

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 22 FEBRUARY 2022, AT 5.30 PM

PRESENT: Councillor B Deering (Chairman)
Councillors T Beckett, S Bull, B Crystall,
I Devonshire, A Huggins, I Kemp, S Newton,
T Page, C Redfern, P Ruffles and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Goodeve and
L Haysey

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Jenny Pierce	- Senior Project Officer
Nanci Pomfrett	- Trainee Environmental Health Practitioner
Sara Saunders	- Head of Planning and Building Control
Kevin Steptoe	- East Herts Garden Town Lead Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Naisha Polaine	- Harlow and Gilston Garden Town
Tanusha Waters	- Harlow Council
Andrew Bramidge, Roger Flowerday	- Harlow Council - Hertfordshire County Council
Paul Wilkinson	- Essex County Council
Suzan Yildiz	- Weightmans LLP

349 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews, R Buckmaster and Fernando. It was noted that Councillor Bull was substituting for Councillor Andrews, Councillor Devonshire was substituting for Councillor R Buckmaster and Councillor Huggins was substituting for Councillor Fernando.

350 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

351 DECLARATIONS OF INTEREST

There were no declarations of interest.

352 PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Chairman said that concerns had been expressed to the Council by speakers that the allotted time of six

minutes was insufficient. He reminded Members that the Committee had resolved to amend the speaking arrangements for this meeting on the 21 April 2021.

The Chairman said that he would like to consider the procedural implications of allowing additional time in the interest of fairness. The Legal Services Manager said that Part 3B of the constitution included a procedure for the Committee to depart from what was agreed by Members on 21 April 2021. She referred to paragraphs 2.8 and 2.9 of Part 3B of the constitution and said that Committee had the authority to depart from the agreed arrangements and determine specific arrangements for certain applications.

The Legal Services Manager explained that the suggestion from Officers was that the time allowed for objectors, the applicant and the Parish Councils be extended to eight minutes and this time would be split accordingly between the speakers.

Councillor Huggins proposed and Councillor Beckett seconded, a motion that in accordance with paragraph 2.9 of part 3B of the Constitution entitled committee functions and responsibilities, the Committee agree to depart from the speaking arrangements agreed on the 21 April 2021 in respect of applications 3/19/1046/FUL and 3/19/1051/FUL only, on the basis that the time allowed be increased to eight minutes objectors, the applicant and Parish Councils.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that in accordance with paragraph 2.9 of part 3B of the Constitution entitled committee functions and responsibilities, the Committee agreed to depart from the speaking arrangements approved on the 21 April 2021 in respect of applications 3/19/1046/FUL and 3/19/1051/FUL only, on the basis that the time allowed be increased to eight minutes objectors, the applicant and Parish Councils.

The Principle Associate for Weightmans, advising the Committee on legal and related planning issues, said that there been late representations referring to predetermination. She outlined a few salient points and said that there was no legal impediment to the Committee determining these applications and then to go on and determine the housing applications at a later date.

The Chairman said that there had been some very late representations and bearing in mind the length of the representations, it would seem to be appropriate to have a short adjournment for 30 minutes for Members to consider this extra material and to consider the response of Officers to the issues that had been raised.

Councillor Newton proposed and Councillor Redfern seconded, a motion that there be a short adjournment for 30 minutes for Members to consider the extra material in the late representations and to consider the response of Officers to the issues that had been raised.

After being put to the meeting and a vote taken, this

motion was declared CARRIED.

RESOLVED – that there be a short adjournment for 30 minutes for Members to consider the extra material in the late representations and to consider the response of Officers to the issues that had been raised.

The meeting reconvened at 18:20.

- 353 3/19/1046/FUL - ALTERATIONS TO THE EXISTING FIFTH AVENUE ROAD/RAIL BRIDGE, AND CREATION OF NEW BRIDGES TO SUPPORT THE WIDENED HIGHWAY TO WEST OF THE EXISTING STRUCTURE TO CREATE THE CENTRAL STORT CROSSING, INCLUDING EMBANKMENT WORKS, PEDESTRIAN AND CYCLE FACILITIES, A PEDESTRIAN AND CYCLE BRIDGE OVER EASTWICK ROAD, LIGHTING AND LANDSCAPING WORKS AND OTHER ASSOCIATED WORKS AT LAND ADJACENT TO FIFTH AVENUE EXISTING EASTWICK CROSSING HERTFORDSHIRE/HARLOW

The Head of Planning and Building Control recommended that in respect to application 3/19/1046/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted.

