

DEVELOPMENT MANAGEMENT



Harlow Local Development Plan

June 2017

CONSULTATION DRAFT

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DEVELOPMENT MANAGEMENT

**11. Background to
Development Management in Harlow**



Harlow Local Development Plan

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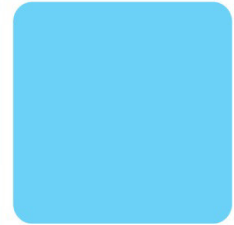
DEVELOPMENT MANAGEMENT

11. BACKGROUND TO DEVELOPMENT MANAGEMENT IN HARLOW

- 11.1 Development Management policies provide a detailed planning framework which will be used to determine planning applications. They are informed by national policies and guidance which set out the Government's planning policies for England and how it expects them to be applied.
- 11.2 National policies state that the purpose of the planning system is to contribute to the achievement of sustainable development, which has three roles:
- An economic role by contributing to a strong, responsive and competitive economy
 - A social role by supporting strong, vibrant and healthy communities
 - An environmental role by contributing to the protection and enhancement of the environment
- 11.3 These Development Management policies have been developed to help achieve sustainable development and to provide the detailed spatial expression of the Strategic Policies in the Local Plan.
- 11.4 The Development Management policies have been grouped to reflect the broad Spatial Objectives of the Local Plan. Through their implementation, the Council will ensure all development proposals have regard to these objectives.



DEVELOPMENT MANAGEMENT
12. Placeshaping



Harlow Local Development Plan

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12. PLACESHAPING

Introduction

- 12.1 Promoting good design is fundamental to achieving high-quality, inclusive development and is an important consideration for new buildings and public and private spaces. It goes beyond aesthetic considerations, addressing issues such as connectivity between people and places and the integration of development into the natural, built and historic environment.
- 12.2 Harlow's New Town heritage, based on the design principles set out in the Master Plan prepared by Sir Frederick Gibberd, established the overall layout and character of the town. The dominant green spaces provide a sense of openness and tranquillity in an otherwise relatively densely populated urban area. The policies contained within this chapter aim to conserve, protect and enhance the natural and built environment of Harlow, including its green spaces, biodiversity and overall landscape quality. The policies also aim to safeguard the environment from harmful development that may affect, for example, air quality, water quality or flood risk.
- 12.3 The district currently has ten Conservation Areas, designated for their special architectural or historic interest. The Conservation Area status aims to ensure the character and appearance of these areas is protected. There are also 168 listed buildings in Harlow which are preserved and enhanced through the policies in the Local Plan. The Council has also sought to identify buildings and structures which have not been identified nationally for listing but which contribute towards the district's distinct character and heritage.

Corporate Priorities

- 12.4 This chapter and the policies contained within it will help deliver the Council's Corporate Priorities, as follows:
- **A clean and green environment**

Local Plan Strategic Objectives

- 12.5 This chapter and the policies contained within it will help deliver the following Local Plan Strategic Objectives:
- **Objective 1 – Create and enhance high quality built environments which are well connected to revitalised green spaces**
 - **Objective 2 – Deliver high quality design through new development whilst protecting and enhancing the district's heritage**
 - **Objective 3 – Adapt to and mitigate the impacts of climate change**

PL1 Design Principles for Development

A high standard of urban and architectural design is expected for all development. Development will be **supported** where it meets 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);
- (b) it protects, enhances or improves local distinctiveness, taking account of local character, patterns of development, urban form and landscape character, building typology, detailing and materials, trees and landscaping, front boundary treatments and other features of local and historic significance;
- (c) it provides appropriate physical, legible and safe connections with surrounding streets, paths and neighbouring development;
- (d) it responds to the scale, height, massing, architectural detailing and materials of the surrounding area, is visually attractive and respects its context without restricting style and innovation;
- (e) it provides logical and legible layouts which support active street frontages, improve the public realm, provide 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.

Justification

- 12.6 This policy sets out the design criteria for all development in Harlow, taking into account the requirements of the Adopted Harlow Design Guide SPD. It also ensures the design and layout of new development respects Sir Frederick Gibberd's Master Plan for the New Town, which ensured the town was planned to be contained within the original landscape and to retain as many natural features as possible.
- 12.7 The policy is applicable to all development types in the district, whether they are for the provision of buildings and structures or the layout of places and spaces.

Implementation

- 12.8 A Supplementary Planning Statement or Design and Access Statement will be required for major developments and may be required for other developments. It should demonstrate how the criteria in this policy and relevant national policies and guidance have been complied with.
- 12.9 For further guidance and explanation on the characteristics of high quality urban and architectural design and the methods to create safe and secure environments, applicants should refer to the Adopted Harlow Design Guide SPD. This will be used to guide and assess future development across Harlow and will be a material consideration in the determination of planning applications.

PL2 Amenity Principles for Development

Development which protects or improves the level of amenity of existing and future occupants and neighbours in the local area will be **supported**.

In assessing the impact of development on amenity, **all** the following will be considered:

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

Justification

- 12.10 This policy aims to promote and protect high standards of amenity. This is a key element of sustainable growth and continued regeneration, and will assist in meeting the Council's priority to ensure regeneration takes place in the district.
- 12.11 The policy also aims to avoid loss of privacy due to the proximity and design of development and will allow sufficient daylight and sunlight to penetrate into and between buildings. It also takes into account the need for development to provide access to amenity space and links with Harlow's wider Green Infrastructure network.

Implementation

- 12.12 For further guidance, applicants should refer to the Adopted Harlow Design Guide Supplementary Planning Document. This is useful when considering the design and layout of new buildings, structures, places and spaces.
- 12.13 As well as assessing development against all of the criteria in this policy individually, the cumulative effect of each of these criteria will be considered as part of assessment.

PL3 Sustainable Design, Construction and Energy Usage

Development will be expected to deliver high standards of sustainable design and construction and efficient energy usage. Development will be **supported** where it meets or exceeds the minimum standards required by Building Regulations.

Justification

- 12.14 Local Plans should consider climate change, the effects of which are wide-ranging and can lead to increased drought, extreme weather events (including heatwaves, snow and storms) and surface water flooding. Such impacts could have a major negative impact on the local economy, people, infrastructure and environment.
- 12.15 This policy seeks to reduce the impact of new development on the environment and this should be read in conjunction with the Strategic Policies set out the Local Plan which identify the most sustainable locations for growth and promote the use of sustainable modes of transport.
- 12.16 Many buildings in Harlow are a legacy of its New Town heritage and were constructed using the methods and techniques of the time. Some of these buildings are now no longer fit for purpose and need replacement. The Council will ensure that new buildings are constructed in a sustainable manner and accord with current best practice.
- 12.17 The policy encourages applicants to consider the impact of their development and seek ways to address the effects, beyond those measures required by Building Regulations.

Implementation

- 12.18 The Building Regulations set out the minimum requirements for the conservation of fuel and power. The associated guidance suggests measures to reduce energy consumption and carbon dioxide emissions, which include the consideration of:
- (a) appropriate layout and building orientation to maximise solar gain in the winter;
 - (b) the use of Green Infrastructure, such as trees and rain gardens;

- (c) efficient use of all roof and vertical surfaces for the installation of low carbon technologies and green roofs;
- (d) integrating passive ventilation, such as wind catchers, or low energy options where mechanical ventilation or cooling is required;
- (e) generating energy from on-site renewable or low-carbon energy systems;
- (f) the use of local, sustainable and energy efficient materials; and
- (g) the re-use of existing resources.

12.19 A Sustainability Statement may be required for detailing the sustainability credentials of the proposed development. This should cover any use of on-site low carbon/renewable energy technology and how the design, massing, layout, construction of the building and use of Green Infrastructure contributes to reducing carbon dioxide (CO₂) emissions. The energy hierarchy set out in the Strategic Policies should be considered within the Sustainability Statement. The Sustainability Statement should also make clear how measures have been incorporated into the design of the development to ensure they are well integrated.

12.20 Where a Sustainability Statement is submitted, the developer will be required to provide evidence of the implementation of the target total carbon dioxide (CO₂) reduction level, by using nationally recognised, independently audited schemes such as Energy Performance Certificates. The evidence should include a clear breakdown of the percentage of carbon savings delivered by building efficiency and the use of any low carbon or renewable energy technologies.

PL4 Green Wedges and Green Fingers

Development on land designated as Green Wedge or Green Finger will be **supported** where it meets **one or more** of the criteria below:

- (a) it is for small-scale development;
- (b) it is for essential infrastructure and local transport infrastructure which must demonstrate a requirement for a Green Wedge or Green Finger location;
- (c) it is for the replacement of buildings, provided that the new building/buildings are in the same use and not more harmful than the one it replaces;
- (d) it constitutes strategic infrastructure development which can demonstrate that it is of benefit to the wider community.

Additionally, development **must** meet **both** the criteria below:

- (e) it demonstrates that the roles and functions of the Green Wedges and Green Fingers are not adversely affected; **and**
- (f) it enhances the landscape, promotes biodiversity and integrates with existing Green Infrastructure.

Justification

- 12.21 Green Wedges and Fingers are fundamental to the character of Harlow. Sir Frederick Gibberd's Master Plan sought to preserve the form of the original landscape and the natural features that gave the district its distinctive character; consequently the green areas were generally kept free of buildings and as natural as possible.
- 12.22 The purpose of this policy is to continue to protect the Green Wedges and Green Fingers from encroachment and visual intrusion, while recognising there may be opportunities for some development within them, where the development benefits the wider community or improves the biodiversity and/or landscaping.

Implementation

- 12.23 While the roles and functions of the Green Wedges and Green Fingers differ, these two types of open space are complementary and of equal importance; the main difference being their scale. Details of their roles and functions are set out in the Strategic Policies.
- 12.24 Small-scale development can include householder applications, school or sports related development, recreation and community uses.
- 12.25 Applications for local transport infrastructure must demonstrate their requirement for a Green Wedge or Green Finger location. This would also include the provision of essential infrastructure identified in the Local Plan, or where the applicant can demonstrate that there is no other location within the district that could accommodate the proposed infrastructure.

PL5 Other Open Spaces

Development on Other Open Spaces will be **supported unless one or more** of the following criteria are met:

- (a) the development would compromise the landscape character, openness, biodiversity or urban design principles of the town and/or the surrounding area;
- (b) the development would remove access to an open space which, in accordance with the current evidence, is of high quality and/or high public value in providing opportunities for sport and recreation;
- (c) the development would prejudice the potential for comprehensive development of adjacent land.

Justification

- 12.26 Along with the preservation of Green Wedges and Green Fingers, the preservation of Other Open Spaces is fundamental to ensuring the original design of Sir Frederick Gibberd's Master Plan for Harlow is respected, which planned the district to be interspersed with many open spaces to offset the provision of small private gardens.
- 12.27 Other Open Spaces can be of public value where they have a role or function which makes a positive contribution to the character of the area. Such spaces often provide opportunities for recreational uses and also provide landscaping and visual buffers.
- 12.28 The aim of this policy is to protect those Other Open Spaces which make a positive contribution, through their specific role or function, to the overall character and design of Harlow. For example, some Other Open Spaces offer amenity and informal recreational opportunities, and therefore contribute to the health and wellbeing of local residents by providing nearby spaces for outdoor and physical activity.

