



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 25 November 2022</b>	<b>Committee Room 1 County Hall, Chelmsford, CM1 1QH</b>
--------------	-------------------------------------	--

**For information about the meeting please ask for:**

Emma Hunter, Democratic Services Officer

**Telephone:** 033301 36601

**Email:** democratic.services@essex.gov.uk

### Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

#### ECC Guest Wifi

For members of the public, you can now access free wifi in County Hall.

- Please log in to 'ECC Guest'
- Follow the instructions on your web browser

#### Attendance at meetings

Most meetings are held at County Hall, Chelmsford, CM1 1LX. [A map and directions to County Hall can be found on our website.](#)

#### Access to the meeting and reasonable adjustments

County Hall is accessible via ramped access to the building for people with physical disabilities. The Council Chamber is accessible by lift located on the first and second floors of County Hall. However, access and space for the public is extremely limited due to COVID secure requirements.

Induction loop facilities are available in most Meeting Rooms. If the meeting is taking place in Committee Room 1 you will need to download the **Sennheiser MobileConnect App** from your mobile phone's app store in order to access a sound enhancement service for the hard of hearing. You will need to bring headphones or earbuds to the meeting with you. Please speak with a member of the Democratic Services team before the start of the meeting for assistance in using this service.

### **Accessing Documents**

If you have a need for documents in, large print, Braille, electronically or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, [www.essex.gov.uk](http://www.essex.gov.uk) From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

### **Livestreaming of meetings**

In the interests of improving access to the Council's meetings, most meetings will be livestreamed on the [ECC Democracy YouTube Channel](#). Recordings of the meetings once they have finished are also available on the Channel.

Should you wish to record the meeting, please contact the officer shown on the agenda front page.

### **How to take part in the meeting**

If you wish to address the Committee, you should contact the Democratic Services Officer preferably by email at [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting. If you cannot email then you can telephone 033301 36601 or 033301 39825, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes</b> To approve the minutes of the meeting held on 28 October 2022.	<b>6 - 8</b>

- 3 Identification of Items Involving Public Speaking**  
To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk) no later than 5pm on the Tuesday before the meeting.
- 4 County Council Development**
- 4.1 Land between River Way and A1184 (Cambridge Road) 9 - 33**  
To consider report DR/41/22 relating to a new vehicle parking area, new and revised accesses, acoustic fencing, landscaping and ancillary works proposed in association with approved planning application ref: CC/HLW/21/17
- Location:** Land between River Way and A1184 (Cambridge Road), Harlow
- Ref:** CC/HLW/84/22
- 5 Information Items**
- 5.1 Applications, Enforcement and Appeals Statistics 34 - 35**  
To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.
- Report DR/42/22
- 6 Date of Next Meeting**  
To note that the next meeting will be held on Friday 16 December 2022, in Committee Room 1, County Hall.
- 7 Urgent Business**  
To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

### **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

**That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.**

**8**

**Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

**Committee:** Development and Regulation Committee

**Enquiries to:** Emma Hunter, Democratic Services Officer

**Membership, Apologies, Substitutions and Declarations of Interest**

The Political groups have reviewed and updated their nominations for the Development and Regulation Committee following the resolution made at Full Council in respect of political balance following the dissolution of the Committee to consider applications to undertake certain duties by Members and foreign travel by Officers. The following change has been made:

**1. Cllr S Kane will no longer serve on the Committee;**

**Membership**

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Jowers	Vice-Chairman
Councillor J Fleming	
Councillor M Garnett	
Councillor L Bowers-Flint	
Councillor M Hardware	
Councillor D Harris	
Councillor B Aspinell	
Councillor P Thorogood	
Councillor R Moore	
Councillor M Steptoe	
Vacancy – (Non-aligned Group)	

**Recommendations:**

To note

1. Changes to substantive membership as shown above.
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 28 October 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr I Grundy
Cllr M Steptoe	Cllr S Kane
Cllr J Fleming	Cllr R Moore
Cllr M Garnett	Cllr P Thorogood
Cllr D Harris	Cllr J Henry
Cllr L Bowers-Flint	

### 1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr B Aspinell, Cllr M Hardware, for whom Cllr J Henry substituted and from Cllr J Jowers, for whom Cllr I Grundy substituted.

Councillor P Thorogood declared an interest in item 4.1 of the agenda (Minute 1) concerning Braintree Waste Transfer Station, Cordons Farm as the site was in his division. Cllr Thorogood considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

### 2. Minutes

The minutes of the meeting held on 23 September 2022 were agreed as a correct record and signed by the Chairman.

### 3. Identification of Items Involved in Public Speaking

There were no public speakers.

### 4. Braintree Waste Transfer Station, Cordons Farm, Long Green, Cressing

The Committee considered report DR/38/22 by the Chief Planning Officer.

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:

1. The wording/requirements of the condition
2. The reason why the condition was originally imposed
3. The appraisal of the submitted Odour Management Plan

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

- The housing developer had undertaken odour monitoring which had shown that some odour was detectable from the Waste Transfer Station across the area proposed to be developed for housing. The plans submitted by the housing

developer, as part of the reserved matters pending determination with Braintree District Council, included a no build buffer which was suggested by the developer to be sufficient in terms of mitigation.

- There were separate conditions controlling noise as part of the extant permission.
- The management of any flies and pests would be governed through the Environmental Permit.
- There was no external storage of municipal black bag waste on-site.
- The 18 sensitive receptors referenced in the report were the locations of the original odour modelling. These location points, together with two additional locations, were the points at which the applicant proposed to undertake monitoring (sniff tests).
- The monitoring plan proposed that the applicant would undertake daily monitoring within the Waste Transfer Station and weekly monitoring at the other receptor points. The results of this monitoring could be requested by the Waste Planning Authority in the event of concern, with the monitoring results also required to be retained by the applicant for a two-year period.
- It was noted that if odour complaints were received and an issue was identified, all incoming waste would be diverted away from the site to allow appropriate investigation and for the cause of the issue to be identified.

There being no further points raised, the resolution was proposed by Councillor M Garnett and seconded by Councillor D Harris. Following a unanimous vote in favour, it was

### **Resolved**

That the condition be discharged subject to confirmation on the decision letter issued that the 'Daily Site Monitoring Form' and 'Weekly Site Monitoring Form' included at Appendix 3 of the Odour Management Plan for the Braintree Waste Transfer Station are updated to reflect the 'Odour Report Form' template within the 'Additional guidance for H4 Odour Management – How to comply with your environmental permit', produced by the EA.

#### **5. Land at Terminus Drive, Pitsea Hall Lane, Pitsea, Basildon**

The Committee considered report DR/39/22 by the Chief Planning Officer, concerning an update on the enforcement of planning control.

