

**DR/32/17**

committee DEVELOPMENT & REGULATION

date 28<sup>th</sup> July 2017

### COUNTY COUNCIL DEVELOPMENT

Proposal: **Creation of a new road junction to create a new, left hand in right hand out only, junction between Cambridge Road and River Way including off site ancillary operations and off site mitigation.**

Location: **Land to the west of, and adjacent to, Cambridge Road**

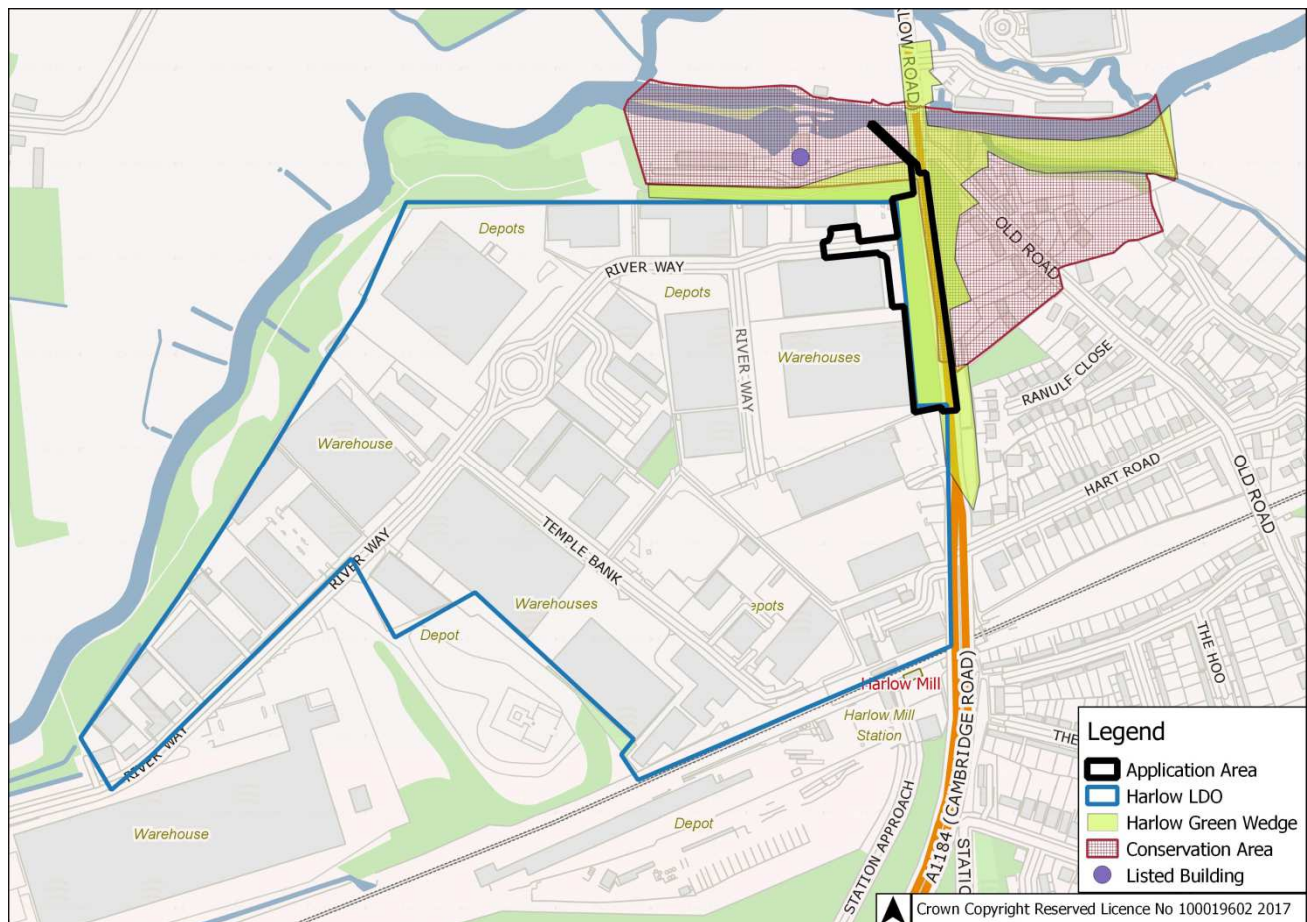
Ref: **CC/HLW/21/17**

Applicant: **Essex County Council**

Report by Acting Head of County Planning

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



## **1. BACKGROUND**

Templefields Enterprise Zone is one of two major employment zones within Harlow and has around 80,000 square meters of industrial floorspace. The Enterprise Zone is part of the earliest employment development areas of Harlow New Town and is now administered by the Harlow Enterprise Zone (a public private partnership). The Templefields Enterprise Zone is designated as a Local Development Order (LDO) area, known as Templefields North East.

