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**Minutes of the meeting of the Development and Regulation Committee,  
held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on  
Friday, 23 June 2017**

**Present:**

Cllr C Guglielmi (Chairman)	Cllr M Maddocks
Cllr J Abbott	Cllr R Massey
Cllr M Garnett	Cllr J Reeves
Cllr I Henderson	Cllr A Turrell
Cllr J Henry	Cllr A Wood
Cllr S Hillier	

**1 Apologies for Absence**

Apologies were received from Cllr A Brown, (substituted by Cllr J Henry), Cllr M Hardware, Cllr M Mackrory (substituted by Cllr A Turrell), and Cllr Dr R Moore (substituted by Cllr M Maddocks).

**2 Declarations of Interest**

Cllr M Garnett declared that as member for the Harlow North division, he is a local member for item 5.1, the new junction 7a on the M11. As he is pre-determined on this issue, he would address the meeting as local member and then leave the meeting room. (Minute 5 refers.)

**3 Minutes**

The minutes of the meeting held on 26 May 2017 were agreed and signed by the Chairman.

**4 Identification of Items Involving Public Speaking**

Persons to speak in accordance with the procedure were identified for the following items:

1) To consider Report DR/24/17, relating to the construction of a new motorway junction (Junction 7a) on the M11 between existing junctions 7 and 8, a link road and related road improvements.

Location: Gilden Way and Sheering Road, public highways and land between, Sheering Road and M11 Motorway, Harlow

Reference: CC/EPF/08/17.

Applicant: Essex County Council

Public Speakers: Jim Hutchins speaking against

Andrew Cook speaking for.

And Cllr Mike Garnett, speaking as local member.

2) To consider Report DR/26/17, relating to the change of use of Evegate and 3 Thistley Green Road from Use Class C3 (Dwelling Houses) to Use Class C2 (Residential Institutions) to provide bedroom flats for adults with learning difficulties,

with other related building and demolition work.

Location: Evegate & 3 Thistley Green Road, Braintree CM7 9SE

Ref: CC/BTE/54/16

Applicant: Essex County Council

Public Speakers: David Whipps speaking against.

Phil Brown speaking for.

## **County Council Development**

### **5 New Junction 7a on the M11**

The Committee considered report DR/24/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

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:

- Need for the Scheme
- Principle of Development in the Green Belt
- Traffic Modelling /Highways Impact
- Landscape and Visual Impact
- Flood Risk
- Impact on the Natural Environment
- Impact on the Historic Environment
- Noise and Vibration Impact
- Air Quality and Dust Impact
- Human Rights and Equality issues.

In accordance with the protocol on public speaking the Committee was addressed by Mr Jim Hutchins, Director, WSP UK Ltd, representing the Harlowbury Consortium of Developers. Mr Hutchins said:

- The Harlowbury development has detailed planning consent, but a proper, detailed assessment of the likely impact of the proposed scheme on the development has not been made
- There is a lack of detail on the visual and noise impact of the scheme on the proposed development. The developers have worked hard to produce a semi-rural streetscape; but the use of noise barriers will lead to residents on the ground floor of those properties overlooking Gilden Way looking out at the rear of the barrier. Alternative measures for noise mitigation should be considered
- Regarding the eastern access to the development, Jacobs accept that detailed work will be needed at a later stage. The eastern access provides a key element to traffic circulation and there is no indication of a fallback situation if an acceptable junction cannot be delivered
- Regarding the main access, there is insufficient information in the documentation to understand how the proposed junction could impact upon

access. This is an unsound position upon which to make a decision on the application.

Andrew Cook, Director, Highways & Transportation, Essex County Council, then spoke on behalf of the applicant. Mr Cook said:

- Essex faces significant growth pressures over the next 20-30 years and Harlow is one of the areas of focus for these pressures
- The existing M11 junction and access road are at capacity or near capacity at peak times and at other times during the day. This application has been designed to be able to deal with not only existing needs but to accommodate future aspirations for the town, being in two phases, to allow for future growth
- In response to feedback from the extensive public consultation, much detail has gone into this application, including substantial mitigation in several areas (eg heritage and the environment); every effort has been made to strike a balance between the need for growth and the concerns of residents
- It is fully funded, with a significant commitment from national government
- It is key to the delivery of local plans in Harlow, East Hertfordshire and Epping Forest districts.

