between main elevations / windows mainly meet the Harlow Design Guide and Addendum standard (18m). There are however several instances where separation is sub-standard (e.g. plots 26-33 and 104-107) reflecting the cramped *layout*. These instances are partially mitigated by plot shapes and dwelling positioning and design features. There are also instances where rear gardens are quite short and windows in main elevations will be less than 9m (50% of the separation standard) from adjoining garden boundaries, somewhat compromising their privacy. Examples are plots 27-28 and 134-135. Though these design features are not ideal, the deficiencies are not a major concern, as a degree of compromise is justified to achieve wider density and design objectives.

Flats OGs are in several instances placed on boundaries and this necessitates no habitable room windows in facing elevations.

Private amenity space (gardens)

The density of the development and the car parking space requirements and the proportion of larger houses limits space and design options for provision of private amenity space (gardens).

Garden sizes for houses vary greatly, but generally are quite small. Some fall below the Design Guide Addendum SPD standards.

The initial submission had no private amenity space for flats, but the amendments try to address this by providing balconies and small 'private' surrounding spaces (described as terraces or patios). However, the spaces around flats are very small or too poorly located and configured to provide useable private or communal amenity space (for sitting out, socialising, younger childrens' play, drying washing or storage).

Principle DG33 of the Harlow Design Guide (2011) specifies that all dwellings should have 'some' private amenity space. On the face of it this is now satisfied as a result of inclusion of private amenity space for all flats, but the quality of this provision is also relevant.

The applicant's submitted detailed figures for, and analysis of, provision provides more detail on the proposals, as follows.

The Design Guide Addendum (2021) indicates that, quantitatively, minimum provision by size of dwelling should be:

- 1/2 bed 50 sq.m.
- 3 bed 70 sq.m.
- 4 bed 90 sq.m.
- Flats: (any beds): 20 sq.m. per flat

On a cumulative basis across the site as a whole, the total of private amenity space required for this proposal to meet standards would be approximately 9,200 sq.m. The proposal provides approximately 8,500 sq. m. (92% of standard). This includes an increase of approximately 107 sq. m in the amendment submissions. This gives a good general idea of provision, but it does not take account of the intent of the standards, which is that each individual dwelling achieves minimum provision and thus can provide sufficient useable private outdoor space for occupants of that home. In this case some dwellings exceed standards but some fall well below.

Individual garden sizes for the houses are very varied but are typically in a range (figures rounded up):

- 2 bed 32 – 65 sq.m.
- 3 bed 45 - 70 sq.m.
- 4 bed 55 - 100 sq.m.

The majority of the houses fall below the standard (approximately 57%).

The position for flats should be considered differently. The standard allows for 'under' provision where there are particular site constraints or mitigating factors, such as access to communal space or play facilities.

For this proposal private amenity space for flats is very varied but for a large group of the flats (Blocks C2 and 3) is under 6 sq. m. with reliance on balconies only (30% provision against standard).

In Newhall there is good access to public open space and play areas quite close to the flats, so this is a positive factor in respect of the sub-standard provision. However, the biggest concern is that the amended proposals are simply for small balconies and often limited (probably grassed or paved) areas abutting ground floor flats. Most of these ground level areas are likely to be unusable as either private or communal amenity space for flats because they are very close to roads and car parks, or windows and will not be enclosed (probably prevented under property covenants). If they are enclosed by occupiers officially or unofficially, then that would have adverse visual impacts by way of ugly and difficult to maintain fencing (or possibly hedging). There is little or no space for true private use and also no communal space around the flats that can be used for practical purposes, especially storage and drying washing.

It is important to note that earlier Newhall parcels have quite small private gardens (often for the same housing mix and density reasons as with this proposal). However, this has been identified as a potential problem for the future 'liveability' of Newhall and other recent or proposed Harlow housing developments. This is in the context of inevitable pressure to allow for house extensions, which further reduce outdoor private space. This position was exacerbated by the recent pandemic, when people were forced to spend more time at home and working from home became more common. Some of the effects / and experiences of the pandemic have resulted in longer term trends to changes in lifestyles. There are important physical and mental health issues at stake.

