

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
27th September 2022

REFERENCE: HW/REM/20/00255

OFFICER: John Hoad

APPLICANT: Countryside PLC

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

PROPOSAL: 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.

LOCATION PLAN



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Reasons Brought to Committee

The application raises strategic issues and there are two or more objections relating to this proposal.

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 South and West of this location (see Plan at Appendix 1 for site context). The site would be an extension of the existing housing area on land to the Northern end of High Chase (part of the Newhall spine road). To the North is further residential development land in Newhall Phase 2 Parcel CP 3 C which is not yet subject to a reserved matters permission and associated condition discharges (see below).

The site is roughly “L” shaped. It covers an area of 4.3 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. To the Northern and Eastern edges of the site and partly outside the site, there is a surfaced haul road for construction vehicles. To the Eastern boundary there is a field boundary formed by a substantial 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 also appears to fall under separate land ownership / holding arrangements. This has implications for some of the application issues.

Details of the Proposal

The OPP for Phase 2 of Newhall establishes the principle of development for 2,300 dwellings, including parkland and recreation, employment and a local centre envisaged to grow into a neighbourhood centre.

The OPP set up a now well-tried process of reserved matters approvals, condition discharges and planning agreement clause approvals to be progressed by ‘tranche’ (defined as a subdivision of the whole development defined around the Masterplan and spine road network, envisaged as up to 200 dwellings at a time). However, the term tranche has since been used only loosely and ‘phase’ and ‘parcel’ have also been regularly referred to with the same purpose. For this report ‘Parcel’ is used.

This proposal is for approval of all reserved matters other than access, for 160 dwellings (all use class C3 - single household) and associated road layout, car parking, infrastructure works and landscaping on an area of land within this OPP area. Means of access was not reserved in the OPP. However, Condition 22 of that permission does require that all reserved matters applications fix details of the internal access by condition submission and discharge.

The dwellings proposed would be split into 113 houses and 47 flats. Of the Houses: 4, 2-bed; 49, 3-bed and 60, 4-bed are proposed. The flats would be comprised of 15, 1-bed and 32, 2-bed. There is a range of 2, 2.5 (roof space) and 3-storey heights.

There would be 24 affordable homes (15% of the total).

Parking provision would be 1 space for each 1 bed dwelling and 2 spaces for each 2-bed plus dwelling (totalling 290 parking spaces) and 37 visitor spaces including 3 disability access spaces.

The proposed site Layout is based on extension of the Newhall spine road (with bus route

clearway capability and segregated cycle and footpaths) as a 'loop' to connect The Chase / High Chase and Barnfield Way sections centrally through the site. Once the Spine Road loop is complete, it is expected that a bus service will operate in Newhall connecting with the town centre, employment areas and railway station(s).

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

Also, there would be a spine road 'spur' running from Barnfield Way, North-Eastwards, along the Northern boundary of the Parcel, (but also presented as an overlapping proposal in the adjoining Parcel CP 3C application for the land to the North).

This 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.

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.

The Newhall Phase 2 OPP was accompanied by an Environmental Assessment and a Masterplan, both of which must be referenced in assessing reserved matters proposals.

In the OPP reference is made to the Masterplan Drawing Number Ref. 887-036H (dated 11 Mar 2009). See Plan B at Appendix 2 Plan. It should be noted that Condition 19 required permission to be carried out in accordance with the Masterplan, but used a different Drawing Number 887-005 Rev A. The drawing reference in the condition is clearly in error. This is not a significant issue as both versions of the Masterplan show the essential aspects of the development in the roughly the same form.

The OPP permission is also governed by associated planning agreements (The 'Harlow Agreement' and the 'Essex Agreement').

The Harlow Agreement includes provision for matters such as an all-vehicle link road to adjoining land, affordable housing, open space & allotments, local service centres and community centre and health facilities. It also includes reference to the Masterplan which is defined as being Drawing Number 887-036H.

The Essex Agreement, to which Harlow were a party, covers highway works (Sch. 1), public transport services (Sch. 2 & 3) and education (Sch. 4). A bus route plan in the Essex Agreement is shown in Appendix (Plan E) of this report.

In considering this application it needs to be appreciated that reserved matters have not been progressed on some of the land that was included in the OPP (known, and referred to in this report, as 'Hubbards Hall Land' situated to the Southeast of this application site). This land is separately owned from the remainder of Newhall Phase 2. It appears that the originally envisaged cooperation between landowners to achieve comprehensive development, which influenced both the Masterplan and the planning agreements, has not transpired. The owner of the Hubbards Hall Land is no longer able to make a reserved matters application since they are 'timed out' by a condition which required submission within eight years of the grant of the OPP.

Amendments and resubmission

The original application (June 2020) has been subject to amendments in several iterations and respects (albeit all relatively minor). This led 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 by 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	Approved	22.08.2017

	of Application HW/PL/04/00302		
HW/S106/20/00375	Parcel CP3B, Newhall Phase II, London Road, Harlow, Essex - Harlow S106 Agreement, Schedule 3 (A) Affordable Housing	Approved	21.02.2022
HW/CND/17/00297	Application for approval of details reserved by condition 7 (Archaeology) of Application HW/PL/04/00302	Approved	11.08.2017
HW/CND/20/00261	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 in relation to CP3B	Pending consideration	NA
HW/CND/20/00262	Application for approval of details reserved by conditions 4 & 7 (Hard and Soft Landscaping), 12 (External Materials), Condition 18 (Ecological Management Plan) and condition 22 (Energy Reduction) of Planning Permission HW/PL/04/0302 in relation to CP3B.	Pending consideration	NA
HW/REM/20/00218	Approval of reserved matters following outline approval (reference HW/PL/04/00302) for the erection of 138 residential units at Phase CP3C	Pending consideration (Reported on elsewhere on the agenda for 17.08.22 Committee meeting)	NA
	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		

Application relationships

The site plan and design for the adjoining Parcel CP 3C 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, with this report coming first. Some cross references are made within the reports and not all detailed information is repeated in the CP 3C report.

CONSULTATIONS

Internal and external Consultees

Summary / edited on presentational points only.

Internal:

HDC Senior Landscape Officer

Concerns that landscaping scheme tree planting proposals, including species choices, should be reviewed to maximise long term health prospects of trees planted.

May 2022 amendments re-consultation:

Confirms previous comments.

{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 Arboricultural Consultant

The arboricultural impact assessment shows the effects on trees within this section of the development is minimal. There should be no major incursions in root protection areas, and that most works should easily avoid conflict if tree protection discussed in the report is applied throughout the site.

The access for construction is mentioned as having a potential effect on the trees which are outside the site boundary, but for access reasons may be affected..... (trees in the eastern hedgerow beyond the application site boundary). Ground protection should be used for any trees outside the site boundary if the site traffic is to pass within root protection areas.

The landscaping details including the landscape statement, planting plan, and landscape management and maintenance plan in relation to trees are of suitable quality, with no objections to the plans set out within them.

May 2022 amendments re-consultation:

Confirms previous comments.

The reserved matters can be approved if the development adheres to the details within the

Arboricultural Impact Assessment and associated plans in relation to existing trees and proposed landscaping.

HDC Cleansing and Environment

All blocks now show a designated route from the stores to the refuse collection vehicle..... and are within acceptable distances.

May 2022 amendments re-consultation:

Confirms previous comments.

Note: reference is made to some minor details that could be improved, but these are not requirements.

