

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
7<sup>th</sup> June 2023

**REFERENCE:** HW/FUL/23/00108

**OFFICER:** Thomas Frankland-Wells

**APPLICANT:** Harlow District Council

**LOCATION:** Staple Tye Depot  
Perry Road  
Harlow  
Essex  
CM18 7NR

**PROPOSAL:** Erection of 10 no. residential apartments with hard & soft landscaping and associated parking.

**LOCATION PLAN:**



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**REASON FOR COMMITTEE:** The application is for major development and is development submitted by the Council.

## Application Site and Surroundings

The application site comprises a Council depot on the western side of Perry Road in Staple Tye. Extending to approximately 0.25ha, it is developed with single storey buildings arranged around a central yard. The land on the site falls gently to the east.

Land use in the surrounding area is diverse, comprising an array of commercial and light industrial uses, as well as housing, a school, a nursery, a health centre and a church. Immediately to the north of the site is Staple Tye Mews, which is a collection of small commercial units mostly occupied by hot food takeaways. To the north-east is the Staple Tye Neighbourhood Centre, which contains a more typical mix of shops, cafes and restaurants. To the east is the Risdens estate, which is made up of single storey houses and three storey blocks of flats. To the south-east is Stewards Academy, which is a mixed gender secondary school. To the south and west are the light industrial uses which make up the Staple Tye Employment Area, and to the north-west is St James Church.

The application site, together with Staple Tye Mews and the site immediately to the south, are allocated for housing in the HLDP under policy HS2-3 but aside from this, it is not subject to any particular designations or environmental constraints. A group tree preservation order relating to the nearby shopping centre lies just beyond the site's north-eastern boundary. There are no heritage assets in the vicinity of the site.

## Details of the Proposal

The application seeks full planning permission for the demolition of all of the existing buildings on the site and redevelopment to provide 10no dwellings laid out as two terraces of five units in length each. The row fronting Perry Road would be two storey, while the row behind would be three storey. Both would be topped by graphite tiled gable roofs with an offset ridge and constructed of a mix of red brick, buff brick and brown brick.

A schedule of the proposed accommodation is shown in the table below.

Unit	Size	Storeys	GIA	Amenity
1	2-bed / 4-person	2	81.9 m <sup>2</sup>	44 m <sup>2</sup>
2	2-bed / 4-person	2	81.9 m <sup>2</sup>	44 m <sup>2</sup>
3	2-bed / 4-person	2	81.9 m <sup>2</sup>	42 m <sup>2</sup>
4	2-bed / 4-person	2	81.9 m <sup>2</sup>	41 m <sup>2</sup>
5	2-bed / 4-person	2	110.7 m <sup>2</sup>	57 m <sup>2</sup>
6	3-bed / 5-person	3	117.5 m <sup>2</sup>	60 m <sup>2</sup>
7	3-bed / 5-person	3	117.5 m <sup>2</sup>	50 m <sup>2</sup>
8	3-bed / 5-person	3	117.5 m <sup>2</sup>	49 m <sup>2</sup>
9	3-bed / 5-person	3	117.5 m <sup>2</sup>	49 m <sup>2</sup>
10	3-bed / 5-person	3	117.5 m <sup>2</sup>	49 m <sup>2</sup>

One of the proposed dwellings, Unit 5, would be designed to meet optional standard M4(3) of the Building Regulations, meaning it would be suitable for a wheelchair user. The remaining nine units would be designed to meet standard M4(2), meaning they would be accessible and adaptable.

All of the proposed dwellings would be affordable, being offered for social rent.

In addition to the above, a communal garden measuring 180m<sup>2</sup> would be provided centrally within the site to separate the two rows of terraces. Bin stores, 10 cycle parking spaces and 15 car parking spaces would also be provided.

## RELEVANT PLANNING HISTORY:

### Planning Applications

The following applications are considered to be relevant to the proposal:

Reference	Proposal	Decision	Decision Date
HW/PREA/22/20028	Proposed erection of 10 x three-storey terrace dwellinghouses.	Response Sent	06.10.2022
<b>Summary of Advice:</b>  The principle of residential development is in accordance with its allocation in the local plan for housing development. The preferred layout, scale, massing and design is broadly welcomed. Strong consideration should be given as to how to ensure that the semi-private communal space will provide a well-used amenity space for future occupants in the long-term. Any formal submission will be required to address the points relating to details made above.			

The following off-site application is also considered to be relevant because the site forms part of the same HS2-3 allocation:

The Gateway Centre, Perry Road, Harlow, Essex, CM18 7NR

Reference	Proposal	Decision	Decision Date
HW/FUL/21/00328	Temporary application for B8 Mixed Open Storage and Containers use for three years (amended description)	Granted  (Temporary for 3 Years)	17.09.2021

## CONSULTATIONS:

### Internal and external Consultees

#### The Environment Agency

No response received.

#### Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to the waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to water supply, this comes within the area covered by the Affinity Water Company.

#### Affinity Water

No response received.

### **Essex Police**

Essex Police considers that it is important that this specific development is designed incorporating the maximum achievable benefit of Crime Prevention Through Environmental Design (CPTED) for which Secured by Design (SBD) is the preferred enabler.

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community, therefore an integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning, and layout. Good design and early coordination, incorporating CPTED, can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

The local DOCO has previously met with the applicant to discuss the development, however, would like to arrange a follow up meeting to clarify the following.

- Boundaries
- Car Park
- Community garden

There is the potential the development could become vulnerable to crime if CPTED is not fully incorporated into the design.

### **Essex County Fire & Rescue Service**

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and is acceptable provided that the arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector. Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance". Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy. Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to

allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met.

### **ECC Highways**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to construction management, provision of access, parking and turning areas, and residential travel information packs.

### **ECC Place Services (Urban Design)**

We are pleased to see the further refinement of the proposals and from an urban design perspective, the proposed development is considered positive. The development is considered to respond effectively to a number of urban design principles, and we are pleased to see the application of a contemporary architectural approach and innovative use of a communal rear garden. To further improve the proposals, we considered it a missed opportunity to not provide a degree of active frontage to the northern side elevations and we would welcome further justification on the location of the bin stores, windows sizes and implementation of a clean air and water strategy.

### **ECC SuDS (LLFA)**

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

### **Harlow Civic Society**

No response received.

### **HDC Arboricultural Consultant**

Following a site visit to assess any potential arboricultural constraints on 28th of March 2023 it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan.