The Templefields Enterprise Zone is considered to be deteriorating by the partnership and is unable to attract business due to a 'decaying environmental landscape'.

The proposed development is part of efforts by Essex Highways to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable.

## **2. SITE**

Templefields Industrial Estate lies on the north-eastern perimeter of Harlow. It comprises a mix of large warehouses and smaller office and workshop spaces, as well as car-parking and access roads. The industrial estate is designated as an Enterprise Zone and has a Local Development Order.

The Templefields industrial estate is bounded to the north and west by the River Stort, to the south by the main line railway between London and Cambridge and bounded on the east by Cambridge Road (A1184), which runs from Harlow northwards to Bishop Stortford.

Cambridge Road is an access point to Harlow from the north and separates the residential area of Old Harlow town to the east and the large industrial/ commercial area to the west.

Travelling from the south, Cambridge Road narrows from a dual carriageway down to a single lane road just prior to the proposed development site, which is located approximately 75m south of River Stort crossing. Cambridge Road at this point is bound on both sides by trees and shrubs and the west side adjacent Templefields Industrial Zone the trees are backed by a 5m high grassed bund.

Part of the application site is identified as being within the Green Wedge in the Harlow Local Plan.

Part of the application site is within, and the rest of the scheme adjoins, the Harlow Mill and Old Road North Conservation Area.

The nearest listed structure is Harlow Mill Restaurant - a Grade II Listed Building, located to the north west of the application site.

River Way is the only access into the Templefields Industrial Estate and provides access from Edinburgh Way in the southwest of the industrial zone. River Way

heads north east into the industrial area but is a cul-de-sac at present not linking in the east to Cambridge Road. The proposed scheme would provide access to River Way from the A1184 Cambridge Road.

The new signalised 3-arm (T) junction would be north of the A414 Edinburgh Way / A1184 Cambridge Rd roundabout.

### **3. PROPOSAL**

The proposals would provide an access from Cambridge Road from River Way, such that River Way would cease to be cul-de-sac.

The proposals would provide an access to the industrial estate/Enterprise Zone for traffic travelling north on Cambridge Road into River Way and would comprise a filter and left turn lane on Cambridge Road. The proposals would also allow traffic from River Way to go south on the A1184 Cambridge Road via a right turn only. Construction of the junction would require realignment of the carriageway and associated footpaths on the western side of the carriageway, widening the road which would require removal of the bund which lies on the west side of the existing carriageway.

The proposed access would be a signal controlled junction with traffic only able to turn right out of River Way and access left from Cambridge Road.

The proposal includes a pedestrian island on Cambridge Road to provide pedestrian access to the site. It is further proposed to provide a pedestrian crossing across River Way. New street lighting is provided.

The feeder lane into River Way would be to the west of Cambridge Road and in order to facilitate the construction would require the removal of an existing bund (5m high and 30m wide) and vegetation.

38 trees would be removed including 35 Category B trees (no trees have a Tree Preservation Order). This accounts for 70% of the existing vegetation.

There would be ancillary operations including an updated drainage strategy.

There would be replacement planting consisting of 264m of new hedgerow, 54 replacement trees and 325m<sup>2</sup> of grassed verge and embankment.

It is proposed there would be off site mitigation at Markhall Wood located 1.75km from the application site to compensate for the loss of 0.72 hectares of habitat. A number of compensation measures are proposed which include;

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides, and;

- Control enrichment of woodland soils.

#### 4. POLICIES

The following policies of the [Adopted Replacement Harlow Local Plan \(ARHLP\) \(2006\)](#) provide the development plan framework for this application. The following policies are of relevance to this application:

##### Adopted Replacement Harlow Local Plan (2006 updated 2009)

- NE1 – Green Wedge
- NE11 – Trees and Hedgerows
- NE15 – Biodiversity
- BE10 – Conservation Areas
- BE6 – Listed Building
- ER1 – Existing Employment Area
- ER6 – Retaining Existing Employment Areas
- SD2 – Regeneration
- BE16 – External Lighting
- BE17 – Noise Pollution
- BE12 – Archaeology
- BE13 – Archaeology
- BE14 – Archaeology

Planning restrictions have been relaxed in the Enterprise Zone through a Local Development Order. Templefields North East Local Development Order (LDO) was Adopted in July 2014. It applies only to the land at Templefields North East, Harlow. The LDO grants planning permission subject to conditions and limitations as set out in the Order and the LDO Schedule. Any development that does not comply with the conditions and limitations of the LDO will require planning permission. This Local Development Order provides a further layer of planning permissions in addition to planning permissions provided by The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the Town and County Planning (Use Classes) Order 1987 (as amended) and planning permissions granted through the normal planning application process.

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

Paragraph 216 of the NPPF states, in summary, that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The new Harlow Local Development Plan will replace ARHLP and will set out the framework to guide and shape development in Harlow to 2031. However it is too early in its development to have any weight in the decision making process.

