



Uttlesford District Council

Chief Executive: Dawn French

Planning Committee

Date: Wednesday, 15th January, 2020

Time: 2.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Chair: Councillor S Merifield

Members: Councillors G Bagnall, M Caton, P Fairhurst, R Freeman, G LeCount,
M Lemon (Vice-Chair), J Loughlin, R Pavitt, N Reeve, A Storah and
M Sutton

Substitutes: Councillors S Barker, A Gerard, N Gregory, R Jones, B Light,
E Oliver, G Sell, M Tayler and J De Vries

Public Speaking

At the start of each agenda item there will be an opportunity for members of the public to make statements to the Committee subject to having given notice by 2pm on the day before the meeting. Please refer to further information overleaf.

AGENDA PART 1

Open to Public and Press

1 Apologies for Absence and Declarations of Interest

To receive any apologies for absence and declarations of interest.

2 Minutes of the Previous Meeting

5 - 10

To consider the minutes of the previous meeting.

**3 UTT/19/1064/DFO - Land at Holmwood, Whiteditch Lane,
Newport**

11 - 22

To consider application UTT/19/1064/DFO.

- 4 UTT/19/2257/FUL - The New Farm House, Keeres Green, Aythorpe Roding** 23 - 30

To consider application UTT/19/2257/FUL.

- 5 UTT/19/1166/OP - Land to the South of Stortford Road** 31 - 74

To consider application UTT/19/1166/OP.

- 6 UTT/19/1864/FUL - Terriers Farm, Boyton End, Thaxted** 75 - 98

To consider application UTT/19/1864/FUL.

- 7 UTT/19/2159/FUL - Gladwyns Farm, Sheering Road, Hatfield Heath** 99 - 108

To consider application UTT/19/2159/FUL.

- 8 UTT/18/3524/FUL - Frogs Hall, Bambers Green Road, Takeley** 109 - 124

To consider application UTT/18/3524/FUL.

- 9 UTT/18/3525/LB - Frogs Hall, Bambers Green Road, Takeley** 125 - 130

To consider application UTT/18/3525/LB.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 18 DECEMBER 2019 at 2.00 pm

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, M Caton, R Freeman, M Lemon,
J Loughlin, R Pavitt, N Reeve, A Storah and M Sutton

Officers in attendance: R Beale (Planning Officer), A Bochel (Democratic Services Officer), N Brown (Development Manager), K Denmark (Development Management Team Leader), J Doe (Planning Officer) and E Smith (Solicitor)

Also present: Cllrs N Gregory and P Lees, C Cant, I Coward, A Harrison, J Harrison, J Knight, M McGarr, G Mott, J Redfern, S Ryan, L Trevillian, A White, F Wilkinson and C Wragg

PC82 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor LeCount.

Councillor Gerard declared a non – pecuniary personal interest in item 8, in that he was a member of Newport Parish Council and the Newport, Quendon and Rickling Neighbourhood Plan Steering Group.

The Chair declared a non-pecuniary personal interest in items 4 and 7, in that she was a member of Stebbing Parish Council. She advised she would withdraw from the room for item 4, as she had been involved in discussion of the item at the parish council.

Councillor Reeve declared a non-pecuniary personal interest in items 11 and 12, in that he knew the applicants.

PC83 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 6 November were approved and signed by the Chair as a correct record.

PC84 UTT/19/0573/OP - LITTLE CHESTERFORD

The Development Manager presented the report which proposed approval of outline planning application with all matters reserved except access for residential development on 3.2ha of land to the south west of London Road, Great Chesterford. The proposed development was for up to 76 dwellings, including provision of vehicular and pedestrian access, public open space and hard and soft landscaping.

Councillor Bagnall proposed to defer the application. Councillor Freeman seconded this motion.

RESOLVED to defer consideration until the receipt of the letter from the Planning Inspectorate regarding the Council's local plan. If the letter is not received before February the matter will be reported back to February's Planning Committee

Councillor Gregory, A Harrison, J Harrison, J Redfern, F Wilkinson and J Knight spoke on this item.

PC85 UTT/19/0476/OP - STEBBING

The Chair recused herself from this item. Once she had spoken on the item as a member of the public, she left the room. The Vice Chair chaired the discussion.

The Development Management Team Leader gave a summary of the report which recommended approval of the change of use of the land from agricultural to residential use for the erection of 17 no. dwellings with parking with all matters reserved except for access. The submitted scheme would include 40% affordable housing provision.

Councillor Gerard proposed refusal of the application. Councillor Bagnall seconded this motion. The vote did not pass.

Councillor Freeman proposed approval of the application. Councillor Caton seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

Councillor Merifield, C Cant and L Trevillian spoke on this item.

PC86 UTT/19/2545/FUL - ELSENHAM

The Chair returned to the room for the discussion of this item.

The Planning Officer gave a summary of the report which recommended approval of the proposed demolition of existing house and the erection of 3no. 4-bedroom dwellings.

Members expressed concern that the application contravened planning policies GEN 2, GEN 8 and S 3, regarding design, vehicle parking standards and other development limits.

Councillor Freeman proposed to refuse the application. Councillor Gerard seconded this motion.

RESOLVED to refuse the application for the following reasons:

The proposal constitutes overdevelopment of the site, including the provision of contrived car parking, resulting in development out of character of the area, contrary to Policies S3, GEN2 & GEN 8 of the Uttlesford Local Plan 2005.

Councillor Lees, Mrs Pudwell, Dr G Mott and M McGarr spoke on this item.

PC87 UTT/19/2557/FUL - AYTHORPE RODING

The Planning Officer gave a summary of the report which proposed approval of a new dwelling and garage (following outline approval UTT/17/2513/OP).

Councillor Loughlin proposed to defer the item for a site visit. Councillor Gerard seconded this motion.

RESOLVED to defer consideration of the application for a site visit.

I Coward, S Ryan and A White spoke on this item.

PC88 UTT/19/2342/FUL - STEBBING

The Planning Officer gave a summary of the report which recommended approval of full planning permission for the erection of two detached dwelling houses.

RESOLVED to approve the application subject to the conditions in the report and two additional conditions:

- 1) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the garage will be retained as a garage in perpetuity for the parking of a vehicle.

REASON: To ensure that appropriate access and parking is provided, in accordance with Policy GEN1 and GEN8 of the Uttlesford Local Plan 2005.

- 2) Prior to commencement of the development, a Construction Traffic Management Plan must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details, which must provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development

REASON: To ensure that the highway is not obstructed during the construction period, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

C Cant and C Wragg spoke on this item.

PC89 UTT/19/1064/DFO - NEWPORT

The Committee discussed deferring this item until the following meeting.

RESOLVED to defer consideration of this application to the following meeting.

PC90 UTT/19/2022/FUL - WIMBISH

The Planning Officer gave a summary of the report, which recommended approval of the change of use of the application building from a holiday let to a single dwelling.

Councillor Reeve proposed approval of the application. Councillor Pavitt seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

PC91 UTT/19/2442/FUL - LITTLE CHESTERFORD

The Development Manager gave a summary of the report which recommended approval with conditions for electrical reinforcement works, extension and alterations to existing building and replacement timber fence and gates.

Councillor Reeve proposed approval of the application. Councillor Pavitt seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

PC92 UTT/19/2606/LB - BARNSTON

The Development Management Team Leader gave a summary of the report which recommended approval of listed building consent for the demolition of existing garden room and erection of replacement garden room, replace glazing to rear elevation of house and alterations to entrance porch including enclosing with glazing, infill panel and adding an extra door and replacement of area of

roof covering. The application had been reported to Committee as the applicant was a Member.

Councillor Reeve proposed approval of the application. Councillor Gerard seconded this motion.

RESOLVED to approve the application subject to the conditions in the report.

PC93 **UTT/19/2613/NMA - BARNSTON**

The Development Management Team Leader gave a summary of the report which recommended approval of the non-material amendment to UTT/18/1695/HHF application comprising of removal of proposed chimney and replacement with matching window and a change to gully. The application had been reported to Committee as the applicant was a Member.

Councillor Pavitt proposed approval of the application. Councillor Storah seconded this motion.

RESOLVED to approve the application.

The meeting closed at 5.35.

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UTT/19/1064/DFO - NEWPORT

(Major Application)

PROPOSAL: Details following outline application UTT/15/0879/OP for 12 dwellings (allowed on appeal under reference APP/C1570/W/15/3137906) Details of Layout, scale, appearance and landscaping

LOCATION: Land At Holmwood, Whiteditch Lane, Newport

APPLICANT: Mr & Mrs Stringer

AGENT: GF Planning Limited

EXPIRY DATE: 18th January 2020

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site is at the northern end of Whiteditch Lane, it is rectangular in shape and occupied by a bungalow, its garden, stables, a manege and a series of paddocks. The site is bound by hedgerow and some close board fencing. To the north and west of the site include detached residential buildings facing Whiteditch Lane; whilst the eastern side comprised of playing fields of Newport Grammar School.

3. PROPOSAL

3.1 This application considers the reserved matters following outline application UTT/15/0879/OP for 12 dwellings (allowed on appeal under reference APP/C1570/W/15/3137906) this includes; layout, scale, appearance and landscaping. The details of access to the site has already considered and allowed under the above planning application.

3.2 The proposal will include the following housing details:

3.3

Plot	House Type	Bedrooms	Garden	Parking
1	Detached, Two Storey	5	100sqm +	3
2	Detached, Two Storey	5	100sqm +	3
3	Detached, Two Storey	5	100sqm +	3
4	Detached, Two Storey	5	100sqm +	3
5	Detached, Bungalow	3	100sqm+	3
6	Semi Detached, Bunglaow	2	50sqm+	2
7	Semi Detached, Bungalow	2	50sqm+	2
8	End Terrace, Two Storey	3	100sqm+	2
9	Mid terrace, Two Storey	2	50sqm+	2
10	End Terrace, Two Storey	2	50sqm+	2

11	Detached, Two Storey	4	100sqm+	3
12	Detached, Two Storey	4	100sqm+	3

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
 The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And
 Human Rights Act considerations:
 There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person’s private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

5. APPLICANT’S CASE

5.1 The applicant has provided a planning statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

6. RELEVANT SITE HISTORY

6.1 UTT/15/0879/OP.
 Outline application for the erection of 12 no. dwellings with all matters reserved except access.

Allowed on appeal under reference APP/C1570/W/15/3137906 (23/5/2019).

7. POLICIES

7.1 National Policies

National Planning Policy Framework (2019)

7.2 Uttlesford Local Plan (2005)

- Policy S7 – The countryside
- Policy GEN1- Access
- Policy GEN2 – Design
- Policy GEN3 -Flood Protection
- Policy GEN4- Good Neighbourliness
- Policy GEN7 - Nature Conservation
- Policy GEN8- Vehicle Parking Standards
- Policy H10- Housing Mix
- ENV3- Open Space and Trees

7.3 Supplementary Planning Documents/Guidance

- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council parking Standards (2006)
- Supplementary Planning Document- Accessible homes and play space homes
- Essex Design Guide

7.4 Emerging Plans

Uttlesford Emerging Local Plan
Newport, Quendon and Rickling Emerging Neighbourhood Plan

8. PARISH COUNCIL COMMENTS

- 8.1 Concerns raised that this application has been submitted for review as significant information is missing. There is no indication of the plans for surface water or foul drainage, there does not appear to be any detail on road widths or swept path analysis and judging by the trees indicated in the site plan the sight lines at the entrance to the site appear to be inadequate from a safety perspective. The number of parking spaces per dwelling is not shown. Therefore we concur with ECC SUDS team and wish to submit a holding objection until such time as sufficient information is made available to fully assess the application fully.
- 8.2 A review of the comments from the Parish Council and other neighbour representations can be found at paragraph 10.2 of this report

9.0 CONSULTATIONS

The Highways Authority

- 9.1 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
2. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Anglian Water

- 9.2 No comments/ objections

Ecology

- 9.3 We have reviewed the submitted landscape documents (Liz Lake Associates, April 2019), provided by the applicant for this application. In addition, we have reassessed the Ecological Report (Jones and Sons Environmental Ltd, 2015), relating to the likely impacts on designated sites, protected and priority species / habitats.

We approve of the submitted landscape scheme, but query whether any aquatic planting will be undertaken within the wildlife pond, as well as, how this feature will be managed. We note that the Appeal Decision has included the following condition for a Biodiversity Management Plan:

Condition 10) No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall be in accordance with the Phase 1 Ecology Report (Jones and Sons Environmental, January 2015) and should include: a description and evaluation of features to be managed; ecological trends and constraints on site that might influence management; aims and objectives of management; appropriate management options for achieving the aims and objectives of the project; prescriptions for management actions; a work schedule (including an annual work plan capable of being rolled forward over a five year period); details of the body or organisation responsible for implementation of the plan; and ongoing monitoring and remedial measures. The plan shall include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved Biodiversity Management Plan.

Therefore, it is considered appropriate that any details regarding the wildlife pond could be set out within the Biodiversity Management Plan. In addition, we request that the ecological enhancement measures, as proposed within the Ecological Report (Jones and Sons Environmental Ltd, 2015) should also be outlined within this document, as this will ensure that this application delivers measurable net gains for biodiversity, as outlined within paragraph 170d of the NPPF.

Aerodrome Safeguarding

- 9.4 No Objections

Crime Prevention Officer

- 9.5 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended

residents and those neighbouring the development are agreed prior to a planning application.

SUDs

9.6 Dated 23/8/2019

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of reserve matter planning permission ref UTT/19/1064/DFO. It is in line with the outline planning application and as such should be subject to the same condition as applied to outline application (UTT/15/0879/OP). The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Drainage strategies and the documents submitted with this application are implemented as approved.

County Archaeology Officer

9.7 RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation

No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation 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.

Reason for Archaeological recommendation

The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. The proposed development lies just outside the suggested limits of the medieval town and in close proximity to the potential site of Newport castle (EHER 7307, 234). Recent trial trenching to the north of the site has identified Late Bronze Age, Early Iron Age and Roman occupation (EHER 49066, 48597, 49074). Multi-period archaeological features are therefore likely to be preserved.

10 REPRESENTATIONS

10.1 1 letter of objection and further letters of comments has been received, these are summarised in the following table, and this includes comments from the case officer.

Comments Received	Case Officers Comments
The application has insufficient details in regards to drainage	Appropriate drainage details were submitted with the outline application and appropriate conditions imposed.
Insufficient parking	The proposed development includes off street parking for all the dwellings and additional visitor parking within the site.
No turning areas for large vehicles	A large vehicle turning area is included within the site, no objections raised by the Highway Authority.
Appropriate landscaping should be in place	Landscaping is considered in this application
The footpath to the side of the site should not be obstructed	The development will not result in any encroachment to the public right of way to the south of the site.
The byway will require further	A condition is imposed on the outline

upgrading	planning permission for Whiteditch Lane to be surveyed prior and post construction of the development. Any repair works will have to be completed within 3 months.
A further ecology survey should be undertaken and conditions imposed.	An ecology survey was submitted with the outline planning application and appropriate conditions imposed, no further objections or recommendation have been received from The ECC Ecologist.
The proposal includes two access to the site.	One access is demonstrated on the submitted plans, furthermore a condition has been imposed on the outline planning permission that the existing is block off following the implemented use of the new access.
The site does not include sufficient visibility splays	The Highways Authority have assessed the proposed access, not objections have been made.

- 10.3 All material planning merits will be considered in the following report.
- 10.4 The following paragraphs addresses the comments received.
- 10.5 Drainage and flooding is not a consideration in the reserved matters application, condition imposed on the outline planning permission UTT/15/0879/OP. The local leads flood authority (SUDs) have not made any objections.
- 10.6 Details of the access to the site and surveys of Whiteditch Lane prior and post development of the site are not a consideration in this reserved matters application. have been set out as conditions to the outline planning permission - UTT/15/0879/OP.
- 10.7 Parking provisions for the dwellings are set out on the site plan, this is considered in this report.
- 10.8 Conditions recommended by the ecology officer are imposed on the outline planning permission UTT/15/0879/OP.
- 10.9 Conditions recommended by the archaeology officer are imposed on the outline planning permission UTT/15/0879/OP.

11 The issues to be considered in the determination of this application are

- A Layout of the development , including the design, impact to amenity and Parking (ULP Policies GEN2, GEN4, GEN8, ENV13 Essex Design Guide, UDC Local Residential Parking Standards, NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan and the emerging Uttlesford Local Plan)
- B Scale and appearance of the development, including the design and impact to amenity, (ULP Policies S7, GEN2, H10, Essex Design Guide, UDC Local Residential Parking Standards, NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan)
- C Landscaping(ULP Policies S7, GEN2, ENV3 and the NPPF)
- D Nature Conservation (ULP Policy GEN7);
- E Any other material considerations

A Layout of the development , including the design, impact to amenity and Parking (ULP Policies GEN2, GEN4, GEN8, ENV13 Essex Design Guide, UDC Local Residential Parking Standards, NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan and the emerging Uttlesford Local Plan)

- 11.1 The development will include a layout that will provide an appropriate siting of the dwellings, garages within the site. The layout of the development provides sufficient distance and space between the properties and ensure the site is not overdeveloped or have a cramped appearance. The layout of the scheme ensures the properties will have sufficient private amenity space in accordance with the Essex Design Guide; this is contributed by the distance between properties and landscaping features.
- 11.2 In terms of layout and number of the parking spaces, the adopted Uttlesford Local Residential Parking Standards require two or three bedroom dwellings should include two off street parking spaces and four bedrooms and above should include three off street parking spaces. It is considered sufficient parking spaces have been proposed and in accordance with these adopted standards. Furthermore, three visitor parking spaces will be provided within the development, this is in accordance with the guidance provided in the Essex County Council Parking Standards, also the layout of the site is not restrictive and a number of the dwellings have additional space for off street parking. Policy TA2 of the emerging Uttlesford Local Plan considers the requirement of electric charging points. It is stated within this policy that “houses require one charging point per house with a drive or garage, this will help mitigate the impact of increasing car fumes and pollution. As such the provision of the one charging point per dwelling is not unreasonable and therefore a condition for this provision should be imposed. This is also compliant with the aims of ULP Policy ENV13 and paragraph 105 (e) of the NPPF.
- 11.3 The proposal would need to comply with accessible and adaptable dwellings M4(2) of the Building Regulations 2010. Approved Document M, Volume 1 2015 edition and 2016 amendments. Also in respect to Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, as such this should be conditioned if approved.
- 11.4 Refuse collection is proposed from within the site, with refuse vehicles travel in forward gear, with room within the site for refuse vehicles to turn and exit the site in forward gear. Each dwelling is within the maximum collection and drag distances prescribed.
- 11.5 The separation distances between the proposed dwellings and the existing neighbouring dwellings ensure the development will not result in any loss of light, overshadowing that will have a harmful impact to neighbouring occupiers.
- 11.6 ULP Policy GEN2 also considers the impact to neighbouring properties in regards to loss of light, over shadowing, overlooking and loss of privacy. The site plan submitted shows that the proposed dwellings as sited are unlikely to give rise to a significant loss of residential amenity to adjacent dwellings. Sufficient distance between the dwellings and the existing dwelling outside the application site to not result in any harmful impact to neighbours private amenity.
- 11.7 The housing enabling officer has made no objections to the layout of affordable housing. Therefore the development is considered the proposal accords with ULP Policies H10.

11.8 The introduction of the dwellings will result in an increase of noise and disturbance, mainly due to the increase of vehicular movement within the site, that being said this would be consistent to the other residential development along Whiteditch Lane. As such I do not consider the disturbance would be of a significant level that will result in a material harmful impact to the amenity of the existing neighbouring occupiers. As such the proposal is in accordance with ULP Policy GEN4

11.9 Taking into regards the details set out in the above paragraphs it is considered layout of the development is appropriate and in accordance with ULP Policies S7, GEN2, GEN4, GEN8, H10, ENV13, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan)

B Scale and appearance of the development, including the design and impact to amenity, (ULP Policies S7, GEN2, H10, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF, Emerging Newport, Quendon and Rickling Neighbourhood Plan (NQRNP)

11.10 Policy GEN2 considers the design of the development to ensure the development is compatible with its surroundings, while one of the main objectives of the emerging NQRNP is to ensure housing is of a high quality design and that outside of the conservation area more variety of designs should be used. The scale of the dwellings are considered appropriate and will include a mixture of larger detached dwellings, smaller terrace dwelling and bungalows. The scale of the dwellings are not dominant or intrusive in the setting of the site or its surroundings. Whiteditch Lane includes a number of new residential developments, it is considered the scale of the development including the scale of the dwellings within the site are compatible with the neighbouring residential development and therefore would not be out of place or harmful to the character of the site.

11.11 As shown on the submitted plans the proposed dwellings are a mixture two storeys properties and bungalows and will include the use of external materials that will be are considered acceptable in this location, that being said a condition should be imposed for the submission of further details of the materials. The scale and appearance of the dwellings are not considered to be adversely intrusive or dominant in the street scene or surrounding area. As stated in paragraph 11.2 appropriate parking has been include in relation to the scale of the development.

11.12 The housing enabling officer has made no objections to the scale of affordable housing. Therefore the development is considered the proposal accords with ULP Polices H10.

11.13 As such taking due consideration of the above it is considered the proposed development includes an acceptable scale and appearance and in accordance with ULP Policies GEN2 and GEN8, Essex Design Guide, UDC Local Residential Parking Standards and the NPPF.

C Landscaping (ULP Policies S7, GEN2, ENV3 and the NPPF)

11.14 Landscaping details have been submitted with the application, this includes post and rail fencing to the north, east and south boundary and some close board fencing to the west boundary to provide privacy for the neighbouring properties. Planting, soft landscaping details and the provision of small play area have been provided. The Council's Landscape Officer has been consulted, no objections of further recommendations have been made. As such it is considered the proposed

landscape details are appropriate in the context of the site and surrounding area.

- 11.15 Between the north and south of the site of the application site there is significant vegetation and trees which provide further mitigation and privacy between the two sites. A landscaping condition should be included to ensure further enhancement is made. As such taking into consideration the details above it is considered the landscaping details are appropriate in the context of the character of the site and accords with Policies S7, GEN2, ENV3 and the NPPF

D Protected species and biodiversity (ULP Policy GEN7 and ENV8)

- 11.16 Policy GEN7 and paragraph 174 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV8 requires the protection of hedgerows, linear tree belts, and semi-natural grasslands. A protected species survey was submitted with the approved outline planning application, no objections have been made by the ecology officer subject to conditions. It is advised these condition have been imposed on the allowed outline application and therefore do not need to be duplicated. As such it is considered the proposed development will not have a harmful impact on protected species or biodiversity and is in accordance with Policy GEN7 and the National Planning Policy Framework.

E Any other material considerations

- 11.17 The following policies are included in emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

SP10- Protection of countryside
D1- High quality design
EN8- Protecting the natural environment
EN17- Air Quality
EN19- Noise sensitive development
H2- Housing Mix
EN10- Open spaces
TA2- Sustainable Transport

12 CONCLUSION

- A The layout, scale and appearance of the development is acceptable. No significant loss of residential amenity will arise from the proposals. The amenity areas and parking provision are appropriate and complies with Policies GEN2 and GEN8. The housing mix for the development is also considered acceptable (ULP Policy H10)
- B The landscaping details are considered appropriate for the site and therefore accords with ULP Policies S7, GEN2, and ENV3.
- C The submitted layout plan shows that impacts on residential amenity are likely to be insignificant and therefore accords with ULP Policies GEN2 and GEN4.
- D The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 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 No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.
- 3 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity ULP Policy GEN1.
- 4 A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

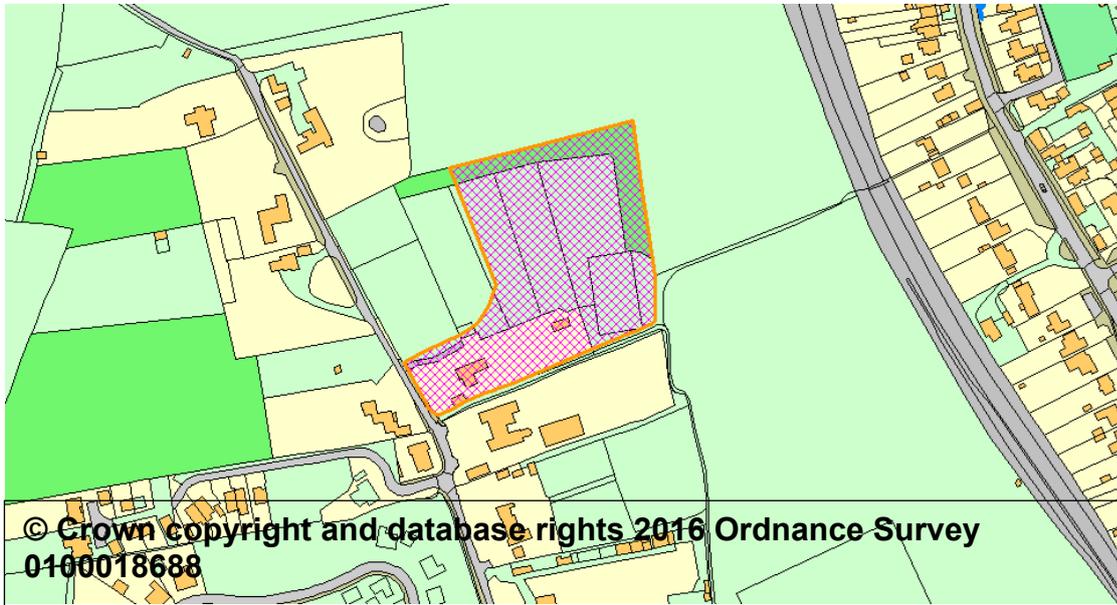
REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP ENV13, TA2 of the emerging local plan and the NPPF
- 5 The dwellings hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace
- 6 Prior to commencement of works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:
 - Walls
 - Roof
 - Windows
 - Doors
The development must be carried out in accordance with the approved details.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework. This condition is to ensure that the development is only carried out in accordance with the above details
- 7 The landscaping shall be carried out strictly in accordance with the details shown on

drawing nos. 2556 01, 2556 02, and 2556 03, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.



