

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

6 November 2024

REFERENCE: HW/FUL/24/00253

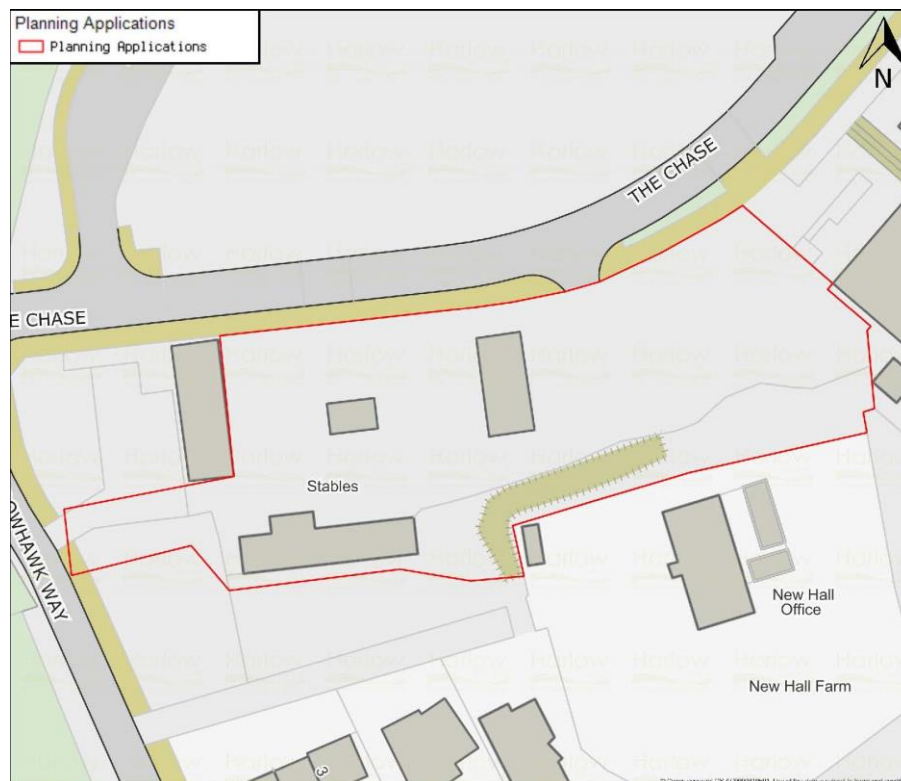
OFFICER: Mick Gavin

APPLICANT: Newhall Projects Ltd

LOCATION: Newhall Farm Stable Block
The Chase
Newhall
Harlow
Essex

PROPOSAL: Construction of new community facilities comprising a multi-use community hall formed around existing timber frame of barn, new reception and WC facilities and integration of Old Dairy building to provide varied spaces for community use and landscaped open space and car parking forming multi-use facility as previously approved under HW/PL/15/00094 (varied via S73 HW/REMVAR/24/00037).

LOCATION PLAN



Reason for Committee Referral

One objection has been received raising material considerations which are contrary to the officer recommendation of approval. In total 47 objections have been received citing non planning matters and due to the level, and it is for this reason it was considered prudent by officers to refer the matter to Committee on the grounds of public interest.

Recommendation

The application is to seek minor amendments to an existing permission granted for community facilities at the site. The amendment comprises an increase of 2.6sqm in floorspace to the single storey part of the community facility building, to slightly enlarge the kitchen/bar in order to improve the usability and adaptability of the space.

The proposed amendment is considered acceptable, having due regard to planning policies as outlined in the report, and it is recommended that permission be granted.

It is important to note that the objections received to the application are, with the exception of one raising issues of privacy and noise, relate to financial matters, namely maintenance costs through the management company, which are irrelevant to the assessment of the planning merits of the proposal and one other response raises no matters. The assessment of the proposal can only be made against material planning considerations. No commentary is therefore provided in response to the other matters raised as the planning system cannot have regard to those matters, which will need to be taken up separately by concerned residents with the management company/developer direct.

