

**UTT/14/0138/FUL – (GREAT HALLINGBURY)**

(MAJOR APPLICATION)

**PROPOSAL:**                **Erection of 6 no. employment units within 3 no. buildings for B1, B2 and B8 use. Associated access, parking and turning facilities. Removal of spoil from site**

**LOCATION:**                **Land south of Dunmow Road, Great Hallingbury**

**APPLICANT:**            **Warbury Limited**

**AGENT:**                 **Pomery Planning Consultants Ltd**

**EXPIRY DATE:**        **1 August 2014**

**CASE OFFICER:**        **Karen Denmark**

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**1. NOTATION**

1.1 Outside Development Limits/Countryside Protection Zone/Adjacent Grade II Listed Building/Adjacent County Wildlife Site.

**2. DESCRIPTION OF SITE**

- 2.1 The application relates to a site located to the south of the B1256, in close proximity to Junction 8 of the M11. The site is rectangular in shape and covers 2.3ha. It has mature screening to the majority of the boundaries, although this is slightly patchy along the eastern boundary. To the north of the site is the B1256 and a property known as Thatch Cottage, a Grade II listed building with a rural setting. Along the eastern and southern boundaries are public rights of way, with the southern forming the Fritch Way Linear Park and county wildlife site. Beyond the Fritch Way is agricultural land. Adjacent to the western boundary is the Stansted Distribution Centre.
- 2.2 There is an existing vehicular access into the site from the B1256 and there is a derelict building within the site. The site is very overgrown with brambles, weeds and shrubs. The land levels within the site are some 4-5 metres above the natural ground levels due to the site being used for the depositing of spoil from other developments.

**3. PROPOSAL**

- 3.1 The proposal relates to the removal of the spoil from the site back to natural ground levels and the erection of 6 employment units within 3 buildings for a mix of B1, B2 or B8 uses, together with associated access, parking and turning facilities.
- 3.2 Unit A would run along the eastern boundary and face into the site. This would be 11.1m to eaves and have a maximum height of 14.2m. Unit B would be located adjacent to the northern boundary and would also face into the site. This would be 5.6m to eaves and have a maximum height of 6.9m. Unit C would be located adjacent to the southern boundary and face towards Unit B. This would be 9.1m to eaves and have a maximum height of 11.5m. These heights are required to meet the needs of potential occupiers.
- 3.3 The buildings are proposed to be constructed using the following materials:

- Insulated profiled metal roof sheeting in Goosewing Grey
- Insulated vertical profiled metal cladding in metallic silver
- Insulated horizontal profiled metal cladding in Merlin Grey
- Flat horizontal metal panel cladding in metallic silver
- Horizontal natural cedar boarding
- Insulated metal panel loading and fire exit doors in Merlin Grey
- Powder coated aluminium rainwater gutters and down pipes in metallic silver
- Clear double glazed coated aluminium windows and doors in Merlin Grey
- Toughened glass canopy with stainless steel supports

3.4 The access would be widened to 9.45m and would run between blocks B and C and to the front of block A. Overall there would be 97 car parking spaces, 19 HGV spaces, 12 powered two wheeler (ptw) spaces and 40 cycle spaces. These would be split between the units as follows:

Unit A1 2,138sqm with 280sqm first floor office	26 car spaces (including 2 disabled spaces) 5 HGV bays 2 ptw spaces 8 cycle spaces
Unit A2 1,449sqm with 145sqm first floor office	17 car spaces (including 2 disabled spaces) 3 HGV bays 2 ptw spaces 6 cycle spaces
Unit B1 905sqm with 96sqm first floor office	11 car spaces (including 2 disabled spaces) 2 HGV bays 2 ptw spaces 5 cycle spaces
Unit B2 905sqm with 96sqm first floor office	11 car spaces (including 2 disabled spaces) 2 HGV bays 2 ptw spaces 5 cycle spaces
Unit C1 1,288sqm with 135sqm first floor office	14 car spaces (including 2 disabled spaces) 3 HGV bays 2 ptw spaces 8 cycle spaces
Unit C2 1,606sqm with 168sqm first floor office	18 car spaces (including 2 disabled spaces) 4 HGV bays 2 ptw spaces 8 cycle spaces