The loss of the one birch tree at the entrance to the current site, is not deemed a material constraint to prevent development. The potential for tree planting and soft landscaping on what is currently an industrial site, enables good mitigation and improves the quality of trees and green infrastructure on site.

Therefore, the proposed development can be supported, subject to a condition being appended to allow for loss of trees to be mitigated through the means of landscape scheme and management plan.

### **HDC Waste & Recycling**

Thank you for the opportunity to comment on the above application.

We note that the applicant has proposed a communal collection point for the dwellings to the east of the development. This does not provide sufficient separation of each household's waste and is therefore not compliant with the Council's waste collection policy. If the applicant should consider individual storage chambers for each of the 5 addresses, it would alleviate this concern.

The requirement for the western dwellings is for the bins to be presented on the boundary. Our contractor is not authorised to cross the boundary to remove bins from their storage areas. As such, the boundaries access points are narrow and presenting the bins for emptying will obstruct access to the properties.

We object to the proposal on the basis that the communal collection point for the eastern dwellings is not acceptable in its current form.

#### Updated Response 16 May 2023

With the amendments as stated, this layout will be fine.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 69

Total Number of Representations Received: 0

Date Site Notice Expired: 27 April 2023

Date Press Notice Expired: 27 April 2023

### **Representations Received**

No representations were received.

## **PLANNING POLICY:**

### National Planning Policy Framework (NPPF)

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

Harlow and Gilston Garden Town ("HGGT") is a designated 'Garden Community' under the Government's Garden Communities Programme.

Paragraph 73 of the NPPF provides the 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 area's economic potential and the scope for net environmental gains... [and] clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles)*".

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town, which are relevant to this application.

### Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site consists of the Harlow District Council ("HDC") Harlow Local Development Plan 2020 ("HLDP"), Essex County Council ("ECC") Essex and Southend on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HLDP. The HLDP is prepared in the context of the NPPF. It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

The policies of most relevance to the proposal are:

- SD1 Sustainable development
- HS1 Housing Delivery
- HS2 Housing Allocations
- WE1 Strategic Green Infrastructure

- WE2 Green Belt, Green Wedges and Green Fingers
- PL1 Design principles
- PL2 Amenity Principles
- 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 Landscape
- PL9 Bio and Geo Assets
- PL10 Pollution/Contamination
- PL11 Water Environment
- H1 Residential Allocations
- H2 Residential Development
- H5 Accessible and Adaptable Housing
- H6 Housing mix
- H8 Affordable Housing
- PR4 Improving Job Access and Training
- L1 Open Spaces, Play Areas, Allotments and Sporting Provision and Facilities in Major Development
- L4 Health and Wellbeing
- IN1 Sustainable Modes of Travel
- IN2 Impact on Highway Network
- IN3 Parking Standards

### **Supplementary Planning Documents (SPD) / Other Guidance**

The following local planning guidance is relevant to this application:

Staple Tye SPD (2022)

The Harlow Design Guide SPD (2011) and addendum (2021)

Essex Parking Standards (2009)

ECC Development Management Policies (2020 - living document with regular updates).  
(2011)

### **Emerging Supplementary Planning Documents**

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

## **PLANNING ASSESSMENT:**

### **Summary of Main Issues**

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

- Principle of development;

- Housing mix and tenure;
- Standard of accommodation;
- Design, character and appearance;
- Neighbouring amenities;
- Parking;
- Highway safety;
- Trees and landscaping;
- Ecology and biodiversity;
- Flood risk and drainage;
- Sustainable design;
- Land contamination;
- Air quality;
- Employment and skills;
- Equalities.

### **Principle of Development**

The proposal is for development of ten houses on a site allocated for residential development under policy HS2-3 of the HLDP.

Policy HS1 of the HLDP identifies sites to deliver at least 9,200 dwellings during the Local Plan period of 1 April 2011 to 31 March 2033. The subtext to the policy at paragraph 7.31 explains that the Strategic Housing Site East of Harlow allocated for 2,600 dwellings in Policy HS3 and the housing sites allocated in Policy HS2 meet the national planning policy requirements for the first five years and the later year periods.

Given that the site forms part of a designated housing allocation, the principle of residential development on the site is acceptable. The site makes up approximately one third of the allocation in terms of area and the proposal is for ten units out of a total allocation of 30. The quantum of development is therefore proportionate.

Furthermore, the Staple Tye SPD, at paragraph 4.3.36, states that the site would be suitable for residential use as per the HLDP housing allocation. Redevelopment of the site would be suitable for approximately 10-15 homes. The proposed development is consistent with this assessment of the development potential for the site.

Policy H2 of the HLDP is applicable to all residential development and covers a range of diverse planning issues, the majority of which will be considered later on in this report. For the purposes of assessing the principle of development, only criterion (d) of the policy is relevant, which states that development must not prejudice the potential for comprehensive development of adjacent land. Given that the site forms part of a wider housing allocation, this is a potential consequence of the proposal.

However, given that the quantum of proposed development is consistent with the Staple Tye SPD and proportionate in terms the site's area with reference to the wider allocation, it is considered unlikely that the development would place any significant constraints on further development on the sites to the north or south. Furthermore, the proposed layout is such that further housing development on these sites could be readily integrated, with no clear issues presented in terms of design, living conditions or access.

Having regard to the above, the proposal is considered to accord in relevant respects with policies HS1, HS2 and H2 of the HLDP and on this basis, the development is considered to be acceptable in principle. It would provide a net increase of ten dwellings on the site, which would make a modest but nonetheless positive contribution towards meeting the Council's housing targets and this is a benefit which carries significant weight in favour of the proposal.

### **Housing Mix and Tenure**

Policy H6 of the HLDP requires new housing developments to provide an appropriate mix of dwelling tenures, types and sizes, having regard to the latest Strategic Housing



Market Assessment (“SHMA”) or other evidence of local housing need. Where appropriate and in accordance with policies in the Local Plan, the following types of housing should be provided:

- (a) affordable housing;
- (b) accessible and adaptable housing;
- (c) self-build and custom-build housing plots;
- (d) community-led housing.

Policy H8 of the HLDP, which concerns affordable housing, does not apply in this instance. This is because the proposal is for exactly ten dwellings, whereas the policy only applies to proposals for more than ten dwellings.

Nonetheless, the proposal is for 100% affordable housing, which would be offered for social rent. This is a benefit which attracts significant weight in favour of the proposal.