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

- A standoff between the railway line and the stockpile was required to allow Network Rail access to the line.
- If the owner did not comply, officers could then commence the process for prosecution.

The Committee NOTED the report.

#### **6. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/40/22; applications, enforcement and appeals statistics, as at the end of September 2022.

The Committee NOTED the report.

**7. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 25 November 2022, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:00am.



**DR/41/22**

**Report to:** DEVELOPMENT & REGULATION (25 November 2022)

**Proposal:** COUNTY COUNCIL DEVELOPMENT – New vehicle parking area, new and revised accesses, acoustic security fencing, landscaping and ancillary works proposed in association with approved planning application ref: CC/HLW/21/17

**Ref:** CC/HLW/84/22

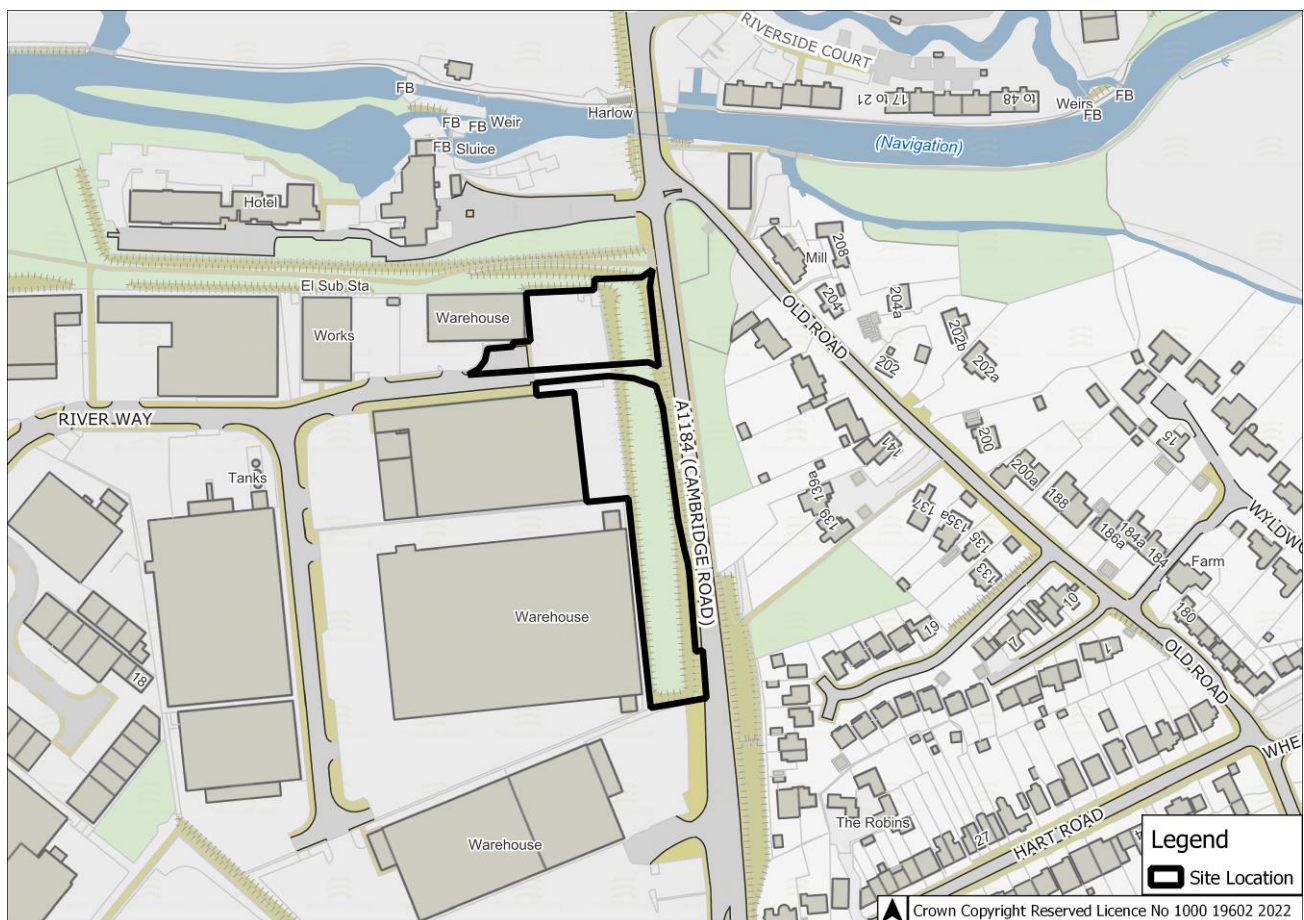
**Applicant:** Essex Country Council

**Location:** Land between River Way and A1184 (Cambridge Road), Harlow

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Tom McCarthy Tel: 03330 320943

The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND & SITE

On 1 August 2017 planning permission was granted by Essex County Council, as County Planning Authority, for a new left hand in, right hand out junction between Cambridge Road (A1184) and River Way, together with offsite ancillary operations and offsite mitigation. In addition to the new access road and junction, the approved development included:

- an extension of the current car and lorry parking area to the northeast of the warehouse building (Unit F1) to compensate the landowner and tenant for loss of parking resulting from the construction of the new road;
- a new access off River Way to the land to the rear of the existing warehouse;
- the provision of a new surface water drainage scheme, including one attenuation tank on land to the north of the new access road and one to the south, both adjacent to Cambridge Road;
- the removal of the majority of a bund (5m high and 30m wide) running north-south on land between the Templefields employment area and Cambridge Road; and
- the removal of the majority of vegetation, including Category B and C trees, on the land between the Templefields employment area and Cambridge Road up to the northern boundary of the site.

As will be noted from the below drawing, which shows the junction layout as approved, the junction creates a new access from Cambridge Road into River Way, such that River Way would cease to be a cul-de-sac at this point. The new access provided for traffic travelling north on Cambridge Road, would be supported by a filter left turn lane in Cambridge Road. The proposals would also allow traffic from River Way to go south on the A1184 Cambridge Road via a right turn only.

General Arrangement, drawing no. DC20005-A-01-001, dated April 2017



This application, discussed in more detail in the Proposal section of this report, seeks revisions to the approved junction layout and additions in terms of the extent of associated works. For the avoidance of doubt, this application has however been submitted as a separate application. Without prejudice, if approved, the application would sit alongside the extant permission and upon commencement supersede elements where changes in comparison exist. If, however, again without prejudice, this application was to be refused there would be no ramifications to the extant permission ref: CC/HLW/21/17. This would still be a live permission and accordingly the road/junction could be built out as originally approved.