#### 4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Extended Phase 1 Survey (ecology)
- Arboricultural Impact Assessment
- Highway Note
- Flood Risk Assessment
- Environmental Assessment (contamination)
- Reptile and Invertebrate Surveys

## 4.2 Summary of Design and Access Statement:

The detailed application is for a high quality designed commercial development comprising 9,741sqm of B1(c), B2 or B8 use on a 2.3ha site on Dunmow Road, immediately east of the Stansted Distribution Centre, that will bring additional jobs to the local area.

The site is a brownfield site set within the open countryside and on the opposite side of the road to a Grade II listed building.

The site levels have been previously raised by 4.5m with a steep embankment at the edges of the site. The site is very well screened with tree and shrub planting around the edges outside the perimeter of the site along the highway edge and the Flitch Way combined public footpath, cycle route and bridleway to the south.

The proposed development comprises 3 blocks with 2 units within each block. The smallest block (Block B) has been designed to be the lowest height and the shortest in order for it to have minimum impact on the listed building opposite.

Further consideration of the listed building has been taken with a significant distance between Block B and Block B to ensure glimpses through the screening through the site retaining a sense of the countryside nature of the site. Block A has also been designed to have its shortest element, the flank wall, fronting the road to minimise any over dominating impact.

The internal access road has been designed to serve all 3 blocks and utilises the existing site vehicle access point increasing its width, in agreement with Essex Highway Authority.

The appearance of the buildings and the materials used, whilst ensuring a contemporary design, allows for a more 'rural' appearance for this location.

The significant tree and shrub planting at the edges of the site will be augmented with additional planting adding further to the screening of the site and the countryside location.

Accordingly, the proposal scheme provides the highest quality design that respects both the listed building and its setting, together with the countryside setting of this brownfield site, and should therefore be approved.

## 5. RELEVANT SITE HISTORY

- 5.1 UTT/1448/97/FUL – Regrading of existing bunds with associated landscaping. Approved 1998.
- 5.2 UTT/0037/97/FUL – Retention of earth bund. Approved February 1998.

## 6. POLICIES

### 6.1 National Policies

- National Planning Policy Framework

## 6.2 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy S8 - The Countryside Protection Zone
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN3 - Flood protection
- Policy GEN4 - Good neighbourliness
- Policy GEN7 - Nature conservation
- Policy GEN8 - Vehicle Parking Standards
- Policy E3 - Access to workplaces
- Policy ENV2 - Development affecting Listed Buildings
- Policy ENV4 - Ancient monuments and sites of archaeological importance
- Policy ENV11 - Noise generators
- Policy ENV14 - Contaminated land

## 6.3 Uttlesford District DRAFT Local Plan

- Policy SP1 - Presumption in favour of sustainable development
- Policy DES1 – Design
- Policy SP3 - Employment strategy
- Policy EMP1 - Existing and proposed employment areas
- Policy SP8 - Environmental protection
- Policy EN1 – Pollutants
- Policy EN3 - Contaminated Land
- Policy EN6 - Minimising flood risk
- Policy EN7 - Surface water flooding
- Policy EN10 - Sustainable energy and energy efficiency
- Policy SP10 - Protecting the historic environment
- Policy HE2 - Development affecting listed buildings
- Policy HE3 - Scheduled monuments and sites of archaeological importance
- Policy SP11 - Protecting the natural environment
- Policy EN1 - Protecting and enhancing the natural environment
- Policy SP12 - Accessible development
- Policy TA1 - Vehicle parking standards
- Policy Start Hill, Great Hallingbury Policy 1 – Land south of B1256

## 7. PARISH COUNCIL COMMENTS

- 7.1 The application was studied carefully and no matters of concern were raised. However, we would like to see as a condition of any approval, and in order that the buildings blend into the rural scene comfortably, the outer walls painted/to be forest green.