## **5. CONSULTATIONS**

HARLOW DISTRICT COUNCIL – No objection, as it is considered that the economic benefits of the proposal outweigh the potential negative impact of development;

ENVIRONMENT AGENCY - No comments received;

HISTORIC ENGLAND - No comments to make;

ECC's NOISE CONSULTANT – No objection. It is considered the proposal should not result in an increase in noise levels for nearby sensitive receptors. Deaccelerating and accelerating vehicles at the junction does have the potential to result in elevated road traffic noise levels. However, this is likely to be off-set by the reduction in noise level resulting from the reduction in average speed along Cambridge Road resulting from the junction.

ECC's AIR QUALITY CONSULTANT - No objection;

ECC's LIGHTING CONSULTANT - No objection, subject to a condition relating to lighting design details.

HIGHWAY AUTHORITY – No objection;

PLACE SERVICES (Ecology) - No objection, subject to conditions relating to Mitigation Plan for Legally Protected Species or Priority Species and a Biodiversity Offsetting contract;

PLACE SERVICES (Trees) - No objection, subject to a condition relating to Tree Protection Plan;

PLACE SERVICES (Urban Design) – No comment;

PLACE SERVICES (Landscape) - No objection, subject to conditions relating to Tree Pit Construction Details and a landscape maintenance plan;

PLACE SERVICES (Historic Buildings) – No objection, as the impact of the proposed development on the conservation area is not considered substantial;

PLACE SERVICES (Historic Environment) - No objection, subject to a condition relating to a programme of archaeological work;

LOCAL MEMBER – HARLOW – Harlow North - Any comments will be reported;

## 6. REPRESENTATIONS

13 properties were directly notified of the application. 3 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Is this road required as roads to other existing access are being improved	See appraisal
2 sets of lights within approximately 60 metres of each other will lead to further road congestion, noise and pollution.	See appraisal
Where is the bus stop going to be moved to?	It is known that the bus stop would have to be moved. Moving a bus stop is a legal process that is dealt with under highway legislation
In order to access / exit site from / to the north vehicles will have to go through the new junction twice on each journey and also use the already busy roundabout at Harlow Mill station.	See appraisal
At the moment this stretch of road is the green gateway into Harlow this will be lost if the bund and trees are removed. Complete loss of Bund, vegetation and trees.	See appraisal
No need for this road as industrial zone is already occupied.	Noted. The Zone does currently have high levels of occupancy
Road safety audit have concerns over new access road as highlighted in report	See appraisal
Ensure the occupier (Hoddesdon Distribution Ltd) has sufficient yard area to continue their	Additional car park land will be provided to offset the loss of

operation	useable space for the construction of the new road. The design team are currently undertaking further tracking of the proposed carpark
Provide access to the retained land north of River Way	Access will be provided and will be included as part of the detailed design submission.
Incorporate the existing bell mouth in a land transfer to another company as this land otherwise serves no purpose as part of the proposed scheme	Should this land be deemed surplus to requirements following detailed design, further discussions will be held with the relevant parties to determine a suitable solution

## 7. APPRAISAL

The key issues for consideration are:

- A. Principle and Need
- B. Traffic & Highways
- C. Heritage Impact
- D. Green Wedge
- E. Residential Amenity
- F. Landscape and Visual Impact
- G. Ecology and Biodiversity

### A NEED & PRINCIPLE

The NPPF was published on 27 March 2012 in an attempt to reform the planning system and make it less complex and more accessible, to protect the environment and to promote sustainable growth. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. It goes on to state that these roles should not be undertaken in isolation, but should be sought jointly and simultaneously through the planning system.

Paragraph 7 of the NPPF in defining the social role states '*by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being*'.

Paragraph 7 in defining the economic role states '*by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation*'.

Paragraph 7 continues in defining the environmental role, stating '*contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to*

*a low carbon economy.*' An assessment of impacts associated with the proposed location can be found in the following sections of the appraisal.

The NPPF contains a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. The Design Code (adopted July 2014) (the design code works alongside the LDO to create a certain, fast-track permitted development framework for target sectors within the LDO area) states that "*A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*
- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way."*

Essex County Council is developing a series of improvements in Harlow and funding has been secured to improve the A414 Edinburgh Way/Cambridge Road Roundabout. Main works include:

- Dual carriageway for Edinburgh Way between Cambridge Road and River Way Roundabouts.
- Upgrade of the A414 Cambridge Road Roundabout including a dedicated left turn lane from the south to the west along the A414.
- Improve traffic signals at the East Road junction with Edinburgh Way, maintaining a crossing point on the A414 for pedestrians and cyclists.
- With the exception of East Road, vehicles that access premises on Edinburgh Way will be prohibited from turning right due to the new central reservation. Vehicles at the East Road junction will be able to turn in both directions at the traffic signals.