Councillor Mike Garnett, as local divisional member, addressed the meeting. Cllr Garnett said

- This development will physically bisect the existing community by transforming the current B road with a daily vehicle count of 17,000 to a motorway link road of 33,000 movements per day. Two schools lie along or near to this road, which leads to the London Road and Marks Hall roundabouts, where substantial traffic build up already exists along Gilden Way
- He wonders if the developers of the North Gilden Way development have not proceeded to date, in view of this proposal
- Sound attenuation - the site rises up, which would require the barrier to be even higher
- The local authorities support the creation of a new junction, not the access to the junction. What is required is a northern bypass. There is likely to be a new town of some 25,000 houses built on the site of Hunsdon aerodrome and this will not be able to cope
- This will affect the lives of thousands of people and there is no way back, once it is put in place. Other options should have been considered
- The likely waiting time at the roundabouts makes it more likely that drivers will try to take short cuts through other town roads - although blocking off access to Old Road will prevent the use of this road as a rat run.

Cllr Garnett left the meeting at this point.

In response to points raised by members, it was noted:

- The developer intended to explore all options with regard to achieving appropriate sound reduction for residents along the link road. This might involve modifying the road surface itself, putting in natural features, or adopting other approaches
- The forecasting of growth in the area did not justify the building of a northern bypass at the moment; but the junction has been designed to be able to connect up to a northern bypass, should one be built in the future
- With regard to concerns over air quality, modelling has been done, but it was hard to be precise about the impact, as there will be an increase in traffic in

some places, a decrease in others. From a planning point of view, the levels set out in the report as received will not exceed either UK or European targets. The ongoing situation is not conditioned, as monitoring is carried out by other bodies

- There is a need and a number of measures will be in place to provide mitigation, so contributing to the "very special circumstances" required in relation to Green belt requirements
- Loss of hedgerow/trees. Although 1.43 ha of woodland will be lost, there will be 16 ha of embankment tree planting in mitigation
- The new cycleway will run from the London Road roundabout to the hamlet known as the Campions
- Lighting. As there were bats in the area, certain extra measures were proposed by members in mitigation: zero tilt (already in proposed scheme), colour temperature (ie warmer colours), bespoke dimming, not lighting whole route. Members noted that the Highway Authority would have safety as the overriding factor, but also noted that the M11 itself was unlit at this point. Members agreed to include these as considerations to be added to Condition 21.

There being no further issues raised by Members, the resolution, including the additional conditions under Condition 21, was proposed and seconded. Following a vote of 9 in favour, none against, with one abstention, it was

## Resolved

Subject to no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, 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. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 26 January 2017 and validated on 13 February 2017, together with the following list of drawings and documents

### Drawings

B3553F05-0100-DR-0519	Rev. P0	Location Plan
B3553F05-0100-DR-0500	Rev. P0	Proposed Layout Key Plan
B3553F05-0100-DR-0501	Rev. P0	Proposed Layout Plan Sheet 1 of 8
B3553F05-0100-DR-0502	Rev. P0	Proposed Layout Plan Sheet 2 of 8
B3553F05-0100-DR-0503	Rev. P0	Proposed Layout Plan Sheet 3 of 8
B3553F05-0100-DR-0504	Rev. P0	Proposed Layout Plan Sheet 4 of 8
B3553F05-0100-DR-0505	Rev. P0	Proposed Layout Plan Sheet 5 of 8
B3553F05-0100-DR-0506	Rev. P0	Proposed Layout Plan Sheet 6 of 8
B3553F05-0100-DR-0507	Rev. P0	Proposed Layout Plan Sheet 7 of 8
B3553F05-0100-DR-0508	Rev. P0	Proposed Layout Plan Sheet 8 of 8
B3553F05-0100-DR-0509	Rev. P0	Site Location Plan
B3553F05-0100-DR-0510	Rev. P0	Existing Layout Key Plan

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B3553F05-0100-DR-0511	Rev. P0	Existing Layout Sheet 1 of 8
B3553F05-0100-DR-0512	Rev. P0	Existing Layout Sheet 2 of 8
B3553F05-0100-DR-0513	Rev. P0	Existing Layout Sheet 3 of 8
B3553F05-0100-DR-0514	Rev. P0	Existing Layout Sheet 4 of 8
B3553F05-0100-DR-0515	Rev. P0	Existing Layout Sheet 5 of 8
B3553F05-0100-DR-0516	Rev. P0	Existing Layout Sheet 6 of 8
B3553F05-0100-DR-0517	Rev. P0	Existing Layout Sheet 7 of 8
B3553F05-0100-DR-0518	Rev. P0	Existing Layout Sheet 8 of 8
B3553F05-3000-DR-0201	Rev. P00.1	Landscape Sections Sheet 1 of 2
B3553F05-3000-DR-0202	Rev. P00.1	Landscape Sections Sheet 2 of 2