The Head of Planning and Building Control also recommended that, delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respective Development Management Committees, to finalise the

detail of the conditions attached to their respect planning permissions. If any subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

The Senior Project Officer summarised the planned development of the Harlow and Gilston and Garden Town. She said that the five Council's involved had been working in partnership to bring about the transformative growth based on garden city principles. Members were advised that the documents produced for the garden town partnership had been endorsed as being material considerations in the determination of the applications by East Herts Council and Harlow Council.

The Senior Project Officer summarised the ambitious targets detailed in the transport strategy and said that the two crossing proposals had been identified as being essential items of infrastructure necessary to deliver the planned growth within the garden town. She said that section nine of the reports had listed the relevant sections of the National Planning Policy Framework (NPPF) that were relevant to the planning matters being considered.

The Senior Project Officer listed the applications that had been submitted by Places for People. Members were advised that the main issues for the Committee to consider included the principle of the development, the design and layout, the mitigation of the impact on the transport network, climate change, flood risk and sustainable drainage, land contamination and

pollution, impact on the natural environment, the impact on the historic environment and green belt issues.

The Senior Project Officer set out the policy context regarding this application and said that the Committee were being asked to determine the part of the application that fell within the East Herts administrative boundary. She said that Members should however be cognisant of the scheme as a whole.

The Senior Project Officer addressed the Committee in detail in respect of the Harlow Local Development Plan and spoke at length in respect of the geography of the site in the context of the surrounding area. Members were reminded that the applicant had to demonstrate that there were matters to which positive weight could be assigned such that any harm resulting from the proposed development in Green Belt and other planning terms was clearly outweighed and very special circumstances were therefore evident in accordance with the NPPF. Officers had acknowledged that the application would cause some harm to the openness of the green belt in this location.

Members were advised that the application proposals provide new essential transport infrastructure to enable and encourage sustainable movement between the new and existing Gilston communities to key destinations within Harlow as part of a wider sustainable transport network.

The Senior Project Officer said that the sustainable

transport solution and the provision of the homes in the Gilston Area were the factors that combined to clearly outweigh the harm to the green belt and other planning harm such that very special circumstances applied. She set out in detail the proposed layout of the Central Stort Crossing including the reconfiguration of the Eastwick Road and Fifth Avenue junction, the access to village one and the new junction to be provided on the Eastwick Road.

Members were advised that Eastwick Road would be realigned northwards away from Terlings Park and would continue eastwards as part of the Eastern Stort Crossing. The Senior Project Officer set out the proposed bus priority arrangements and as well as the dedicated pedestrian footways and cycle routes. She said that to the west of the carriageway there would be a 2 metre wide footpath and a sustainable drainage feature comprising swales and vegetated ditches.

Members were advised that there would be a new footpath and bridge over the River Stort to connect to the tow path to the south through the valley. The Senior Project Officer referred to presentation slides in respect of proposed pedestrian and cycle routes and bus lanes. She also highlighted various proposed public realm improvements which would be secured by condition on this application.

The Senior Project Officer said that as the new carriageway affected a local wildlife site and a nature reserve, the proposed development must mitigate this impact and the application would compensate for the loss of habitat through the provision of new planting

and landscaping.

The Senior Project Officer said that to compensate for the loss of flood storage within the valley through the widening of an embankment feature, the proposals included the conversion of arable grassland to an area of flood plain by lowering ground levels to create an area of wetland habitat using seed collected from managed environments elsewhere within the valley.

The Senior Project Officer said that the applicant had applied a Natural England Biodiversity Impact Calculator known as the DEFRA three metric. She set out the biodiversity net gain percentages and explained how the metric calculated the scores for old and new environments. Members were advised that the difference between the current and proposed score was the biodiversity net gain or net loss.

The Senior Project Officer said that the ecological compensation area was beyond the red line site boundary of the central stort crossing application. The land was in the ownership of the applicant and therefore could be secured and was enforceable by condition 35 and this met the tests that were set out in planning practice guidance.

Members were advised that the main impact from the central stort crossing was the loss of habitat for ground nesting birds and this was sufficiently mitigated by the proposed habitat enhancements. The Senior Project Officer said that several conditions and an ecological management plan would ensure that the habitat was secure and managed in the longer term.

Members were advised of the trees and hedgerows that had been identified for complete and partial removal to facilitate the central stort crossing. The Senior Project Officer said that none of the trees to be removed were classed as category A of the highest quality and full details were included in the report. She referred to a visual illustration of the central stort crossing and set out a number of further details in respect of the proposed landscape strategy and said that there would be an overall increase in the number of trees and opportunities would be taken to remove invasive species and replace these with suitable plant species to introduce biodiversity and support mammals like Otters and Water Voles.