With regard to the site, or the area to which this application specifically relates, this comprises two areas of land currently associated with Unit F1 of the Templefields employment area. Templefields is one of Harlow's two main employment areas. Located to the north-east of Harlow, Templefields is described in the Harlow Local Development Plan (2020) as containing *"around 80,000sqm of commercial floorspace, mostly industrial and logistic, with relatively low levels of vacancy. The Council has designated 28ha of the Templefields employment area as part of Harlow's Enterprise Zone in order to secure regeneration of the area"*. Essentially an area with Enterprise Zone status benefits from incentives such as tax concessions and relaxed planning controls to encourage business investment and development. In terms of potentially relaxed planning controls, it is confirmed that there is a Local Development Order (LDO) for Templefields North East. However, the boundary of the LDO is only the Enterprise Zone. The bunding and vegetation to the north and east of the Unit F1, adjacent to Cambridge Road, which forms part of this application, does not form part of the LDO. This is designated as a Green Finger within the Harlow Local Development Plan (2020).

The application site adjoins the Harlow Mill and Old Road North Conservation Area with Harlow Mill Restaurant, to the north, a Grade II Listed Building.

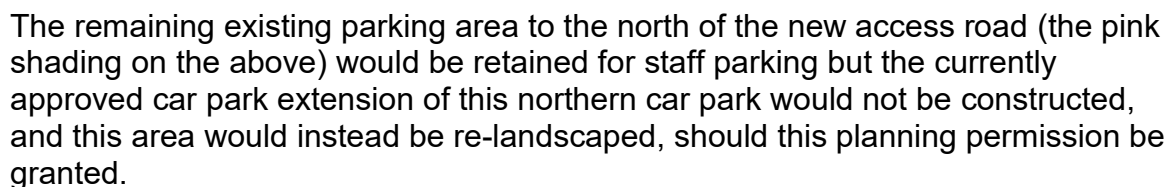
The nearest residential properties to the development are located to the east on Old Road and Ranulf Close.

## **2. PROPOSAL**

As outlined above, the approved new access road/junction layout will bisect the external yard (car and lorry car parking area) associated with Unit F1. The consequence of this is that the main part of the yard/car parking area would now be on the opposite side of the road to the Unit. Following land negotiations with the landowner and the current tenant, the applicant has suggested that concerns have been raised about security and that the additional area/expansion of the northern part of the yard/car park, as proposed as part of the extant permission, does not fully replace the quantum of parking lost to the road/junction creation.

In an attempt to mutually resolve the concerns raised, the applicant has sought to review the extant layout and is now proposing to utilise the land to the south of the new access road, to the rear of Unit F1, as a new secure parking for HGVs associated with this Unit. The layout proposed is shown on the below submitted drawing. The new parking area would be accessible from both River Way and a new access proposed on Cambridge Road. However, vehicles would only be

General Arrangement Accommodation Works, drawing no. B3553A24-AD-3C-00-020 (Rev A.3), dated 01/11/22



During the course of determination, following a review of consultation replies and discussions with officers, some amendments were made to the proposals. The changes made do not materially change the nature of the proposals (the description of the development) and accordingly a re-consultation was not undertaken. However, for reference, it is confirmed that the changes made by the applicant included:

- With regard to the above, it is to be noted that the consultation responses received and summarised in section 4 of this report were submitted based on the drawings/plans submitted with the application originally. Noting no statutory consultee raised an objection, in principle, it is not considered any party is or would be disenfranchised by not having the opportunity to review the revised proposals

and update their comments.

### 3. POLICIES

The following policies of the Harlow Local Development Plan, adopted December 2020, provide the development plan framework for this application.

#### Harlow Local Development Plan (2020)

SD1 – Presumption in Favour of Sustainable Development  
ED2 – Protecting Existing Employment Areas  
WE2 – Green Belt, Green Wedges and Green Fingers  
WE3 – General Strategy for Biodiversity and Geodiversity  
WE5 – Heritage  
SIR1 – Infrastructure Requirements  
PL1 – Design Principles for Development  
PL2 – Amenity Principles for Development  
PL5 – Green Wedges and Green Fingers  
PL7 – Trees and Hedgerows  
PL8 – Green Infrastructure and Landscaping  
PL9 – Biodiversity and Geodiversity Assets  
PL10 – Pollution and Contamination  
PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems  
PL12 – Heritage Assets and their Settings  
PR1 – Development within Employment Areas  
IN1 – Development and Sustainable Modes of Travel  
IN2 – Impact of Development on the Highways Network including Access and Servicing  
IN3 – Parking Standards

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 and sets out the Government's planning policies for England and how these should 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 achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission 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 an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### **4. CONSULTATIONS**

Summarised as follows:

HARLOW COUNCIL – Acknowledge that there would be significant benefits from this scheme. However, doubts are raised as to whether the current scheme has fully minimised the impact on the Green Finger. Overall, no objection is raised to the development coming forward subject to: 1) the lorry parking to the north of River Way being maximised; 2) a full assessment of the lorry parking for Unit F1 in terms of their existing and future business including storage of trailers and cabs; and 3) maximisation of landscaping and the width of the Green Finger.

*Officer comment: As outlined in the Proposal section of this report, revised plans were submitted during determination. The above comments were submitted on the basis of the originally submitted plans and it should be noted that the revised plans in part were submitted directly in response to the comments submitted by Harlow Council.*

HIGHWAY AUTHORITY – No objection.

STANSTED AIRPORT – No objection subject to a condition covering exterior lighting.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

THE COUNCIL'S NOISE CONSULTANTS – No objection subject to conditions covering the prohibition of use of the parking area by (operational/turned on) chiller units at all times, the prohibition of use of reversing alarms during the night-time period (23:00-07:00 hours) and confirmation that the acoustic fencing being installed is to be absorptive, not reflective.

#### **THE COUNCIL'S LANDSCAPE, ARBORICULTURAL, ECOLOGY AND HERITAGE CONSULTANTS**

Landscape – No objection. The scheme looks to have been designed with soft landscaping in mind. Furthermore, with appropriate landscape management, the landscape mitigation would likely soften the built form of development and improve



the general visual amenity of the area. A number of recommendations are nevertheless made in respect of the proposed landscaping specification with a condition duly recommended in terms of securing a slightly revised plan and a management plan going forward.

Arboriculture – No objection. The partial removal of two tree groups would be required to facilitate the re-location of a drainage attenuation tank and associated bund reprofiling to the north east of the site. These tree groups are all low quality (category C) with little contribution to the landscape. As outlined within the AIA the loss of this vegetation can be mitigated for with suitable replacement planting.

Ecology – No objection subject to all works being undertaken in accordance with the submitted Ecological Appraisal recommendations. In addition, it is recommended that a Biodiversity Enhancement Strategy be secured by condition, should planning permission be granted, to ensure net gains for biodiversity are delivered.