The, recently adopted Local Plan (in its HGGT context) and the new Design Guide Addendum set out a policy response to these issues by including minimum private amenity space standards. An uplift in quality is deliberately sought and this is highly appropriate in light on the NPPF's recent shift in emphasis in respect of use of planning control to ensure design quality in new housing and to help address widespread poor perceptions of new build in this respect (NPPF Section 12). Nevertheless, the new standards do still allow for quite modest private outdoor spaces, so the approach must be seen in perspective. It certainly does not seek to prevent high density residential development.

In this case, though the design is substandard, with 57% of houses below the Council's standard, the significant open space provision across Newhall and the general character of earlier phases having small gardens coupled with the wider benefits of delivery of the delivery of housing would not justify the refusal of this application. On balance, the proposal would be in accordance with policy PL1 of the HLDP.

In view of the dwelling mix and density of the scheme, extensions, insertion of additional windows and other alterations as permitted development might result in amenity problems. It should be considered whether this could be controlled by a condition withdrawing general permitted development rights in the interests of residents' amenity.

Public open space

The wider open space strategy for Newhall was fixed through the OPP and is not a consideration for this application. However, as context, the applicant points out that Newhall has good provision, both large scale structural space and within the housing areas, for amenity and play. This is correct, as acknowledged in the analysis above, but is a separate issue from private gardens.

The 'internal' layout open space in this Parcel (areas outside curtilages such as the tree-

lined road verges and amenity spaces) is very limited. This is in not an issue in itself, because the structural open space with play to the north of this Parcel is closely related to this housing area. However, it is to be noted as a feature related to the overall cramped layout, which also influences the under standard and quite poorly designed private and communal amenity spaces for the dwellings.

Parking

Parking is a significant determinant of *layout* detail. Parking is provided generally to standard (302 spaces) and is therefore acceptable.

However, standards set quite high levels of provision and do not take account of more recent HGGT transport policy. The standards can limit higher density layout options and other aspects of design and appearance. In this case the levels of visitor parking in on-street bays is high and this will be a quite dominant factor in how the housing area looks. It can also result in parking management problems, particularly on the spine road. The scale of the parking courts also affects other aspects of *layout* (see above).

The applicant was asked to consider reduced provision as a way of helping create additional space within the layout, particularly for amenity space around the flat blocks. However, this was not favoured due to concerns about site location and accessibility (limited public and active transport options) and market preferences. The level of parking is unfortunately a result of the lack of bus services to Newhall. Given the level of parking is in accordance with the Essex Parking Standards, the proposal would be in accordance with HLDP Policy IN3 of the HLDP.

Refuse disposal

The layout applies tried and tested approaches to Newhall, with identified spine road and perimeter block street frontage collection locations. All have good road access for a refuse vehicle (subject to the local - largely private - management arrangements for parking control).

The Council Service has no general objections, but requests clarification of some matters of detail in implementation.

Conclusions

The deficiencies of layout detail result, inevitably, from, or are closely related to, constraints created by the housing density, type and size mix and levels of parking provision.

Overall, the *layout* detail is acceptable (HLDP Policies H2 and PL1 and 2 and the Harlow Design Guide SPD).

Scale

The proposals are for predominantly 2 storey dwellings with some 2.5 / 3 storey houses and flat blocks of up to 4 storeys. The taller flat buildings are well positioned as visual focal points.

This is appropriate to the general Newhall design approach.

Appearance

This is a particular aspect of general design style and quality, covering architecture and

materials. As noted above Newhall has a distinctive style and quality and the architecture and materials proposed continue established themes.

Articulation and fenestration

The buildings are of a contemporary vernacular with limited ornamentation. Nonetheless some articulation is provided in the form of set-in windows and setback subordinate features such as car ports.

The windows and doors are mainly to the front and rear elevations of the houses and to the habitable rooms of the flatted dwellings. They provide good levels of light and outlook. They are placed to prevent overlooking.

Materials

A limited materials palette has been set for the whole of Newhall, in the Design Codes and this proposal would be in line with the agreed palette.

Appearance of the proposed development would represent a high quality in accord with the provisions of Policies PL1, PL2 and PL7 of the Harlow Local Plan (2020) as well as the design principles of Harlow Design Guide (2011) and Addendum (2021). Urban design advice has resulted in some improvements in the amendments.

Landscaping

Generally, hard and soft *landscaping* proposals are in accordance with high standards applied throughout Newhall. The applicant has submitted a Landscape Statement, a Landscape Management & Maintenance Plan, a Landscape Method & Implementation Plan and an initial Arboricultural Impact Assessment (AIA) in support of the scheme.