#### Documents

- Planning Statement, prepared by Jacobs, dated January 2017
- Non-Technical Summary of Environmental Statement, prepared by Jacobs
- Environmental Statement - Volume A (Written Statement), Volume B (Figures), Volume C (i) (Appendices 1-7), Volume C (ii) (Appendices 8-13) prepared by Jacobs, dated January 2017
- Outline Environmental Management Plan, prepared by Jacobs, dated January 2017
- Flood Risk Assessment (B3553F05-0500-RP-0003), prepared by Ringway Jacobs, dated January 2017.
- Heritage Statement, Revision 1, prepared by Jacobs, dated January 2016.
- Built Heritage Assessment

#### Further Submissions

- Response to external review of M11 J7a Air Quality Assessment, prepared by Jacobs, dated 09 May 2017
- Air Quality 'Addendum to the response from AQC' prepared by Jacobs, dated 25 May 2017

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

### 3. Dust Management Plan

No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement.

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

### 4. Archaeology – Written Scheme of Investigation

No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior

to the commencement of the development hereby permitted or any preliminary groundworks.

#### **5. Archaeology – Mitigation Strategy**

Prior to commencement of development, and following completion of archaeological work required under condition 4 above, a mitigation strategy detailing the excavation/preservation strategy shall be submitted for the prior written approval of the County Planning Authority.

No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the fieldwork as detailed in the mitigation strategy has been completed to the satisfaction of the County Planning Authority.

#### **6. Archaeology – Post Excavation Assessment**

Within six months of completion of the programme of archaeological investigation identified under condition 4, the applicant shall submit a post-excavation assessment. This shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

#### **7. Detailed Landscape Scheme**

No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development or the relevant phase of the development hereby permitted in accordance with the approved details.

Any tree or shrub forming part of a 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.

#### **8. Tree Protection**

No development or any preliminary groundwork's shall take place until:

- a. All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;

- b. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

### **9. Bird Hazard Management Plan**

Prior to commencement of development, a Bird Hazard Management Plan, to prevent the utilisation of the site by hazardous bird species, has been submitted to and approved in writing by the County Planning Authority.

The submitted plan shall include, but not limited be to:

- Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
- Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers;
- Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

### **10. Detailed Surface Water Drainage Scheme**

No development 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 approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- a) Limiting discharge rates from Gilden Way (Highway Drainage Catchment A) to at least 50% of the existing runoff rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 30% allowance for climate change.
- b) Limiting discharge rates from Proposed Link Roads (Highway Drainage Catchment B) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus up to a maximum of 40% allowance for climate change.
- c) Limiting discharge rates from the new slip roads and ancillary works associated with Proposed Junction 7A (Highway Drainage Catchment C) to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus a 20% allowance for climate change.
- d) Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report

- e) Final modelling and calculations for all areas of the drainage system.
- f) The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.
- g) Detailed engineering drawings of each component of the drainage scheme.
- h) A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
- i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening to traffic.

#### **11. Scheme to minimise risk off-site flooding caused by surface water run-off and ground water during construction.**

No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To mitigate the risk flooding during construction in accordance with U2A, U2B, U3A, U3B of the EFC Local Plan and policies CP12 of the HDC Local Plan and the NPPF.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

#### **12. Surface Water Drainage System – Maintenance Plan**

No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the County Planning Authority. The completed development shall be maintained in accordance with the approved plan.

#### **13. Construction Environmental Management Plan (CEMP)**



No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

#### **14. Land Remediation Strategy**

Prior to each phase of development approved by this planning permission (1, 2A and 2B) no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority.

The strategy shall include the following components:

- a). A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;and
  - potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

**15. Land Remediation Verification Report**

Prior to each phase of development being commissioned a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**16. Land Remediation Strategy – contamination found during development**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

**17. No drainage systems for the infiltration of surface water drainage into the ground**

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

**18. Borehole Management Scheme**

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

**19. Piling Method**

Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

**20. Noise Mitigation Plan / Acoustic Barriers Detailed Design**

Prior to commencement of development a detailed Noise Mitigation Plan shall be submitted for the prior written approval of the County Planning Authority. This shall

include detailed design of any acoustic barriers required to achieve adequate noise mitigation. The development shall be implemented in accordance with the approved scheme.