HDC Environmental Heath

Note need for control of working hours

(Officer Comment - this is set within the outline permission conditions. This states:

No construction work shall be carried out on the site at any time on Sundays or public holidays, or before 8.00 a.m. or after 6.00 p.m. on Monday to Friday, or before 8.30 a.m. or after 2.00 p.m on Saturdays. REASON: To ensure that the proposed construction works do not prejudice the amenity of neighbouring residents).

HDC specialist advisors on drainage (JBA Consultancy)

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 by several fields, the impact by the proposed to its setting is negligible. The Old Harlow 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, there is no need to consider the proposed development to harm the setting or significance of the Conservation Area. To the north of the site is the Scheduled Monument, Bowl Barrow (list entry number: 1017474). As there will remain another parcel of development and a field between the sites, there would be no impact upon the setting of the designated heritage asset. To the South-East is Hubbard's Hall, Grade II listed (list entry number: 1123949), which has views across to the site, however this would not detract or harm the significance of the designated heritage asset. Furthermore, a robust landscaping scheme has been provided which will help in mitigating the impact of the development. To conclude....no objection.

May 2022 amendments re-consultation:

Confirms previous comments.

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

The application is considered to provide a well thought out layout with good connectivity that

responds well to the wider Newhall development. The approach to architecture and design creates a responsive proposal which addresses many of the principles of the wider development.

Layout and Detailing

The layout is constrained by the irregularly shaped site and the location of key connectivity features such as the spine road and area of green space. It is clear that blocks have been designed in response to this and the layout generally works well with the creation of a clear hierarchy of spaces and street types.

Where the site meets the neighbouring northern development parcel (CP3C) the shared space area on the spine road aims to create a key feature space. This is accomplished on the CP3B side of the shared space as there are areas of landscaping in front of the apartment blocks and the landscaping separation between the footpath and the road space. However, the northern boundary of this shared space and the neighbouring CP3C apartment block does not have any landscaping separation apart from trees. To achieve a well-defined and balanced space it would be recommended to see the same landscaping approach replicated on the northern side of the shared space.

(Report Note: The northern side is within the CP3C application site; this issue is addressed in that application)

In accordance with the Essex Parking Standards, parking courts need to be designed carefully to ensure they are overlooked and have direct access. They must be high quality in design terms and have a sense of place and feel secure, to encourage ownership. It is therefore suggested that where timber fencing is proposed at parking court boundaries, high quality brick wall boundary treatment should be used in a similar way to boundaries facing the public realm. Landscaping treatment at parking court boundaries should also be used to provide separation and help improve the quality of the spaces.

To ensure the dwellings become high quality spaces to live, space should be provided for features such as private amenity and flexible home working. It is encouraged that space for desks should be incorporated into internal layouts and private amenity space should be provided. Justification should be provided as to why private amenity space is not provided for all dwellings, for example, no landscaped space is provided for Block R and the proposals do not include Juliet Balconies in accordance with the design proposals for other apartment blocks.

Design and Materiality

The house types and design elevations fit the context of the wider Newhall development and there is sufficient variety of building lines, roofs and materiality to create a legible and interesting development.

It is good to see a clearly defined hierarchy of streets, with different design aspects and treatments for the spine road, secondary streets and mews.

Sustainable Design

To ensure future proofing of the development, electric vehicle charging points should be incorporated into the design proposals, particularly for shared parking court areas. Additional sustainable design features such as garden water butts should also be considered.

Urban Design raise no issues except that 1m should be left between parking spaces in the

parking court, flats should be provided with some private amenity space and / or Juliet balconies and sustainable measures should be integrated into the design, including electric vehicle charging points.

May 2022 amendments re-consultation:

Acknowledge improvements arising from amendments.

The design proposal has made positive changes and the revised layout is generally considered to be of a high standard. We welcome the revisions to ensure private amenity space for all dwellings, increase the size of private amenity space and provide communal amenity space. The increase in areas of parking dominance, breaking up of the continuous frontage to High Chase and revisions to the parking strategy are offset by the benefits to private amenity provision. However, the landscaping should be retained where possible, particularly to the rear of Plot 004. To enhance the design quality of the site, further design refinement could be considered to maintain the continuous frontage to High Chase, reduce areas of parking dominance and balconies could be further integrated within Block M and P.

External:

Essex County Council - Highways

No objections following technical amendments to detailed design. Confirm that the spine Road is suitable for bus use. 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.

No objection, but advice provided on standard conditions and informatives.

May 2022 amendments re-consultation:

Confirm previous comments.

Thames Water (surface and foul water drainage)

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

May 2022 amendments re-consultation:

No objection, but reference to standing advice.

Essex County Council Place Services – Archaeology

Parcel CP3B has been partially excavated. The discovery of a Roman villa has necessitated a redesign of the scheme in order to avoid impacting on the villa itself, which has been reburied. The design and methodologies used for the 'Roman Villa Park' have been discussed with ourselves and we support the proposed solution. The remainder of the archaeological site requires the completion of the excavation phase and the putting in place of a programme of post-excavation analysis and publication before development can proceed.

May 2022 amendments re-consultation:

Confirm previous advice.

Secured by Design (Essex Police)

No concerns with proposed layout.

Need finer details such as physical security measures, and details for the apartment blocks such as mail delivery and visitor and entry systems before policycan be (fully) satisfied in respect of crime prevention through design. The developer is recommended to contact the Secured by Design (SbD) officers to discuss further in order to seek to achieve the SbD 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 £78,990 should be made to provide additional facilities.

Detailed justification provided.

Neighbours and Additional Publicity

Number of Letters Sent: 70

Total Number of Representations Received: 2

Date Site Notice Expired: 24 July 2020

Date Press Notice Expired: 23 July 2020

Amendments Re-consultation May 2022

Number of Letters Sent: 70

Total Number of Representations Received: 0

Date Expired: 6 June 2022

Summary of Representations Received

The following concerns were raised:

- Lack of green space both within development site and generally across the whole of Newhall
- The application site should provide green space and out-door space for adjoining existing occupiers as space is limited in Newhall
- Limited provision of trees, shrubs and hedges
- Insufficient parking spaces resulting in on street parking to the detriment of people trying to use off street parking spaces
- Increased cars will cause congestion at school drop-off and pick-up times as there is no parking for the existing school
- Public transport has yet to be provided on The Chase / High Chase
- Construction traffic should use separate road rather than a residential access
- Construction / works delivery times are not being met
- Unacceptable noise and dust during construction, especially for those working from home
- Existing temporary (Heras) boundary fencing is broken and dangerous
- There are no amenities, pharmacies or GP surgeries
- Above issues reduce house prices / values

PLANNING POLICY

National Planning Policy Framework (NPPF) 2021

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 PPG 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 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
- Amenity of local residents

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, 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 CP3C (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 way the buildings, open space and all the movement routes (both the spine road / bus route with cycleway and footpath and secondary residential street hierarchy) are provided and situated (i.e. laid out) within the Parcel (phase).

Layout must therefore be determined with reference to the overall strategic access arrangements set in the OPP and the permitted or proposed *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 road designs is also relevant to *layout*. Therefore, this matter overlaps with relevant condition discharge requirements described above.

The application proposals include an extension of the Barnfield Way and High Chase spine road route (loop) through the site, as well as its extension North-Eastward along the Northern boundary of the application site (abutting the adjoining Parcel CP3 C). 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 CP3 C 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 3C), the proposals require detailed scrutiny in respect of the strategic access implications arising from the proposed *layout*.

Parcels CP 3B (and C) 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 3C) 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. This is an important policy issue in achieving comprehensive and effective use of housing land (HLDP Policy HS3 (d)).

