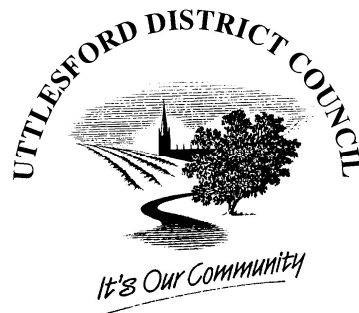


UTTLESFORD DISTRICT COUNCIL

SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED AT THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE

12 JANUARY 2011 at 2pm



N.B.

1. Any representations received after the compilation of this schedule and prior to the meeting will be either indicated on the Supplementary List of Representations or reported at the meeting. Full copies of all representations on every application listed in this schedule are available for inspection from 8.30 am on the Wednesday before the meeting, or at any other time with prior arrangement, at the Council Offices in Saffron Walden (Telephone no: 01799 510467 or 510369).
2. The public will be allowed to speak at these meetings. An explanatory leaflet has been prepared which details this procedure and is available from the Council Offices at Saffron Walden (Telephone no: 01799 510369).
3. Decisions made by Members are published on our website www.uttlesford.gov.uk from 10am on the day following a meeting.

Schedule:

PAGE	PARISH	APPLICATION NUMBER
1	FELSTED	UTT/2067/10/FUL
12	THAXTED	UTT/1709/10/FUL

With regard to the suffix shown on planning application numbers, the following indicates the type of application involved.

<u>Suffix</u>	<u>Type of Application</u>
FUL	Fully Detailed
DFO	Details following outline permission
OP	Outline
LB	Listed Building
CA	Conservation Area
AV	Advertisement
DC	District Council
CC	County Council Consultation
SA	Stansted Airport
CLE	Certificate of Lawful Use or Development existing
CLP	Certificate of Lawful Use or Development proposed
AD	Alternative Development
GD	Government Department Consultation
OHL	Overhead Power Lines
REN	Renewal of permission

The Development Plan comprises the Essex Replacement Structure Plan (ERSP) and the Uttlesford Local Plan (ULP).

Reference to both is made in the reports by use of these abbreviations

UTT/2067/10/FUL - FELSTED

(Referred at the request of Cllr Bellingham-Smith. Reason:)

Extension to church

Location: Church of Holy Cross Station Road. GR/TL 676-203

Applicant: Mr S Card Felsted PCC

Agent: Freeland Rees Roberts

Case Officer: Ms K Hollitt 01799 510495

Expiry Date: 31/12/2010

Classification: MINOR

NOTATION: Outside Development Limits/Within Conservation Area/Grade I Listed Building.

DESCRIPTION OF SITE: The application relates to a Grade I Listed church of mainly flint and rubble construction with some brick and tile, and stone dressings. The application site is located in a backland position with listed buildings to the south forming a barrier between the highway and the application site. To the north and east the site is open and is characterised by two avenues of trees. To the west of the site is a car park and a range of more modern buildings. A public footpath runs along the western side of the site.

The site has a relatively rural setting due to the presence of mature planting within the boundaries of the site. The eastern and a large section of the western part of the site are dominated by the lime tree avenues. Along the northern boundary are further mature trees forming a sense of enclosure around the graveyard and the general setting of the church as a whole. The setting of the southern church elevation is an intimate enclosure due to the presence of the listed buildings to the highway frontage and this contrasts greatly to the setting of the northern elevation.

DESCRIPTION OF PROPOSAL: The proposal relates to the erection of a single storey extension (594sqm) to the northern elevation of the church. The proposed extension would be a large rectangular structure with cedar boarding, a clay plain tile roof, and large areas of glazing, particularly to the northern elevation. The extension would be linked to the church by a glazed link with a metal frame construction. The extension would provide an office, kitchen, store and toilets. In addition there would be a floor area of 7.5m by 9.3m which would be used as meeting rooms, either as a large room or as up to 3 smaller rooms utilising the sliding partition system proposed.

It is also proposed to construct a new parking area adjacent to the southern elevation of the church to provide 3 parking spaces and 4 bike hoops (8 spaces). A further 6 hoops are proposed outside the extension.

Listed Building Consent is not required in this instance as the Church and other demoninations has its own "listed building consent procedures" and therefore has been granted ecclesiastical exemption by statut.

APPLICANT'S CASE including Design & Access statement:

Design and Access Statement: Available in full on the application file. Sets the context of the proposal including details of current use of the church and how the church struggles to meet the community's needs. Discusses several other options that have been explored. Details the internal alterations proposed to the church (not part of this application). The design principles have been subservience to the main church, legibility, the glazed link ensures the new facilities are connected to the church, a respect of the architectural heritage and accessibility. Discusses the design approach and negotiations with English Heritage and other stakeholders. Discusses accessibility, sustainability, landscape, transport and parking.

Planning Statement: Available in full on application file.

Discusses planning policy context of proposals. Concludes the proposal is entirely in accordance with development plan policy and national guidance in relation to the provision of community facilities and creating sustainable communities. It provides a meeting space capable of offering accommodation for a wide variety of community activities. It is purpose built and can therefore offer modern inclusive facilities rather than as is so often the case community groups having to make the best of sub-standard accommodation. It benefits from being in the centre of Felsted and is therefore in one of the most accessible locations for the town and surrounding area. It will undoubtedly be a significant resource for the church and wider community.

Statements of Significance and Need: Available in full on application file.

The population of Felsted has grown from 2000 in the 2001 census to an approximate 4000 with the building of 800 new homes on the outskirts of the village. There are currently 159 names on the Parish Electoral roll. Sunday services average between 30-90 attendees and Holy Communion and Saturday prayers average between 5-10 attendees. Special services such as baptisms or those associated with the school, can range from 70 to 300 attendees. Current difficulties in meeting the need (not including the internal alterations to the church) mean a need for parish rooms for facilities for creche, church and youth work, spiritual direction, administrative functions, meeting rooms, community outreach, church meals, cafe style area for youth and social gatherings and toilet facilities, including disabled access. Current needs are met by other buildings in the village (Memorial Hall and on occasions the United Reformed Church parish rooms). Proposed extension will impact the view of the church from the west, but with the relocation of the boilers this could lead to an overall improvement in the eye line. We are confident that the north side extension will harmonise and be in sympathy with our church and draw the eye to the church tower.

Heritage Statement: Available in full on application file.

Discusses the policy context of the proposals including PPS5 and the accompanying Practice Guide and English Heritage publications *New Work in Historic Places of Worship* and *Conservation Principles Policies and Guidance*. Details the history of the church and the fact that it is considered the Church is of very high significance in terms of evidential value, historical value, communal value, contribution to the character and appearance of the conservation area and a high significance in terms of aesthetic value. The setting of the church from the south has been assessed as of a very high significance, a high significance from the west and a moderate significance from the north and east. The south and west elevations are rated as having a very high significance and the north and east a high significance. The proposed extension will not hide the lower parts of the tower or the

Norman doorway nor reduce the dramatic impact of the tower as it will be located in the background where it is heavily screened by the line of mature trees. The timber cladding material of the walls will sit comfortably with the trees and appear entirely subservient to the masonry of the church. It is also a modern interpretation of the weatherboard found on numerous buildings in the area. The location and form of the proposed extension have been purposely considered so as to appear entirely subservient to the original building and not diminish its townscape contribution, its value as part of the group of historic buildings at the heart of Felsted or the key elements of the church's setting. It is recognised that English Heritage guidance favours more organic extensions of churches. However, the form of the north aisle means it is difficult to envisage how this could be built off successfully. The new extension will be attached to the church by a lightweight, virtually flat roofed linking block. This means that the amount of fabric to be disturbed will be limited to the alteration of the C19 NW window and removal of a relatively limited amount of restored C14 fabric from beneath the sill. This fabric is of lesser importance than the majority of the other fabric within the building and the vast majority of similar C14 fabric will be retained. It is accepted that there will be a significant impact on the setting of the church from the north and on the significance of the north elevation of the church. There will similarly be some impact on the east elevation and setting and a minor impact on the west. It is also accepted that a free-standing building would have no impact on the physical fabric of the church, whereas what is proposed will entail the removal of a limited amount of mostly C19 fabric. When balancing the impact of the site favoured for a free-standing building against that of the attached extension proposed, it is argued that the damage to the views and setting of the highly significant west elevation and the setting of the south, is greater than the impact on the less significant elements to the north and east and the limited amount of mostly C19 fabric to be removed as part of this proposal. The proposed extension will make the building more accessible to more members of the community which will itself increase enjoyment of the heritage asset.

Tree Survey: Available in full on the application file.