The latest SHMA reveals that for affordable dwellings, the greatest need is for three-bedroom houses, making up 41.8% of total need. This is closely followed by two-bedroom houses, at 28.1%. The need for other types of units such as flats and houses with four or more bedrooms is considerably lower. In providing five two-bedroom houses and five three-bedroom houses, the proposal would offer the size of properties for which there is the greatest need.

In terms of accessible and adaptable housing, policy H5 of the HLDP states that all new dwellings should meet optional standard M4(2) *accessible and adaptable dwellings* of the Building Regulations. In addition to this, in major developments, a “suitable” proportion of dwellings should meet standard M4(3) *wheelchair user dwellings*.

Under the current proposal, one of the dwellings or 10% would meet standard M4(3) and the remainder would meet standard M4(2). The latest SHMA sets out that 10% of market dwellings and 15% of affordable dwellings should be designed to meet standard M4(3). However, since there is no policy requirement to provide affordable housing in this case, it would be unreasonable to apply the higher 15% standard to the proposal. As such, the provision of 10% of the dwellings as wheelchair user dwellings is considered suitable.

Having regard to the above, it is considered that the proposed development would provide an acceptable housing mix and tenure. In these respects, the proposal is considered to accord with policies H5 and H6 of the HLDP.

### **Standard of Accommodation**

Policy PL2 of the Local Plan aims to promote high standard of amenity for future occupants of development sites. This is assessed in terms of:

- (a) privacy and overlooking;
- (b) overshadowing and loss of daylight and sunlight;
- (c) aspect and outlook;
- (d) overbearing and the perception of overbearing;
- (e) the perception of enclosure;
- (f) access to high quality and useable amenity space;
- (g) compatibility and sensitivity of adjacent uses.

Principle DG46 of the Harlow Design Guide SPD sets out what are considered to be minimum space standards for fit-for-purpose homes. Section 3 of the Harlow Design Guide Addendum 2021 sets out the minimum acceptable standards for the size of external private amenity space.

#### *Internal Space Standards*

According to the Design Guide SPD, a two-bedroom house set over two storeys should have a gross internal area (“GIA”) of at least 80m<sup>2</sup>. For a three-bedroom house set over

three storeys, this increases to 101m<sup>2</sup>.

Units 1 to 4, which would all be two-bedroom dwellings set over two storeys, would have a GIA of 81.9m<sup>2</sup>, which is marginally in excess of the required standard. Unit 5, which would also be a two storey, two-bedroom property but designed as a wheelchair user dwelling, would have a GIA of 110.7m<sup>2</sup>, which is significantly in excess of the standard. The remaining dwellings, Units 6 to 10, would all be three-bedroom dwellings set over three storeys and would have a GIA of 117.5m<sup>2</sup>, which again is significantly in excess of the standard.

#### *Outdoor Amenity Space*

In terms of outdoor amenity space, the Design Guide Addendum states that two-bedroom houses should be provided with a garden measuring a minimum of 50m<sup>2</sup>. For three-bedroom houses, this should be increased to a minimum of 70m<sup>2</sup>.

<b>Unit</b>	<b>Size</b>	<b>Amenity</b>	<b>Standard</b>	<b>Shortfall</b>
1	2-bed / 4-person	44 m <sup>2</sup>	50	6
2	2-bed / 4-person	44 m <sup>2</sup>	50	6
3	2-bed / 4-person	42 m <sup>2</sup>	50	8
4	2-bed / 4-person	41 m <sup>2</sup>	50	9
5	2-bed / 4-person	57 m <sup>2</sup>	50	-
6	3-bed / 5-person	60 m <sup>2</sup>	70	10
7	3-bed / 5-person	50 m <sup>2</sup>	70	10
8	3-bed / 5-person	49 m <sup>2</sup>	70	21
9	3-bed / 5-person	49 m <sup>2</sup>	70	21
10	3-bed / 5-person	49 m <sup>2</sup>	70	21

All of the proposed dwellings would be provided with private gardens ranging in size from 41m<sup>2</sup> to 60m<sup>2</sup>, which is below the standard. However, unusually for a development of houses, a communal garden would also be provided in this case and this would measure 180m<sup>2</sup>. When this is taken into account, the total amount of outdoor amenity space provided for the development would be 65m<sup>2</sup> over the required amount (600m<sup>2</sup> required vs 665m<sup>2</sup> proposed), albeit approximately one third of this would be communal rather than private. It is also a relevant consideration that alternative public open space is located in close proximity to the site, with both the Copse Hill and Abercrombie Way playing fields within a five minute walk. Having regard to these considerations, the proposed outdoor amenity space provision is considered to be acceptable.

#### *Privacy and Overlooking*

In terms of privacy, it is recognised that there would be a degree of mutual overlooking between the proposed properties, since the two rows of terraces would face each other back to back. However, the separation distance of approximately 20m exceeds the recommended 18m as set out in the Design Guide Addendum and would be sufficient to ensure that the overlooking would not be materially harmful. By comparison, separation distances at the nearby Brockles Mead and Joyners Field estates, where properties are also orientated back to back, are typically in the region of 16m. In this sense, the proposed properties would not be sited unduly close together.

#### *Overbearing Appearance, Outlook and Enclosure*

With respect to overbearing appearance, outlook and the sense of enclosure, it is noted that all of the proposed dwellings would be dual aspect and would enjoy views beyond the site's boundaries either to the front or rear. The degree of separation between the two rows of terraces would also be such that they would not appear overbearing when viewed from one another or unduly limit each other's outlook.

In terms of surrounding development, Staple Tye Mews to the north is a low rise

development with a two storey building towards the Perry Road frontage and single storey buildings behind. It is separated from the site by its car park and as such, it would not have a material impact on future occupants of the development in terms of overbearing appearance or outlook. The Gateway site to the south is currently used for container storage and its impact would therefore be negligible.

### *Natural Light*

The application is accompanied by a daylight and sunlight assessment, which considers the lighting conditions for future occupiers of the development. In terms of daylight, the properties are assessed against a target illuminance level for their habitable rooms, which includes bedrooms, living rooms, dining rooms, and kitchen diners. In order to meet the target, 50% of the room should meet the target illuminance level for 50% of the sunlight hours in a year.