Historic Buildings – No objection. The application site is located within the setting of the Harlow Mill and Old Road North Conservation Area and the Grade II listed Harlow Mill Restaurant (list entry: 1111737). There are also several locally listed buildings located within the Conservation Area. Given the extent of existing development in the setting of the above heritage assets, it is not considered that the proposed junction would not result in any additional harm.

LOCAL MEMBER – HARLOW – HARLOW NORTH – Any comments received will be reported.

## 5. REPRESENTATIONS

This application was advertised by way of press advert, site notice and direct neighbour notification. In respect of this 43 properties were directly notified of the application. Four letters of representation have been received. These relate to planning issues, summarised as follows:

### Observation

We were never advised originally of the arrangement between ECC and the landowners or consulted on this being part of the new road plan. It is now clear that the applicant expected that this part of the plan to go ahead without objection, having made plans to store their equipment in the existing car park.

This has been thrust upon us as a 'fait accompli' and you seem to be merely paying lip service to a pretence of consultation.

### Comment

See appraisal.

The consultation undertaken by the County Planning Authority in respect of this application has been done so in accordance with the Council's Statement of Community Involvement (adopted September 2015 and reviewed March 2022). As outlined in the SCI

*“when determining a planning application, the development management team carries out various consultation methods depending on the type and scale of application and the team actively seeks to inform and engage with the public wherever possible”. “After the consultation process on the application stage is complete, the planning officer dealing with the application prepares a detailed report taking into account the responses received”.*

We are already badly affected by road noise which will increase with the new junction and now this lorry park.

See appraisal.

Attempts have previously been made to reduce sound from the industrial area but due to elevation of nearby residential properties, these measures have been fairly ineffective. The properties on Old Road, in the majority, all have bedrooms and living rooms which face towards Cambridge Road.

See appraisal.

This scheme will force us out of our homes. We are already subjected to dust from operations taking place within the industrial area and the noise levels have been ever increasing to the point that they are simply now unacceptable.

See appraisal.

We have to tolerate fork truck reversing beepers waking us up from 4am most days until late in the evening, lorries coupling and uncoupling and air brakes and now this proposal is trying to force upon us even more noise which is already untenable.

Noted. See appraisal.

We have measured noise levels in our garden, well above 70dB.

Noted.

Consideration should be given to an acoustic barrier on the eastern side of Cambridge Road. The dense woodland referred to in the application on this side of the Road is neglected and is in any respect deciduous so is bare for at least

An acoustic barrier on the east side of Cambridge Road does not form part of this proposal. See appraisal for assessment of noise impact and mitigation proposed.



six months.

Noise screens have been installed on Gilden Way, to support Junction 7a of the M11, but nothing is proposed here. The submitted assessment scenarios and technical assumptions are works of fantasy.

Concerned that the baseline used for the noise assessment was when traffic was being diverted on Cambridge Road. This accordingly would have distorted the results.

The noise assessment submitted focusses on night-time impact but the increase in heavy vehicle traffic will be intrusive during the daytime too.

How can the mitigation measures such as no chiller units to use/park in this new area be controlled/enforced?

The proposed noise barrier should also have a substantial deflector along the top.

Request is made that no reversing signals or loading/unloading is permitted from the car park area.

Any external lighting proposed should have shields and be downward facing.

Noted. See appraisal for assessment of noise impact and mitigation proposed.

Baseline noise monitoring was not undertaken. The noise assessment submitted considered indicative prevailing baseline sound levels using online noise mapping and adopted assessment criteria to consider the predicted change in ambient noise levels. A 3D noise model was created, by the applicant, and noise levels at nearby residential properties as a result of activities from this development proposed by this application were predicted on this basis.

The submitted noise information predicts night time noise levels from the proposed lorry park. The night time period has been assessed as this is considered, by the applicant, as more sensitive than the day time i.e. if it can be shown any additional noise is acceptable during the night time it would be a reasonable assumption to make that the same would be true for the day time.

See appraisal.

The noise barrier proposed as part of this application would be 3.5m high. See appraisal for further commentary.

See appraisal.

No details of external lighting have been submitted with this application. Without prejudice, should planning permission be granted a condition would be

	imposed requiring such details. As required by Stansted Airport, the expectation would that any lighting proposed would have no upwards light spill.
Consideration should be given to reducing the width of the entrance to a single carriageway and reducing the number of spaces on the road side to three vehicles to reduce the required amount of manoeuvring.	Amendments to the proposal have been made during the course of determination which have reduced the number of proposed spaces from 12 to 10. See appraisal for further commentary.
Mature trees should be used in the landscaping scheme and management scheme secured which ensures any trees which die are duly replaced.	The specification of trees and shrubs proposed to be planted is outlined in the submitted 'Soft Landscape Design'. Without prejudice, should planning permission be granted a condition would be imposed requiring any tree or shrub which dies within 5 years of being planted to be replaced.
You are putting a major road junction at the bottom of our garden with virtually no consultation.	The consultation undertaken by the County Planning Authority in respect of this application has been done so in accordance with the Council's Statement of Community Involvement (adopted September 2015 and reviewed March 2022). The consultation undertaken has involved advertising the application by way of press advert, site notices and direct neighbour notification.
There is no need to embark on this scheme as there is a sufficient access to the industrial area from River Way.	See appraisal.
The current design of the bunding and wooded area between the industrial area and Cambridge Road was carefully designed many years ago to create an aesthetically pleasing 'green' environment. This scheme is destructive to that and accordingly the environment and wildlife.	Noted. See appraisal.
Increased pollution as vehicles will be idling waiting for gates to open or for the signals on the new junction to change.	See appraisal.

I feel the real reason for this proposal is to compensate the landowner and tenant impacted by the junction already approved. Noted.

This is a waste of tax payers' money. Noted.

## 6. APPRAISAL

The key issues for consideration are:

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

### JUSTIFICATION/NEED

The original justification for the new road/junction was that this would promote economic growth in the Templefields area. The Templefields employment area is protected by virtue of policy ED2 of the Local Development Plan with this policy seeking to retain and enhance the mix of office, industrial and warehouse uses and other associated activities in accordance with policy PR1. The LDO for Templefields North East nevertheless specifically safeguarded land for a new road access to connect River Way to Cambridge Road and the location of the new road/junction conforms with this.

The 'new' access point connecting River Way to Cambridge Road will, according to the Design Code for Templefields North East, *"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".*

This secondary access to the Templefields area was/is also a key aspect underpinning the successful delivery of the Harlow and Gilston Garden Town – in the delivery of sustainable transport corridors and supporting strategic infrastructure including the second River Stort crossing at River Way (policy SIR1).