The design will require specialised foundations and protective fencing must be erected prior to construction. Three trees will require limited crown lifting, and may require precautionary root pruning in order to allow the development to proceed. The siting of the proposed new facilities dictates that no trees require felling in order to achieve the desired layout. Although the trees are sited in close proximity to the structure and as such will cast an element of shade, this primarily occurs (as a tree related issue) during the later hours of the day. Furthermore, this is not considered a significant issue given the non-domestic use/habitation purposes of the building. It will be necessary to undertake crown lifting on a cyclical basis in order to maintain appropriate clearance.

Archaeological Evaluation: Available in full on the application file.

Archaeological evaluation revealed ten grave cuts, aligned east-west, with one in Trench 1 and the remaining 9 in Trench 2. All continued below the 700mm excavation depth limit and so were not excavated. As the cuts were visible in the post-medieval/modern layers L1001 and L1027 the graves are of post-medieval date or later. One, F1022, appeared to have the remains of a modern headstone (M1007) still in place at its western end. The base of Wall M1002 of the church northern aisle (early 14th century) was revealed. It was built directly on to the natural deposits (L1004) at a depth of only 0.40m.

Ecological Assessment: Available in full on the application file.

Several lime trees in the vicinity of the proposed extension location have bat roost potential. Any works to these trees should be preceded by an inspection of potential bat roost features by a licensed bat ecologist. The church is used by at least three species of bat. A Serotine roost was confirmed and roosts of Brown Long-eared bat and pipistrelles are likely. No bat roosts have been found within the vicinity of the proposed extension. Any works excavations left open overnight should either be covered or furnished with planks of wood to allow any badgers that might fall into them to effect their escape. Badgers are not evident on the site in terms of setts but may be found in the area generally. Any ground works should be preceded by a careful search of the ground for reptiles and amphibians. If any are found, they should be moved carefully out of harm's way within the cemetery. Any works to trees should either be carried out outside the main nesting period (March-August inclusive) or be preceded by an inspection for active nests. If active nests are found, the works will have to be delayed until any young have fledged.

RELEVANT HISTORY: UTT/0269/74/CA – new vehicular access approved July 1974.

CONSULTATIONS: English Heritage: Consistently advised the parish that we did not think the extension of the church on the scale proposed appropriate in principle. Proposed extension would be a substantial structure in its own right, as large as or larger in plan than the church's aisles or than the south chapel. Its scale is such that it would be difficult to have designed it other than as something that in architectural terms appears as a building in its own right, albeit one joined to the church by a link. The building would not, therefore, seem a natural development from the church in the manner described in our guidance. To set a large new building against the church would radically subvert the historic character of the church and this would be compounded by the nature of the church's setting. The church's relationship with the churchyard and its surroundings is particularly attractive. The contrast between the character of the churchyard to the south and north of the church adds to the beauty of the whole. To place a substantial and incongruous addition to the church projecting northwards in to the northern churchyard, in a position in which it would obscure views of the northern avenue from the eastern part of the churchyard, would severely harm the setting of the church. The parish's view that any ancillary facilities must be attached to the church is not one that English Heritage accepts. There is no compelling necessity to attach the proposed facilities to the church. English Heritage considers that the proposed extension would damage the architectural and historic character of the church, the character of the churchyard and therefore that of the village as a whole. We recommend that planning permission be refused.

Ancient Monuments Society: The architects have responded to the brief for an attached building with great skill. We like the use of self effacing materials and the maintenance of the avenue of trees as a screen. However any extension set at a right angle to the church will be visually discordant and run counter to the traditional method of providing extra accommodation at medieval churches like Felsted, which was by building along the longitudinal axis, mostly adding an aisle. Larger cruciform churches do have lateral wings in the form of transepts but Felsted as a village church would never have displayed such architectural grandeur and in any case transepts are meant to straddle a crossing and to be constructed in pairs. We commend the views of English Heritage in this case.

Environmental Services: No concerns over past use of this site.

Archaeology: Recommends archaeological monitoring condition.

Landscaping Advice: Verbal comments – measures proposed are acceptable.

PARISH COUNCIL COMMENTS: The Parish Council has always supported this application, and agrees with paragraph 8.19 of the Heritage Assessment that the revised plan is thoroughly acceptable combination of utility, conservation and public benefit.

REPRESENTATIONS: This application has been advertised and 4 representations have been received. Period expired 9 December 2010.

Support. Felsted School is integral to the village and intimately connected with the work of the church and the new extension would become an excellent community facility. The needs of the village would be met by this new extension, particularly as it is centrally placed within the village and the school community.

Support. Believe that the planning process should distinguish between trying to preserve an old building and the desire of a congregation to continue worshipping with modern facilities whilst preserving the structure of an old building.

Support. As Headteacher of Felsted Primary School these alterations will enable us to use the church for services and celebrations for the whole school. At the moment we are unable to do this as there is not enough room to fit everyone into the church who wishes to take part. The alterations will address these issues and enable us to use the church on a greater number of occasions throughout the year.

Felsted WI have been using the Riche Chapel on a regular basis but find the space really limited. It would be more beneficial to us to have another area in the Church other than the Chapel and we therefore support the proposed extension.

COMMENTS ON REPRESENTATIONS: The comments from Felsted Primary School are noted but it would appear that these would relate more to the internal alterations that are not part of this application.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are

- 1) **the principle of development is acceptable in this location (ULP Policies S7, LC3, PPS1, PPS7);**
- 2) **the design proposal of the proposal would be acceptable in this location, particularly in terms of the impact on the character and setting of the listed building or conservation area (ULP Policies GEN2, ENV1, ENV2, PPS1, PPS5);**
- 3) **the proposal would have an impact on important open spaces/trees or biodiversity (ULP Policies ENV3, GEN7, PPS9);**
- 4) **the proposal would be accessible to all (ULP Policies GEN2, LC2);**
- 5) **the proposal would provide adequate parking facilities and have suitable access (ULP Policies GEN8, GEN1) and**
- 6) **any other material planning considerations.**

1) The site is located outside the development limits where there is a policy presumption against development and a desire to protect the countryside for its own sake and planning

permission will only be granted for development that needs to take place there. This needs to be weighed against a positive policy approach in relation to the provision of community facilities where the need for the facility can be demonstrated and the site is well related to a settlement. Further balance would need to be made in this instance in terms of impact on the character and setting of the listed building and the conservation area. This issue will be discussed below in section 2.

PPS1 sets as a general principle the requirement to protect and enhance the natural and historic environment, the quality and character of the countryside, and existing communities. This must be balanced against providing suitable land for development, inter alia, for social objectives to improve peoples quality of life.

Paragraph 1(ii) of PPS7 states that good quality, carefully sited accessible developments within existing towns and villages should be allowed where it benefits the local community, maintains or enhances the local environment; and does not conflict with other planning policies. Paragraph 1(vi) states that all development should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Paragraph 6(v) of PPS7 supports the provision of small-scale local facilities to meet community needs which should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

Paragraph 7 of PPS7 states that planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities. However, paragraph 12 states that development should respect, and where possible enhance, the particular qualities of the historic and architectural value of its setting.

Overall there is a positive policy emphasis towards good quality designed development for community facilities even when located within the countryside. In this particular instance the applicant has demonstrated that there is a need to provide the additional facilities due to issues with current practices, such as moving Sunday School children to a different building. The church is used on a regular basis by Felsted School and Felsted Primary School who struggle to provide the facilities they require for their services. The location of the proposed extension is well related to the existing settlement as the church is located just outside the development limits. In rural location terms it is fairly accessible by other means than the private car, such as walking, cycling and by a limited bus service. Therefore it is considered that the principle of providing a well-designed structure to provide additional community facilities in this location is acceptable in policy terms.

2) ULP Policy GEN2 requires development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings and for development proposals to safeguard important environmental features in its setting. This is vitally important when the context of the development is within the setting of a Grade I listed building and a conservation area. ULP Policies ENV1 and ENV2 seek to protect the character and setting of conservation areas and listed buildings.

Paragraph 5 of PPS1 encourages high quality development through good and inclusive design. Paragraph 34 states that design which is inappropriate in its context should not be

accepted. HE7.2 of PPS5 states that when considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals. Paragraph HE7.5 states that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

Policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Policy HE9.2 sets out the tests to be considered and states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
- (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and
(b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
(c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
(d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

In this particular instance only sections (i) and (ii)(d) are relevant to the consideration of this application.

Policy HE10.1 of PPS5 states that When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

The proposed extension would be attached to the northern wall of a Grade I listed building. The building is predominantly of flint and rubble construction and the proposed extension would be clad with cedar cladding and have large elements of glazing. This would be adjacent to an avenue of lime trees located to the north west of the church, and towards the mature trees located to the north of the church. The constraints of the site result in a requirement to adopt special foundations for the proposal, which will be discussed in more detail below. The use of cladding and glazing together with the glazed link gives the perception of a separate modern building within the curtilage of the church. This would not appear as a natural development from the church but would appear as an incongruous feature having a detrimental impact on the setting of the listed building and the conservation area.