The Senior Project Officer said that the central and eastern stort crossings were two complementary parts of one piece of comprehensive transport infrastructure that would operate together to provide the sustainable transport priority and road capacity required to serve the Gilston area housing allocation and also to enable the delivery of developments within the Harlow and Gilston Garden Town.

Members were advised that the provision of essential infrastructure carried considerable positive weight and the proposed development was considered to be acceptable in principle. The Senior Project Officer said that it was considered that temporary visual harms to the landscape would arise during construction and there would be residual permanent visual harms arising from the scheme once operational. These impacts were considered to be outweighed by the

beneficial impacts arising from the scheme.

Members were advised that the preliminary structural designs had been agreed with the two highway authorities and were considered to meet relevant standards. The proposals were also considered to meet the requirements of the Environment Agency (EA) and the Lead Local Flood Authority (LLFA).

The Senior Project Officer said that whilst there would be some unavoidable impact on openness in green belt terms this was not considered to be significant. She said that the harms to the green belt and other identified harms must be given substantial weight. Members were advised that the benefits of the delivery of development in the Gilston Area, in addition to the transport capacity and sustainable transport improvements enabled Officers to conclude that the harm by reason of inappropriate development in the green belt and any other harm was clearly outweighed. Condition 4, proposed to be applied to any permission, would act to ensure that these benefits were forthcoming.

The Senior Project Officer said that when considering the application on its own merits, it was considered to be in accordance with the NPPF and was also compliant with development plans. She said that other material considerations supported the approval of the central stork crossing subject to the conditions and reasons set out in the report.

Mr Rory Joyce, Mr Richard Ford and Yasmin Gregory addressed the Committee in objection to the application.

Mr Yuved Bheenick spoke for the application. Councillor Frank O'Shea addressed the Committee as the Vice-Chairman of Hunsdon Parish Council.

Councillor E Buckmaster addressed the Committee as the local ward Member. The Senior Project Officer referred to the examination in public process for the local plan and said that Officers believed there was sufficient information in the environmental statement and the impact appraisal to make informed and reasoned judgements on these applications.

Members were advised that there was no benefit to delaying determining these applications as they had been considered comprehensively in the impact assessments and were considered to be acceptable in terms of highways impact and design. Members were reminded they must determine the applications that were in front of them.

The Garden Town Lead Officer referred to the judgement to be made in respect of weighing the benefits of the development proposed against any harm to be able to reach a view that very special circumstances, whereby otherwise inappropriate development could be permitted in the green belt, were apparent. He said that the advice to Members was that this infrastructure would enable the delivery of development that had been identified in the District Plan.

Councillor Devonshire commented on the achievability of the 60 percent transport mode share. He asked if there was a time limit for the creation of the ecological compensatory habitat. Councillor Ruffles commented at

length about the heritage of tomorrow and the vision regarding the proposed major bridge and other bridge structures. He asked if Officers could explain the part of the route access to Harlow Town Station to the north which was relevant to this application.

Councillor Page asked for clarity as to whether existing users would be harmed by the superimposition of the sustainable corridors. He commented on the traffic calculations made at the pre-application stage and asked how much new capacity would be directed to the river way crossing.

The Senior Project Officer said that condition 35 covered the time limit and the delivery of biodiversity net gain and details had to be agreed with Officers prior to commencement of any development that resulted in the loss of habitat or habitat impact.

The Senior Project Officer commented on the ambition for the design of the bridge and the landmark brand in the design for this key gateway feature for Harlow and wider garden town. She commented on the stages of the bridge condition, the Burnt Mill Lane access on Fifth Avenue down to where the station access would be. Members were also advised on the part of the application that related to public realm improvements.

Roger Flowerday, Hertfordshire County Council Highways, set out the context and policy position for the central stort crossing. He talked about the vision for the crossing and said that a deferral would not result in a change in design as the proposed development satisfied Highways requirements in

terms of what it was intended to achieve.

Mr Flowerday said that the crossing provided the ability of buses to operate and the cycling and pedestrian provision in line with the requirements set out in the current guidance. He said that the design and the dimensions allowed for full segregation in line with the current LTN1/20 government guidance. He confirmed that the infrastructure was designed to accommodate existing and all future use in terms of existing and future demand.