The site is clear of significant vegetation, but there are trees and an associated hedgerow outside the application site boundary at its Eastern edge field boundary. This is an area affected by some of the parking and the requirement for a spine road / bus route connection eastward (see above). The position of the connection (either that in the proposal – including that for Parcel CP 3B, or as set in the Masterplan) will result in some loss of hedgerow vegetation. It should be possible to avoid large trees by careful routing. Conditions covering detailed design and construction for tree protection would be required.

The Council's Arboricultural Consultant has no objections, subject to the tree protection being undertaken in accordance with a more detailed AIA and a related method statement required under OPP Condition (7).

The Council's Landscape Officer suggests further consideration of detailed tree planting plans which is a matter for the same condition.

Tree and landscaping issues are acceptable in context but could be better dealt with if there were a different approach to housing density and mix, which would create greater space for communal and private amenity space including tree planting opportunities.

Ecology/Biodiversity

This is a matter that was largely determined in the OPP, especially in respect of the plans for structural open space. The OPP proposals were based on an extended Phase 1 Habitat Survey and Ecological Mitigation and Management Plan. Condition 18 of the OPP also requires an Ecological Management Plan outlining measures to protect flora, fauna and

wildlife affected by the development within each phase to be submitted to and approved (see ‘Relevant Planning History’).

The OPP Condition 18 submission is relevant to *landscaping* as a reserved matter. Together with the landscaping proposals, it covers matters such as species choices, management regime (including installation of bird boxes). The proposed approach is acceptable.

It is not feasible or appropriate to assess biodiversity gain quantitatively (under HLDP Policy PL9 or proposed new national legislative requirements). This is because baseline data is not available and this cannot be retrospectively applied under a reserved matter or condition.

Natural England raise no further comments beyond those made on the OPP stage.

Heritage assets

There are listed buildings and conservation areas in the vicinity of Newhall. Impacts to these heritage assets and their settings (Policy PL12 of the HLDP) were considered in the grant of the OPP. No different or additional impact can be identified as arising from the reserved matters proposals.

Specialist archaeological advice (ECC Place services) confirms that this application requires no further archaeological measures and OPP conditions cover the detail.

Highway safety, parking and servicing

This issue relates to detailed highway matters only, which are subject to Highway Authority comment. The strategic access layout points noted above are considerations for the Local Planning Authority, not the Highway Authority.

Technical matters of road layout, specification and turning space are acceptable.

Highway details and pedestrian protection measures are also subject to detailed OPP Conditions 3 and 13, which require approval of full details (See ‘Relevant Planning History’ and the note on consistency of approvals below).

Parking

The development will provide car parking spaces in the form of garages, car ports or hardstanding areas on plot, or in courts and street bays. There is some double stacking of spaces for particular dwellings within the parking courts, which is not ideal for ease of use.

Levels of provision accord with standards and implications are noted above in respect of layout matters.

In respect of cycle storage, 1 cycle space per dwelling will be provided, located in private rear gardens, rear parking courts or within flatted blocks.

The overall parking and servicing strategy, including its access from the street, is acceptable to the Highway Authority.

Energy and sustainability

Policies PL3 (sustainable design, construction and energy use) and PL11 (water quality, water management, flooding and sustainable Drainage Systems) and the HGCT

sustainability checklist are relevant, insofar as they can be reasonably related to reserved matters.

Energy strategy

Principles are determined by the OPP. There is a Condition (22 'b') requiring measures to achieve energy performance above normal building regulation requirements (HLDP Policy PL3). The energy strategy for the whole of Newhall Phase 2 has been to enhance dwelling fabric performance and add to that with roof mounted photovoltaics (solar panels). An Energy Statement explaining how the strategy is followed through on this Parcel has been submitted. The proposal includes some photovoltaics, mainly to the flatted development, but also some houses to the northern edge of the site.

Recent (2022) changes to the Building Regulations mean that aspects of this energy strategy will now be superseded by more stringent national requirements, especially on fabric. Regardless of this the inclusion of photovoltaics is a welcome aspect of the proposal and the information on location is relevant to reserved matter appearance.

In terms of visual impact, the PVs are appropriate within the modern architecture of the development.

The applicant proposes to include electric vehicle charging to the houses only. Lack of provision for the flatted development is contrary to HLDP Policy IN4. However, this is now a matter covered in the Building Regulation changes. A condition on approval of details of appearance of external installations would be required.