The application is based on the indicative bus link route shown as part of the Essex planning Agreement. The consequences of this must be recognised as this application finally determines route choice and all associated planning implications. The submitted Essex

Agreement based layout clearly cannot achieve the strategic access connection as set out in the approved Masterplan. Indeed, it would prevent the connection being made as envisaged therein. This is because the proposed spine road alignment through the site is on a South Westerly / North Easterly axis, creating a connection point to the adjoining land which is different to that required in the Masterplan. In the Masterplan the route was to run South Eastwards with a connection further south, running directly into the Hubbards Hall Land at its Northern-Western side and then onwards into the heart of the proposed East of Harlow residential area.

The result of permitting the spine road and main bus / pedestrian / cycle route as proposed would be that it must run well away from the future residential areas it is intended to serve. This inevitably harms bus route penetration of planned future residential. To reach the spine road route and its high-quality foot / cycle paths, users would have to travel further.

The proposed route would be at least 150m further away from the most Northerly homes in the Hubbards Hall Land that it should pass and serve. Any new direct pedestrian / cycle connection would need to be through a HLDP Green Wedge (see Appendix 2 Plan C). This would have to be on a purpose-built utility foot and cycle path designed and lit for night-time use.

Purely in distance terms, the situation is less good when bus penetration to the Hubbards Hall Land and East of Harlow is considered across the whole area. From the centre point of Hubbards Hall Land the distance to the route would be at least 500m.

Alternative pedestrian and cycle routes North-Westwards through the built-up area of Newhall to the STC would be available but will not be as direct.

The consequences are different according to each user:

- Pedestrians and utility cyclists would not readily divert in this way to reach the STC route. They would most likely find alternative 'back-street' routes through existing or fully permitted areas of Newhall. This will happen to an extent anyway, but the more it does, the less is the value in the segregated safer facilities on the main STC spine route (Barnfield Way) with its connections northwards, to employment, service, school and education facilities and the Town Centre. This was not the Masterplan intent.

This would not be quite so problematic if there were a prospect of good connections from Hubbards Hall Land through to the housing areas to the west. It is not evident that either the Masterplan or the implemented detailed layout for 'existing' Newhall have accommodated that potential desire line well.

On most of the ownership boundary line, there is currently a physical road layout and landscape barrier, reinforced by the land ownership division, meaning there is no way through to the remainder of Newhall. This will remain long term. The only possible connection point is to Round House Way, which reflects the Masterplan. Round House Way is a secondary street suitable for pedestrian and cycle usage and would allow for a safer walk and cycle route through to the Spine Roads. This would have to be taken as a connection 'opportunity' only in detailed planning of the Hubbards Hall land. There is an existing, footpath only, public right of way through to the west of the hedgerow / ownership boundary, but it does not continue to the developed area itself. There is no planning agreement to ensure a planned connection in this location, so it is likely that an ownership 'barrier' with no cycle use right of way will remain. The position makes retention of the single planned connection on the northern edge of the Hubbards Hall land or securing a suitable modification of the

planned foot and cycle connections, very important for these users. Implementing the Masterplan as intended was an attempt to address this as far as possible. Realistically, it seems unlikely that significant layout modification can be achieved at this late stage of planning.

- The position with bus access is more serious. Though it is possible that detailed planning of Hubbards Hall Land and East of Harlow developments may allow for some, low frequency, slower connecting bus services penetrating further south within Hubbards Hall Land, it is inevitable that the main faster, more direct, higher frequency services (and certainly any new HGGT Bus Rapid Transit) would only be available on the main Barnfield Way route. This means a much longer and less convenient walk, or, if slower local bus services are being used for part of the journey, an inconvenient interchange.

Also, the proposed route would, pass directly into and through a Green Wedge, which whilst less desirable does not preclude development in its entirety.

Overall, the application proposals are not those expected in the Masterplan and access and layout proposals do not accord as well as Officers would have preferred with the Districts adopted Local Plan.

Despite this, there is one significant point in the planning history that acts against any attempt to insist on Masterplan compliance in respect of this strategic access issue. The Essex Agreement includes an *'indicative'* strategic bus route plan that shows the route now favoured by the applicant (see Appendix 2 Plan E). Unfortunately, the existence of this plan means that it is possible to argue that there are two alternative strategic bus routes already accepted by the Local Authorities. Clearly this position is less than ideal and it now causes difficulty in considering the application.

For the reasons set out above the Essex Agreement route is clearly sub-optimal in terms of both practical operation of buses and for the concept of the STC. Nevertheless, it is the Essex Agreement that specifically provides the mechanism to secure the bus route connection to nearby / adjoining land. The Agreement on this is based on Highway adoption of the bus route / link and is enforceable by the County Council as Highway Authority. The County has not made a formal consultation response on this strategic bus access aspect of the application, but it is understood that they are content that they can achieve an acceptable bus connection on the Essex Agreement route.

The applicant contends:

- The submitted layout complies sufficiently with what they see as an illustrative only Masterplan and;
- The Essex Agreement Plan, which they have worked to, is ultimately definitive.

The applicant also state that the topography of the site and boundary tree and vegetation constraints make construction of the Masterplan route to the Hubbards Hall Land more difficult in engineering terms and thus costly. It is also claimed that it would damage residential layout quality (especially on level pedestrian and wheelchair access to dwellings). The applicant envisages increased environmental impacts in respect of routing through the boundary hedgerow and trees. They suggest that the strategic access implementation matters under relevant planning obligations are not their concern, but the responsibility of Newhall Projects (the 'master developer' and freehold landowner who is party to the planning agreements. Countryside properties are merely a lease holding housebuilder working to deliver much need new homes under lease covenants to Newhall Projects).

The applicant does not say the Masterplan route cannot be achieved. Indeed, changes of level in an estate layout are common and can add visual interest. The proposed layout already has some noticeable level changes. Dwelling entrance levels from roadways can still be designed in detail with acceptable levels. It is not clear that the Masterplan connection point will necessarily involve a greater loss of valuable trees and hedgerow, but if it does then this could be seen as a necessary consequence of meeting the essential transport objectives of the Masterplan.

These matters are of considerable importance to the final outcomes in terms of Newhall and East of Harlow comprehensive development and strategic access. There are clearly some outstanding questions and concerns.

However, the existence of the Essex Agreement *indicative* (alternative) route plan, along with the County Council's position as Highway Authority means that it would be difficult to refuse the application on these issues.

Note on implementation of the Essex Agreement bus route connection

If the *layout* proposed in this application is approved, the planning and highway authorities will have to work with the applicant and relevant landowners to implement the bus connection on the Essex Agreement indicative route. This connection will become a crucial part of the HLDP future STC.

It is reasonable to expect that, as part of the Parcel CP3 B and C reserved matters applications, the applicant will work with Newhall Projects Ltd and other relevant parties to provide full supporting information about how the final parts of the strategic access proposals can be fully implemented.

This supporting information is:

- (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.

This information is important to show how both the specific terms of the Essex Agreement on relevant matters and its overall intent (a cross landownership boundary bus route), can be fulfilled). The information would also ensure a complete planning permission exists for the bus link, by approval of a scheme covering any area between the eastern boundaries of this application and OPP site boundary and full bus link design and related engineering and landscape works for the route through the field boundary hedgerow within this area.

This information has been requested during consideration of the reserved matters applications, but not so far provided. It is therefore subject to a recommended condition on any permission granted.

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 HLDP guidelines on mix (HLDP Policy H6).