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Organisation: Uttlesford District Council

Department: Planning

Date: 20th December 2019

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This item was previously deferred to enable a Councillors' site visit

UTT/19/2557/FUL - AYTHORPE RODING

(Referred to Committee by Cllr Susan Barker. Reason: The application is of far greater scale than the original application for a bungalow with bedrooms at first floor; plot too small for the size of proposal to be in keeping with adjoining houses; garage to the front of the property is not in keeping with the street scene; and, the build line is not sympathetic to the street scene)

PROPOSAL: Proposed new dwelling and garage (following outline approval UTT/17/2513/OP).

LOCATION: The New Farm House, Keeres Green, Aythorpe Roding

APPLICANT: Mr A White

AGENT: Mr Seb Walsh

EXPIRY DATE: 5th December 2019

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Outside defined settlement limits

2. DESCRIPTION OF SITE

2.1 The site is formed by part of the curtilage of a detached house on the northern side of an unclassified road known as Keeres Green. To the west the road is also known as School Lane. The junction with Dunmow Road, part of the B184, is some 300m to the west.

2.2 Leaden Roding is about half a mile to the south.

3. PROPOSAL

3.1 Proposed new dwelling and garage (following outline approval UTT/17/2513/OP).

3.2 The application seeks full planning permission for a four-bedroomed detached house with an attached single garage.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 The application documentation includes a design and access statement and a completed biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/2513/OP - Outline application with appearance, landscaping and scale reserved, for 1 no. dwelling and garage – Approved 23.01.2018

7. POLICIES

Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
H3 – New Houses within Development Limits

Supplementary Planning Documents/Guidance

Uttlesford Local Parking Standards
ECC Parking Standards DGP09/2009
Essex Design Guide
Accessible homes and playspace

National Policies

National Planning Policy Framework

Other Material Considerations

Not applicable.

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council objected to the outline application. The Parish Council continues to support the concerns of residents in this detailed application.
1. The planned house is much larger than the outline application. It would dominate the small plot and is out of keeping with the neighbouring properties.
 2. Placing a garage in front of the property will negatively impact the rural street scene.

9. CONSULTATIONS

Highways

- 9.1 Considering the site history and previous approved scheme UTT/17/2513/OP, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to measures addressing implementation of a parking/turning area and no unbound material for first 6m.

10. REPRESENTATIONS

10.1 A site notice was posted. 15 letters were sent to occupiers of neighbouring properties. 5 letters of objection have been received making points summarised below:

- modern design of proposal is not in keeping with the architecture of the hamlet
- spoils the spaced out design and atmosphere which is the most important aspect of the charm of this country hamlet
- built form too close to boundaries of its plot
- vehicular access would create a highway hazard
- a huge change from a bungalow
- zinc framed windows would be visually jarring
- garage sticks out bizarrely
- ugly front aspect is a consequence of trying to fit a double garage and a large house into a very narrow gap
- height would give an overbearing effect
- integral garages are not a feature of the area
- vehicle movements so close to boundary would be intrusive
- loss of sunlight to our property and our greenhouse would be overshadowed
- unsustainable location
- out of context in respect of its modern design
- no regard to the listed buildings which are seen in the immediate vicinity.

11. APPRAISAL

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

- A The principle of development, including the history of the site (Policies S7 and H3)
- B Design and affect to street scene (Policy GEN2)
- C Impact to neighbours (Policy GEN2)
- D Highway access and parking (Policies GEN1 and GEN8)
- E Nature conservation (Policy GEN7)
- F Amenity of future occupiers (Policy GEN2)

A The principle of development, including the history of the site

- 11.1 Outline planning permission, UTT/17/2513/OP, exists for a dwelling on the site. Whilst an indicative street scene drawing shows a chalet style dwelling, the decision notice refers to a dwelling; not to a bungalow. There is no condition requiring a bungalow type dwelling; a condition states that scale and appearance are reserved for later approval.
- 11.2 Policy S7 states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. There is no special reason why the development would need to be there. However, it is judged that the proposal would protect the rural character of the site and on balance not represent erosion to the existing character of the broader setting of the locality.

- 11.3 The plot is relatively narrow given its rural setting and the house would be well set back from the road, there would be a distance of some 17m between the front of the garage and the frontage to the site with the main front elevation of the house set back a further 5m. There is a hedge along much of the frontage. A house on this plot would fit the pattern of existing ribbon development being a typical infill plot and not look out of keeping with its setting in overall terms (design is discussed below).
- 11.4 The site is in a hamlet with no apparent services or facilities within easy reach. In relation to a recent (11th April 2019) appeal decision (APP/C1570/W/18/3206066) for a site at land adjacent to Cut Elms Farmhouse the Inspector commented, in paragraph 13, that Keeres Green is a small settlement with no apparent services or facilities within easy reach. Given the rural location of the site located some distance to any services and facilities, it is highly likely that future occupiers of the site would be mostly dependent upon the private car. However, given that outline planning permission has been granted, in February 2018, for a dwelling on the site, it is considered that a reason for refusal based on an unsustainable location could not be adequately substantiated at appeal.
- 11.5 Policy H3 states that windfall sites will be permitted if they meet all of a number of criteria.
- 11.6 The first criterion of Policy H3 is that the site should comprise previously developed land. This is the case; the site is part of a garden to an existing house.
- 11.7 The second criterion is that the site has reasonable accessibility to jobs, shops and services by modes other than the car. Whilst this is a debatable point, it is inescapable that the site was considered to be acceptable with regard to sustainability when outline planning permission was given for a dwelling. The policy context has not changed sufficiently since the date of that decision for any reason for refusal to be raised on the ground of an unsustainable location. Whilst the emerging Local Plan has changed its status somewhat, it is often referred to in Inspectors' decision letters that the emerging Local Plan is capable of being changed and so can only be given very limited weight.
- 11.8 The third criterion is that existing infrastructure has the capacity to absorb further development. Additional demand for infrastructure created by only one dwelling would be minimal. The application form states that foul sewage would be dealt with by a package treatment plant. The proposal is considered acceptable with regard to the third criterion.
- 11.9 With regard to the remainder criteria of Policy H3, the development would support local services and facilities; the site is not a key employment site; and, development would not make inefficient use of land.
- 11.10 The proposal would meet Government advice set out at paragraph 117 of the NPPF that planning decisions should promote an effective use of land in meeting the need for homes and other uses.
- 11.11 A 2.68 year housing land supply currently exists in the District, which represents a significant shortfall. The NPPF is clear that where a five-year supply of deliverable housing sites cannot demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

B Design and affect to street scene (Policy GEN2)

- 11.12 The appearance of the front elevation of the proposed house would have a somewhat contemporary style with flat roofed front dormers to two first floor windows and a flat roof to a porch accommodating the entrance door. External materials would be render to walls and tiles with the appearance of slates to the roof. The window frames would be of aluminium. A single storey rear bay would have a zinc finish where not glazed.
- 11.13 The house would be some 12m wide and the two-storey form would be some 8m deep. The garage would project, by some 5m, from the front elevation of the house. The house would have a two-storey front bay with gable end. The house would have a maximum height of 8.8m to the ridge of the roof, 4.3m to the eaves. The existing house at New Farm House has a maximum height of 9.1m.
- 11.14 Policy GEN2 states that development will not be permitted unless its design meets all of a number of criteria.
- 11.15 The first criterion is that it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The proposed house would be set between two houses with pitched roofs; the scale and form would be compatible with surrounding buildings. The layout would be compatible with surrounding buildings in that the front elevation of the house would be in line with the front elevation of the house at New Farm House and the front of the garage would be in line with the front elevation of the house at Clarendon House, the house to the left hand side when viewing the street scene. Comment has been made in representations from neighbours regarding materials but the main elements of the proposed house would be rendered walls and a slate tile roof. These materials would be compatible with surrounding buildings.
- 11.16 The appearance of the proposal and its affect to the street scene are considered acceptable with regard to Policy GEN2.

C Impact to neighbours (Policy GEN2)

- 11.17 The proposed house would have two neighbouring properties on adjoining plots; Clarendon House, to the west, and The New Farm House, to the east. The proposed house would be set 4m from the side boundary with Clarendon House. There is a close boarded fence on this boundary. The built form of the house at Clarendon House is separated from the common side boundary with the application site by a double garage. Due to orientation and isolation distances the proposal would have no material adverse impact to the occupiers of Clarendon House. The proposed house would be 4m from the common side boundary with the existing house at The New Farm House. Due to orientation and isolation distances the proposal would have no material adverse impact to the occupiers of The New Farm House.
- 11.18 The effect of the proposal in relation to any impact to neighbours is considered acceptable with regard to Policy GEN2.

D Highway access and parking (Policies GEN1 and GEN8)

- 11.19 The local highway authority, Essex County Council, has been consulted on the application and a response received in writing of no objection, subject to conditions. Accordingly the proposal is considered acceptable with regard to Policy GEN1.
- 11.20 The parking requirement for a house of four or more bedrooms is three parking spaces. This level of provision would be available in the form of an integral single garage and two parking spaces between the proposed house and front boundary planting. Accordingly the proposal is considered acceptable with regard to Policy GEN8.

E Nature conservation (Policy GEN7)

- 11.21 The application documentation includes a completed biodiversity validation checklist which indicates that the site is of very limited biodiversity interest. At the site visit the site was seen to consist essentially of mown grass. Accordingly the proposal is considered acceptable with regard to Policy GEN7.

F Amenity of future occupiers (Policy GEN2)

- 11.22 The proposed dwelling would have a private amenity area of some 300 sq m with an outlook of agricultural land to the north. The design of the proposed houses is such that they would provide an environment which would meet the reasonable needs of all potential users.

12. CONCLUSION

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

- A** This is a brownfield site with outline planning permission for a dwelling and the proposal would infill between two adjoining house plots; the proposal cannot be said to be unacceptable in principle.
- B** The house has insignificant elements of contemporary design but overall its mass, form and positioning are such that it would be acceptable within its street scene.
- C** There would be no material adverse impact to any neighbour.
- D** The local highway authority has raised no objection to the proposal and parking provision is acceptable.
- E** The proposal is acceptable with regard to ecological matters.
- F** The proposal would create a dwelling with a high degree of amenity for future occupiers.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. The dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

4. Prior to first occupation of the house hereby permitted, an electric car charging facility shall be installed in the garage and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework.

5. Prior to first occupation landscape works, as shown on approved drawing 19 130 02 revision B, shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

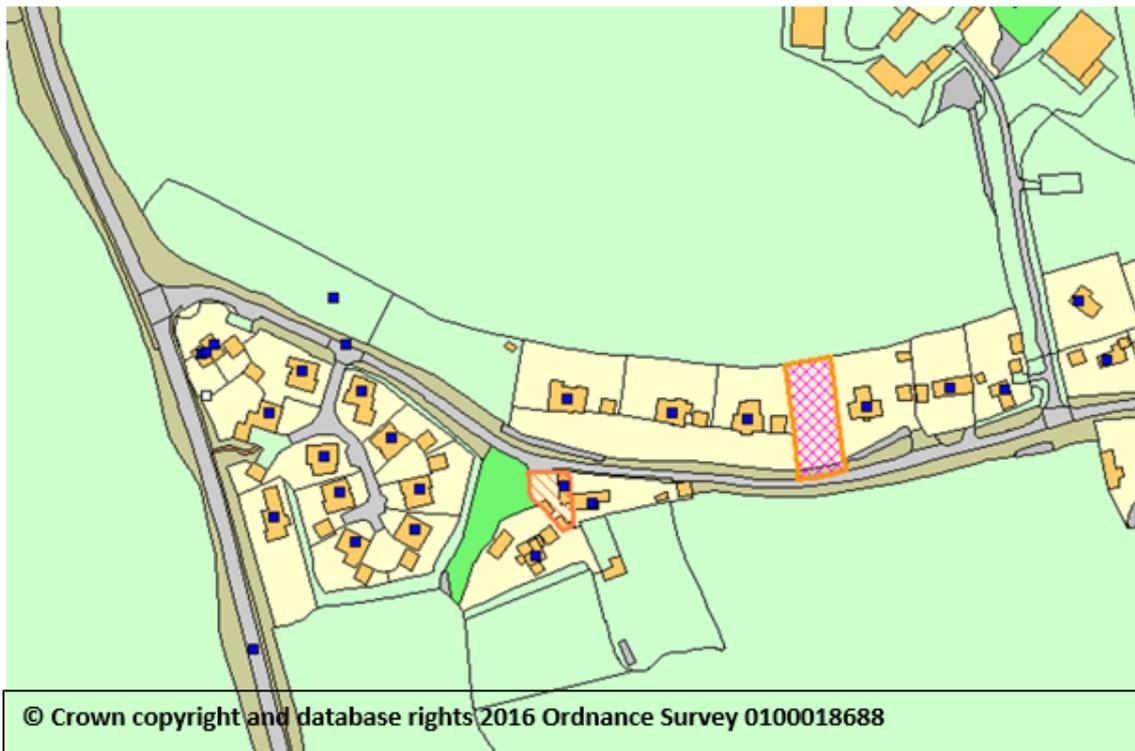
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the occupation of the development the access arrangements, vehicle parking and turning area as indicated on DWG no. 19 130 02 Rev. B shall be provided. The access, parking and turning area shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.



Organisation: Uttlesford District Council

Department: Planning

Date: 02 December 2019

UTT/19/1166/OP – LITTLE CANFIELD

(Major and Council application)

- PROPOSAL:** 1. Detailed proposal for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all supporting infrastructure
2. Outline proposal for up to 4.6ha of employment land comprising Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and/or B8) (with all matters reserved except for access)
- LOCATION:** Land To The South Of Stortford Road (B1256) Little Canfield
- APPLICANT:** Uttlesford District Council Facilities Management Service and Hales Farm (Joint Applicants)
- AGENT:** JB Planning Associates Ltd
- EXPIRY DATE:** 21 October 2019 (Extension of Time)
- CASE OFFICER:** Mrs K Denmark
-

1. NOTATION

- 1.1 Outside Development Limits
Adjacent Listed Buildings
Adjacent to County Wildlife Site (also a bridleway and cycle path)
Within 250m of Ancient Woodland and SSSI (High Woods)
Height restriction zone – Stansted Airport
Flood Zone 1
Adjacent to A120 – poor air quality zone

2. DESCRIPTION OF SITE

- 2.1 The site is located to the south of Stortford Road (the B1256) and to the north of the Flitch Way. The site consists of Grade 2 agricultural land. To the west is the Blue Gates Farm site, which has the benefit of planning permission for commercial development. To the south east of the site is the established commercial use of the banana factory site. To the south of the Flitch Way and to the west of the banana factory site are agricultural fields. There is an area of agricultural land between the application site and High Cross Lane to the east. Land to the north of the site is agricultural land or landscaped areas associated with the A120.
- 2.2 The A120 is located approximately 200m away from the junction with Stortford Road. There are fields which are located between the site and the A120 which forms a forecourt. The site itself is relatively flat; there is a gradual slope downwards from east to west. However, there is a greater difference of ground levels between the section of the Stortford Road junction and the B1256.
- 2.3 There is landscaping separating the site from the Flitch Way located to the south. There is some landscaping along Stortford Road/B1256 and along the shared boundary to the west.

The Stood Hall residential complex and 1 Stortford Road are located adjacent and opposite the proposed site access. Stood Hall is a listed building and the surrounding complex are curtilage listed buildings. 1 and 2 Live and Let Live Cottages are located adjacent to the proposed potential emergency access, and these too are listed buildings. Eastern Lodge and Greencroft, both located on High Cross Lane East are both listed buildings.

3. PROPOSAL

- 3.1 The planning application is a hybrid application relating to two phases of development.

Area A seeks detailed planning permission for a new Council Depot comprising vehicle workshop, office building, external storage, ground maintenance storage, parking, landscaping and supporting infrastructure. Access is proposed to be taken from Area B leading onto the B1252, unlike the previous scheme which had a separate access to serve Area A. This area has also been reduced in size from 2h to 1.6ha

The works to site A are proposed in 2 phases – the relocation of the porta cabins from the New Street Depot in Great Dunmow and the installation of services until phase 2 works are undertaken, which is the development of the proposed main buildings.

The detailed planning application in respect of Area A relates to the centralisation of the Council's Depot sites (Saffron Walden, Newport and Great Dunmow). The scheme proposes a floor area of 550sqm for B1 offices and canteen building and 670sqm for B2 vehicle workshop building. The B1/canteen building is proposed to be 6.6m in height and would be linked to the proposed vehicle workshop building which is proposed to be 9.9m in height.

The proposed depot would provide offices, canteen, meeting rooms, changing rooms, store rooms and plant rooms. 4 bays are proposed within the workshop for maintaining and repairing vehicles. No processing of waste is proposed on site. It is proposed that there would be 91 employees on site and the hours of operation are 6am to 7pm Monday to Friday. Access would only be gained on Saturdays and Sundays by staff to collect vehicles for garden waste collections from Parish Council venues, but neither the workshop nor the offices would be open during this time. However, the construction hours do not appear to be specified, however, these can be controlled through conditions should planning permission be granted and it is considered to be necessary.

This would be served by 112 vehicle parking spaces, plus overnight parking for 6/12+ vehicles and 6 cycle spaces. A landscaping buffer is proposed around the perimeter of the application site. A wildflower meadow, followed by a 4m high variable gradient bund with tree and hedgerow planting is proposed between the existing dwellings on Stortford Road and Area A. Detailed landscaping plans have been submitted which indicate a 10m wide structural landscape planting buffer to the eastern boundary and adjacent to the Flich Way.

The proposed depot site would be gated providing a secure compound from the remainder of the proposed development (Area B). A further gated access is proposed in the north eastern corner of the site but this will only be used by vehicles in case of an emergency.

Area B covers an area of 4.6ha and seeks outline planning permission for employment land comprising business, general industrial and storage and distribution uses (use Class B1, B2 and/or B8) with all matters reserved except for access.

The proposed scheme indicates the sole vehicular access would be taken from Stortford Road, the B1256 for both sites. This forms part of the reserved matters to be considered now. A pedestrian cycle gate is proposed onto the Flitch Way from Site B.

In terms of the speculative outline application scheme, an indicative plan has been submitted which indicates the potential layout, scale, parking, internal roads, parking and landscaping. The indicative information shows the proposed buildings ranging from 8m in height on the higher part of the site adjacent to existing residential properties and would be restricted to Class B1 use only. On the western section of the site development is proposed to be up to 9m in height and falling within use classes B1 and B2 adjacent to the B1256. This is reflective of the development approved on the Blue Gates Farm site which is up to 9.2m in height. Adjacent to the Flitch Way, on the lowest part of the site, development is proposed to be a maximum of 10m in height and a mix of B1, B2 and B8 uses. Scale and final layout are matters to be considered at reserved matters stage.

A 20-30m landscaped buffer zone is proposed adjacent to 1-3 Stortford Road, incorporating a 4m high noise bund, as a continuation of the proposed bund in Area A. The Concept Masterplan also indicates a landscape edge to the B1256 frontage and the western boundary for Area B. A 15-20m deep landscaping buffer adjacent to the Flitch Way is proposed.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):

The proposal constitutes a 'Schedule 2' development that is one which falls within Schedule 2 of the above Regulations. (Class 10(a) industrial estate development project where the development exceeds 0.5 hectare) thereby the proposed development would be required to be screened. The application has been screened whereby it has been concluded that an EIA is not required.

5. APPLICANT'S CASE

5.1 The application includes the following documents;

- Planning Statement;
- Design & Access Statement;
- Noise Impact Assessment;
- Landscape And Visual Appraisal;
- Landscape And Visual Appraisal – Plans;
- Heritage Assessment;
- Flood Risk Assessment And Drainage Strategy;
- SUDS Checklist for Outline and Detailed;
- Ecology Report;
- Biodiversity Checklist;
- Statement of Community Involvement;

- Interim Transport Assessment;
- Transport Assessment (rec.21.11.2017)
- Stage 1 Road Safety Audit (rec. 8.12.2017)
- Location Plan;
- Fencing Layout;
- Fencing Details;
- Fencing Buffer Zones;
- Illustrative Master Plan Concept;
- Indicative Major Access Junction Arrangement;
- Site Parameters Plan (Area B);
- Indicative Minor Junction Arrangement;
- Topographical Survey;
- Soft Landscaping Design;
- Proposed Office/Workshop Floor Plans And Sections;
- Outline Block Plan;
- Proposed Office And Workshop - Elevations And Sections

5.2 **Conclusions of the Planning Statement.**

- i. This application is a re-submission following the refusal of an earlier hybrid planning application (UTT/17/2607/OP) in June 2018. Following this refusal, the landowner and Uttlesford District Council (the Applicants) have been collaborating over a revised proposal which addresses the Planning Committee's concerns and thus ensuring that the new Council Depot can be delivered promptly. This Supporting Planning Statement has detailed the changes that have been made to improve the proposed development.
- ii. Of further note, since the previous application was determined, the site has been included as an allocation in the Uttlesford Regulation 19 Pre-Submission Local Plan for a new Council Depot and employment uses. This Plan has now been submitted for Examination and attracts increased weight in the determination of planning applications.
- iii. Paragraph 11 of the NPPF sets out that there is a presumption in favour of sustainable development and it should be considered whether the development would accord with this requirement. There are three overarching objectives in achieving sustainable development and these should not be taken in isolation because they are mutually exclusive.
- iv. This statement has demonstrated that substantial weight should be attached to the social and economic dimensions of the sustainable development. The proposed development represents an opportunity to create a new Council Depot with modern facilities and sufficient space to expand. Its location next to a strategic transport corridor serving the southern half of the District will ensure that vital Council services can function in an efficient and effective manner to support expanding communities within the District over the Plan period.
- v. The proposed development will also make a significant contribution towards supporting growth within an area that is undergoing substantial change. The town of Great Dunmow is anticipated to expand significantly over the new Plan period as existing commitments and proposed allocations come forward. In addition, a new settlement of 10,000 new dwellings is proposed to the north of the application site. Given the scale of growth, additional employment opportunities in the area will inevitably be required, and in this respect the proposed development would help to boost the local economy and employ many residents from neighbouring

settlements. This potential labour force, combined with the sites excellent accessibility to the A120, will make the site very attractive to businesses and demonstrates the suitability of the site's location for the proposed use.

- vi. Moving to the environmental dimension, the application has demonstrated through the extensive technical supporting work that a suitably designed and landscaped development can be accommodated on the site without significant adverse visual or landscape effects. A significant amount of landscaping and planting is proposed to strengthen the existing perimeter hedgerows and tree margins, and integrate the development into its surroundings. The provision of c.6,000 new trees and c.2,000m of native hedgerow will provide a substantial and demonstrable net gain in landscape fabric and biodiversity.
- vii. These planting proposals include a landscape buffer, incorporating earth bund, between the operational area and the existing properties on Stortford Road. Noise and Heritage Assessments provided demonstrate that this will also provide suitable noise mitigation and avoid harm to the setting of the listed building.
- viii. The Transport Assessment has demonstrated that the proposed development will have a minimum impact on traffic flows on the local highway network, and that measures will be introduced to encourage use of sustainable modes of transport. Furthermore, the site is not constrained by ecology or risk of flooding, and surface and foul water flows arising from the development can be sustainably managed.
- ix. We therefore conclude that the development proposals meet the environmental role, and with it achieves the three objectives to sustainable development. There are therefore sufficient material considerations which indicate that this would be an entirely suitable form of development, and it should therefore be granted planning permission without delay.

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/2707/OP: 1. Detailed application for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all supporting infrastructure
2. Outline proposals for up to 4.2ha of employment land comprising Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and/or B8) (with all matters reserved except for access).

This was refused on 11 June 2018 for the following reasons:

- 1. The proposed development by reason of its nature and siting within the Countryside is unacceptable to the detriment of its rural natural, the amenity of the surrounding locality, contrary to Policy S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- 2. The proposed development by reason of relationship with adjacent neighbouring Listed Buildings would have an unacceptable impact upon their setting which is not outweighed by public benefit contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
- 3. The proposed development by reason of its insufficient buffer to the Flitch Way would result in unacceptable impact upon wildlife and users of the Flitch Way contrary to Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

4. The development hereby permitted would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the report presented to the 6th June 2018 Planning Committee (page 60). In the absence of any legal agreement to address this, the application fails to fully mitigate the impacts of the development contrary to Policy GEN6 of the Uttlesford Local Plan 2005.