Implementation

- 12.29 Other Open Spaces are defined as open spaces, both private and publically owned, which are not allocated as Green Belt, Green Wedge or Green Finger in the Local Plan. Other Open Spaces vary in nature and quality and can include:
- strips of landscaping, for example next to a road, pavement or cycle path;
 - amenity spaces and gardens;
 - areas of land between buildings;
 - informal recreational areas; and
 - woodland and landscaping belts.
- 12.30 An application for infill development, which would block the potential for comprehensive development, would not be supported. For example, where there are open spaces adjacent to each other, the development of one open space in isolation could prevent the opportunity to develop the open spaces as a whole.

PL6 Trees and Hedgerows

1. Existing trees and hedges

Development and tree works applications, which ensure that trees and hedges are protected and enhanced, will be **supported**. Where development has a negative impact on existing trees and hedges, the proposal will be assessed based on **all** the following criteria:

- a) the impacts the development would have on the trees and/or hedges and the proposed measures to mitigate any impacts;
- b) the character and value of the trees and/or hedges;
- c) the existing condition of the trees and/or hedges;
- d) any existing specific protections the trees and/or hedges currently have; **and**
- e) the provisioning of replacement trees and/or hedges, which are a suitable species and ensure the canopy cover is maintained and enhanced.

2. Trees and hedges in new development

Development which includes the planting of new trees and hedges will be **supported** where **all** the following criteria are met:

- a) the location and species of the trees and hedges are suitable, when considering their juxtaposition to development and infrastructure both above and below ground;
- b) the species selection of trees and hedges helps enhance resilience and diversity of the trees and hedges, including genetic and species diversity;
- c) the total canopy cover of the proposal site will be increased, in the long-term, through the planting of trees, shrubs and hedges; **and**
- d) where necessary, the below-ground environment is enhanced.

Justification

12.31 This policy aims to protect the trees and hedgerows in Harlow, which form an important part of the Green Infrastructure and landscaping in the district, fundamental to Harlow's original design character. Trees and hedgerows provide wildlife habitats and natural visual and noise buffers, and assist in mitigating the effects of climate change, for example by providing shading and reducing the temperature of the local micro-climate.

12.32 Whilst over 300 trees in Harlow are already protected by Tree Preservation Orders, and many trees and hedgerows are found within protected areas such as Green

Wedges, there are a number of significant trees and hedgerows found in Other Open Spaces and residential areas.

- 12.33 Many of the trees and hedgerows in the district are over 70 years old and, therefore, pre-date the development of the New Town, as Sir Frederick Gibberd's Master Plan aimed to respect the existing natural landscape assets. There are over 250 veteran trees in Harlow and many of the existing trees are likely to become veteran and ancient specimens in the future. A number of hedges have historic importance, especially where they are found along original highways and old parish and farm boundaries.

Implementation

- 12.34 When assessing the impacts of development on trees and/or hedges and measures to mitigate any impacts, an Arboricultural Impact Assessment and Arboricultural Method Statement may need to be submitted to the Council.
- 12.35 When assessing the value and condition of existing trees and/or hedgerows, a survey may need to be submitted to the Council. The value that trees and/or hedges offer includes historic, cultural, ecological, economic and amenity value. The condition includes the health and structure of the trees and/or hedges.
- 12.36 Existing specific protections that trees and/or hedges may have include Tree Preservation Orders and other protections offered by Conservation Areas or Hedgerow Regulations.
- 12.37 The enhancement of the below-ground environment could be achieved through measures such as cellular confinement systems, Sustainable Drainage Systems, soil mycorrhizal inoculations and porous surfacing.
- 12.38 The Council may also require a Management Plan to be submitted, which demonstrates how the future maintenance of new trees and hedges would be managed, in order to protect their long-term quality.
- 12.39 Where appropriate, the Council will consult with specialists to obtain advice on tree and hedgerow matters.

PL7 Green Infrastructure and Landscaping

Green Infrastructure and landscaping **must** be protected and enhanced as part of development.

Development will be **supported** where **all** the following criteria are met:

- (a) new Green Infrastructure and landscaping are well planned, taking into consideration the practicalities and requirements of future management and maintenance;
- (b) existing Green Infrastructure and landscaping are, where possible, protected and enhanced and in all cases are sympathetically integrated into the development;
and
- (c) development makes connections wherever possible to landscaping and Green Infrastructure outside of the site.

Justification

12.40 Green Infrastructure is an important element of Harlow's distinctive character, which Sir Frederick Gibberd developed within his original Master Plan to respect the existing natural environment and integrate it within the New Town to provide functional areas of green and open space which could be used and enjoyed by wildlife, visitors and residents.

12.41 The requirement of this policy is for new Green Infrastructure and landscaping to be sympathetically integrated into development to ensure the continuation of Sir Frederick Gibberd's Master Plan.

12.42 There are opportunities for development to create, protect and enhance existing Green Infrastructure and landscaping, to improve the natural environment, and create additional wildlife habitats and reinforce existing green links. This policy aims to protect existing Green Infrastructure in Harlow and ensure that new Green Infrastructure is well-planned and effectively managed in the future.

Implementation

12.43 Green Infrastructure is multi-functional natural and man-made green space, including parks, playing fields, woodlands, allotments and wildlife corridors. At a smaller-scale, it also includes measures to assist climate change mitigation, such as green roofs and green walls.

12.44 The Adopted Harlow Design Guide Supplementary Planning Document should be consulted for guidance on appropriate landscaping for development.

12.45 The Council may require a Management Plan to be submitted, which demonstrates how the future maintenance of the Green Infrastructure and landscaping would be managed, in order to protect its quality and functionality in the long-term.

PL8 Biodiversity and Geodiversity Assets

Development should contribute to and enhance biodiversity or geodiversity assets.

The potential harm caused by development on these assets and their surroundings will be assessed based on the harm caused by the development. The greater the significance of the asset, the greater the weight that is given to the asset's protection.

Development will be **supported** where it meets the following criteria:

- (a) it creates new biodiversity and protects geodiversity assets and creates links to existing biodiversity and geodiversity assets;
- (b) it includes the protection and enhancement of existing biodiversity and geodiversity assets;
- (c) where it can be demonstrated that protection and enhancement of existing biodiversity and geodiversity assets is not possible, appropriate measures must mitigate the negative effects on these assets.

Justification

12.46 As a planned New Town, Harlow benefits from networks of open spaces which contribute to the biodiversity of the district, conserve habitats of local significance and enable the appreciation of wildlife.

12.47 Helping to protect and enhance biodiversity is one of the fundamental aims of national policies and guidance, to halt the overall decline in biodiversity. This policy aims to ensure the continued protection and enhancement of biodiversity and geodiversity assets in Harlow.

Implementation

12.48 Designated biodiversity and geodiversity assets are allocated on the Policies Map and are listed in the Appendices. In Harlow, the highest order asset type is Sites of Special Scientific Interest, followed by locally designated sites, ancient woodland, and aged or veteran trees found outside ancient woodland. There are, as yet, no designated geodiversity assets in Harlow.

12.49 There may also be non-designated assets of biodiversity and geodiversity importance which the Council will seek to protect and enhance, in order to extend the geodiversity and the network of biodiversity and open spaces across the district.

12.50 The Council may require assessments of biodiversity and geodiversity assets to be submitted, which identify the impacts of development and any necessary mitigation and/or compensatory measures.

12.51 Biodiversity assets within development will require appropriate protection, enhancement and/or mitigation measures for the biodiversity assets. Appropriate measures could include management agreements, planning conditions and/or obligations.

PL9 Pollution and Contamination

All development proposals must minimise and, where possible, reduce all forms of pollution and contamination.

Development will be **supported unless**, individually or cumulatively, there are unacceptable impacts on or from:

- noise pollution;
- light pollution;
- air quality (including dust, odour and emissions);
- vibration;
- surface and ground water quality;
- land quality, condition and stability;
- the natural environment;
- the built environment;
- general amenity;
- health and safety of public;
- compliance with statutory environmental quality standards.

The location and type of development and its relationship to the surrounding built and natural environment will be taken into consideration when assessing the acceptability of the impacts.

Where it can be demonstrated that pollution and/or contamination is unavoidable, appropriate measures must mitigate the negative effects of the development.

Justification

12.52 It is important that any potential conflicts arising from pollution or contamination are assessed in order to protect the built and natural environment, including safeguarding local amenity and the health and well-being of local residents

12.53 Sir Frederick Gibberd's Master Plan for Harlow separated residential uses from industrial uses, which were concentrated within a number of employment areas. Consequently the Council will consider whether new uses are compatible with existing uses within an area in order to minimise the risk of pollution and/or contamination.

12.54 Development in Harlow has historically been built at a high density. Where new development could have an impact on existing development due to potential pollution or contamination, the Council will give careful consideration to impacts on the amenities of the surrounding area.

12.55 In terms of air quality in Harlow, air quality monitoring has been undertaken and there are no areas where the air quality has led to the designation of Air Quality Management Areas. This policy aims to maintain this position in the district.

Implementation

12.56 The Council may require assessments of any pollution and/or contamination to be undertaken and submitted, which identify any existing pollution and/or contamination, and the impacts of the development and any necessary mitigation and/or compensatory measures. For example, an assessment of light may need to take into consideration the detail of the angles of lights, lighting design, light spillage, luminance levels, height of light columns and proposed hours of use. Mitigation measures could include the use of baffles and appropriate building design to minimise impacts. The Council may also impose conditions to control and manage pollution and contamination levels.

PL10 Water Quality, Water Management, Flooding and Sustainable Drainage Systems

1. Water Quality

Development will be **supported unless** it adversely affects water quality, including quality of waterways and other bodies of water, identified Source Protection Zones (SPZ), Aquifers and all other groundwater.

New developments adjacent to water courses **must** seek to include restoration and de-culverting. The culverting of water courses **must** be avoided wherever possible.

2. Water Management

To minimise impact on the water environment, all new dwellings should achieve the Optional Technical Housing Standard for water efficiency of no more than 110 litres per day as described by Building Regulations.

3. Flooding

All development proposals will be considered against the NPPF (including application of the sequential test and, if necessary, the exception test) and against the European Water Framework Directive (or any subsequent equivalent).

Development **must** follow a risk-based and sequential approach, so that it is located in the lowest flood risk area. If this cannot be achieved, the exception test **must** be applied and the appropriate mitigation measures **must** be undertaken.

Development **must** meet **all** the following criteria:

- (a) it **must not** increase the risk of flooding elsewhere;
- (b) within sites at risk of flooding, the most vulnerable parts of the proposed development **must** be located in areas of lowest flood risk;
- (c) flood levels of development in Flood Zones 2 and 3 should be situated above the 1% (1 in 100 years) plus climate change predicted maximum water level, plus a minimum watertight depth of 300mm above the normal water level;
- (d) development **must** be flood resilient and resistant, with safe access and escape routes, and it should also be demonstrated that residual risks can be safely managed;
- (e) any necessary flood protection or mitigation measures should not have an undue impact on nature conservation, landscape character, recreation or other important matters;
- (f) there should be no net loss in flood storage on site;
- (g) flood flow routes should be preserved; **and**
- (h) where necessary, planning permission will be conditional upon flood protection and/or runoff control measures being operative before other site works.