Dwelling Size / Type Mix Analysis (% rounded):

Bed size	Dwelling Totals	Detached	Semi - detached (including garage linked forms)	Terraced	Flat	Totals	HDLP guidance on size mix Comparison
1	15 (9%)	0	0	0	15	15	7%
2	36 (22%)	0	2	2	32	36	25%
3	49 (31%)	3	40	6	0	49	66%
4	60 (38%)	13	42	5		60	2%
Totals	160 (100%)	16 (10%)	84 (53%)	13 (8%)	47 (29%)	160 (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, 62% of the dwellings are to be 1 to 3 bed units.
- However, there is still a very high proportion of larger, 4 bed, dwellings (38%), meaning the overall size mix is not particularly appropriate for local housing needs. This is probably market sales driven.
- There is a very low proportion of terraced dwellings
- Net density is low 'suburban', at 36 dwellings per hectare (160 dwellings on 4.14 Ha = 36.3 dph). 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.

- 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 160 dwellings, 24 would be provided as affordable dwellings, with 3 being 3-bed houses and the remainder (21) being 2-bed houses (4) and flats (17). The flats would be 2 'flat over garage' (FoG) units and the remainder would be provided in the larger blocks fronting High Chase. The houses are proposed in the north-west part of the site in the mid-central block either side of an access road.

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 (HDLP 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 continues 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.

The Council's urban design advice supports this analysis.

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 sections to either side of the High Chase Extension and then a section to the South-West part of the site. Relationships with other approved and proposed future land parcel designs are appropriate.

The archaeological site, retained as a local open space (see below), is well integrated with the layout.

Buildings have been positioned such that there would be 'landmark' wayfinding blocks to the key street corners and an attractive tree-lined frontage to the High Chase / Barnfield Way spine road sections. The layout sits within, and relates well to, the structural open space to the east and the trees and hedgerow on the eastern boundary (but see above on strategic access).

The layout takes account of topography with its slopes (see above on applicant's conclusions about topography and strategic access).

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.

Parking is successfully accommodated on plot and in both on street bays and parking courts with blocks, though it is quite visually dominant on frontages. Reduced parking (in the HGGT context) 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, a Newhall structural open space to the West (New Pond Spring).

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

For this Parcel there are special considerations in respect of local communal amenity open space within the layout. Provision is concentrated on the site of a Roman home (small villa) explored and recorded in the pre-development archaeological dig. This is situated in the South-Western section of the site and its location and size determines the main amenity space provision. This approach preserves the remains. The landscaping design (see below) interprets and recognises the archaeological interest of the area. This is an attractive feature creating local character and distinctiveness.

There would be incidental amenity space in the verges / tree-lined frontages to the Barnfield Way / High Chase spine road extension Eastwards and North /South, together with tree-lined streets to the eastern and western boundaries. A substantial number of trees would be planted as part of the landscape scheme. This 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

Details of *layout* are not fully in accord with the Council's Design Guide and Addendum standards. This position is heavily influenced by the chosen housing type, size mix and densities (see above).

Spacing of dwellings

Separation / overlooking distances between main elevations / windows generally meet the standard (18m). There are only minor instances where back-to-back relationships are rather tight (e.g. Plots 110-11 and 116-117). 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 124-125. 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.

Layout ensures that no dwelling would be unreasonably over-shadowed by another.

Private amenity space (gardens)

The density of the development, car parking space requirements and the preponderance of larger detached and semi-detached / linked house type seriously limits space and design options for provision of private amenity space (gardens).

Garden sizes for houses vary greatly, but generally are quite small. Many 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, some of the spaces around flats are very small or too poorly located and configured to provide useable private 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. 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 10,000 sq.m. The proposal provides approximately 7,900 sq. m. (80% of standard). This includes an increase of approximately 550 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 many 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 70%).

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 typically under 10 sq. m. (50% provision).

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 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 cannot be enclosed (impractical due to size, visually intrusive and probably prevented under property covenants). 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 home play, 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.

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 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. They certainly do not seek to prevent high density residential development.

In this case, though the design is substandard with 70% 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 direct consideration for this application. This is also a separate matter from the role of private gardens, but it is relevant context to the conclusions drawn above. Newhall has good provision, both of large-scale structural space and within the housing areas, for local amenity and play.

This Parcel is not so well located as some others for access to structural open space. The 'internal' layout open space (areas outside curtilages such as the tree-lined road verges) is about 1,500 sq.m. This is in addition to the 'Roman Villa Park' (approximately 2,500 sq.m.) and the Terrace Park to the western boundary, though this serves a wider area (approximately 800 sq.m.). It is questionable as to whether incidental amenity space in streets should count as open space, but the overall internal public open space provision is satisfactory. It meets the HLDP Policy L1 / Green Infrastructure and Public Open Space SPD (2022); with approximately 0.5 Ha provided against 0.38 Ha estimated standard requirement.

Parking

Parking is a significant determinant of layout detail. Parking is provided generally to standard (345 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 are 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 roads where a 'clearway' for public transport is required.

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 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 generally good road access for a refuse vehicle (subject to the local - largely private - management arrangements for parking control). Despite amendments, some aspects of the design details may not be ideal, but the arrangements proposed are sufficient.

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 considered to be acceptable on balance.

Scale

The proposals are for predominantly 2 storey dwellings with some 2.5 (roof space) / 3 storey houses and flat blocks of up to 3 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 of the houses and to the habitable rooms of the flat 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.

It is considered that *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).

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 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 the area affected by 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 3C, 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 planting being undertaken in accordance with the AIA and a related method statement required under OPP Condition (7).

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

There are some specific issues:

- The proposed use of fencing to enclose the parking courts is not ideal due to vulnerability to vehicle impact. Masonry walls are to be preferred. The applicant is not willing to address this as they are applying an approach / specification common in Newhall parking courts.
- Some existing trees in the eastern hedgerow may be adversely affected or compromised by construction access / works, or in the longer term, but this cannot be fully considered until the strategic access issues are planned in detail.

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 with trees.

To recognise the historic buried structure, the 'Roman Villa Park' will be planted with a patterned layout of low-level plants. This is a welcome feature.

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.

Archaeology is an important consideration.

Condition 17 of the OPP required a written scheme of investigation and implementation of a programme of archaeological work (Condition discharged under approval reference HW/CND/17/00297). Building remains have been discovered - a small Roman Villa. Archaeological works were undertaken and it was agreed to retain the archaeology in situ.

This feature is recorded and protection measures are established in relevant archaeological documents prepared under the discharge decision. There will be a construction exclusion zone around the area and it will be retained as an amenity open space.

Specialist archaeological advice (ECC Place services) confirms that this application requires no further archaeological actions.

Future awareness and interpretation of the villa site is well dealt with in the detailed open space and landscaping proposals, as described above.

Highway safety, parking and servicing

The strategic access layout points are considerations for both the Local Planning Authority and the Highway Authority as noted above.

This issue relates to detailed highway matters only, which are subject to Highway Authority consultee comment.

Essex County Council as Highway Authority initially raised some concerns relating to highway safety issues, but these have been addressed in amended plans. Technical matters of road layout, specification and turning space are now all 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 HGGT 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.

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 is 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 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 concerns on flooding or drainage.

Amenity of local residents

There are several objections to the proposals from occupiers of existing homes within adjoining developed parts of Newhall (to the South).

Matters raised mainly concern environmental impacts arising from nearby construction. To a large extent these impacts are inevitable for a new residential area, but temporary, and are being managed appropriately.

Condition 11 of the OPP restricts the construction hours and Condition 15 requires the use of wheel washing equipment to provide clean access roads.

It is not possible regard these matters as material to this application.

Aspect of the comments relate to general Newhall community facility and service provision matters and related design and management issues such as open space provision and parking strategy. These are issues mainly already decided in the OPP and in detailed plans for previously permitted parcels. However, generally, some issues apply to consideration of this proposal. Specific points raised by nearby residents that are relevant to this application are addressed in various aspects of this report.