Water supply

HLDP Policy 11 requires measures to enable high levels of water efficiency in new dwellings.

A condition on this matter is now normally included in new planning permissions but this policy was not applicable at OPP stage. New conditions at reserved matters stage must relate directly to reserved matters. In this case, as the condition relates to the detailed design of the homes, it would be justified.

Drainage

A drainage strategy covering the whole Phase 2 area is already approved under the OPP condition (9) discharge (See 'Planning History' above - HW/REM/17/00225). A foul and surface water drainage system with surface water swales and other visible surface water features to manage flows (including a basin north of the site) is provided as strategic infrastructure for Phase 2. In this reserved matters submission, the proposed drainage works link to the strategic scheme.

The Council's Expert Drainage Consultants have considered the drainage details provided in as far as relevant to the reserved matters proposals and consider that there are no significant concerns on flooding or drainage.

Other matters

The NHS consultation response indicates that a service infrastructure contribution is sought for additional GP Surgery facilities. Strategic infrastructure provision has to be set in the OPP, so this is not a matter that can be addressed in reserved matters.

HLDP Policy H6 and 9 requires provision of self-build housing opportunities in large residential developments, but this is a relatively new requirement that cannot be retrospectively applied to a development already permitted in outline.

CONCLUSIONS

In respect of strategic access the Parcel appears to have been designed without reference to its OPP approved Masterplan context. The *layout* proposed for the strategic access follows the Essex Agreement indicative plan instead. This route is sub optimal but acceptable. Ensuring its delivery is very important in view of the crucial comprehensive development and transport planning issues for continuing major housing growth at Newhall and East of Harlow. It is therefore recommended that any permission is subject to a condition requiring design, and securing implementation of, the bus link in accordance with the OPP Essex Agreement.

The housing type and size mix and parking levels constrain *layout* design in respect of scope to provide a good level of provision for private amenity space (gardens), but this is not sufficient to justify refusal.

Note on OPP condition discharges relevant to this Parcel

OPP Conditions require detailed condition discharge approvals, by parcel. The outstanding applications (see 'Relevant Planning History') must be considered in association with this, related, reserved matters submission.

It is noted that because the outstanding condition discharges are based on this application and its specific layout proposals these submissions must also be refused (officer delegated decisions).

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.

The application does not give rise to any concerns in respect of the above.

RECOMMENDATION

That, the Committee resolve to **APPROVE RESERVED MATTERS** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved documents and drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Application Documents (all as applicant submitted date 30.05.22 HDC registration date 01.06.22)

Landscape Statement
Landscape Materials Schedule
Landscape Management and Maintenance Plan
Landscape Implementation Method Statement
Materials Schedule
Energy Report
Arboricultural Impact Assessment
Non-adoptable Lighting Report
Adoptable Lighting Report
Tree Schedule

Application drawings (all as applicant submitted date 30.05.22 HDC registration date 01.06.22)

1967_Z05008_FBB_GE_XX_DR_A_301 PL1 Location Plan
1967_Z05008_FBB_GE_XX_DR_A_302 PL1 Existing Site Plan
Z05008_FBB_GE_XX_DR_A_303_PL2 Masterplan
Z05008_FBB_GE_XX_DR_A_304_PL2 Plot Reference Numbering Plan
Z05008_FBB_GE_XX_DR_A_305_PL2 Tenure Plan
Z05008_FBB_GE_XX_DR_A_306_PL2 House Type Plan
Z05008_FBB_GE_XX_DR_A_307_PL2 Unit Sizes Plan
Z05008_FBB_GE_XX_DR_A_308_PL2 Parking Plan
Z05008_FBB_GE_XX_DR_A_309_PL2 Cycle Storage Plan
Z05008_FBB_GE_XX_DR_A_310_PL2 Refuse Strategy Plan
Z05008_FBB_GE_XX_DR_A_311_PL3 Materials Plan
Z05008_FBB_GE_XX_DR_A_312_PL3 Coloured Site Plan
Z05008_FBB_GE_XX_DR_A_313_PL2 PV Locations Plan
Z05008_FBB_HT_H203A_DR_A_320_PL3 House Type (FOG) 203 Affordable 2 Bed 4 Person with Drive Through GA Plans and Elevations
Z05008_FBB_HT_H203P_DR_A_321_PL3 House Type (FOG) 203 - Private 2 Bed 4 Person with Drive Through GA Plans and Elevations
Z05008_FBB_HT_H203P_DR_A_322_PL3 House Type (FOG) 203 - Private 2 Bed 4 Person with Drive Through GA Plans and Elevations 1967
Z05008_FBB_HT_H203P_DR_A_323 PL1 HT203_Plans & Elevations Plot 107 1967
Z05008_FBB_HT_H301P_DR_A_324 PL1 HT301_Plans & Elevations 1967
Z05008_FBB_HT_H305P_DR_A_325 PL1 HT305_Plans & Elevations Plots 75-78