Councillor Crystall expressed a concern regarding the narrowing of one area of cycle and walking route and whether this should be avoided to ensure that the provision was easy and attractive and prevented accidents. He asked if the west side cycleway could be made a more attractive prospect in terms of being more protected.

Councillor Beckett made a number of points in respect of timings and the design, the attractiveness of the proposed development to users in terms of pollution and his concern over the loss of habitat during construction and the post construction mitigation that had been proposed.

Mr Flowerday said that the degree of separation for cyclists and pedestrians from bus lanes and live carriageways had been properly considered and a balance had been struck in terms of separation and the constraints of the area that was close to the railway. He talked about the benefits and disadvantages and said that the proposed provision

was considered to be reasonable. Members were advised that the impacts had been fully considered by Officers in terms of reaching a fully balanced solution.

Mr Flowerday spoke about the HERT rapid transport scheme and the A414 strategy document. He talked about sensor monitoring for the signal arrangements in terms of air quality and said that a balance had been struck in terms of pollution mitigation as the scheme sought to move people as far away from the traffic as was possible and protect vulnerable users.

The Senior Project Officer said that the site was big enough in terms of ensuring biodiversity net gain. She said the impact on birds and bats was acknowledged in the environmental assessment. The Garden Town Lead Officer said that Members were considering a set of infrastructure proposals that served complementary purposes and fitted into wider policy objectives.

Councillor Kemp made a number of broad points about the District Plan and the planned 10,000 homes. He touched on the provision of infrastructure and made a number of comments about air quality, the opportunities for modal shift and segregation between various transport modes.

Councillor Huggins spoke about the complexities of biodiversity in terms of soil quality. He said that he would like some reassurance as to the intended level of monitoring of biodiversity beyond the assessment of the impact of the proposed development on trees and hedges. He talked about the shift in working patterns during the last two years and expressed a

concern over the apparent lack of additional capacity from the central stort crossing.

Mr Flowerday said that the construction management plan set out how the impact of construction would be minimised and mitigated. He said that the design of the infrastructure had been designed to meet the vision of sustainable place. Members were advised that there would be some residual vehicle based impact and the scheme provided the opportunity for people to switch to sustainable modes of travel.

The Garden Town Leader Officer confirmed that Network Rail were, in principle, fully on board with the proposed northern access to Harlow Town Station and still ensure that their primary objective was achieved, namely the technical operation of the railway. Members asked some general questions regarding the proposed conditions and were given advice by the Legal Officers, the Senior Project Officer and the Garden Town Lead Officer.

Councillor Newton asked about the context of the application and the letter received before the meeting. She asked if Officers were content that the matter of an intended judicial review had been covered. The Principle Associate for Weightmans said that all appropriate steps had been taken to consider and respond to the points that had been raised in the letter. She said that there was no legal impediment to Members voting on the application.

Councillor Kemp proposed and Councillor P Ruffles seconded a motion that, in respect of application

3/19/1046/FUL, planning permission be granted subject to the conditions and the reasons detailed in the report with an amendment to condition 11 to ensure that any design briefing included an engagement strategy. Delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respect Development Management Committees, to finalise the detail of the conditions attached to their respect planning permissions. If any subsequent additions or changes to conditions post Development Management Committee were necessary, the matter would be referred back to them.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted, with an amendment to condition 11 to ensure that any design briefing included an engagement strategy;

(B) delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respect Development Management Committees, to finalise the detail of the conditions attached to their respect planning permissions. If any

subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

- 354 3/19/1051/FUL - ERECTION OF A NEW ROAD, PEDESTRIAN AND CYCLE BRIDGE; REPLACEMENT OF AN EXISTING RAIL BRIDGE AT RIVER WAY; ALTERATIONS TO THE EXISTING LOCAL HIGHWAY NETWORK; LIGHTING AND LANDSCAPING WORKS; LISTED BUILDING WORKS TO FIDDLERS BROOK BRIDGE; AND OTHER ASSOCIATED WORKS AT LAND TO THE SOUTH AND EAST OF GILSTON VILLAGE AND NORTH OF RIVER STORT GILSTON HERTFORDSHIRE/HARLOW
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The Head of Planning and Building Control recommended that in respect to application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of the report submitted.

The Head of Planning and Building Control also recommended that, delegated authority be given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of their respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any subsequent additions or changes to conditions post Development Management Committee are necessary, the matter would be referred back to them.

The Senior Project Officer, on behalf of the Head of

Planning and Building Control, set out the context of the site in respect of the Harlow and Gilston Garden Town (HGGT). She said that the five Councils involved had been working in partnership to bring about the delivery of the transformative growth based on garden city principles.