In respect of the second River Stort crossing, the Harlow Local Development Plan envisages the development of a new road crossing of the River Stort between Eastwick Road in East Hertfordshire and River Way in Harlow to provide the necessary transport links to support the development of Harlow and Gilston Garden Town. The creation of this road would however in-turn put additional

pressure on the existing junction between River Way and Edinburgh Way. To accordingly support the regeneration of Templefields North East and reduce congestion, the second route into and out of Templefields, via Cambridge Road (A1184) on to River Way was brought forward.

The principle of the actual road/junction design, in planning terms, was established through the approval of planning application ref: CC/HLW/21/17 and it is not considered that this application in any way needs to re-consider or appraise the original principle or need for the road/junction. That said, the changes and additions to the scheme proposed as part of this application do need to be considered both in isolation and cumulatively in context of the development as approved.

## LANDSCAPE AND ECOLOGY

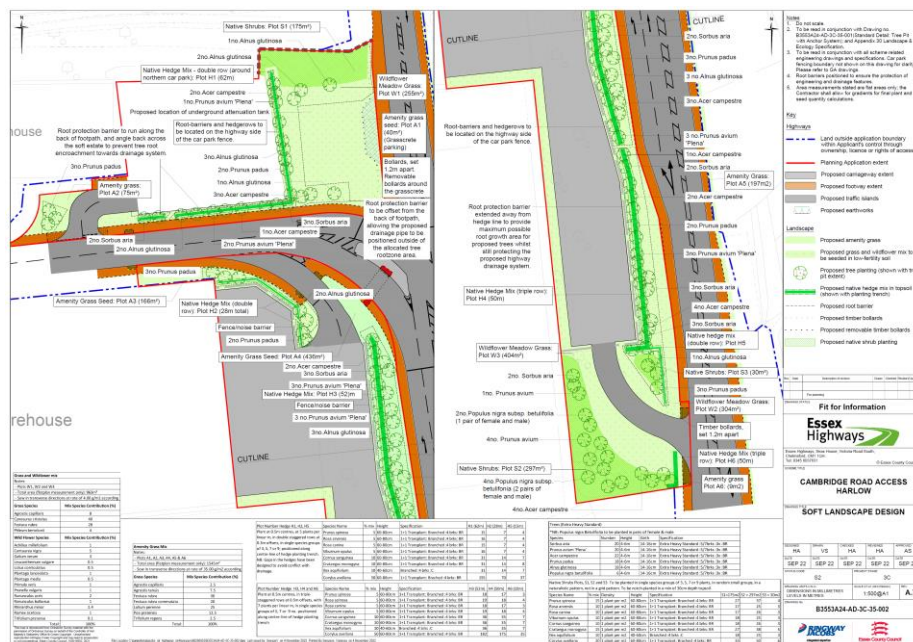
As will be noted, planning permission ref: CC/HLW/21/17 allowed the removal of the majority of bunding and vegetation, including Category B and C trees, on the land between Templefields and Cambridge Road at this point.

This application however proposes additional works to the bund to the north of the application and some further removal of vegetation/trees. The submitted Arboricultural Impact Assessment confirms that the proposed re-profiling of the northern bank/bund would require the removal of Category C group G58 and the partial removal of Category C group 13 (a combined area of approximately 170m<sup>2</sup>). The Assessment seeks to suggest the removal of the aforementioned would be of *“very limited arboricultural significance and could easily be mitigated for with good quality tree planting on the newly reprofiled bund or elsewhere in the scheme”*.

With regard to this, the proposed landscape design (as shown below) includes 104 new trees, new double-row and triple row hedgerows and native shrubs and new areas of both wildflower meadow and amenity grass. The applicant has sought to suggest that the landscaping design would provide a new linear woodland belt/thick hedgerow along the new highway boundary and the car parking area behind. In this regard, the planting proposals have been designed to reduce the prominence of the proposal acoustic fencing (discussed in more detail in the Amenity section of this report) whilst also acting as a deterrent to vandalism of the fencing.

At the southern end of the scheme, a block of native tree and scrub planting has been proposed to sweep around the back half of this area. This block, in due course, is proposed to recreate the current edge of the industrial area and screen wider-long range views.

**Soft Landscape Design, drawing no. B3553A24-AD-3C-35-002 (Rev A.7), dated September 2022**



The Council's landscape and arboricultural consultants have raised no objection to the proposals on such grounds. Albeit recommendations are made, for example, in terms of the mix of hedge species which could be secured through imposition of a condition requiring a slightly updated scheme should planning permission be granted.

Similarly, noting the offsite mitigation secured by way of CC/HLW/21/17, the Council's ecological consultant has raised no objection to the development coming forward. In this regard, a condition is nevertheless recommended to ensure the development is undertaken in accordance with the submitted 'Preliminary Ecological Appraisal' and in-particular that the bund is monitored over a 21 day period, before works commence, to confirm the lack of badgers; trees and shrubs are removed outside the nesting bird season unless prior survey has been undertaken; a finger tip search of the bund prior to works commencing to confirm the lack of presence of reptiles (April to October only); and vigilance during any pruning/felling of the mature lombardy poplar with this also to be undertaken with an qualified ecologist onsite (albeit no works are actually proposed to this tree as part of this application).

It is noted that request is also made for a Biodiversity Enhancement Strategy to be secured by condition. However, although approximately 170m<sup>2</sup> of vegetation would be removed to facilitate required bund re-profiling, the area of the site to be planted with soft landscaping has significantly increased from the extant permission. The planting specified consists of native species with inherent biodiversity benefits that the applicant has suggested have been chosen to replicate, as far as possible, those species previously found on the site and on surrounding land. Accordingly, whilst it is accepted to comply with paragraph 174 of the NPPF and policy PL9 net gains for biodiversity need to be secured, it is considered that this would be able to be shown/evidenced by reference to the landscape scheme.

No objections, overall, in terms of landscaping, arboriculture and/or ecology and accordingly policies WE3, PL1, PL7, PL8 and PL9 are therefore raised.

### Green Finger Designation

As detailed previously, the area proposed for the new lorry park is designated as Green Finger in the Local Plan. Policy WE2 details that 'the roles of Green Fingers are to:

- (a) provide open links between Green Wedges and/or other areas of green space;
- (b) provide Green Infrastructure, including wildlife corridors; footpaths, cycleways and bridleways; and rivers, canals, ponds, lakes and other bodies of water;
- (c) protect and enhance natural habitats, ecological assets and landscape features; and
- (d) protect existing uses which have an open character'.

Expanding on this policy PL5 states: 'Development on land designated as Green Wedge or Green Finger must meet one or more of the following criteria:

- (a) it is for small-scale development;
- (b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge or Green Finger location and demonstrates it is of benefit to the wider community;
- (c) it is for the alteration, extension or replacement of buildings.