1967 Z05008_FBB_HT_H305VP_DR_A_326 PL1 HT305V_Plans & Elevations Plots 28, 60, 63 & 117

1967 Z05008_FBB_HT_H315P_DR_A_327 PL1 HT315_Plans & Elevations Plots 21-23 & 137- 138

1967 Z05008_FBB_HT_H315P_DR_A_328 PL1 HT315_Plans & Elevations Plots 113-116

1967 Z05008_FBB_HT_H404P_DR_A_329 PL1 HT404_Plans & Elevations
Z05008_FBB_HT_H405P_DR_A_330 PL2 House Type 405 4 Bed 8 Person Plans and Elevations

1967 Z05008_FBB_HT_H414P_DR_A_331 PL1 HT414_Plans & Elevations

1967 Z05008_FBB_HT_H415P_DR_A_332 PL1 HT415_Plans & Elevations

1967 Z05008_FBB_HT_H425P_DR_A_333 PL1 HT425_Plans & Elevations Plots 29, 30, & 91

Z05008_FBB_HT_H425P_DR_A_334 PL2 House Type 425 4 Bed 7 Person GA Plans and Elevations

Z05008_FBB_HT_H425P_DR_A_335 PL2 House Type 425 with Attached Garage 4 Bed 7 Person GA Plans and Elevations

Z05008_FBB_HT_H433P_DR_A_336 PL2 House Type 433 4 Bed 7 Person Plans and Elevations

1967 Z05008_FBB_HT_HDEEP_DR_A_337 PL1 HT-DEE_Plans & Elevations Plots 31, 32, 34 & 35

1967 Z05008_FBB_HT_HDEEP_DR_A_338 PL1 HT-DEE_Plans & Elevations Plots 94-96 & 132-133

1967 Z05008_FBB_HT_HDEEP_DR_A_339 PL1 HT-DEE_Plans & Elevations Plots 100, 101, 105 & 106 1967

Z05008_FBB_HT_HDEEP_DR_A_340 PL1 HT-DEE_Plans & Elevations Plots 124-127

1967 Z05008_FBB_HT_HDNMP_DR_A_341 PL1 HT_DUNHAM_Plans & Elevations

1967 Z05008_FBB_HT_HIRWP_DR_A_342 PL1 HT_IRWELL_Plans & Elevations Plots 81 & 82

1967 Z05008_FBB_HT_HIRWP_DR_A_343 PL1 HT_IRWELL_Plans & Elevations Plots 118, 119 & 120

1967 Z05008_FBB_HT_HWRA_DR_A_344 PL1 HT_WEAVER_Plans & Elevations Plots 79 & 80

1967 Z05008_FBB_HT_HWRP_DR_A_345 PL1 HT_WEAVER_Plans & Elevations Plots 67, 68 & 69

1967 Z05008_FBB_HT_HWRA_DR_A_346 PL1 HT_WEAVER_Plans & Elevations Plots 86 & 87

1967 Z05008_FBB_HT_HWRP_DR_A_347 PL1 HT_WEAVER_Plans & Elevations Plots 83, 84 & 85

Z05008_FBB_HT_BC1A_DR_A_348_PL3 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 Ground Floor Plan

Z05008_FBB_HT_BC1A_DR_A_349_PL3 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 First Floor Plan

Z05008_FBB_HT_BC1A_DR_A_350_PL3 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 Second Floor Plan

Z05008_FBB_HT_BC1A_DR_A_351_PL3 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 Third Floor & Roof Plan

Z05008_FBB_HT_BC1A_DR_A_352_PL4 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 Elevations A&B

Z05008_FBB_HT_BC1A_DR_A_353_PL3 Apartment Block C1 (Affordable) 1 Bed & 2 Bed Apartments - Plots 1-11 Elevations C&D