7. POLICIES

Uttlesford Local Plan (2005)

Policy S7 - Countryside
Policy GEN1 - Access
Policy GEN2 – Design
Policy GEN3 – Flood Protection
Policy GEN4 – Good Neighbourliness
Policy GEN5 – Light Pollution
Policy GEN6 – Infrastructure Provision to Support Development
Policy GEN7 – Nature Conservation
Policy GEN8 – Vehicle Parking Standards
Policy E1 – Distribution of Employment Land
Policy ENV2 – Development Affecting Listed Buildings
Policy ENV3 – Open Spaces and Trees
Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance
Policy ENV5 - Protection of Agricultural Land
Policy ENV7 – The Protection of the Natural Environment – Designated Sites
Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
Policy ENV11 – Noise Generators
Policy ENV13 – Exposure to Poor Air Quality
Policy ENV14 – Contamination

ECC Mineral and Waste Plan
MLP Policy S8 - Mineral Safeguarding

Supplementary Planning Documents/Guidance

ECC Parking Standards (2009)
UDC Parking Standards

National Policies

National Planning Policy Framework 2019
Planning Practice Guidance

8. PARISH/TOWN COUNCIL COMMENTS

8.1 Little Canfield Parish Council

Little Canfield Parish Council wish to register objections to this planning application. We would also request the planning officers to take specific note of the comprehensive information and comments provided from residents directly affected (such as the soon to be submitted submission by Cllr David Adams, of 1 Stortford Road, CM6 1SN, which is fully supported by the Parish Council) whilst assessing the application and the true validity of the developer's submissions.

The Parish Council's objections are based primarily on the substantial change in the nature of the remaining undeveloped part Little Canfield, should this development take place, and the effect that the development will have on the residents of Little Canfield.

The Parish Council is also very disappointed and does not understand the process whereby a planning submission that was unanimously refused by the planning committee is now being resubmitted with little real change. This seems highly irregular especially when under the planning rules you need to consider other more suitable sites. One such site has been submitted to the council for approval, adjacent to the Sewage works to the East of Dunmow, which will almost no effect on any local residents and appears to have complete local support. This is: UTT/19/1219/FUL

With regards to the refusal reasons

1. *The proposed development by reason of its nature and siting within the Countryside is unacceptable to the detriment of its rural natural, and the amenity of the surrounding locality, contrary to Policy S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.*

The Uttlesford Local Plan (adopted 2005) is still in force and as such you still contravene the Policy S7 especially as the Inspectors of the newly proposed Local Plan had written to the new Uttlesford Council asking them to consider if they want to pause or withdraw the proposal as it is at odds with the Manifest Policies of the new UDC controlling party.

2. *The proposed development by reason of relationship with adjacent neighbouring Listed Buildings would have an unacceptable impact upon their setting which is not outweighed by public benefit and contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and the NPPF.*

The bunding and proximity to the Listed buildings has not changed so it would have as great an impact on them as when this was refused the first time, this despite the readjustment of the layout of the site and entrance/exits and the reduction in height of the buildings. The Revised Heritage statement appears to simply rehash the original statement but is fundamentally missing the point of the policy - the changing of a rural setting of open fields to one of an industrial estate, which doesn't simply erode the setting, it obliterates it.

The original assessment from Barbara Bosworth does not seem to have been resubmitted in full (and has been portrayed in the Heritage statement as supporting the proposal) where in reality it just had the standard disclaimer at the bottom. The site subject of this application is in the open countryside some miles from the urban character of the historic town of Great Dunmow and similar distance from the recently intensified development of the village of Takeley. It is extensively farmed agricultural land framed by the local distributor road, Stortford Road, and the Flich Way, an attractive public amenity trail following disused C19 railway track. It could be said that this site together with other areas of agricultural land in the vicinity forms an agrarian buffer between the two more urbanised zones mentioned above.

The postal address places the site within the historic community of Little Canfield which is relatively rich in designated heritage asset. Four of the fifteen listed buildings within the settlement would be visually affected by the proposed

industrial site namely: Live and Let Live Cottages, Greencrofts, Crossing Cottage and Strood Hall.

At present the wider setting of these heritage assets is mostly defined by open, bucolic countryside. The application site would be intensively developed with most of the land being draped in concrete infrastructure with high density industrial building, generally not known for architectural quality, rising from the land to excessive height. Clearly the setting of the listed building would be seriously diminished to the detriment of their significance despite the proposed 'mitigation' measures.

The National Planning Policy Framework provides policies for the protections of the historic environment and that of designated heritage assets. The Framework requires that great weight to be attributed to the conservation of designated heritage assets, and that any harm should be justified (NPPF, 132). Should proposed work entail harm to the significance of such assets then local planning authorities should weigh that harm against such public benefits as would arise. From the historic environment point of view we can recognize clear public benefit in removing the council's depot from the heart of the outstanding Conservation Area of Great Dunmow, where such a depot affects a much greater number of residents and listed buildings. However, the 'alternative site' UTT/19/1219/FUL, appears to be the best of all worlds.

3. The proposed development by reason of its insufficient buffer to the Flitch Way would result in unacceptable impact upon wildlife and users of the Flitch Way contrary to Policies GEN2, GEN4 and GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

The changes of site layout in the new proposal where by the buildings have been relocated and the office block reduced in height will actually cause greater disruption to the wildlife as they will be bordering a row of vehicles that will be coming and going and causing more disruption than a static building.

4. The development, if permitted, would increase the pressure on the local infrastructure within the district, as listed within the schedule of Heads of Terms of the report presented to the 6th June 2018 Planning Committee (page 60). In the absence of any legal agreement to address this, the application fails to fully mitigate the impact.

The traffic impact for this site is still being taken in isolation (with surveys that fail to address the peak traffic times) and does not take in consideration the potential 25,000 cars or the industrial loading by the 2 other industrial sites proposed as part of the Easton Park development. We believe this will result in a catastrophic overloading of an already heavily impacted junction, given all of the recent and potential developments along the B1256 which are negatively affecting the rest of Little Canfield, Takeley and Takeley Street. The road surfaces across the A120 Junction bridge are regularly breaking up despite being repaired time and time again. The addition of another potentially 25,000 cars and 3 industrial estates with refuse trucks seems not to be realistically viable, and will likely result in backing up the feeder roads on and off of the A120, particularly at rush hour.

Environment

The B1256 from Start Hill to Little Canfield has been heavily developed, and is now a ribbon development for nearly all its length, except from Priors Green to

Strood Hall area. We believe that in itself this is contrary to your general planning principles. This proposed development will further destroy the remaining rural outlook for residents of the parish and add to the likelihood of a continuous built up area from Bishop's Stortford to Dunmow.

The Fritchway linear park is a delightful resource for local residents and others from outside the parish, allowing access to scenic beauty and wildlife. It is particularly good for people with limited mobility, due to its level nature and ease of access. Such an industrial development as this proposal will destroy the sense of wellbeing gained from using the park.

The area is well known for supporting a host of various wildlife including badgers, bats, and wild deer. We are surprised that there is little mention of these issues in the developers' submissions.

A big concern for local residents and Fritchway users is the likelihood of the rat population increasing dramatically due to the residue from waste wagon washings and other build-up of junk that occurs in such industrial locations. This issue is not something that can be ignored.

The Bund design in the developer's submission appears the worst of all worlds, despite the LCPC Chairman's informal discussions with the Developers and Adrian Webb of UDC. To have any real effect on noise, smells and visually, a bund would have to be at least 10 meter's high plus many rows of trees/bushes on top — existing developments at Crumps Farm waste centre use such a height. However, that would have a negative impact on the adjoining cottages, and likely further encourage the wrong sort of wildlife to settle in. A smaller bund, as proposed, would achieve nothing in respect to 'seeing it, hearing it and smelling it'. Additionally, the use of a chain link fence for security, rather than one of natural materials, will be a negative eyesore.

Despite the Government's concerns about vehicle emissions and excess road use, this development appears to be in a location at the extreme SW corner of Uttlesford District that will increase considerably the travelling needs of all the personnel working on the site and that of the waste wagons in carrying out their duties. Unfortunately, we are not in a position to authoritatively offer alternative business models as UDC has taken upon itself to refuse to present this site's business case for reasonable discussion. We can only assume that the reason for this confidentiality implies that the business case is unsound, or subject to some other intrinsic weakness. However, now that there is an alternative proposed site (UTT/19/1219/FUL) the business case should become more publicly available.

In addition, it is noted that the development is proposed to be constructed on a Green Field site which consists of top quality farm land at a time when government ministers are making it clear that, in the light of Brexit, food production in the UK will need to be increased. The alternative site (UTT/19/1219/FUL) appears to be a part Brown Field site and would clearly not have the same environmental impact.

The PC is aware that local residents have made freedom of information requests to UDC seeking information as to what other sites have considered. UDC has inappropriately declined such requests, prejudicing the ability of such residents and ourselves to fully respond to the Planning Application in full knowledge of all the relevant facts. We consider that any further consideration of this application until this has occurred would amount to a material irregularity, and in any case

should not be considered in isolation from the alternative site proposal (UTT/19/1219/FUL).

Health and Safety concerns

The noise surveys and estimates do not appear to have taken into account positions of bedrooms in the cottages nearby and the reversing sirens on the trucks. Little Canfield residents in Priors Green have had their lives disturbed for the past few years by constant developments on the B1256, from such reversing sirens which permeate houses from over 300 metres away, despite trees and other properties supposedly 'shielding' the noise.

As with the apparent 'selectivity' of the noise data, the traffic data seems at the least misleading but possibly manipulated to minimize the perceived problems. Initial surveys were carried out during school holidays, with a much reduced B1256 traffic flow. We believe the substantial increase in vehicle egress from the development site will increase the likelihood of serious accidents due to the added frustration of waiting/queueing. Equally, we believe that many cars and some wagons will switch to using the narrow lanes (such as High Cross Lane) towards the Rodings, and create safety issues to other road users (particularly pedestrians and horse riders).

Very little thought appears to have been given to the cumulative noise pollution and emissions effects of large wagons queueing up outside the local residences, some of which are listed buildings (without double glazing and modern foundations). At present, vehicles often need to wait for over 5 minutes to exit Stortford Road onto the B1256. Add another 200 vehicles trying to exit the proposed development (worker's cars and wagons) and the emissions issue will become quite toxic.

Lack of Economic Benefits

We cannot see any likely benefits to Little Canfield from this development, as the main employment will be for existing personnel brought in from other areas. There are no shops or eateries in the immediate vicinity. Vehicle journeys and the noise and emissions will be increased if workers need to obtain supplies during the working day — all of this to the detriment of the local community.

As there will be no residential precept, the Parish council will receive no added funds to help support and maintain what local amenities may remain.

8.2 **Great Canfield Parish Council**

Great Canfield Parish Council objects (as previously) to UTT/19/1166/OP as it remains extremely concerned with the potential impact on the local highway network in particular the increase in traffic using single track lanes which lead from the site to the east along High Cross Lane, through Great Canfield and beyond. Whilst the proposal includes a Framework Workplace Travel Plan which the applicant suggests will incentivise the use of sustainable transport to the site and reduce the impact on the local road network, the Parish Council is not convinced that this action alone will prevent users of the site (including deliveries) from using the single track lanes through Great Canfield. For Great Canfield the issue is compounded as the hamlet of Bacon End (directly accessible from the site) is a 60mph zone and sat navs direct drivers via this hamlet as the fastest route, rather than the supposedly slower A and B road network via Great Dunmow; despite repeated requests the hamlet does not meet the Essex Highway criteria for reducing the speed limit. The Parish Council is fully supportive of the alternative

site UTT/19/1219/FUL which is located away from the local villages thereby avoiding the issues outlined above, it has no adjoining heritage assets and its location gives easy access to the A120 and the B roads which lead to all parts of the district.

8.3 **Great Dunmow Town Council**

Gt Dunmow Town Council strongly objects to the refuse depot application in Lt Canfield, UTT/19/1166/OP and associated light industrial development, for the same reasons given when the application was considered previously. The site would cause coalescence with Gt Dunmow, made worse by sites already consented or in the emerging Local Plan allocations which would completely fill the gap between the two parishes. The site is unsuitable due to impacts on the character and setting of Gt Dunmow and conflicts with the vision and values of the Neighbourhood Plan. The harm to the countryside, heritage assets and the local road network is unacceptable. There is no need for it to be in Lt Canfield now that a suitable alternative site has been found in Gt Dunmow South of B1256 Braintree Road UTT/19/1219/FUL, which we support. We have been assured by officers that, in the interests of transparency, both applications will be considered at the same planning committee meeting.

8.4 **Takeley Parish Council**

Takeley Parish Council object to this application due to the impact on the local highway network. This site will result in increased traffic movements of HGV on B roads. HGV should be directed to more suitable A roads. We would like a condition that vehicles do not use the B1256. We recommend approval of application UTT/19/1219/FUL, a more suitable location.

9. **CONSULTATIONS**

Conservation Officer

- 9.1 Previous conservation comments are detailed below. As per the comments given in the summary section the proposed revisions are not considered to address the concerns of comments given below to remove the visual harm the development will have on the identified 4 listed buildings.

The site subject of this application is in the open countryside some miles from the urban character of the historic town of Great Dunmow and similar distance from the recently intensified development of the village of Takeley. It is extensively farmed agricultural land framed by the local distributor, Stortford Road and Fritch Way, attractive public trail following disused C19 railway track. It could be said that this site together with other areas of agricultural land in the vicinity forms agrarian buffer between the two more urban zones mentioned above.

The postal address places the site within the historic community of Little Canfield which is relatively rich in designated heritage asset. 4 of the 15 listed buildings within the settlement would be visually affected by the proposed industrial site namely: Live and Let Live Cottages, Greencrofts, Crossing Cottage and Strood Hall.

At present the wider setting of these heritage assets is mostly defined by open, bucolic countryside. The application site would be intensively developed with most of the land being draped in concrete infrastructure with high density industrial

building, generally not known for architectural quality, rising from the land to excessive height. Clearly the setting of the listed building would be seriously diminished to the detriment of their significance despite possible mitigating measures.

The National Planning Policy Framework provides policies for the protections of the historic environment and that of designated heritage assets. The Framework requires that great weight to be attributed to the conservation of designated heritage assets, and that any harm should be justified (NPPF, 132). Should proposed work entail harm to the significance of such assets than local planning authorities should weigh that harm against such public benefits as would arise. From the historic environment point of view I can recognise clear public benefit in removing council's depot from the heart of the outstanding Conservation Area of Great Dunmow where unsightly collection of structures affects much greater number of listed buildings and the character of the locality in general

In conclusion, should the perceived public benefits outweigh the harm to the significance of the heritage assets, detailed and appropriate scheme of mitigating measure should be approved and implemented prior to the development taking place.

ECC Highway Authority

- 9.2 Essex County Council in its capacity as Highway Authority has assessed the highways and transportation information submitted in support of the above planning application, a number of site visits were undertaken as was consultation with Highways England. The assessment of the application and transport assessment was undertaken with reference to the National Planning Policy Framework 2019 and in particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

In terms of capacity on the network, the cumulative impact of development has been tested. This showed that the impact on the key junctions on the local network were not severe. Highways England has commented on the impact on the strategic network and required mitigation to the junction B1256/A120 to the north of the site.

This application differs from the first application (UTT/17/2607) in that the current application has a single access from the B1256 and no access from Stortford Road. The access is a ghosted right hand turn which has been subject to a stage one Road Safety Audit. The adjacent Bluegates Farm has a planning permission for an office development with associated access. The applicant has demonstrated their access can be delivered taking into account the Bluegates Farm application and its proposed access on to the B1256, however elements of the Bluegates Farm proposal, namely the pedestrian island and location of bus stops will have to change and a condition is therefore required to ensure that a continuous footway is delivered along the frontage of both application sites to ensure all employees can access the bus stops safely.

To improve the accessibility of site bus stops, a pedestrian island crossing and pedestrian cycle link into the site have also been required. The impact on the Flitch way which is a Public Right of Way in the form of bridleway has been looked at in transport terms and a contribution to drainage and surfacing work is required to mitigate the potential extra use from two pedestrian/cycle accesses on to it at

this location. All details of access on to the Flitch way are to be agreed with the planning authority in consultation with the highway authority and no additional vehicular accesses on to it are proposed.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Highways England

- 9.3 Extensive negotiations have taken place and we are now satisfied that provided the slip road is widened as shown on the applicants drawing 70032151-WSP-00-ZZ-DR-CE-008 Rev P04, the potential for a 'severe impact' that would otherwise arise from traffic tailing back from the A120/ B1256 Dunmow West junction on to the main line of the A120, can be mitigated. Recommend that conditions be attached to any planning permission that may be granted.

Environment Agency

- 9.4 No objection.

ECC Ecology

- 9.5 We have reviewed the Preliminary Ecological Appraisal (The Ecology Partnership, March 2019) relating to the likely impacts of development on designated sites, protected species and priority species / habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The Preliminary Ecological Appraisal (The Ecology Partnership, March 2019) identified the field to be developed as an area that 'could support one or more skylark territories'. As a result, a Skylark Mitigation Strategy must be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This should be secured as a condition of any consent.

Additionally, as mentioned in the Preliminary Ecological Appraisal (The Ecology Partnership, March 2019) a wildlife friendly lighting scheme should be implemented by the development to reduce the impacts of the development on nocturnal animals that may use the existing habitat along the site boundaries. Thus a Wildlife Sensitive Lighting Design Scheme should be required as a condition of any consent.

The mitigation measures identified in the Preliminary Ecological Appraisal (The Ecology Partnership, March 2019), including a 10-20m buffer around the edge of the site and sensitive working practises, should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

Environmental Health

- 9.6 This proposal comprises a hybrid outline application for a Council Depot (including vehicle workshop, office building, external storage, grounds maintenance storage, parking and associated infrastructure and 4.6Ha of employment land for use classes B1, B2 and B8. The site, which is currently agricultural fields, is to the south of the B1256 junction of the A120 and is in an existing mixed use area with the Winfresh Distribution Centre to the south east and the Hales Farm industrial area further to the south. Directly to the north are residential properties and also to the east on High Cross Lane. To the west are more residential premises and a commercial unit.

There is a concern that noise from this proposed developments may give rise to unacceptable levels of noise to the existing residents both from construction activities, from on site operational activities and from vehicles on the local road network. However, on balance, given the noise levels in the vicinity from the local road network (the A120 carriageway and vehicles serving the existing industrial/commercial uses to the south) it is considered that with appropriate mitigation and careful design and layout of the proposed land uses residential amenity can be preserved. This, however, may only be with restrictions in the hours of use available to both the Council depot site to the east and the mixed employment site to the west and with conditions attached to ensure that this is the case. As the sites appear to be separate and distinct, and, as these two areas may be developed in stages or at different times it may be prudent to offer conditions specific to each site.

With these points in mind, based on the submitted information, I raise no objection to the proposals subject to the imposition of conditions.

Thames Water

- 9.7 Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

ECC Education

- 9.8 A development of this size can be expected to generate the need for up to 3.64 Early Years and Childcare (EY&C) places. The proposed development is located within the Takeley Ward. According to Essex County Council's childcare sufficiency data, published in July 2018, there are sufficient places to meet the demand from this proposal.

MAG London Stansted Airport

- 9.9 We have no aerodrome safeguarding objections to the proposal at Outline stage however we should be consulted further if the detailed design includes green roofs for the buildings in which case we are likely to request a Bird Hazard Management Plan for the site.

ECC Archaeology

- 9.10 Recommend an archaeological programme of trial trenching followed by open area excavation.

Essex Police

- 9.11 It appears that this development relies heavily on natural boundaries, it should be noted to do so would expose the site to potential crime especially from the Flich Way direction. To comment further we would require the finer detail such as the proposed lighting, and physical security measures. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

Natural England

- 9.12 Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Lead Local Flood Authority

- 9.13 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.

Economic Development Officer (taken from previous scheme)

- 9.14 The development of the site to provide light industrial capacity is welcomed as supportive of the Council's strategic objective of supporting sustainable business growth. The current and forecast supply of commercial workspace in the Great Dunmow area is likely to restrict business growth. I've highlighted below key extracts from the April 2015 "Commercial Workspace Study" which concludes that in regard to the Great Dunmow market that "There is an imperative to ensure that further stock is brought to the market at the earliest possible juncture to relieve the tightness in the market and to minimise any leakage of businesses out of the District to available space elsewhere, such as Harlow, Braintree, Bishop's Stortford, Haverhill or Cambridge."

Great Dunmow

"6.56 Great Dunmow is attractive to industry because of a combination of generally thriving industrial estates combined with ready access to the now dualled A120 and hence the M11 and Stansted Airport (see map 4). It would be expected that both airport-related and non-airport-related businesses would be attracted to this location. The rents commanded locally reflect the quality of both the premises and the environment which, whilst variable, is generally of a high standard. Rents are slightly less expensive than those further west nearer to Junction 8 of the M11 and there is a greater availability of choice.

6.57 The Flich Industrial Estate features a number of B1 uses which is reflected, in part, in an enhanced environment in terms of both the design of the buildings and the associated landscaping. The recent high level of vacancies on the Station Road Estate was as a consequence of a combination of leases terminating concurrently and the recession. Most units are now occupied despite the buildings being now somewhat dated.

6.58 Rents range from £7/sq. ft. for B1/B2/B8 floorspace in high quality premises on the newer, more prestigious estates down to £2 – 3/sq. ft. for more basic accommodation on older, poorer quality estates. The relatively high levels of accessibility, combined with the quality of the commercial estates, results in a much greater degree of churn than in other areas where local circumstances are different.

6.59 The local plan includes an allocation of 9.6 ha. for a proposed Business Park which remains unimplemented despite the dualling of the A120, from Stansted to Braintree, in 2004.”

7.12 There is an imperative to ensure that further stock is brought to the market at the earliest possible juncture to relieve the tightness in the market and to minimise any leakage of businesses out of the District to available space elsewhere, such as Harlow, Braintree, Bishop’s Stortford, Haverhill or Cambridge.

Great Dunmow

7.27 The tightness in the market in Great Dunmow is most apparent in the industrial market. Great Dunmow is an attractive industrial area due to its location on the A120 corridor. Its office function is mostly limited to very small town centre operators.

7.28 The Mantle Estates development to the west of Chelmsford Road would provide the key additional stock for Great Dunmow, with a planning approval that could yield some 9,300 sqm additional commercial floorspace. The approval is for B1, B2 and B8 uses and the final mix of such stock would depend on demand upon development.

7.29 Of the 63 businesses that responded from Great Dunmow, only three stated an intention to relocate premises (5 percent), including two industrial businesses and one office base business.

7.30 Similarly to the analysis for Saffron Walden, the data has been extrapolated to the full business population of Great Dunmow. From ONS business count data, it is estimated that there are approximately 590 businesses in Great Dunmow, of which about 220 are in the sectors which are typically office based and 100 in the industrial/warehousing sectors. Therefore the business survey received responses from approximately 11 percent of office or industrial/warehouse based businesses.

7.31 It is estimated that potentially some 20-25 office based businesses and 5-7 industrial/warehouse based business in Great Dunmow may have the intention to find alternative premises. Using median floorspaces from the enquiries data, the total floorspace stock of businesses seeking alternative premises is potentially 2,800-3,500 sqm for offices and 1,600-2,300 sqm for industrial/warehouses. Once again, however, this is considered to be an overestimation of the likely number of businesses and total floorspace that would locate in newly built premises, particularly for offices. A more realistic estimate of new stock required in Great Dunmow in the near term to satisfy those with intentions to find alternative premises is likely to be approximately 1,200-1,500 sqm for offices and 1,000-2,000 sqm for industrial/ warehouses.

7.32 The approval at the Mantle Estates site is sufficient to supply such additional stock, if developed in the near term. The approval would also provide

capacity for businesses from outside the area to relocate to Great Dunmow, which is a necessary level of supply given Great Dunmow's position on the A120. Significantly though, additional stock would be in the control of one developer, leaving the community vulnerable to changes to their development priorities and potentially leaving too much market power in the control of one developer.

7.33 Further stock is likely to be required in the 5-7 year timeframe and additional site(s) would need to be found to satisfy this demand. The reasons businesses are in Great Dunmow are to service the local demand and to have ready access to the A120. Identification of a further site would need to consider these factors and thus should have ready access to the local market and the arterial road network. A continuation of the existing industrial node to the south of the town is preferable if practicable and of sufficient scale to provide some 4,000-5,000 sqm of industrial floor space (up to 1.5 hectares).

Landscape Officer

- 9.15 The site is some 6.2ha (15.3 acres) of arable farmland. The proposed development would have a significant detrimental impact on the rural landscape character of the site.

The Environmental Dimension Partnership's (EDP) Landscape Visual Appraisal (LVA) accompanying this application concludes that "the proposal would yield limited harm on the landscape character of the site itself"; and "The scale, form, and appearance of the development would reflect and enhance the positive characteristics of the surrounding area"; and "the development would appear as a logical addition to the existing commercial complex to the immediate south and transport corridor to the north. For these reasons, it is considered that the proposed development is entirely consistent with the existing landscape character."

It is not accepted that the proposed development is "is entirely consistent with the existing landscape character." The proposal site is visually separated from the Winfresh depot and Hales Farm trading estate to the south by the Flich Way which provides a clear delineation between the character of the trading estate and the arable land to the north.