The proposed extension would be constructed on an area where there is no obvious presence of graves or any other structures or trees. However, it would extend into an area currently partially covered by the canopies of two of the lime trees. The extension, which measures 21m from the northern elevation of the church and would have a span of 9.1m would dominate this area of open space to the north of the church and reduce the feeling of spaciousness to the northern side of the building. The perception of spaciousness would not be apparent when viewing the church and extension from the west. The extension would block the views of one of the lime tree avenues when viewing the site from the east or the west. When viewed from the east the extension would result in a bulk of built form which would detract from the openness of the northern elevation of the church. There would be approximately 600mm between the eastern elevation of the extension and the nearest graves and tombs which would exacerbate the perception of the large scale of the proposal.

The harm to the character and setting of the listed building and conservation area identified needs to be weighed up against the public benefits of improving the usability of the historic asset. It is an area of common ground between English Heritage and the applicant that there is insufficient space within the church to continue the present scale of services while also accommodating ancillary functions. However, there is disagreement as to which approach to resolving this issue is the most appropriate. English Heritage is of the view that a detached building to the west of the church would be more appropriate, particularly as this would provide a sense of enclosure and would reflect the historic setting of the church, as demonstrated by C19 Ordnance Survey maps. However, the parish's view is that a detached building would result in more harm to the setting of the church by obscuring the western elevation. They also consider that any ancillary facilities must be attached to the church. English Heritage considers that there is no compelling necessity to attach the proposed facilities to the church, a view that is supported by the Ancient Monuments Society.

It is clear to officers that the proposed extension would have a detrimental impact on the character and setting of the listed church and the conservation area, a view supported by English Heritage and the Ancient Monuments Society.

The proposal also incorporates the construction of a small parking area adjacent to the southern elevation of the church. There is very little mention of this element of the proposal within the application as a whole and this is an issue that has not been commented on by English Heritage. However, English Heritage has made reference to the relationship between the church and the adjacent medieval guildhall to the south. The guildhall screens the greater part of the church from the street and it only when passing through the archway into the churchyard that the church can be appreciated. The relationship between the church and the guildhall provides an intimate setting to the southern elevation which is defined by the pathway passing between the two historic buildings. The creation of a car park in this location would have a detrimental impact on the setting of both the church and the adjacent guildhall, both Grade I listed buildings. This in turn would result in a detrimental impact on the character and setting of the conservation area.

Overall it is considered that the proposals would have a detrimental impact on the character and setting of listed buildings and the conservation area. The desire of the parish to have ancillary facilities within a building attached to the church is noted but it is not considered that this outweighs the detriment that would arise from the proposed extension or the car parking area.

3) ULP Policy GEN3 seeks to protect traditional open spaces and groups of trees. The lime walk located within the churchyard is a prominent feature which forms an important part of the setting of the church and the conservation area. The proposed extension would be in very close proximity to the avenue of trees and crown lifting of three trees to 4 metres would be required to permit construction access and provide appropriate working space. The applicant considers that this would not be likely to have a significant adverse effect on the trees concerned. Specialised foundations would be required in order to construct the extension due to the presence of the trees. These may require limited root pruning to be undertaken to three trees which should not result in significant detriment to the trees. The area of root protection covers between a third and half of the footprint of the proposed extension.

During the construction phase the site would be constrained by the presence of trees, headstones and graves, all of which require protection. Therefore ground protection would be required in order to prevent compaction damage to the tree roots. This could be secured by condition. The constraints of the site would also limit the space available to provide a construction compound and any such provision would need to be agreed with the Arboricultural Officer. The construction of the extension would require very careful working practices within the vicinity of the trees to ensure no damage occurs either to the trees or their roots. Whilst a restraint on the proposed development, the arboricultural report demonstrates that it would be possible to carry out the development in a manner that would not impact on the trees. As such it is not considered that there would be sufficient grounds to refuse the application on the basis of impact on the avenue of lime trees.

A Preliminary Ecological Assessment has been submitted with the application. This followed a survey of the site carried out on 15 October 2010 and does not constitute a survey that establishes the presence or otherwise of protected species. The presence of bats within the church has been established but this proposal would not have an impact on the roosts within the building.

A habitat survey has been undertaken to establish the likely potential to support various protected species. No badger setts or evidence of the presence of badgers was recorded. The habitat was assessed as being unsuitable for dormice. However, the graveyard may provide suitable foraging habitat for great crested newts and other reptiles. The trees and bushes within the cemetery are likely to provide nesting habitat for breeding birds. Three lime trees were also assessed as having a moderate potential for use by roosting bats, those nearest to the footprint of the extension. These are the trees which would also require works to their roots and crown lifting.

The ecological survey states that it was designed to provide a preliminary assessment of the site's wildlife value and it was not designed to determine the definite presence or absence of such species. Therefore, additional survey work may be required for species for which the site was found to have potential. PPS9 makes the protection of biodiversity a material planning consideration. Paragraph 99 of Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances. In this instance the potential for the site to provide suitable habitat for protected species has been established. However, the potential impact of the development has not been established and there is insufficient

information before the local planning authority to determine the impact of the development. Therefore the application should be refused on that basis.

4) ULP Policy GEN2c) requires development proposals to meet the reasonable needs of all potential users. Policy LC2 requires all cultural facilities to provide inclusive access to all sections of the community, regardless of their disability, age or gender. Paragraphs 16 and 36 of PPS1 require accessibility for all members of the community to, inter alia, leisure and community facilities. In a different vein, paragraph 27(v) seeks to ensure that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas. The site is located within the centre of main part of Felsted village where accessibility by means other than the private car is possible, including access by a limited public transport service. The proposed extension has been designed to ensure adequate access for those with limited mobility to and from the church and within the building as a whole. The proposal is therefore acceptable in policy terms.

5) ULP Policy GEN8 requires development to have the appropriate car parking provision. Policy GEN1 seeks to ensure that access to the site does not, inter alia, compromise the road safety of pedestrians and cyclists. As has been stated above, it is proposed to provide 3 car parking spaces adjacent to the south elevation of the church. The application does not state how vehicles will access these spaces, but it is assumed that this would be via the footpath running between the church and the listed buildings to the south.

The parking provision for cultural facilities would be maximum parking standards. There is a car park adjacent to the church although this is for general public use and not restricted to users of the church. The provision of these car parking spaces would provide a more convenient mode of access for those with limited mobility. However, the proposed spaces do not comply with the current parking standards of 5.5m x 2.9m for general parking spaces or 6.5m x 3.9m for disabled spaces. The spaces are shown to be 4.8m x 2.4m and are shown to be 2 disabled spaces and 1 normal parking space. The two disabled spaces would be either side of the normal space and would have additional room to the side to enable easier access. There would be 5m between the end of the parking space and the listed buildings to the south. Therefore the proposals do not meet the current standards and it has not been demonstrated that there would be sufficient room to manoeuvre vehicles without detriment to the historic buildings. Furthermore, the provision of parking spaces in this location would increase the vehicular use of the pathway which would increase the potential dangers to pedestrians and cyclists. The proposals are therefore contrary to ULP Policies GEN1 and GEN8.

6) There are no other material planning considerations to outweigh the issues discussed above.

CONCLUSIONS: The local support for this application is noted and, as discussed above, the desire to provide additional facilities within an attached building has also been noted. However, these are not sufficient to outweigh the harm that would result from the proposals and the policy objections. Therefore the application should be refused.

RECOMMENDATION: REFUSAL REASONS

1. The proposed extension by virtue of its scale, form, layout, appearance and materials would represent an incongruous addition to the Grade I listed church, impinging on features within the conservation area which make an important contribution to the setting of the church. The proposals would result in a form of development that would have a detrimental impact on the character and setting of the listed building and the conservation area. The harm would not be outweighed by the public benefit that would arise from the proposals. The proposal is therefore contrary to ULP Policies ENV1, ENV2, GEN2 and guidance in PPS5: Planning for the Historic Environment.
2. The proposed parking spaces adjacent to the southern elevation of the church would detract from the intimate character of the setting of the church in this location. This would be detrimental to the character and setting of the listed church and adjacent listed buildings and also to the character and setting of the conservation area. Furthermore, the proposed spaces do not satisfy the current adopted parking standards and it has not been demonstrated that there would be sufficient space for vehicles to manoeuvre without compromising the safety of pedestrians and cyclists. The increased use of the footpath to provide access to these spaces would also increase the conflict between pedestrians and cyclists. The proposal is therefore contrary to ULP Policies ENV1, ENV2, GEN1 and GEN8.
3. The site has been assessed as having the potential to harbour a Protected Species of wildlife for which no survey mitigation and enhancement plan has been submitted. Development that would have a harmful effect upon wildlife or geological features is not permitted by Policy GEN7 of the Uttlesford Local Plan, and Planning Policy Statement 9 Biodiversity and Geological Conservation requires information on the status of protected species and the impact upon them of a proposed development to be submitted with a planning application, so that policy may be properly applied. In the absence of adequate information a decision, other than refusal, cannot be reached upon the submitted proposal.