4. Sustainable Drainage Systems

Where a sustainable drainage system (SuDS) is required, the drainage scheme must meet **all** the following criteria:

- (a) provide the most sustainable option from the SuDS hierarchy;
- (b) achieve multiple benefits including management of flood risk and surface water pollution, amenity and biodiversity;
- (c) achieve the greenfield runoff rate;
- (d) provide appropriate attenuation taking into account climate change;
- (e) provide arrangements for future maintenance and management; **and**
- (f) major proposals should also comply with the principles and standards set out by the Lead Local Flood Authority for SuDS.

Justification

12.57 Sir Frederick Gibberd's Master Plan planned Harlow within the landscape, keeping the valleys free from development and building on the higher ground, therefore helping to prevent major flooding.

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- 12.58 This policy will ensure that the quality of drinking water is maintained, avoiding harmful polluting developments which affect its quality.
- 12.59 The policy also sets out targets for water management. The Environment Agency's report, Water Stressed areas – final classification (2013), states there is serious water stress for many parts of the east of England including Harlow, both now and in the future. Serious water stress is the result of a large population with high water demands but with limited water availability.
- 12.60 It is therefore appropriate to set a water use target of 110 litres per head per day for residential development, which is approximately 50 litres less than the current Harlow average and 15 litres less than the standard Building Regulations requirements. Developing a house with this target could save 79kg of CO₂ and 15m³ of water per year per house.
- 12.61 This policy also aims to prevent the risk of flooding in the district. Flood risk is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.
- 12.62 Surface water flooding is also an important issue and this policy aims to prevent this through the use of sustainable drainage systems in new developments. Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to reduce the causes and impacts of flooding, remove pollutants from urban run-off at source through natural filtration and combine water management with green space to provide benefits for amenity, recreation and wildlife.

Implementation

- 12.63 Applications for developments involving high risk activities in Special Protection Zones (SPZs) or aquifers must be accompanied by a risk assessment to determine whether the development would pose a threat to water quality and what mitigation measures or management strategy is being put in place to deal with the risk. In terms of water quality, high risk activities include those involving hazardous substances such as pesticides, oils, petrol and diesel.
- 12.64 Meeting the water management target can be achieved by ensuring development makes use of efficient appliances such as efficient showerheads, spray taps and low-flush toilets, recycling grey water, and using natural filtration measures and facilities.
- 12.65 National policies and guidance defines flood zones and the types of development which are considered appropriate and inappropriate. It also provides information on the sequential test for Flood Risk Zones and how to then apply an exception test.

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- 12.66 Applicants may be required to submit a site-specific Flood Risk Assessment to the Council in order to assess the flood risk to and from the development site. Applicants should refer to the latest guidance from the Environment Agency and the Department for Environment, Food and Rural Affairs for the most up to date information on Flood Risk Assessment.
- 12.67 To demonstrate that a development will be protected over its lifetime, information must be submitted in the assessment of how users will access the development, how flood risk will be reduced, how any overland flood and flow routes are preserved and what flood defence infrastructure will be in place. Flood warning and evacuation procedures may also need to be put in place.
- 12.68 The risk of flooding can be avoided and reduced by:
- locating new development within areas of lower flood risk through the application of the sequential test for Flood Risk Zones and then applying an exception test in accordance with the NPPF;
 - ensuring that development proposals in flood risk areas actively manage and reduce flood risk by applying the sequential approach at site level;
 - where possible, the footprint of existing buildings should be reduced;
 - where possible, flood storage should be maximised through the use of Green Infrastructure.
- 12.69 In terms of surface water flooding, the general aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 12.70 Methods of attenuation include attenuation ponds, filter strips and swales.
- 12.71 When considering whether a drainage system is appropriate for a development, the Council will consider the technical standards produced by DEFRA, design and constructions costs and advice from the relevant flood risk management bodies. When planning a sustainable drainage system, developers need to ensure their design takes account of the construction, operation and maintenance requirements of both surface and subsurface components, allowing for any personnel, vehicle or machinery access required to undertake this work.
- 12.72 The Council will consult the statutory bodies on drainage systems where it is applicable to do so.
- 12.73 Developers should refer to the Council's Strategic Flood Risk Assessment for further information and advice.

PL11 Heritage Assets and their Settings

Development that affects a heritage asset or its setting will be assessed based on the harm caused by the development on the significance of the heritage asset. The greater the significance of the asset, the greater the weight that is given to the asset's conservation. The level of impact caused to the significance of the heritage asset will be assessed against **all** the following criteria:

- (a) the impact of development on the character, appearance, or any other aspect of significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features); **and**
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views).

Justification

12.74 The purpose of this policy is to protect the features and characteristics for which designated and non-designated heritage assets were selected. This also includes any buildings or structures within the curtilage or wider setting of a heritage asset and which contribute towards its significance.

12.75 National policies highlight the importance of these assets as irreplaceable resources. They are part of the historic environment which contributes strongly to the character and distinctiveness of places; bringing wider social, cultural, economic and environmental benefits to local communities and providing enjoyment to the wider public.

12.76 Harlow contains several Scheduled Monuments including a number of historic moats and burial mounds, earthwork remains of medieval villages, a barn, a chapel and remnants of Roman villas and temples. The district has a rich historical past and contains various archaeological remains, which were preserved throughout the development of the New Town.

12.77 Harlow contains one Historic Park and Garden to the east of the district which was previously owned, developed and maintained by Sir Frederick Gibberd. The gardens and the house are located within the Stort Valley to the east of the town.

Implementation

12.78 Designated heritage assets include listed buildings and their curtilage, conservation areas, archaeological remains, Scheduled Monuments and historic parks and gardens as well as their settings. Locally listed buildings are known as

non-designated assets. Historic England administers national designations which include all designated heritage assets apart from conservation areas.

- 12.79 National policies and guidance outline the rationale behind the designation of heritage assets, with special architectural or historic interest being at the core of any designation decision. National policies also set out the hierarchy of significance of historic assets.
- 12.80 Where appropriate, the Council will consult with Historic England and Essex County Council to obtain specialist advice on heritage assets.

Listed and Locally Listed Buildings

- 12.81 Harlow has over 150 listed buildings (refer to the Appendices for more information). The Department for Culture, Media and Sport designates listed buildings and Scheduled Monuments. Locally listed buildings have also been identified as they contribute towards the district's heritage.
- 12.82 The register of nationally listed and locally listed buildings may alter during the Local Plan period. Any updates to these lists, including the removal or addition of buildings and structures, will be published on the Council's website.
- 12.83 Where planning permission is required for alterations or additions to listed and locally listed buildings, a Heritage Statement should be submitted assessing how the proposal complements or mitigates any harm towards a building's historic character and/or architectural interest. For proposals which affect a Grade I or II* listed building or structure, the Council will also seek advice from Historic England.
- 12.84 As well as assessing the effect that development would have on the physical features of a listed or locally listed building/structure, this policy will also assess the impact the proposal will have on the asset's setting. The term 'setting' refers to the surroundings in which a building or structure is located, and may therefore be more extensive than its curtilage. Setting is often expressed by reference to visual considerations, although the way in which a building or structure is experienced in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses, and by understanding the historic relationship between places.
- 12.85 When assessing applications for development which may affect the setting of a listed or locally listed building or structure, consideration will be given to the implications of cumulative change which may materially impact on the significance of the building or structure, its economic viability and its conservation.

Conservation Areas

- 12.86 The district's ten Conservation Areas are allocated on the Policies Map and have been designated because of their special architectural or historic interest. This policy ensures that development in Conservation Areas respects the character, appearance and features which justify the special designation of that area. This is also applicable to development which affects the setting of a Conservation Area.

The Council will encourage redevelopment and refurbishment that would enhance a Conservation Area and its setting.

12.87 The Council has completed character appraisals and management plans for several of the district's Conservation Areas. This is part of an ongoing monitoring and review process. Supporting statements accompanying an application should set out how development proposals have considered these character appraisals and how they have accorded with management plans. The appraisals, plans and confirmed Article 4 Directions for the Old Harlow and Harlow Garden Village Estate Conservation Areas are available on the Council's website.

Archaeology

12.88 A desk-based assessment, or where appropriate an archaeological field evaluation, must be submitted where proposals are on or adjacent to sites of known archaeological interest or sites believed to possess potential archaeological significance. Following the assessment, further investigation may be required.

12.89 Where the loss of the whole or a part of a heritage asset's archaeological significance is justified, planning conditions may be attached to a planning permission to ensure that an adequate record is made of the significance of the heritage asset before it is lost.

PL12 Enabling Development of Heritage Assets and their Settings

Development affecting a heritage asset (and its setting) which is at risk will be **supported** where it would otherwise conflict with other policies of the Local Plan, if this is the only way to secure the future conservation of the asset and it can be demonstrated that the benefits of the development outweigh the negative impacts.

Justification

12.90 Enabling development may be considered appropriate where the ongoing conservation of a listed building or locally listed building is at risk, and in this instance it must be shown that this is the only way to conserve the asset by providing an income for the upkeep and repair. Such development will not be justified on the basis that it will generate increased revenue or property values.

Implementation

12.91 For advice on what should be included in an application for planning permission and more general guidance on enabling development, refer to the Historic England website.

PL13 Advertisements

Proposals for advertisements will be assessed against **all** the following criteria:

- (a) the effect the advertisement may have on the general amenity of the area, including heritage assets, and the presence of any features of landscape or cultural significance;
- (b) the position of the advertisement in comparison to the scale and size of the host building;
- (c) the cumulative effect of the development when read with other advertisements on the building or in the surrounding area. The clutter or over-concentration of advertisements must be avoided;
- (d) the size, scale, dominance and siting of the advertisement and how it relates to the scale and character of the surrounding area;
- (e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact upon the appearance of the building on which it is to be affixed and the character of the surrounding area;
- (f) the size, scale, type and levels of illumination of the advertisement and its impact upon the amenity of people living nearby and the potential for light pollution;
and
- (g) the impact upon the safety of the public, including highway users.

Justification

12.92 Advertisements can contribute significantly to the character of an area and, without proper management, can create clutter and an unattractive street scene in the built environment. However, advertising is an important way of promoting businesses and contributing to the vitality of the area. The intention of this policy is, therefore, to manage advertisements in a consistent manner, taking into consideration any impact on the amenity value of the area and the safety of the public.

Implementation

12.93 This policy will apply to proposals which require the express consent of the Council. The Town and Country Planning (Control of Advertisements) Regulations 2007 sets out where express consent is required.