The proposal site has no special landscape designation, however, it is of some visual quality and affords long distance views to be taken from High Cross Lane to the countryside beyond. These views allow for an appreciation of the line of the Flich Way over some 2.6km which is considered to be of landscape interest.

In order to seek to migrate the impact of the proposed development on residential properties immediately to the north of the site a buffer zone is proposed. This includes the construction of a earth bund with tree planting. Generally, the construction of screening bunds is considered not to be desirable within a landscape, unless it is to seek to separate an otherwise incompatible development from the surrounding area.

The adopted Local Plan states that "In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area", and that "Development will only be permitted if its appearance protects and enhances the particular character of the part of the countryside within it is set or there are special reasons why the development in the form proposed needs to be there." It is considered that the

proposed development does not protect or enhance the character of this part of the countryside, and that no special reasons why the development should take place on this site have been satisfactorily demonstrated. Consequently, it is considered that the proposed development would be contrary to Policy S7.

The proposal site is not identified in the existing Local Plan 2005 for the proposed use; although it is identified in the emerging Local Plan currently under inspection.

Friends of Flitch Way

9.16 The Friends of the Flitch Way object to this application.

We are disappointed to see the development proposal as this stretch of the Flitch Way has a particularly strong rural feel which will be lost. For many people this provides the first sense of being "out in the countryside" when heading west from Great Dunmow. Instead of looking through the hedge out on to fields, the view will be of a 3m high palisade fence with rota spikes.

The Flitch Way is under increasing pressure from development and proposals like this will change the landscape in which it sits forever. Over the last 18 months there have been applications to build over 5,700 homes directly next to the Flitch Way. If only a fraction of these are approved it will have a direct impact on wildlife and the environment and diminish the attractiveness and enjoyment of the Flitch Way.

Buffer zone alongside the Flitch Way

The preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. The buffer zone should be landscaped sensitively and be attuned to the specific habitat of that part of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to maintain good light access to maintain as diverse a range of wildlife as possible. One way of achieving this would be to install open metal rail fencing or similar between the Flitch Way and the buffer zone. The plans show 10m buffer zones with a build height of up to 10m in stark contrast to the wider buffer zone alongside the Banana Ripening facility which lies to the south of the Flitch Way.

Access point on to the Flitch Way

We are concerned that the new access point being proposed as this could lead to habitat damage from increased usage around the access point. This part of the Flitch Way already has very good access from High Cross Lane West and High Cross Lane East and we do not believe extra access is required. If one access point was permitted and agreed with the Flitch Way Country Park Rangers it would need to be done sensitively to reduce habitat damage when in use. It should also have a barrier able to restrict vehicle traffic whilst allowing pedestrian, wheelchair and cycle access.

S106 funding to improve Flitch Way path surface

There is an opportunity to use S106 funding to improve and maintain the surface of the Flitch Way path to help mitigate the expected increase in usage. Another recommendation would be to allow the general public to park their cars when visiting the Flitch Way particularly at weekends as there are only a few car parking spaces on the section between Great Dunmow and Start Hill.

In summary, we are concerned about the current configuration of the site, narrowness of the buffer zone, increased access and restriction of light. If planning is approved we ask that the site be reconfigured to address the concerns especially the buffer zone width, location of the employment buildings and benefits provided to the local community by way of surfacing and access to parking facilities. We hope these concerns can be addressed and the suggestions included if planning is agreed.

Essex Bridleways Association

- 9.17 This development so close to the Flitch Way which is frequently used by horse riders will seriously impair riders enjoyment of the Public Right of Way. The view, noise, smell and movement of traffic from within the site will all detract from riders enjoyment and may alarm horses.

Although the access point to the site has been moved to be on the B1256 large lorries will still follow sat/navs and end up coming down the narrow single track lanes of High Cross Lane. These lanes already suffer from heavy traffic from the Banana Factory, Hales Farm and Newlands Farm. The roads are already collapsing and cannot take any more heavy loads.

Also we believe that when EBA reviewed the Local Plan this potential development was not on the plan. We would like to know how this has now been included and whether such an inclusion at a late stage after public consultation is in fact legal.

Bridleway Association and Flitch Way Action Group

- 9.18 Appreciate that the waste depot in Dunmow is no longer fit for purpose. However Little Canfield is not the right place for a larger waste depot and industrial units. Planning permission for this site was recently refused for good reason and the changes contained in this application are wholly inadequate to redress the detrimental effect of these industrial units and waste depot on a rural setting.

Why has Uttlesford District Council resubmitted this misconceived application which has generated so much local opposition when there is the option of another site for the waste depot south of Dunmow on land east of Braintree Road (Application no: UTT/19/1219/FUL? That proposal is widely supported. It will enhance local amenity by adding to the open spaces available for Dunmow residents and visitors to enjoy and by providing connecting links to the existing public rights of way network. Quite a contrast to the Little Canfield application which will destroy the charm and amenity of the Flitch Way, blight the lives of people living in nearby houses and doesn't even offer token gestures to compensate for the damage and reduced quality of life it will cause.

As with the previous application, once again insufficient regard and understanding has been given to the fact that the Flitch Way is a linear country park and a designated bridleway. It is not just a cycle track. It is a haven for wildlife and a safe place for local people and visitors to get out into the countryside and enjoy rural Essex.

The revised screening and buffer proposals will not conceal the fact that the site will be surrounded by oppressive industrial style fencing nor will it do much to contain the inevitable noise, smells, dust and pollution. The noise in particular is likely to alarm horses and heighten the risk of riding related accidents.

The additional traffic on local roads and in particular on High Cross Lane East and West which is in part a single track road will also increase the risk to vulnerable road users (horse riders, cyclists and walkers).

If the planning authority are minded to grant permission, I ask that they preserve the safety of users of the Flitch Way by stipulating that there be no crossings from this site to Hales Farm or elsewhere across the Flitch Way. I also ask that the planning authority require the applicant to make a substantial s106 or equivalent contribution to the project to reconnect the severed sections of the Flitch Way through Dunmow. This route is currently under construction. It is supported by county, district and local authorities but it needs substantial funds for construction of sections of the track, safe road crossings etc. The applicant should also be required to contribute to funds for the maintenance of the existing Flitch Way.

10. REPRESENTATIONS

10.1 This application has been advertised and representations have been received raising the following points:

- Little Canfield in danger of becoming overdeveloped
- Eyesore
- Must be more suitable sites in Dunmow
- Green belt and an area of natural beauty
- Adjacent to Flitch Way used for peaceful leisure purposes
- Adverse impacts on Flitch Way
- Unwanted noise and air pollution
- Highway dangers
- Increase in lorries
- Impacts on listed buildings
- Impacts on wildlife
- Loss of agricultural land
- Why is site next to sewage works in Dunmow not being followed up
- Increase in crime
- Will reduce a carbon sink and contribute to global warming
- Scale of buildings inappropriate
- Changes are not sufficient
- Direct contravention of Essex County Council's new "Green Strategy"
- Concerns about access opposite Strood Court
- What have officers done to find an alternative site?
- Loss of residential amenity
- Impacts on water pressure
- No amenities for staff – increased traffic at lunchtimes
- Other site has benefits to the community unlike this proposal
- Inadequate parking and turning areas
- No evidence that public benefits outweigh the harm to listed buildings
- Impacts on rural area, contrary to Policy S7
- Will promote coalescence
- Light pollution
- Impacts on water table and local septic tanks
- Needs to be assessed alongside the Easton Park proposals
- Would give rise to statutory nuisances under various legislation
- Noise survey is inadequate

- Impacts on residents and loss of sleep
- Noise bund will not protect bedrooms from increased noise
- Impacts arising from smell
- Loss of light and outlook from bund
- Fencing will be like living to a borstal or council estate
- Questionable decision adding site to emerging Local Plan
- Should look to have a site in the centre of the district
- Increased traffic impacts in Bacon End
- Already been refused once and should be refused again
- Fears over future expansion of site
- Unsustainable location

11. APPRAISAL

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

- A Principle (S7, E1, ENV5; NPPF)
- B Impacts on heritage assets (ENV2, ENV4; NPPF)
- C Design (GEN2, GEN4, GEN5; NPPF)
- D Ecology (GEN7, ENV7, ENV8; NPPF)
- E Access and parking (GEN1, GEN8; NPPF)
- F Flood risk and water resource protection (GEN3; NPPF)
- G Amenity issues (ENV11, ENV13, ENV14; NPPF)
- H Infrastructure (GEN6; NPPF)

11.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 The National Planning Policy Framework is a material consideration and paragraph 11 sets out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

11.3 It is therefore necessary to establish if the 'tilted balance' is engaged in the decision making in this instance. 11d)i) refers to various designations, the most important for the decision making in this instance being SSSI and designated heritage assets (adjacent listed buildings). As will be discussed below, the impacts of the proposals on SSSI's and heritage assets are not sufficient to provide a clear reason for refusing the development. Therefore, the 'tilted balance' of paragraph 11d)ii) is engaged.

A Principle (S7, E1, ENV5; NPPF)

11.4 The application site is located outside the development limits and within the countryside as designated by Policy S7. This policy is partially compliant with the NPPF being compatible with the principles of paragraph 170(b) of the NPPF which requires decisions to be made whilst recognising the intrinsic character and beauty of the countryside. However, given the restrictive nature of the policy it has moderate weight.

11.5 Policy E1 of the adopted Uttlesford Local Plan identified a 9.60ha site for employment land in Great Dunmow. This policy is generally consistent with the NPPF, but the 2012 NPPF required allocations to be reviewed to ensure there was the prospect of them coming forward for their intended purpose. In respect of the site in Great Dunmow, planning permission was granted for Mantle Estates for an element of this site for commercial development. This was identified by the Economic Development Officer, when responding to the previous application, as meeting the needs of Great Dunmow in the near term. However, this scheme was part of a hybrid application and only outline planning permission was granted for this development. Due to issues outside of the planning system, no reserved matters application has been made within the required time frame and this consent has now lapsed (although the residential elements of the proposals are extant). In addition, other land identified in Policy E1 has either not come forward for commercial development, or has now been granted planning permission for residential development or retail uses. On this basis, I give limited weight to Policy E1.

11.6 The proposed development would introduce a significant amount of built form within the countryside. The hybrid application demonstrates that the proposed depot building would be 9.9m tall for the proposed workshop building and 6.6m for the office/canteen building. The scale of development for the B1/B2/B8 development, which is outline with all matters reserved except for access, indicates that the development would be a range of heights depending on the sensitivity of the site. These would range from 8m to 10m as shown on the parameters plan.

11.7 The Council's Landscape Officer disagrees with the findings of the Landscape Visual Appraisal submitted with the application. This states that the "proposal would yield limited harm on the landscape character of the site itself." It also states, "The scale, form, and appearance of the development would reflect and enhance the positive characteristics of the surrounding area"; and "the development would appear as a logical addition to the existing commercial complex to the immediate south and transport corridor to the north. For these

reasons, it is considered that the proposed development is entirely consistent with the existing landscape character.”

- 11.8 Whilst the site has not special landscape designation, it is of some visual quality and affords long distance views to be taken from High Cross Lane to the countryside beyond. These views allow for an appreciation of the line of the Flitch Way over some 2.6km which is considered to be of landscape interest. The introduction of the buffer zone would not be sufficient to retain those views. In addition, it is proposed to construct a bund to mitigate the impact of the proposed development. Generally, the construction of screening bunds is considered not to be desirable within a landscape, unless it is to seek to separate an otherwise incompatible development from the surrounding area.
- 11.9 As such, the scale and form of development proposed would be contrary to Policy S7 as this would result in harm to the character of the rural area. In addition, this would not recognise the intrinsic character and beauty of the countryside. The proposals do not protect or enhance the character of this part of the countryside, and no special reasons have been put forward as to why the development in the form proposed needs to take place in this location.
- 11.10 However, as set out above, the NPPF requires the decision making process to demonstrate that the adverse impacts of development proposals would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. This will be discussed in greater detail in the Planning Balance.
- 11.11 There is a requirement to meet an existing identified need, as well as the need to meet the longer term requirements for the district for employment land. This proposal would deliver those benefits. Whilst the site has been allocated in the emerging Local Plan in Policy LtCan1 as being appropriate for a Council depot and employment purposes within Use Class B1, little weight can be given to this policy.
- 11.12 The NPPF states, at paragraph 80, that ‘*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*’ Paragraph 83 states that planning decisions should enable ‘*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.*’
- 11.13 Part of the proposal relates to the provision of a new Council depot, and this element of the scheme is submitted with the design established. The remainder of the proposal is outline with appearance, scale and layout being reserved matters. Notwithstanding this, a significant amount of detail has been submitted setting out the scale and indicative layout of the proposed development.
- 11.14 In terms of the proposed Council depot, this has been significantly amended since the previously refused scheme. Previously it was proposed to erect two substantial linked buildings being 12.4m in height. This revised proposal proposes two interlinked building, one workshop building of 9.9m in height, and an ancillary canteen/office building of 6.6m in height. The proposed design of the buildings is considered appropriate for this countryside location, although it is acknowledged that there would be an element of harm to the countryside arising from the proposals.

- 11.15 In respect of this element of the proposals, it must be acknowledged that this would not relate to the creation of new employment opportunities. Instead it would relate to the reorganisation of the Council's existing depot facilities across the district. Therefore, this element of the scheme would bring limited benefits and is given little weight. However, the remainder of the proposal would meet an identified need for additional employment land. As such, this would deliver significant benefits and should be awarded significant weight, as set out in the NPPF.
- 11.16 The proposal would result in the loss of 6.2ha of grade 2 agricultural land, the type of land that Policy ENV5 seeks to protect. This policy is consistent with the NPPF and I give the policy full weight. However, it must be acknowledged that there are limited brownfield sites within the district and the majority of the district's agricultural land is grade 2. As discussed above, the Council depot would not bring employment benefits and this makes up 1.6ha of the proposals. However, the remaining 4.6ha would deliver benefits affording significant weight, which would outweigh the loss of agricultural land.

B Impacts on heritage assets (ENV2, ENV4; NPPF)

- 11.17 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV2 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV2.
- 11.18 The proposal is located in close proximity to a number of listed buildings, including Strood Hall and its curtilage listed buildings located to the north of Stortford Road. Live and Let Live Cottages are located to the front of the site and part of their character is the agrarian setting provided by the site. The impacts on Crossing Cottage, Greencrofts and Strood Hall are likely to be less significant given the relationship between the site and these properties. Crossing Cottage is located to the south of the Flitch Way and Greencrofts is located on the eastern side of High Cross Lane East.
- 11.19 The proposals incorporate a significant amount of landscaping in order to mitigate the impact of the proposals. Live and Let Live Cottages, being the most affected properties, would have a landscaped buffer ranging between 17m and 27m in depth from their rear boundary. This would incorporate a bund approximately 4m in height located approximately 11m from the rear boundary. It is proposed that this buffer would be landscaped, including the planting of new trees to provide additional screening.
- 11.20 The boundary to Live and Let Live Cottages would be provided with 2m high weldmesh fencing in Forest Green, minimising the impact on the listed buildings. Approximately 5-7m from this fence would be a further weldmesh fence, 3m in height and again in Forest Green. Behind this second fence would be the proposed bund with trees planted on it. The bund would range between 7m and 18.5m in depth, averaging approximately 15m in depth along the rear boundary of the properties. Planting would consist of specimen trees made up of a mix of Field

Maple, Common Alder, Beech, Hornbeam, English Oak and Scots Pine. The bottom of the bund, adjacent to the development would be screened with a hedgerow comprising hazel, beech, goat willow, field maple, and common alder. The buffer zone and bund would also be sown as a wildflower meadow.

- 11.21 Adjacent to the eastern boundary of Live and Let Live Cottages, fronting onto the Stortford Road, it is proposed to erect railings to the front of the depot site. This is proposed to be 2m in height for approximately 5m and then increasing to 3m in height for the remainder of the site width (approximately 57m). Again, this would be in Forest Green in order to minimise the visual impacts and to protect the setting of the adjacent listed buildings.
- 11.22 Along the eastern and southern boundaries of the site, set within a new hedgerow of native species, it is proposed to erect a 3m high palisade fence with rota spike top. This is not indicated as being in Forest Green and pictures within the application appear to indicate this being galvanised steel. However, if planning permission were to be granted it is considered appropriate to condition this fencing to be Forest Green in order to minimise its visual impact on the character of the rural area.
- 11.23 The Conservation Officer identified that the proposals would result in harm to the setting of the adjacent listed buildings due to the loss of the bucolic landscape surrounding the buildings. Whilst the Conservation Officer has not identified the level of harm in their response based on officer's experience the harm is assessed as being the low end of less than substantial harm. This harm needs to be weighed against the benefits of the proposals by way of providing additional employment and meeting an identified need for employment land.
- 11.24 In addition, the harm to the setting of listed buildings needs to be balanced against the current harms arising from the Council's operations, in particular in Great Dunmow. The current Council depot is located adjacent to the town's Conservation Area and in close proximity to a large number of listed buildings. Vehicular movements pass in close proximity to listed buildings in New Street, as well as the town centre, both falling within the conservation area. Whilst this is an historic use its removal would be beneficial to the character and setting of these designated heritage assets.
- 11.25 The Newport depot is also located adjacent to the conservation area, with vehicles having to access the site via a narrow access road, with access in close proximity to listed buildings. Again, the removal of this historic use would be beneficial to the character and setting of the designated heritage assets.
- 11.26 As discussed above, there are limited or no employment benefits arising from the Council depot element of the proposed development and therefore limited weight can be given to the employment element of the scheme. However, there are public benefits by the relocation of existing uses affecting listed buildings and conservation areas. These benefits are considered to be sufficient to outweigh the less than substantial harm to the setting of the listed buildings adjacent to the site.
- 11.27 However, the development of the proposed employment site would deliver significant benefits meeting an identified need for additional employment land in the district. These public benefits would significantly and demonstrably outweigh the harm to the setting of the listed buildings.

- 11.28 Policy ENV4 seeks to protect archaeological heritage assets. Like Policy ENV2 this policy does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV4 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV4.
- 11.29 The County Archaeologist has identified that the site lies within a potentially sensitive area of heritage assets. The proposed development area contains a number of linear cropmarks which indicate field boundaries and a potential trackway. Excavations east of the area unearthed prehistoric settlement activity including a late Iron Age farmstead. A survey to the north of the site identified the site of a Romano-British farmstead. The proposed development lies adjacent to the Roman Road of Stane Street which had earlier Iron Age origins. The site therefore has the potential of multi period archaeological deposits.
- 11.30 The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by condition if planning permission is granted. This would be sufficient mitigation to off-set the harm to the heritage assets and as such the proposals would comply with Policy ENV4 and the NPPF.

C Design and amenity (GEN2, GEN4, GEN5, ENV11; NPPF)

- 11.31 Policy GEN2 seeks to ensure development is appropriate to its area and does not result in adverse impacts on residential amenity. This policy is generally consistent with the NPPF and has moderate weight. Policy GEN4 seeks to protect existing properties from disturbance and nuisance. This policy is consistent with the NPPF and has significant weight. Policy GEN5 seeks to prevent light pollution and this policy is also consistent with the NPPF and has significant weight. Policy ENV11 seeks to protect existing development from noise generators arising from development proposal. This policy is consistent with the NPPF, although the latter enables areas to be identified and protected as tranquil areas prized for their recreational and amenity value. This policy has moderate weight.
- 11.32 The concerns raised in the representations relate to the impacts on the residential amenity of the adjacent neighbours. In addition, the proposed development would result in impacts on the users of the Flitch Way, as identified in representations. In particular concerns are raised in respect of the bulk of buildings and noise generated by the use of the site.
- 11.33 Turning to design, this is a hybrid application with only the design of the proposed depot being fixed at this point. The design of the proposed depot buildings has been amended from the previously refused scheme. That proposal related to two conjoined buildings with the office building being 12.45m in height and the workshop building 12m in height. Both buildings were proposed to be constructed with vertical Siberian larch cladding over a brick plinth with metal roof covering.
- 11.34 The proposed buildings are now 9.9m for the workshop building, reducing to 6.6m for the ancillary office/canteen building. The buildings are considered to be of an appropriate scale, although it is acknowledged that they would have more of a visual impact in the countryside compared to the previous scheme due to the

reorientation of the buildings. Notwithstanding this, the design is considered appropriate to the rural area being black weatherboarded buildings with a brick plinth. The roofs would be clad with metal composite coverings. As such the buildings would have an appearance similar to converted farm buildings.

- 11.35 The remaining development is outline only and therefore design cannot be considered fully here. Notwithstanding this, Policy GEN2b) does fall to be considered now. As stated above, the proposals would result in harm to the character of the rural area by the introduction of significant elements of built form in what is currently open countryside. The scale of the proposed development has been amended with a range of heights now proposed ranging from 8m to 10m across the site. This better respects the proximity of listed buildings and sets the larger buildings to the rear of the site.
- 11.36 The layout of the depot element of the proposals has been revised and the building has been moved away from the boundary with the Flitch Way and therefore the impacts from the bulk of the building in this regard is reduced. The layout of the commercial element of the proposals is a reserved matter, although the parameters plan indicates a 15-20m buffer to the Flitch Way. In addition, the scale of the proposed buildings has been reduced from 14m to 10m adjacent to the southern boundary of the site. These measures would assist in mitigating the impacts of the proposed development on the users of the Flitch Way, although it is acknowledged that there would still be harm due to the change in the character of the area. The harm to the character of the area would need to be balanced against the benefits of the proposals.
- 11.37 The proposed development would, by its very nature, introduce elements of nuisance in the form of noise, dust and light pollution. The proposals have been considered by the Environmental Health Officer who raises no objections subject to conditions. It should be noted that nuisances were not a reason for refusal in respect of the previous application. Notwithstanding this, the proposal has been amended to remove the access from adjacent to Live and Let Live Cottages thereby reducing the potential for disturbance associated with vehicular movements.
- 11.38 The Environmental Health Officer has recommended conditions restricting the hours of operation and the movement of HGVs from the site in respect of the Council Depot site. In addition, a scheme for protecting the neighbouring properties from noise pollution is also required for both elements of the proposal. This is considered to be sufficient mitigation in respect of the potential nuisance. Subject to conditions, the proposals comply with Policies GEN4 and ENV11.
- 11.39 Light pollution is also a potential nuisance in respect of the proposed development, particularly given the fact that this is a rural location and inherently dark by its very nature. Lighting can impact on residential amenity, but also given the proximity of the site to the Flitch Way, it could also impact on protected species, notably bats. The Council's Environmental Health Officer and the County Ecologist have both recommended conditions requiring lighting schemes to be submitted and approved. Therefore, subject to the implementation of conditions the proposals comply with Policy GEN5.

D Ecology (GEN7, ENV7, ENV8; NPPF)

- 11.40 Policy GEN7 relates to nature conservation and seeks to protect habitats and protected species. This policy is partially consistent with the NPPF but the NPPF

strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

- 11.41 Policy ENV7 seeks to protect designated areas of nature conservation, such as SSSIs, National Nature Reserves and Local Wildlife Sites. Policy ENV8 seeks to protect other features important for nature, such as hedgerows. These policies are partially consistent with the NPPF with the NPPF setting out a hierarchy which is different to the policy approach. As such these policies have limited weight.
- 11.42 The proposed site is located adjacent to the Flitch Way, a Local Wildlife Site which is also used as a linear country park. This links to Hatfield Forest, a SSSI and NNR and provides a wildlife corridor. The site is also in close proximity to High Woods SSSI, located to the east of the site on the opposite side of the A120.
- 11.43 Noise, light and air pollution can all potentially impact on ecology. In addition, the layout of the site would need to have careful regard to the environmental sensitivities of the Flitch Way. Impacts on the Flitch Way were one of the reasons for refusal in respect of the previous scheme.
- 11.44 The current scheme has been revised to provide a reinforced landscape edge of 15-20m deep adjacent to the Flitch Way, although this proposed to be reduced to 10m on the depot site. In addition, the Council depot building has been moved away from the boundary with the Flitch Way and relocated adjacent to the eastern boundary of the site. Vehicle parking is now proposed adjacent to the landscape buffer. Details of layout of the commercial development will be a reserved matter but will require the landscape buffer to be maintained. The Friends of Flitch Way have raised concerns that the proposed landscape buffer is not sufficient and should be increased to 100m. However, there is no statutory requirement for such a buffer zone. National planning guidance in respect of Ancient Woodlands and veteran trees only requires a 15m buffer. There is no such standard in respect of Local Wildlife sites. Therefore, it is considered that the proposed buffer is sufficient to mitigate potential harm to the Flitch Way.
- 11.45 The plans indicate a proposed link to the Flitch Way and this has been the subject of representations from the Friends of Flitch Way and the Flitch Way Action Group. The proposals have been the subject of consultation with the Highway Authority, and this includes the department responsible for the maintenance of the Flitch Way. Subject to the submission of full details of the proposed access, and a financial contribution to mitigate the increased impact on the Flitch Way, the proposals are considered acceptable.
- 11.46 In terms of ecological impacts, the proposed development is accompanied by a Preliminary Ecological Appraisal that has been assessed by the County Ecologist. Mitigation measures are identified within the appraisal including the use of buffer zones and sensitive working practices.
- 11.47 The proposed development would introduce additional landscaping and as such increase the biodiversity of the site. Biodiversity net gains can be secured by way of a condition if planning permission is granted. This would ensure the development proposals are compliant with paragraph 170d) of the NPPF. As such, the proposals comply with the relevant Local Plan policies.
- 11.48 In terms of impacts on SSSIs, the proposals have been assessed by Natural England who consider that the proposed development will not have likely

significant effects on statutorily protected sites. As such they have no objection to the proposed development and it complies with the Policy ENV7 and the NPPF.