The Senior Project Officer summarised the ambitious targets detailed in the transport strategy and said that the two crossing proposals had been identified as being essential items of infrastructure necessary to deliver the planned growth within the garden town. She said that section nine of the reports had listed the relevant sections of the National Planning Policy Framework (NPPF) that were relevant to the planning matters being considered.

The Senior Project Officer detailed the applications that had been submitted by Places for People and Taylor Wimpey. She said the key considerations for the eastern stort crossing were the principle of the development, design and layout, impact on the transport network and mitigation, climate change, flood risk and sustainable drainage, land contamination and pollution, impact on the natural environment and the historic environment and the impact on the green belt.

The Senior Project Officer set out the policy context regarding the application and said that the Committee were being asked to determine the part of the application that fell within the East Herts administrative boundary. She said that Members should however be cognisant of the scheme as a

whole.

The Senior Project Officer referred to the work undertaken with the applicants, the two Highway Authorities for Essex and Hertfordshire County Councils and Harlow Council regarding the plan making stages of the East Herts District Plan, in order to consider the options for both an eastern and western Stort crossing.

Members were advised that transport modelling had identified the need for a second stort crossing and this work had included a strategic highway model produced through a collaborative approach to technical evidence relating to highways and transportation matters within the Strategic Housing Market Area.

The Senior Project Officer said that modelling had identified parts of the Harlow area local road network including the A414 Fifth Avenue Eastwick Road junction which, without intervention, were likely to be adversely affected by the various development scenarios being tested.

Members were advised that the modelling had identified that in order to reduce strain on the network, the delivery of sustainable transport measures across the network would be needed, in addition to interventions on the A414 Fifth Avenue Eastwick Road Junction and a second access into Harlow.

The Senior Project Officer commented on the crossing

options that had been considered as part of the District Plan and the examination in public. She said that a heritage impact assessment had considered the merits and impacts of the eastern and western route options. The assessment had concluded that the eastern location was preferred for heritage reasons and Historic England had been consulted.

Members were advised that it was an aspiration of the Councils to deliver the second crossing at an early stage in relation to the development in the Gilston Area in order to ensure that provision for sustainable transport could be made at the earliest stage of the development.

The Senior Project Officer addressed the Committee in respect of the policy context of the application and spoke about the geography of the site in the context of the surrounding area. Members were reminded that the applicant had to demonstrate that the benefits of the development to which weight could be assigned such that the harm of the proposed development in Green Belt and other terms was clearly outweighed and therefore very special circumstances applied, in accordance with the NPPF. Officers had acknowledged that the application would cause some harm to the openness of the green belt in this location.

The Senior Project Officer summarised the eastern crossing proposals and set out the proposed junctions and the realignment of Eastwick Road. She said that the eastern start crossing would cause some harm to the openness of the green belt and would also conflict with the purpose of the green belt in terms of

safeguarding the countryside from encroachment.

Members were reminded that, in accordance with the NPPF, the application should demonstrate that matters to which positive weight could be assigned existed that clearly outweighed the harm to the green belt and therefore that very special circumstances applied. The application was to provide new essential transport infrastructure to enable and encourage sustainable transport movements between the new and existing Gilston area communities to key destinations in Harlow as part of a wider sustainable transport network and to facilitate the creation of sustainable transport corridors within Harlow.

The Senior Project Officer said that the application for the eastern stort crossing enabled the delivery of 10,000 homes in the Gilston area, which was the single largest allocation in the East Herts District Plan, and development across the wider Harlow and Gilston Garden Town (HGGT). She said that these factors combined enabled Officers to conclude that very special circumstances applied in this case.

Members were given a detailed summary of the village one all modes access as well as the detail for the access to Terlins Park. The Senior Project Officer said the existing alignment of the Eastwick Road would be retained and would become a lane that just served Terlins Park homes and the northern part of Burnt Mill Lane.

Members were advised that new road one was located away from Terlins Park and was separated by a

landscaping buffer providing visual screening and a significant improvement to properties in terms of noise and disturbance. The existing Eastwick Road was narrowed with a new segregated pedestrian and cycle lane installed along its length providing links to Burnt Mill Lane or towards the A414 Fifth Avenue Eastwick junction.

Members were advised that the view from the entrance to Terlings Park would change and Officers considered this change to be acceptable as the screening mitigated the impact of the new road in terms of noise and visual impact.

The Senior Project Officer detailed the location of two existing public rights of way and the new road bridge over Fiddlers Brook. She also set out the other planned footpath links within the valley and over the eastern stort crossing junction.