Additionally, development must meet both the following criteria:

- (d) it demonstrates that the roles and functions and historic significance of the Green Wedges and Green Fingers (as set out in policy WE2) are preserved, enhanced and not adversely affected; and
- (e) it demonstrates that the wider landscape and setting is preserved, enhanced, promotes biodiversity and integrates with existing Green Infrastructure.

Where development includes replacement uses, redevelopment, extensions or alterations, it must meet all the following criteria:

- (f) it does not result in a greater negative impact on the roles and functions of the Green Wedges and Green Fingers than the existing development;
- (g) it does not result in disproportionate additions to the original building(s); and
- (h) any replacement buildings must be in the same use.'

As raised in the consultation response from Harlow Council, whilst the road/junction previously approved meets criteria (b) there is a need to consider if the lorry park now proposed meets any of the outlined criteria and also the impact of the development on the Green Finger and its function within and for the wider area.

Initially, and solely for the avoidance of any doubt, most of the vegetation currently representing the Green Finger, on the western side of Cambridge Road, is already permitted to be removed as part of the extant permission. Regarding this it is noted that when the permission was granted for the road/junction Harlow Council did note 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".* The introduction of the additional parking, renders this a much larger scheme to the point that the Green Finger would be far more limited in width in comparison to existing and as a separate standalone entity (i.e. a lorry parking area) it is not considered that this would meet one of the criteria (a-c) for allowing development on a Green Finger per-se.

The applicant, in context of this conflict, has sought to re-iterate the reasoning for this application and, in-part, hold their hands-up to the fact that as the road/junction has evolved through, for example Road Safety Audit, new implications or issues have come to light. This is not seeking to suggest that the extant road/junction design is unworkable or incapable of being built out. It is merely a statement that as the design has evolved, and more detailed discussions have occurred, some issues which weren't necessarily envisaged as problems have come to the table.

Accepting this, Harlow Council as part of their consultation response did pose a few questions to ensure the impact to the Green Finger was being minimised. These are discussed below.

*That the lorry parking to the north of River Way is maximised*

With respect of the parking area to the north of River Way, the applicant has advised that parking in this area would not be possible for HGVs. The results of the Road Safety Audit undertaken for the new road/junction dictated that the access to the northern parking area needed to be further west, than indicatively shown on the plans submitted with CC/HLW/21/17. The consequence of moving the access point is however that HGVs do not have a suitable angle to exit from this area safely.

For this reason, this area is only able to support car or van parking.

*That there is a full assessment of lorry parking for Unit F1 in terms of their existing and future business requirements including storage of trailers and cabs*

Initially with regard to this question, the applicant has sought to suggest that seeking to ensure that Unit F1 remains viable is a key consideration. In context of the use, whilst it is accepted that the Unit has and will continue to have a yard to the front which could be used for HGV parking, it has always also benefitted from a rear yard or area.

As existing the site benefits from six HGV parking spaces to the front of the Unit and nine to the north-east of the Unit. In addition to this, 12 cars/vans can be parked to the front of the Unit and 20 to the north-east of the Unit. The proposed arrangement, inclusive of the additional lorry parking area, would result no change to the provision to the front of the Unit and/or the car/van provision to the north-east of the Unit. The 9 HGV to the north-east of the Unit are however lost because of the new road/junction and these are proposed to be replaced with 10 spaces to the rear of the Unit in the new lorry car park.

With regard to this, it is noted that there is no standard for HGV parking. The standard is simply to meet operational requirements. Whilst potentially, it is considered an argument could be made that a less provision may be able meet general needs, in context of the size of the unit, the current tenant is a logistic business and generally Templefields supports uses/businesses such as this, having a sufficient amount of HGV parking would be a key driver or influencing factor to the attractiveness of the Unit. Whilst no formal evidence has been submitted with the application in terms of its commercial appeal, the applicant has suggested that the current tenant does utilise all of the current parking provision and accordingly, although one additional HGV is proposed, it is considered any loss of provision could have repercussions for the Unit in terms of the current tenant and potentially in such a scenario the long-term viability or desirability of it for the landowner.

*That the proposed arrangement would maximise landscaping and the width of the Green Finger*

The details submitted in support of this application were amended during the determination period. In this regard, in comparison to the plans originally submitted and commented on by Harlow Council, two HGV spaces have now been omitted (down from 12 to 10) to increase the area of soft landscaping being delivered by approximately 600m<sup>2</sup> to over 2,600m<sup>2</sup>.

The Green Finger width has increased from that previously proposed so it is now 5m at its narrowest (previously 2.5m), with an average width of 7.5m of soft landscaping between the acoustic fence and the pavement along Cambridge Road (previously approximately 4m). The hedge planting along Cambridge Road has been reinforced, with a triple-staggered hedgerow in place of the double-staggered hedgerow previously proposed and further tree planting is also proposed. In addition, by moving the northern boundary fence further south, the applicant has been able to provide a new area of planting along that fence line, with an average depth of 3m between the fence and curb along River Way.

Overall, whilst there is conflict between the proposals and the Green Finger designation, it is considered that the aspiration or aim to deliver this road/junction does provides some disparity or conflict within the Local Plan. It is acknowledged that point (b) of policy PL5 attempts to settle this conflict. However, it is considered that the Local Plan fails to recognise, irrespective, that the Green Finger in comparison to how this looks now would significantly change through the introduction of the road/junction. Regarding this, it must also be noted that there are no approved re-landscaping plans for the majority of the Green Finger secured through the permission granted under CC/HLW/21/17. As noted from the plan replicated in Section 1 of this report, the landscaping secured as part of this permission simply covers that adjacent to the revised highway alignment. The majority of the Green Finger was simply shaded (brown) with no detail as that proposed as part of the restoration. This is considered to represent a significant omission or failing of the extant permission. Although, in isolation, this is not a reason to subsequently allow development of the Green Finger, it is considered that this is a consideration and the benefits which would be realised by now securing a more comprehensive restoration scheme of this area do weigh in favour.



Overall, it is considered that the significance of the Green Finger on the western side of Cambridge Road would be weakened as a result of this proposal. However, it is considered the landscaping strategy has sought to minimise this impact and maintain the provision of some form of 'green' buffer between the road and the industrial area going forward. In context of this it is considered that the Green Finger would maintain its function in the wider setting, albeit on a smaller, more limited scale. The development is not considered to comply with relevant Green Finger policy. However, this conflict has been identified and it is considered the applicant has sought to minimise this harm or impact as much as possible through the design of the proposals.

## AMENITY

Policy PL2 of the Local Development Plan states development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported. Expanding on this, policy PL10 details that all development proposals must minimise and, where possible, reduce all forms of pollution and contamination. For air quality, the acceptability or otherwise of a proposal will be determined with reference to the relevant limit values or National Air Quality Objectives as they relate to human health or biodiversity. In assessing the acceptability of development, the following criteria and the cumulative effects will be considered: (a) noise pollution; (b) light pollution; (c) air quality (including dust, odour and emissions); (d) vibration; (e) surface and ground water quality; (f) land quality, condition and stability; (g) the natural environment; (h) the built environment; (i) general amenity; (j) health and safety of public; (k) compliance with statutory environmental quality standards.