Details of the Proposal

Planning permission was granted in 2015 (HW/PL/15/00094 refers) for the following development:

Community facilities comprising multi-use community hall formed around existing timber frame of barn, new reception and WC facilities and integration of Old Dairy building to provide varied spaces for community use. Landscaped open space forming multi-Use square and associated parking facilities."

A further application was subsequently granted earlier this year (HW/REMPVAR/24/00037 refers) to vary the 2015 permission under S73 to provide a revised layout with the following description:

Minor material amendments to vary conditions 3, 4, 5, 7, 8 and 9 of planning permission HW/REMPVAR/23/00353 to allow revised layout

Following a review of this latest approved scheme, the applicant wishes to provide an improved kitchen/bar layout through the provision of an additional 2.6m² of floorspace to fill in the existing step in the footprint of the rear elevation of the community building. This would improve the usability and adaptability of the space. This alteration requires a slight amendment of the red line site boundary. The applicant also wishes to amend the site boundary to reflect the ownership boundary, including the previously approved car park area to the east of the building.

The application therefore seeks a new permission to incorporate these changes into the previously approved development. Aside from these amendments, the proposed scheme is identical to that approved under permission HW/REMPVAR/24/00037.

Site and surroundings

The application site is accessed via the extension of The Chase known as Bridge Street on its north side, and from Sparrowhawk Way to its west. It comprises a barn, dairy building (currently used as the Newhall Project office), and the space enclosed by these buildings. Land to the east of the barn and adjacent to Bridge Street is included in the site boundary for the provision of car parking. The site forms part of the wider Newhall development. The surrounding context is predominantly residential, with some limited commercial uses including a café, and a number of retail outlets. establishments. Sites LC1 and LC2 are located directly to the north on the other side of Bridge Street, where the Council has resolved to grant permission for the redevelopment for predominantly residential schemes.

The site is in Flood Risk Zone 1 indicating low probability of flooding.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/CND/15/00449	Application for Approval of Details Reserved By Condition 2 (External Materials), Condition 3 (Detailed Landscape Scheme), Condition 4 (Arboricultural Method Statement), Condition 5 (Proposed Cycle Parking Provision), Condition 7 (Details of Access to the Parking Area, Including Visibility Splays, Drainage and Surface Materials), Condition 8 (Details of External Lighting) and Condition 9 (Details and Layout of Proposed Solar Panels) of Planning Permission HW/PL/15/00094 for Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Spaces for Community Use. Landscaped Open Space Forming Multi-Use Square and Associated Parking Facilities.	APP	20.04.2016
HW/REM/17/00591	Erection of 136 Residential Dwellings	APP CON	26.03.2018
HW/FUL/18/00525	Proposed Single Three Storey, Five Bedroom Dwelling	GTD	21.03.2019
HW/REMPVAR/23/00353	Application for addition of approved plans conditions for application reference HW/PL/15/00094 for proposed community facilities comprising multi-use community hall formed around existing timber frame of barn, new reception and wc	GTD	15.11.2023

	facilities and integration of old dairy building to provide varied species for community use.		
HW/REMPVAR/24/00037	Minor material amendments to vary conditions 3, 4, 5, 7, 8 and 9 of planning permission HW/REMPVAR/23/00353 to allow revised layout and architecture for the multi-use Community Hall at Newhall.	GTD	25.03.2024
HW/PL/15/00095	Installation of New Play Area	GTD	06.05.2015
HW/PL/15/00094	Community Facilities Comprising Multi-Use Community Hall Formed Around Existing Timber Frame of Barn, New Reception and WC Facilities and Integration of Old Dairy Building to Provide Varied Species for Community Use. Landscaped Open Space Forming Multi-U	GTD	07.04.2015

CONSULTATIONS

Internal and external Consultees

Essex County Council – Highways

No objection subject to conditions.

Arboriculture Consultant

No objection subject to a condition to secure a fit-for-purpose Arboricultural Method Statement (AMS) so that the proposals do not impact trees, due to improper usage of land near trees, and that methods of working around trees are shown and can be examined by this council before work commences.

HDC Environmental Health Services

No objection subject to a condition to require a Construction Environmental Management Plan.