## 8. CONSULTATIONS

### Airside OPS Limited

- 8.1 The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions relating to the submission of a construction management strategy, obstacle lighting during construction period, control of lighting on the proposed development, height limitation on trees and shrubs, the submission of a landscaping scheme.

## **Environment Agency**

- 8.2 Condition required relating to requirement for surface water drainage scheme and should consider a condition relating to pollution prevention. Suggest a condition relating to water, energy and resource efficiency measures.

## **ECC Archaeology**

- 8.3 Request a condition requiring a programme of trial trenching followed by open area excavation. Section on Heritage Impact is disappointing. No mention of the known archaeological deposits in the area which including the important Thremhall Priory just to the east. Archaeological excavations to the north of the site in Stansted Airport have identified extensive multi-period occupation from the Bronze Age through to the post medieval period. To the rear of the development lies the historic railway line of the Flich Way and there are known cropmarks surrounding the development area. This development area has high potential for surviving archaeological deposits and a programme of investigation will be required in advance of development.

## **ECC Ecology**

- 8.4 Object subject to further information. Further surveys are required for invertebrates, reptiles and a habitat suitability index assessment of ponds for great crested newts. Emergence bat surveys are required and enhancement measures need to be identified.
- 8.5 7.7.14: Bats: No objections. Consider that the mitigation proposed is sufficient to ensure any bats dispersing easily find new roosting sites, and the additional roosting habitat will result in a net gain in available roosting.  
Reptiles: Letter fully justifies the use of the Stow Maries site for the translocation of reptiles. No objections.  
Invertebrates: Await the invertebrate surveys.

## **ECC Education**

- 8.6 Satisfied there are likely to be sufficient places to meet the needs of the employees and we do not require a S106 contribution in this respect.

## **ECC Highways**

- 8.7 11.2.14 – Would wish to raise an objection due to insufficient information being provided to demonstrate that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety, capacity and efficiency.
- 8.8 11.3.14 – No objections subject to conditions.

## **ECC Flood and Water Management Team**

- 8.9 Would look for SuDS to comply with:
- The CIRIA SuDS Manual (C697)
  - Defra's draft SuDS National Standards
  - Essex County Council's emerging Sustainable Drainage Design and Adoption Guide

## **Natural England**

- 8.10 Statutory nature conservation sites – no objection. Refer to standing advice for protected species.

## **Thames Water**

- 8.11 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

## **Environmental Health Officer**

- 8.12 No objections.

## **Specialist Advice**

- 8.13 The site is opposite a modest single storey and attic thatched cottage of C17 origins, listed grade II. The present setting of the cottage is defined by fast moving principal road framed by verges, hedges and vegetation commonly found in a rural location with wider agricultural land beyond. Clearly this setting would be altered by the proposed development although the scheme aims at the intensification of the present landscape buffer to minimise its impact on the small cottage. As the locality in general has developed in great measure as a mixed employment area I feel that refusal based on the effect on the setting of the listed cottage is unlikely to succeed on appeal.

## **9. REPRESENTATIONS**

- 9.1 This application has been advertised and no letters of representation have been received. Notification period expired 27 February 2014.

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A the principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; Draft ULP Policies SP1, SP3, SP9, EMP1, Policy Start Hill, Great Hallingbury Policy 1; NPPF)
- B the design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; Draft ULP Policies DES1, SP10, HE2, HE3, SP12, EN10; NPPF)
- C the impacts on neighbour's amenity (ULP Policies GEN4, ENV11; Draft ULP Policies SP8, EN1; NPPF)
- D the access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; Draft ULP Policies SP12, TA1; NPPF)
- E the proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; Draft ULP Policies SP11, EN1; NPPF)
- F the proposals would increase flood risks on or off-site (ULP Policy GEN3; Draft ULP Policies EN6, EN7; NPPF)

G the proposals would result in the potential for contamination (ULP Policy ENV14; Draft ULP Policy EN3; NPPF)

