
Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 25 November 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr L Bowers-Flint
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr B Aspinell
Cllr A McGurran	Cllr M Hardware

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr Dave Harris, for whom Cllr Aiden McGurran substituted, and from Cllr Paul Thorogood.

(Post Meeting Note - although not at advised at the meeting it was subsequently confirmed that Cllr Jowers had submitted apologies).

Councillor Mike Garnett declared an interest in item 4.1 of the agenda (Minute 1) concerning the land between River Way and A1184 (Cambridge Road) as the site was in his division. Cllr Garnett considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Councillor Mike Hardware declared an interest in item 4.1 of the agenda (Minute 1) concerning the land between River Way and A1184 (Cambridge Road) as he was the Cabinet Member for Strategic Growth at Harlow Council and the item was considering a strategic project to facilitate a road link in Harlow. Cllr Hardware did not participate in the discussion or vote on the item.

2. Minutes

The minutes of the meeting held on 28 October 2022 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

There were no public speakers.

4. Land between River Way and A1184 (Cambridge Road)

The Committee considered report DR/41/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 4, 5, 6 and 7.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Justification/Need
- Landscape and Ecology (including consideration of the Green Finger designation)
- Amenity
- Highways
- Other Issues – Heritage; and Flood Risk and Drainage

Following comments and concerns raised by members, it was noted:

- Category C trees were trees which were healthy but had limited value.
- There would be a net increase in the number of trees as a result of the proposed landscaping design, in comparison to the number of trees required to be removed to facilitate the lorry park.
- Proposed Condition 6 prohibited the use of the lorry park by vehicles or cabs with operational ('on') refrigerated units at all times. It was noted that the current tenant usually parked these vehicles to front of the unit, where there was existing provision to park HGVs.
- Proposed Condition 6 also required HGV reversing alarms to be turned off within the lorry park during the night-time period. British Standard 4142 defined the night-time period as between 11pm and 7am. Proposed Condition 6 could be altered to require this to be between 10pm and 7am if Members considered this to be more reasonable.
- There was no provision for electric vehicle charging points. Members suggested that the applicant should consider future proofing the lorry park and installing electric vehicle charging points. An informative to this effect was proposed.
- An acoustic barrier was proposed to run alongside the edge of the HGV carpark to the west of the proposed vegetation. Installing an acoustic barrier on the eastern side of Cambridge Road would have limited impact as the properties affected were on a higher elevation. There was no acoustic fencing secured as part of the 2017 permission, which approved the main junction, and the eastern side of Cambridge Road was outside the red line area of this planning application. Members proposed an informative to encourage the applicant to reconsider the noise mitigation offer as part of the wider scheme.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the further discussed variation to Condition 6 and the two proposed informatives, was proposed by Councillor M Steptoe and seconded by Councillor J Fleming. Following a vote of 7 in favour, 1 abstention, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 05/09/2022 and shown on drawings titled: 'Site Location Plan', drawing no. B3553A24-AD-3C-00-003 (Rev A.1), dated 02/09/22; 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22; and 'Long Section – North of River Way', drawing no. B3553A24-AD-3C-26-034 (Rev A.1), dated 06/09/22 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies SD1 – Presumption in Favour of Sustainable Development, ED2 – Protecting Existing Employment Areas, WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, WE5 – Heritage, SIR1 – Infrastructure Requirements, PL1 – Design Principles for Development, PL2 – Amenity Principles for Development, PL5 – Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping, PL9 – Biodiversity and Geodiversity Assets, PL10 – Pollution and Contamination, PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems, PL12 – Heritage Assets and their Settings, PR1 – Development within Employment Areas, IN1 – Development and Sustainable Modes of Travel, IN2 – Impact of Development on the Highways Network including Access and Servicing and IN3 – Parking Standards of the Harlow Local Development Plan (2020).

3. The development hereby permitted shall be implemented in accordance with the submitted 'Cambridge Road 2022 Tree Impact Assessment and Tree Protection Plan, document dated 2 August 2022 (inclusive of drawing '2022 Tree Removal & Protection Plan', drawing no. B3553A24-AD-3C-35-008 (Rev A.1), dated 05/09/22) and 'Mitigation Plan for Protected Species' (Issue 2), dated 31 March 2021.

Reason: To conserve and enhance Protected and Priority species, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with policies WE3 – General Strategy for Biodiversity and Geodiversity, PL7 – Trees and Hedgerows and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

4. (a) No advanced works (including vegetation and bund removal) shall take place until a Construction Management Plan, covering this phase of the

development hereby approved, has been submitted to and approved in writing by the County Planning Authority; and

(b) No main works (the remainder of the scheme) shall take place until a Construction Management Plan, covering this phase of the development hereby approved, has been submitted to and approved in writing by the County Planning Authority.