Harlow Council has raised no objection to the proposed development, stating that "*the LDO at Templefields North East seeks to create a new eastern access for the LDO area onto Cambridge Road to transform the accessibility, sustainability and investment potential of the site*".



It is considered that the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Councils improvement programme within Harlow. The LDO safeguards the application site for a new access point, and as such the principle of the development is considered proven. The environmental impacts of the scheme will however be assessed further.

## B TRAFFIC AND HIGHWAYS

Section 4 of the NPPF seeks to promote sustainable transport and states amongst other matters that *“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion”*.

Neighbour representations have been received regarding the creation of further congestion as a result of the proposed traffic lights and junction.

The Highway Authority has raised no objection to the proposal stating that the submitted modelling demonstrates that the junction works within capacity, with or without the implementation of Junction 7a, up to and beyond year 2036.

Harlow Council has raised no objection stating that *“the delivery of a new eastern access for the Templefields site would address traffic and highway safety concerns in the locality of the Templefields Employment Zone, and is part of a wider strategic framework to improve traffic movement around Harlow...therefore the infrastructure would help support the regeneration and renewal of the Employment Area”*.

It is therefore considered that the proposal is in accordance with the NPPF and the LDO.

## C HERITAGE IMPACT

The application site is part located within and adjacent to the Harlow Mill and Old Road North Conservation Area. The conservation area boundary spans both sides of the Cambridge Road (A1184), which divides it into an eastern and a western half. The Harlow Mill Restaurant is a Grade II Listed Building and is located circa 75m from the application site.

Section 12 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 128 seeks to protect the setting of a heritage asset and states amongst other matters that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.

Paragraph 132 continues to states amongst other matters that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require*

*clear and convincing justification”.*

Policy BE6 of the ARHLP states that *“Proposals for the extension or alteration of any listed building, alteration of its setting, conversion or change of use should not adversely affect or harm any of the following:*

- 1. The character that forms its value as being of special architectural or historic interest;*
- 2. The particular physical features that justify its statutory protection;*
- 3. Its setting in relation to its grounds, the surrounding area, other buildings and wider views and vistas”.*

Furthermore, Policy BE10 states that *“New development in Conservation Areas or development that affects the setting, surrounding area, or inward and outward views will be granted planning permission providing:*

- 1. It does not harm the character or appearance of the Conservation Area;*
- 2. The scale, height, form, massing, elevation, detailed design, materials, and layout respect the character of the Conservation Area;*
- 3. The proposed land use is compatible with the function and activities of the Conservation Area”.*

Polices BE12, BE13 and BE13 of the ARHLP relate to the protection of Scheduled Ancient Monuments, preservation of archaeological remains and archaeological field evaluations respectively.

A total of 40 cultural heritage assets have been identified within the planning application. Of these 28 are archaeological remains, eight are historic buildings and four are historic landscapes. These comprise one Scheduled Monument, one Conservation Area, one Listed Building and 37 non-designated assets.

ECC’s Historic Environment consultant has stated that there is a *“Possible presence of Roman material relating to Harlow Roman Town on the Templefields Industrial Estate”*. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, no objection is raised. It is therefore considered that, subject to the imposition of a suitable condition, the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

ECC’s Historic Building consultant has stated that *“The proposed alteration is considered to undermine the setting of the adjacent Harlow Mill and Old Road North conservation area by revealing a currently screened incongruous element in to its setting. The opening created is relatively limited with the majority of the screening remaining. The existing industrial estate is very well screened from the highway which significantly reduces the impact of the industrial estate upon the setting of the conservation area. In addition the west side of the conservation area is enclosed which reduces the importance of the external setting on the west side of the conservation area. The proposals are considered to be detrimental to the setting of the conservation area by revealing an incongruous element however the impact is not considered substantial”*.

Based on the proposed replacement screening and requirement within the NPPF that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

The proposed development is part of wider efforts to regenerate Templefields Enterprise Zone and reduce congestion, improve traffic flows and make journey times more predictable. The LDO safeguards the eastern portion of River Way for 'Strategic Infrastructure'. As previously considered *"A new access point connecting River Way to Cambridge Road (A1184) will transform the accessibility, sustainability and investment potential of the site by:*

- *enhancing the connectivity of the site to the local and strategic road network in Harlow;*
- *providing a continuous through-route allowing bus operators to provide more regular and financially viable services;*
- *enhancing east-west pedestrian movement between the employment area and Harlow Mill station;*
- *enhancing the sustainability of the area and the potency of potential travel planning measures which aim to reduce congestion; and*
- *reducing and dispersing congestion on the A414, Edinburgh Way."*

Accordingly, the proposed development would facilitate continued growth and innovation within the Enterprise Zone by increasing connectivity to the wider road and pedestrian network and as part of Essex County Council's improvement programme within Harlow. The LDO safeguards the application site for a new access point, and as such the principle of the development is considered proven. In this respect the public benefits of the scheme are considered to outweigh the less than substantial harm to the setting of the listed building and conservation area.