Members were provided with a summary of the proposed landscaping works around the junction as well as the proposed noise attenuation structures for Terlings Park. The Senior Project Officer commented in detail in respect of the design of the Fiddlers Brook bridge, public rights of way, heritage impact and noise attenuation as well as the accesses between Terlings Park and Pye Corner for cyclists and pedestrians.

The Senior Project Officer set out the impacts of the eastern stort crossing on the setting of the listed Fiddlers Cottage and the listed Fiddlers Brook Bridge. She commented on the preservation of the viable use of the footbridge as well as the proposed public realm

improvements northwards of the footbridge, which served to restore the physical connection between the two listed buildings.

Members were advised that, in policy terms, the provision of a 10,800 square metre area of land was a suitable alternative accessible natural green space for the purposes of general recreation. The Senior Project Officer spoke about tree planting and landscaping and commented at length about the DEFRA three metric in terms of biodiversity net gain. She referred to the importance of compensatory land associated with both of the crossing proposal applications. Members were advised that it was more effective in ecological terms to have one larger area of contiguous habitat mosaic than pockets of improvements.

Members were advised that condition thirty five met the tests set out in planning practice guidance in terms of the ecological compensation area. The Senior Project Officer explained that the loss of habitat for ground nesting birds was sufficiently mitigated by the proposed habitat enhancements. She referred in detail to the conditions in respect of securing and managing the newly created habitat in the longer term.

Members were provided with estimations of trees and landscaping that would be lost and retained as detailed in the arboricultural impact assessment and the landscaping strategy. The Senior Project Officer said that low noise road surfacing was proposed and a majority of properties would see a reduction in noise. She explained that the properties at the entrance to Terlings Park would experience an increase in noise

that could not be fully mitigated.

At this point in the meeting, 9:50 pm, Councillor Deering proposed and Councillor Page seconded, a motion that the meeting would continue beyond 10 pm and until application 3/19/1051/FUL had been determined.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the meeting continue beyond 10 pm and until application 3/19/1051/FUL had been determined.

Members were provided with a detailed summary of roads one and two of the eastern stort crossing. The Senior Project Officer said that a new signal controlled junction with bus lanes north and southbound was proposed to create greater priority to sustainable modes of transport at the Village Two access.

Members were advised that pedestrians and cyclists would still be able to access Pye Corner from the north east and vehicles would bypass Pye Corner via roads one and two. The Senior Project Officer spoke about road three and provided details of proposed culverted embankments and new planting. She referred in detail to some pictures of culverted embankments that Officers had located online.

The Senior Project Officer spoke in detail about the proposed works regarding road three and the impact of the application on Latton Island. Members were

advised that the impact on the amenity of residential properties near the tow path would be negligible.

Members were advised that a separate application would be submitted to Harlow Council for the provision of a temporary pedestrian and cycle bridge over the railway line required during the demolition and construction of the existing structure as this involved land outside of this application site and wholly within the Harlow District Council area.

The Senior Project Officer said that a pedestrian and cycle way was proposed along the western side of road three which led to the Edinburgh Way roundabout. The applicant proposed a scheme of improvement works to this junction which would be secured as a condition on this application and delivered through a Section 278 agreement with Essex County Council.

The Senior Project Officer said that the applicant proposed to replace bridge decks and balustrades of two crossings over the Stort navigation which connected the river footpath and canal tow path to the Mead Park industrial estate in Harlow to the south.

Members were advised that the proposed development was considered to be acceptable subject to the conditions and reasons detailed in the report and the application was compliant with the development plan and was also in compliance with the NPPF and other material planning considerations.

Mr Joyce, Mrs Gregory, Mrs Elliot and Mr Ford addressed the Committee in objection to the

application. Mr Bheenick spoke for the application. Councillor Mark Orson, Chairman of Eastwick and Gilston Parish Councillor, addressed the Committee on behalf of the Parish Council. Councillor Eric Buckmaster addressed the Committee as the local ward Member.

The Senior Project Officer said that Members had sufficient information in the environmental statement regarding the impact of the application in respect of construction and operational impacts. She said that viability assessments would be considered in due course by Members as part of the outline applications and these applications and viability assessments would be subject to consultation.

Members were advised that the environmental impact assessment had been presented in a single project approach covering the two crossing applications and the village one to six outline application. The Senior Project Officer said that the habitat assessment had been undertaken in the same way. Officers were satisfied that there were no likely significant effects resulting from construction or operational effects aside from those detailed in the report.