E Access and parking (GEN1, GEN8; NPPF)

- 11.49 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Policy GEN8 seeks to ensure development proposals comply with adopted parking standards. The current standards relevant to the proposals are the Essex Parking Standards, adopted in 2009. These relate to maximum parking standards for commercial development. The policy is generally consistent with the NPPF and has moderate weight.
- 11.50 The proposals have been revised to only have one point of access onto the B1256 by way of a priority controlled junction. The proposals have been assessed by the Highway Authority and Highways England who are responsible for the strategic highway network (A120 and M11). The proposals are accompanied by a Transport Assessment including mitigation measures, in particular in relation to the A120/B1256 junction as set out in Appendix J.
- 11.51 The Transport Assessment has been carried out on the assumption that 87% of workers would travel by car, 6.3% by bus, 2.3% on foot and 1.4% by bike. Using these assumptions it is predicted that the junction capacity on the northern roundabout of the A120/B1256 junction will operate above capacity in the 2024 baseline scenario. Mitigation measures to this junction are likely to be required with or without the proposed development coming forward.
- 11.52 Highways England has assessed the proposals and the identified potential for a 'severe impact' with traffic tailing back from the B1256/A120 junction without adequate mitigation being proposed. The mitigation measures included in the application propose the widening of the A120 (off-slip, west off-slip) to a two-lane approach. These mitigation measures can be secured within highway controlled land. On this basis, subject to a condition securing the mitigation works the proposals are considered to comply with Policy GEN1.
- 11.53 In respect of the potential impacts on the local highway network, all other junctions are demonstrated to only have a minimal impact arising from the proposals in the Transport Assessment. The Highway Authority has considered the proposals and notes that the access can be accommodated safely, taking into account the proposed access to the adjacent extant consent for Bluegates Farm.
- 11.54 As part of the sustainable transport options, it is necessary to improve the accessibility of the bus stops and provide a pedestrian island crossing and pedestrian cycle link. Some of these proposed mitigation works were required in respect of the adjacent Bluegates Farm development and this current proposal would require some adjustments to the bus stop and pedestrian island crossing. These can be secured by way of condition.
- 11.55 Increased accessibility via the Flitch Way has also been considered. As discussed above, this could result in increased impacts on the habitats and biodiversity of the route. Mitigation measures are proposed to be secured by way of a s106 Legal Obligation should planning permission be granted. As such, the proposals comply with Policy GEN1.

- 11.56 The parking provision for the depot site is set out in the “Outline Block Plan” (drawing no 23396-KWS-00-ZZ-DR-A-2000 P4). This indicates 21 freighter parking spaces, 87 car parking spaces, including 4 disabled, plus 5 spaces for overnight parking of vehicles in front of the workshop building. The parking spaces meet the minimum bay size of 5m x 2.5m as set out in the Essex Parking Standards (2009). The parking requirement for the proposed use is 33 car parking spaces. However, given the nature of the use of the site, additional parking provision would need to be made for refuse workers.
- 11.57 The Council currently has 14 refuse vehicles and a number of other vehicles that would be required to be parked overnight on the premises. The size of the spaces provided are sufficient to serve the Council’s fleet of vehicles. The number of spaces provided is sufficient to enable the fleet to grow taking into account the housing requirements for the district.
- 11.58 The proposals have been considered by the Highway Authority who have no objections to the proposals in respect of parking provision, including the fact that the spaces are the minimum size standard. They have requested a condition requiring 4 motorcycle spaces, as shown on the “outline block plan” and 18 cycle parking spaces. Only 6 spaces are shown on the plans and there is sufficient room within the site to increase the provision. On this basis, the proposals comply with Policy GEN8.

F Flood risk and water resource protection (GEN3; NPPF)

- 11.59 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.
- 11.60 The site is located within Flood Zone 1 and therefore the area least likely to flood. However, the proposals would introduce a significant area of impermeable surfacing which could increase the flood risk elsewhere without appropriate mitigation. The Flood Risk Assessment submitted with the application identifies the appropriate mitigation measures required. This includes a system of permeable paving, retention systems, dry swales and traditional drainage networks directing surface water to attenuation tanks. The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

G Infrastructure (GEN6; NPPF)

- 11.61 Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.
- 11.62 In terms of the mitigation required as a result of the proposed development, these mainly relate to highway issues. The Highway Authority has identified the requirement for a financial contribution towards improvements to the Flich Way, plus a monitoring fee for a Staff Travel Plan. In addition, works are required to bus stops, the provision of a pedestrian crossing island and annual traffic surveys, plus the related traffic regulation order should it be required.

11.63 In respect of ecology, off-site skylark mitigation is required to be provided, maintained and monitored. Subject to the applicant completing a satisfactory s106 Legal Obligation the proposals comply with Policy GEN6.

H Other material considerations

11.64 The emerging Local Plan has undergone the first round of examination and the Inspector's letter, which was due towards the end of last year and been delayed by the calling of the General Election, is potentially imminent at the time of preparing this report. If this is received prior to the Planning Committee meeting on 15 January 2020 then this may affect the weight to be given to emerging policies. However, they currently have limited weight.

12. PLANNING BALANCE

Policy	Proposals in accordance with policy?	Policy compliance with NPPF	Weight
S7	Proposals do not comply with Policy S7	Partially compliant	Moderate
E1	Site not designated in adopted Local Plan	Consistent but required allocations to be reviewed	Limited
ENV5	Proposals do not comply with Policy ENV5	Consistent	Significant
ENV2	Proposals would result in harm to the setting of listed buildings	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV4	Proposals could result in harm to archaeological deposits without mitigation	Broadly compliant but NPPF requires a balancing exercise	Moderate
GEN2	Proposals do not comply with Policy GEN2	Generally consistent	Moderate
GEN4	Proposals would comply with Policy GEN4 with appropriate mitigation	Consistent	Significant
GEN5	Proposals would comply with Policy GEN5 with appropriate mitigation	Consistent	Significant
ENV11	Proposals would comply with Policy ENV11 with appropriate mitigation	Consistent although the NPPF allows designation of tranquil areas	Moderate
GEN7	Proposals would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
ENV7	Proposals would comply with Policy ENV7 with appropriate mitigation	Partially consistent	Limited
ENV8	Proposals would comply with Policy ENV8 with appropriate mitigation	Partially consistent	Limited
GEN1	Proposals would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate

GEN8	Proposals comply with Policy GEN8	Generally consistent	Moderate
GEN3	Proposals comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
GEN6	Proposals comply with Policy GEN6 subject to the completion of a satisfactory s106 Legal Obligation	Generally consistent	Full

- 12.2 The proposals do not comply with the requirements of Policies S7, ENV2 and GEN2 which seek, inter alia, to protect the character of the area and the setting of listed buildings. However, the NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified.
- 12.3 The proposals would result in harm to the character and appearance of the countryside with the introduction of significant areas of built form, out of scale and keeping with the character of the rural area. Mitigation measures are proposed, such as a buffer zone and a landscape bund. However, these measures are not sufficient in their own right to make the proposals acceptable and in accordance with Policies S7, GEN2 and ENV2.
- 12.4 Notwithstanding this, the proposals would result in the creation of additional employment opportunities, meeting an identified need. This need is exacerbated by the loss of the planning permission for employment land on a site in Great Dunmow following the lapse of the outline planning permission. Therefore, the benefits of the proposals need to be weighed against the harm.
- 12.5 The proposed development would result in less than substantial harm to the setting of listed buildings, namely 1 and 2 Live and Let Live Cottages. This harm would be at the lower end of the scale. The benefits of the proposal need to be weighed against the harm. Other benefits of the proposal include the removal of an historic non-conforming use from a site impacting on the setting of listed buildings and the conservation area of Great Dunmow. Similar benefits also arise in respect of the relocation of the Newport depot. Whilst these benefits are not given further weight due to the creation of employment, they are considered to outweigh the less than substantial harm to the setting of 1 and 2 Live and Let Live Cottages.
- 12.6 When taking the Framework as a whole, the benefits of the proposal are considered, on balance, to outweigh the harm to the character of the rural area and the setting of the listed building. Therefore, it is recommended that the application be approved.

RECOMMENDATION – APPROVAL WITH CONDITIONS AND 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 Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:

- (i) **Submission of travel plan**
- (ii) **Payment of monies relating to travel plan monitoring**
- (iii) **Highway Works (parking survey, bus stop and informal crossing and related traffic orders)**
- (iv) **Contribution of £36,644 mitigation works to Flitch Way**
- (v) **Provision, maintenance and monitoring of Skylark mitigation strategy**
- (v) **Pay Councils reasonable costs**
- (iv) **Pay monitoring costs**

(II) In the event of such an obligation being made, the Assistant Director Planning 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 obligation by 28 February 2020, the Assistant Director Planning shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:

- (i) **Non-submission of travel plan**
- (ii) **Lack of payment of monies relating to travel plan monitoring**
- (iii) **Lack of provision of highway works**
- (iv) **Lack of financial contribution of £36,644 mitigation works to Flitch Way**
- (v) **Lack of provision of Skylark mitigation strategy**

Conditions

SITE A:

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. No development of the Council Depot shall commence until a Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted facility. Any identified measures shall be implemented in accordance with the approved plan at all times.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

3. No development shall take place until a scheme for protecting existing nearby dwellings from noise from the Council Depot site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Cass Allen report (Ref: RP01-17299) dated 26th April 2019. No use of the facility hereby permitted shall commence until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

4. Prior to the commencement of the development hereby permitted samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out strictly in accordance with the approved materials.

REASON: In the interests of the appearance of the development in accordance with Uttlesford Local Plan Policies GEN2 and ENV2 (adopted 2005) and the NPPF.

5. Prior to the erection of the development hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and thereafter these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. maintenance details of landscaping

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].

REASON: 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, GEN8, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. The premises shall not be used except between 0600 hours and 1900 hours Monday – Friday, and 0800 hours and 1500 hours on Saturday, and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority, unless in accordance with the Noise Management Plan pursuant to condition 2.
8. The movement of heavy goods vehicles leaving or entering the site shall not occur except between 0700 hours and 1800 hours Monday – Friday, 0800 and 1500 hours on Saturday, and at no time on Sundays, Bank or Public Holidays, without

the prior agreement in writing of the Local Planning Authority, unless in accordance with the Noise Management Plan pursuant to condition 2.

9. Prior to first occupation of Site A (the depot) the car parking spaces as shown in principle on the submitted plan 23396-KWS-00-ZZ-DR-A-2000-P04 of a minimum size of 5m by 2.5m, shall be provided, hard surfaced, sealed in addition 18 cycle parking places to be provided and 4 motorcycle spaces. All cycle parking spaces shall be covered secure and located in convenient positions close to the building it is serving. Motor cycle parking to be provided in accordance with the Essex Parking Standards.

REASON: To provide appropriate parking in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

SITE B:

10. Approval of the details of layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

11. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

12. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

13. No development shall commence until an additional noise assessment has been submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the hereby permitted facility. Any identified measures shall be implemented in accordance with the approved plan and retained thereafter.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

14. No development shall take place until a scheme for protecting existing nearby dwellings from noise from the mixed employment site has been submitted to and

approved in writing by the local planning authority. The scheme shall be based on the recommendations identified in the Cass Allen report (Ref: RP01-17299) dated 26th April 2019. No use of the facility hereby permitted shall commence until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

15. The vehicle and cycle parking provision on Site B shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009.

REASON: To ensure that appropriate parking is provided in the interests of highway safety and efficiency in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

SITE A & B:

16. Prior to the commencement of development of Site A and/or B the developer shall submit to the local planning authority the following design details relating to the required improvements to the A120 junction. The scheme shall generally conform to the arrangements shown in outline on WSP drawing number 70032151-WSP-00-ZZ-DR-CE-008 rev P 04 dated February 2018. The design details shall be approved in writing by the local planning authority in consultation with Highways England.

Scheme details shall include drawings and documents showing:

- i. The layout of the proposed scheme, (including the forward visibility splays illustrated on the drawing), shown in three dimensions, to allow the vertical elements of the scheme to be fully understood and approved;
- ii. how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations,
- iii. full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis,
- iv. full signing and lighting details where applicable,
- v. confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
- vi. Evidence that the scheme (including the forward visibility splays illustrated on the drawing) is fully deliverable within land in the control of either the Highway Authority or the Applicant;
- vii. an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes.

The above scheme, once it is approved by the Local Planning Authority, shall be implemented and completed to the satisfaction of the Local Planning Authority, in consultation with the Highways Authorities. No beneficial occupation shall take place unless and until the junction improvements shown in outline on WSP drawing number 70032151-WSP-00-ZZ-DR-CE-008 rev P 04 dated February 2018 have been delivered and are fully operational.

REASON: To ensure that the A120/ B1256 Dunmow West Junction, will continue to fulfil its purpose as part of the Strategic Road Network in accordance with the Highways Act 1980, Circular 02/13 'Planning and the Strategic Road Network', to satisfy the reasonable requirements for road safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

17. No development shall take place on Site A and/or B, including any ground works or demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. vehicle routing

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

18. Prior to commencement the of the development of Site A and/or B, details of the proposed pedestrian/cycle accesses on to the Flitch Way (as shown in principle on drawing 1376.4.20 v3 including any necessary gates/ barriers, associated work, and precise location, shall be agreed in writing with the planning authority in consultation with the highway authority and provided as agreed before first occupation.

REASON: To increase the accessibility of the site for pedestrian and cyclists. in accordance with policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

19. Prior to occupation of Site A and/or B employment site, a separate Staff Travel Plan, for each site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with ECC Highways Authority. Thereafter the Travel Plan shall be implemented covering for a minimum of 5 years from first occupation of that site.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

20. Prior to commencement of the site (Site A and/or B) an on street parking survey shall be undertaken of the following stretches of road:

1. The B1256 between the southern roundabout junction with the A120 and the point 350m west of the junction with Stortford Road;
2. Stortford Road between the junction with the B1256 and the junction with High Cross Lane, and

3. High Cross Lane between the junction with Stortford Road and the junction with the Flitch Way.

The survey shall to be repeated on the third anniversary of the first occupation of Site A and B. If the outcome of the surveys demonstrates that on street parking is occurring as a consequence of the development then the developer to pay for a Traffic Regulation Order (TRO) to prohibit on street parking and to implement the associated signs and lines necessary in conjunction with the TRO. Details of the surveys to be agreed with the planning authority in consultation with the highway authority prior to commencement

REASON: In the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

21. No works shall take place on Site A and/or B until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Demonstrate that features can half drain within 24 hours following a 1 in 100 year plus 40% climate change event
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753, including a catchment plan showing how all the water is treated before leaving the site.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

22. The applicant or any successor in title for Site A and/or B must maintain yearly logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

23. No development or preliminary groundworks can commence on Site A and/or B 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 prior to reserved matters applications being submitted.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

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.

REASON: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been submitted with the application with regards to the potential impacts of the proposed scheme on below ground archaeological remains despite the inclusion of a Heritage Statement. The protection and/or recording of archaeological deposits is required in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

24. The applicant or successor in title for Site A and/or B will submit to the local planning authority a post-excavation assessment (to be submitted within three 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: The Historic Environment Record and the Historic Environment Characterisation study indicate that the proposed development lies within a potentially sensitive area of heritage assets. No information has been submitted with the application with regards to the potential impacts of the proposed scheme on below ground archaeological remains despite the inclusion of a Heritage Statement. The protection and/or recording of archaeological deposits is required in accordance with Uttlesford Local Plan Policy ENV4 (adopted 2005) and the NPPF.

25. Prior to the commencement of the development on Site A and/or B, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Parking and loading arrangements
- d) Details of hoarding

- e) Management of traffic to reduce congestion
- f) Control of dust and dirt on the public highway
- g) Details of consultation and complaint management with local businesses and neighbours
- h) Waste management proposals
- i) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.

The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the control of environmental impacts, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

26. Prior to the commencement of development on Site A and/or B, a suitable lighting design scheme and impact assessment for the site devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land uses shall be submitted to and approved in writing by the local planning authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with relevant publications and standards. Only the details thereby approved shall be implemented.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and GEN5 (adopted 2005) and the NPPF.

27. Prior to the commencement of development on Site A and/or B, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

28. Prior to the commencement of development on Site A and/or B, a Skylark Mitigation Strategy shall be submitted to and approved in writing by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of 4 Skylark nest plots, to be secured by legal agreement.

The content of the Skylark Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed Skylark nest plots;
- b) detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the Skylark plots by appropriate maps and/or plans;

d) persons responsible for implementing the compensation measure.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Reason: To enhance Protected and Priority Species/habitats and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

29. Prior to the commencement of development of Site A and/or B, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

30. Prior to first occupation of Site A and/or B, the access on to the B1256 and associated visibility splays (4.5m by 215m in both directions) and 2m width island crossing as shown in principle in drawing number 2151-WSP-LR-XX-DR-C-1000 P06 along with a 3m wide shared cycleway/footway to the east of the access into the site shall be provided and maintained in perpetuity thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and cyclists and pedestrians have access to the site from the existing shared footway/cycleway to the north of the B1256 in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, and in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

31. Prior to first occupation of Site A and/or B, a footway (minimum width 2m) shall be provided to the west of the site access along the site frontage and extending further to the west to the point where the proposed footway serving the Bluegates farm development ends (planning application UTT/18/2478). For the avoidance of doubt a continuous footway to be provided along the front of both developments.

REASON: To provide safe and convenient pedestrian access and access to bus services in accordance with DM7 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, in

accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005) and the NPPF.

32. Noise resulting from the use of the plant, machinery or equipment serving the Site A and/or B shall not exceed the existing background level when measured or calculated according to BS4142:2014.

REASON: To protect the amenity of neighbouring residents, in accordance with Uttlesford Local Plan Policies GEN4 and ENV11 (adopted 2005) and the NPPF.

33. All mitigation and enhancement measures and/or works in respect of Site A and/or B shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (The Ecology Partnership, March 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This should include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction in particular sensitive clearance of the access track. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

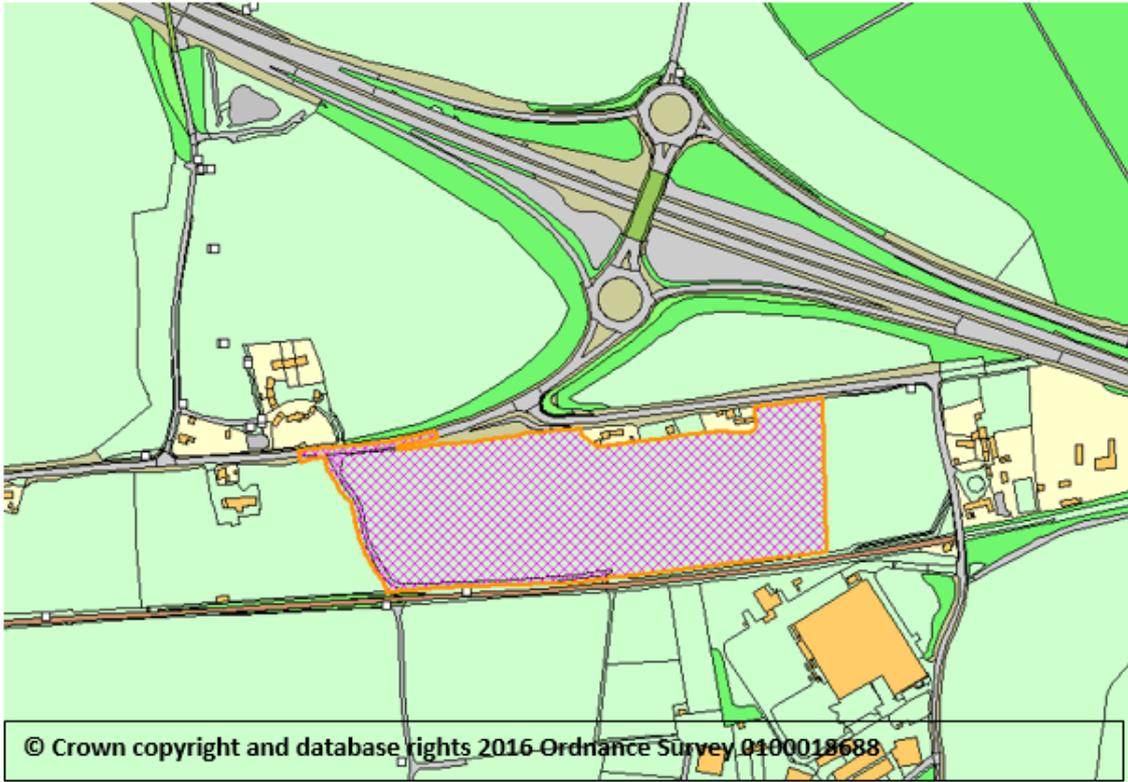
Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

34. No outdoor storage of any materials, goods, equipment, plant or machinery of any description shall take place on any part of Site A and/or B except in accordance with a scheme which has been submitted to and approved in writing by the local planning authority for an individual building or individual phase hereby approved.

REASON: To prevent harm to the character and amenity of the area, in accordance with Uttlesford Local Plan Policies S7, GEN2 and GEN4 (adopted 2005) and the NPPF.

35. No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used on Site A and/or B at any time except in accordance with a scheme which has been submitted to and approved in writing by the local planning authority for any individual building or individual phase hereby approved.

REASON: To protect the amenities of the occupiers of adjoining properties, in accordance with Uttlesford Local Plan Policies GEN2, GEN4 and ENV11 (adopted 2005) and the NPPF.



Organisation: Uttlesford District Council
Department: Planning
Date: 31 December 2019

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UTT/19/1864/FUL - THAXTED
MAJOR

PROPOSAL: Construction and operation of a solar farm comprising arrays of solar photovoltaic panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, cctv, access tracks and landscaping) on agricultural land off the B1051. The Development would have an operational lifespan of 40 years.

LOCATION: Terriers Farm , Boyton End, Thaxted, Dunmow, CM6 2RD

APPLICANT: Low Carbon UK Solar Investment Company Limited

AGENT: Mr Andrew Mott

EXPIRY DATE: 30th October 2019 – Extension of time 30 January 2020

CASE OFFICER: Madeleine Jones

1. NOTATION

- 1.1 Outside Development Limits
Within 100m of Local Wildlife Site (Alrey Wood 2 Little Sampford and Alrey Wood 1, Thaxted)
Within 250m of Ancient Woodland
Public Right of Way
Within 2km of SSSI
Important Woodland
Adjacent Grade II listed buildings - Terriers Farmhouse, Yew Tree Cottage and a Grade II listed historic barn

2. DESCRIPTION OF SITE

- 2.1 The application site is located to the south of the B1051 between Thaxted and Little Sampford, approximately 600m east of Thaxted. It covers an area of 52 ha of arable farmland. It is accessed via Terriers Farm private access from the B1051. To the west of the access is a residential dwelling.
- 2.2 There is a solar farm, adjacent to the site, located to the east, covering 29.96ha, at Spriggs Farm and a substation to the north of the site.
- 2.3 The site consists of fields that are bounded by a mixture of hedgerows and trees and are also dissected by public rights of way. There is also woodland to the south of the site and the Turpins Right of Way. There is a further woodland, adjacent to the site, situated south of the public right of way 49_25.

Public rights of way form three sides of the main area of the proposed solar farm and two sides of the separate field located to the north east of the site. The field to the north of the site has overhead power lines, running diagonally across the site

To the south of the site is an area that has recently been identified as a WW1 airfield.

3. PROPOSAL

- 3.1 The proposal relates to the erection of a solar farm which would consist of rows of photovoltaic (PV) panels running east west across the site. The Development would have an operational lifespan of 40 years. The installed capacity of the development will be approximately 44MW peak which would generate enough electricity to power approximately 13,100 homes annually.
- 3.2 The development will comprise the following:
- 125,856 south facing PV panels (maximum height 3m, 0.8m above ground.)
 - Power inverter and transformer stations
 - Distribution Network Operator substation building
 - Customer switch gear/control room building
 - Security fencing and access gates
 - CCTV cameras
 - Landscaping
- 3.3 Each array will be mounted on a single metal framework which would have a maximum height of 3m above ground and be tilted at approximately 20 degrees. Each row would be separated by approximately 3.2m.
- 3.4 The perimeter fencing would be 2m in height with open sections at the bottom to allow for small mammals to pass through. CCTV cameras will be erected on the fencing at approximately every 50m or at change in fence line direction.
- 3.5 The inverter buildings would be approx. 12.2m long, 2.9m high and 2.5m deep. There would be eight inverter units located around the site. They would be coloured in dark green or grey

The switch gear/control room would be approx, 12.2m long, 4m high and 2.9m deep. A satellite dish would be erected to one of the corners. It would be located at the end of the access road. It would be coloured in dark green or grey.