On balance therefore the scheme is considered to be consistent with policies BE6 and BE10 and the NPPF.

## D GREEN WEDGE

The application site includes a section of the Cambridge Road (A1184) and an area to the west, which is allocated as a Green Wedge. The proposal includes the eastern end of River Way (the main road through the Templefields Industrial Estate), which is located within Templefields Industrial Estate.

The Green Wedge currently consists of a densely vegetated and mature tree covered bund approximately 190m in length which runs along the western edge of Cambridge Road and currently separates the Industrial Estate from the A1184.

The new filter road would connect Cambridge Road to River Way whilst removing 0.72 hectares of woodland, vegetation and trees. The proposed development would add 220m of hardstanding to facilitate the new access road off the Cambridge Road. Currently the vegetated bund acts as a visual screen to the Industrial Site to users of Cambridge Road. However, the eastern side of the carriageway is also vegetated.

Policy NE1 states that *"Green Wedges will be protected from inappropriate development. Permission will not be granted, except for small scale development proposals and the replacement of existing buildings which do not have an adverse*

*effect on the roles of the Green Wedges which are identified below:*

- 1. Providing a landscape design feature which is fundamental to the character of the town;*
- 2. Protecting and enhancing the inherent qualities of the landscape and keeping areas as natural as possible;*
- 3. Retaining the open character of existing uses and safeguarding the land from inappropriate development;*
- 4. Preserving sites of ecological value and maximising potential for biodiversity in Harlow;*
- 5. Separating neighbourhoods, housing areas and industrial areas;*
- 6. Preserving the setting and special character of a number of historic sites and areas;*
- 7. Contributing towards the amenities of local residents”.*

It is considered that the proposal is not in accordance with Policy NE1 as the large scale proposal would remove a large proportion of the western Green Wedge along Cambridge Road and have an adverse effect on the roles of the Green Wedge. The existing landscape features would be removed and replaced by the new access road, opening up views into the Industrial Estate from Cambridge Road and reducing the screening and separation of the residential properties to the east from the industrial estate. Replacement landscaping and planting is proposed which could be secured by condition. In addition, compensatory planting at Marks Hall could also be secured by a condition should permission be granted.

Whilst the proposal would therefore conflict with the aims of policy NE1, measures are proposed to offset and mitigate the impact on the Green Wedge which does help mitigate the harm caused to the Green Wedge.

Templefields Industrial Estate is allocated as an Existing Employment Area. Policy ER6 states that *“Within the existing and allocated Employment Areas planning permission for change of use or redevelopment to uses other than those identified in Policy ER5 will be permitted if:*

- 1. The amount or range of sites or premises available for employment use would not be reduced below the level required in the Local Plan period;*
- 2. The proposal will not lead to the loss of an employment site of high quality;*
- 3. There is a demonstrable lack of market demand for employment over a long period, and the efforts made to market the site for business, industry and warehousing have been demonstrated to the satisfaction of the Council;*
- 4. The development would be accessible by means other than the car;*
- 5. The proposal would be in accordance with the sequential approach to development;*
- 6. The proposal would not generate levels of traffic on surrounding roads which would result in congestion or loss of amenity”.*

The proposal would provide a second route into the Industrial Estate for vehicles and pedestrians, and would be facilitated within the estate by the removal of an area of hardstanding to connect with River Way. The proposal is to provide an alternate route into the industrial state to enable smoother traffic flows, reducing congestion and improving predictability of journey times.

Policy ER1 states that *“To take advantage of the economic strengths and opportunities in Harlow, particularly the town’s locational advantages, the Local Plan and other Council investment plans and strategies, will promote sustainable economic regeneration and renewal. The overall growth in employment opportunities is to be achieved through the following:*

- 1. Ensuring an adequate supply of suitable employment land;*
- 2. Actively promoting sustainable economic regeneration and renewal;*
- 3. Seeking appropriate infrastructure development;*
- 4. Integrating transport, housing, employment, educational and cultural facilities;*
- 5. Encouraging economic diversity and knowledge-based business clusters where appropriate;*
- 6. Supporting a partnership approach to the development of land”.*

SD2 states that *“To maximise the opportunities offered by Harlow’s status as a Priority Area for Economic Regeneration, development proposals that facilitate regeneration and renewal of the urban fabric and infrastructure in order to improve the local economy will be permitted. This will be achieved through a partnership approach where appropriate”.*

Templefields industrial estate currently has one access point via River Way from Edinburgh Way. It is proposed the access would enable an alternative access to the Industrial Estate from Cambridge Road to improve accessibility and reduce congestion. It is considered this would be in accordance with SD2 and ER1 of the ARHLP by seeking to create conditions that would promote development and regeneration.