Background papers: see application file.

UTT/1709/10/FUL – THAXTED

1) Construction of a farm based digester with a capacity of 1.063kw using maize feedstock.

Location: GR/TL 604-300

Applicant: Mr. James Fenwick, Hallwick Energy.

Agent: Jane R Orsborn Associates

Case Officer: *Tony Ewbanks*

Expiry Date: 17th January 2011

Classification: MAJOR

NOTATION: Outside development limits / adjacent Public Rights of Way / Historical Use – railway and sand/clay quarries / **possible contaminated land.**

DESCRIPTION OF SITE: The application site(s) consists of the coal yard associated with the former Station Works and part of Armigers farm holding both of which are located off the B1051 approximately 1km south west of Thaxted village. The coal yard site is a large concreted area which is current part of the aggregate business operating from the remainder of the Station Works site and used for storage of piled and bagged aggregates, equipment, debris and other materials. The metal frame of a Nissen type structure is located in the bottom (south west) corner of the site. Then site's north western (side) boundary is defined by a series of 1.8m high concrete panels which are used to stockpile loose aggregate materials against. The site's south eastern (side) boundary is open to adjoining fields which falls away southwards to the B1051.

The other part of the application site comprises a section of a larger agricultural land located between the coal yard, to the north east, and Armigers Farm to the south west. The area is accessed via an unmade agricultural access lane, the former railway line, linking Armigers Farm with the coal yard. The lane at locations close to the coal yard accommodates piles of earth and materials, predominately brick and natural timber. The lane is also bound on both sides by field boundary trees and hedging. The second site is relatively flat with land rising to the north and south. A fishing pond is located immediately to the west. The area's eastern boundary is defined by a mixture of hedging and tree species. Its southern and western boundaries are exposed to the adjoining field. The northern boundary abuts the lane and accommodates several sapling trees of various heights and condition

DESCRIPTION OF PROPOSAL: The application seeks planning permission for the erection of an anaerobic digester (AD) plant capable of producing 1,063kW of power with ancillary buildings, exhaust stack and maize feedstock storage clamps.

Starting from the north eastern corner of the coal yard site, next to the brick and metal former railway building currently used by the existing aggregate business, the application proposes installing a gas flare measuring 5.5m in height comprising of a burner head, fame control and windshield atop at thin metal pole supported by anchor wires sitting on a shallow concrete plinth. A control box and gas valve would be attached to the bottom of the pole. Adjoining the gas flare would be a cylindrical liquid residue storage tank measuring 10.6m in height with a diameter of 33.4m and the circular digester tank measuring 11.09m in height with a diameter of 30.4m. The liquid residue storage tank wouldl be topped with a conical roof whilst the digester tank would have a domed roof. Both structures would be finished in light grey corrugated sheeting and reinforced flexible polyester fabric. An access gantry approximately 5m above ground level would link both tanks. In the south western corner of the coal yard the application proposes locating the Technical Building comprising the Technical Building itself and attached open sided maize bunker (measuring 22.3m long by 17.2m wide by 6.4m high with an eaves height of 4m), a separate transformer housing (6m

wide by 2.4m deep by 2.3m high), cooling equipment, a 10m high exhaust stack and a hard surfaced turning area. The Technical Building and transformer housing would be finished with olive green profiled plastic coated steel with doors picked out in Moorland Green and grey composite roof panels. The silage clamps located on land adjacent to the fishing lake (some 300m to the south west of the coal yard) would comprise of concrete panel walls ranging in height from 4.4m to 5m and arranged into three separated areas. Area 1 would be 106m long by 35m wide, Area 2 will measure 40m long by 30m wide and Area 3 will measure 37m long by 30m wide. A small area of hardstanding incorporating the adjoining the farm track would be provided to the front (north) of the silage clamps.

APPLICANT'S CASE:

The Design and Access Statement - available in full on file.

Application site is off Elsenham Road approx. 3km south west of Thaxted and forms part of Armigers Farm a large arable holding with the main farm yard and buildings located to the south west. There are two parts to the application; the Station Works area where the proposed digester tanks, gas flare and Technical Building are to be located and a former sand quarry located some 300m to the south west where the silage clamps will be constructed. The Station Works area is concreted and sits next to Station House's lengthy rear garden and former timber ticket office, the sizeable red brick engine she, brick water tower, a weighbridge and tow office portacabins which occupy the front area and are used in associated with the aggregate business. The former quarry area is accessible via an agricultural lane which links the Station Works site with Armigers Farm. The area was backfilled 20 years ago and is not fit for arable use hence there will be no loss of productive land. The proposal has been laid out having regard to the constraints imposed by its shape and the need to allow continued vehicular access, landscape features and operational practicalities. Two points of access are possible, either from the track off the B1051 which serves Station Works and/or via the private track heading north from Armigers Farm yard. Both have acceptable junctions onto the B1051.

Anaerobic digestion (AD) is a process by which organic materials are broken down in the absence of oxygen. There are two principal products from the AD process – digestate which is an organic fertiliser and biogas. The farm based AD plant will use maize as its feed stock grown on part of Armiger's Farm and will be brought to the farmstead following harvesting (mid/late September) in same way as grain is currently handled. The maize will be stored in the silage clamps. The AD plant will use around 20,100 tonnes of maize per annum to produce a planned output of 1063kW. Maize is taken from the silage clamp daily by telescopic loader and fed into the solids feeder from where it enters the operations/Technical Building via an auger. The materials are processed, digested through sealed fermentation and the resulting biogas (mostly methane) used to drive an electrify generator supplying the National Grid via underground cables and a connection agreed with EDF Energy. The digestate residue is a valuable organic fertiliser and will be stored in the residue tank (which will have a 6 month supply capacity) prior to be spreading back onto the land. Heat is also collected through the Combined Heating and Power (CHP) unit's cooling system and used, in part, to regulate the Digester tank's temperature at a constant 38^o. The gas flare stack is required only as an emergency facility and during periods of maintenance. Because the fermentation process occurs within a sealed container there should be no odour emissions. The operational plant is sited about 40m to the rear of the nearest dwelling, Station House and at a slightly greater distance from the recently approved temporary agricultural worker's dwelling. Detailed landscaping proposals have been prepared. North eastern boundary of coal yard will be planted with an Oak tree belt mix. South east boundary will be planted with a Poplar tree belt mix. The scheme is designed to develop an appropriate setting for the proposal with species that blend with and reinforce existing patterns of vegetation.

Email from the Applicant dated 25th November 2010.

Thermal output of CHP is 1103kW which equates to total heat production of 8824 megawatt hours/year if engine runs for 90% of time. 30% of available heat to be used to regulate Digester Tank temperature. Remaining 70% may be used to heat Station House and possibly the new chicken unit built next door if required.

Planning Statement and Biogas/Renewables Supporting Legislation Statement – available in full on file.

Climate Change Act 2008 requires that by 2020 a 34% reduction at least in greenhouse gas emissions and by 80% reduction in carbon emissions (compared to 1990 levels) in carbon emissions under the UK Carbon Budget. The UK is committed to EU Renewable Energy Directive through its UK Renewable Energy Strategy (RES) and a target of 15% of its energy requirements being derived from renewable sources by 2020. There is very strong legislative and central government policy support for well sited and carefully designed renewable energy facilities as evidence in the terms of the coalition Government Agreement to promote a 'huge increase in energy from waste through anaerobic digestion'. The proposal accords with the guidance set out in PPS1, PPS4, PPS7, PPS22 and 'Planning for a Low Carbon Future in a Changing Climate - Consultation Draft. Detailed assessment reports on environmental impact, noise, traffic, sustainability, contaminated land, renewable energies, landscape and visual impact and protected species demonstrates proposal's limited impact and compliance with Local Plan policies S7, ENV3, ENV14, ENV5, GEN1, GEN4, GEN5 and GEN7.

Transport Statement – available in full on file.