The DNO substation would be approx. 5.1m long, 4.1m in height and 5m deep. It would be located near the existing grid substation.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 An application for a screening opinion for the above proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) under Regulation 6 of the stated Regulations was submitted under application UTT/18/3035/SCO.

The 2017 Regulations provides guidance in regards to procedures which are required in establishing whether an EIA is required. This guidance requires the Local Planning Authority (LPA) to consider whether the proposed development is described in Schedule 1 or 2 of the Regulations. Schedule 2 identifies 13 different categories, of which Class 3 is 'Energy Industry' and a) relates to 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)'. The proposal exceeds the thresholds. The proposal is not, however located in wholly or partly within a 'sensitive area' as defined by the Regulations.

It was concluded that the proposal does constitute a Schedule 2 form of development as defined by the Regulations. Under these circumstances it is necessary to establish whether or not the proposal is likely to give rise to 'significant effects' on the environment by virtue of its nature, size or location. Given the location of the proposals and taking into consideration the potential of cumulative impacts arising, it was considered that the proposals would not give rise to significant adverse effects. Therefore, an Environmental Impact Assessment was not required to be submitted with the application.

5. APPLICANT'S CASE

5.1 The application is submitted with the following documents:

- Design and Access Statement
- Heritage Impact Assessment
- Preliminary Ecological Appraisal
- Landscape and Biodiversity Management Plan
- Ecology Report
- Agricultural Land Classification
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Transport Statement
- Suds Checklist
- Biodiversity Checklist

6. RELEVANT SITE HISTORY

6.1 UTT/18/2097/SCO: Request for screening opinion (40 ha).

6.2 UTT/12/5601/FUL: Construction of 29.96 ha solar park at Land at sprigs Farm, Thaxted Road, Little Sampford.

6.3 UTT/13/1472/FUL: Variation of conditions 2 and 8 attached to UTT/12/5601/FUL.

6.4 UTT/18/3035/SCO: Request for screening opinion.(69ha)

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy ENV3 – Trees and Open Spaces
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy ENV15 – Renewable Energy
ULP Policy E4 – Farm diversification
ULP Policy ENV5 – Protection of Agricultural Land
ULP Policy GEN8 – Vehicle Parking Standards
ULP policy ENV2- Listed Buildings

National Policies

National Planning Policy Framework (NPPF) (2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)

Thaxted Neighbourhood Plan (made 21st February 2019)

8. PARISH COUNCIL COMMENTS

- 8.1 Resolved to strongly and unanimously object on the following grounds
- 8.2 Scale bulk and massing is far too great for a small community like Thaxted to absorb, it's an industrial block on the heritage landscape and the land will be rendered unsustainable for food production in the future. Vistas and the plateau will be highly disturbed irrevocably. The potential loss of public rights of way which hasn't been addressed, this is a historical site.
- 8.3 The impact of this development on the Thaxted landscape could be dramatic and the application requires very careful consideration. I've had a preliminary look at what has been submitted and there are many serious deficiencies and uncertainties which need to be highlighted. There is a danger that the Thaxted community could be lulled into a belief that green energy is good therefore let's not bother about the consequences which will only be realised after the thing is built.
- 8.4 Essentially it will occupy about 130 acres of Grade 2 agricultural land in a very sensitive landscape. It will involve 125,856 solar panels and a host of infrastructure, housings etc. No proper plans are provided with the application in relation to buildings or infrastructure.
- 8.5 The first issue is impact on footpaths. It will affect the amenity of PROWs 49-25; 49-27; 49-28; 49-29; 49-67; 38-32; and 38-36. Some footpaths will be altered out of all recognition. It is all very well to say that landscape screening will be put in place but we all know that that takes about 15 years to be of any use and in any case a narrow path running between two hedge lines is totally different to a path adjacent to an open field. It is therefore important that the Thaxted P3 have this brought to their attention if they are not already aware of it.
- 8.6 There is then the general impact on the landscape. The work done by Liz Lake for the NP does not quite go out that far because that study dealt with the Thaxted hinterland. The adjacent local landscape parcels (LPLCA 10 and 11) were however both classified as having a high sensitivity to change and a low or low-medium capacity for change. There is no reason why land just to the east should be any different. There is however, firmer evidence provided by the work done by Chris Blandford Associates for the local authorities in north-west Essex in 2006. In that study this area is identified as a part of the Thaxted Farmland Plateau, where it is stated that the landscape pattern is sensitive to potential large-scale development and has a relatively high sensitivity to change. The guidance is to conserve the open views.
- 8.7 The next point is with regard to land quality. The land will be taken out of agricultural production for 40 years. This is Grade 2 land, classified as best and most versatile. The use of Grade 1 and 2 land is in both Local Plan and NPPF terms essentially a last resort. A ministerial statement (HCWS 488, 2015) from

DCLG states Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the use of high quality land. Protecting the global environment is not an excuse to trash the local environment. It goes on to say “any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence.” The fact is that the applicants have provided no compelling evidence. They say that they have done an options study (although this has not been submitted) and they say that there is no alternative site within a 2 km radius. They also complain that most of the land in Uttlesford is Grade 2. However, we would comment that this doesn't have to be in Uttlesford. There are masses of more suitable sites in Essex and hundreds of other sub-stations that they can connect into. No evidence has been provided of other options considered and why they have been dismissed. This is essential in the light of the ministerial statement. We request formally that this evidence is presented.

- 8.8 Another point is that landscape impact images have been provided but these do not illustrate the panels! They are just photos of the existing landscape with a line showing the extent of where they will be which provides no indication at all of how they would sit and the impact they will have.

9. CONSULTATIONS

Environmental Health

- 9.1 In principle I would support the development of renewable energy sources with the potential to reduce greenhouse gas emissions, provided that other environmental health considerations are also satisfied.

9.2 Light

Solar panels are designed to face the midday sun and absorb as much radiation as possible. Any reflection from them would go back in the same direction and so not give rise to light nuisance or glare.

The design and access statement states that no lighting is proposed as part of the development. I recommend a condition to secure this.

9.3 Noise

The solar panels themselves would be quiet in operation. The proposals include power inverters which would be housed in containers and require mechanical cooling units. Both inverters and air conditioning units can produce sound but the housings would screen sound from the inverters and the plans show the nearest one at over 300m from the nearest residential premises. I would expect acceptable noise levels to be easily achievable, but as no acoustic details have been submitted I recommend a condition requiring submission and approval of acoustic details.

9.4 Construction impacts

The design and access statement estimates that construction of the farm would take approximately 16 weeks. The construction work and associated vehicle movements (including 10 HGVs per day) would have noise and possibly vibration impacts on neighbouring properties. I recommend a condition requiring submission and approval of a construction management plan to minimise these impacts.

ECC Highways

- 9.7 The Highway Authority has agreed in principle that temporary traffic management (TTM) can be used during the construction phase of the development to facilitate safe access to the site. It is anticipated the TTM to involve the use of traffic signals, reduced speed limit and appropriate signage.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

ECC Ecology

- 9.8 Following further information being submitted the holding objection has been withdrawn. They now have no objection subject to securing biodiversity mitigation and enhancement measures

- 9.9 Summary:

We have reviewed the Preliminary Ecological Appraisal Report (ARCUS, July 2019), the Landscape And Biodiversity Management Plan (ARCUS, July 2019) and the Ecological Management Plan (ARCUS, November 2019) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified the Preliminary Ecological Appraisal Report (ARCUS, July 2019), the Landscape And Biodiversity Management Plan (ARCUS, July 2019) and the Ecological Management Plan (ARCUS, November 2019) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance Protected and Priority Species

We also support the proposed reasonable biodiversity enhancements included in the Landscape And Biodiversity Management Plan (ARCUS, July 2019), which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Lead Local flood Authority

- 9.10 No objections

London Stansted Airport

- 9.11 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. This development has the potential to interfere with the safe operation of flight at Stansted Airport therefore we request a condition be imposed if planning permission is granted.

Anglian Water

- 9.12 The applicant has indicated on their application form that their method of foul and surface water drainage is not to an Anglian Water sewer.

UK Power Networks

- 9.13 Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Network to obtain a copy of the primary route drawings and associated cross sections.

Specialist Archaeological Advice:

- 9.14 The historic environment record and the submitted desk based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified a number of historic field boundaries (EHER46593) with the remains of a historic farm, now surviving as below ground features, evident on the first and second edition Ordnance Survey maps. Evidence of prehistoric occupation was found during excavation work on the adjacent solar panel scheme and further occupation is likely to extend into this area. The northern boundary is formed by the route of a Roman road potentially leading to Stebbing or Braintree (EHER 46669) Within the heritage document submitted with the application a programme of geophysical survey followed by preservation in situ is recommended. This is only appropriate if the geophysical survey is successful and accurate, and this remains to be established. It is therefore recommended that a programme of archaeological mitigation is used to ensure that the heritage assets on the site are protected.
Recommendation; An archaeological programme of assessment followed by an open area excavation or preservation in situ.

Historic England

- 9.15 The historic environment is a finite and non-renewable environmental resource which includes designated heritage assets, non-designated archaeology and built heritage, historic landscapes and unidentified sites of historic and/or archaeological interest. It is a rich and diverse part of England's cultural heritage and makes a valuable contribution to our cultural, social and economic life. A solar farm in this location will potentially have an impact upon a number of designated heritage assets and their settings in and around the site. Designated assets within 1.5km of the site are the scheduled monument Terrier's Farm Moated site, 55m north of the application site, the grade I listed Church of St John the Baptist, the grade II* listed Goddards Farmhouse and 23 grade II listed buildings. The application site is adjacent to the existing Spriggs Hill Solar Farm.
- 9.16 The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192). It establishes that great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against

the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'. Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.

The proposals would include the installation of a total of 125,856 south-facing PV panels, lifted to a minimum of 0.8m off the ground and not exceeding 3m in height. The PV panels would be mounted on racks with the supporting poles piled to a depth of 1.5m. They would face south, tilted at approximately 20 degrees to utilise as much sunlight as possible. They would be arranged in rows with a distance of approximately 3.2 m between each string to avoid inter-panel shading. Having considered the documentation submitted with the application, including the *Design and Access Statement* produced by Flexygen Ltd and the *Landscape Visual Appraisal* produced by Viento Environmental, Historic England are satisfied that whilst a degree of harm would be caused to the significance of the setting of a number of the designated heritage assets within a 1.5km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure, the level of that harm would be acceptable. We would therefore have no objections should your authority be minded to approve the application.

Recommendation

Historic England have no objections to the application on heritage grounds. We consider that the application meets the requirements of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

ECC Conservation

- 9.17 The application is for the construction and operation of a solar farm comprising arrays of solar photovoltaic panels and associated infrastructure (inverters and transformers, DNO building, customer switchgear/ control room, cabling, security fencing, cctv, access tracks and landscaping) on agricultural land off the B1051. The Development would have an operational lifespan of 40 years.

The above concerns the setting of Terriers Farmhouse, a Grade II listed (HE Ref: 1112973) building, Yew Tree Cottage, a Grade II listed (HE Ref: 1112974) building, and a Grade II listed historic barn (HE Ref: 1317291).

Whilst the proposal could be improved with the reduction of the scale of development and the displacement of development away from the proximate setting of the designated heritage assets, the proposal presently contributes to severe cumulative change to the historically agricultural setting of the listed buildings together with the existing solar farm adjacent to the site, where the

current scheme exacerbates the harm already caused to the experience and appreciation of the listed buildings in their traditional setting, where a functional relationship between the farmland and farm buildings persisted for centuries. In accordance with Historic England's *The Setting of Heritage Assets* (2017): *"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it."*

Additionally, with the diversion of an existing historic footpath, the manner in which the heritage assets are appreciated and experienced is further injured, with the setting losing accessibility and public views. At present, the proposed scheme is considered to cause "less than substantial harm" to the significance of a number of designated heritage assets as derived from their setting and as such paragraph 196 of the NPPF is relevant.

Landscape Officer

- 9.18 The site area is some 52ha extending over four arable fields, which are bounded by a mixture of hedgerows, tree belts and three woodlands bordering the west, east and south of the site with a further woodland situated some distance west of the site. The site is south facing with the land rising gently up from the southwest to the northwest by some 10m.

Adjacent to the application site is the existing Sprigg's Farm Solar Farm to the north-east boundary, and the Boyton End electricity grid sub-station next to the northern boundary. National Grid high voltage transmission lines and pylons transverse the landscape east to west to the north of Thaxted and are locally prominent.

The proposed development would have a significant adverse effect on the existing rural character of the site which will be evident from the network of public footpaths in the vicinity of the proposal site.

At the nearest point the site is some 0.6km distant from the north-eastern edge of Thaxted village. The spatial separation, topography, and existing vegetation between the village and the proposal site is such that the potential visibility of the development from the village is extremely limited. It is not considered that the proposed development would have a detrimental impact on the bucolic setting of Thaxted village.

Historic England are "satisfied that whilst a degree of harm would be caused to the significance of the setting of a number of the designated heritage assets within a 1.5km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure, the level of harm would be acceptable. We would therefore have no objection should your authority be mindful to approve the application."

To mitigate the potential visual impact the scheme makes provision for the creation of some 2.5km of native species hedgerows, the gapping up of existing hedgerows, and the planting of native tree belts along the north western boundary of the site (The proposal would not result in the loss of any existing trees or hedgerows). Whilst these mitigation measures would reduce the visual impact of

the development from parts of the footpath network, and the Sampford Road, additional planting is considered necessary to further reduce the visual impact of parts of the proposed array from the footpath network. A south westward extension of the existing woodland situated at the centre of the landownership parcel, creating a new native species woodland of some 2.6ha, would break up the scale of the solar farm, reduce the visual impact of the array from sections of the surrounding public footpaths and provide a visually ameliorating backdrop to parts of the array.

Recommend that the proposed development is approved subject to conditions requiring the submission for approval of a detailed landscaping scheme, including the provision of new woodland planting, to reduce the detrimental visual impact of the development.

Further advice following :

- 9.19 The submitted provisional drawing indicates an additional 5m wide tree belt along a section of the western boundary of the site. This proposal is in response to the recommended south westward extension of the existing woodland. The proposed tree belt runs continuously for some 360m from the existing woodland to the southern boundary of the site. Whilst this provision would provide some additional level of screening, a linear tree belt is considered to be at odds with the existing pattern of vegetation in the landscape. The retention and provision of additional broad hedgerows along this edge of the site is considered to be more appropriate.

The previously recommended extension of the existing woodland is considered appropriate to provide a visual counterpoint and help to break up the scale of the solar farm, reduce the visual impact of the array from sections of the surrounding footpaths, and to create a backdrop to parts of the array.

10. REPRESENTATIONS

- 10.1 17 representations received. (2 are in support) This application has been advertised and site notices displayed. Expiry date 11th September 2019.

Summary of representations received as follows:

- 10.2 Objections:
- Loss of Grade II Agricultural land
 - Government guidelines suggest planners should be "encouraging the effective use of land by focussing large scale solar farms on previously developed and non- agricultural land, provided that it is not of high environmental value". The land is the best and most versatile agricultural land and should not be used unless there is no alternative.
 - There is nothing in the application to show the applicants have considered alternative sites.
 - Cumulative impact with Spriggs Farm and 2 solar farms at Little Bardfield
 - Provision of renewable energy should be part of a wider strategy
 - Landscape has a high sensitivity to change
 - Significant impacts on character of landscape and countryside
 - Impacts on rights of way
 - Solar farms do not need to be in Uttlesford
 - Community consultation was so low-key with hardly any responses

- Another assault on the heritage and character of Thaxted and surrounding area
- Will not benefit Thaxted but go to National Grid
- Part of site used to be WWI airfield – memorial recently erected
- Will take most of the lifetime of the site for landscaping to be of benefit
- Already have to contend with eyesore of Spriggs Farm solar farm when walking
- Impacts on setting of ancient woodlands
- Would industrialise the area

10.3 Support;

- With a looming climate crisis it is imperative that electricity generation becomes more sustainable.
- This solar farm will be less impact than a wind farm which would be blocked by NATS in any case. Would the local residents perhaps prefer a gas fired plant?

11. APPRAISAL

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

- A Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area (NPPF, ULP policies S7, E4, ENV5, ENV8, ENV15,)
- B Impact on neighbours amenity (ULP policies GEN2, GEN4 and ENV11)
- C Access and highway safety (ULP policy GEN1)
- D Impact on biodiversity (ULP policy GEN7)
- E Whether the development would increase flood risk issues (NPPF, ULP policy GEN3)
- F Impact upon sites of local archaeological importance and listed buildings (NPPF and ULP policies ENV4 and ENV2; NPPF
- G Other material considerations Glint and Glare

A Whether the use of the site for the purpose of a solar farm would be appropriate in terms of land use and impacts on the character of the area (NPPF; ULP policies S7, E4, ENV5, ENV8 , ENV15)

11.1 The application site is located outside the Development Limits of Thaxted within Grade 2 agricultural land and is therefore located within the countryside where Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas. The policy has moderate weight.

11.2 As stated above the land is currently grade 2 agricultural land. ULP policy E4 allows for alternative uses for agricultural land providing criteria set out in the policy are met. Policy ENV5 seeks to protect the best and most versatile agricultural land. It should be noted that the majority of agricultural land within the

Uttlesford District falls within Grade 2 or 3, meaning it is largely best and most versatile land.

- 11.3 The NPPF supports the diversification of agricultural land and the development of renewable energy installations. Representations refer to the Written Ministerial Statement of 2015 setting out a requirement to carry out a sequential test in respect of best and most versatile agricultural land. This is now included in the Planning Practice Guidance.
- 11.4 Policy ENV8 also seeks to protect landscape elements important for nature conservation such as hedgerows and linear tree belts. This policy is also partially consistent with the NPPF with the requirement for the benefits of the proposals to be balanced rather than need. The policy also has moderate weight.
- 11.5 Policy ENV15 states 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. There are no policies within the adopted local plan relating to large scale proposals other than that it is expected that acceptable schemes in the district would be relatively small scale. The emerging Regulation 19 plan states as an objective 3b to minimise demand for resources and mitigate and adapt to climate change by encouraging renewable energy production in appropriate locations.
- 11.6 Whilst the application site falls within the area covered by the Thaxted Neighbourhood Plan, there are no policies directly related to this site.
- 11.7 Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. Local planning authorities are responsible for renewable and low carbon energy development of 50 megawatts or less installed capacity (under the Town and Country Planning Act 1990) This development would generate up to 44mw of electricity to power approximately 13,100 homes annually and would therefore make a significant contribution towards the district and County's renewable energy production. These benefits need to be weighed against the impacts. The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes, however, the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape if planned sensitively.
- 11.8 The Intergovernmental Panel on Climate change published in October 2018 explores the benefits of aspiring to limit global warming to 1.5° C as recommended in the Paris Agreement as opposed to the lowest level target of 2° C. The report finds that a global warming of 1.5° C will be damaging, but is far less damaging than a 2° C increase in global temperature. It also highlights the importance of investing in renewable energy as part of the global effort to mitigate climate change.
- 11.9 The proposal relates to the installation of rows of solar panels which would be within fenced enclosures. Each of these enclosures would be within the existing field boundaries and would ensure that the existing hedge rows would remain. The hedgerows are patchy in some places and there are several public rights of way across the site and adjacent to it. Additionally the Turpins Trial runs along the boundary of the site, which is a walk associated with the birth, childhood and early career of the notorious highwayman Dick Turpin. From the numerous public right of ways there are views of the spire of the Grade one Thaxted church, however

these are limited. In view of the sensitiveness of the site, specialist landscape advice and also specialist heritage advice has been sought. Historic England raise no objections to the proposals and heritage issues will be considered in greater detail below.

- 11.10 The proposed development would have a significant adverse effect on the existing rural character of the site which will be evident from the network of public footpaths in the vicinity of the proposal site.
- 11.11 Specialist landscaping advice is that, "At the nearest point the site is some 0.6km distant from the north-eastern edge of Thaxted village. The spatial separation, topography, and existing vegetation between the village and the proposal site is such that that the potential visibility of the development from the village is extremely limited. It is not considered that the proposed development would have a detrimental impact on the bucolic setting of Thaxted village. To mitigate the potential visual impact the scheme makes provision for the creation of some 2.5km of native species hedgerows, the gapping up of existing hedgerows, and the planting of native tree belts along the north western boundary of the site (the proposal would not result in the loss of any existing trees or hedgerows). Whilst these mitigation measures would reduce the visual impact of the development from parts of the footpath network, and the Sampford Road, additional planting is considered necessary to further reduce the visual impact of parts of the proposed array from the footpath network. A south westward extension of the existing woodland situated at the centre of the landownership parcel, creating a new native species woodland of some 2.6ha, would break up the scale of the solar farm, reduce the visual impact of the array from sections of the surrounding public footpaths and provide a visually ameliorating backdrop to parts of the array."
- 11.12 The applicant has responded stating that the new woodland suggested would be outside of the red line of the site and therefore providing a new woodland in perpetuity would require the purchase of the land and would not be viable and may not be achievable. It also would not allow for the land to be returned for agricultural use in the future. They suggested the planting of a 5m wide tree belt along a section of the western boundary. However, specialist landscape advice is that whilst this provision would provide some additional level of screening, a linear tree belt is considered to be at odds with the existing pattern of vegetation in the landscape. The retention and provision of additional broad hedgerows along this edge is considered to be more appropriate.
- 11.13 As a compromise the applicant is agreeable to provide an additional tree belt planting approximately 180m in length and 5m width incorporated from the corner of the ancient woodland stretching west to where PROW 49-27 intersects. This tree belt would be infill to the existing field boundary vegetation to strengthen the screening of views to the south from this section of the footpath.
- 11.14 As stated above the proposal includes proposals for landscape and nature conservation (see below) enhancement. In addition to the additional tree belt, there would be hedgerow/infill planting along the western boundary, southern boundary of the larger field and tree planting to the northern boundary of the northern parcel of land.
- 11.15 It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence the proposal is contrary to that policy. It is considered with mitigation measures that the proposal would meet the aims of Policy ENV8.

- 11.16 With regards to the viability of the agricultural holding, the land can return to agricultural use and the proposal also would allow sheep grazing to take place under the panels without damaging the cells. The removal of arable production on BMV land is a factor against the scheme but this is more than compensated for by the use of the grass between the panels for sheep grazing together with the production of electrical energy. The Scheme would add a new income stream to the land holding. The use of the land for sheep grazing needs to be assured. This can be achieved by a condition that requires the approval of a solar farm grazing management plan. The proposal is considered to meet the aims of Policy E4.
- 11.17 The NPPF explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. The NPPF Paragraph 148 states that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.
- 11.18 Paragraph 154 states that when determining planning applications for renewable and low carbon development, local authorities should:
- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small –scale projects provide a valuable contribution to cutting greenhouse gas emissions and
 - b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

No specific sites have been identified for solar energy in the emerging local plan.

- 11.19 Solar farms are temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Government Planning guidance states that where a proposal involves greenfield land it is necessary to consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Several comments have also been received in respect as to whether other suitable sites have been considered. There are no alternative site locations within 2km of the point of connection on lower graded agricultural land. The vast majority of land in Uttlesford is grade 2 meaning options for renewable energy schemes of this nature on lower grade land are extremely limited. With the process of site selection being led by the ability to connect to a substation with available capacity, suitable locations for such a project are limited. The location of solar farms is heavily dictated by their proximity to a viable connection point.
- 11.20 In view of the above it is considered great weight should be given to the benefits of scale in this case, where a grid connection is assured and the generation capacity

significant. Historic England and the Landscape Officer have no objections to the proposals subject to appropriate mitigation being incorporated. The production of 44mw of energy which would generate enough electricity to power approximately 13,100 homes annually is of significant benefit. It is considered that the benefits of the scheme of the production of renewable energy would outweigh the rural harm caused and is therefore acceptable in principle.

B Impact on neighbours amenity (ULP policies GEN4 and ENV11)

- 11.21 The proposed development would be located approximately 110m from the nearest property. The access however would be located between two properties. The construction work and associated vehicle movements would have noise and possibly vibration impacts on the neighbouring properties to the access road. As such a construction management plan is required to minimise these impacts. In terms of impacts due to overshadowing, overbearing and loss of light, no such impact would arise from the development proposals. No lighting is proposed as part of the development.
- 11.22 The solar panels themselves would be quiet in operation. The proposals include power inverters which would be housed in containers and require mechanical cooling units. Both inverters and air conditioning units can produce sound but the housings would screen sound from the inverters and the plans show the nearest one at over 300m from the nearest residential premises. It is expected that acceptable noise levels are easily achievable, but as no acoustic details have been submitted a condition is recommended requiring submission and approval of acoustic details.
- 11.23 Environmental health have been consulted and they state that the solar panels would be quiet in operation. The inverters and air conditioning units can produce sound but eh housings would screen sound from the inverters. They would be over 300m from the nearest residential premises and therefore expect acceptable noise levels to be achievable.
- 11.24 The proposal subject to conditions would comply with ULP policies GEN4 and ENV11.