DEVELOPMENT MANAGEMENT
13. Housing



Harlow Local Development Plan

CONSULTATION DRAFT

13. HOUSING

Introduction

- 13.1 One of the main aims of the Local Plan is to ensure that there is a sufficient supply of sustainable, high-quality homes across a range of tenures and types in the district, to fully meet Harlow's Objectively Assessed Housing Needs (OAHN).
- 13.2 The West Essex and East Hertfordshire Housing Market Area (HMA) includes the administrative areas of Harlow, East Hertfordshire, Epping Forest and Uttlesford. Harlow's contribution to meeting the housing requirement of the HMA is to ensure that 9,200 homes are delivered in Harlow over the Local Plan period. The overarching housing need for the district and its distribution is set out in the Strategic Policies.
- 13.3 This chapter and the policies contained within it will help deliver the following Corporate Priority:

- **More and better housing**

Local Plan Strategic Objectives

- 13.4 This chapter and the policies contained within it will help deliver the following Local Plan Strategic Objectives:
- **Objective 4 – Identify sites to meet local housing needs both now and in the future**
 - **Objective 5 – Provide a range of suitable housing for the community including a range of tenure and type**
 - **Objective 6 – Improve the quality of homes in the district through new developments, regenerated neighbourhoods and priority estates**

H1 Housing Allocations

Development of the Strategic Housing Site and other sites for housing (allocated in the Strategic Policies) will be **supported**.

Development of the Strategic Housing Site will require a Master Plan to be submitted which takes into consideration the relevant policies in the Local Plan.

Justification

- 13.5 The housing requirement for the district is set out in the Strategic Policies. Sites allocated within the district are important as they help contribute towards meeting the identified housing requirement for the district; consequently such development will be supported.

Implementation

- 13.6 Planning applications for the development of allocated sites in the Local Plan will be supported.
- 13.7 The housing requirement for the district will be delivered by the sites allocated on the Policies Map. Development of the Strategic Housing Site must be supported by a Master Plan and may require other documents such as design codes or development briefs. These documents must take into account connectivity, the character of the site and surrounding areas and the location and delivery of key infrastructure.

H2 Residential Development

Residential development, including infill development, the sub-division of garden plots, minor redevelopment schemes and the development of vacant plots, will be **supported** where **all** the following criteria are met:

- (a) the development would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings;
- (b) off-street parking and access arrangements can be provided for both existing and proposed dwellings, in accordance with the Adopted Harlow Design Guide Supplementary Planning Document (SPD) and adopted Vehicle Parking Standards;
- (c) the development would make adequate provision for refuse storage and collection; **and**
- (d) the development would not prejudice the potential for comprehensive development of adjacent land.

Justification

- 13.8 This policy aims to encourage new residential development on appropriate sites throughout the district. It is also recognised that there has been a small but constant supply of new housing built on infill sites and garden plots which has contributed to meeting local housing need.
- 13.9 The policy also aims to ensure that land suitable for residential development does not have an adverse impact on the amenities and character of an area. This is especially important in Harlow given the town's New Town heritage reflecting high-density development in parts of the district; however there are areas of lower density development which have their own distinct character.

13.10 As outlined in the Adopted Harlow Design Guide SPD, residential development should respect and respond to the character of existing surrounding housing. This character is normally defined by the general style of development, plot widths, how the plot relates to other buildings, rooflines, projections and other design features.

13.11 The consideration of the impact of infill or other minor residential development on parking and access is also a particularly important issue for Harlow, as many of the neighbourhoods were built at a time before high car usage, so on-street parking can cause congestion in narrow residential streets.

Implementation

13.12 Where there are groups of gardens that might be more efficiently developed together, it would not make best use of land if this potential is prejudiced by a development of one garden in isolation, so such development would not be supported.

H3 Houses in Multiple Occupation

The creation or conversion of a dwelling to a House in Multiple Occupation (HMO) will be **supported** where it meets **all** the criteria below:

- (a) the number of HMOs would not exceed one out of a row of five units;
- (b) 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);
- (c) the development makes adequate provision for refuse storage and collection;
- (d) parking is provided at a level of one space per bedroom, plus one secure covered cycle space per bedroom, or set at the current adopted parking standards for Houses in Multiple Occupation; **and**
- (e) effective measures are proposed to minimise the effects of noise and disturbance.

Justification

13.13 Houses in Multiple Occupation (HMO) provide an additional housing type which helps meet the needs of the community and provides more choice and mix. It is recognised, however, that HMOs can create a range of issues which cumulatively impact on the surrounding area. Evidence suggests that an excess of HMOs along a street can have a detrimental on the amenities of the area. This policy aims to minimise the loss of larger family housing, which is often used for HMOs and is in relatively short supply due to the type of housing stock originally built in Harlow.

13.14 Many areas of Harlow have limited off-street parking and open frontages, which reflect the original New Town design. The intensification of HMOs in a street can have a detrimental impact in the neighbourhood because of a lack of parking provision. As such, this policy aims to maintain the character of residential areas, protect the amenities of local residents and ensure sufficient off-street parking is provided.

Implementation

13.15 HMOs are defined as dwellinghouses which are inhabited by three or more unrelated people, as their only or main residence, who share one or more basic amenity (such as a kitchen). There are two types of HMOs:

- Small HMOs, housing between three and six unrelated persons
- Large HMOs, housing more than six unrelated persons

13.16 Current national permitted development rights allow the change of a dwellinghouse to a small HMO without planning permission. The change of a dwellinghouse (or a small HMO) to a large HMO does, however, require planning permission.

13.17 Planning applications for HMOs will be assessed according to their impact on the character and street-scene of the area in which they are situated. A row is defined as five or more adjacent dwellings whose frontages face the same continuous section of highway between junctions. A row may include, but is not limited to, terraced, semi-detached and detached dwellings, as interpreted by the Council. Further guidance will be provided in a Supplementary Planning Document.

13.18 The Council will ensure that such development will be of an acceptable and safe standard and that habitable rooms comply with the latest minimum size codes.

H4 Loss of Housing

The demolition or the change of use of buildings or land in residential use will be **supported** where **one or more** of the following criteria are met:

- (a) the development would facilitate a net gain in residential accommodation, or redevelopment at a higher density;
- (b) the development would be necessary to secure the preservation of a listed building at risk;
- (c) the existing building is unfit for human habitation, and cannot be economically improved and brought back into residential use;
- (d) the development would be essential for facilitating development in conjunction with policies in the Local Plan.

Justification

13.19 This policy aims to protect existing habitable housing stock and prioritises the redevelopment of existing buildings for continued residential use, which contributes to meeting the housing need in Harlow. It also helps to minimise the amount of development on greenfield sites by promoting the retention of existing dwellings, thereby assisting to preserve the open spaces in Harlow which are fundamental to its character.

13.20 In some cases, redevelopment or conversion of existing dwellings may yield a net increase in dwelling supply, or may provide opportunities to facilitate redevelopment in an area.

Implementation

13.21 The redevelopment of existing residential development, in appropriate cases, will be supported if it results in an increase in housing provision on a site.

13.22 To assess if a dwelling is fit for habitation, regard must be given to a range of factors, including general repair, stability, freedom from damp, natural lighting, water supply, ventilation, drainage and sanitary conveniences. This list is not exhaustive and the Council has the discretion to consider other factors.

H5 Accessible and Adaptable Housing

All new dwellings **must** at least Building Control Part M4(2) standard for accessible and adaptable homes to meet the occupiers' future needs.

In addition, major residential development **must** provide a proportion of Building Control Part M4(3) standard dwellings for wheelchair users.

Justification

13.23 National policies require Local Plans to support Building Control regulations by demonstrating the need for requiring accessible dwellings. This is supported by the Joint Strategic Needs Assessment for Essex.

13.24 The Building Regulations, published in 2015, set out three categories of dwellings:

- Part M4(1): Visitable dwellings (all properties must be broadly accessible)
- Part M4(2): Accessible and adaptable dwellings
- Part M4(3): Wheelchair user dwellings

13.25 The Strategic Housing Market Assessment (SHMA) (2015) projects that the number of over 65s in the Housing Market Area will increase by approximately 47,200 people during the Local Plan period, including 23,300 aged 85 or over. Government disability data indicates that the proportion of households with at least one wheelchair user will increase during the Local Plan period. To provide for

these needs, it is necessary to ensure that all future housing is flexible to meet people's changing circumstances. In addition, the SHMA sets out that 10% of market housing and 15% of affordable housing must be Building Control Part M4(3) standard.

Implementation

13.26 The Building Control Regulations Part M4(2) and Part M4(3) dwellings in a development should be identified in planning applications. Part M4(2) of the Regulations sets out the standards for accessible and adaptable homes, and Part M4(3) sets out the standards for wheelchair user dwellings. To ensure these standards are met, applicants should consult with the Council prior to the submission of a planning application.

13.27 The proportion of major residential development which is required to be of Building Control Part M4(3) standard is set out in the current Strategic Housing Market Assessment or successor studies.

H6 Housing Mix

A range of housing types and sizes, across a range of tenures, **must** be provided in major residential development.

Justification

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

13.29 The range of housing types, sizes and tenures are based on the current SHMA or successor studies.

Implementation

13.30 The different types and sizes of housing can include houses and flats, of differing tenures, with varied numbers of bedrooms. This also includes the need for accessible and adaptable housing.

H7 Residential Annexes

Development for the provision for a domestic annexe will be **supported** where it meets **all** the following criteria:

- (a) it has a clear functional/physical dependence to the principal dwelling;
- (b) it will be subservient to the principal dwelling;
- (c) it is occupied by a relative dependent on the occupier of the principal dwelling, or their carer;
- (d) it is in the same ownership as the principal dwelling;
- (e) it does not involve sub-division of the site; **and**
- (f) sufficient car parking is available to meet the adopted Car Parking Standards.

Justification

13.31 The creation, extension or conversion of an outbuilding may provide an opportunity to accommodate elderly or other dependent relatives, whilst allowing a degree of independent living. The provision of residential annexes should remain ancillary to the main dwelling within the residential curtilage. However, the creation of a separate residential dwelling unit could have a detrimental impact of the character of the surrounding area arising from an intensification of use, and therefore would not be granted planning permission.

Implementation

13.32 The annexe should form part of the same residential planning unit, sharing the same access, parking and garden. The key issue is that the annexe should not become a self-contained dwelling in its own right. The layout, design and relationship to the house will be an important consideration and should be guided by other Local Plan policies and the Adopted Harlow Design Guide Supplementary Planning Document.

13.33 Use of existing rooms for additional accommodation would not normally require consent, so long as the person was clearly associated with main occupants (e.g. dependent relative). Pre-application advice should be sought from the Council as to whether a proposed annexe requires planning permission.

H8 Affordable Housing

Major residential development will be **supported** where affordable housing is provided at a rate of at least 30%. Reduction of this rate will require an independent viability assessment.

Justification

13.34 The Strategic Housing Market Assessment (SHMA) (2015) indicates there is a need for 13,600 affordable dwellings over the Local Plan period, equating to an average of 618 dwellings per year for the Housing Market Area. Specifically for Harlow, the affordable housing need is 154 dwellings per annum (3,400 affordable homes over the Local Plan period).

13.35 The SHMA also shows that a significant number (85%) of affordable housing should be provided as affordable rent, normally provided by a Registered Provider or the Council. The remainder of the affordable housing should be provided as Intermediate Affordable housing at 15% of the total affordable.

Implementation

13.36 The type, tenure and bed-size of affordable housing will be informed by the current version of the SHMA and Viability Study or successor studies.

13.37 Affordable housing development should be provided on the application site, which will help ensure a mix of tenures and sizes. There may be circumstances where this is not possible, and in such circumstances, where both the Council and the developer agree, a commuted sum may be acceptable.