Use of aggregate yard to remain but expected to reduce operation to around half of current capacity. Plant will use around 20,100 tonnes of crop per year. Crop maize will be brought to site during a two week harvest period (mid/late September), stored on site and used to feed the AD plant over the 12 month period. The bio-fertilizer output will be returned to the fields over a 6-8 week period (Spring/early Summer). Half will be grown on the Armigers Farm estate and brought via internal farm haul roads. Other half will access silage clamps via Station road and/or Armigers Farm accesses. Tractor payloads of 15 tonnes would result in around 670 loads or 45-65 loads (per day) of maize imported to the farm over the harvest period. Outbound movement of biofertiliser also around 10,050 tonnes external to the site would result in around 20-30 loads per day but which would not occur at the same time as the harvest. Outside the importing and exporting periods additional generated traffic will come from minimal staff movements (2-4 per day) and occasional service vehicles. Majority of day to day management will be undertaken by a farm hand already on site. The period of inactivity in traffic movements would constitute 10 months of the year. Proposal will remove movements to Armigers Farm of externally imported fertilisers and the exportation of dried maize crops by HGV. These are currently generating 142 articulated HGV loads or 284 movements per year. The existing aggregate business generates around 25 light goods vehicles and 6 HGV loads per day, a total of 62 movements. This will be reduced by around a half and will result in a significant reduction in annual HGV usage on the local road network.

Site access from Station Works site has generally good visibility and is wholly suitable for accommodating farm vehicles. The existing access to Armigers Farm is also well established with good visibility splays in both directions. Overall given no significant change in traffic flows are likely to occur improvements to the site accesses are not required.

Landscape and Visual Appraisal Report – available in full on file.

The methodology used to assess site and proposal follows current guidelines by the Landscape Institute and Institute of Environmental Assessment's 'Guidelines for Landscape and Visual Impact Assessment – Second edition 2002'. Site located within character area B8 – Thaxted Farmland Plateau. The main visual sensitivity is the open nature of the skyline of higher, more exposed upper plateau levels and the how is could be impact by new

development interrupting views across, to and from the plateau. Report notes the site was located on the valley side towards the edge of the plateau at circa. 90m AOD and as such views would be relatively less exposed than would be the case on higher plateau areas. Visual analysis concluded that only Station House to the north east of the proposal would experience significant views but which would be moderated in part by intervening poplar trees and impacts arising from the existing Station Works site/buildings. Potential views from other residential locations are hidden by landform and vegetation including those from Stanbrook to the east. The proposed silage clamps would be located in a narrow tributary valley and predominantly hidden by the intervening landform or dense/mature hedges. The most open views of the site and proposal are from the footpath to the north and north west and also from the B1051 and footpaths to the south east. In these locations, which are all within 420m from the site, there will be localised significant impact - moderate/high adverse effect in winter year 1. The addition of the proposed planting should reduce impact to moderate/slight by summer year 15 and subsequently considered acceptable in landscape terms. The top of the two tanks would be c. 102m AOD which is substantially below the 120m AOD height of the plateau areas to the west. While there may be a local affect on the skylines in closer proximity this is not seen to adversely affect the character area overall. The identified moderate / high impacts are relatively localised and can be effectively mitigated by the proposed planting to an acceptable level. Views from a greater distance occur from near Browns Wood, the edge of Thaxted and from across the Chelmer Valley however at these locations impacts are, at worse, moderate/slight and therefore not significant. From these locations the structures would be effectively accommodated in the wider agricultural landscape without visual harm to sensitive features listed in the B8 Local Character Area. Report concluded that there would not be an adverse visual impact arising from the proposed development.

Environmental Noise Assessment Report – available in full on file.

Methodology and assessment criteria from British Standard 4142 1997 'Method for rating industrial noise affecting mixed residential and industrial areas' agreed with Council's Environmental Services section. Rating Level is calculated by adding +5dB to a specific noise source. Guidance indicates that if the difference between Rating Level and background noise is +5dB it is considered to be of *marginal significance* and usually taken to be acceptable. A difference of +10dB or more indicates that *complaints are likely* and if more than -10dB below of more is a positive indication that *complaints are unlikely*. Background noises consist mainly of agricultural activity from existing operations and distant road traffic noise from B1051 to east. The Combined Heating and Power (CHP) unit is located in a sound proofed cabin within the CHP room of the Technical Building and should result in a rating level of '*complaints are unlikely*'. The CHP air management/cooling system is equipped with sound absorbers and would be completely screened by existing buildings and should experience a minimum noise reduction of 10dB resulting in an assessment of '*of marginal significance*'. The exhaust stack would be elevated above the proposed and will create a situation where '*complaints are likely*' however predicted internal noise levels would be considered '*good*' to '*reasonable*' and unlikely to cause sleep disturbance. Reduction height of exhaust stack by 2m or installing splitter attenuators or a cowl could reduce noise levels at the nearest sensitive receptor to '*of marginal significance*' or '*complaints unlikely*'. Recommends a post installation noise assessment to be conducted in order to evaluate noise levels and recommended further mitigation solutions if required.

Protected Species Reports – available in full on file.

(comprising Phase 1 Habitat Survey and Protected Species Assessment report, Interim Update report 8th September 2010 & Extended Phase 2 and European Protected Species Report October 2010).

Reptiles - Twenty visits carried out between 14th August and 10th October 2010 on application site(s). 4 adults and 13 juveniles of the Common Lizard recorded in area for silage clamps on the 13th September suggesting a low population. Recommends

methodology for capture, removal and relocation to suitable habitat outside the plan area identified during the Presence and Absence Survey.

Bats – Transect surveys carried out 27th September and 6th October 2010. Four species of bats found to be using the hedgerow along the track for commuting and feeding and the adjoining fishing lake for feeding. The area proposed for the silage clamps had no activity recorded over it.

Badgers – Six hole breeding sett and three hole subsidiary sett located in field immediately to north of are proposed for silage clamps (outside application site). Three single hole setts found in south eastern corner of site to be used for the silage clamps. The three setts are not linked to each other. Signs of foraging activity although appears not to be in use. Indications suggest development will not impact greatly on badger activity in area although the northern setts' proximity will require an application for a Badger Development Licence for disturbance.

Great Crested Newts - No evidence of Great Crested Newts using the site or nearby fishing lake (occupied by large carp population).

Amphibians – Twenty visits carried out between 14th August and 10th October 2010. Only one adult common toad was recorded. No other species of amphibians recorded.

Birds - Nine species of bird recorded during survey.

Other Fauna – Barn Owl, Common Toad, Field Vole, Wood Mouse, Pygmy Shrew, Common Shrew, American Mink, Roe Deer and Red Fox were recorded within the study area.

Habitats - Standard survey methodologies used of site(s) for various species type. Reports describes the variety of habitat types within the application site(s). Coal yard considered of low ecological value. Edges of tracks along old railway and area of rough grassland could support reptiles, used for commuting/feeding bats and possible nesting birds. Report concluded with following recommendations:

- Development site supports on priority UK Biodiversity Action Plan habitat – i.e. hedgerow.
- Reasonable to assume species are breeding in the hedgerows and field margins.
- Recommend proposed silage clamps be designed to leave hedge and ditch intact with a 3m margin to protect the shrubs, trees and root zones from damage and compaction.
- Edge of track and area of rough grassland could support reptiles. Further survey for reptiles recommended in suitable weather conditions.
- Further assessment of badger activity recommended.
- Restorative management and additional planting of hedgerows is recommended in mitigation and will enhance wildlife habitat.
- Additional planting of marginal vegetation around fishing lake banks to increase invertebrate populations thereby enhancing food sources for bats.

Geology Report – available in full on file.

Report compiled from technical datasheets describing the underlying geology, ground workings, mining/extraction/natural cavities, natural ground subsidence, borehole records and estimated background soil chemistry relevant to the application site(s).

Environment report – available in full on file.

Report compiled from technical datasheets describing environmental permits/incidents and registers, landfill and other waste sites, current land uses, geology, hydrogeology and hydrology, flooding, designated environmental sensitive sites, natural hazards and mining relevant to the application site(s).

Contaminated Land Report – available in full on file.

Report compiled to identify and address the following:

- potential presence of contaminants,

- feasible pathways between contaminant sources and receptors, and
- potential impact on human, controlled waters and the wider environment.

Application site located within a nitrate vulnerable zone. Site walkover carried out 18th August 2010. No above ground storage tanks evident. No evidence of infrastructure indicating presence of underground storage tanks. No visual evidence of leakage from aggregate screening machinery. Visual inspection of small mounds of soil and house brick along track did not reveal any potentially contaminative materials such as asbestos or bricks with lead based paint. Visual inspection of area for proposed silage clamps did not indicate the presence of any potential contaminative or putrescible surface materials. Historical railway use would have inevitably resulted in localised spillages of oils, greases and other hydrocarbons. However these would have undergone substantial degradation during the period since 1953 when last used as such. Potential receptors include site users and surface water in area of the silage clamp. Site users understood to be on site for only 2 hours a day. Site located over a non-aquifer and groundwater is not considered to be a receptor. Potential pollutant pathways for human health receptors include ingestion of soils, dermal contact with soils and dust inhalation. The presence of a concrete surface on the coal yard removes this potential pathway. The silage area is to be covered by hardstanding therefore breaking potential human health exposure pathways. The access track shows no visible signs of ash or clinker basalt. If such are present they are suitably covered by existing aggregate removing likelihood of direct dermal contact or ingestion. Likelihood of contamination being present on site and/or of pollutant linkages considered to be low. Should contaminated materials be encountered during works, construction should cease until a qualified person examines the materials and further action taken if deemed necessary.