Harlow Council has raised no objection to the proposal stating that *“the proposed scale of the junction would help prevent the proposal for having a significant impact on the Green Wedge and BAP woodland. The potential impact of the junction of the Green Wedge and Woodland would be limited by the proposed grass verges, which would comply with the landscaping requirements of the LDO Design Guide”.*

On balance, the impact upon the Green Wedge needs to be weighed against the requirement within the NPPF to *“building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”.* It is therefore considered, that on balance, subject to securing on site and off site replacement planting, the economic need for the improved access to the industrial outweighs the harm to the Green Wedge and is considered to be in accordance with Policy SD2, ER1 and ER6 of the ARHLP, the requirements within the NPPF and the LDO.

## E RESIDENTIAL AMENITY

A number of residential properties back on to Cambridge Road to the east, accessed from Old Road. The closest residential property is located 30m from the application site, separated by residential gardens and existing vegetation

The application states that the proposed scheme would induce an increase of road traffic on River Way; approximately 4000 vehicles a day.

Policy BE16 states that *“External lighting proposed for any development will not be granted planning permission if any of the following apply;*

- 1. It is unacceptably visually intrusive;*
- 2. Its use would cause an unacceptable disturbance to the surrounding area;*
- 3. It causes danger to road safety;*
- 4. It is proven to have an adverse effect on sites of wildlife importance.*

*Where permission is granted, development will be required to minimise light spillage through the use of good design, screening and deflecting of the source; and the nature and intensity of the lighting and its hours of use will be carefully controlled”.*

The application includes new artificial lighting and range from 6m to 10m in height. Cambridge Road and River Way currently have a number of lighting columns. Additionally, no vegetation removal along the eastern side of Cambridge Road is proposed and as such, would continue to act as a screen to nearby residential properties. It is therefore considered, subject to a condition relating to a lighting scheme, that the proposal is in accordance with Policy BE16 of the HLP.

The application also includes an Air Quality Scoping Assessment that states *“Furthermore there are no exceedances within local diffusion tube monitoring in the base year. The initial findings indicate that there is unlikely to be a significant adverse effect as a result of the proposed scheme”.*

The NPPG states in relation to Air Quality that *“Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)”.*

The application site is not within an Air Quality Management Area (AQMA). The Simple Assessment concludes that all worst-case relevant receptor locations modelled are unlikely to be exposed to exceedances of the annual mean NO<sub>2</sub> or PM<sub>10</sub> air quality objective threshold (40 µg/m<sup>3</sup>). Overall the schemes impact is considered to be ‘not significant’. ECC’s Air Quality Consultant supports these findings and as such, raises no objection.

Policy BE17 states that *“Planning permission will be granted if noise sensitive developments are located away from existing sources of noise and potentially noisy developments are located in areas where noise will not be such an important consideration, or adequate provision has been made to mitigate the adverse effects of noise likely to be generated or experienced by others”.*

The Outline Environmental Management Plan states that *“Activities on site will be managed and undertaken in a manner to minimise impact on the surrounding environment as far as reasonably practicable.”*

In relation to noise the report states that a number of measures will be in place

during construction which includes *“All work will be undertaken in accordance with the guidance detailed in BS 5228: 2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites, Part 1: Noise and Part 2: Vibration”*. Additionally the application states that *“it is identified that no road links on the highway network that are in proximity to sensitive receptors would experience such an increase noise levels”*. It is therefore considered, subject to the proposed condition that the development would be in accordance with Policy BE17 of the ARHLP.

## F LANDSCAPE & VISUAL IMPACT

Paragraph 113 of the NPPF states that *“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks”*.

The proposal would add 220m of hardstanding to facilitate the new junction whilst removing an area of vegetation and trees. The proposal would add a new access and open up views into the Enterprise Zone. A number of residential properties gardens back onto the eastern side of Cambridge Road but these are well screened by existing vegetation on the eastern boundary of Cambridge Road.

Neighbour representations have been received relating to this stretch of road currently being the green gateway into Harlow, which would be lost if the bund and trees are removed. The proposal would lead to the loss of an area of woodland, however compensatory planting and landscaping is proposed in line with the LDO Design Guide.

It is proposed to create 264m of new hedgerow, plant 54 replacement trees and create 325m<sup>2</sup> of grassed road verge and embankment. ECC's Landscape Officer states that *“the proposed road verges are sufficient and tree and plant species are appropriate for the area”*.

It is considered that removal of part of the Green Wedge to facilitate the new access road would be an incongruous element to Cambridge Road and open views into the Industrial Site. However, ECC's Landscape Officer has raised no objection subject to a number of conditions which could be secured should permission be granted. These relate to Tree Pit construction details and a landscape maintenance plan. Furthermore it is considered, that on balance, the new entrance would enable easy of access to the Site in compliance with the LDO and the NPPF.

## G ECOLOGY AND BIODIVERSITY

The proposed development would provide a new access to the Industrial Estate and require the removal of existing soft landscaping to open up the access. Compensatory planting and ecological enhancements are proposed in nearby Markhall Wood and could be secured by condition should permission be granted.