All of the proposed habitable rooms would meet or exceed the target with one exception, which is the combined kitchen, living and dining room of the wheelchair user dwelling Unit 5. The primary reason for not meeting the target is because the room has been designed to be large and open plan, extending across almost the entire depth of the property. The part of the room closest to the rear of the property, where the dining and seating area would be, would be well lit, owing to the nearby back door and rear window. It is only the part of the room closer to the centre of the property, where the kitchen would be, that would fail to meet the required illuminance level.

Considering that a large and open plan room is desirable for a wheelchair user dwelling and the darker part of the room would be taken up by the kitchen, it is considered that the level of daylight the room would benefit from would be appropriate in this instance. Given that all other habitable rooms would meet their respective targets, the level of daylighting within the proposed development as a whole is considered acceptable.

In terms of sunlight, the properties are assessed against the hours of sunlight that would be received at the centre point of each habitable room window on 21 March in any given year. In order to meet the target, at least one such window, preferably a living room, should receive at least 1.5 hours of direct sunlight.

All of the proposed dwellings would meet this requirement, albeit this would not always be achieved by living rooms. Of the ten proposed living rooms, seven would meet the target, with the three failing to meet the target being located in the eastern row and served by west facing windows. Nonetheless, all of the properties would meet the overall requirement for at least one habitable room to meet the target and on this basis, the level of sunlight the properties would benefit from is considered acceptable.

### *Conclusions on Standard of Accommodation*

Overall, it is considered that the proposed development would provide a good standard of accommodation for future occupants. All of the dwellings would be dual aspect and spacious internally, and would enjoy adequate privacy, outlook and natural light. Whilst the size of the proposed gardens would be below standard, it is considered that this would be adequately mitigated by the proposed communal garden and nearby public open space. In these respects, the proposal is considered to accord with policy PL2 of the HLDP.

### **Design, Character and Appearance**

Policy PL1 requires that all development meet a high standard of urban and architectural design and must meet the following criteria:

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

chapter of the Essex Design Guide, and relevant national guidance;

- (b) it protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;
- (c) it responds to the scale, height, massing, architectural detailing, materials and front boundary treatments of the surrounding area and is visually attractive;
- (d) it provides appropriate physical, legible and safe connections with surrounding streets, paths, neighbouring development and Green Infrastructure;
- (e) it provides logical and legible layouts which support active street frontages, improves the public realm, provides distinction between public and private space, and provides an appropriate level of well-designed and well-located high quality landscaping;
- (f) it forms inclusive development that is accessible, well-connected, gives sustainable modes of transport priority over private vehicles, and integrates land uses with sustainable modes of transport;
- (g) it is flexible enough to respond to economic, social, environmental and technological change;
- (h) it creates safe and secure environments which help to reduce opportunities for crime and minimise the fear of crime.

As outlined above, the site is currently occupied by single storey buildings arranged around a central yard. The buildings are brick-built and topped by flat roofs, and are of no particular architectural merit. They are also in poor condition.

The proposed development would involve the erection of two rows of terraced dwellings, each of which would be five units in length. One row would address Perry Road and would be two storey, whilst the other would be three storey and located behind the first row but with the front elevation facing the pedestrian and cycle path to the east of the site. All of the dwellings would be constructed of a mixture of red brick, brown brick and buff brick, and topped with a graphite tiled roof with an offset ridge.

The approach to the layout of the site is considered positive insofar as it would make good use of both private and communal amenity spaces and would create an active frontage to Perry Road and the cycle path to the east of the site. This would enable passive surveillance and help to define the streets and surrounding space, creating a positive sense of place. It would also create a new pedestrian route through the site between Perry Road and the cycle path, acting to encourage walking and cycling. The Staple Tye SPD highlights improved connectivity to the cycle path as a key issue for the site and it is considered that the proposed layout addresses this point satisfactorily.

The proposed dwellings, amenity spaces and parking are all considered to be proportioned appropriately for a small site. Likewise, the adopted typology of contemporary townhouses arranged as two terraces is considered to be appropriate.

ECC Place Services, as the Council's urban design consultant, has highlighted the lack of an active frontage to the north as a potential missed opportunity to further enhance the layout of the scheme. However, it is considered that providing an active frontage to the north may create future issues in terms of overlooking if the Staple Tye Mews site, which is allocated for housing, comes forward for residential development. Consequently, the lack of an active frontage to the north is considered appropriate.

The approach to massing is considered to be acceptable with two storey units fronting Perry Road and three storey units behind fronting the cycle path. This is considered to work well with the development coming forward on the site to the north of Staple Tye Mews (see application reference HW/FUL/22/00237), which is four storeys in height.

The proposed design is considered to be a positive response to the site's context, with the approach of brick-built buildings topped by gable roofs with offset ridges a clear response to the existing development on the site and surrounding buildings. In particular, the use of a mix of red, brown and buff bricks draws on buildings to the north and west of the site, whilst also adding a good degree of visual interest to the elevations.

The introduction of inset brick detailing below the windows and on other large expanses of otherwise blank brickwork, such as the side elevations, is also considered to make a positive contribution to the architectural interest of the proposed buildings. Likewise, the proposed canopies above the entrances on Perry Road and the cycle path would add depth to these elevations. Although the proposed windows are somewhat small in proportion to the elevations, this provides other benefits in terms of heating and privacy and, in any event, is not sufficient reason in itself to justify resistance to the scheme.

Overall, it is considered that the proposed development would be high quality and sympathetic to the surrounding context. In terms of layout, scale, materials and detailing, it would integrate well with existing and planned nearby development and would have an acceptable impact on the character and appearance of the area. In these respects, the proposal is considered to accord with policy PL1 of the HLDP.

### **Neighbouring Amenities**

HLDP policy PL2 states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported. Policy PL10 requires all developments to minimise and, where possible, reduce all forms of pollution.

The site is bounded to the north and south by commercial uses and the most likely impact on the ability of these businesses to operate is complaints from future occupants of the development, particularly with respect to noise. However, as noted above, the commercial uses are not considered to be especially noisy and the impact on future occupants is considered to be acceptable. Given this, as well as the fact that the businesses have no other requirements in terms of natural light or outlook, it is considered that the proposal would have an acceptable impact.

To the west of the site, on the opposite side of Perry Road, is a nursery, which has a requirement for natural light and is potentially sensitive to noise. In terms of the former, the submitted daylight and sunlight assessment shows that the proposed development would pass the 25 degree test, indicating that the impact would be negligible. In terms of the latter, the proposal is for a residential use and would not generate any noise over and above the existing commercial uses which border the nursery.