H9 Self-build and Custom-build Housing

Development of allocated sites **must** include an element of serviced plots for self-build unless the inclusion of such would render the development unviable.

Development of the serviced plots **must** commence within two years of the completion of the related phase of the allocated site. If the serviced plots have not commenced within this timeframe, they may revert to conventional development and marketing.

All plots for self-build or custom-build housing **must** be fully serviced.

Justification

13.38 There is a legal requirement to keep a register of people seeking to acquire land to build a home. Such housing can make a contribution to the affordable element of the housing requirement and the overall need in the district. The Council is,

therefore, required to grant sufficient development permissions in respect of serviced land to meet the demand.

13.39 This policy recognises that there may be self-build plots which are not developed and remain vacant, in which case the land owner may revert to conventional delivery of the site.

Implementation

13.40 This policy will be delivered through the approval of individual planning applications sites allocated in the Strategic Policies, and through conditions on planning permissions to secure the self-build plots for a period of two years.

13.41 The Strategic Policies indicate the sites that will contain an element of self-build or custom-build housing. In addition, other allocated sites will be expected to make a contribution to meet the demand. The Council encourages developers and land owners to consult the Council's register to establish the current demand for self-build and custom-housebuilding and meet that demand accordingly.

H10 Travellers' Pitches and Plots

If evidence indicates there is a need for additional pitches or plots, new sites will be **supported** where **all** the following criteria are met:

- (a) the development would not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, the amenities enjoyed by the occupiers of neighbouring dwellings, or designated and locally identified habitats;
- (b) the development would make adequate provision for refuse storage and collection;
- (c) the development would not prejudice the potential for comprehensive development of adjacent land;
- (d) the development would be within a reasonable distance of shops, schools, healthcare and other community/leisure facilities;
- (e) there would be no risk of land contamination or flooding;
- (f) safe and convenient vehicular access to the local highway network would be provided together with adequate space to allow for the parking and movement of vehicles;
- (g) essential services (water, electricity and foul drainage) would be available on site;
- (h) plots for Travelling Showpeople should be of sufficient size to enable the storage, repair and maintenance of equipment; **and**
- (i) intended occupants would meet the definition of Traveller as set out in national policies.

Justification

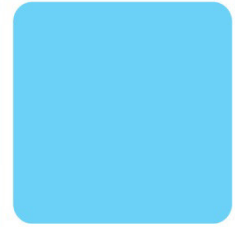
- 13.42 The Strategic Policies allocate pitches for Travellers over the Local Plan period. Where further evidence demonstrates additional provision is required, this policy sets out the criteria against which proposals will be assessed.
- 13.43 The policy aims to ensure that all sites have good access to education, health and welfare services, are safe and that there are no adverse impacts on the land, the locality and the amenities of adjoining occupiers. The policy also seeks to prevent development prejudicing the potential for comprehensive development of adjacent land.

Implementation

- 13.44 This policy will apply to applications for new sites where there is a proven need for additional pitches and plots for Travellers.
- 13.45 When identifying whether community facilities are within a reasonable distance, it is considered that a 400 metre radius is acceptable if the site is only accessible by foot. If the site is accessible by public transport, an 800 metre radius will be applied.



DEVELOPMENT MANAGEMENT
14. Prosperity



Harlow Local Development Plan

CONSULTATION DRAFT

14. PROSPERITY

Introduction

- 14.1 The Prosperity policies aim to protect existing employment uses and encourage and support future employment uses in designated areas, and to avoid the loss of overall job numbers in the district. They support start-up and small business units to promote entrepreneurship and economic regeneration across the district.
- 14.2 Harlow's retail centres provide prosperity and employment for residents and visitors and the town and serves as a sub-regional centre for services and facilities across the wider area. The Prosperity policies, therefore, intend to retain and enhance the existing provision in order to maintain Harlow's sub-regional role.
- 14.3 There are several Retail Parks in Harlow which contribute to retail provision in the town. A key priority is to maintain and enhance the role of Harlow Town Centre and, as such, the policies seek the sub-division of units.
- 14.4 Proposals for retail development and other large attractors of people such as commercial, leisure, entertainment and offices open to the public, will be determined using the sequential approach to their siting. This will ensure that sites in the Town Centre are considered in the first instance, followed by edge-of-centre, then Neighbourhoods and Hatches. Out-of-centre locations will only be considered as a last resort. Development must be appropriate to the function, size and character of the centre.

Corporate Priorities

- 14.5 This chapter and the policies contained within it will help deliver the following Corporate Priorities:
- **Regeneration and a thriving economy**
 - **Successful children and young people**

Local Plan Strategic Objectives

- 14.6 This chapter and the policies contained within it will help deliver the following Local Plan Strategic Objectives:
- **Objective 7 – Meet the employment needs of the district by diversifying and investing in the district's employment base**
 - **Objective 8 – Secure economic revitalisation and reinforce Harlow's reputation as a key centre for Research and Development**
 - **Objective 9 – Improve educational opportunities and the skills base of local residents**
 - **Objective 10 – Provide a range of shopping needs for local residents and the wider sub-region by regenerating the Town Centre and protecting and enhancing Neighbourhood Centres and Hatches**

PR1 Development within Employment Areas

Development in Employment Areas, as allocated on the Policies Map, will be **supported** where:

- (a) it is for the provision of offices, research and development, light or general industrial, warehouse or distribution within the use classes B1, B2 and B8; **or**
- (b) it is for uses other than B1, B2 and B8 it meets **all** the following criteria:
 - (i) evidence has been provided to demonstrate that the unit has been vacant and actively marketed to the satisfaction of the Council for at least one year and there is no prospect of B1, B2 and B8 uses occupying the unit or any other more suitable alternative sites being available for the proposal;
 - (ii) the development will increase the number of jobs for local residents;
 - (iii) the development provides a complementary benefit to the employment area or an ancillary benefit to an existing business, and would not have an adverse effect on the overall provision of employment land; **and**
 - (iv) where the development is for the sub-division of units into smaller units, that the resulting unit is flexible and the division is reversible.

Justification

14.7 Similarly to Ebenezer Howard's plans for Garden Cities, Sir Frederick Gibberd designed Harlow New Town to separate employment areas from residential areas to ensure the health and wellbeing of residents. Sufficient employment areas were allocated to meet the needs of local residents and reduce out-commuting, offering a wide range of jobs to create a well-balanced community. Therefore, this policy aims to maintain and enhance these principles.

14.8 In recognition of Harlow residents' employment needs, specific areas have been designated Enterprise Zone status by the Government. Local Development Orders on the Enterprise Zones promote and guide specific employment uses and activities. The Local Development Order for the northern part of the London Road Zone, for example, supports a mix of retail, leisure and employment uses in an appropriate zone with a separate area for research and development and industrial uses. In the future, if it is identified in a regeneration strategy or development brief, other uses will be supported.

Implementation

14.9 This policy sets out a general presumption against the loss of office, industrial or distribution/warehouse uses from the district's allocated employment areas. There may be exceptions to this where proposals support existing employment uses, such as trade counters or training/testing facilities.

14.10 Proposals for non-B uses should be accompanied by a planning statement to address all the following:

- (a) details of the existing use and the proposed use and how it operates;
- (b) limitations of the site including its buildings and land for Class B uses;
- (c) whether investment would enable the site to be used for Class B uses;
- (d) why the proposal cannot be provided in a more suitable location;
- (e) an assessment of current and potential future market demand for the site, building or premises in question which should reflect current economic trends, future forecasts changes and actual attempts to market the site, building or premises in question;
- (f) any other considerations including economic viability.

14.11 In reference to criteria (d) above, locations which the Council consider to be more suitable will be determined by the type and scale of use being proposed. For example, a retail use would be located in Harlow Town Centre in the first instance and then to Neighbourhood Areas and Hatches. Marketing of an employment site, as set out in criteria (e) above, must be undertaken by a suitably competent person for at least one year.

PR2 Development within Neighbourhood Service Areas

Development in the Neighbourhood Service Areas, as allocated on the Policies Map, will be **supported** where:

- (a) it is for the provision of offices, light industrial uses and start-up units falling within use class B1;
- (b) it is for uses other than B1 and evidence has been provided to demonstrate that the unit has been vacant and actively marketed to the satisfaction of the Council for at least 12 months or for an appropriate period of time agreed with the Council, and that there is no realistic prospect of B1 uses occupying the unit or any other more suitable alternative sites being available for the proposal;
- (c) it does not involve the amalgamation of units in Neighbourhood Service Areas into larger units and meets criteria (a) or (b).

Justification

14.12 The district's Neighbourhood Service Areas provide important employment provision at the neighbourhood level and are well suited to meet the needs of small start-up businesses, with units of approximately 20 to 40 sq m in size being typically available. Such units provide opportunities to accommodate first time businesses and can help to reduce inappropriate business uses proliferating in residential areas, particularly those which affect the amenity of residents.

14.13 The majority of local businesses in Harlow (84%, Nomis 2015) have fewer than 10 employees and therefore there is a pressing need for starter units, in order to accommodate smaller teams of staff, to reduce overheads and to use space efficiently. This policy aims to protect Neighbourhood Service Areas and the provision of office, light industrial and research.

Implementation

14.14 This policy sets out a general presumption against the loss of B1 uses. It also encourages more flexible employment accommodation in Neighbourhood Service Areas. Their proximity to retail and residential areas mean that there may be exceptions to this.

14.15 Proposals for non-B1 uses should be accompanied by a planning statement setting out information on the following matters:

- (a) details of the existing use and the proposed use and how it operates;
- (b) limitations of the site including its buildings and land for Class B1;
- (c) whether investment would enable the site to be used for Class B1;
- (d) why the proposal cannot be provided in more suitable locations;
- (e) current and potential future market demand for the site, building or premises in question which should reflect current economic trends, future forecasts changes and actual attempts to market the site, building or premises in question;
- (f) any other relevant considerations such as economic viability.

14.16 In reference to criteria (d) above, locations which the Council consider to be more suitable will be determined on the type and scale of use being proposed. For example, a retail use will be better located in Harlow Town Centre in the first instance and then to Neighbourhood Areas and Hatches. Marketing of an employment site, as set out in criteria (e) above, must be undertaken by a suitably competent person. The Council will determine how long a marketing exercise should be on a case-by-case basis.

PR3 Employment Development outside Employment Areas and Neighbourhood Service Areas

1. Provision of employment floorspace

Employment development outside Employment Areas and Neighbourhood Service Areas will be **supported** where:

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

2. Loss of employment floorspace

Development resulting in the loss of B1, B2, B8 and waste uses will **not be supported** outside of the district's Employment Areas and Neighbourhood Service Areas **unless** it meets the following criteria:

- (a) the proposed use is of overall benefit to the local community;
- (b) evidence has been provided to demonstrate that the employment use is no longer viable;
- (c) evidence has been provided to demonstrate that the unit or site has been vacant and actively marketed to the satisfaction of the Council for at least 12 months or for an appropriate period of time agreed with the Council, and that there is no prospect of employment uses occupying the unit or site.

Justification

14.17 Employment Areas and Neighbourhood Service Areas are the main focus of employment provision in Harlow and contain a mix of accommodation for a range of business types.