It is noted that several comments were raised as part of the public consultation in respect of potential noise nuisance or impact and air quality.

### Noise

The applicant has submitted a noise study memorandum in support of this application. The assessment undertaken, and described in the memorandum, was based on baseline data published as part of the strategic noise mapping of major roads and railways undertaken by Defra (traffic noise levels expressed as LAeqT). Initially, in this regard, it is confirmed that the Council's noise consultant was *"content that a full BS4142 assessment has not been presented on this occasion"* on the basis that the proposed development does not specifically include or introduce any new industrial noise sources.

As part of the submitted memorandum, it is acknowledged that the proposed lorry parking area has the potential to generate noise that would be audible at nearby noise sensitive receptors. The memorandum predicts night-time noise levels from the proposed lorry park at the facades of nearby noise sensitive properties and assesses the potential for significant adverse effects based on relevant assessment methodology. The night-time period is suggested by the applicant as far more sensitive to noise than the daytime period and as such this assessment has focussed on impact during this period.

In terms of assessment, impacts have been predicted based on a certain number of lorries arriving at various timeframes during the night time period. The assessment has included consideration of vehicles idling and manoeuvring, together with sound levels associated with reversing alarms and refrigerated units.

The results of the assessment suggest that unmitigated noise levels resulting would be in excess of existing ambient levels. The noise generated by vehicle reversing alarms and chiller units were identified as significant contributors to this. Initial mitigation put forward by the applicant is therefore to eliminate or prohibit the use of reversing alarms (during the night time period) and the stationing/parking of refrigerated lorries (turned on) at all times in the proposed lorry park. To supplement this, a 3.5 noise barrier is proposed along the eastern boundary of the lorry park. With these measures implemented, whilst noise levels would still exceed ambient levels, the increase is less than 1.0dB (the highest increase predicted at 0.6dB on Ranulf Close) and accordingly suggested as not significantly.

The Council's noise consultant notes that *"the results for the night-time mitigated scenario (no chillers, no reversing alarms) demonstrate that predicted noise levels from the proposed parking area range from 35.1 to 44.8dB LAeq. These noise levels are all below the following relevant sleep disturbance guidelines:*

- *45dB LAeq 8hr from the WHO Guidelines for Community Noise;*
- *55dB Lnight interim target noise level from the WHO Night Noise Guidelines for Europe.*
- *30dB(A) LAeq 8hr inside bedrooms from BS8233 (assuming a partially open window provides 15dB(A) of attenuation).*

*It is acknowledged that predicted noise levels at 4 receptors during 23:00-00:00 and at 1 receptor during 00:00-03:00 exceed the WHO Night Noise Guideline value of 40dB(A) Lnight. However, an Lnight value from the proposals would be lower than the LAeq 15 minute worst case data presented, and the existing traffic noise levels already exceed this criterion. The existing parking area noise levels are also likely to exceed this level at 4 receptors. The increase in noise levels from the estimated baseline is predicted to be 0.1-0.6dB(A) at the selected receptors. Such a change in environmental noise levels is generally accepted to be unlikely to be perceptible".*

On this basis, the Council's consultant has raised no objection subject to conditions duly to ensure the prohibition of chiller units at all times; the prohibition of reversing alarms during the night-time period (2300-0700hrs); and confirmation that the acoustic fencing to be installed would have absorptive, not reflective properties.

With the above secured, it is considered that the development would comply with the policy requirements of PL2 and PL10 in respect of noise.

### Air Quality

Whilst an Air Quality Scoping Assessment was submitted with the extant permission for the road/junction, no such assessment or information has been submitted with this application. This is on the basis that as a proposal this application would not result in any additional vehicle movements. Whilst a new lorry parking area and access to this would be formed on Cambridge Road it is not

considered the pollution impacts from this would be significant. With regard to this, it is noted that the maximum NO<sub>2</sub> and PM<sub>10</sub> concentrations predicted from the road/junction application was 29 µg/m<sup>3</sup> (a 0.5 µg/m<sup>3</sup> increase in comparison to do nothing) which was well below the annual mean NO<sub>2</sub> and PM<sub>10</sub> air quality objective (40 µg/m<sup>3</sup>). For reference the annual mean NO<sub>2</sub> and P<sub>10</sub> air quality concentration for properties on the eastern side of Cambridge Road (receptor ref: 178564), as part of the assessment submitted with the extant permission, was predicted at 16.5 µg/m<sup>3</sup>. No objections are raised in terms of air quality impact.

### Lighting

Mention is made in the submitted planning statement to the fact that *“lighting will be required for the lorry parking area and for the entrance points to the north and south of the lorry park for safety and security purposes”*. No specific lighting details and/or strategy have however been submitted. Without prejudice, should planning permission be granted, a blanket restriction on the installation of external lighting is therefore recommended, pending the submission of a full scheme which can be considered and reviewed in context of relevant policy.

### HIGHWAYS

Whilst this is a highway-led proposal, policies IN2 and IN3 relate the impact of development on the highway network and parking, respectively. The Highway Authority with regard to safety and efficiency has raised no objection to the proposals, noting in this regard the main junction has previously been submitted, assessed and approved. The new access point would solely serve the lorry park which would be a private area associated to Unit F1. It is noted that a gate is proposed near the access with Cambridge Road. However, this gate would only be closed during periods when the business/Unit is non-operational i.e. a bank holidays or over Christmas. It is not envisaged that this gate would be closed daily and as such it is unlikely a scenario would result where a vehicle would be waiting on Cambridge Road to enter the lorry park. The design detail of this gate, together with associated signage for the access, would nevertheless be considered as part of the Road Safety Audit process.

With regard to parking provision, as discussed previously in the Landscape and Ecology section of this Appraisal under ‘That there is a full assessment of lorry parking for Unit F1 in terms of their existing and future business requirements including storage of trailers and cabs’, there is no maximum or minimum parking standards for HGVs. HGV parking provision should simply be based on operational requirements. In this case, no in-principle objections are raised to the suggestion that 16 HGV spaces are needed to support the current use of the Unit (principally B8 - storage and distribution). Whilst this is an increase of one HGV space, it is noted that informally the yard to the rear of Unit does as existing offer the opportunity for more informal parking and this flexibility is being lost. In terms of car/van parking, 32 car/van spaces would be provided/maintained, which is also a compliant provision (maximum permissible under standards being 36 spaces).