In terms of the houses and flats to the east, these are separated from the site by the cycle path and a dense row of mature trees. As such, they would be separated from the development by in excess of 25m and would also enjoy a good degree of natural screening. Given this, it is considered that the proposed development would not unduly limit the outlook from these properties, appear overbearing, or result in excessive disturbance due to noise. In terms of natural light, the daylight and sunlight assessment also confirms that there would be a negligible impact.

Having regard to the above, it is considered that the proposed development would have an acceptable impact on the amenities of neighbouring occupiers. In this respect, the proposal is considered to be in accordance with policy PL2 of the HLDP.

## **Parking**

Policy IN1 of the HLDP requires developments to provide appropriate cycle infrastructure and electric vehicle charging points (“EVCPs”).

Policy IN3 of the HLDP requires that vehicle parking be provided in accordance with the Parking Standards 2009, unless otherwise indicated elsewhere in the Local Plan and/or supporting evidence.

### *Cycle Parking*

According to the standards, one secure covered cycle parking space should be provided for each dwelling with two or more bedrooms unless a garage or secure area is to be provided within the curtilage of the dwelling. In this case, each dwelling would be provided with a secure shed in their rear garden, which would have convenient access to the street via the communal garden. This is considered to be an appropriate approach and it is recommended that full details of the sheds be secured by condition to ensure they would be of a sufficient quality.

In terms of visitor cycle parking, the standards require one space to be provided for every eight dwellings. In this case, six visitor cycle parking spaces would be provided in the form of Sheffield stands adjacent to the proposed parking area. This is considered appropriate and again a condition is recommended to secure full details of the stands.

### *Car Parking*

In terms of car parking, two spaces should be provided for each dwelling. However, reduced levels of provision may be considered where the development is located in a highly sustainable location.

In this instance, the site is located adjacent to a pedestrian and cycle path and would be connected to this via a new pedestrian route within the site. It is also in close proximity to bus stops on Southern Way and Parnall Road. Immediately to the north-east of the site is the Staple Tye Neighbourhood Centre, which would provide for a range of day-to-day shopping needs, and a nursery, a health centre, a church, and primary and secondary schools are all within easy walking distance of the site. As such, the site is considered to be in a highly sustainable location.

Given this, the proposal for 15 car parking spaces is considered to be appropriate. Whilst this falls below the starting point of two spaces per dwelling (i.e. 20 spaces total), the wide range of amenities within walking distance of the site is such that future occupants of the development would not be especially reliant on use of a private car.

In terms of allocating the spaces, one space would be provided for each of the two bedroom houses, with two spaces provided for each three bedroom house. This is considered to be an appropriate allocation.

### *Disabled Parking*

The Parking Standards require 6% of total capacity to be provided as disabled spaces, which for the current proposal equates to one space. Accordingly, one disabled parking space is proposed.

### *Electric Vehicle Charging Points*

Part S of the Building Regulations requires that new residential developments provide electric vehicle charging points (“EVCP”) equal to the number of proposed dwellings, with certain exceptions. The proposed development would provide all of the proposed car parking spaces with EVCPs, which is considered to be acceptable.

### *Conclusions on Parking*

Having regard to the above, it is considered that the proposed development would provide adequate car and cycle parking. It is further considered that appropriate consideration has been given to the types of spaces provided in terms of disabled parking and EVCP provision. It is recommended that a condition is imposed to ensure the spaces are provided prior to occupation of the development and in the case of the cycle spaces, that a full specification is agreed prior to installation.

### **Highway safety and operation**

HLDP policy IN2 requires proposals to not cause a severe residual cumulative impact on highway congestion and movement, and not cause a detrimental impact on the safety of all highway users.

#### *Access*

As part of the proposals, the existing two lane vehicular access from Perry Road would be removed and new segregated vehicular and pedestrian/cycle accesses would be provided in its place. The vehicular access would be sited to the south and would utilise a Dutch kerb to provide a level footway across the access. The width of the proposed access has been informed by the need for refuse vehicles and fire tenders to enter the site and swept path analysis has been provided to show that this could safely be achieved. Visibility splays of 2.4m x 43m would be provided, which is appropriate for the posted 30mph speed limit.

The proposed pedestrian and cycle access would be positioned to the north of the vehicular access. This would form the entrance to a landscaped path connecting Perry Road to the cycle path to the east of the site.

#### *Deliveries and Servicing*

It is proposed that the dwellings fronting Perry Road would be serviced directly from Perry Road, whilst the dwellings to the rear fronting the cycle path would be serviced from the site car park. Swept path analysis has been provided which shows that both refuse vehicles and a fire tender could access the site safely on this basis.

#### *Trip Generation*

The trip generation assessment in the submitted transport statement shows that the development would be likely to generate five trips in the morning peak period and four trips in the afternoon peak period. This represents a negligible impact on the highway network, even before offset trips from the existing depot use are taken into account.

### *Conclusions on Highway Safety*

Essex Highways, as local highway authority, was consulted on the application and raised no objection, subject to a series of conditions to cover the following:

- (a) submission of a construction management plan;
- (b) provision of the proposed accesses as shown on the submitted plans;
- (c) provision of parking and turning areas as shown on the submitted plans;
- (d) provision of cycle parking as shown on the submitted plans;
- (e) provision of residential travel information packs for future occupants of the development; and
- (f) a restriction on the use of unbound material within 6m of the highway boundary.

Contrary to the highway authority's recommendation, it is considered the condition relating to cycle parking should require further details to be submitted to ensure that the

spaces would be of an acceptable quality. However, aside from this, and having regard to the above as well as the conclusions of the previous section of this report regarding parking, it is considered that the proposed development would have an acceptable impact on highway safety. In this respect, the proposal accords with policy IN2 of the HLDP.

### **Trees and Landscaping**

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

Policy PL1 of the HLDP requires development to take account of local character and context, which includes trees and landscaping. Policy PL7 states that development and tree works applications which ensure that trees and hedges are protected and enhanced will be supported, whilst policy PL8 requires the protection and enhancement of green infrastructure and landscaping.

The site in its existing condition is almost entirely covered by buildings hardstanding, with only small areas of shrubs and amenity grassland along the southern boundary. A single silver birch tree, which is assessed as being category C, is the only tree on the site and would be removed to facilitate the development.

The submitted landscape plan shows that 29 trees would be planted across the site. This is considered to be more than sufficient mitigation for the loss of the single silver birch tree.