C Access and highway safety (ULP policy GEN1)

- 11.25 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network.
- 11.26 The development would result in some impacts on the local road network, predominantly during the construction phase. It is envisaged that there would be approximately 10 HGV movements to and from the site per day over a period of 16 weeks. It is considered that the level of additional vehicle movements would be easily accommodated within the local road network and no adverse impacts are envisaged.
- 11.27 Essex County Council Highways Officers consider the proposal to be acceptable subject to temporary traffic management being in place during the construction phase of the development to facilitate safe access to the site. This can be achieved by a relevant condition. It is considered that subject to conditions that the proposal would comply with ULP Policy GEN1.

D Impact on biodiversity (ULP Policy GEN7)

- 11.28 Policy GEN7 seeks to protect biodiversity, protected species and habitats. The application is accompanied by a Preliminary appraisal report, an ecology report, a Landscape and Visual Impact Assessment, and a completed biodiversity checklist. Integrated with the design are visual and ecological mitigation measures. Planting of new tree belts and hedging and infilling of existing hedging is proposed. Between the panel arrays will be seeded with grass mix for sheep grazing and bee keeping is also proposed.
- 11.29 The proposals are supported by a Preliminary Ecological Appraisal Report (ARCUS, July 2019), the Landscape and Biodiversity Management Plan (ARCUS, July 2019), and the Ecological Management Plan (ARCUS, November 2019), there are no objections to the proposals.
- 11.30 Specialist ecology advice is that the Ecological Management Plan (ARCUS, November 2019) sufficiently identifies appropriate mitigation methods for protected species and habitats. They also support the proposed reasonable biodiversity enhancements included in the Landscape and Biodiversity Management Plan (ARCUS, July 2019) which have been recommended to secure measureable net gains for biodiversity, as outlined under Paragraph 170d of the NPPF.
- 11.31 Impacts will be minimised and as such the proposal is acceptable subject to conditions.
- 11.32 In view of the above, it is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity, subject to conditions, to warrant refusal of the proposal and accords with ULP policy GEN7.

E Whether the development would increase flood risk issues (NPPF, ULP policy GEN3)

- 11.33 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The built form of the development proposed lies within Flood Zone 1 (low probability of flooding) as defined by the Environment Agency. The application is accompanied by a Flood Risk Assessment. The Lead Local Flood Authority, raises no objections to the proposals. As such the proposals comply with Policy GEN3 and the NPPF.

F Impact upon sites of local archaeological importance and listed buildings (NPPF and ULP policies ENV4 and ENV2)

- 11.34 A solar farm in this location will potentially have an impact upon a number of designated heritage assets and their settings in and around the site. Designated assets within 1.5km of the site are the scheduled monument Terrier's Farm Moated site, 55m north of the application site, the grade I listed Church of St John the Baptist, the grade II* listed Goddards Farmhouse and 23 grade II listed buildings. The application site is adjacent to the existing Spriggs Hill Solar Farm.
- 11.35 The National Planning Policy Framework (NPPF) sets out the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, (paragraph 192). It establishes that

great weight should be given to an asset's conservation and the more important that asset, the greater that weight should be, paragraph 193. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 196).

- 11.36 Setting is then defined in the Framework as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral'. Further guidance (paragraph 13) of the Planning Practice Guidance states that local planning authorities may need to consider the implications of cumulative change when assessing any application for development that may affect the setting of a heritage asset.
- 11.37 Policy ENV2 relating to Listed buildings states that "demolition of a listed building, or development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted." Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall "have special regard to the desirability of preserving the building or its setting..." and LPA's are required to apply this statutory advice when determining listed building applications. Specialist conservation advice has been sought and it is considered that this proposal would result in less than substantial harm to the setting of the adjoining listed building, at the lower end of the spectrum. It is therefore necessary to determine if the tilted balance is applied in this instance. It is considered that the benefits of the scheme would outweigh the less than substantial harm to the heritage assets and as such the tilted balance is engaged.
- 11.38 The proposals would include the installation of a total of 125,856 south-facing PV panels, lifted to a minimum of 0.8m off the ground and not exceeding 3m in height. The PV panels would be mounted on racks with the supporting poles piled to a depth of 1.5m. They would face south, tilted at approximately 20 degrees to utilise as much sunlight as possible. They would be arranged in rows with a distance of approximately 3.2 m between each string to avoid inter-panel shading. Historic England state that having considered the documentation submitted with the application, including the *Design and Access Statement* produced by Flexygen Ltd and the *Landscape Visual Appraisal* produced by Viento Environmental, they are satisfied that whilst a degree of harm would be caused to the significance of the setting of a number of the designated heritage assets within a 1.5km radius of the site as a result of the visual impact of the PV panels and ancillary infrastructure, the level of that harm would be acceptable.
- 11.39 The development is therefore considered to be in accordance with s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and ULP policy ENV2.
- 11.40 The historic environment record and the submitted desk based assessment shows the proposed development area contains potentially significant archaeological remains. Aerial photography has identified a number of historic field boundaries

(EHER46593) with the remains of a historic farm, now surviving as below ground features, evident on the first and second edition Ordnance Survey maps. Evidence of prehistoric occupation was found during excavation work on the adjacent solar panel scheme and further occupation is likely to extend into this area. The northern boundary is formed by the route of a Roman road potentially leading to Stebbing or Braintree (EHER 46669) As such an archaeological programme of mitigation is used to ensure that the heritage assets on the site are protected. This can be achieved by a suitably worded condition.

11.41 Several comments have been received in respect of the WW1 airfield that is located on the south of the site. There is location marker in memory of this historic landing strip adjacent to the site boundary. At present the airfield is used for agricultural use and therefore not visibly apparent from the rest of the field. The panels are not permanent and It is considered that the positioning of the solar panels above the site of the airfield would not be harmful enough to outweigh the benefits of the proposal.

11.42 The proposal would comply with ULP policies ENV2 and ENV4

G Other material considerations Glint and Glare

11.43 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and they state that this development has the potential to interfere with the safe operation of flight at Stansted Airport. As such a condition for a glint and glare assessment is required if the proposal is approved

Conclusion:

- A** The proposal would lead to loss of 52 ha of Grade 2 arable agricultural land, however the nature of the proposal is such that the development would be temporary and reversible. There would be some adverse impacts on the local landscape and rural character of the area, especially those experienced by the users of the many adjacent public rights of way. The impact on the character of the area needs to be weighed against the benefits of the provision of renewable energy and in this instance the benefits outweigh the harm.
- B** The proposal subject to mitigation would not result in any material detrimental loss of residential amenity
- C** The impact on the local highway would be minimal, even during the construction phase given the limited number of vehicular movements.
- D** The proposals would not adversely affect protected species. There would be an opportunity to establish new hedgerows and other landscape features and the planting of new trees belts. It is not considered that the proposal would have any material detrimental impact in respect of protected species or biodiversity
- E** The proposals would not result in increased flooding.
- F** Whilst there would be some impacts on heritage assets it is considered that the benefits of the proposal outweigh the harm.
- G** Subject to conditions the proposal would not impact on airport safeguarding.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

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. No development or preliminary groundworks can commence until a programme of assessment 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 prior to reserved matters applications being submitted.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: To ensure heritage assets on the site are protected in accordance with ULP policy ENV4.

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

REASON: To ensure heritage assets on the site are protected in accordance with ULP policy ENV4

5. The applicant or successor in title will submit to the local planning authority a post-excavation assessment (to be submitted within three 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: To ensure heritage assets on the site are protected in accordance with ULP policy ENV4

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority before development, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

7. No development to take place until a Glint & Glare assessment has been submitted to the LPA for approval in consultation with the aerodrome safeguarding authority for Stansted Airport. The development shall then be carried out strictly in accordance with the details in the assessment and retained thereafter for the lifetime of the solar farm.

REASON: Solar PV can produce levels of glint and glare that can create an ocular hazard to pilots. A Glint & Glare assessment will establish the level of risk. The Glint & Glare Assessment must be carried out with the consideration of all aviation procedures at Stansted Airport.in accordance with ULP policy GEN2

- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (ARCUS, July 2019), the Landscape And Biodiversity Management Plan (ARCUS, July 2019) and the Ecological Management Plan (ARCUS, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) In accordance with ULP policy GEN7.
- 9 No development shall take place, including any ground works or demolition, until a comprehensive Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority, in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. An approved scheme of temporary traffic management for the B1051 to facilitate safe and suitable access to the site during the construction period.
 - ii. Construction traffic routing.
 - iii. Local highway before and after condition survey and reinstatement to the satisfaction of the Highway Authority.
 - iv. the parking of vehicles of site operatives and visitors
 - v. Turning area details for all vehicles associated with the site
 - vi. loading and unloading of plant and materials
 - vii. storage of plant and materials used in constructing the development
 - viii. wheel and underbody washing facilities
 - ix. appropriate signage scheme.
 - x. The proposed management and protection of the PROW network across the site including a before and after condition survey, the identification and implementation of temporary works necessary to facilitate the passage of construction vehicles and upon completion of development the reinstatement of all PROWs to the satisfaction of the Highway Authority.
- REASON: In the interests of highway safety in accordance with Uttlesford Local Plan Policy GEN1.
- 10 Prior to the erection of the development hereby approved full details of both hard and soft landscape 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. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);

- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

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].

REASON: 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, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 11 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 12 The permission hereby granted is for the proposed development to be retained for a period of not more than 40 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority. By the end of 40 year period the solar panels must be decommissioned. No later than 6 months after decommissioning, all related structures shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be submitted to the Local Planning authority no less than 6 months prior to decommissioning and shall make provision for the dismantling and removal from the site of the solar PV panels, frames, inverter housings and all associated structures and fencing and the repairs of land drainage. The local Planning authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.

REASON; to prevent the retention of development in the countryside that is not being used for its intended purpose in accordance with Uttlesford Local Plan policy S7 (adopted 2005)

- 13 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise vibration and dust emanating from the site and shall be consistent with BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites, and the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

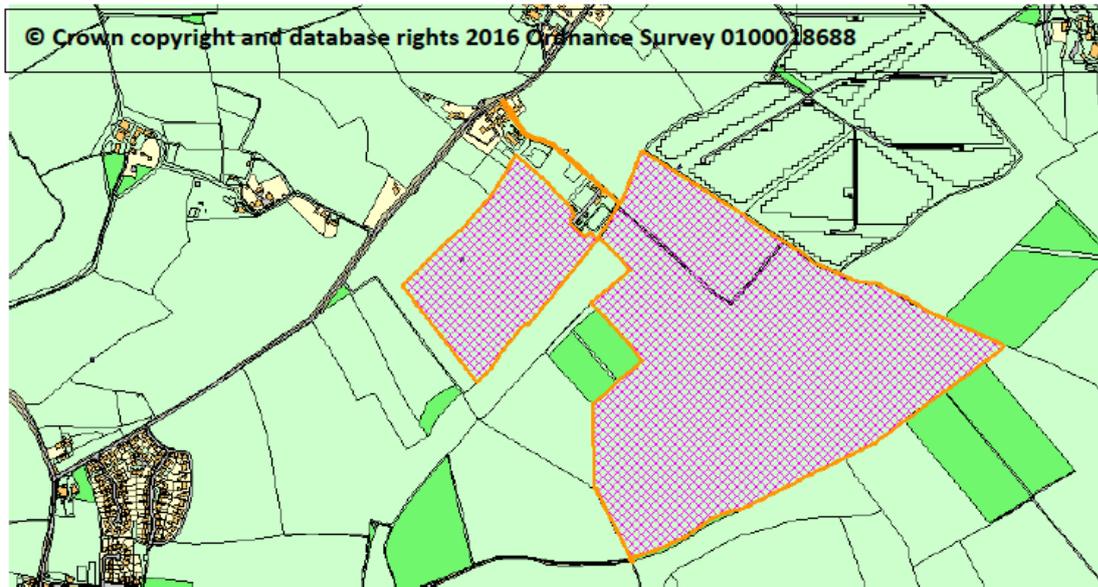
REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 14 No development shall take place until a solar Farm Grazing Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained by sheep throughout the period during which the development is operational. If for any reason grazing by sheep fails to occur for a period of more than 12 months then, unless agreed in writing with the Local Planning authority, the solar panels and the ancillary equipment relating to it shall be decommissioned and removed from the site in accordance with condition 12 above.

REASON: In the interests of visual amenity and protection of agricultural land in accordance with ULP policy ENV5

- 15 No external lighting shall be installed unless a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the character and appearance of the countryside, in accordance with ULP policy S7 (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 03 JANUARY 2020

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UTT/19/2159/FUL - HATFIELD HEATH

(Referred to Committee by Cllr Lemon. Reason: On the grounds of being in the Green Belt and the effect of the proposed development on the surrounding area and neighbour amenity.)

PROPOSAL: Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.

LOCATION: Gladwyns Farm, Sheering Road, Hatfield Heath

APPLICANT: Mr Martin Liddell

AGENT: Mrs Rachel Bryan, Sworders

EXPIRY DATE: 28th October 2019 (Extension of time until 13th December 2019)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Metropolitan Green Belt

2. DESCRIPTION OF SITE

2.1 The site is in use by a business which repairs and re-paints coaches and commercial vehicles. The site is in the countryside, using a former agricultural building, located between Hatfield Heath to the east and Sheering to the west. The site is to the rear of a cluster of four dwellings.

2.2 The application site consists of a former agricultural building; an area in front of the building, to the southwest, used for parking, the siting of a portacabin type building and a paint store structure; and, the means of vehicular access to Sheering Road. The main building is a former Dutch barn with side extension. The main building is some 26m deep by some 16m wide and has a height to eaves level of some 7m. The portacabin type building is some 3m wide by 10m long. The paint store structure is 1.5m wide by 4m long and has a height of 2.6m.

2.3 To the north of the main building is a sugar beet or log storage clamp area and metal transport containers associated with the farm. Agricultural land is to the north and to the west. To the east are wooded grounds to Gladwyns, a three-storey house set to the south of the site. Gladwyns is a Listed Building. To the west of Gladwyns are two other residential properties, Oak Tree Barn and Coach House, and to the southwest of Gladwyns is Gladwyns Farmhouse. Just to the northeast of Gladwyns Farmhouse conversion of redundant agricultural outbuilding to a dwelling has recently been established to be Permitted Development (reference UTT/1737/11/FUL).

2.4 Vehicular access is on the northern side of Sheering Road, part of the B183.

3. PROPOSAL

3.1 Section 73A Retrospective application for continued use of B2/B8 building, ancillary buildings and associated yard area.

- 3.2 This application is for the continued use of B2/B8 building, ancillary buildings and associated yard area. The building itself and immediate curtilage benefits from planning consent for B2/B8 use, but ancillary buildings have been added since this consent was granted; hence the application is part retrospective.
- 3.3 The application seeks to regularise a situation whereby a business use has extended outside an existing building; the site where the business operates is now larger than the footprint of a building within which the original business operated.
- 3.4 There are three elements to the planning application: continued use of the building on the site; an enlarged site; and, two structures within the site as enlarged. With regard to the continued use of the main building planning permission, UTT/1323/10/FUL, already exists for the proposed use but subject to a condition that the premises, previously divided into unit 1 and unit 2, be used only for coach and commercial repairs in one unit and garden maintenance business in the other unit. The application seeks to regularise use of the whole building for commercial vehicle repair and re-painting. The scale of the enlarged site is discussed below and concluded that the enlargement is modest in size. The two structures relate to the retention of a portacabin type structure used as an office and a shed type structure used as a paint store.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 The application documentation includes a planning statement and a schedule of photographs of the site.
- 5.2 The planning statement makes a case that the application seeks what is essentially a modification of an existing planning permission for a B2, general industrial, and B8, storage and distribution use granted planning permission, UTT/1323/10/FUL, in 2010. The statement makes clear that the current application does not seek outside storage but that it does include the retention of the portacabin type building and the paint store structure. The statement points out that both these structures are relatively small, of a temporary nature and not visible from the public highway or adjoining properties. The agent's statement states that a condition could ensure removal of both structures if the use of the site as a whole were to cease.
- 5.3 The statement refers to how the applicant, DNS Commercials Ltd, comprises the business owner and eight employees, most of them local people from Hatfield Broad Oak, Takeley, Bishop's Stortford and Harlow. The business repairs coaches for several local companies.
- 5.4 The paint store is a requirement to satisfy health and safety requirements and the portacabin type building is used as an office located outside the main building in order to separate those working in the office from the repairing and spray painting

6. RELEVANT SITE HISTORY

- 6.1 UTT/1323/10/FUL - Retrospective change of use to B2 (general industrial) and B8 (storage and distribution) use – Approved with conditions 04.10.2010

7. POLICIES

Uttlesford Local Plan (2005)

S6 – Metropolitan Green Belt
S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV11 – Noise Generators

Supplementary Planning Documents/Guidance

None

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

ECC Parking Standards
UDC Parking Standards

8. PARISH COUNCIL COMMENTS

- 8.1 The Parish Council met on 2nd October 2019 to consider this application. After consideration it was felt that the Council should object to the proposed development. This is due to the sensitivity of the site located within the Green Belt and on balance it was agreed that proposals would result in significant harm to the Green Belt.

9. CONSULTATIONS

Environmental Health

- 9.1 An email has been received stating that Environmental Health has no comment to make on this retrospective application. It may be that the paint spraying process operated by the company needs a permit from Environmental Health to control volatiles to the open air, depending on the amount of solvent used. Environmental Health will make enquiries of the company.

10. REPRESENTATIONS

- 10.1 A site notice was posted. 5 letters were sent to occupiers of neighbouring properties. 14 written representations have been received, 12 in support of the application and 2 (from a neighbour and a solicitor acting for that neighbour) objecting to the application.

- 10.2 A summary of representations received in support are as follows:
- Have lived near with no impact at all
 - In full support for the local business/employment opportunities and employment it creates
 - Staff use local shops/post office and cafes on a daily basis which is great in such a small village
- 10.3 A summary of representations received objecting are as follows:
- Disturbance from noise from early in the morning
 - Contrary to what expected of living in the countryside
 - The 2010 permission was made on the premise that the proposal was to ensure the continuation of two successful local businesses which operated from the site as well as the long-term viability of the farming enterprise through the additional rental income the buildings provided
 - Inappropriate in the Green Belt in policy terms as the new structures are not accepted to not reduce openness
 - It would appear that waste is being dealt with on-site
 - There are skips on site which should be removed
 - Work is not being carried out only within the building
 - Site being used in a way which neither prevents urban sprawl nor prevents a loss of openness to the Green Belt
 - Proposal is contrary to the Local Plan
 - Has an adverse impact on the surrounding area and views across the site
 - Noise, smell, dust and activity materially adversely affect the occupation and enjoyment of surrounding properties
 - Detrimental to highway safety and convenience of using vehicular access to two residential properties

11. APPRAISAL

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

- A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policies S6 and S7, NPPF)
- B Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)
- C Highway access and parking (Policies GEN1 and GEN8)

A The principle of the development within the Green Belt and the countryside, the effect of the proposal on the character and appearance of the area (Policies S6 and S7, NPPF)

- 11.1 The site, albeit technically in a smaller extent, is established as a commercial site. The existing planning permission restricted the extent of the site to the footprint of the former agricultural building. The current planning application relates to a site which has been defined as the footprint of the main building plus an irregular shaped area in front of the main building. The area in front of the main building is 14m wide by 4m deep, and then 8m wide, the same width as the main building, by 5m deep, then narrows in width until it becomes the vehicular access, which is some 3m wide. The total area of the site outside the building but excluding the vehicular access has been measured as some 540 sq m.

- 11.2 The building, which already has planning permission for a B2/B8 use has a gross internal floorspace of 490 sq m. The total gross new internal floorspace which has been created and for which planning permission is now sought is 36 sq m. This new floorspace relates to the retention of a portacabin building with a floorspace of 31 sq m and the retention of the paint store with an area of 4.8 sq m.
- 11.3 The site in general terms has planning permission, UTT/1323/10/FUL, for change of use to B2 (general industrial) and B8 (storage and distribution) use. The principle of such a use at this part of the countryside is therefore considered to be established. This element of the application is therefore considered to be acceptable.
- 11.4 With regard to the enlargement of the site, it is noted that planning permission UTT/1323/10/FUL has a condition requiring a plan to be submitted of parking spaces. It is considered implicit in such a requirement that it was always accepted that space outside the main building would be used in connection with a business use to some limited degree though only for parking provision.
- 11.5 The application seeks an enlargement of the red line site to regularise this aspect of what now occurs. This enlargement is modest in size given that it is essentially an open area. The main building has an area of some 117 sq m compared to the area outside the main building and within the main body of the red line site having an area of some 105 sq m.
- 11.6 The site is not a particularly isolated one. The site is less than a mile from the centre of Hatfield Heath as the crow flies and the same distance from the centre of Sheering. The planning statement refers to the site being within a reasonable walking distance of the bus stop in Sheering, via a pavement alongside the B183. It is clear from an examination of the written representations received in support of the planning application that members of staff at the premises have expressed support. It would appear that members of staff generally live locally. In terms of a sustainable location it is considered that no tenable reason for refusal exists.
- 11.7 With regard to the two structures for which planning permission is sought, the office portacabin and the paint store, Green Belt policy applies.
- 11.8 Policy S6 seeks to ensure that development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed. The NPPF states, at paragraph 133, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness within the NPPF but it is generally taken to be the absence of built form. Government guidance on Green Belt; published 22 July 2019 by the Ministry of Housing, Communities & Local Government; states that openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume (Paragraph: 001 Reference ID: 64-001-20190722). In the particular case of this planning application there would effectively be no visual impact. The site is to the rear of a cluster of residential properties with treed grounds and outbuildings. The site is not visible from public vantage. The site cannot be seen from the road which gives access to the site, the B183. The nearest other road is Sawbridge Road some third of a mile to the north from which the site is not seen. There is no public footpath or other rights of way nearby. The volume of the portacabin office and the paint store sum to some 108

11.9 cubic metres. This compares to the volume of the existing main building which is in the region of 2,940 cubic metres.

B In the circumstances described above the proposal is considered acceptable with regard to Green Belt policy and, given that it protects the particular character of the part of the countryside in which it is set, also acceptable with regard to Policy S7.

11.10

Impact to neighbours (Policies GEN2, GEN4, GEN5 and ENV11)

11.11 There are four residential properties to the south of the site: Gladwyns Farmhouse; Gladwyns; Coach House; and, Oak Tree Barn. Gladwyns Farmhouse is set closer to the road than the other properties such that the built forms of Coach House and of Oak Tree Barn are set between it and the site. It is considered that there would be no material adverse impact to the occupiers of Gladwyns Farmhouse. Gladwyns occupies mature grounds with a number of trees set between the rear elevation of the house and the site. Due to a combination of isolation distance and screening by vegetation, it is considered that no material adverse impact results to the occupiers of Gladwyns.

11.12 The two properties closest to the main building from which the business is operated are Oak Tree Barn and Coach House. Both these properties have a shared vehicular access running parallel with the vehicular access to the application site. From photographs submitted in relation to the planning application it can be seen that the portacabin, the main building and double decker buses parked outside the main building have been visible from the vehicular access running parallel to the vehicular access to the application site. However, the distance between the rear elevation of the nearest residential property, Coach House, and the southern boundary of the application site is some 35m. At this southern boundary of the application site is a close boarded fence of some 1.8m in height. There is Laurel bushes growing on the southern side of the fence and a line of conifers growing on the northern side of the fence.

11.13 Details within the correspondence in relation to this application suggest that a problem to neighbours came about some time ago in connection with a short term contract while another company was having a spray booth installed and sub-contracted a surge of work to the company at the application site. On balance, taking into account that the NPPF refers to the importance of building a strong, competitive economy and the importance of supporting a prosperous rural economy, it is considered that adverse impacts to neighbours are not to a degree that would reasonably justify refusal of this application.

C 11.14 Policy GEN2, at h), requires that development minimises the environmental impact on neighbouring properties by appropriate mitigating measures and Policy GEN4 requires that there be no material disturbance or nuisance to occupiers of surrounding properties. Policy ENV11 is specifically concerned with noise generating uses. It is considered reasonable and necessary to impose a condition to the hours of working at the site which carries over those imposed by planning permission UTT/1323/10/FUL; working hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays. To accord with Policy GEN5 it is considered reasonable and necessary to impose a condition as per that of planning permission UTT/1323/10/FUL that there be no floodlighting or other form of external lighting.

Highway access and parking (Policies GEN1 and GEN8)

11.15

The use as proposed would use an existing highway access and accordingly the application is acceptable with regard to Policy GEN1.

There is a large area of hardstanding in front of the building which appears in practice to be used in association with agriculture, particularly the storage clamp to the north of the main building. The reason in the main that the current application seeks an enlargement of the site is to regularise the evitable need for the provision of parking. At the time of the site visit parking was adequate. Accordingly the proposal is considered acceptable with regard to Policy GEN8.

12. CONCLUSION

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

- A** In general terms the use is already established. The portacabin and paint store whilst moveable structures, are taken to be built form. However, their volume is minimal and cannot be seen. Notwithstanding that the site is within the Green Belt, the proposal is considered acceptable due to absence of visual impact to the general public.
- B** The operation of the business is apparent when driving along a vehicular access to the two nearest residential properties. However, the built forms of these properties are set at least 30m from the site and accordingly the application is on balance considered acceptable with regard to impact to neighbours.
- C** Highway access and parking provision are acceptable.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice unless agreed in writing by the local planning authority.