It is fair to acknowledge concerns over the time it is taking to make some estate wide facilities and services available (such as a community building and playing pitches and buses) This is a common issue on new estates due to viability of provision on a part developed estate. The Council is making efforts to encourage provision, but the planning legal agreements covering this are limited in effect.

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, which is considered to be a valid option. 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 be consistent (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 04.05.22 HDC registration dates 09 and 10.05.22)

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 04.05.22 HDC registration dates 09 and 10.05.22)

Z05007_HTA_GE_XX_DR_A_001 PL3 Location Plan
Z05007_HTA_GE_XX_DR_A_002 PL3 Existing Site Plan
Z05007_HTA_GE_XX_DR_A_010 PL6 Ground Floor Plan
Z05007_HTA_GE_XX_DR_A_011 PL6 Site Layout - Roof Plan
Z05007_HTA_GE_XX_DR_A_012 PL6 Proposed Unit Types Location Plan
Z05007_HTA_GE_XX_DR_A_013 PL6 Proposed Plot Reference
Z05007_HTA_GE_XX_DR_A_015 PL6 Proposed Tenure Location Plan
Z05007_HTA_GE_XX_DR_A_016 PL8 Proposed Refuse Strategy Plan
Z05007_HTA_GE_XX_DR_A_017 PL6 Proposed Materials Strategy Plan
Z05007_HTA_GE_XX_DR_A_018 PL6 Proposed Car Parking Strategy Plan
Z05007_HTA_GE_XX_DR_A_019 PL6 Proposed Cycle Storage Strategy Plan
Z05007_HTA_GE_XX_DR_A_020 PL6 Proposed Boundary Treatment Plan
Z05007_HTA_GE_XX_DR_A_021 PL6 Proposed PV Panels Plan
Z05007_HTA_GE_XX_DR_A_022 PL6 Proposed Unit Size
Z05007_HTA_GE_XX_DR_A_023 PL1 Proposed External Amenity Area
Z05007_HTA_SS_P_DR_A_050 P3 Substation Location Plan
Z05007_HTA_HT_FOG1_P_DR_A_100 PL3 FOG 01 Plans
Z05007_HTA_HT_FOG2_P_DR_A_101 PL4 FOG 02 Plans
Z05007_HTA_HT_FOG3_P_DR_A_102 PL3 FOG 03 Plans
Z05007_HTA_HT_FOG4_P_DR_A_103 PL3 FOG 04 Plans
Z05007_HTA_HT_H301_P_DR_A_104 PL4 House Type 301 Plans
Z05007_HTA_HT_H313_P_DR_A_105 PL3 House Type 313 Plans
Z05007_HTA_HT_H314_P_DR_A_106 PL4 House Type 314 Plans
Z05007_HTA_HT_H315_P_DR_A_107 PL3 House Type 315 Plans
Z05007_HTA_HT_H402_P_DR_A_110 PL3 House Type 402 Plans
Z05007_HTA_HT_H404_P_DR_A_111 PL3 House Type 404 Plans
Z05007_HTA_HT_H414_P_DR_A_120 PL3 House Type 414 Plans - Sheet 1
Z05007_HTA_HT_H414_P_DR_A_121 PL3 House Type 414 Plans - Sheet 2
Z05007_HTA_HT_H433_P_DR_A_114 PL4 House Type 433 Plans
Z05007_HTA_HT_HDEE_P_DR_A_109 PL3 House Type Dee Plans
Z05007_HTA_HT_HDUN_P_DR_A_108 PL3 House Type Dunham Plans
Z05007_HTA_HT_HIRW_P_DR_A_115 PL3 House Type Irwell Plans
Z05007_HTA_HT_HWEA_P_DR_A_116 PL4 House Type Weaver Plans
Z05007_HTA_B_FB01_P_DR_A_140 PL4 Flat Block M - Ground Floor Plan
Z05007_HTA_B_FB01_P_DR_A_141 PL4 Flat Block M - First Floor Plan
Z05007_HTA_B_FB01_P_DR_A_142 PL4 Flat Block M - Second Floor Plan
Z05007_HTA_B_FB01_P_DR_A_143 PL4 Flat Block M - Roof Plan

Z05007_HTA_B_FB01_P_DR_A_145 PL2 Flat Block P - Ground Floor Plan
Z05007_HTA_B_FB01_P_DR_A_146 PL2 Flat Block P - First Floor Plan
Z05007_HTA_B_FB01_P_DR_A_147 PL2 Flat Block P - Second Floor Plan
Z05007_HTA_B_FB01_P_DR_A_148 PL2 Flat Block P - Roof Plan
Z05007_HTA_B_FB02_P_DR_A_150 PL3 Flat Block L - Ground Floor Plan
Z05007_HTA_B_FB02_P_DR_A_151 PL3 Flat Block L - First & Second Floor Plans
Z05007_HTA_B_FB02_P_DR_A_153 PL3 Flat Block L - Roof Plan
Z05007_HTA_B_FB03_P_DR_A_160 PL3 Flat Block Q - Ground Floor Plan
Z05007_HTA_B_FB03_P_DR_A_161 PL3 Flat Block Q - First & Second Floor Plans
Z05007_HTA_B_FB03_P_DR_A_163 PL3 Flat Block Q - Roof Plan
Z05007_HTA_B_FB04_P_DR_A_170 PL3 Flat Block R - Ground Floor Plan
Z05007_HTA_B_FB04_P_DR_A_171 PL3 Flat Block R - First & Second Floor Plans
Z05007_HTA_B_FB04_P_DR_A_173 PL3 Flat Block R - Roof Plan
Z05007_HTA_HT_FOG1_E_DR_A_200 PL3 FOG 01 - Elevations Sheet 1
Z05007_HTA_HT_FOG1_E_DR_A_201 PL3 FOG 01 - Elevations Sheet 2
Z05007_HTA_HT_FOG2_E_DR_A_202 PL4 FOG 02 - Elevations Sheet 1
Z05007_HTA_HT_FOG2_E_DR_A_203 PL4 FOG 02 - Elevations Sheet 2
Z05007_HTA_HT_FOG3_E_DR_A_204 PL3 FOG 03 - Elevations Sheet 1
Z05007_HTA_HT_FOG3_E_DR_A_205 PL3 FOG 03 - Elevations Sheet 2
Z05007_HTA_HT_FOG4_E_DR_A_206 PL3 FOG 04 - Elevations Sheet 1
Z05007_HTA_HT_FOG4_E_DR_A_207 PL3 FOG 04 - Elevations Sheet 2
Z05007_HTA_HT_H301_E_DR_A_210 PL2 House Type 301 – Elevations
Z05007_HTA_HT_H301_E_DR_A_211 PL4 House Type 301 – Elevations
Z05007_HTA_HT_H313_E_DR_A_212 PL3 House Type 313 – Elevations
Z05007_HTA_HT_H314_E_DR_A_213 PL4 House Type 314 – Elevations
Z05007_HTA_HT_H315_E_DR_A_214 PL3 House Type 315 - Elevations Sheet 1
Z05007_HTA_HT_H315_E_DR_A_215 PL3 House Type 315 - Elevations Sheet 2
Z05007_HTA_HT_H402_E_DR_A_218 PL3 House Type 402 - Elevations Sheet 1
Z05007_HTA_HT_H402_E_DR_A_219 PL3 House Type 402 - Elevations Sheet 2
Z05007_HTA_HT_H404_E_DR_A_220 PL3 House Type 404 - Elevations Sheet 1
Z05007_HTA_HT_H404_E_DR_A_221 PL3 House Type 404 - Elevations Sheet 2
Z05007_HTA_HT_H414_E_DR_A_232 PL3 House Type 414.1 - Elevations Sheet 1
Z05007_HTA_HT_H414_E_DR_A_233 PL3 House Type 414.1 - Elevations Sheet 2
Z05007_HTA_HT_H414_E_DR_A_234 PL3 House Type 414.2 - Elevations Sheet 1
Z05007_HTA_HT_H414_E_DR_A_235 PL3 House Type 414.2 - Elevations Sheet 2
Z05007_HTA_HT_H433_E_DR_A_224 PL3 House Type 433.1 – Elevations
Z05007_HTA_HT_H433_E_DR_A_225 PL4 House Type 433.2 – Elevations
Z05007_HTA_HT_H433_E_DR_A_226 PL2 House Type 433.3 – Elevations
Z05007_HTA_HT_HDEE_E_DR_A_230 PL3 House Type Dee Elevations 1
Z05007_HTA_HT_HDEE_E_DR_A_231 PL3 House Type Dee Elevations 2
Z05007_HTA_HT_HDUN_E_DR_A_216 PL3 House Type Dunham Elevations
Z05007_HTA_HT_HIRW_E_DR_A_228 PL3 House Type Irwell – Elevations
Z05007_HTA_HT_HWEA_E_DR_A_236 PL4 House Type Weaver 1 – Elevations
Z05007_HTA_HT_HWEA_E_DR_A_237 PL3 House Type Weaver 2 – Elevations
Z05007_HTA_B_FB01_E_DR_A_240 PL4 Flat Block P - Front Elevations
Z05007_HTA_B_FB01_E_DR_A_241 PL4 Flat Block P - Side and Rear Elevations
Z05007_HTA_B_FB01_E_DR_A_245 PL2 Flat Block M - Front Elevations
Z05007_HTA_B_FB01_E_DR_A_246 PL2 Flat Block M - Side and Rear Elevations
Z05007_HTA_B_FB02_E_DR_A_250 PL3 Flat Block L - Front Elevation
Z05007_HTA_B_FB02_E_DR_A_251 PL3 Flat Block L - Front and Rear Elevations
Z05007_HTA_B_FB02_E_DR_A_252 PL3 Flat Block L - Rear Elevation
Z05007_HTA_B_FB03_E_DR_A_260 PL3 Flat Block Q - Front Elevation
Z05007_HTA_B_FB03_E_DR_A_261 PL3 Flat Block Q - Front and Rear Elevations
Z05007_HTA_B_FB03_E_DR_A_262 PL3 Flat Block Q - Rear Elevation
Z05007_HTA_B_FB04_E_DR_A_270 PL3 Flat Block R - Front Elevation

