

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/FUL/24/00038

OFFICER: Mick Gavin

APPLICANT: Harlow District Council

LOCATION: Former Garage Site Adjacent To 64
Lower Meadow
Harlow
Essex

PROPOSAL: Construction of 8 modular residential dwellings with associated hard landscaping and infrastructure

LOCATION PLAN



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PROPOSED DEVELOPMENT: Construction of eight modular residential dwellings with associated hard landscaping and infrastructure

Reason brought to Committee

The applicant is Harlow District Council.

Summary

The proposal is to provide eight single storey modular units for homeless persons where they are transitioning from temporary to permanent accommodation. The proposal is considered acceptable in its scale, relationship to its surroundings and, subject to conditions, in its impact on trees and highways.

It is considered that the proposal generally accords with National and Development Plan policies and it is recommended to the Planning Committee for approval, subject to appropriate conditions. The provision of accommodation for the homeless is welcomed and supported.

Site and surroundings

The site is a vacant plot to the rear of nos.60-64 Lower Meadow. It was formerly occupied by garages, but these were removed several years ago and the site has been vacant since.

The site is in a predominantly residential area, with trees and shrubs along its rear and side boundaries. Commons Road is adjacent beyond the south boundary.

The site is not within a conservation area, Pink Cottage is a Grade II listed building on the site adjoining to the west.

Details of proposal

The application seeks permission for the construction of eight modular self-contained dwellings with associated landscaping. The application explains:

Harlow Council will use these to house individuals who are currently homeless or at risk of homelessness as part of their broader strategy for addressing homelessness across the town. Solohaus homes have been developed in partnership with homelessness charities as a form of transitional “stepping stone” accommodation, not intended for permanent housing but as a transitional stage between emergency accommodation and general needs social housing. They comply with Part L regulations and feature a blue roof system as well as energy efficient heating and power. They have low carbon emission and running costs.

The single occupancy homes will be let to single people who are homeless and in priority need as emergency interim temporary accommodation in line with the Homeless Reduction Act 2017.

The building would occupy a footprint of eight metres deep by 30 metres wide. It would have a flat roof three metres in height. The units would have an internal floorspace of 22.5 sqm.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

CONSULTATIONS

Internal and external Consultees

Essex County Council – Highways

Some highway land protrudes into the site, which will be required to be Stopped Up before any obstruction or works can be undertaken on it. It is strongly advised that the application obtain an official highway boundary extent from Essex Highways at the following address: highway.status@essexhighways.org
Concerns with the lack of turning for any vehicle at the end of this cul-de-sac. With 8 proposed dwellings this would create a lot of new trips, in terms of deliveries, visitors and servicing and have safety concerns with this.

Officer comment: See Parking and highways section in Assessment below.

Place Services – Heritage

The proposal site is in close proximity to Grade II Listed Pink Cottage. There is the potential for a low degree of less than substantial harm to the significance of the identified heritage asset due to the introduction of the proposed units within the immediate setting of Pink Cottage, making Paragraph 208 of the NPPF relevant.
It is noted that the site appears to be self secluded and that the proposed units are one storey and limited in scale. The existing vegetation would be retained and is likely to provide some form of screening to the proposed development

Officer comment: See Heritage section of report below.

Arboriculture Consultant

There are noted uncertainties with how the development may impact trees. The proposed development can be accepted subject to approval of an Arboricultural Method Statement (AMS) which complies with the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction.

Officer comment: The applicant subsequently submitted an AMS which has been considered and found acceptable. A compliance condition is therefore proposed to ensure development is undertaken in full compliance with that AMS.

HDC Environmental Health Services

Request condition to secure Construction Management Plan.

Officer comment; A Construction Management Plan was submitted and a compliance condition is proposed to ensure the development is undertaken in accordance with this.

HDC - Cleansing and Environment

Due to the backland position and constrained size of the site it has not been possible at the time of writing to resolve refuse storage and collection issues.

A condition is proposed to secure implementation of a waste storage and collection strategy to be implemented for the lifetime of the development.

Neighbours and Additional Publicity

Number of Letters Sent: 16

Total Number of Representations Received: 1

Date Site Notice Expired: 29 May 2024

Date Press Notice Expired: 14 March 2024

Summary of Representations Received

One objection received which is summarised below:

- Have elderly residents been consulted, many cannot use internet; further consultations should be held;
- Parking is limited in Lower Meadow, concern at impact of new housing on this existing problem;
- Sole occupants are uncommon in Lower Meadow which is family oriented – could be adverse impacts on families and safe and clean character of the area if drug or alcohol behaviour occurs;
- How much rear access are neighbours going to have.

PLANNING POLICY

National Planning Policy Framework (NPPF) (2023) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

The Local Plan in this instance is the Harlow Local Development Plan (2020).