## **21. Lighting Detailed Design**

No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt, colour temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting plan shall consider the impact on light sensitive biodiversity and shall

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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.

**22.** No development shall take place until topographical survey information to verify the hydraulic flood modelling has been submitted to and deemed acceptable in writing by the local planning authority. The survey information should include:

- a survey report
- drawn long sections
- cross-section location plans in a digital format or geo-referenced
- channel surveys produced as text files which read directly into modelling software

If this information cannot verify the hydraulic flood modelling then the hydraulic flood modelling will need to be reviewed, and resubmitted for approval to the local planning authority following any changes being made.

**23.** No development shall take place until a scheme to demonstrate if and how compensatory flood storage for the 1 in 100 plus 35% climate change fluvial flood event will be provided, has been submitted to and approved in writing by the local planning authority. The scheme will be based on the approved and verified hydraulic flood modeling.

#### INFORMATIVES

##### Surface Water Discharge

The Environment Agency advises that the surface water discharge associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies.

Cllr Garnett rejoined the meeting at this point.

#### **6 Land to west of Cambridge Road, Harlow**

It was noted that this item had been withdrawn from the agenda and would be considered at a future meeting of the Committee.

#### **7 Evegate and 3 Thistley Green Road, Braintree**

The Committee considered report DR/26/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

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:

- Principle of Development and Need
- Policy Considerations
- Design and Layout
- Impact on Trees, Landscape and Ecology
- Impact on Residential Amenity
- Traffic and Highways.

In accordance with the protocol on public speaking the Committee was addressed by Mr David Whipps, Holmes & Hill LLP, representing a number of residents near the application site. Mr Whipps said:

- Local residents are disappointed to have to make representation to the Committee today as they have never objected to the principle of the development, but have sought that it should not have a negative impact on their amenities; such an approach is quite in line with both national and local policy. They have two areas of concern: noise and car parking
- Noise. Residents of the development will be likely to make loud noises and some of these may be distressing. With the promised noise report not having been submitted earlier, in January 2017 one sheet was produced, pointing out

that the screams might be up to 85 db. Then three weeks ago a fuller report was produced, but this mostly looked at the sound levels within the building. There are too many unknowns here: uncertainty on the sound levels outside, the need to close windows, the efficacy of the sound suppression of the glazing and the mechanical noise produced by the ventilation system

- Two of these proposed flats directly abut a neighbouring property
- Car parking. The road is narrow; local people often have to reverse onto the road and drivers often have to weave their way between cars already parked on the road. Officers acknowledge there are difficulties. There must be adequate parking on site. 15 spaces are totally inadequate for a potential 20 staff on changeover, plus office staff
- As you are deliberating on your own application, you must scrutinise this with the utmost care; in view of the uncertainties I have set out, I suggest that this application cannot be approved at present and so should either be refused or deferred.

Phil Brown, Acting Head of Commissioning (Vulnerable People), Essex County Council, then spoke on behalf of the applicant. Mr Brown said:

- Essex County Council is working with health partners to reduce the number of those with learning disabilities placed in hospital. This development will allow six individuals to leave hospital, where they should not be, and prevent the likely admission to hospital of four more
- The site is appropriate in having much space and suitable buildings for development, extensive grounds for residents to enjoy and good links and access to Braintree town centre
- The Council has a statutory duty to meet the needs of those in its care and the development is designed to reflect the needs of those moving in
- Officers have met with neighbours, to understand their concerns and have tried to address their concerns in the development
- Unusual noise should be infrequent, but good sound insulation will be installed, along with internal ventilation, to allow windows to be closed if necessary. The noise survey suggests the levels should remain within reasonable standards
- The number of parking spaces has been increased and fully meets County Council standards, having more than other local supported schemes
- The Council want those accommodated in the development to be good neighbours and to be accepted by local residents and will encourage those delivering the contract to work toward this end and do everything possible to achieve this.