Neighbours and Additional Publicity

Number of Letters Sent: 45

Total Number of Representations Received: 47

Date Site Notice Expired: 25 October 2024

Date Press Notice Expired: 24 October 2024

Summary of Representations Received

47 representations received. 45 representations are on non-planning related grounds which are not relevant to the assessment of the proposal. Two comments were made on planning grounds which are summarised below:

- Loss of privacy to front of house opposite due to loss of vegetation; concern at direct overlooking of front of house from users of facility
- Potential noise from functions at the site

PLANNING POLICY

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
- 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
- PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- PL12 – Heritage Assets and their settings
- IN1 – Development and Sustainable Modes of Travel
- IN2 – Impact of Development on the Highways Network including Access and Servicing
- IN3 – Parking Standards

Supplementary Planning Documents / Current Planning Guidance

Harlow Design Guide (2011) and Harlow Design Guide Addendum 2021

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.

SUMMARY OF MAIN ISSUES

The key planning matters considered relevant to the determination of this application are as follows:

- Principle of development
- Design, character and appearance
- Residential amenity
- Other matters
- Equalities

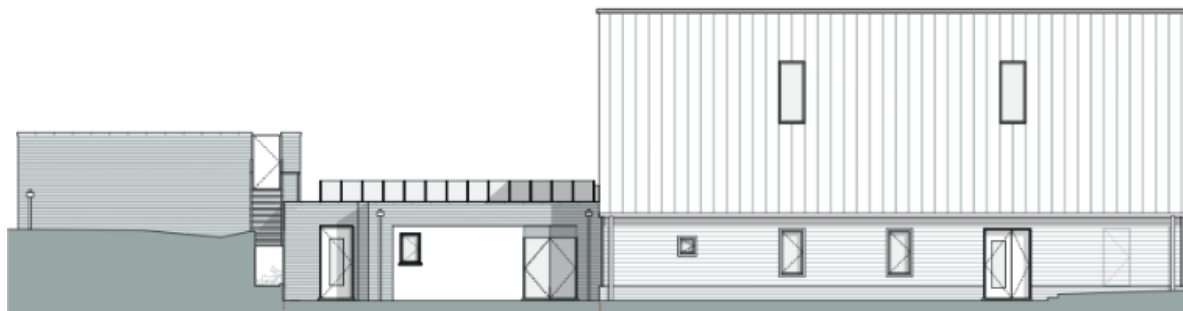
Principle of Development

The principle of development has been established in planning permissions for effectively the same scheme – permissions HW/PL/15/00094 and HW/REMVAR/23/00353. There is no objection therefore to the principle of the development.

Design, character and appearance

The proposed design change comprises squaring off a stepped indent in the east elevation of the community building. This produces a simpler elevation, and a very minor change to the overall appearance of the development. The change is illustrated below.

Approved elevation under HW/REMPAR/23/00353



Proposed elevation



The proposal would have no impact on the character and quality of the development and is considered acceptable and compliant with policy PL1.

Residential amenity

A resident opposite the site has raised concerns at potential overlooking of the front of their house and noise arising from use of the site. This has been considered, but the facility sits on the opposite side of Bridge Road and overlooking impacts are unlikely. There is no reason to believe use of the community facility would give rise to undue noise. This would be a management issue if it were to occur.

The proposal is considered acceptable in terms of neighbour impacts and is compliant with policy PL2.

Other matters

No change other than set out above is proposed to the previously approved scheme. Conditions are proposed as previously on relevant matters including materials and landscaping, to ensure the quality of the scheme is maintained.

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.” Officers consider that the application does not give rise to any concerns in respect of the above

CONCLUSION

The proposed scheme is supported. The minor change from the previously approved development would have no adverse impact on the quality of the scheme while enabling more effective operation of activity at the site.

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 the commencement of works to the external faces of buildings details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved.

REASON: To ensure a high-quality development and to accord with Policy PL1 of the Harlow Local Development Plan 2020.

2. Prior to the commencement of use of the development, details of the proposed cycle parking provision, to meet the required 11 spaces, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall be laid out and made available for use prior to the first use of the development hereby approved.