Harlow Local Development Plan 2020

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

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

SD1 – Presumption in Favour of Sustainable Development
HS1 – Housing Delivery
PL1 – Design Principles for Development
PL2 – Amenity Principles for Development
PL3 – Sustainable Design, Construction and Energy Usage
PL7 – Trees and Hedgerows
PL8 – Green Infrastructure and Landscaping
PL9 – Biodiversity and Geodiversity Assets
PL10 – Pollution and Contamination
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
H2 – Residential Development
H5 – Accessible and Adaptable Housing
H6 – Housing Mix
IN1 – Development and Sustainable Modes of Travel
IN2 – Impact of Development on the Highways Network including Access and Servicing
IN3 – Parking Standards

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

The following are material planning considerations in the determination of applications and appeals:

National Planning Policy Framework (NPPF) (2023)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2023 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF). The NPPF is a material consideration in the determination of applications.

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

Essex Parking Standards (2009)

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

HGGT Guidance

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

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for larger scale (housing) development. Of particular note is the emphasis on; existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

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

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

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

ASSESSMENT

Main considerations

- Principle of development
- Design, character and appearance
- Trees
- Biodiversity
- Heritage
- Parking and highways
- Residential amenity
- Flooding
- Contamination

Principle of development

At the heart of the NPPF 2023 is a presumption in favour of sustainable development which meets social, economic and environmental needs. Paragraph 123 of the NPPF states that *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*

Paragraph 124 states that decisions should *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively*

The site was previously occupied by garages but was cleared some time ago and is now empty with only concrete slab surfacing remaining. It is in a predominantly residential area within the town envelope and is reasonably sustainably located, being a short walk from the services and facilities at Maunds hatch to the east, and immediately adjacent to the shop at the Pink Cottage site on its east boundary.

The principle of the proposed development for housing units accords with the advice set out above and is supported.

Design, character and appearance

Policy PL1 requires that proposals demonstrate a high standard of design.

Policy H2 requires that infill development does not have an unacceptable adverse effect on the appearance of the street scene and the character of the locality

Due to the specific nature of the accommodation to be provided the design approach is of single storey modular units. While the nature and layout of the development does not reflect that of the wider residential area, that is considered acceptable in these circumstances. Given their single storey height and the set back from the road frontage behind nos. 60-64, there would be little impact on the street scene. While cutting back vegetation on the rear and side boundaries would be required, the tree and vegetation screening on these boundaries would be retained to screen views from Commonside Road, the Pink Cottage site to the west and the flatted block to the north.

The development is considered acceptable in terms of impact on the street scene and the character and appearance of the area.

Trees

Policy PL7 seeks to ensure that development protects and enhances existing trees and vegetation, given their importance to the visual character and quality of an area, their value as wildlife habitats and their role in mitigating the effects of climate change.

It is proposed that existing trees along the site's rear and side boundaries would be retained though cutting back would be necessary to accommodate the building and layout. An Arboricultural Method Statement setting out how retained trees would be protected is secured by a proposed condition. Subject to this the application is considered acceptable in this respect.

Biodiversity

The proposal was submitted prior to the mandatory requirement for Biodiversity Net Gain. The existing site is laid almost entirely to concrete hard surfacing and while cutting back of boundary trees and vegetation is proposed, the intention is to retain the boundary screen and an Arboriculture Method Statement is approved by condition to ensure this is achieved. An officer site visit has confirmed that the trees here have extensive nesting birds and an informative is proposed to ensure the applicant complies with the statutory protection requirements in that respect. Subject this condition and this informative the proposal is acceptable in terms of ecology impact.

Heritage

Policy PL12 seeks to protect heritage assets including listed buildings and their settings.

The rear (west) boundary adjoins a site containing a listed building (Pink Cottage, Grade II) and linked buildings including a shop/ small supermarket premises.

The Council's heritage consultant refers to a low degree of less than substantial harm to the setting of the listed building. Pursuant to para.208 of the NPPF this should be balanced against any public benefits. The benefits of efficient use of a vacant site to provide additional residential units, targeted at the homeless, is considered to outweigh any harm. It is also noted that the tree screen on the common boundary would be retained and would reduce any sense of intrusion including from light from windows.

Parking and highways

Policy IN3 requires parking to be provided in accordance with the adopted Essex Vehicle Parking Standards 2009. These standards require eight spaces for the eight units. No parking provision is provided within the scheme.

The Parking Standards also allow for a reduction in provision where a site is at a sustainable location. In this case the site is well located for access to local services. There is also a bus stop, located on Parnall Road approximately 250 metres north-west of the site. The number 2 bus, which operates from this stop provides a 20-minute frequency bus service running from 0700-2300hrs to Harlow town centre.

It is also accepted that because the units are to provide accommodation for the homeless, residents are unlikely to be car owners.

In these circumstances it is considered acceptable that no parking spaces are provided for the development, and the proposal is satisfactory in this respect pursuant to policy IN3.

Refuse and recycling

A condition to require a waste storage and collection strategy is proposed and subject to this the proposal can be accepted in this respect.

Residential amenity

Policy PL2 requires that development should not have an adverse impact on the amenities of existing and future occupiers.