In response to points raised by members, it was noted:

- 'Perception of harm' was a valid planning consideration, but it was difficult to assess the levels of noise likely to be experienced, particularly in the open; however the proposed mitigation measures were sufficient to satisfy the officers from a planning point of view
- Two additional conditions (as set out in the Addendum) had been suggested to improve the mitigation in respect of noise
- Such a site is not unique; good management will be required to ensure minimal disruption to neighbours and successful integration into the local community
- The parking requirements already exceed the requirements. There are likely

to be extra vehicles on site for the half hour shift changeover period each day and there is additional informal parking on site

- Regarding room for refuse/recycling lorries turning, it is normal for them to remain in the main road, rather than enter the site
- There is no reference to the emerging Braintree District Plan in the report. However, this application is being made under the existing Local Plan
- There are bats on site - appropriate lighting conditions should be added to take account of these
- The original permission, to demolish and rebuild the coach house, was never implemented
- Monitoring of the ongoing situation in respect of local residents' concerns cannot be conditioned; however an informative could be added, that the impact should be monitored.

There being no further issues raised by Members, the resolution, including the additional conditions noted in the Addendum, plus an appropriate lighting condition, was proposed and seconded. Following a unanimous vote in favour, it was

### **Resolved**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, 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. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the planning application reference CC/BTE/54/16 dated 11 November 2016 and validated on 16 November 2016 together with:
  - Design and Access Statement incorporating a Planning Statement dated November 2016
  - Essex Biodiversity Validation Checklist dated 11 November 2016
  - Bat Survey: Interim Report prepared by Essex Ecology Services Limited (EECOS) dated June 2017
  - Arboricultural Impact Assessment prepared by Hallwood Associates dated 31 October 2016
  - Letter from Lee Cunningham Partnership dated 12 December 2016 re: Braintree Vulnerable Housing, Acoustics
  - Acoustic Consultancy Report prepared by Lee Cunningham Partnership (Ref: 79450/3/1/12) dated 16 May 2017

- Transport Statement prepared by Cottee Transport Planning dated October 2016 and Drawings:
  - LO636 – Site Plan – 4 December 2015
  - 7775540-BC-0023 006 – Existing Site General Arrangement Plan – 17.11.2015
  - 0075540-BC-0023 001 – Basement Existing Floor Plan – 14.01.16
  - 0075540-BC-0023 002 – Existing Ground and First Floor Plans – 17.11.2015
  - 0075540-BC-0023 003 – The Stables Block Existing Ground Floor Plan – 17.11.2015
  - 0075540-BC-0023 004A – Existing Ground and First Floor Plans – 17.11.15
  - 0075540-BC-0023 005 – Garage Block Existing Ground and First Floor Plans – 17.11.15
  - 0075540-BC-0023 013 – Evegate Existing Elevations – 01/06/16
  - 0075540-BC-0023 014 – 3 Thistley Green Road Existing Elevations – 02/06/16
  - 0075540-BC-0023 015 – Evegate Coach House Existing Elevations – 03/06/16
  - 0075540-BC-0023 016 – 3 Thistley Green Road Garage and Games Room Existing Elevations – 03/06/16
  - 0075540-BC-0023 031 – Existing Below Ground Drainage Plans – 16.06.2016
  - 0075540-BC-0023 P-012 – Proposed Site General Arrangement Plan – 09.03.16
  - PSEVE/200 Rev B – Proposed Site Layout – 30.10.2016
  - PSEVE/300 Rev B – Proposed Soft Landscaping Plan – 30.10.2016
  - 0075540-BC-0023 029A – Proposed Boundary Site Treatment – 17.10.16
  - 0075540-BC-0023 007 – Basement Proposed General Arrangement Plan – 14.01.16
  - 0075540-BC-0023 P-009 – Evegate Coach House Flats 1 and 2 Proposed Ground Floor Plan – 17.11.15
  - 0075540-BC-0023 P-008 – Evegate Flats 3, 4, 5 & 6 Proposed Ground and First Floor General Arrangement Plans – 14.01.2016
  - 0075540-BC-0023 P-023 – Proposed Elevations – 28/06/16
  - 0075540-BC-0023 P-021 – Proposed Elevations Evegate Planning – 16/06/16
  - 0075540-BC-0023 P-010 – 3 Thistley Green Road Flats 7, 8,9 & 10 Proposed Ground and First Floor General Arrangement Plans – 17.11.2015
  - 0075540-BC-0023 P-011 – 3 Thistley Green Road Flat 11 & Main Office Accommodation Proposed Ground and First Floor Plans – 17.11.2015
  - 0075540-BC-0023 022C – Proposed Elevations Thistley Green – 16/06/16
  - 0075540-BC-0023 P-024 – Proposed Elevation for Flat 11 &

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Site Office – 16/06/16

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority.