In terms of policy IN1 as a lorry park, it is accepted that principally it could be questioned whether this is supporting the modal hierarchy and seeking to reduce the reliance on the use of private vehicles. That said, as outlined above, in

comparison to existing this proposal only represents a one space increase in lorry parking provision. It is considered disappointing that no sustainable transport measures have been included such as Electric Vehicle Charging Points. However, it is noted that the area proposed for car/van parking is existing and accordingly to install such provision this area of hardstanding would need to be broken up. As such, in this instance, whilst the lack of measures is disappointing it is not considered that opportunities to install such provisions have simply been missed or not taken forward.

Overall, no objections from a highway perspective are raised to the development coming forward.

## OTHER ISSUES

### Heritage

The application site adjoins the Harlow Mill and Old Road North Conservation Area with Harlow Mill Restaurant, to the north, a Grade II Listed Building. Policies WE5 and PL12 of the Local Development Plan relate to heritage, with policy PL12 stating that development that affects a heritage asset or its setting will be considered against national policies. With regard to this, paragraph 200 of the NPPF states 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. In this instance, the Council's historic building consultant considers that the development "*would not result in any additional harm*" to the Conversation Area or the setting of the Listed Building in context of the existing setting and presence/influence of infrastructure, namely Cambridge Road. No objections in respect of policy PL12 are therefore raised.

### Flood Risk and Drainage

The area to which this application relates is located within Flood Zone 1 and not within a Critical Drainage Area, albeit flood mapping from the Lead Local Flood Authority does suggest that some surface water flooding is a potential.

With regard to surface water, the drainage system for the proposed lorry parking area would require an outfall connection to the highway drainage system on Cambridge Road (which is already been modified to support the new road/junction). That said, the location of the proposed lorry park has also necessitated the relocation of the surface water drainage tanks for the approved road/junction. Instead of the attenuation being provided in the form of two long thin tanks running parallel and close to Cambridge Road, it is now proposed to provide the required attenuation for the road/junction through one larger tank located on land just to the north of the new access road, with the attenuation required for the lorry car park provided directly under the car park. The proposed lorry park surface water drainage system has been designed in accordance with the Essex Highways Development Construction Manual (September 2019), the requirements of the Lead Local Flood Authority's (LLFA) Sustainable Drainage Systems Design Guide for Essex and the British Water guide 'Applying the Ciria SuDS Manual (C753) simple index approach to proprietary/ manufactured stormwater treatment devices'. In consideration of this, no objection in terms of the relevant consideration of policy

PL11 is raised to the development coming forward.

## **7. CONCLUSION**

Overall, whilst it is considered that there is some conflict with this proposal in terms of the Green Finger designation, it is noted that the proposal is supporting a strategically important piece of new infrastructure. The new access to Templefields is not only promoted in the Local Development Order but is also identified in the Local Development Plan as a supporting piece of infrastructure to the second River Stort crossing.

Whilst it is accepted that an argument could be made that there is no specific need to replace, let alone increase, the parking provision of the Unit, it is considered that the existing provisions available to this Unit and impacts to viability without suitably mitigating such loss of provision are material considerations.

Although criticisms raised in terms the extant permission and oversights potentially made are to some degree agreed with, it is not considered that the assessment of the proposals have identified any 'new' significant amenity impacts over and above that from the extant scheme. Whilst additional development would be permitted in the Green Finger, it is noted that overall, more landscape planting would be secured to the point that an argument could be made that the impact is neutral in comparison.

In weighing up all these factors, it is on balance considered that the proposal does represent sustainable development, as per the NPPF definition, and accordingly it is recommended that planning permission be granted subject to conditions.

## **8. 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.

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

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

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

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

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

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved Plan shall be adhered to throughout the construction period and provide for:
  - a) the proposed layout of the construction compound inclusive of areas proposed for the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials and the storage of plant and machinery used in constructing the development;
  - b) wheel and underbody cleaning facilities;
  - c) routing of vehicles;
  - d) measures proposed to reduce the potential for amenity impacts or nuisance; and
  - e) measures proposed to minimise the risk of offsite flooding caused by surface water run-off and groundwater.

The development shall be implemented in accordance with the approved Plan/strategy.

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

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

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

6. Prior to first beneficial use of the lorry park, a noise mitigation management plan shall be submitted to the County Planning Authority for review and approval in writing. The plan shall seek to confirm the prohibition of use of the lorry park hereby approved by operational or 'on' refrigerated vehicles/cabs at any time and reversing alarms during the night-time period (2300-0700hrs), together with measures to internally monitor and enforce these restrictions. The management plan shall subsequently be implemented as approved.

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

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

approval.

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

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

Reason: In the interests of amenity of the local area, to ensure the landscaping is maintained as approved and accordingly the development screened and to comply and/or show consideration of policies WE2 – Green Belt, Green Wedges and Green Fingers, WE3 – General Strategy for Biodiversity and Geodiversity, PL1 – Design Principles for Development, PL5 – Green Wedges and Green Fingers, PL7 – Trees and Hedgerows, PL8 – Green Infrastructure and Landscaping and PL9 – Biodiversity and Geodiversity Assets of the Harlow Local Development Plan (2020).

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

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

10. No external fixed lighting shall be erected or installed on-site until exact details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. With regard to this, the details to be submitted shall include an overview of the lighting design and management (including proposed hours of operation), the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground (including spill in context of adjacent site levels), angles of tilt, colour,



temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

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

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations

---

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

---

## **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 County 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 were 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

**DR/42/22****Report to:** DEVELOPMENT & REGULATION (25 November 2022)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Emma Robinson/

**MEMBER NOTIFICATION**

Countywide.

<b>MAJOR PLANNING APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of September	39
Nº. Decisions issued in October	1
Nº. Decisions issued this financial year	15
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in October	1
Nº. applications where Section 106 Agreements pending at the end of October	13

<b>MINOR APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Pending at the end of September	13
Nº. Decisions issued in October	4
Nº. Decisions issued this financial year	26
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in October	4

<b>ALL APPLICATIONS</b>	<b>SCHEDULE</b>
Nº. Delegated Decisions issued in October	5
Nº. Committee determined applications issued in October	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	130
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of October	72
Nº. of referrals to Secretary of State under delegated powers in October	0

<b>APPEALS</b>	<b>SCHEDULE</b>
Nº. of outstanding planning and enforcement appeals at end of October	3
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	1

<b>ENFORCEMENT</b>	<b>SCHEDULE</b>
Nº. of active cases at end of September	26
Nº. of cases cleared this financial year	16
Nº. of enforcement notices issued in October	0
Nº. of breach of condition notices issued in October	0
Nº. of planning contravention notices issued in October	0
Nº. of Temporary Stop Notices issued in October	1
Nº. of Stop Notices issued in October	0