Members were advised that section 13.7 of the report and the heritage statement in the application had provided a detailed and comprehensive assessment of the heritage impacts and these impacts had been addressed. The Senior Project Officer said that the safeguards for the culverts were designed to accommodate mammals but prevent inappropriate access.

Members were advised that there were safeguards in place in the conditions in respect of the metrics that were being applied to the crossing applications. The Senior Project Officer explained the scope of coverage of the metric calculators. She said that the ecological mitigation strategy was such that the conditions required that there be further reassessment and replacement of any element of mitigation infrastructure that was not thriving over a 30 year period.

The Committee was advised that the loss of mature trees was accounted for within the metric and that more than double the number of immature and semi-mature trees were to be planted across the scheme. The Senior Project Officer addressed the matter of construction management conditions and enabling works. She said that enabling works were excluded and there were safeguarding conditions governing site clearance and demolition not being permitted without general management and waste management and mitigation strategies being in place.

The Senior Project Officer said that the worst case scenario had been assessed in the environmental statement with regard to the ecological impact, as the applicant had not been permitted access to parts of the site by the landowner. She said that detailed and conservative surveys had been undertaken by experienced experts and this work would be validated at a future date as required by the conditions.

Members were advised that Officers had

acknowledged that there would be some loss of amenity land and an impact in terms of noise for some of the properties at Terlings Park. The Senior Project Officer said that Officers had no reason to believe that the village applications would not come forward.

The Senior Project Officer advised that there had been a long history of options considered in the local plan making process and Members must consider the applications that were before them. She said that the overall benefits of the applications outweighed the heritage impacts.

Members were advised that the flood impact was calculated and a contingency of 30 percent was added. The Committee was advised of the attenuation strategy and modelling that had been accepted by the lead local flood authority. The Senior Project Officer said that this matter would be validated at the detailed engineering design stage.

The Senior Project Officer said that the visual impact of the culverts had been acknowledged in the report. She emphasised that the culverts would not be visible once planting had become established into a natural embankment. She said that noise, environmental and visual impacts during construction had all been assessed in a full and comprehensive manner.

Mr Flowerday, Hertfordshire Highways, referred to transport modelling and the identified need for additional crossings during the local plan processes. He said that the crossings should be treated as a package of infrastructure as they created additional

global capacity to accommodate trips. He referred to constraints of the A414, the new junction 7a on the M11 and the rebalancing of the usage wider area transport network. He said that Members had been presented with a balanced solution that was the right solution to achieve the right level of vehicle capacity but equally achieve the right amount of sustainable transport.

Mr Flowerday said that there would be a change in level of 2 metres across the whole length of the bridge structure. He explained that the height of the bridge to the deck was 7 metres and the height above the River Stort was 5.5 metres. He said that in terms of managing impacts off-site, Officers had devised an approach that had considered impacts in Sawbridgeworth and contributions which would be sought as part of these developments would also take this approach to expand further improvements in Sawbridgeworth.

Mr Wilkinson, Essex County Highways, said that there was a requirement for new highway infrastructure in the local plan. He mentioned the central stort crossing and the main sustainable transport corridor. He said that the challenge had been to create the sustainable capacity via the central stort crossing and this application. He concluded that the provision of eastern stort crossing did not undermine the Transport Strategy.

The Senior Project Officer explained that the ecological survey covered the scope and potential for Otters as there was a wetland environment and soft banks. She

said that a number of surveys had not found any evidence of Otters.

Councillor Page asked for some further explanation with regard to transport impacts at Sawbridgeworth and developer contributions. Councillor Devonshire asked about the species specific impact surveys and the conditions. He also asked about the impact on Gilston village, High Wych and Pye Corner during the construction period of roads one and two.

Mr Flowerday commented on signalised junction solutions and said that the highway mitigation approach that had been taken was focussed on the place rather than catering for people driving through Sawbridgeworth. He referred to unfettered demand and said that strategic traffic should be using than M11. He said the infrastructure created a benefit for Pye Corner as it in effect introduced a bypass and advised that the impact on High Wych was not so great as to require mitigation. He confirmed that a balance had been struck by creating a blended solution to address the cumulative impact of the crossing applications.

The Garden Town Leader Officer said the plans submitted were appropriate and acceptable for Members to determine the application. The Senior Project Officer said that the species specific surveys would not need to be a full suite of surveys depending on what part of the environment was affected, which species were being assessed and when the last surveys were undertaken.