**A The principle of development in this location within the Countryside Protection Zone (ULP Policies S7, S8; Draft ULP Policies SP1, SP3, SP9, EMP1, Policy Start Hill, Great Hallingbury Policy 1; NPPF)**

- 10.1 The application site is located outside the development limits in the adopted local plan and therefore the presumption in favour of protecting the character of the countryside for its own sake is applied. The site also falls within the Countryside Protection Zone and development which would result in coalescence will not be permitted. This proposal would result in the loss of a significant gap and result in coalescence between the existing commercial uses at the Stansted Distribution Centre and the small cluster of houses to the east. As such the proposals would be contrary to Policies S7 and S8. An assessment of the compatibility of Policy S7 has found it to be only partly consistent with the NPPF which has a positive approach rather than a protective one.
- 10.2 The NPPF set out the requirement for local authorities to favourably consider proposals for sustainable development. It also has a core principle of ensuring the delivery of employment uses, in particular the delivery of a prosperous rural economy.
- 10.3 The Draft Local Plan has identified the site as the “Start Hill, Great Hallingbury Policy 1” area which is allocated for employment provision made up of business, industry and/or warehousing and/or similar ‘sui generis’ uses. The draft Local Plan also has strategic policies in favour of sustainable development and supporting an economic strategy, which includes the development of this site. Whilst the draft Local Plan has limited weight at this stage the principles of the policies are in line with the NPPF.
- 10.4 The Council has assessed the acceptability of this site in terms of its suitability to be allocated for employment uses in the draft Local Plan. The applicants have submitted information with the application that demonstrates that they have two companies interested in units on the proposed development and as such the requirement to deliver the development early.
- 10.5 The NPPF requires the three strands of sustainability to be delivered by development proposals. These will be assessed in turn:

Economic role: This development would deliver additional employment opportunities. It has been demonstrated that there is early interest in the development and as such it needs to be delivered early. The proposals meet the economic role.

Social role: The development is of a high quality design, having regard to the countryside setting. It is located in close proximity to the M11 and A120 and therefore has good transport links. There are reasonably good public transport links in the vicinity of the site which would enable employees to travel to work by means other than the private car. The proposals meet the social role.

Environmental role: The development has been designed to take into account the impacts on the setting of the adjacent listed building, which will be discussed in more detail below. Impacts on biodiversity have been considered and appropriate mitigation measures have been proposed. The proposals meet the environmental role.

10.6 The proposals constitute sustainable development in line with the principles set out in the NPPF and the proposals are in line with the requirements of draft Local Plan Policy Start Hill, Great Hallingbury Policy 1.

**B The design of the proposals and the impact on the character of the rural area and the setting of the listed building and other heritage assets (ULP Policies GEN2, ENV2, ENV, E3; Draft ULP Policies DES1, SP10, HE2, HE3, SP12, EN10; NPPF)**

10.7 The site currently forms a gap in the built form of the Stansted Distribution Centre and the small cluster of houses to the east. The ground levels within the site are approximately 4-5m higher than natural ground levels due to the site being used for the depositing of spoil from other developments. If development were to be carried out at current ground levels then the proposals would have a significant adverse impact on the character of the rural area. However, it is proposed to reduce the levels back to natural ground level which significantly reduces the potential impacts.

10.8 The existing boundaries are mostly screened with mature trees and hedging, although this deciduous and the eastern boundary is slightly patchy in places. The majority of the boundary vegetation is to be retained, although 16 trees on the highway boundary are proposed to be removed. These consist of Silver birch, Laburnum, Wild cherry, Norway maple, Pear, Large leaved lime, Hybrid black poplar, Grey poplar and Ash. In addition a group of trees consisting of Sycamore, Wild cherry and Hawthorn to the rear of the existing dwelling are to be removed in order to facilitate the development. The removal of these trees should not result in significant adverse impacts arising from the development.

10.9 Units B 1 and 2 have been designed to have a lower eaves and ridge height in order to reduce the visual impact of the block where it sits adjacent to the highway. This helps to reduce the impact on the setting on the listed building on the opposite side of the road. Whilst the development would have some negative impacts on the setting of the listed building it is considered that the benefits of the proposals and the fact that the area has been significantly developed commercially over a period of time minimise these impacts. The Council's Conservation Officer raises no objections to the proposals.