Sustainability Statement – available in full on file.

Proposed plant will save at least 10,310 tonnes of CO² (equivalent) per annum through the generation of renewable electricity (8504 tonnes derived from fossil fuel energy sources) and the replacement of fossil fuel derived artificial/inorganic fertilizers (1806 tonnes). When compared to more standard arable crops growing maize as a feedstock has benefits for soil quality, atmospheric Greenhouse Gas levels and conservation. As a viable spring break crop it helps reduce the use of chemicals on the land and benefits farming businesses. Compared to other forms of energy crop, growing maize for biogas production is three times more effective than bioethanol or biodiesel. A single 1 Megawatt biogas plant produces the energy equivalent to over 1.6 million litres of diesel (from 400 hectares). The process produces large amount of heat from the Combined Heating and Power (CHP) unit which can be used in a variety of applications such as regulating temperatures within the Digester tank, home and building heating.

RELEVANT HISTORY:

Station Works site

1. UTT/0079/99/FUL – Erection of four coal hoppers. Approved 15th April 1999.
2. UTT/0217/00/FUL – Change of use from coal yard and offices to Class B1 commercial use. Approved 14th April 2000
3. UTT/0746/10/FUL – Construction of 12,000 bird Free Range egg production unit. Approved 14th June 2010.
4. UTT/0747/10/FUL – Siting of mobile home as temporary agricultural workers dwelling. Approved 18th June 2010.

Armigers Farm field site

1. UTT/0209/83 – Extraction of sand and provision of lake for irrigation. Approved 8th July 1983.
2. UTT/0573/95/CC – Continued use of extraction and restoration operations for 12 months. Approved 18th October 1995.

CONSULTATIONS: Five.

1. Natural England – Based on information provided no objections provided the mitigation outlined in the report is incorporated into a permission or planning condition. Refer to standing advice.
2. UDC Environmental Health – There is a risk of noise from the proposal causing nuisance during night time hours and loss of amenity during the day from the exhaust stack. Mitigation measures have been proposed. Suggest noise reduction, lighting details, delivery of materials and hours of operation conditions be attached. Odour from the plant is not expected to be an issue. Storage of raw materials (maize feedstock) is likely to attract vermin and a scheme of control should be submitted prior to acceptance of the initial raw material. Controlled waters have not been identified as a receptor of any contamination on the site and the principal receptor is human. Submitted desk study has rated the risk to contamination as low, the site is likely to be suitable for the end use without the need for an intrusive investigation. As the development will also involve excavation a safeguarding condition is suggested.
3. ECC Highways – No objection to proposal subject to conditions on the understanding that the farm based digester is to be run on maize feedstock produced locally on Armigers Farm or land under its control.
4. UDC Drainage Engineer – Surface water drainage is stated to be a sustainable system but no details are available. Recommend surface water drainage works condition be attached.
5. UDC Local Plans – Submitted planning statement and accompanying documentation appear to provide sufficient information in support of the application. No policy objection to application, Appropriate conditions regarding protected species and landscape need to be applied. Note Environmental Health's condition restricting the hours which maize can be delivered. This condition may be difficult to enforce and unreasonable considering that harvesting is often controlled by weather conditions.

PARISH COUNCIL COMMENTS: Expiry date: 19th November 2010.

Concerned over the envisaged increased volume of traffic movements in the conservation area over the short period in the summer when maize may be transported from distant sites to the plant.

REPRESENTATIONS: Three. Notification period expired 12th November 2010.

Advertisement period expired 25th November 2010. Site Notice period expired 2nd December 2010.

1. Crumble Cottage, Stanbrook – An application for light industrial usage was refused on site. The same objections still hold as they did then. This is rural area of low housing density. Any development of such a height is not in scale. Elsenham Road is already a rat run to the airport. The undoubted increase on the country lane from traffic, particularly HGV supplying and removing grain, cannot be sustained. D&A statement that traffic will be reduced is optimistic. Visibility on the road not good. Question any renewed attempt at gaining light industrial planning permission.
2. Hill Farm, Stanbrook – Object. Development of significant scale. Height of tanks and storage units very much greater than adjacent house. Cannot understand why this development is planned for this site where there are sites on lower ground throughout Armiger's Farm. Will be in line of sight and hence obscuring views of Thaxted Church and the John Webb Windmill when travelling along B1051. There will be an increase in annual HGV usage of local roads. Section 2.11 of Transport Statement concludes proposal is consistent with the findings of the ODPM Companion Guide to PPS22. However it already states that half the materials for the digester will come from off farm. The Armiger's Farm access suffers from excess mud on the road. Additional traffic will exacerbate this. Part of the track from Armigers farm is a frequently used bridleway. Also a permissive riding route runs parallel to the old railway line so the Design & Access Statement's declaration that

there are no issues of needs for horse riders is completely fatuous. Environmental Noise Assessment states view that '*complaints are likely*' from the exhaust stack. No mention in information of any additional smells, in particular methane.

3. Greenacres – Object to scheme. Structures will be a blot on the picturesque landscape of Thaxted and will possibly obstruct views from the B1051 of the Church and windmill. I am informed that Biogas plants can release an obnoxious odour and living approx. 500m from the site consider this unacceptable.

COMMENTS ON REPRESENTATIONS: Planning issues relevant to the determination of this application are raised are dealt with in the report below.

One objection received referred to a previous application for light industrial use being refused and questioned any renewed attempt at gaining light industrial planning permission. UTT/0217/00/FUL was granted permission for a change of use from coal yard and offices to Class B1 commercial use. Nevertheless an AD plant is a relatively modern use/activity which doesn't neatly fall into any conventional use class order definition because of the various activities incorporating the overall process. The local planning authority has taken the view that an AD plant may be seen as a hybrid use between B2 and *sui generis* use. B2 – for the general industrial processes involved in processing and digesting the feedstock and *sui generis* for the end product of electricity generation. Whilst the track linking the two application sites may be a frequently used bridleway it is a private lane not a public right of way therefore any concern over how the proposal may affect the public's use of it is not material to the determination of this application.

PLANNING CONSIDERATIONS: The main issues are:

Principle of development (ULP Policies S7, E4 and ENV15 & PPS7 - *Sustainable Development in Rural Areas*, PPS22 – *Renewable Energy*, PPS22 Companion Guide and Supplementary Planning Document (SPD) on Energy Efficiency and Renewable Energy),

Impact on countryside - (ULP Policy S7 and PPS7 - *Sustainable Development in Rural Areas*),

Impact from traffic – (ULP Policies GEN1, GEN4, PPS22 – *Renewable Energy* and PPS22 Companion Guide),

Impact on neighbours – (ULP Policies GEN4 and E4),

Impact on wildlife (ULP Policies GEN7, E4 & PPS9 – *Biodiversity and Geological Conservation*), and

Other material planning considerations – contaminated land and requirement for EIA (ULP ENV14 and PPS23 – *Planning and Pollution Control*).

1) PPS7 - *Sustainable Development in Rural Areas* and Local Plan policy S7 seek to protect the countryside for its own sake from inappropriate forms of development but also encourages a wide range of economic activities in rural areas through agriculture and farm-diversification. Paragraph 16(i) sets out that when determining applications in the countryside local authorities should '*support development that delivers diverse and sustainable farming enterprises*'. This guidance is echoed in Local Plan policy E4 which supports farm diversification subject to several criteria on subject matters (landscape and nature conservation; noise; viability of remaining holding and traffic) which are more thoroughly assessed in later sections of this report. Paragraphs 16(iv) and 27 of PPS22 also encourage diversification into new agricultural opportunities such renewable energy crops. The proposed AD plant would facilitate a change or diversification in the usual operation of the farm business which may be considered to have the support of PPS7.

PPS22 – *Renewable Energy* sets out key principles for local authorities in determining application for renewable energy proposals. For example paragraph 1(iv) states that the wider environmental and economic benefits of all proposal for renewable energy projects, whatever their scale, are '*material considerations that should be given significant weight in determining*' proposals. Paragraph 1(vi) states small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and that applications should not be rejected '*simply because the level of output is small*'. Paragraphs 16 & 24 suggest that energy production plants should be located in '*as close a proximity as possible to the sources of fuel*'. The application site(s) is located within the larger Armigers Farm holding. The proposed AD plant will be relatively small in comparison to other larger renewable energy schemes. As noted in paragraph 1 of the guidance this is not a material concern. Whilst it is appreciated half of the feedstock crop will be grown and transported from land outside the farm immediate land holding the relatively central location of the application site(s) is considered compliant with paragraph 24 of PPS22.