14.18 Harlow Town Centre also contains a number of office buildings, which not only provide jobs for the local area and beyond, but also reinforce the vitality of the Town Centre by increasing footfall in addition to that associated with day time shoppers and other visitors. Office uses above ground floor and outside of primary retail frontages will, therefore, be encouraged.

14.19 B2 and B8 use classes will not be considered appropriate outside of these areas due to their impact on the amenity of an area in terms of general disturbance, noise and vehicle movements.

Implementation

14.20 There will be instances where the loss of an employment use or the provision of a new employment use outside of strategic employment sites and Neighbourhood Service Areas may be considered appropriate. This policy sets out the criteria for how such proposals will be determined.

PR4 Improving Job Access and Training

For major development, provision through planning obligations will be sought for:

1. employment of local people;
2. work related training provision;
3. education opportunities;
4. affordable childcare.

Justification

14.21 This policy actively looks to generate new job opportunities for local residents as a direct result of the growth in the district and to secure regeneration in Harlow. This policy focuses on new job opportunities that the development will create, either as long term posts or temporary labour, and improving work related training and education. The aim is to get local residents back into work and to improve their skills level.

14.22 Job opportunities may include long-term job creation, temporary job creation through the construction of a development, work experience and placements, apprenticeships and pre-employment training scheme placements. The policy also actively seeks the provision of childcare schemes in employment generating proposals.

Implementation

14.23 The policy will be applied to major developments and secured through a planning obligation, tailored to individual schemes. Applicants should prepare an action plan setting out a schedule of new job opportunities to be created through the proposed development, the process by which jobs will be advertised to local people and the method in which the provision of jobs for local residents will be monitored. For employment generating developments, the action plan should also outline training provision, education opportunities and childcare support. Where possible, the action plan should extend to all sub-contractors.

PR5 The Sequential Test and Principles for Main Town Centre Uses

1. Sequential Approach to Main Town Centre Uses

Unless identified in an adopted Development Plan Document or Supplementary Planning Document (SPD) or development brief, development of Main Town Centre Uses **must** be directed in the first instance to the Town Centre unless there are no suitable or available sites. Neighbourhood Centres, and then Hatches, **must** be considered before any Main Town Centre Uses are directed to Retail Park locations.

2. General Principles for Main Town Centre Uses

Main Town Centre Uses within the Town Centre, Neighbourhood Centres, Hatches and Retail Parks will be **supported** where **all** the following criteria are met:

- (a) the sequential approach is satisfied;
- (b) an active frontage is achieved at the ground floor;
- (c) the vitality and viability of the retail centre is preserved and enhanced to provide facilities and services for local residents; **and**
- (d) it is well related to public transport facilities, or is located where appropriate provision for sustainable transport can be provided.

Justification

14.24 The vitality and viability of the Town Centre is important to the local economy and to ensure it is an attractive place for residents, employees and visitors. This is particularly pertinent as the services and facilities available also serve a catchment area that extends beyond the district boundary. The Town Centre is a sustainable transport hub, well-served by public transport, which has good connectivity with key locations along the London Stansted Cambridge corridor. This policy directs Main Town Centre Uses towards the Town Centre in order to preserve and/or enhance its position.

14.25 In the retail hierarchy of Harlow, subservient to the Town Centre are the Neighbourhood Centres, followed by Hatches, which reflect the principles and hierarchy of the original New Town which ensure different types of retail provision are provided to meet local needs.

Implementation

14.26 The Strategic Policies set out the hierarchy of retail centres in Harlow and this is the hierarchy in which Main Town Centre Uses should be directed to first before any out of Town Centre sites are considered.

- 14.27 Proposals for retail and leisure uses outside of the Town Centre which exceed 500 sq m in size will be required to be supported by an impact assessment demonstrating that the proposal will not have a negative impact on the vitality and viability of existing centres and that the development increases overall sustainability and accessibility. This is to support the Town Centre's market share and to prevent the decline of the retail offer. This ensures that any potential impacts of retail and leisure uses outside of the Town Centre are fully assessed.
- 14.28 This policy seeks to maintain active frontages in the Town Centre to provide an attractive environment for pedestrians. Active frontages could include display windows, entrance points, façade design or clear glazing. Blank and inaccessible frontages should be avoided.
- 14.29 In considering proposals in Neighbourhood Centres and Hatches, reference should be made to the Adopted Harlow Design Guide SPD and any associated regeneration strategy or development brief.

PR6 Primary and Secondary Frontages in the Town Centre

1. Primary Frontages

Development in the Town Centre primary frontages will **only** be **supported** where:

- (a) the development is for A1 class use;
- (b) the development is for use classes A2 or A3 and meets **all** of the following criteria:
 - (i) 60% or more of the overall primary frontage length is retained for A1 uses;
and
 - (ii) the site has been vacant and actively marketed to the satisfaction of the Council for at least twelve months.

2. Secondary Frontages

Main Town Centre Uses (with the exception of office uses), evening and night-time uses will be supported in the Town Centre secondary frontages.

Justification

- 14.30 Primary and secondary retail frontages protect and enhance the existing retail offer by preventing a proliferation of uses which are not conducive to maintaining the vitality and viability of the Town Centre. Defining frontage lengths and classifying appropriate uses in frontages provide opportunities to regenerate and improve certain parts of the Town Centre and protect retail provision in others.
- 14.31 This policy supports main Town Centre uses including commercial leisure, evening and night-time uses in secondary frontages where it is considered appropriate and where it strengthens the role of the Town Centre as a sub-regional centre.

Implementation

- 14.32 Where marketing of the unit is required to justify a non-A1 use in the primary frontage, it should be undertaken by a suitably competent person for at least one year. A planning statement must be submitted setting out how this marketing exercise has been undertaken.
- 14.33 Within secondary frontages, main Town Centre uses will be considered acceptable except for office development which is considered appropriate only on first floor levels and above. This is to prevent blank ground floor frontages in the Town Centre that could harm the vitality of the area. For proposals relating to evening and night time uses, Policy PR11 should also be taken into consideration.

PR7 Sub-division and Internal Alteration of Town Centre Units

The sub-division of retail units in the Town Centre and the internal alteration of existing retail units will be **supported** where **both** the following criteria are met:

- a) for units larger than 2,500 sq m, evidence has been provided to demonstrate that the unit has been actively marketed to the satisfaction of the Council for at least two years;
- b) the sub-division or internal alteration would retain an active frontage.

Justification

- 14.34 In order to retain Harlow Town Centre's status as a sub-regional centre, it is important that it is able to provide a mix of retail unit sizes in order to ensure choice and attract a mix of occupiers. This policy aims to retain the Town Centre's larger retail units and to manage the sub-division of these units where it is considered appropriate.
- 14.35 The 2017 Retail and Leisure Needs Study identified the former department store as providing an opportunity to introduce a new anchor operator in the Town Centre and that the lack of a department store represents a significant gap in the retail offer available in the town. The policy therefore seeks to retain these larger units in order to provide opportunities to attract an anchor store or department store.

Implementation

- 14.36 In circumstances where sub-division is sought for units above 2,500 sq m in size, a marketing exercise must be undertaken by a suitably competent person for a period of at least two years. A planning statement must be submitted setting out how this has been undertaken. This will demonstrate to the Council that the unit

has not been able to attract retail operators who are more likely to act as anchors or which provide department store size facilities.

14.37 The threshold of 2,500 sq m has been calculated based on an assessment of existing Town Centre units which are considered large enough to accommodate such services or which are located at anchor points in the town i.e. close to high footfall levels and/or interchange facilities.

PR8 Primary and Secondary Frontages in Neighbourhood Centres

1. Primary Frontages

Development in primary frontages in Neighbourhood Centres will be **supported** where it meets **one** of the following criteria:

- (a) the development is A1 class use;
- (b) the development is for A2, A3, A4, A5 uses and would not result in more than two adjacent units being in the same use class other than A1;
- (c) the development is for D1, D2 or Sui Generis uses, the site has been vacant and actively marketed to the satisfaction of the Council for at least twelve months and development would not result in more than two adjacent units being in the same use class other than A1.

In addition, development must meet **both** the criteria below:

- (d) the development must result in 60 % or more of the overall primary frontage length being retained in A1 use; **and**
- (e) the development would not result in the loss of key facilities that act as anchors or catalysts which assist in retaining existing or attracting new operators in the Neighbourhood Centre such as supermarkets or public houses.

2. Secondary Frontages

Development in secondary frontages in Neighbourhood Centres, which falls in use classes A1, A2, A3, A4, A5, D1, D2, Sui Generis and C3, will be **supported** where it meets **both** of the following criteria:

- (a) for non-A1 ground floor uses, the development would not result in more than two adjacent units being in the same use class; **and**
- (b) for C3 uses, the development is on the first floor or above.

Justification

14.38 Primary and secondary retail frontages in Neighbourhood Centres fulfil the same function and role as they do in the Town Centre in that they prevent an unacceptably high proportion of uses which are not conducive to the key role of these local centres. Defining frontages and what uses are considered acceptable within them provide opportunities to regenerate Neighbourhood Centres and retain a mix of facilities and services.

14.39 The policy seeks to support a wider range of services and facilities within Neighbourhood Centres for local residents. These Centres provide services, such as healthcare, places to eat and drink and financial services. It is important that Neighbourhood Centres continue to have a variety of uses to avoid underused frontages and spaces.

Implementation

14.40 Where marketing of the unit is required to justify a non-retail use in the primary frontage, it should be undertaken by a suitably qualified person for at least one year. A planning statement must be submitted setting out how the marketing exercise has been undertaken.

14.41 The definition of frontage length and the method by which frontage length will be calculated will be set out in a Supplementary Planning Document.

PR9 Development in Hatches

Development in Hatches will be **supported** where it meets **both** of the criteria below:

- (a) development at ground floor level falls within use classes A1, A2, A3, A4, A5, D1 or D2 or a mix of these uses and does not result in the loss of all convenience facilities, public houses and community facilities; **and**
- (b) development on the first floor or above falls within use classes B1(a) or C3.

Justification

14.42 Hatches are a key feature of Harlow's residential areas. They are allocated on the Policies Map and cater for the daily needs of communities within approximately a 400 metre walk of homes. Hatches are usually based around a primary school or local open space and contain around four to five individual retail units, community facilities and public houses which often provide a focus for community activities.

14.43 This policy aims to retain key local facilities which support the vitality and viability of the Hatches. Development proposals that would undermine and erode the function of Hatches would not be supported.

Implementation

14.44 A number of Hatches now require investment or renewal and for those that have already been regenerated, a mix of uses have been provided as a result, including residential and office space. The Strategic Policies provide for comprehensive redevelopment of Hatches.

14.45 This policy supports a diverse mix of uses in the Hatches in order to assist in their regeneration and renewal. However in order to maintain their local service functions and community focus, the policy protects community type facilities. These facilities include public houses, convenience stores such as grocers and butchers, community halls and healthcare facilities.

PR10 Development in Retail Parks

Development in Retail Parks will be **supported** where it meets **all** of the following criteria:

- (a) the sequential approach is satisfied;
- (b) the development is in use class A1 and is for the sale of bulky goods, or provides leisure activities; **and**
- (c) any sub-division does not result in any separate retail unit being less than 1,000 sqm in size.