Z05008_FBB_HT_BC2P_DR_A_354_PL3 Apartment Block C2 GA Floor Plans

Z05008_FBB_HT_BC2P_DR_A_355_PL4 Apartment Block C2 GA Elevations

Z05008_FBB_HT_BC3P_DR_A_356_PL3 Apartment Block C3 Ground & First Floor

Plan Z05008_FBB_HT_BC3P_DR_A_357_PL3 Apartment Block C3 Second & Third Floor Plan
Z05008_FBB_HT_BC3P_DR_A_358 PL3 Apartment Block C3 Roof Plan
Z05008_FBB_HT_BC3P_DR_A_359_PL3 Apartment Block C3 GA Elevations
Z05008_FBB_ANC_XX_DR_A_360_PL2 Detached Garage Plans and Elevations
Z05008_FBB_GE_XX_DR_A_361_PL3 Front Elevation Street Scene A
Z05008_FBB_GE_XX_DR_A_362_PL2 Front Elevation Street Scene B
Z05008_FBB_GE_XX_DR_A_363_PL2 Front Elevation Street Scene C
Z05008_FBB_GE_XX_DR_A_364_PL2 Front Elevation Street Scene D
Z05008_FBB_GE_XX_DR_A_365_PL2 Front Elevation Street Scene E
Z05008_FBB_GE_XX_DR_A_366_PL2 Front Elevation Street Scene F
Z05008_FBB_GE_XX_DR_A_367_PL2 Front Elevation Street Scene G and H
Z05008_FBB_GE_XX_DR_A_368_PL2 Front Elevation Street Scene J and K
Z05008_FBB_GE_XX_DR_A_369_PL3 Coloured Elevations Street Scene A
Z05008_FBB_GE_XX_DR_A_370_PL2 Coloured Elevations Street Scene C
Z05008_FBB_GE_XX_DR_A_371_PL2 Coloured Elevations Street Scene D
Z05008_FBB_HT_H425P_DR_A_372_PL1 House Type 425 4 Bed 7 Person GA
Plans and Elevations - Plot 92
Z05008_FBB_HT_H405P_DR_A_373_PL1 House Type 405 4 Bed 8 Person GA
Plans and Elevations - Plot 93
Z05008_FBB_HT_H433P_DR_A_374_PL1 House Type 433 4 Bed 7 Person Plans
and Elevations (Plot 18 Variant)
Z05008_FBB_GE_XX_SH_A_390_PL2 Material Schedule Plot 1-44
Z05008_FBB_GE_XX_SH_A_391_PL2 Material Schedule Plot 45-95
Z05008-BCE-02-XX-DR-C-8001-PL3 Proposed Road Plan Geometry & Visibility
Z05008-BCE-02-XX-DR-C-8002-PL3 Proposed Highway Adoption Plan
Z05008-BCE-02-XX-DR-C-8003-PL3 Proposed Adoptable Kerbing & Surface
Materials
Z05008-BCE-02-XX-DR-C-8004-PL3 Proposed Highway Contours & Target Road
Levels
Z05008-BCE-02-XX-DR-C-8005-PL3 Proposed Foul & Surface Water Drainage
Strategy
Z05008-BCE-02-XX-DR-C-8006-PL3 Proposed Street Lighting
Z05008-BCE-02-XX-DR-C-8007-PL1 Highway Construction Details
Z05008-BCE-02-XX-DR-C-8008-PL1 Tree Pit Details
Z05008-BCE-02-XX-DR-C-8009-PL2 Vehicle Swept Path Analysis (1 of 2)
Z05008-BCE-02-XX-DR-C-8010-PL2 Vehicle Swept Path Analysis (2 of 2)
11447-PH3C-8011 Vehicle Swept Path Analysis 3 of 3 20-15178-1b-2.1 Adoptable
Street Lighting Layout
20-15179-1b-2.1 Private Lighting Layout
2830-5-2-DR-0001 P1 Site Survey
2830-5-2-DR-0005 P1 Tree Pit Details 1 of 2
2830-5-2-DR-0006 P1 Tree Pit Details 2 of 2
Z05008-DJA-EL-XX-DR-L-0003-PL03 Soft Landscape Proposals
Z05008-DJA-EL-XX-DR-L-0004-PL02 Hard Landscape Proposals
2830-5-2-DR-0007 P1 Street Furniture Details
Z05008-DJA-EL-XX-DR-L-0002-PL02 General Arrangement
2830-5-2-DR-0008 P1 Typical Sections Ecological Enhancement Plan
1 of 3 Tree Survey and Protection Plan
2 of 3 Tree Survey and Protection Plan
3 of 3 Tree Survey and Protection Plan