3. The development hereby permitted shall be implemented in accordance with Section 5 of the Bat Survey: Interim Report prepared by EECOS dated June 2017. The supplementary surveys shall be of an appropriate type for the species group and survey methods shall follow national good practice guidelines. Mitigation measures recommended in the Interim Report shall be updated where appropriate.
4. No development or works to Evegate shall commence until either:
  - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead

Or

  - b. A statement in writing from the relevant licensing body to the effect that it does not consider that any specified activity/development will require a licence

has been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.
5. No beneficial occupation of Evegate or 3 Thistley Green Road shall take place until the existing site access has been removed and the new site access (as shown on Drawing Number PSEVE/200 Rev B Proposed Site Layout dated 19.10.16) has been installed. The development shall be implemented in accordance with the approved details.
6. No fixed plant shall be installed in connection with the development hereby permitted unless a noise assessment has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall provide a representative background sound level at nearby residential properties which have been previously agreed with the County Planning Authority, to include 'Moongate', 9 Thistley Green Road & 11 Thistley Green Road. The noise assessment shall include sufficient information to demonstrate that noise emanating from the fixed plant associated with the development hereby permitted would be in accordance with the noise limits imposed by Condition 6.
7. The predicted noise level (or Rating Level) from all fixed plant associated with the development hereby permitted, when assessed in accordance with BS4142:2014, shall be at least 5dB(A) below the representative background level approved under Condition 6 at nearby residential properties approved under Condition 6. The development shall be implemented in accordance with the approved details.
8. No fixed lighting shall be erected or installed until details of the location,



height, design, sensors and luminance have been submitted to and approved in writing by the County Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Informative

The applicant shall encourage all staff associated with the development hereby permitted to use the parking spaces as shown on Drawing Number PSEVE/300 Rev B (Proposed Soft Landscaping Plan) dated 19.10.16 and generally to encourage vehicles associated with the development to park within the confines of the site.

## **Minerals and Waste**

### **8 Great Dunmow Water Recycling Centre**

The Committee considered report DR/27/17 by the Acting Head of County Planning. Members noted the Addendum to the agenda.

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:

- Principle and Need
- Flood Risk and Water Environment
- Landscape
- Ecology and Biodiversity
- Impact on Residential Amenity .

There being no issues raised, the resolution was moved, seconded and following a unanimous vote in favour it was

### **Resolved**

That planning permission be granted subject to conditions covering the following matters:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
- 2 The development hereby permitted shall be implemented in accordance with the details of the application dated 12th April 2017 together with;
  - Covering letter dated 11th April 2017;
  - Biodiversity Validation Checklist dated 28th February 2017;

- Landowner/Tenant notification letter dated 11th April 2017;
- Proposed Development Landowner noticed dated 11th April 2017;
- Planning Statement dated April 2017;
- Preliminary Ecological Appraisal dated November 2016;
- Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 17;
- Flood Risk Assessment dated 2nd February 2017;
- Drawing Site Distribution Kiosk and MCC Kiosk Reference: SEW-10340-GDUNST-SS-PLG-0021 dated 10th April 2017;
- Email dated 12th June 2017 (Sent 12:58) entitled RE: Gt Dunmow FRA.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following condition:

3 All vehicular access and egress to and from the site shall be from Chelmsford Road as indicated on Drawing Geographical Location Plan and Site Layout Reference: SEW-10340-GDUNST-SS-PLG-0001 dated 10th April 2017. No other access shall be used by vehicles entering or exiting the site.

### **Enforcement Update**

#### **9 Waterworks Spring Farm, Doddinghurst**

The Committee received report DR/28/17, by the Acting Head of County Planning, on the enforcement of planning control in respect of an unauthorised development on land at Waterworks Spring Farm, Dagwood Lane, Doddinghurst CM15 0RX.

The Committee **NOTED** the report and commended officers on the satisfactory outcome of this case.

### **Information Items**

#### **1 Applications, Enforcement and Appeals Statistics**

- 0** The Committee considered report DR/29/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

One correction was noted:

The number of Section 106 agreements pending is 5.

The Committee NOTED the report.

#### **1 Date of Next Meeting**

- 1** The Committee noted that the next meeting would be held on Friday 28 July 2017 at 10:30am in Committee Room 1, County Hall.

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There being no further business the meeting closed at 12:42pm.

**Chairman**