For sub-division, evidence **must** be provided to demonstrate that the existing unit has been actively marketed, to the satisfaction of the Council, for at least twelve months.

Justification

14.46 National policies and guidance set out the need for a sequential test in order to maintain Town Centre vitality and viability. This ensures that where possible, retail and leisure outlets will locate in the Town Centre before being granted permission in an out of town location. The results of the most recent analysis of retail provision in Harlow show that new requirements for retail floorspace should be focused on the Town Centre.

14.47 To promote this principle, this policy ensures that retail units for the sale of non-bulky goods are directed to smaller units in the Town Centre, Neighbourhood Centres and Hatches. The policy, therefore, restricts the sub-division of Retail Park units.

Implementation

14.48 The term 'bulky goods' can include DIY goods, furniture, hard and soft furnishings, homewares, fabrics, durable household goods, floor coverings, leisure and garden products, motor accessories and electrical goods. Leisure activities include cinemas,

dance halls, gyms and indoor sports centres, but do not include eating and drinking establishments. These definitions are not exhaustive.

14.49 The policy does support the sub-division of existing units in the Retail Park subject to the sub-division not resulting in a separate unit being less than 1,000 sqm. It is considered that this figure would allow larger units to be divided whilst still having the flexibility to offer space for bulky goods and mitigating the impact on the Town Centre's viability and vitality.

PR11 Evening and Night Time Economy

1. Sequential Test

Evening and night time uses **must** be directed to the Town Centre first, then to Neighbourhood Centres and then to Hatches, and applicants **must** demonstrate that this sequential approach has been undertaken.

2. Development Principles

Evening and night time uses will be **supported** where they meet **both** the following criteria:

- (a) it can be proven that the development will have a positive effect on the vitality and viability of the retail centre, its night-time economy and the local area; **and**
- (b) mitigation through legal agreements or conditions to minimise negative impacts of the development on the local area.

Justification

14.50 The evening and night time economy is important to wider regeneration objectives, employment creation and maintaining and improving the quality of life for residents and visitors.

14.51 There are many benefits to promoting such activities. The leisure and entertainment industry provides employment, in particular for young people. A busy, vibrant Town Centre, in both the daytime and evening, can improve the quality and ambience of the Town Centre, and improve wider public perception to secure investment.

14.52 Where there may be potential negative impacts associated with evening and night time uses, the Council will seek to mitigate this through legal agreements or conditions to ensure the development does not lead to significant problems such as crime, anti-social behaviour, litter and noise nuisance.

Implementation

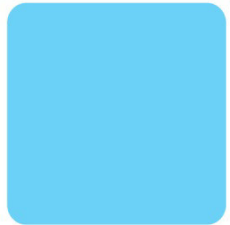
14.53 Evening activities include drinking establishments, restaurants and pubs that are open in the evening. Late night activities include night clubs and drinking

establishments which are often open beyond midnight. This list is not exhaustive and the Council has the discretion to determine what constitutes evening and late night activities.

- 14.54 The location of evening and night time establishments will be considered carefully and would only be permitted where they would not give rise to unacceptable amenity and environmental impacts which could not be overcome by the imposition of conditions. Where necessary, planning permission will be granted subject to conditions restricting opening and/or removing permitted development rights to change to alternative uses, in order to protect the amenity of surrounding occupants and the viability and vitality of the area generally. The location of the proposal must also comply with Policy PR6.
- 14.55 In terms of noise, an impact assessment may be required, taking into account the context of the site, in particular its proximity to existing residential developments.



DEVELOPMENT MANAGEMENT
15. Lifestyles



15. LIFESTYLES

Introduction

- 15.1 These policies aim to enhance and, wherever possible, retain the district's recreational, sporting, cultural and community facilities and services which contribute towards improving the health and lifestyles of residents.
- 15.2 There is also a policy to support the provision of public art to maintain Harlow's status as a Sculpture Town and to improve the environmental and cultural quality of the district.

Corporate Priorities

- 15.3 This chapter and the policies contained within it will help deliver the following Corporate Priority:

- **Wellbeing and Social Inclusion**

Local Plan Strategic Objectives

- 15.4 This chapter and the policies contained within it will help deliver the following Local Plan Strategic Objective:
- **Objective 11 – To provide and enhance sporting, leisure, recreational facilities and cultural opportunities in the district**

L1 Open Spaces, Play Areas and Sporting Provision and Facilities in Major Development

In major development, public open space, allotments, play space and sporting provision and facilities are to be required, together with their management and maintenance.

Justification

- 15.5 National policies and guidance place emphasis on the important contribution that high quality open spaces can make to the health and well-being of communities.
- 15.6 One of the fundamental aims of Sir Frederick Gibberd's Master Plan for Harlow was to ensure the district was designed with sufficient areas of multi-functional open space, located close to residential areas, which residents have easy access to. These spaces are now considered to form part of the Green Infrastructure in Harlow and offer a range of formal and informal activities. The Green Infrastructure network provides well-connected footpaths, cycleways and bridleways which can be used

by visitors and residents to encourage sustainability and promote healthier lifestyles.

Implementation

- 15.7 The Adopted Open Space, Sport and Recreation SPD and the Harlow Design Guide SPD set out the requirements for the provision and design of open space. Where it can be demonstrated that provision cannot be met on site, the Open Spaces SPD sets out the method for calculating off-site contributions for alternative provision.
- 15.8 Satisfactory long-term management and maintenance arrangements must be secured as part of the planning permission. This may include the creation of a management company, a maintenance plan and/or an agreed commuted maintenance sum.

L2 The Provision and Loss of Recreational, Sporting, Cultural and Community Facilities

1. Development for the provision of recreational, sporting, cultural and community uses and facilities

Development for the provision of recreational, sporting, cultural and community uses and/or facilities, including playing fields, play spaces, allotments and sports clubs, will be **supported** where it meets **both** the following criteria:

- (a) there is evidence of a demonstrable need for the use and/or facility or a benefit to the local community; **and**
- (b) the use and/or facility is easily accessible by all sectors of the community by both public and private transport.

2. Development resulting in the loss of recreational, sporting, cultural and community uses and facilities

Developments that will result in the loss of all or part of any recreation, sports, cultural or community uses and/or facilities will **not** be supported **unless** it meets **one or more** of the following criteria:

- (a) it can be demonstrated that the use and/or facility is surplus to requirements and an alternative replacement is not required;
- (b) replacement uses and/or facilities of equivalent or better quantity and quality are provided in a suitable location before the existing use and/or facility is replaced. The replacement should be provided in an agreed location;
- (c) such a development is ancillary or will support and enhance the existing use and/or facility;
- (d) the development would redress the deficiency of other recreational provision within the locality.

Justification

- 15.9 National policies and guidance state that in order to deliver recreational, sporting, cultural and community facilities and services the community needs, policies should plan positively and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 15.10 This policy aims to protect the district's recreational, sporting, cultural and community facilities including playing pitches, play spaces, allotments, sporting facilities and parks. It also provides the criteria for which new facilities will be provided.

Implementation

- 15.11 Recreation can include formal or informal activities and includes open spaces, play spaces, buildings and other facilities used by people for enjoyment in their free time. Sporting uses/and or facilities include sports pitches and associated buildings.
- 15.12 The policy also considers a range of different community and cultural buildings and uses, including places of worship, healthcare and education facilities, libraries and social facilities such as community halls. These uses can provide the necessary infrastructure that underpins a healthy and prosperous community, and a range of activities that help to engage and connect the public. This list is not exhaustive and the Council has the discretion to decide what constitutes recreational, sporting, cultural and community facilities.
- 15.13 Developers may need to satisfy the Council that a satisfactory management and maintenance arrangements are in place before planning permission is granted.

L3 Development Involving the Provision or Relocation or Loss of Public Art

1. Provision of Public Art in Major Developments

In major developments, public art should be provided.

2. Development Involving the Provision, Relocation or Loss of Public Art

The commissioning, maintenance and de-commissioning of public art **must** be agreed with the Council.

Justification

- 15.14 Since the designation of Harlow New Town in 1947, the district has been collecting and creating works of art for the enjoyment of the residents and visitors to the town in order to enhance the public realm. Most of the pieces are sculpture based, hence the branding of Harlow as a Sculpture Town. These sculptures are located in public spaces including the Town Centre, Neighbourhood Centres, Hatches, Green

Wedges, employment areas and residential areas. Over the years the collection has grown to almost 100 works, giving the town the highest percentage of public sculpture per head of population in the country. Most pieces of art are maintained and owned by the Harlow Arts Trust, although some are owned by the Council or privately through development.

- 15.15 The purpose of this policy is to continue the legacy of Harlow as a town of public art and sculpture and it is expected that major new developments will contribute towards this. The Council will prepare a Public Art Supplementary Planning Document (SPD) to help guide applicants on the inclusion of public art in their development and what information must be submitted alongside a planning application.

Implementation

- 15.16 Detailed guidance on the provision, relocation and loss of public art will be set out in an Adopted Public Art SPD.



DEVELOPMENT MANAGEMENT
16. Infrastructure



Harlow Local Development Plan

CONSULTATION DRAFT

16. INFRASTRUCTURE

Introduction

- 16.1 The Infrastructure Policies aim to manage the provision of local highway infrastructure in new developments including vehicle, pedestrian and cycle access, and to provide advice and standards for parking and criteria based policies for the provision of broadband and telecommunications equipment and other infrastructure.
- 16.2 The Policies aim to promote sustainable transport modes in order to influence travel behaviour and to reduce the carbon footprint of the district. The policies also set criteria for ensuring that developments have suitable access and servicing and are safe and well-connected.
- 16.3 The Local Highway Authority is responsible for maintaining and repairing the highway network, which includes roads, cycleways, walkways, footpaths and bridleways. The Highway Authority also protects the highway network for the safe and efficient movement of people and goods. The Council will consult Highways England and the Local Highway Authority and, where appropriate, neighbouring authorities on proposals which affect public highways, footpaths, cycleways, bridleways and Public Rights of Way, and for proposals which cross the administrative boundary.
- 16.4 Essex County Council has prepared several guidance documents and manuals to assist those constructing new highways, footpaths, cycleways and bridleways. These should be read in conjunction with the national policies and guidance documents before submitting development proposals.
- 16.5 The County Council's Parking Standards, which provide guidance on parking provision in new developments, should always be consulted, unless otherwise indicated elsewhere in the Local Plan. It is recognised, however, that parking provision may be reduced in sustainable locations.
- 16.6 Other infrastructure such as education, healthcare, leisure, community uses, utilities and Green Infrastructure are covered by other policies in the Local Plan.

Corporate Priorities

- 16.7 This chapter and the policies contained within it will help deliver the following Corporate Priority:
- **Regeneration and a thriving economy**

Local Plan Strategic Objectives

- 16.8 This chapter and the policies contained within it will help deliver the following Local Plan Strategic Objectives:

- **Objective 12 – Ensure that development is fully supported by providing the necessary infrastructure including education, healthcare and other community facilities**
- **Objective 13 – Reduce the need to travel by vehicle by ensuring new development is sustainably located**
- **Objective 14 – Improve transport links, for all modes of transport, to community facilities**

IN1 Development and Sustainable Modes of Travel

1. Sustainable Accessibility

All development should have regard to the modal hierarchy as set out in the Strategic Policies.