Z05007_HTA_B_FB04_E_DR_A_271 PL3 Flat Block R - Rear Elevation
 Z05007_HTA_B_FB04_E_DR_A_272 PL3 Flat Block R - Side Elevations
 Z05007_HTA_GE_XX_E_DR_A_500 PL4 Street Scene Elevation A
 Z05007_HTA_GE_XX_E_DR_A_501 PL4 Street Scene Elevations B and C
 Z05007_HTA_SS_E_DR_A_301 PL2 Substation Elevations
 Z05007_HTA_B_FB01_P_DR_A_940 PL4 Refuse Strategy – Flat Block M
 Z05007_HTA_B_FB01_P_DR_A_945 PL2 Refuse Strategy – Flat Block P
 Z05007_HTA_B_FB01_P_DR_A_950 PL4 Refuse Strategy – Flat Block L
 Z05007_HTA_B_FB01_P_DR_A_960 PL4 Refuse Strategy – Flat Block Q
 Z05007_HTA_B_FB01_P_DR_A_970 PL4 Refuse Strategy – Flat Block R
 11450-PH3B-8001 PL05 Proposed Road Plan Geometry & Visibility
 11450-PH3B-8002 PL05 Highway Adoption Plan
 11450-PH3B -8003 PL05 Adoptable Kerbing & Surface Materials
 11450-PH3B -8004 PL05 Highway Contours & Target Road Levels
 11450-PH3B -8005 PL05 Foul & Surface Water Drainage Strategy
 11450-PH3B -8006 PL05 Proposed Street Lighting
 11450-PH3B -8007 PL02 Highway Construction Details
 11450-PH3B -8008 PL02 Tree Pit Details
 11450-PH3B -8009 PL02 Vehicle Swept Path Analysis 1 of 3
 11450-PH3B -8010 PL03 Vehicle Swept Path Analysis 2 of 3
 11450-PH3B -8011 PL02 Vehicle Swept Path Analysis 3 of 3
 11450-PH3B -8012 PL01 Parking Bays & Visibility Splays
 20-15263-1a-2.1 Adoptable Street Lighting Layout
 20-15263-1a-2.2 Private Lighting Layout
 Z05007_BBUK_GE_XX_DR_L_010 PL02 Existing Site Plan
 Z05007_BBUK_GE_XX_DR_L_011 PL06 General Arrangement Landscape
 Z05007_BBUK_EX_XX_DR_L_010 PL06 External Works Sitewide
 Z05007_BBUK_EL_XX_DR_L_010 PL06 Planting Plan Sitewide
 Z05007_BBUK_EL_XX_DR_L_011 PL02 Tree Removal and Retention Plan
 Z05007_BBUK_GE_XX_DR_L_012 PL06 Ecological Enhancement Plan
 Z05007_BBUK_GE_XX_DR_L_101 PL01 Sections Sitewide Type 1-3
 Z05007_BBUK_GE_XX_DR_L_102 PL01 Sections Sitewide Type 4-5
 Z05007_BBUK_DE_XX_DR_L_001 PL01 Tree Pit Type 1-2
 Z05007_BBUK_DE_XX_DR_L_002 PL01 Tree Pit Type 3-4
 Z05007_BBUK_DE_XX_DR_L_010 PL01 Street Furniture Details
 Z05007_BBUK_EX_XX_SH_L_600 PL01 Schedule Materials
 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 11450-PH3B-8002 PL05 Highway Adoption Plan to the site boundary set out in the approved Outline Planning Permission (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 until the Optional Technical Housing

Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations has been 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.