2. Start of construction of the dwellings permitted shall not take place until the Local Planning Authority has approved in writing a full scheme of works for the delivery of the Sustainable Transport Route from the approved plan Z05008-BCE-02-XX-DR-C-

8002-PL3 Proposed Highway Adoption Plan to the site boundary set out in the approved Outline scheme (Reference HW/PL/04/00302}. The scheme of works shall include:

- (i) A plan showing the proposed design for the bus route connection and demonstrating the physical space and land requirement for the route running to the approved Outline Planning Permission site boundary (HW/PL/04/00302);
- (ii) A verified large scale land survey plan, showing the Outline Planning Permission site boundary (HW/PL/04/00302) and the relevant reserved matters application boundaries;
- (iii) A verified large scale land survey plan showing the freehold ownership / leased land extent and boundaries for New Hall Projects Ltd, Countryside properties and any adjoining owners;
- (iv) Formal confirmation from the Land Registry and all the relevant landowners that the landownership boundaries as indicated under iii) above are agreed as shown; and
- (v) A schedule of when the works will be completed and available for adoption.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

Reason: For the avoidance of doubt, in the interests of planning for sustainable transport and to accord with the outline planning permission for the development and Policies HS3, IN1 and IN2 of the Harlow Local Development Plan, Dec. 2020.

3. The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the approved plans.

Reason: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, Dec. 2020.

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

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

5. Works relevant to the retention and protection of trees proposed within the Arboricultural Impact Assessment and Tree Survey and Protection Documents submitted with this application will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that damage to vegetation identified for retention is avoided, to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and with Policies PL7 and 8 of the Harlow Local Development Plan, Dec. 2020.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order (or as later amended), no extensions, no roof extensions, no other roof alterations (Classes A, B, C and E of Schedule 2 Part A) shall be undertaken without first seeking and receiving permission from the Local Planning

Authority.

Reason: In the interests of residential amenities in accordance with Policy PL2 of the Harlow Local Development Plan HLDP Dec. 2020.

7. Details of the location and appearance of all external Electrical Vehicle Charging Points (EVCs) for all dwellings, including flat blocks, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
Reason: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, Dec. 2020.
8. The development shall not be occupied unless 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 provided for (by design specification and installation of equipment and control measures). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.
Reason: To ensure that the new dwellings minimise impact on the water environment, in accordance with Policy PL11 of the Harlow Local Development Plan, Dec. 2020.

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. Broadband provision:
Harlow Local Development Plan *Policy IN4 Broadband and Development* requires developers to ensure provision of broadband infrastructure. This policy post-dates the outline planning permission for this development and that permission did not anticipate this requirement. For this reason, this matter is subject to an informative, rather than a condition. As a matter of good practice the applicant is requested to make advance provision for broadband at an early stage in implementing the permission and to provide appropriate information for potential residents. This information should include intended provider arrangements and timescales for provision, physical features to be provided such as public and private realm ducting, public realm repair and remedial measures offered in case of installation damage.
3. Highway Authority information:
 - Essex County Council (ECC) (Highway Authority) will not adopt street lighting on shared surfaces.
 - Any trees and non-standard materials/equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