The guidance set out in PPS7 and PPS22 is also reflected in Local Plan policy ENV15 and Supplementary Planning Document (SPD) on Energy Efficiency and Renewable Energy. Biomass is listed in the Local Plan's preamble as a recognised form of renewable energy. Policy ENV15 and the SPD state that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests or residential and recreational amenity. Therefore the proposal may be considered acceptable in principle against policies S7, E4 and ENV15, PPS7 and PPS22 subject to further assessment of specific details against other relevant Local Plan policies.

2) Both PPS7 and policy S7 set out to protect the countryside for its own sake from inappropriate forms of development. Paragraph 2.2.8 of the Local Plan acknowledges that different character areas within the countryside have a greater or lesser capacity to accommodate development. It emphasises that in protecting the countryside it should not be '*in such a way that the Plan prevents evolution of economic activity that is part of life of rural areas and is in sympathy with its character*'. This is echoed in paragraph 15 of PPS22 which outlines that '*local landscape and local nature conservation designations should not be used in themselves to refused permission*'. The Landscape and Visual Appraisal (LVA) report extensively surveyed the application site(s) and surrounding countryside in order to categorise the local landscape character and assess the proposal's potential impact from 12 representative locations.

The survey and analysis concluded that the proposed silage clamps will have little impact because they would be located in a narrow tributary valley and predominantly hidden by the intervening landform or dense/mature hedges. Views from a greater distance near Browns Wood, the edge of Thaxted or from across the Chelmer Valley should not be significant. The LVA classified potential impacts at these locations to be, at worse, moderate/slight and therefore not significant. It noted that from these locations the structures could be effectively accommodated into the wider agricultural landscape, in part because of the muted colour scheme proposed, without visual harm to sensitive features listed in the B8 Local Character Area. The report concluded that there would not be an adverse visual impact arising from the proposed development.

However several objections received in representation outlined concern about the proposed structures' visual prominence and the possible impact upon views of Thaxted and locally important buildings such as St. John The Baptist's Church and the John Webb Windmill. It is accepted that the closer one get to the application site(s) the more visible the site(s) and the proposed development within will be. It is also appreciated that as screening planting grows and matures the extent of visual prominence and therefore impact upon the immediate vicinity will gradually decline. In the intervening period however the Station Works/coal yard

and the various buildings comprising the proposal will be particularly visible when viewed from the public right of way (PROW) footpath to the north and north west and from the B1051 and footpaths to the south east. The LVA report concluded that these '*most open views*' would have a localised impact of '*moderate/high adverse effect*', particularly until the proposed boundary planting matures to provide screening. Station House to the north east will experience significant views due to its proximity to the site but these views may be mitigated somewhat by a row of intervening poplar trees and the existing Station Works site/buildings. Potential views from other residential properties to the east are interrupted by landform and vegetation and from further along the B1051 existing land topography obscures and/or obstructs views of Thaxted village or visually prominent buildings. However it is appreciated that views from the B1051 to the south of the application site(s) are disrupted by topography and field boundaries. What may be viewed from these locations however are buildings which are not too dissimilar in size, shape and appearance to agricultural structures. The high gas flare and exhaust stack are slender structures which within context of the mass of proposed buildings should not be exceptionally visually prominent.

In assessing what material weight should be given to the issue of visual impact, PPS22 emphasises that such impact should be significant and adverse. The assessment of impact must be considerate towards what paragraph 15 of PPS22 states; that '*local landscape and local nature conservation designations should not be used in themselves to refused permission*'. Paragraph 19 acknowledges that landscape and visual effects will vary on a case by case basis and also recognises that the final decision will be '*one made by professional judgement*'. Having considered the detail of the LVA report, taken in to consideration the comments received in objection to the proposal and assessed the likely impact arising from the agricultural looking buildings, the extent of localised impact is not considered sufficient to justify a refusal of permission. The proposal's impact upon the visual character and appearance of the surrounding countryside is considered acceptable and in compliance with the guidance set out in PPS22 and the specifics of Local Plan policy S7.

3) Paragraph PS22 – *Renewable Energy* acknowledges that for biomass projects such as the proposal '*the need to transport crops to the energy production plant does have the potential to lead to increase in traffic*'. Subsection d) of policy E4 requires farm diversification proposals not to place unacceptable pressure on the rural road network. Policy GEN1 states that development will only be permitted if access to the main road network and the network's capacity is capable of carrying associated traffic; that roads safety is not compromised and the needs of other road users (cyclists, pedestrians, public transport, horse riders and the mobility impaired) is not compromised; that the needs of people with disabilities are met and alternative means of movement other than the car are encouraged. Given the nature of the proposal the last two criteria are not applicable to the determination of the application.

The extent of concern and objection relating to increased traffic is noted. The Transport Statement submitted with the application made an important point regarding this issue. It noted that traffic (HGVs) which are to bring the maize to the application site(s) from other lands outside Armigers Farm already do so. The only difference being that instead of being delivered solely through the Armigers Farm access and dried/stored in associated barns, the crop will be delivered via Station Works and/or Armigers Farm access and deposited in the silage clamps. The report also noted that such activity would utilize tractors with a 15 tonne payload instead of HGVs and would continue to occur only during the short harvest period. The nett reduction in overall traffic volume and frequency of movement will originate come from two sources:

- i) the cessation of importing non-organic fertiliser and the use of the digestate organic fertiliser residue from the AD plant which will be stored on site and distributed to surrounding land via existing farm access tracks. This would equate to an approximate reduction of 142 HGVs (or 284 movements) per year on the public highway.

- ii) the reduction of the existing aggregate business by approximately one half resulting in a reduction from 25 to 13 light goods vehicles and from 6 to 3 HGVs per day which equates to a reduction of 780 HGVs and 3380 light goods vehicles per year.

Essex County Highways confirms it has no objection to the proposal based on the understanding that the farm based digester is to be run on maize produced locally on Armigers Farm or on land under its control. However concerns relating to the use of the Armigers Farm access are reflected in a condition from Highways which recommends vehicles associated with the construction, operation and maintenance of the proposal to only use the Station Works access onto the B0151 opposite Dairy Green Farm. Such a condition, which would relate only to traffic originating outside Armigers Farm holding, is considered reasonable as the 1.7km farm track running from Armigers Farm to the silage clamps and onto the coal yard is clearly unsuitable for HGVs or any other heavy vehicles other than agricultural.

It is appreciated that the Transport Statement included some factual inaccuracies such as quoting 10,500 tonnes as being half of 20,100 tonnes (the total amount of maize needed to run the proposal). However such inaccuracies are considered minor in nature and inconsequential to the report's assessment and findings. The Transportation Statement sufficiently demonstrates that the proposed operation of the AD plant and the importation of maize feedstock from lands outside Armigers Farm should not have a detrimental upon the existing access arrangements into the site(s), the capacity of the surrounding road network or the safety and needs of other road users. If any impact is created its consequential impact, in comparison with what presently occurs, is likely to be minimal and insubstantial enough to warrant a refusal of permission. Therefore the proposal may be considered acceptable under policies GEN1 and subsection d) of policy E4.

Appreciating that during the harvest period it is to be expected and accepted that rural locations and rural roads are busier than normal the overall reduction in traffic volume and frequency and the rationalisation of vehicle movements within Armigers Farm should be to the general benefit of surrounding neighbours and their residential amenity. Therefore the extent of traffic generated by the proposal is not considered to be the detriment of the nearest residential properties or the extent of residential amenity each presently enjoys. This aspect of the proposal is also considered acceptable under policy GEN4.

4) Policy GEN4 states development and uses will not be permitted where noise, vibrations, smells, dust, light, fumes or exposure to pollutants cause material disturbance or nuisance to surrounding properties. This is reflected in subsection b) of policy E4. The extent of objections received in relation to noise from the exhaust stack and odours are noted. The exhaust stack located in the south western corner of the coal yard would be approximately 165m south west of the nearest sensitive receptor (NSR) which is Station House and between 352m and 412m to the eastern and south eastern dwellings along the B0151.

Regarding noise paragraph 22 of PPS22 acknowledges that renewable technologies may generate small increases in noise levels from machinery or associated sources such as traffic. The guidance suggests the local authorities ensure proposals are located and designed to minimise increases in ambient noise levels and include minimum separation distances. Regarding odours paragraph 23 states local authorities should carefully consider the potential impacts and where there is an impact ensure that such plants are not located in close proximity to existing areas.