10.10 The proposals have the potential to impact on other heritage assets in the form of archaeology. There are no known archaeological sites within the application site but the area is rich in archaeology. No assessment has been made of potential impacts on archaeology within the application and Essex County Council Archaeologist has requested that a condition be imposed on any planning permission for a programme of trial trenching. This would be considered acceptable and in accordance with Policy ENV4 and the NPPF.

**C The impacts on neighbour's amenity (ULP Policies GEN2, GEN4, ENV11; Draft ULP Policies SP8, EN1; NPPF)**

10.11 The nearest residential neighbours to this development are the occupiers of the listed building known as Thatched Cottage on the opposite side of the road and Old Tithe Hall to the east. The front elevation of Thatched Cottage is approximately 20m from the northern boundary of the site. Old Tithe Hall is located approximately 110m to the east of the eastern boundary. The development is unlikely to result in loss of residential amenity due to overlooking, overshadowing or overbearing impacts.

10.12 The proposed use of the site is a mix of B1, B2 or B8 uses. B1 uses are appropriate within relatively close proximity to residential uses. B2 have the potential to cause



some loss of amenity due to noise, fumes or smells. B8 relates to warehousing and is likely to result in larger vehicles calling at the site. Given the separation distance of the site from the closest residential units, and the orientation of the units, it is unlikely that significant loss of residential amenity would result due to noise, fumes or smells, although the final uses of the site is not yet known. A condition preventing outdoor working would help to protect the residential amenity.

**D The access and parking arrangements are appropriate for the development (ULP Policies GEN1, GEN8; Draft ULP Policies SP12, TA1; NPPF)**

- 10.13 There is an existing access onto the B1256 serving the former residential unit on the site, which is now in a derelict condition. It is proposed to widen the existing access to 9.45m to accommodate the size of vehicles likely to be using the site. ECC Highways initially objected to the access proposals due to insufficient information being submitted. Additional information has been submitted and the objection has now been lifted, subject to conditions. It is considered that the proposed access complies with Policy GEN1.
- 10.14 Each unit would have a dedicated service area and parking provision. The parking standards for employment uses are maximum standards and these vary according to the Use Class within which the development falls. Class B1 requires 1 space per 30sqm, Class B2 requires 1 space per 50sqm and Class B8 requires 1 space per 150sqm. Office floorspace is classified as Class B1 and each unit has a first floor office.

Unit	Unit size	Parking requirement	Parking provision
A1	2138sqm + 280sqm office	16-80 spaces	26 incl 2 disabled
A2	1449sqm + 145sqm office	11-53 spaces	17 incl 2 disabled
B1	905sqm + 96sqm office	7-33 spaces	11 incl 2 disabled
B2	905sqm + 96sqm office	7-33 spaces	11 incl 2 disabled
C1	1288sqm + 135sqm office	9-47 spaces	14 incl 2 disabled
C2	1606sqm + 168sqm office	12-59 spaces	18 incl 2 disabled

- 10.15 The parking spaces shown on the submitted drawings are 5m x 2.5m and not the currently adopted standard of 2.9m x 5.5m. However, the size of bays shown on the drawing are considered acceptable in exceptional circumstances. This proposal relates to the erection of business units and the creation of parking spaces in accordance with the adopted sizes would result in less parking spaces being provided. A balance needs to be adopted between parking provision and the potential for parking problems to arise as a result of insufficient parking. ECC Highways has not raised any objections in relation to the size of the parking bays and in this instance it is considered that the provision would be acceptable.

**E The proposals would have an adverse impact on biodiversity and protected species (ULP Policy GEN7; Draft ULP Policies SP11, EN1; NPPF)**

- 10.16 Policy GEN7 seeks to prevent development which would result in harm to wildlife or geological features. The NPPF requires the impacts on biodiversity to be taken into consideration. In addition to biodiversity and protected species being material planning considerations, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 states that *“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”* This includes local authorities carrying out their role in the consideration of planning applications. Similarly Regulation 9(3) of the Conservation of

Habitats and Species Regulations 2010 (as amended) states, “A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions.”