Paragraph 109 states that *“The planning system should contribute to and enhance the natural and local environment by:*

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.*

Policy NE11 states that *“In considering applications for development affecting trees or hedges the Council:*

1. *May require a survey of the site and the trees and hedges concerned;*
2. *Will oppose the loss of trees and hedgerows of amenity value and wildlife importance;*
3. *Will serve Tree Preservation Orders to protect trees with public amenity value;*
4. *May impose conditions on planning permissions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance, and their protection during construction”.*

Furthermore Policy NE15 states that *“Planning permission will not be granted for development that would harm habitats or other features of the landscape identified as priorities in the UK, or the Local Biodiversity Action Plan, or are of significant importance for wildlife, unless it can be demonstrated that the reason for the proposal outweighs the need to protect the habitat or feature. If granted, planning permission may be subject to conditions, obligations or management agreements for the provision of appropriate mitigation and/or compensatory measures”.*

The proposed development would see the loss of 0.72 hectares of woodland and scrub. Markhall Wood has been identified as the most suitable location to deliver compensation measures due to its location and potential to provide sufficient opportunities for woodland restoration and enhancement. A number of compensation measures are proposed which include:

- Re-establish suitable coppice regime;
- Remove invasive and non-native species;
- Selectively thin oak standards;
- Create deadwood habitat;
- Restock trees and shrubs with native species of known local provenance;
- Diversify herb layer;
- Opening up rides; and
- Control enrichment of woodland soils.

The compensation measures would be managed for 10 years and would be



prepared and secured as part of a proposed management agreement between Essex County Council and Harlow Council. ECC's Ecologist has raised no objection to the scheme subject to a condition relating to the proposed offsetting and would ensure no development or on site vegetation clearance works takes place until evidence of a contract that secures the delivery of the submitted offsetting scheme has been provided.

The Preliminary Ecological Assessment (PEA) highlights the potential presence of nesting birds, reptiles and badgers within the area affected by the proposals, together with measures necessary to prevent an offence being committed. These measures, and the subsequent recommendation for further survey of potential Badger setts within the project note, should be implemented in full prior to the commencement of works. As such, ECC's Place Services has raised no objection to the scheme subject to a condition relating to a Mitigation Plan for Legally Protected Species and/or Priority Species. It is therefore considered subject to the imposition of conditions and the compensatory measures that the proposal is in accordance with Policy NE15 of the ARHLP and the NPPF.

The Arboricultural Impact Assessment provided states that 70% of the tree stock within the site is likely to be removed or partially removed. ECC's Arboriculturalist has raised no objection subject to a condition relating to tree protection works to ensure protection for the existing natural environment. It is therefore considered subject to the imposition of conditions that the proposal is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF.

## **8. CONCLUSION**

It is considered the need for the development has been proven within the LDO and as part of Essex County Councils planned wider improvements within Harlow. The new junction would ease congestion and facilitate a new access point in the Enterprise Zone and is supported by Harlow Council. Part of the application site is safeguarded by the LDO for 'strategic infrastructure' and as such it is considered the principle is established. However, the application site is partly located within a Green Wedge which would be lost as a result of the proposals. It is considered, that the loss of the Green Wedge, on balance is justified by the requirements within the NPPF for economic growth, the provision of infrastructure and ARHLP policies SD2, ER1, ER6 and NE1. The development would facilitate Harlow's economic agenda for the Enterprise Zone.

To compensate for the habitat loss, it is proposed as part of the application to provide opportunities for woodland restoration and enhancement at Markhall Wood, and as such is in accordance with Policy NE11 and NE15 of the ARHLP, and the NPPF. This could be secured through a condition requiring replacement habitat and beneficial long term management.

The application site is located within and adjacent to a conservation area, as well as in close proximity to a listed building. The NPPF seeks to protect the setting of a heritage asset. The removal of the existing woodland along Cambridge Road would open up views into the Industrial Site, however on balance it is considered that the scale of the access point and the proposed landscaping limits the impact on the setting of the Conservation Area and Listed Building and is considered in

accordance with Policy BE10 and BE6, and the NPPF. Subject to a programme of archaeological work, which could be secured by condition should permission be granted, it is considered that the proposal is in accordance with Policy BE12, BE13 and BE14, and the NPPF.

The removal of the existing vegetation will increase views into the Enterprise Zone, which is currently well screened along Cambridge Road. Replacement landscaping is proposed which will soften the views into the Industrial Site. It is therefore considered, that on balance the proposed development is in accordance with the NPPF.

It is considered the proposed artificial lighting is in accordance with Policy BE16 of the ARHLP as by the nature and number would not cause an unacceptable disturbance to the surrounding area, would not have an adverse effect on sites of wildlife importance and would not cause any issues to road safety. Furthermore existing screening would ensure that it is not unacceptably visually intrusive.