The Council's arboricultural consultant has raised no objection to the application, advising that the loss of the silver birch is not considered to be a material constraint on the development. Furthermore, the potential for tree planting and soft landscaping on what is currently an industrial site, enables good mitigation and improves the quality of trees and green infrastructure on site.

A condition to secure a detailed landscaping scheme, including details of measures such as site preparation, planting techniques and aftercare, is also recommended. Subject to this condition, it is considered that the proposed development would be acceptable in terms of trees and landscaping. In these respects, the proposal accords with policies WE1, PL1, PL7 and PL8 of the HLDP.

### **Ecology and Biodiversity**

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

#### *Protected Species*

The application is accompanied by an ecological impact assessment, which considers the potential impact of the development on protected species and protected wildlife sites. The assessment is informed by a desk study and an on-site habitat survey.

The report identifies a number of internationally and nationally designated sites in the surrounding area but these are all in excess of 800m from the application site. The closest wildlife site to the application site is the non-statutory Stewards Meadow Local Wildlife Site, which is located 70m to the south.

It is noted that the site is located within a SSSI Impact Risk Zone. However, the threshold for consultation with Natural England for residential development is where 50 or more units are proposed. Since the proposal is for only ten units, the potential impact is considered to be negligible and there is no requirement to consult with



Natural England.

In terms of habitats, one silver birch tree and a small patch of amenity grassland was recorded. A species poor intact hedgerow was also recorded along the western boundary of the site.

The hedgerow was assessed as providing potential for nesting birds. Aside from this, the site was not considered suitable habitat for any protected species.

The report goes on to recommend dust suppression measures to prevent any dust being deposited on the nearby local wildlife site and standard good practice measures relating to nesting birds. Subject to these mitigation measures, it is considered that the proposed development would have a negligible impact on protected sites or species. Accordingly, a condition is recommended to ensure that the development would be carried out in accordance with the recommended measures.

### *Biodiversity Net Gain*

The application is also accompanied by a biodiversity net gain assessment. This shows that the development would achieve a 1482.75% net gain in area habitat units and a 393.22% net gain in linear habitat units.

The primary reason for the high levels of net gain is the very low baseline scores for the site. This is due to the site being almost entirely occupied by buildings and hardstanding.

Nonetheless, the proposed development would achieve a net gain well in excess of the requirements of policy PL9 of the HLDP. This is a benefit which attracts significant weight in favour of the proposal.

### **Flood Risk and Drainage**

Paragraph 167 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 169 says that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy PL11 of the HLDP requires development proposals to be assessed against NPPF policies relating to flood risk. It also requires developments to provide adequate surface and foul drainage, and encourages the use of SuDS in all cases.

The site is located wholly within Flood Zone 1 and is considered to be at low risk of flooding from fluvial and tidal sources, as well as groundwater and reservoir flooding. However, it is located within a critical drainage area and is at risk from localised areas of surface water flooding.

The application is accompanied by a site-specific flood risk assessment and drainage strategy. This assesses the existing issues with surface water drainage at the site being the result of a poor existing surface water drainage system, which has estimated discharge rates of between 27.8L/s and 73.7L/s depending upon the storm event.

The proposed drainage strategy is for surface water to drain through permeable tarmac to a below ground attenuation tank. The water would then pass through a petrol/oil interceptor for treatment before discharge to the surface water sewer.

A separate system, comprising a series of Aco-drains, is proposed for installation between the proposed eastern row of dwellings and the cycle path. This would not be attenuated as its sole purpose would be to prevent off-site surface water flows from the cycle path entering the site. It would eventually discharge into the surface water sewer as with the main system.

The proposed drainage systems would result in discharge rates of 2L/s. This represents a significant improvement upon the existing system.

ECC Development and Flood Risk, as lead local flood authority, was consulted on the application and raised no objection, subject to a series of conditions relating to final detailed drainage design and maintenance. In light of this advice and subject to the recommended conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage.

### **Sustainable Design**

Policy PL3 of the HLDP requires development to deliver high standards of sustainable design and construction and efficient energy usage, taking account of predicted changes to heating and cooling requirements as a result of climate change. The Design Guide Addendum provides further guidance on how the policy is implemented.

The application is accompanied by an energy statement which sets out the proposed approach to minimising carbon dioxide emissions and mitigating the impact of climate change in terms of heating and cooling. Further information is also provided within the submitted HGGT sustainability checklist.

The proposed development has been designed according to Passivhaus principles and following the energy hierarchy, with a fabric first approach ensuring low operational energy needs. The windows have been intentionally designed to limit solar gain and would be triple glazed, and the properties would be well insulated and sealed to provide excellent air tightness and limited thermal bridging.

Whilst the windows are proposed to be openable and this would provide opportunities for passive ventilation, a mechanical system is also proposed which would include heat recovery. Air source heat pumps would provide heating for the properties and solar panels would provide a source of low carbon electricity generation.

As a result of the above, the proposed development would achieve a 76.4% improvement upon the Building Regulations in terms of carbon dioxide emissions. This also represents a significant improvement upon the requirements of policy PL3 and is a benefit which attracts significant weight in favour of the proposal.

## **Land Contamination**

Policy PL10 of the HLDP requires all development proposals to minimise and, where possible, reduce all forms of pollution and contamination. This includes land contamination.

The site is not formally identified as being potentially contaminated. However, the existing use as a depot is one which may have resulted in contamination and the proposed use of the site for housing is one which is sensitive to contamination.

The application is accompanied by a geo-environmental desk study report, which identifies potential sources of contamination on the site as being vehicle storage and washdown areas, an above ground petrol storage tank, a refuelling area, and the storage of grease, diesel oil and lubricants. Ground gas and groundwater migration is also identified as a potential off-site source of contamination.

The report goes on to recommend intrusive ground investigations be carried out, including a ground gas survey and an assessment of groundwater. It is recommended that this, along with any remediation measures which are subsequently found to be necessary, be secured by condition. Subject to this condition, it is considered that the proposed development would be acceptable in terms of contamination. In this respect, the proposal is considered to accord with policy PL10 of the HLDP.

## **Employment and Skills**

Policy PR4 of the HLDP requires that for major development, provision will be sought for:

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

As a major residential development, there is a requirement for the proposal to provide employment and skills opportunities for local residents. Ordinarily, this would be secured by a suitably worded legal agreement but as the applicant in this case is the Council, it is not possible to secure planning obligations in this way. Instead, it is recommended that an employment and skills action plan be secured by condition and given that the Council is the applicant, this is considered sufficient to ensure that the objectives of PR4 would be met.