New developments including redevelopments, changes of use and Town Centre and transport interchange improvements will be required to provide the following:

- (a) safe and direct cycleways and footpaths within the development;
- (b) where appropriate, contributions to improve and develop cycleways and footpaths serving the development;
- (c) where appropriate, links to the existing cycleway and footpath network;
- (d) safe, secure and convenient cycle storage/spaces in accordance with current parking standards;
- (e) where appropriate, other facilities for cyclists such as employee showers, lockers and information and maintenance points.

2. Provision of Electric Charging Points for Vehicles

Development **must** provide electric vehicle charging points (EVCPs) in accordance with the latest government guidance.

Justification

16.9 The provision of sustainable transport modes in the district has a number of positive benefits. Using trains, buses, cycling and walking to access employment, education, services and facilities can help reduce the number of vehicles on the road thereby easing congestion levels and improving the effects of climate change by reducing carbon dioxide and nitrogen oxide emissions. Cycling and walking to services, particularly facilities within a radius of 1 to 8 km, can improve public health, physical activity and quality of life.

16.10 To enable people to choose more sustainable modes of transport, the services must be safe, secure, adequate, direct, frequent and affordable. Local Plan policies ensure that the options for sustainable modes continue well into the future, and to

facilitate this, the Council will bring forward major infrastructure improvements with rail and bus operators and the Local Highway Authority.

- 16.11 This policy provides detailed advice on the provision of appropriate and adequate infrastructure which is necessary to enable those who wish to use walking, cycling and public transport as an alternative way of moving in and around the district. It also provides options for providing other sustainability initiatives to reduce the use of the car and to reduce the emittance of carbon dioxide, such as encouraging the use of electric cars through the provision of new charging points.

Implementation

- 16.12 As highlighted in national policies and guidance, applicants for development that generates significant travel movements should submit a transport assessment or statement and travel plan setting out how the proposal has aimed to meet this policy.
- 16.13 New development proposals should investigate ways to reduce the use of the car and promote alternative ways to travel and this should be detailed in a supporting Travel Plan. For residential development, applicants should look at the viability of car sharing schemes as well as electric charging points.
- 16.14 For employment developments, the use of shuttle buses and walking and cycling connections should be investigated as well as opportunities to use railway spurs and river channels and canals. New educational facilities should also investigate ways to promote cycling and walking through a school travel plan.
- 16.15 This policy will be applied proportionately to the size of the development being proposed. For example it would not be reasonable to expect proposals for householder developments to provide new cycleways or footpaths. However all development must consider the modal hierarchy.
- 16.16 Those applications which involve definitive Public Rights of Way, as defined by the Local Highways Authority, should refer to the latest DEFRA guidance on planning permission and rights of way.

IN2 Impact of Development on the Highways Network including Access and Servicing

Development will be **supported** where it meets **all** the following criteria:

- (a) it would not cause a significant detrimental impact on road congestion and movement;
- (b) it would not cause a detrimental impact on the safety of all road users including pedestrians, cyclists and powered two-wheelers; **and**
- (c) the development provides for adequate, safe and convenient loading and servicing arrangements, access points and drop-off areas and consideration has been given to the movement and turning of emergency vehicles and refuse vehicles.

Justification

16.17 This policy will be used to determine whether or not the development has an impact on the existing highway network and, therefore, whether the proposal should be considered appropriate in transport terms. It also provides guidelines on the provision of adequate access and servicing for development.

Implementation

16.18 In accordance with national policies and guidance, it may be necessary for an application to be accompanied either by a Transport Assessment (TA) or Transport Statement (TS) depending on the degree of the proposal's impact on highway users and movement in the local area generally. It will be for the applicant to demonstrate that the impact of the development on highway users is either minimal or can be mitigated by appropriate measures.

16.19 These documents assess and mitigate the negative transport impacts of development in order to promote sustainable development. TAs are thorough assessments of the transport implications of development, and TSs are a 'lighter-touch' evaluation to be used where this would be more proportionate to the potential impact of the development. Further guidance on the preparation of TAs and TSs can be found in national policies and guidance.

16.20 The Council will consult with the Local Highway Authority and other bodies on the Transport Assessment or Statement. If there is inadequate justification for the proposal or if the impact of the development is too great then it will be refused.

16.21 It is recommend that any TA and/or TS be agreed with the Highway Authority and the Highways Agency (where the development proposal impacts on the trunk road network) prior to submission of the same to the Council.

IN3 Parking Standards

Vehicle parking **must** be provided in accordance with the adopted Essex Vehicle Parking Standards, **unless** otherwise indicated elsewhere in the Local Plan and/or supporting documents.

Justification

16.22 The 2011 Census revealed that 75 per cent of households in Harlow had access to at least one vehicle. There is a balance between reducing the reliance on the car and promoting more sustainable modes of travel whilst ensuring that on-street parking issues are not created, particularly around key destinations such as strategic employment sites, the Town Centre and railway stations.

Implementation

16.23 This policy, through reference to the Essex Vehicle Parking Standards, provides a flexible approach to the provision of parking. It allows the Council to secure more spaces in areas that already experience parking problems or accept fewer parking spaces in areas of good public transport accessibility.

16.24 The Essex Vehicle Parking Standards also set out the requirements for adequate parking provision for the needs of disabled people and for bicycles and powered two-wheelers. The flexibility that may be considered appropriate to car parking provision, in locations with good public transport access, does not apply to car parking provision for disabled people. Such provision will not be reduced and any additional provision will be supported. If a reduction in overall parking provision is accepted by the Council then an increase in provision for bicycles and initiatives to support public transport will be expected to be provided.

16.25 There will be some developments that will not fall into any of the use class categories set out in the Essex Vehicle Parking Standards. In such cases, the Council will consider the proposal on its own merits in consultation with the Local Highways Authority. However, applicants will need to demonstrate the level of parking provided is appropriate and will not lead to problems of road congestion and movement and on-street parking on the adjacent highway network.

IN4 Broadband and Development

1. Broadband Provision in Major Development

Major development should contribute towards the provision of infrastructure suitable to enable the delivery of high-speed broadband services across the Harlow area.

2. Broadband Infrastructure Development

Broadband infrastructure development will be **supported** where a report is submitted which meets **both** the following criteria:

- (a) any adverse impacts on the environment and communities have been minimised; **and**
- (b) opportunities of sharing infrastructure between utilities have been addressed in order to minimise disruption, reduce installation costs and increase the viability of service provision.

Justification

16.26 The development of high speed broadband technology and other communications networks play a vital role in enhancing the provision of local community facilities and services. High quality communication is also essential for sustainable economic growth and to help attract businesses to the district. The Council is working with Essex County Council to roll out 'Superfast Essex', a programme which will see 95% of Essex having access to high-speed broadband networks by 2019, thereby boosting the economy of the County and enabling businesses to work more effectively in new ways and reach out to new customers.

16.27 'Superfast Essex' does not cover new build properties and therefore the Council needs to ensure that broadband in new developments is considered at the outset along with other important utility infrastructure provision such as water pipes and gas mains. This is easier to implement during the construction phase rather than retrospectively. The purpose of this policy is to secure the delivery of fibre broadband as part of new developments.

Implementation

16.28 Major developments will need to provide a strategy that can demonstrate that fibre optic connection can be achieved to the site proportionate to the size of the development.

IN5 Telecommunications Equipment

Development of telecommunications equipment will be **supported** where it meets **both** the following criteria:

- (a) evidence has been provided to show that opportunities have been explored to share existing masts or sites with other providers; **and**
- (b) where equipment has become redundant it is removed before it is replaced, or if not replaced it is removed within a time period to be agreed with the Council.

Justification

16.29 Telecommunications networks require the provision of aerials, masts and cables which can cause conflict between the needs of a company to site equipment on operationally advantageous sites and the need to protect sensitive areas. This policy aims to balance the need for expanding communications equipment whilst protecting the district's environment.

Implementation

16.30 Generally, planning permission is only required for certain sized masts and, therefore, the Council encourages early pre-application discussions on the provision of new telecommunication equipment. This policy will be used to determine equipment which requires planning consent; however the Council can only determine a proposal on the grounds of design and amenity and not on health aspects.

16.31 Telecommunication equipment must conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines taking into account the cumulative impact of all operators' equipment located on the mast/site where appropriate. Government advice states that all telecommunications proposals should be submitted with an ICNIRP Certificate.

IN6 Planning Obligations

Planning permission will only be granted for development if the provision is secured for related infrastructure, affordable housing, services, facilities and environmental protection which are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

The provision of such requirements shall be secured either as part of development proposals, through the use of conditions attached to planning permissions, or through planning obligations. Where it can be demonstrated that provision on site is not feasible then provision elsewhere, or a contribution towards this provision, will be required.

Where a planning application extends beyond the district boundary, prior agreement for the provision and location of any necessary obligations will need to be obtained from relevant parties.

Justification

- 16.0 All development has the potential to impact on the environment and place pressure on local infrastructure and services. The planning system can be used to ensure that new development contributes positively to the local environment and helps to mitigate any adverse impacts on infrastructure.
- 16.1 Section 106 agreements are a very effective means of ensuring that public services keep pace with private sector development and will play an important role in implementing the Local Plan. They can ensure relevant infrastructure and facilities are provided, the quality of a development is enhanced and schemes are enabled to go ahead that would otherwise be refused planning permission.

Implementation

- 16.2 Planning obligations are negotiated on a case-by-case basis. Where developers believe that viability is an issue, applicants will need to make a submission to the Council which should include the following:
- A financial viability appraisal
 - A statement outlining the benefits and risks of not meeting the policy requirements and the site being delivered immediately.
- Further guidance will be available in an Adopted Planning Obligations Supplementary Planning Document (SPDs).
- 16.3 Development can create a need for the provision of services, facilities and infrastructure both on-site and off-site. This provision may include:
- affordable housing
 - open spaces and Green Infrastructure
 - communications infrastructure
 - public art
 - community and social facilities

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- transport improvements
 - culture and recreation facilities
 - utility services
 - education and health facilities
 - emergency service requirements
 - measures to protect and enhance amenity or the environment, including biodiversity and wildlife habitats
- 16.4 Requirements for individual developments will depend on the nature of the proposals, specific site circumstances and on the requirements laid out in any adopted SPDs produced by the Council.
- 16.5 If the necessary requirements generated through a development cannot be achieved through negotiations or condition, they will normally be secured as planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) in association with a grant of planning permission.
- 16.6 In addition to securing necessary infrastructure, services and facilities, planning obligations may involve measures to ensure development takes place in an agreed way, for example, by setting out the appropriate phasing of development, and measures to meet other policies and objectives, such as the protection of the environment.
- 16.7 New development can have wider impacts, such as development generating additional traffic movements outside the district or a larger application straddling the administrative boundary. In these cases, agreement may also be required with the adjoining Council and also Essex and/or Hertfordshire County Councils, as the Highway Authorities, as part of a Section 106 agreement.