Finally, in relation to noise and air quality it is considered that the development would be in accordance with Policy BE17 of the ARHLP as there would likely be no adverse effects on nearby sensitive receptors.

Accordingly, on balance, it is considered that the proposal represents sustainable development in accordance with the NPPF and planning permission should not be withheld.

## 9. RECOMMENDED

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 application dated 28<sup>th</sup> April 2017, together with
  - Planning Statement dated April 2017 reference B3553T20;
  - Arboricultural Impact Assessment dated 20<sup>th</sup> April 2017;
  - LINSIG Transport Data Modelling dated April 2017;
  - Heritage Statement dated April 2017;
  - Design Decisions, Relaxations and Departures Log reference DC20005;
  - Preliminary Ecological Appraisal dated 29<sup>th</sup> March 2016;
  - Ecological Supervision during removal of potential badger hole dated 29<sup>th</sup> November 2016 reference B3553T20;
  - Biodiversity Compensation Plan dated 20<sup>th</sup> December 2016;
  - Outline Environmental Management Plan dated April 2017 reference B3553T20;
  - Templefields Air Quality Scoping Assessment dated 6<sup>th</sup> April 2017

reference B3553T20;

- Road Safety Audit Stage 1;
- Written Scheme of Investigation for Archaeological Trial Trenching dated 24<sup>th</sup> April 2017 reference B3553T20;
- Site Location Plan dated April 2017 Drawing No DC20005-A-00-001;
- Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001;
- Existing Services Layout dated April 2017 Drawing No DC20005-A-27-001;
- Traffic Signal Approval Design Sheet 2 of 2 dated April 2017 Drawing No DC20005-A-13-003;
- Traffic Signal Approval Design Sheet 1 of 2 dated April 2017 Drawing No DC20005-A-13-002;
- Lighting Layout dated April 2017 Drawing No DC20005-A-13-001;
- Pavement Construction Details dated April 2017 Drawing No DC20005-A-07-001;
- Typical Cross Sections dated April 2017 Drawing No DC 20005-A-01-003;
- General Arrangement dated April 2017 Drawing No DC20005-A-01-001;
- Plan and Profile dated April 2017 Drawing No DC20005-A-01-002;
- Proposed Drainage Strategy dated April 2017 Drawing No DC20005-A-05-002;
- Existing Drainage Strategy dated April 2017 Drawing No DC20005-A-06-001;
- Email entitled RE: Templefields Planning Application dated 31<sup>st</sup> May 2017 (Sent 12:36);
- Email entitled FW: Templefields planning application - Confirmation of intent from HDC regarding implementation of Biodiversity Compensation Plan dated 15<sup>th</sup> June 2017 (Sent 14:05);
- Templefields Access Road Air Quality Simple Assessment dated July 2017;
- Site Compound Location Plan dated June 2017 Drawing No DC20005-A-24-001;

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:

- 3 No development shall take place until a detailed mitigation plan for legally protected species, including badgers and reptiles, and nesting birds has been submitted to and approved in writing by the Planning Authority. The scheme shall be consistent with the recommendations in the submitted Preliminary Ecological Appraisal dated 29 March 2016. The development hereby permitted shall be carried out in accordance with the approved mitigation plan.
- 4 No development or on site vegetation clearance works shall take place until a Scheme for the remediation or offsetting of ecosystem and/or

biodiversity impacts at the site has been submitted to and approved in writing by the County Planning Authority. Without prejudice to the foregoing, the submitted Scheme shall include:

- (i) The identification of the receptor site or sites;
- (ii) The provision of evidence of a contract that secures the delivery of the offsetting scheme; and
- (iii) A management and monitoring plan

The development hereby permitted shall be carried out in accordance with the approved Scheme.

- 5 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 6 No development or on site vegetation clearance works shall take place until Tree Pit Construction details within Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001 and evidence of an anchor system has been submitted to and approved in writing by the County Planning Authority. The development hereby permitted shall be carried out in accordance with the approved scheme.
- 7 The landscaping shall be implemented as per the Landscape Drawing dated April 2017 Drawing No DC20005-A-30-001. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 8 of this permission.
- 8 Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 7 of this permission) 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.
- 9 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 British Standard 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.

- 10 No fixed lighting shall be erected or installed until details of the location, height, tilt, lighting controls, lighting design, illuminance levels, uniformities, spill light contour lines on to Ordnance Survey mapping and consideration given to dimming after hours has been submitted to and approved in writing by the County Planning Authority. The details shall include a design summary to ensure the lighting is designed to an appropriate lighting standard will minimise the potential nuisance of light spillage on the local environment and adjoining properties and the lighting shall thereafter be erected, installed and operated in accordance with the approved details

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### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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### **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

### **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015

### **LOCAL MEMBER NOTIFICATION**

HARLOW – Harlow North