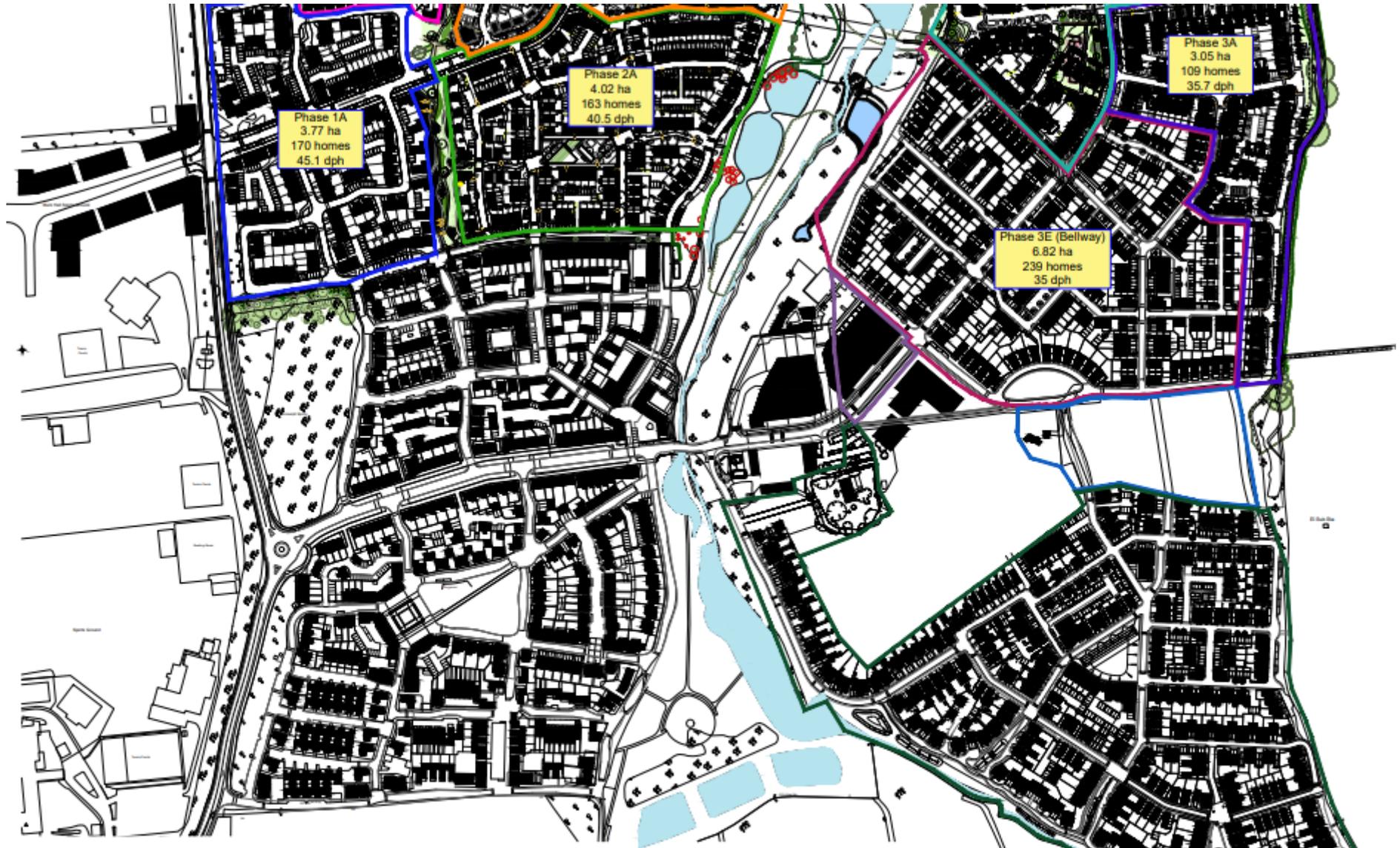
Appendix 1

Newhall Phase 2 Context Plan (showing overall site layout and development 'Parcels' information)

(Split to North and South sections)

Phase 1A 3.77 Ha 9.32 Acres	Phase 2A 4.02 Ha 9.93 Acres	Phase 3A 2.8 Ha 6.92 Acres	Phase 3C 3.87 Ha 9.56 Acres	Phase 3E 6.82 Ha 16.85 Acres	Sector 5 1.4 Ha 3.46 Acres
Phase 1B 3.07 Ha 7.59 Acres	Phase 2B 3.13 Ha 7.73 Acres	Phase 3B 4.21 Ha 10.40 Acres	Phase 3D 10.41 Ha 25.72 Acres	LC2 0.46 Ha 1.14 Acres	





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Client		PL1 - Issued FOR INFORMATION		23.03.21		ALN	
Countryside Properties Central		Rev. Description		Date			
Project		Drawing title					
Newhall Phases 2 & 3		Countryside & Newhall Phase Areas Plan					
Scale	Date	Drawn	Drawing no.	Revision	Checked		
1:2000@A1	March 2021	ALN	1957.205008_FBB_GE_XX_DR_A_328	PL1	ALN		

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

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

Appendix 2

Note on plans showing the various depictions of transport route connections at the Eastern side of Newhall Phase 2 Outline Planning Permission

- Countryside Properties (CP) hold the leases (from Newhall Projects Ltd the land owner / master developer of the Newhall estate) for homebuilding in the parts of Newhall Phase 2 that need to be designed to accommodate the spine road and bus routes connecting to future development areas to the east of Newhall Phase 2.
- There are two relevant Reserved Matters (RM) planning applications under consideration:
 - Parcel CP3B (HW/REM/20/00255)
 - Parcel CP3C (HW/REM/20/00218)

See Appendix 1 above for overall location of parcels

- These parcels are the final main parts of Newhall to be planned in detail and will also be the last to be developed. They cover the area where the spine road / bus link is intended to run to the eastern Newhall ownership boundary. In this location a 'future proofed' connection point has always been envisaged to:
 - 'Hubbards Hall Land', which is in separate ownership to the Newhall area, but was part of the original Development Plan major housing development allocation and subject to the Outline Planning Permission – OPP (HW/PL/04/00302 - Newhall Phase 2). The intent was for comprehensive / coordinated development covering the whole allocation with integrated access and road layout
 - The current East of Harlow allocation (Harlow Local Development Plan – HDLP) major new residential area further east, which was already being contemplated at the time of the Newhall / Hubbards Hall OPP
- CP have submitted RM applications that show a route running North-Eastwards to the application reserved matters applications site boundary. This takes the route away from the residential areas it serves and directly into a Green Wedge (HLDP), with consequent significant environmental impact. The proposed route beyond the application boundary appears to fall within land owned by the Newhall landowners. This route is shown in **Plan A**.
- The Council has pointed out to CP that this route alignment does not comply with the OPP approved masterplan showing spine road with bus only connection directly into the Hubbards Hall land, with the potential to then connect through to East of Harlow. This route would provide the necessary bus access / residential area penetration close to users and avoid environmental damage to the Green Wedge. This featured clearly in the Masterplan at **Plan B**.
- The Masterplan route must now also be seen in light of HGGT and HLDP transport policies and plans for Sustainable Transport Corridors (STCs), which set out that the further growth of Harlow is to be based a new network of high-quality bus and active travel routes designed to give priority and advantages public transport, walking and cycling. STCs are to be fully integrated into the design of new residential areas. An STC route is planned to run through Newhall, Hubbards Hall land and East of

Harlow, between London Road and the new hospital site close to M11 J 7a. This route is shown diagrammatically in **Plan C**.

- CP appear to indicate in their application documents that they are working to the Newhall 'Coordinating Plan / Brief', and their interpretation of it, not the approved Masterplan. The Council is not aware of the purpose of this document. It clearly has no planning status. However, though less clear, the diagrammatic plan in the coordinating brief also follows the Masterplan in general. This application 'justification' is shown in **Plan(s) D**.
- This Note is about routes and does not cover the planning agreements which provide for implementation of the road / bus links. However, it should be noted that another part of the CP justification for their route choice is in the Essex Agreement indicative plan. This Plan is (correctly) not referred to in the CP planning applications. The Council's view is that this Plan was produced by the OPP applicant to attach to the planning agreement as showing a possible connection that they may have preferred. It cannot be taken as overriding the Masterplan which is specifically part of the planning permission. This is shown in **Plan E**.