The Environmental Noise Assessment report submitted within the application concluded that because the Technical Building would be sound proofed any noise arising from the internal CHP equipment would be acceptable and not likely to cause a nuisance. The report also concluded that the exhaust stack would create a situation where '*complaints are likely*'. However the report proposed in mitigation several measures including the installation of

noise abatement equipment and/or reducing its height to below the Digester Tank which would significantly reduce its potential impact upon the NSRs. The report incorrectly stated that the exhaust stack '*would be elevated above the proposed Digester Tank*'. The 10m high stack would be less than the 11.09m high Digester Tank. The proposed reduction of the stack by 2m may therefore not have the same effect as envisaged by the report. Nevertheless such mitigation measures can be incorporated as a condition of permission and should, in addition to the distances between the exhaust stack and NSR, ensure that any noise arising from the exhaust stack does not cause material disturbance or nuisance to surrounding properties. As noted above any noise arising from associated traffic is unlikely to be considered substantial or to the detriment of residential amenity when considered against what is presently occurring and experienced.

Regarding potential odour paragraph 4.2.2 of the Applicant's Planning Statement explains that because the anaerobic digestion or fermentation process occurs within a sealed container, in order to collect the resulting biogas, there should not be any odour emissions. The Statement also notes that any leachate from the silage clamp will be collected in a tank and recycled into the digester system and that there are no other forms of potential pollutants. The comments and recommendation received from Environmental Health are noted. Whether or not an odour may be considered obnoxious is a matter of opinion rather than a material planning issue. The local authority is satisfied that the proposed AD plant should not give rise to any significant degree of odours which could cause material disturbance or nuisance to surrounding properties. Whilst some odour may arise from the storage of the maize feedstock in the silage clamps, such a smell is not likely to be anything that wouldn't be expected or which isn't already experienced within such a rural setting.

The proposal, subject to the inclusion of mitigation conditions, is not considered likely to give rise to significant or detrimental levels of noise or odour which would adversely affect residential amenity. The proposal may therefore be considered in accordance with guidance set out in PPS22 and acceptable under policy GEN4.

5) Local Plan Policy GEN7 states that development which would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. The policy also requires a nature conservation survey to be carried out where protected species are involved and measures proposed to mitigate for the potential impacts of development.

Circular 06/2005 which accompanies PPS9 – Biodiversity and Geological Conservation makes the protection of protected species a material planning consideration and requires local planning authorities to be aware of the full impacts of the proposals prior to making a decision. The Ecological report(s) submitted with the application went into considerable detail to survey the application site(s) and assesses its potential impact upon identified species. PPS9 – Biodiversity and Geological Conservation requires local authorities to take measures to protect species from decline and ensure that they are protected from the adverse effects of development. The proposal has the potential to impact on reptiles, birds and badgers and, in relation to reptiles, extensive mitigation measures are proposed. Natural England raise no objections to the proposals subject to the appropriate mitigation measures being put in place, and this can be secured by condition. In respect of badgers, the Ecological report makes reference to the requirement for a disturbance licence. The construction of the clamps should not adversely affect known badger runs and the foundations of the proposed clamps would be shallow (only 400mm) and above the ground level of the entrance to the sett. Furthermore the proposed structures and walls would be located 4m from the known location of a badger sett.

Subsection a) of policy E4 requires farm diversification proposals to include proposals for landscape and nature conservation enhancement. Information submitted with the application

indicates the provision of new screening trees comprising of Oak trees on the north western boundary and Poplars on the south eastern boundary of the coal yard. The Ecological Report(s) allude to additional planting around the fishing lake adjacent to the proposed silage clamps which is aimed at increasing the invertebrate population thereby attracting more bats. Such proposals are considered acceptable within context of subsection a) of policy E4. Further details can be obtained through a condition of permission.

6) The application site(s) are designated as potentially contaminated lands given their previous historical railway related use. The coal yard was formerly a railway station and the farm access lane a former railway track. PPS23 – *Planning and Pollution Control* describes national guidance on the control and minimisation of pollution and sets out criteria for considering individual planning applications. The guidance sets out that in determining applications local authorities should be satisfied that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risk.

The Contamination Land report submitted with the application noted no evidence of polluted material or pollution arising from the existing aggregate business. A visual inspection of area for proposed silage clamps did not indicate the presence of any potential contaminative surface material. Any pollution arising from the previous historical railway use was considered not an issue given the length of time for materials to undergo substantial degradation. The application site(s) are located over a non-aquifer therefore groundwater is not considered to be a receptor to potential pollution. Potential pathways for human health receptors are limited and not considered important. The likelihood of contamination being present on site and/or of pollutant linkages were considered low. Comments and conditions recommended by Environmental Health are noted and can be incorporated into any grant of permission to provide protection against any future and/or unforeseen issue. With such conditions attached the proposal may be considered in accordance with the criteria set out in Appendix A of PPS23 and Local Plan policy ENV14.

The proposed AD plant is not a use identified under Schedule 1 of the Environmental Impact Assessment (EIA) Regulations 1999 and Circular 02/99 – *Environmental Impact Assessment*. Establishing whether the proposal may be classed as a Schedule 2 development and therefore requiring an EIA is dependent upon whether or not the development is likely to have significant effects on the environment by virtue of factors such as size, nature or location. The proposed plant is a relatively small energy generation scheme located in the centre of its fuel source. Its operation has been assessed against relevant Local Plan policies and considered acceptable. The proposal was not considered to require an EIA. No screening option was considered necessary.

CONCLUSION: Extensive information has been submitted which, having been thoroughly assessed against relevant national guidance and Local Plan policies, has adequately addressed objections received in representation and satisfactorily demonstrated that the extent of impacts arising from the proposed development can be considered acceptable. Where significant impact has been identified suitable mitigation has been proposed. With such mitigation incorporated into planning conditions the proposal is considered acceptable and permission should therefore be issued.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Time limit for commencement of development.
2. C.3.1. To be implemented in accordance with approved plans.
3. C.4.1. Scheme of landscaping to be submitted and agreed.
4. C.4.2. Implementation of landscaping.

5. C.8.12. Boundary noise levels.
6. C.8.15. Restriction of hours of construction.
7. C.20.1. Acceptable survey mitigation/management plan – Implementation of scheme.
8. C.20.3. If Protected Species discovered get licence from Natural England.
9. C.90.A Before development commences details of a vermin/pest control and management scheme shall be submitted for the written approval of the local planning authority.
REASON: The storage of maize feedstock is likely to give rise to greater potential for vermin which needs to be properly controlled and managed.
10. C.90.B Before development commences details of any floodlighting to be installed to the exterior of buildings hereby permitted must be submitted to and approved by the local planning authority in writing.
REASON: To ensure the development does not adversely affect the rural character of the area.
11. C.90.C Before development commences details of surface water drainage works shall be submitted to and approved by the local planning authority in writing. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided the submitted details shall:
 - ii) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - iii) include a timetable for its implementation; and
 - iv) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 REASON: To control the risk of flooding to the development and adjoining land.
12. C.90.D In the event that contamination not previously identified being found at any time during the construction of the development hereby permitted, development works shall be halted on that part of the site so affected and immediately reported in writing to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared and submitted for the written approval of the local planning authority.
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.
13. C.90.E Maize feedstock harvested and transported from outside Armigers Farm and all vehicles associated with the construction, operation and maintenance of the proposal hereby permitted shall access the application site(s) via the Station Works access opposite Dairy Green farm on the B1051.
REASON: In the interests of highway safety.
14. C.90.F Before the development hereby permitted commences details shall be submitted for the written approval of the local planning authority indicating the provision of suitable access arrangements to the application site(s) from the Station Works access for construction traffic to include details of suitable turning and parking facilities for delivery and construction vehicles and a wheel washing facility which shall be installed and operated for the duration of the construction period.

REASON: In order to ensure that the wheels of the vehicles are cleaned before leaving the site to prevent the deposition of mud and other debris onto the highway network / public areas, in the interests of highway safety.

15. C.90.G The public's rights and ease of passage over public footpath no.40 Thaxted shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 1.1 and 3.5 of the Highways and Transportation Development Control policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet member decision on the 19th October 2007 and Uttlesford District Council's Local Plan policy GEN1 – Access.

16. C.90.H Before development commences details of the method and specification of sound insulating of plant, machinery and equipment (including fans, ducting and external openings) within and attached to be the Technical Building hereby approved shall be submitted to and approved by the local planning authority in writing. Subsequently, these details shall be installed as approved, maintained and operated so as to prevent the transmission of noise and/or vibration into any adjoining property or the surrounding vicinity.

REASON: To protect the amenities of the occupiers of adjoining properties and the rural character of the area.

17. C.90.I Before the development hereby permitted commences details shall be submitted for the written approval of the planning authority showing the installation of either splitter attenuators into the exhaust stack or a 90^o cowling atop the exhaust stack's terminus (the cowling shall be directed in such a way to deflect noise away from the adjoining residential properties). The technical specifications of either option shall be sufficient to reduce predicted noise levels from the exhaust stack as set out in the Environmental Noise Assessment Report. Subsequently, these amended details shall be carried out as approved.

REASON: To protect the amenities of the occupiers of adjoining properties and the rural character of the area.

Background papers: see application file.