## **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 proposed development would provide one wheelchair user dwelling, which is considered to be an appropriate proportion, and the remainder would be designed to be accessible and adaptable. Disabled parking would also be provided in accordance with the Parking Standards and this would be conveniently located close to the proposed dwellings. It is considered that these are positive aspects of the scheme in terms of the Equality Act.

The proposed development is not considered to impact on persons with protected characteristics in any other respects.

## **CONCLUSION**

The Council is able to demonstrate sufficient deliverable sites to meet six years' worth of housing need and housing delivery is at 208% according to the latest 2021 measurement. It follows that paragraph 11(d) of the NPPF is not engaged and the application is to be determined against a straightforward planning balance.

The proposed development would provide ten dwellings on the site through the redevelopment of an underutilised brownfield site. It would make a modest but nonetheless positive contribution towards meeting the Council's housing targets, including targets for the provision of affordable housing since all of the dwellings would be offered for social rent. These are benefits which carry significant weight in favour of the proposal.

The development would result in a significant net gain in biodiversity on the site, both in terms of area and linear habitats, greatly in excess of HLDP policy requirements. It would also be high energy efficient, resulting in a 76% improvement against the requirements of the Building Regulations in terms of carbon dioxide emissions, where the HLDP requires only a 19% improvement. Again these are benefits to the proposal which carry significant weight in favour of granting permission.

The standard of the proposed accommodation would be good both internally and externally. The proposed design is considered to be high quality and there would be no material impacts on the amenities of neighbouring occupiers. The proposed landscaping and provision for trees is considered to be acceptable, as is the proposed parking, impact on highway safety, and measures to tackle contamination on the site. These are all neutral matters.

Subject to a positive response from the LLFA in respect of the additional information recently provided on flood risk and drainage, it is considered that the proposed development would accord with the development plan when read as a whole. In the absence of any other material considerations which indicate that permission should be refused, it is recommended that planning permission be granted.

## **RECOMMENDATION**

**That Committee resolve to GRANT PLANNING PERMISSION subject to the following conditions:**

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

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

- 2 All of the dwellinghouses to which this permission relates shall be provided as affordable rented housing in accordance with the definition of “affordable housing for rent” as set out in Annex 2 to the NPPF July 2021 unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of meeting local housing need and to accord with policy H6 of the Harlow local Development Plan 2020.

- 3 No development to which this permission relates shall be carried out except between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays. For the avoidance of doubt, no development whatsoever shall take place on Sundays or public holidays.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 4 The development to which this permission relates shall be carried out in accordance with the recommendations for avoidance, mitigation and enhancements contained in section 5 of *Ecological Impact Assessment* dated 02/03/2023 unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of protected species and to accord with policy PL9 of the Harlow local Development Plan 2020.

- 5 The development to which this permission relates shall be carried out in accordance with *Energy Statement for Planning* rev P02 dated 27/02/2023 unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt:

- (a) The development shall achieve the regulated carbon dioxide savings as specified in Table 4; and
- (b) The low and zero carbon technologies required to achieve these savings shall be provided prior to the beneficial occupation of the development and permanently retained thereafter.

REASON: In the interests of sustainable design and construction and to accord with policy PL3 of the Harlow Local Development Plan 2020.

- 6 No external lighting shall be installed on the site except in accordance with a lighting strategy which shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

- 7 If unexpected contamination is discovered at any time during the implementation of the development to which this permission relates, work shall immediately cease and the contamination shall be reported to the local planning authority. Work shall not resume until works for the remediation of said contamination have been approved in writing by the local planning authority. The development shall then be carried out in accordance with any agreed remediation and verification measures.

REASON: In the interests of human health and to accord with policy PL10 of the

Harlow Local Development Plan 2020.

8 Prior to the commencement of the development to which this permission relates (including any groundworks, site clearance or demolition), a construction environmental management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of:

- (a) Site access for demolition and construction;
- (b) Parking for vehicles, site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials;
- (e) Wheel and underbody washing facilities;
- (f) The method of demolition;
- (g) Dust suppression measures;
- (h) Noise and vibration suppression measures; and
- (i) Temporary lighting.

The development shall then be carried out in accordance with the approved construction environmental management plan.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with policies PL2 and PL10 of the Harlow local Development Plan 2020.

9 Prior to the commencement of the development to which this permission relates (including any groundworks, site clearance or demolition), an employment and skills action plan shall be submitted to and approved in writing by the local planning authority. The purpose of the plan shall be to ensure that local residents and local students benefit from the job opportunities the development is likely to create and it shall include details of:

- (a) the name and contact details of the developer's nominated employment and skills coordinator;
- (b) a construction programme which identifies all sub-contractors, their trades, and their likely period(s) of employment;
- (c) a schedule of the potential new job opportunities that the development will create;
- (d) the process by which the job opportunities created by the development will be advertised to local residents and local students;
- (e) the steps the employment and skills coordinator will take to liaise with the Council to ensure that the objectives of the employment and skills action plan are met;
- (f) a process, approach, and timetable of regular meetings between the employment and skills coordinator and the Council; and
- (g) the method in which the performance of the employment and skills action plan in meeting its objectives will be monitored and a schedule for regular monitoring reports to be delivered to the Council, such reports not to be delivered less than every two calendar months for the duration of the construction phase.

The development shall then be carried out in accordance with the approved construction environmental management plan.

REASON: In the interests of providing training and employment for local residents and to accord with policy PR4 of the Harlow Local Development Plan 2020.