- 10.17 An Extended Phase 1 Survey was submitted with the application and this identified that further surveys were required in respect of invertebrates, reptiles, the potential of ponds to provide great crested newt habitat and emergence surveys for bats. An objection was received from the County’s retained ecologist and the further surveys were requested to be completed to enable the Council to adequately consider the potential impacts. Further surveys were undertaken and a Reptile and Invertebrates Survey report was submitted dated 30 May 2014. The surveys identified that the site supported reptiles and as such translocation measures would be required to prevent adverse harm to the species. A translocation site has been identified by the applicant at Stow Maries, approximately 30 miles from Start Hill. The receptor site is larger than the application site and provides opportunities for growth and natural dispersal than on the current site. This would be beneficial to the reptile species. Enhanced habitat by the creation of reptile hibernacula within the Stow Maries site. These mitigation measures are considered to be appropriate and can be secured by way of condition.
- 10.18 With regards to invertebrates, it was considered that the site was likely to have noteworthy invertebrates present including Nationally Scarce or Nationally Rare taxa and further surveys were required. Further surveys are still being undertaken and early indications are that the proposals should not adversely affect protected species due to their location. However, one further survey is required to be carried out in July with the full results being prepared prior to the committee meeting. An update will be given to the committee on this issue.
- 10.19 The additional bat surveys have also been undertaken and these have identified that the derelict house is being used as a bat roost containing a single common pipistrelle which will require a license to close the roost, which is outside the scope of the planning system. In order to mitigate the loss of the roost it is proposed to provide 10 bat boxes on mature trees on the site. There are also measures relating to lighting which would need to be incorporated into any approved scheme in order to minimise impacts on bats using the site.
- 10.20 Whilst the proposals would result in harm to protected species it is considered that the mitigation measures proposed are acceptable and that the benefits of the scheme outweigh the harm to protected species. The proposals are therefore in accordance with Policy GEN7 and the NPPF.

**F The proposals would increase flood risks on or off-site (ULP Policy GEN3; Draft ULP Policies EN6, EN7; NPPF)**

- 10.21 A Flood Risk Assessment has been submitted with the application and this identifies that the site falls within Flood Zone 1, therefore a site least likely to flood. The Assessment concludes that there would be a low risk of groundwater flooding. Sustainable drainage techniques are proposed to be incorporated into the scheme including permeable surfaces. The section at Essex County Council that will be responsible for SuDS have raised some concerns regarding the proposed discharge of surface water into highway sewers. The Environment Agency has requested a condition requiring the submission of a surface water drainage scheme prior to the commencement of development. It is considered that the proposals are in accordance with the relevant policies.

**G The proposals would result in the potential for contamination (ULP Policy ENV14; Draft ULP Policy EN3; NPPF)**

- 10.22 A site investigation has been carried out as part of the development proposals with regards to the potential for contamination. Trial pits were dug across the site down to natural ground levels and these identified various forms of debris which would require appropriate disposal prior to development commencing. It is estimated that between 60,000 and 80,000m<sup>3</sup> of soils will be removed in order to return the site back to natural ground levels. Essex Minerals and Waste department has confirmed that they do not require to be consulted on the application and that this is a matter for the district council to consider.
- 10.23 It is clear that the site needs to be cleared back to natural ground levels given the nature of the development. Whilst there would be some disruption during the removal of spoil this would be a short term nuisance and the site operator should incorporate Good Practice Standards when working on the site, including ensuring that lorries are covered on leaving the site. The Environment Agency has suggested that a condition be imposed to ensure that any unknown contamination is properly dealt with. The proposals comply with policy.