The Plans to be submitted for each phase shall provide for (as appropriate):

- a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading Addendum Development & Regulation Committee 25 November 2022 and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
- b) wheel and underbody cleaning facilities;
- c) routing of vehicles;
- d) measures proposed to reduce the potential for amenity impacts or nuisance; and
- e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater

The development shall be implemented in accordance with the approved Plans.

Reason: In the interests of highway safety and amenity, that construction works may lead to excess water being discharged from the site and to comply with PL10 – Pollution and Contamination, PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems and IN2 – Impact of Development on the Highways Network including Access and Servicing of the Harlow Local Development Plan (2020).

5. Prior to installation of the acoustic barrier fencing, the specification of fencing hereby approved, as part of this development, adjacent to Cambridge Road shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of any doubt, it is expected that the fencing specification will conform to the details outlined in the technical memorandum submitted with this application titled 'Cambridge Road Lorry Park, Harlow, Essex – Noise Study', dated 24 August 2022 and have absorptive rather than reflective qualities. The noise barrier fencing subsequently approved shall be installed in the location shown on the drawing titled 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22 prior to first beneficial use of the lorry park and thereafter maintained in perpetuity.

Reason: In the interests of residential amenity and to comply with policies PL1 – Design Principles for Development, PL2 – Amenity Principles for Development and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

6. Prior to first beneficial use of the lorry park, a noise mitigation management plan shall be submitted to the County Planning Authority for review and approval in writing. The plan shall seek to confirm (a) the prohibition of use of the lorry park hereby approved by vehicles/cabs with operational ('on') refrigeration units at any time; (b) the prohibition of use of reversing alarms during the night-time period (2200-0700hrs) within the approved lorry park; and (c) measures to internally monitor and enforce these restrictions. The management plan shall subsequently be implemented as approved.

Reason: In the interests of residential amenity and to comply with policies PL1 – Design Principles for Development, PL2 – Amenity Principles for Development and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

7. Prior to commencement of any landscaping works, a landscaping scheme (inclusive of all non-acoustic fencing and gates) shall be submitted to the County Planning Authority for review and approval in writing. For the avoidance of doubt, it is expected that this scheme will follow the landscaping principles shown on drawing 'Soft Landscape Design', drawing no: B3553A24-AD-3C-35-002 (Rev A.7), dated Sep 22. However, the revised scheme shall seek to consider recommendations made by Place Services in terms of species, mix and planting densities and also include further design detail of the gates proposed to the entrance and exit to the lorry park and fencing proposed around the northern car park area. The landscaping scheme shall subsequently be implemented within the timeframe outlined within the approved scheme.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to maintain a buffer between the development hereby approved and Cambridge Road and to comply and/or show consideration of policies WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL5 – Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

8. Any tree or shrub forming part of the landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interests of amenity of the local area, to ensure the landscaping is maintained as approved and accordingly the development screened and to comply and/or show consideration of policies WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL5

– Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

9. Prior to first beneficial use of the development hereby permitted, the lorry park and car parking area as shown on the drawing titled 'General Arrangement', drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22 shall be laid out and clearly marked for the parking of appropriate vehicles. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety and to comply with policies ED2 – Protecting Existing Employment Areas, PR1 – Development within Employment Areas, IN1 – Development and Sustainable Modes of Travel, IN2 – Impact of Development on the Highways Network including Access and Servicing and IN3 – Parking Standards of the Harlow Local Development Plan (2020).

10. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway and airport safety, to minimise impact on light sensitive biodiversity and to comply with WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL2 – Amenity Principles for Development, PL9 – Biodiversity and Geodiversity Assets and PL10 – Pollution and Contamination of the Harlow Local Development Plan (2020).

Informatives

- No electric vehicle charging points are proposed or have been incorporated as part of the development hereby approved. Whilst it is acknowledged that technology does not currently exist for electric HGVs, the applicant is reminded that the provision of electric vehicle charging points would future proof the development/parking area.
- Whilst this application principally relates to a new parking area (not the new junction between Cambridge Road and River Way), the applicant is encouraged to consider a more comprehensive noise mitigation offer to

support the proposals as a whole, in-particular, potentially some form of noise barrier/fencing on the eastern side of Cambridge Road opposite the new junction.

5. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/42/22; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

6. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 16 December 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:12am.