10 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) The results of infiltration testing carried out in accordance with BRE 365 and the relevant sections of the CIRIA SuDS Manual;
- (b) Discharge rates of no greater than 2 L/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change;
- (c) Evidence of agreement to discharge rates from the relevant statutory undertaker;
- (d) Sufficient storage to ensure no off-site flooding during the 1 in 100 year storm event plus 45% allowance for climate change;
- (e) Evidence that all storage features could half empty within 24 hours following the 1 in 30 year critical storm event plus 40% allowance for climate change or evidence that the drainage scheme could accommodate the 1 in 10 year plus 40% event within 24 hours of the 1 in 30 year plus 40% event;
- (f) Final modelling and calculations for all areas of the scheme;
- (g) The appropriate level of treatment for all run-off leaving the site in accordance with the Simple Index Approach in the CIRIA SuDS Manual;
- (h) Detailed engineering drawings of each component of the scheme;
- (i) A final drainage plan which shows exceedance routes, conveyance routes, finished floor levels, ground levels, the location and size of any drainage features, and the network links and nodes as used in the modelling; and
- (j) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved drainage scheme shall then be implemented prior to beneficial occupation of the development and permanently retained thereafter.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 11 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a report detailing the results of a CCTV survey of any existing pipes to be reused within the proposed drainage scheme shall be submitted to and approved in writing by the local planning authority. The report shall include details of any remediation necessary to render the pipes fit for purpose. The development shall then be carried out in accordance with the approved remediation measures, if any.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 12 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a report detailing the results of an intrusive geo-environmental investigation as recommended by section 7 of *Phase 1 Geo-Environmental Desk Study* reference 4572 22 03 01 Rpt 01 Rev A RC AM and dated 30/09/2022 shall be submitted to and approved in writing by the local planning authority. The report shall include details of any necessary remediation measures and the development shall then be carried out in accordance with the approved remediation measures, if any.

REASON: In the interests of human health and to accord with policy PL10 of the Harlow Local Development Plan 2020.

- 13 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), details of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE5, PL1 and PL12 of the Harlow Local Development Plan 2020.

- 14 Prior to the commencement of the development to which this permission relates (excluding groundworks, site clearance and demolition), a landscape and ecological management plan shall be submitted to and approved in writing by the local planning authority. The plan shall set out the maintenance and management procedures necessary to deliver a 1482.75% net gain in area habitat units and a 393.22% net gain in linear habitat units for a period of 30 years following substantial completion of the development. The approved plan shall then be adhered to for the 30 year period.

REASON: In the interests of biodiversity and to accord with policy PL9 of the Harlow Local Development Plan 2020.

- 15 Prior to the commencement of any piling, a piling method statement shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved method statement.

REASON: In the interests of human health and mitigating flood risk and to accord with policies PL10 and PL11 of the Harlow Local Development Plan 2020.

- 16 Prior to the beneficial occupation of the development to which this permission relates, details of the approved cycle parking shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of promoting sustainable modes of transport and to accord with policy IN1 of the Harlow Local Development Plan 2020.

- 17 Prior to the beneficial occupation of the development to which this permission relates, details of the approved waste storage facilities shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE5, PL1 and PL12 of the Harlow Local Development Plan 2020.

- 18 Prior to the beneficial occupation of the development to which this permission relates, a SuDS maintenance plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of who is responsible for different elements of the surface water drainage system, the maintenance activities and the frequencies of those activities. The approved maintenance plan shall thereafter be adhered to for the lifetime of the development.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 19 Prior to the beneficial occupation of the development to which this permission relates, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall cover all hard and soft landscaping and include details of all materials, site preparation, planting techniques, and aftercare, and a programme of maintenance for a period of three years following implementation of the scheme. The approved landscaping scheme shall be implemented during the first planting season following substantial completion of the development.

REASON: In the interests of conserving heritage assets and the character and appearance of the area and to accord with policies WE1, WE5, PL1, PL7, PL8 and PL12 of the Harlow Local Development Plan 2020.



- 20 Prior to the beneficial occupation of each dwelling to which this permission relates, a residential travel information pack shall be provided free of charge to that dwelling. The residential travel information pack shall include six one day travel vouchers for the relevant local public transport operator.

REASON: In the interests of promoting sustainable modes of transport and to accord with policy IN1 of the Harlow Local Development Plan 2020.

- 21 Prior to the beneficial occupation of the development to which this permission relates, the car parking, turning and servicing areas shall be provided with a hard-bound dust-free surface and marked out as shown on the approved plans. The areas shall thereafter be permanently kept free from obstruction and retained for their intended purposes.

REASON: In the interests of highway safety and to accord with policies IN2 and IN3 of the Harlow Local Development Plan 2020.

- 22 Annual logs of SuDS maintenance, prepared in accordance with any approved SuDS maintenance plan, shall be kept for the lifetime of the development and made available for inspection upon request by the local planning authority.

REASON: In the interests of mitigating flood risk and to accord with policy PL11 of the Harlow Local Development Plan 2020.

- 23 The development to which this permission relates shall be carried out in accordance with the plans as listed in the table below unless otherwise agreed in writing by the local planning authority.

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

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
HARST-MCB-XX-SI-DR-A-0100-S4	P06	Site Location Plan	15/03/2023
HARST-MCB-XX-SI-DR-A-0140-S4	P04	GA Proposed Site Plan	15/03/2023
HARST-MCB-XX-SI-DR-A-0250-S4	P05	Ground Floor Demolition Plan	15/03/2023
HARST-MCB-XX-00-DR-A-0300-S4	P08	Proposed Ground Floor Plan	15/03/2023
HARST-MCB-XX-01-DR-A-0301-S4	P07	Proposed First Floor Plan	15/03/2023
HARST-MCB-XX-02-DR-A-0302-S4	P07	Proposed Second Floor Plan	15/03/2023
HARST-MCB-XX-RF-DR-A-0303-S4	P07	Proposed Roof Plan	15/03/2023
HARST-MCB-SI-ZZ-DR-A-0400-S4	P07	Proposed Sections	15/03/2023
HARST-MCB-SI-ZZ-DR-A-0401	P03	Proposed Site Sections and Elevation	15/03/2023

HARST-MCB-XX-ZZ-DR-A-0500-S4	P07	Proposed Elevations Sheet 01	15/03/2023
HARST-MCB-XX-ZZ-DR-A-0501-S4	P07	Proposed Elevations Sheet 02	15/03/2023
754-ALA-00-XX-DR-L-001-S3	P03	Landscape Illustrative Masterplan	15/03/2023
754-ALA-00-XX-DR-L-0002-S3	P04	Landscape General Arrangement	15/03/2023
754-ALA-00-XX-DR-L-0003-S3	P01	Planting Plan	15/03/2023
HARST-MCB-XX-00-DR-A-SK22-S4	P02	Refuse Collection Strategy Option A – Non-Collection Day	04/05/2023
HARST-MCB-XX-00-DR-A-SK23-S4	P02	Refuse Collection Strategy Option A –Collection Day	04/05/2023

## INFORMATIVE CLAUSES

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk)
- 3 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- 4 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 5 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 6 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.
- 7 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.

- 8 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.
- 9 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](mailto:development.management@essexhighways.org)
- 10 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.
- 11 Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.
- 12 All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

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

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

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

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

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