REASON: In the interests of sustainable development and to accord with Policies IN1 and IN3 of the Harlow Local Development Plan 2020.

3. Prior to the first use of the development hereby approved, the parking provision layout shall be submitted to and approved in writing by the local planning authority and shall have been laid out in accordance with the approved details and made available for use. The number of parking spaces shall not be less than approved under permission HW/PL/15/00094. The approved parking area shall thereafter be retained free from any obstruction and available for its intended purpose.

REASON: In the interests of highway safety and in accordance with Policies IN2 and IN3 of the Harlow Local Development Plan 2020.

5. Prior to the commencement of work to construct the access and parking, details of the access to the parking area, including visibility spays, drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be laid out in accordance with the approved details and retained in that form, free from obstruction, thereafter.

REASON: In the interests of highway safety and to provide an appropriate access for the necessary parking provision and to accord with Policies IN2 and PL11 of the Harlow Local Development Plan 2020.

6. Prior to the commencement of use of the development, details of all external lighting, including lux levels and light spillage, based on illustrative external lighting plan (1166.18.009E: Community Facilities Indicative Lighting Layout) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and maintained in accordance with the details approved.

REASON: To minimise any excessive light spillage/pollution and to ensure the area is appropriately lit for its intended purpose and to comply with Policies PL1 and PL10 of the Harlow Local Development Plan 2020.

7. Prior to the commencement of use of the development, details and layout of the proposed solar panels to be installed on the southern slope of the Old Dairy building shall be submitted to and approved in writing by the Local Planning Authority. The solar panels as approved shall be installed prior to the first use of the development hereby approved.

REASON: In the interests of sustainable development and to comply with Policy PL3 of the Harlow Local Development Plan 2020.

8. The development shall be implemented in full compliance with the details set out in the Sustainability Statement, Version: 04, 16.01.2024, Newhall Community Building.

REASON: To achieve a sustainable development and to comply with Policy PL3 of the Harlow Local Development Plan 2020.

9. The development shall be implemented in full compliance with the details set out in the Newhall Soft Landscape Works and Maintenance Specification, V1/231129, Colvin & Moggridge.

REASON: To achieve a high quality and sustainable development and to comply with Policies PL1, PL7 and PL8 of the Harlow Local Development Plan 2020.

10. No development shall take place on site, including site clearance, tree works, demolition or any other works, until details relevant to the safe retention and protection of trees are submitted within an Arboricultural Method Statement (AMS) in accordance with current BS5837 recommendations. Following written approval of the AMS the development will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

The AMS will include a Tree protection plan showing the positions of protective fencing to safe guard all retained vegetation.

The AMS will include details such as level changes, demolition and construction techniques, materials and design detail of structures and control of potentially damaging operations such as burning, storage and handling of materials. Details of supervision at key stages of development will also be included.

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 with policies PL1, PL7 and PL8 of Harlow Local Development Plan 2020.

11. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed below.

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

<u>Plan and Document Reference</u>	<u>Date Received</u>
2211EX(00)00 Rev A Site Location Plan	10.09.2024
2211EX (00)01 Rev B Existing Site Plan	10.09.2024
2211 PL(00) 02 Rev B Proposed Hardscape Plan	10.09.2024
1166.18.330 Rev B Car Park Retaining Wall	10.09.2024
27427-101 Rev P4 Proposed Levels	10.09.2024
27427-103 Rev P4 Proposed Surface Materials and Kerbing	10.09.2024
1166.18.324 Rev B Indicative Lighting and Power Unit	10.09.2024
1166.18.325 Rev B Courtyard Planting Plan	10.09.2024
1166.18.326 Rev B Car Park Planting Plan	10.09.2024
1166.18.327 Tree Pit Details	10.09.2024
1166.18.328 Rev B Provision for Cycle Parking	10.09.2024
1166.18.329 Rev C Parking Provision & Car Park Details	10.09.2024
2211-PL(00)01 Rev B Proposed Site Plan	10.09.2024
27427-102 Rev P5 Proposed Drainage Layout	10.09.2024

INFORMATIVE

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.