The proposal would introduce a degree of activity to the rear of nos.60-64 which has not existed for some time, since the garages were removed. Given these are small, single occupant residential units there is no reason to believe that activity would result in any significant noise or disturbance. There is also no reason to believe occupants would introduce anti-social behaviour. It is noted that the units would be under the management of the Council's Area Housing Team. There is also a benefit from productive use of a site which is neglected and partly concealed and potentially open to attracting anti-social behaviour in its present condition.

No overlooking/ loss of privacy to nos.60-64 would occur, given the proposed units are single storey.

The separation distance and intervening vegetation would ensure no impact on the block of flats adjacent to the north. Adjacent to the east is the Pink Cottage retail use and the boundary tree screening would be retained here.

The proposal is considered acceptable pursuant to policy PL2.

Flooding

Policy PL11 seeks to ensure that development does not increase the risk of flooding elsewhere and aims to reduce flood risk overall.

The site is in Flood Zone 1, the area at least risk of flooding. Following removal of the garages previously on the site, it remains largely hard surfaced apart from its boundaries. Introduction of soft landscaping and permeable hard surfaces, as proposed on the submitted landscaping plan details, has the potential to reduce runoff at the site. Drainage details were

submitted with the application but no pre-application advice was sought by the applicant from the Lead Local Flood Authority to establish the details are acceptable. Given this a pre-commencement condition to require approval of the LLFA is proposed. Subject to this the proposal is considered acceptable pursuant to policy PL11.

Contamination

Policy PL10 requires that *all development proposals must minimise and, where possible, reduce all forms of pollution and contamination*

Given previous use as garages and introduction of residential use, assessment of potential ground contamination and any necessary remediation works is required. An appropriate condition is proposed to secure this.

CONCLUSION

The proposal would provide accommodation to address homelessness in Harlow and as such is supported. Subject to conditions the proposal is considered acceptable.

RECOMMENDATION

That Committee resolve to grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to work commencing details of the materials to be used for all external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details.
REASON; To protect the appearance and character of the area and to comply with Policy PL1 of the Harlow Local development Plan 2020.
3. The development shall be carried out in full accordance with the Construction Management Plan details set out on:
Drawing Number 9772-FM-XX-XX-DR-A-0004-P03. Feilden+ Mawson, Received 15/07/2024
REASON: To ensure highway safety and the protection of the amenities of neighbouring residents and to accord with Policies IN2 and PL2 of the Harlow Local Development Plan 2020.
4. The development shall be undertaken in full accordance with the details set out in the submitted:
Arboricultural Method Statement and Tree Protection Plan In Accordance with BS 5837: 2012. Project No.10598. Date of Report 24/06/2024. Date Received 02/07/2024
REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Local Development Plan of the Local Development Plan.

5. Prior to occupation of the building a Waste and Recycling Storage and Collection Strategy shall be submitted to and approved in writing by the local planning authority and the site shall be occupied in accordance with the approved Strategy for the lifetime of the development.

REASON: To ensure safe and efficient servicing of the site and to comply with Policy IN2 of the Harlow Local Development Plan 2020.

6. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by the SUDs approval body or other suitably qualified person(s) . The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- *Run-off from the site restricted to a maximum of 24.5l/s for all events up to the 1 in 100 inclusive of climate change (40%) storm event.*
- *Infiltration testing across the site area, in accordance with BRE 365, to support the SuDS hierarchy.*
- *Control of all surface water run-off generated within the development for all events up to and including the 1 in 100 year event inclusive climate change (40%).*
- *An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.*
- *Final detailed modelling of the whole drainage network on site.*
- *A drainage plan highlighting final conveyance and exceedance routes, location and sizing of storage features, discharge/infiltration rates and outfall/s from the site.*

REASON::To prevent surface water flooding and to mitigate any environmental harm that may be caused to the local water environment and to comply with Policy PL11 of the Harlow Local Development Plan 2020.

7. The scheme shall be implemented in accordance with the hard and soft landscaping proposals set out on drawings:

GUA-DR-L-002 P03 Outline hard and Soft Proposals

GUA-DR-L-003 P03 Plant Schedule

The soft landscaping shall be implemented in the first planting season (October to March inclusive) following commencement of the development,.

Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or caused to die, or become seriously damaged or defective, shall be replaced within five years of planting with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

REASON: To ensure appropriate landscaping of the site and to comply with Policies PL7 and PL8 of the Harlow Local Development Plan 2020.

INFORMATIVE CLAUSES

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote delivery of sustainable development and to approach decision taking in a positive way.

2. Some highway land protrudes into the site, which will be required to be Stopped Up before any obstruction or works can be undertaken on it. It is strongly advised that the application obtain an official highway boundary extent from Essex Highways at the following address: highway.status@essexhighways.org
3. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;

Kill, injure or take a wild bird

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

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

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

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

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

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

Intentionally kill, injure or take a bat;

Sell, hire, barter or exchange a bat, dead or alive;

Be in possession or control of a bat or anything derived from them.

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

Disturb a bat;

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

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