List of Plans

A - CP3 B layout showing route alignment heading NE

B - Approved Masterplan

C - HLDP extract showing STC

D (Plans) - Extracts from CP Design and Access statement showing the Newhall 'Coordinating Plan / Brief' interpretation

E - Essex Agreement indicative route plan

Plan B

SI06 8/2010



NEWHALL PHASE II MASTERPLAN

04/302

Horsham District Council
Planning Services
21 JUN 2010
APPROVED
Under the Town & Country Planning Act

ALTERNATIVE MASTERPLAN FOR NEWHALL PROJECTS LIMITED
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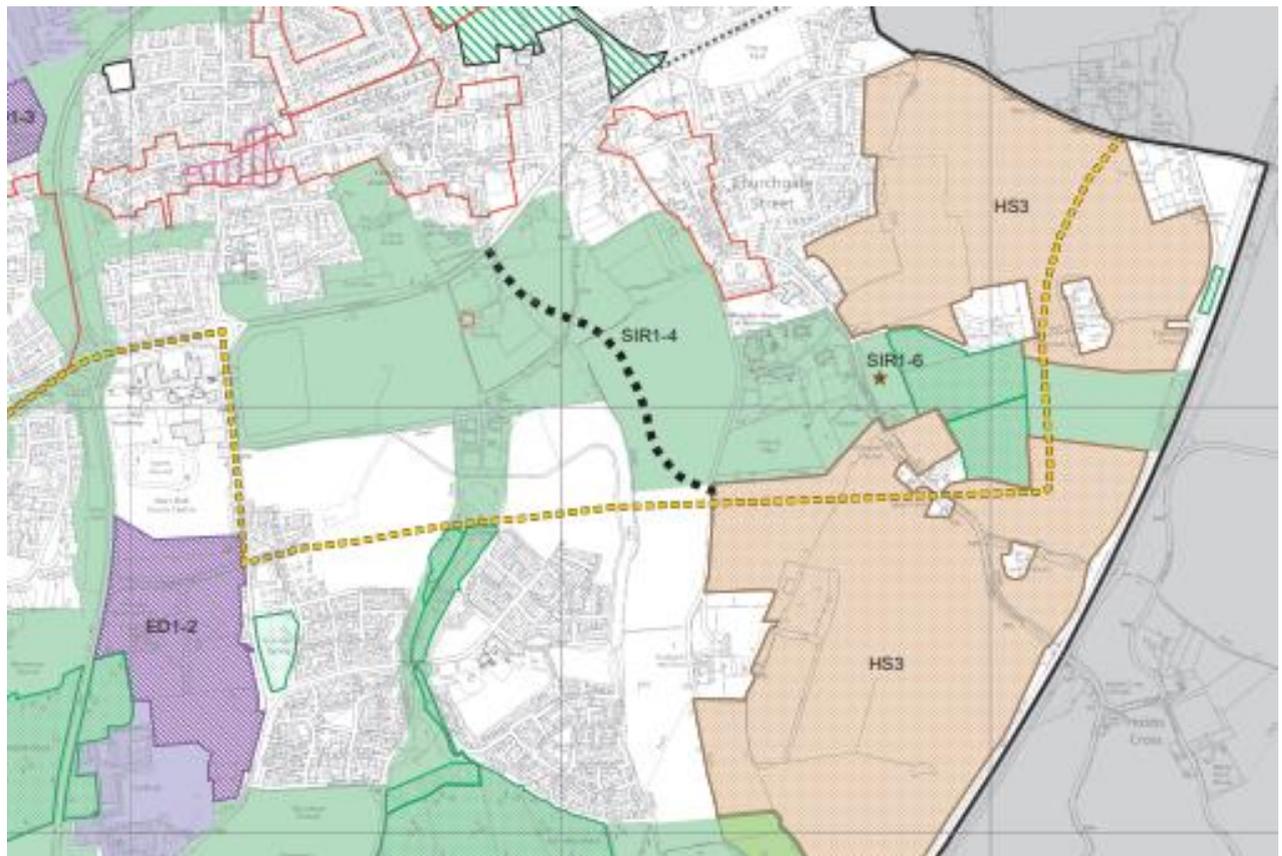
rowhall

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Enlargement from Plan B showing connection route:



Plan C



Plans D

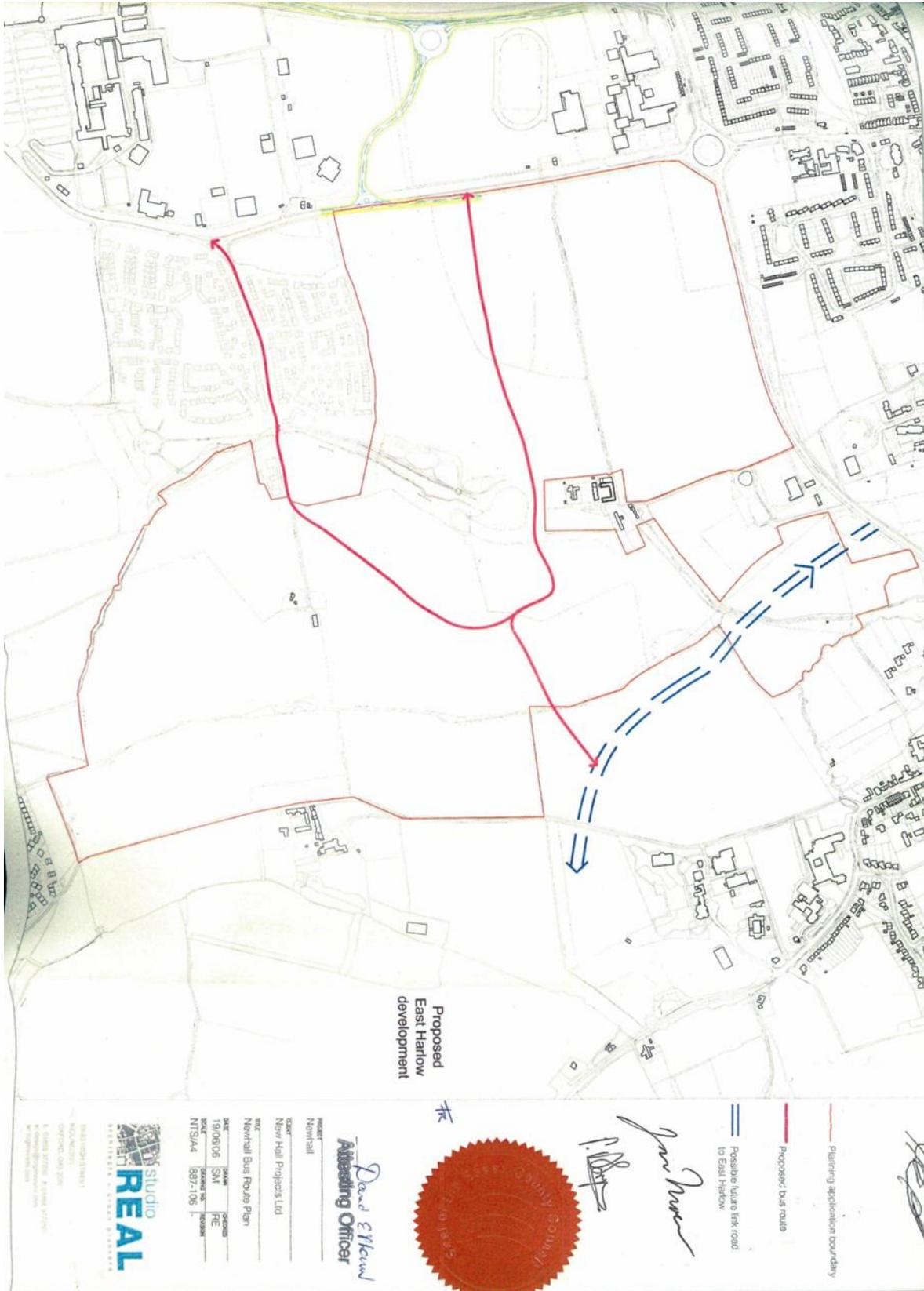
Extract from Coordinating plan/ brief:



CP further interpretation of above:



Plan E



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)