Mr Flowerday addressed a number of questions from the Committee in terms of junction capacity, sustainable travel corridors and encouraging modal shift by presenting motorists with options and opportunities for sustainable travel.

The Senior Project Officer said that the Landscape Officer had asked for more planting and this would be covered by the landscape strategy management and maintenance plan under condition 32.

Councillor Kemp commented at length about transport modelling, the necessity and impact of the central and eastern stort crossings and possible alternatives. He mentioned noise mitigation and possible speed restrictions to reduce the impact of visual and noise impacts.

The Senior Project Officer said that a noise barrier on the northern side of the road would increase the noise impact on Terlings Park due to a change in land levels and the deflection.

The Principle Associate for Weightmans said that the points missed by Councillor Devonshire, where he had been absent from the meeting for a short period, were not significant and it would be improper to suggest that he could not continue to serve on the Committee at the meeting. In any event, the Senior Project Officer recapped on the points she had made in respect of a phased approach to habitat assessments and conditions covering a phased approach to changes to flora and fauna and mitigation.

The Principle Associate for Weightmans spoke about very special circumstances and benefits that clearly outweighed green belt harm. She addressed the matter of the benefits and harm and the weight that had been given to these points. She said that Officers had acknowledged that the development of both schemes was inappropriate development and they had also acknowledged the impact on openness and the need to safeguard against encroachment. She mentioned a number of other harms that had been identified and acknowledged.

Members were advised that Officers had given very substantial weight to the identified harms and had concluded that they were clearly outweighed by the very substantial benefits that were detailed in the report. She confirmed the requirements of the proposed condition four, in that until outline planning permission was granted, the crossings would not progress beyond enabling works. The Principle Associate said that by that point there would also be a Section 106 agreement in place. This condition could give a degree of comfort to Members. She said that all relevant drawings had been incorporated in to the planning permission and there was no impediment to determining the applications in terms of Members having sufficient detail to reach a decision.

The Principle Associate said that condition 40 could be amended on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further

material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works.

Members were advised that a further amendment could be made to condition 40 that a method statement and phasing of any restoration of works would be required. The Principle Associate suggested that this further amendment be made to the recommendation.

Councillor Bull proposed and Councillor Page seconded, a motion that, in respect of application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of this report and with delegated authority being given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of the respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any substantive additions or changes to conditions post Development Management Committees are necessary, the matter would be referred back to them. If the Committee resolved to grant planning permission pursuant to recommendation 1, and Harlow District Council decides to defer determination or to consider amendments to the planning application for the part of the Eastern Stort Crossing development in its area, then the Decision Notice will not be released for a minimum period of four weeks, pending progress with

the determination of the associated planning application by Harlow District Council.

The recommendation included the amendment to condition 40 on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works and that a further amendment could be made to condition 40 that a method statement and phasing of any restoration of works would be required.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) in respect of application 3/19/1051/FUL, planning permission be granted subject to the conditions and the reasons set out at the end of this report and with delegated authority being given to the Head of Planning and Building Control at East Herts Council, in consultation with the Director of Strategic Growth and Regeneration at Harlow District Council and with the Chairs of the respective Development Management Committees, to finalise the detail of the conditions attached to their respective planning permissions. If any substantive additions or changes to conditions post Development Management Committees are necessary, the matter would be referred

back to them.

(B) If the Committee resolved to grant planning permission pursuant to recommendation 1, and Harlow District Council decides to defer determination or to consider amendments to the planning application for the part of the Eastern Stort Crossing development in its area, then the Decision Notice will not be released for a minimum period of four weeks, pending progress with the determination of the associated planning application by Harlow District Council.

(C) condition 40 be amended on the basis that if at any period within 21 months of the date of this permission any enabling works had been carried out and planning permission had not been granted for the outline planning application EHDC Ref 3/19/1045/OUT, no further material operation shall be carried out on the application site except for restoration works in full accordance with the approved Land Restoration Scheme of Works.

(D) a further amendment be made to condition 40 that a method statement and phasing of any restoration of works would be required.

355 3/19/1049/LBC - REPAIR WORKS AND REPLACEMENT
WHITE POST AND 3-RAIL BALUSTRADE TO BRIDGE AT LAND
TO THE SOUTH AND EAST OF GILSTON VILLAGE AND
NORTH OF RIVER STORT HERTFORDSHIRE/HARLOW

The meeting concluded at 00:19 and this application (3/19/1049/LBC) would now be adjourned and determined at the 2 March 2022 meeting of the Development Management Committee, in line with the rules set out in the Council's constitution.

The meeting closed at 0:19 am

Chairman
Date