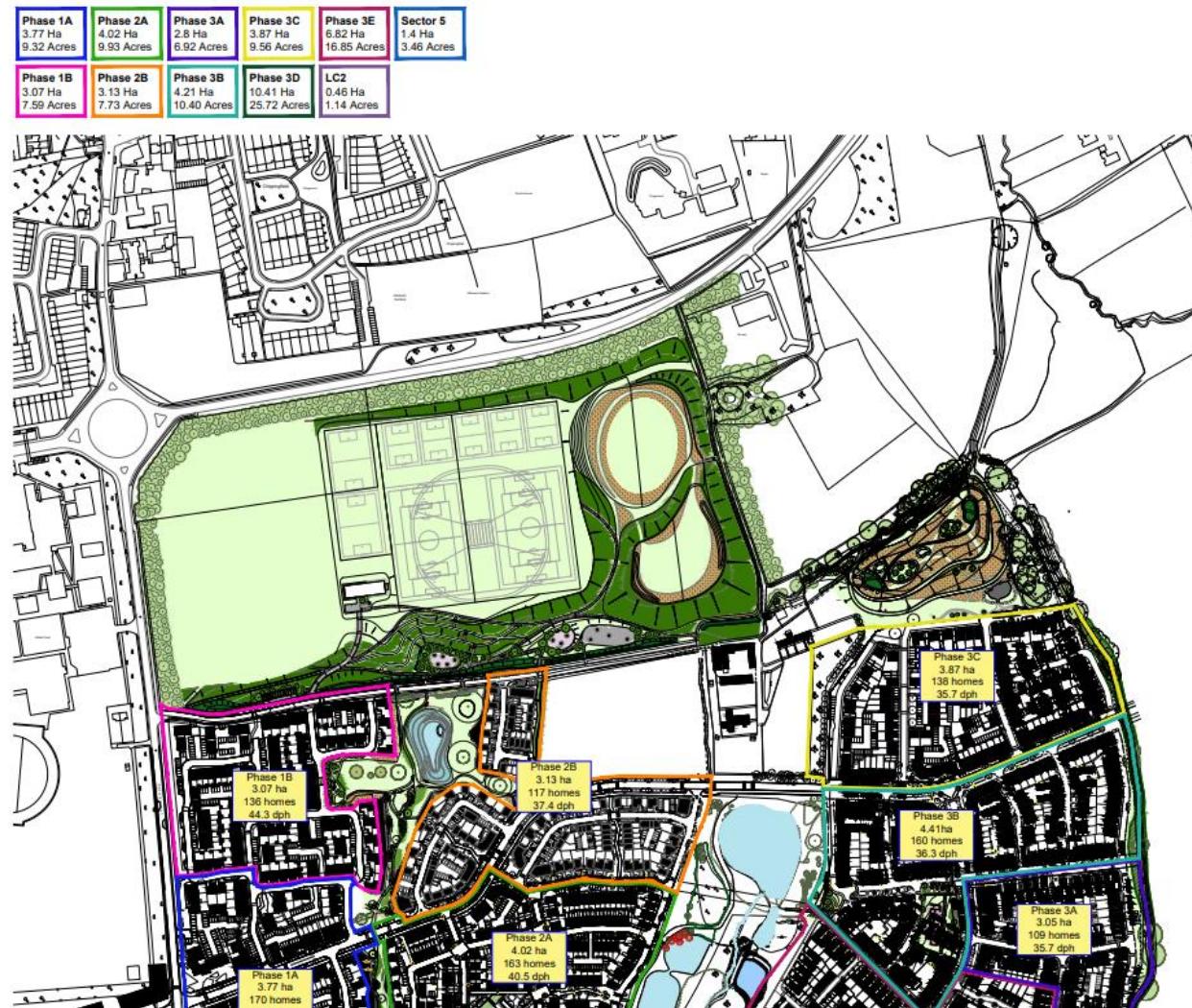
- ECC will not adopt perpendicular visitor parking bays - these will have to be maintained by a management company.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4. Lead Local Flood Authority Information:

- 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 the Lead Local Flood Authority (suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- 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.
- 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.

Appendix 1

Newhall Phase 2 Context Plan (showing overall site layout and development ‘Parcels’ information) (Split to North and South sections)





BB Architects Ltd



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Bolding Hatch Farm
Bishops Stortford Road
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PL1 Issued FOR INFORMATION

23/03/21 ALN

Countryside Properties Central

Date:

Date

project
**Newhall Phases
2 & 3**

Rev. Description
**Countryside & Newhall
Phase Areas Plan**

scale

date

drawn

revision

checked

1:2000@A1

March 2021 ALN

drawing no. 1967 Z05008_FBB_GE_XX_DR_A_328 PL1 ALN

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WITH ALL OTHER RELEVANT ARCHITECTS'
AND STRUCTURAL ENGINEERS' DRAWINGS

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO
COMMENCEMENT OF WORKS AND ANY DISCREPANCIES
ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY

**Newhall Phase 3B
HTA Design**
Phase Density Overlay
04/05/2022

Appendix 2

Parcel CP 3C road layout (proposed adoption plan) showing relationship to spine road / bus link within adjoining Parcel CP 3B



Appendix 3 Legislative definition of reserved matters

'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
(a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

(Source NPPG)