**11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A Whilst the proposed development would be contrary to adopted countryside protection policies the site has been allocated for employment uses in the draft Local Plan. The proposals represent sustainable development and are considered acceptable.
- B The design of the proposals has taken into account the rural location and the setting of the adjacent listed building and they are acceptable.
- C The proposals are not likely to result in loss of residential amenity due to overbearing, overlooking, overshadowing or through noise, smells and fumes.
- D The proposed access is considered appropriate and the parking standards are acceptable.
- E There would be adverse impacts on protected species arising from these proposals but mitigation measures have been identified and are considered to be appropriate.
- F It is not considered likely that the proposals would result in increased flood risks either on or off site, although a condition is required relating to the submission and approval of a surface water drainage scheme.
- G It is unlikely that the proposals would result in risks arising from contamination.

**RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive - Legal, in which case he shall be authorised to conclude such**

**an agreement to secure the following:**

- (i) The translocation of reptiles to Stow Maries**
  - (ii) Council's reasonable legal costs**
  - (iii) Monitoring contribution**
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below.**
- (III) If the freehold owner shall fail to enter into such an agreement by 30 July 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) The lack of facility to secure the translocation of reptiles to Stow Maries**

Conditions/reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of the development hereby permitted a construction management strategy shall be submitted to and approved in writing by the local planning authority. This shall cover the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting) – such schemes shall comply with Advice Note 4 'Cranes and other Construction Issues' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))
- Control of activities likely to produce dust and smoke etc
- Details of temporary lighting – such details shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds

The approved strategy (or any variation approved in writing by the local planning authority) shall be implemented for the duration of the construction period.

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Stansted Airport and endanger aircraft movements and the safe operation of the aerodrome.

3. Obstacle lights shall be placed on any construction equipment extending above 117metres AOD to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 2000 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric

performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk](http://www.caa.co.uk) ).

REASON: Permanently illuminated obstacle lighting is required for the duration of construction and on construction equipment to avoid endangering the safe movement of aircraft and the operation of Stansted Airport.

4. The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

REASON: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

5. Prior to the erection of the development hereby approved (not including footings and foundations) full details of hard and soft landscape works and water landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. hard surfacing materials;
  - iii. minor artefacts and structures (e.g. refuse or other storage units, lighting, etc.);
  - iv. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports
  - v. *the species, number and spacing of trees and shrubs* - details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety)).
  - vi. *details of any water features*
  - vii. *drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at [www.aoa.org.uk/operations-safety](http://www.aoa.org.uk/operations-safety))*.Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.  
No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site. The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Uttlesford Local Plan Policies GEN3 and GEN7 (adopted 2005)

7. Prior to the commencement of development a detailed scheme of mitigation and a monitoring strategy for bats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of mitigation and approved monitoring strategy and shall be retained as such thereafter.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF.

8. No development shall take place until a detailed mitigation plan for reptiles, in accordance with the recommendations given in the Ecological Appraisal (dated November 2013) and reptile mitigation letter (dated July 2014) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and paragraph 9 of the NPPF.

9. 1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Chapter 12 of the NPPF.

10. Prior to first occupation of the development hereby permitted, the highway works as shown in principle on Intermodal drawing number IT1363/SK/02 Rev B dated October 2013, shall be carried out. These works shall provide a 7.3 metre wide access at right angles to B1256 Dunmow Road with 15 metre kerb radii, visibility splays of 120 metres x 4.5 metres x 120 metres, a 2 metre wide footway on the eastern side and a right turn ghost island on Dunmow Road. Details of the works shall be submitted to and approved in writing with the Local Planning Authority in consultation with the Highway Authority and shall subsequently be carried out as approved.

REASON: To provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

11. Prior to the first occupation of the development hereby permitted the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Uttlesford Local Plan Policies GEN1 and GEN8 (adopted 2005).

12. No development shall take place, excluding the removal of the spoil on site back to natural ground levels, until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).



# Application Number: UTT/14/0138/FUL

Address: Land South of Dunmow Road Great Hallingbury



**Scale:** 1:5,868

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Organisation	UDC
Department	Planning
Comments	
Date	10/07/2014
MSA Number	100018688