REASON: For the avoidance of doubt as to the scope of this planning permission and to facilitate the consideration of any change which must be agreed in advance in writing by the local planning authority.

2. The site shall be used for coach and commercial repairs and for no other purpose (including any other purposes in Class B8 or B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: In the interests of amenity and to ensure the development is compatible with the character of the surrounding area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extension or alteration shall be carried out (other than those expressly authorised by this or any other express

permission) on any part of the site whether externally or internally without the prior written permission of the local planning authority.

REASON: In the interests of the rural character of the area and to protect the openness of this Green Belt location in accordance with Policies S6 and S7 of the adopted Local Plan.

4.

The use of the premises shall be restricted to the hours of 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays and at no times on Sundays and Public Holidays.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

6.

No processes shall be carried out or power tools, equipment, machinery or plant of any kind shall be used at any time anywhere on the site except within the building shown as unit 1 on the 1:500 block plan to drawing no. 219238 PL 001 revision A as hereby permitted.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 and GEN4 of the adopted Local Plan.

7.

There shall be no outdoor storage of any materials, goods, equipment, plant or machinery of any description on any part of the site without the prior written consent of the local planning authority prior to the commencement of the development.

8.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises as permitted shall only be used for the light industrial activity hereby permitted and shall not be converted to any separate storage or warehouse use unconnected to the permitted activity.

9.

REASON: To prevent harm to the character and amenity of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

Outside the permitted hours specified above there shall be no vehicles parked outside the building.

10.

REASON: To protect the character of the area in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fence, gate or wall shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

11.

REASON: To ensure the development is in accordance with the character of its surroundings in accordance with Policies S6, S7, GEN2 and GEN4 of the adopted Local Plan.

There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area or the residential amenity of occupiers of neighbouring properties in accordance with Policies S6, S7, GEN2, GEN4 and GEN4 of the adopted Local Plan.



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Agenda Item 8

UTT/18/3524/FUL - TAKELEY

(Referred to Committee as more than 5 dwellings)

PROPOSAL:	Demolition of extensions to the listed building and its retention as a single dwelling, demolition of existing outbuildings and the erection of 6 detached dwellings.
LOCATION:	Frogs Hall, Bambers Green Road, Takeley
APPLICANT:	Winston Group
AGENT:	DLA Town Planning Ltd
EXPIRY DATE:	27th February 2019 (extension of time until 17th January 2020)
CASE OFFICER:	Jonathan Doe

1. NOTATION

- 1.1 Countryside Protection Zone
Outside defined development limits
Frogs Hall is a Listed Building
A number of trees at the front of the site are the subject of TPO's and there is a blanket TPO to the rear of the site and to the southern side.
Bambers Green Road is a Protected Lane south from the site to Stortford Road.
Within 2km of SSSI

2. DESCRIPTION OF SITE

- 2.1 The site is in a rural location to the northeast of Takeley. The A120 is to the north of the site.
- 2.2 The site is at the southern end of a cluster of development which includes significant built form of the former Frogs Hall Riding School (also known as Bambers Green Riding School) and two residential properties; The Lodge and Frogs Hall Farmhouse. The riding school also had a livery though the premises as a whole are now vacant. The broader setting of the site is one of agricultural fields; the A120 not far to the north is in a cutting with Bambers Green Road passing over on a bridge.
- 2.3 The site is a residential site, Frogs Hall is a house. Attached to the house, to the rear, is an annex with the postal address of The Staff House, Frogs Hall. The occupier of the house has a business involving firearms and the rear of the house has been used as a workshop. However, the scale of the business in proportion to the size of the site and the intensity of use are such that this could not reasonably be considered to be an employment site. The rear of the site is considered to effectively be vacant and is becoming overgrown, as is the immediate grounds to the house to the front of the site.
- 2.4 The site of the former Frogs Hall Farm Riding School is immediately beyond the northern boundary of the site. The site shares a vehicular access to the highway with this site to the north. Further to the north is Frogs Hall Farm.
- 2.5 The development site has an area of 0.96ha.

3. PROPOSAL

- 3.1 The proposal could be summarised as consisting of demolishing a non-original rear wing to the Listed Building, demolishing modern commercial style buildings to the rear of the house and erecting detached houses in a backland position relative to the Listed house.
- 3.2 Six new houses would be built and Frog's Hall itself would be renovated. Three of the houses would have 3 bedrooms and three of the houses would have 4 bedrooms. An existing dwelling or annex to Frogs Hall, The Staff House, would be removed with the demolition of the western wing. However, an outbuilding near the house, at one time the coach house, would be converted to annex type accommodation.
- 3.3 The new houses would be to a contemporary design, the application documentation states that the design of the dwellings has been influenced by the appearance of traditional barns. As such they are based on a narrow rectangular plan would be of two-storey with a pitched roof design.
- 3.4 Three car ports would be to a design to resemble cart lodges.
- 3.5 The proposed houses would have a combined footprint of 741 sq m. Although the houses would be two-storey, it would not follow that the floorspace would be double the figure for footprint because the internal design of three of the houses; on plots 2, 5 and 6; includes a double height ceiling to the entrance halls, with a balustrade to the landing. Nevertheless, it seems clear that the residential floorspace involved in this proposal exceeds a figure of 1,000 sq m for combined gross internal area referred to at Policy H6 of the Regulation 19 Local Plan.
- 3.6 Frogs Hall would retain its existing vehicular access. The proposed houses would use an existing vehicular access onto Bangers Green Road which is a common access to The Lodge, the former riding school and a secondary access to Frogs Hall.
- 3.7 An internal access road would be provided as a shared surface. Each dwelling would be provided with two parking spaces. Visitor parking would also be provided.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

- 5.1 Would contribute to housing supply at a time when the local planning authority cannot demonstrate a five year supply of housing land. Six appeal decisions are cited in support of the proposal.
- 5.2 This is a brownfield site; previously developed land from a firearms business from 1992 to 2011. Development of this brownfield site would reduce pressure on greenfield sites. It is considered that this use would fall within Class B2 / B8. The historic use of the site has no restriction on such matters as hours of operation or open storage.
- 5.3 Existing commercial buildings would be demolished. At paragraph 6.2.2 of the Planning Statement it is stated that buildings with a footprint of 994 sq m and a volume of 4,196 cubic metres would be demolished.

- 5.4 Services are nearby, at Takeley, Little Canfield and the Priors Green extension to the settlement.
- 5.5 The setting of a Listed Building would be enhanced; the demolition would better reveal the qualities of the original building.
- 5.6 The site forms part of a well screened parcel of land. A landscape impact assessment report forms part of the submitted documentation.
- 5.7 An Arboricultural Report forming part of the submitted documentation concludes that trees at the site are generally low quality or unremarkable. Extensive and detailed documentation regarding landscaping has been submitted as part of the application.
- 5.8 The housing would provide a high standard of amenity to future occupiers.
- 5.9 The application acknowledges that further survey work would be required to determine whether bat roosts are present in buildings. A badger sett has been identified and would need to be monitored to confirm that it is disused. Nevertheless, measures for biodiversity enhancement are included in the scheme. A preliminary ecological appraisal has been submitted as part of the application documentation.

6. RELEVANT SITE HISTORY

- 6.1 No relevant history.

7. POLICIES

Uttlesford Local Plan (2005)

S7 - The Countryside
S8 - The Countryside Protection Zone
GEN1 – Access
GEN2 – Design
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV2 - Development affecting LB
ENV3 - Open spaces and trees
H4 - Backland development

Supplementary Planning Documents/Guidance

SPD2 - Accessible homes and play space
ECC Parking Standards DGP09/200
Uttlesford Local Parking Standards

National Policies

National Planning Policy Framework

Other Material Considerations

Letter from Natural England dated 5th April, 2019 (reference HatFor Strategic Interim LPA)

8. PARISH COUNCIL COMMENTS

8.1 Takeley Parish Council object to this application for the following reasons:

1. In the curtilage of a listed building in a Countryside Protection Zone. Not in keeping with the current area.
2. Overdevelopment of site with six houses crammed on a minor road.
3. Access issues onto a minor road providing poor access either end.
4. Single track road that accesses on to the B1256 which will have difficulty sustaining the level of traffic that will result from this number of housing, and associated visitors.

9. CONSULTATIONS

Historic Environment Team, ECC Place Services

9.1 Whilst I have no objection in principle to the proposed demolition of the modern outbuildings and the modern extension to Frogs Hall, the proposed development of the site is considered detrimental to the understanding of Frogs Hall as a historic hall house: a high status building enclosed by ample amenity space. Development to the rear of Frogs Hall has traditionally comprised of buildings associated with the host dwelling, clustered around the north extent of the application site and it is recommended that this be retained, facilitating the appreciation of Frogs Hall's historic rank. Further to this, the proposed scheme would lead to the overdevelopment of the plot and the saturation of a listed building's setting with built form, curtailing its curtilage and at odds with the traditionally open character of the building's surrounds.

9.2 For the above, the scheme is considered to cause "less than substantial harm" to a designated heritage asset and paragraph 196 of the NPPF is relevant.

Essex County Council Ecology

9.3 Initially a holding objection was received due to insufficient ecological information. A bat survey report was subsequently received and ECC Ecology was consulted on this.

9.4 Specialist advice in response to the bat survey commented that two trees had potential to be suitable for bats but had not received the requisite survey (one of the trees concerned was said to be not safe to climb due to its fragile nature). Information was not clear with regard to a third tree. The ecological advisor recommended that the proposed plans be updated to demonstrate the retention of the trees referred to above or an additional bat survey report be submitted.

9.5 Such amended plans were subsequently received and a written response has been received from the ecological advisor (letter dated 9th December 2019) which has no objection subject to securing biodiversity mitigation and enhancement measures.

9.6 As this application is for less than 50 dwellings, it is currently considered that there is not a requirement for a developer contribution towards a package of funded Strategic Access Management Measures at Hatfield Forest.

Stansted Airport Limited

9.7 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposed development.

Essex County Council Sustainable Drainage

- 9.8 Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this is not a major application and therefore we shall have no further comments accordingly in relation to this application. However please consider conditions/informative to address sustainable drainage.

Essex County Council Archaeology

- 9.9 Conditions recommended regarding a programme of building recording and a programme of archaeological trial trenching and excavation.

Crime Prevention Tactical Advise

- 9.10 Whilst there are no apparent concerns with the layout, to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.
- 9.11 From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations, for the benefit of the intended residents and those neighbouring the development, are agreed prior to a planning application.

10. REPRESENTATIONS

- 10.1 This application has been advertised by a site notice posted on 29 January 2018 and letters were sent to neighbouring properties on 23 January 2018. The notification period expired on 19 February 2019. No representation has been received.

11. APPRAISAL

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

- A Principle of development (NPPF; Local Plan Policies S7, S8 and H4)
- B Development affecting listed building (NPPF; Local Plan Policy ENV2)
- C Impact to protected trees (NPPF; Local Plan Policy ENV3)
- D Contaminated land (Local Plan Policy ENV14)
- E Archaeological matters (Local Plan Policy ENV4)
- F Design and amenity (NPPF; Local Plan Policy GEN2)
- G Site bio-diversity (NPPF; Local Plan Policy GEN7)
- H Access and parking (Local Plan Policies GEN1 and GEN8; Essex Parking Standards; and, Uttlesford Parking Standards)
- I Other material planning considerations (Emerging Local Plan)

A Principal of development (NPPF, Local Plan Policies S7, S8 and H4)

- 11.1 The Local Plan places the site as being outside any settlement limit (i.e. within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however, this view does not amount to a bar to development in such areas.
- 11.2 Policy S7 states that development in the countryside will be permitted if it needs to be there, or it is appropriate to a rural area. A residential development for commercial gain would not meet either of the policy's two criteria.

- 11.3 Policy S8 relates to an area around Stansted airport where planning permission will only be granted if it needs to be there, or it is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if new buildings would promote coalescence between the airport and existing development or if development would adversely affect the open characteristics of the zone. The site is a self-contained site with strong natural boundaries set amongst agricultural fields; the proposal would not promote coalescence. Essentially because of the treed nature of the site, the proposal would not adversely affect the open nature of the broader setting of the site. A landscape and visual impact assessment by Chris Davenport dated December 2018 forms part of the application documentation. Furthermore, Policy S8 relates to an area with a locally determined boundary and therefore has no implication in relation to the NPPF. Accordingly Policy S8 is considered to have only moderate weight.
- 11.4 Since the Council adopted the Local Plan, the government has published the National Planning Policy Framework (NPPF) in 2012 and updated in 2018. The Council's own compatibility assessment of the Local Plan in relation to the NPPF's new requirements showed that Policy S7 is partly consistent with the NPPF. Accordingly, Policy S7 only carries moderate weight.
- 11.5 The NPPF takes a less prescriptive approach to development in the countryside, especially, as is the case for Uttlesford District Council, local planning authorities cannot demonstrate a five year supply of deliverable housing land. The Council's most recent housing trajectory in October 2019 calculated that the Council had around 2.68 years' worth of land for housing. In such circumstances, the NPPF's so called tilted balance to sustainable development applies which is set out in paragraph 11 of the NPPF.
- 11.6 The Council is unable to demonstrate a five year supply of housing. Accordingly, this proposal involving the provision of six additional dwellings is considered to have some merit with regard to the aspect of housing supply.
- 11.7 The impacts of the scheme on a heritage asset are discussed below. The scheme would ensure the long-term viability of the listed building Frog's Hall. The scheme has been carefully considered in terms of its impacts and it is considered that the proposals would not result in a significant environmental harm. Overall, it is considered that the proposals would represent sustainable development.
- 11.8 Whilst the arrangement of the proposal could be described as backland development, Policy H4 states that development of a parcel of land that does not have a road frontage will be permitted subject to a number of criteria. These are all met in this case: the proposal would make more effective use of land; there would be no material overlooking or overshadowing of neighbours; no overbearing effect on neighbours; and, access would not cause disturbance to nearby properties. With regard to the last criterion, there would be greater use of a shared vehicular access but this could only have any affect to one neighbour, The Lodge. There is a distance of some 24m between the side elevation of The Lodge and the shared vehicular access.

B Development affecting a listed building (Local Plan Policy ENV2; NPPF)

- 11.9 Frog's Hall is a Grade II listed building. The property is thought to have 16th century origins, but was known as 'Mortivals' at the later part of the 19th century.
- 11.10 Essex County Council, Place Services has commented in writing on the proposal.

- 11.11 The letter concludes that the scheme is considered to cause “less than substantial harm” to a designated heritage asset and paragraph 196 of the NPPF is relevant. This paragraph of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 11.12 The listed building itself would be retained as a single dwelling. The removal of later additions and the enhancement of the immediate setting will result in the creation of an attractive dwelling which will be more manageable on its reduced footprint, and closer to its original size and character.
- 11.13 The proposals involve the removal of a large amount of added extension at the rear of the existing listed building. These additions have been added piecemeal over previous decades and they do not possess historic or architectural interest. Removing them will better reveal the special interest of the principal building and enable its immediate setting to be opened up to create a more attractive context.
- 11.14 Specialist advice is that the scheme is considered to cause “less than substantial harm” to the significance of a heritage asset and paragraph 196 of the NPPF is relevant.
- 11.15 The NPPF requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in “less than substantial harm”, paragraph 196 provides the following: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.”
- 11.16 Whilst the misgivings of the specialist advisor are noted, the specialist advice concludes that the proposals are considered to cause less than substantial harm to a designated heritage asset and as such paragraph 196 of the NPPF is relevant. This paragraph refers to any harm being weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. A residential use as a property of a manageable size would ensure that the building would be maintained in a good condition and that it would ensure the long term retention and preservation of the form of the original house.
- 11.17 At the time of the site visit the house was vacant. The house appeared to have been closely associated with the business use involving the former agricultural buildings which latterly had a commercial use. It is considered that the proposals, involving the house reverting to a family type property of a manageable scale would avoid the house remaining vacant and declining further in terms of its maintenance.
- 11.18 The proposal is considered to be acceptable with regard to Policy ENV2.

C Impact to protected trees

- 11.19 Specialist landscaping advice was sought on the proposal. No objection has been received to date. A tree plan and a tree protection plan have been submitted as part of the application documentation. The proposed houses would have generous gardens and the houses would be laid out around a courtyard. Specimen trees would be retained as part of the proposals.

D Contaminated land (Local Plan Policy ENV14)

- 11.20 Paragraphs 178-180 of the NPPF require that planning decisions should ensure that a site is suitable for its proposed use based on any potential risks from contamination (amongst other

factors), and this factor is particularly true for residential development. Where land is suspected to be contaminated then the applicant is obliged to carry out an assessment to determine the risk and proportionate measures to mitigate against such risk.

- 11.21 The site was partly used for a firearms shooting range which had the potential to contaminate the site with heavy metals and hydrocarbons. Previous uses of the site suggest that land may be contaminated, which is often a common feature of a brownfield site. Further examination by means of intrusive works is recommended by a specialist report forming part of the application documentation and accordingly a condition to any planning permission to require a Phase 2 investigation is considered to be reasonable and necessary.

E Archaeological matters (Local Plan Policy ENV4)

- 11.22 Specialist archaeological advice recommends conditions regarding a programme of building recording and a programme of archaeological trial trenching and excavation.

F Design and amenity (NPPF; Local Plan Policy GEN2)

- 11.23 Policy GEN2 seeks to ensure that development proposals are of a good standard of design and would not result in harm to residential amenity of existing properties. Securing good design is also a thrust of the NPPF, being a key aspect of sustainable development.

- 11.24 The houses and carports would be to a contemporary style with simple forms (all the houses would have a simple gable roof above a rectangular plan with no bays) and large blocks of fenestration to asymmetric but organically balanced arrangements. External materials would be timber cladding, some facing brickwork and zinc standing seam roofing. Simple canopies would define entrance doors. Some of the houses would have roof lights but these would all be set such that the lower edge of the roof light would be above head height. The houses would have relatively low eaves heights, 4.5m. Roof lights would be used to illuminate non-habitable rooms on the first floors.

- 11.25 The Architects have produced a good standard of design as required by policy.

- 11.26 Each house would have sufficient amenity space. Parking is discussed in its own section with vehicular access matters.

Plot	Bedrooms	Garden size sq m	Parking spaces
1	3	375	2
2	4	275	2
3	3	120	2
4	3	120	2
5	4	650	2
6	4	750	2

- 11.27 In addition to private provision for each house there would be an area of communal space where trees would be retained and around which the houses would be set in a manner echoing farm buildings around a farm yard. The existing house of Frog's Hall would retain a private garden to the rear of some 1,750 sq m. Four visitor parking spaces would also be provided.

- 11.28 There would be no adverse impact on residential amenity due to overlooking or overbearing impact. However, this is due in part to the careful arrangement of houses and arrangement of first floor windows. In the light of this, and to assist in ensuring that trees on the site are retained, removal of Permitted Development rights by means of a condition is considered, on balance, to be reasonable.

G Site biodiversity (NPPF, Local Plan Policy GEN7)

- 11.29 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The site is in the countryside with the potential for there to be impacts, particularly in respect of bats given that demolitions of barn type buildings are proposed.
- 11.30 Essex County Council's Place Services is the ecology consultant for the local planning authority. A holding objection due to insufficient ecological information has been made in an advisory letter giving the opinion formed by specialist staff in relation to the particular matter of ecology.
- 11.31 One of the key findings of the Preliminary Ecological Appraisal submitted as part of the application documentation is that a bat roost has been identified in the main Frogs Hall buildings; other buildings have the potential to support bats. The installation of bat boxes would however offer an opportunity for biodiversity enhancement.
- 11.32 Officers consider that a planning permission subject to a condition to require bat emergence surveys, as recommended in the Preliminary Ecological Appraisal Report (BSG Ecology, Dec 2018), is appropriate in this case. There is also a requirement for trees proposed to be removed to be inspected for potential bat roost features and any subsequent surveys undertaken. The agent has confirmed in writing that ecologists have been instructed but there is no firm date for the surveys yet. The agent has also confirmed by email that a pre-commencement type condition would be acceptable.

H Access and parking (Local Plan Policies GEN1 and GEN8; Essex Parking Standards; and, Uttlesford Parking Standards)

- 11.33 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.34 The development would lead to an uplift of traffic, but due to the relatively small number of proposed dwellings, such an increase would be acceptable.
- 11.35 Parking requirements for residential developments depend in part on the number of bedrooms for each house:
Two and three bedrooms: two parking spaces
Four or more bedrooms: three parking spaces
- 11.36 Based on the above standards the proposal would generate a total requirement for 17 spaces, comprising 15 allocated spaces and 2 visitor spaces, (rounded up from 1.5). A total of 16 spaces are proposed, comprising 2 spaces per unit and 4 visitor spaces. The agent makes the argument that this represents a very modest shortfall, whilst the over provision of visitor spaces, to be included in a cartlodge type structure, would reduce the level of parking in each house curtilage in the interest of providing greater flexibility for parking provision.

I Other material planning considerations (Emerging Local Plan)

- 11.37 The Draft Uttlesford Local Plan has been submitted for examination. However, since there is no certainty that the policies within it will be adopted, the emerging Local Plan is given limited weight.

12. CONCLUSION

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

- A** The site lies outside development limits and within the Countryside Protection Zone. However, development of the site constitutes efficient use of land on a brownfield site, a form of development that is supported in the NPPF. The site and its immediate neighbours to the north is a self-contained parcel of land surrounded by extensive tracts of open fields; development would have no meaningful impact to coalescence of development around Stansted Airport.
- B** Considering the site as a whole, the Listed Building of Frog's Hall and its grounds to the rear, the proposal would secure the optimum viable use.
- C** Part of a group Tree Preservation Order is on part of the site. However, a tree survey has informed the landscaping and ensured that trees of the highest value would be retained.
- D and E** Contamination and archaeology can be dealt with by way of appropriate conditions if planning permission is granted.
- F** There is no specific design or access issue.
- G** Following receipt of ecological information in the form of a bat report and confirmation that certain trees would be retained, the proposal is acceptable with regard to biodiversity
- H** The parking provision is considered appropriate for this site.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions to planning application UTT/18/3524/FUL

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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.
3. All dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD of Accessible Homes and Play space.

4. Prior to first occupation of any dwelling hereby approved, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (BSG Ecology, December 2018) and the Bat Survey Report (BSG Ecology, October 2019) as submitted with the planning application and thereafter retained as such.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

5. Prior to commencement of any operation or work to Building E, including demolition, the local planning authority shall have been provided with either:
 - a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to proceed; or
 - b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development would require a licence.

REASON: To conserve Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s17 of the Crime and Disorder Act 1998 and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

6. Prior to commencement, a Bat Method Statement shall have been submitted to and approved in writing by the local planning authority. The Bat Method Statement shall contain precautionary mitigation measures and/or works to reduce potential impacts to bats during the demolition of buildings B and C. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

7. Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall have been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person

h) Use of protective fences, exclusion barriers and warning signs.
The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

8. No development shall take place (including any demolition, ground works or site clearance) until a further badger survey and updated mitigation statement has been submitted to and approved in writing by the local planning authority. This further survey shall be undertaken to identify whether any Badger activity has changed since the previous surveys were undertaken and whether further mitigation and/or works are required for badgers during the construction phase. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve Protected species and allow the local planning authority to discharge its duties under the Wildlife & Countryside Act 1981, the Badger Protection Act 1992 and s17 Crime and Disorder Act 1998 and in the interest of the protection of biodiversity and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

9. Prior to construction above slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long-term maintenance (where relevant)

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the adopted Uttlesford Local Plan.

10. Prior to first occupation of any dwelling hereby permitted a lighting scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on the site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Any external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstance shall any other external lighting be installed without prior consent from the local planning authority.

REASON: To allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the local planning authority.

REASON: In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policies GEN2 i) and H8 of the adopted Uttlesford Local Plan and Policy D 3 of the Regulation 19 Local Plan (October 2018).

12. Prior to occupation of any dwelling, details of the following hard and soft landscaping works, which shall accord with the Landscape Strategy Document by Urban Design Studio (November 2018), must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported immediately to the local planning authority and work halted on the part of the site affected by the unexpected contamination.

Prior to re-commencement of the development, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. If the assessment identifies that remediation is necessary, a detailed remediation scheme must be submitted to and approved in writing by the local planning authority prior to re-commencement of the development.

Remediation must be carried out in accordance with the approved remediation scheme prior to re-commencement of the development.

REASON: To minimise contamination risks, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. Prior to first occupation of any dwelling hereby permitted the vehicular parking and turning area as shown on approved plan P010 shall be implemented and available for use and retained as such thereafter.

REASON: In the interest of highway safety in accordance with Policy GEN8 of the adopted Local Plan and Policy D 2 of the Regulation 19 Local Plan.

15. Prior to first occupation of any dwelling hereby permitted a scheme for sustainable urban drainage and its maintenance, designed with reference to the Flood Risk Assessment and Drainage Strategy by EAS (January 2019) at pages 13 to 21, shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details and retained and maintained as such thereafter unless the prior written consent in writing is given by the local planning authority.

REASON: In the interest of sustainability and in accordance with Policy GEN3 of the adopted Uttlesford Local Plan; Policies SP 12 and EN 11 of the Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.

16. Prior to first occupation of any dwelling to which this planning permission relates, an electric car charging facility shall be installed at the property and retained as such unless the written consent of the local planning authority is given to any alteration.

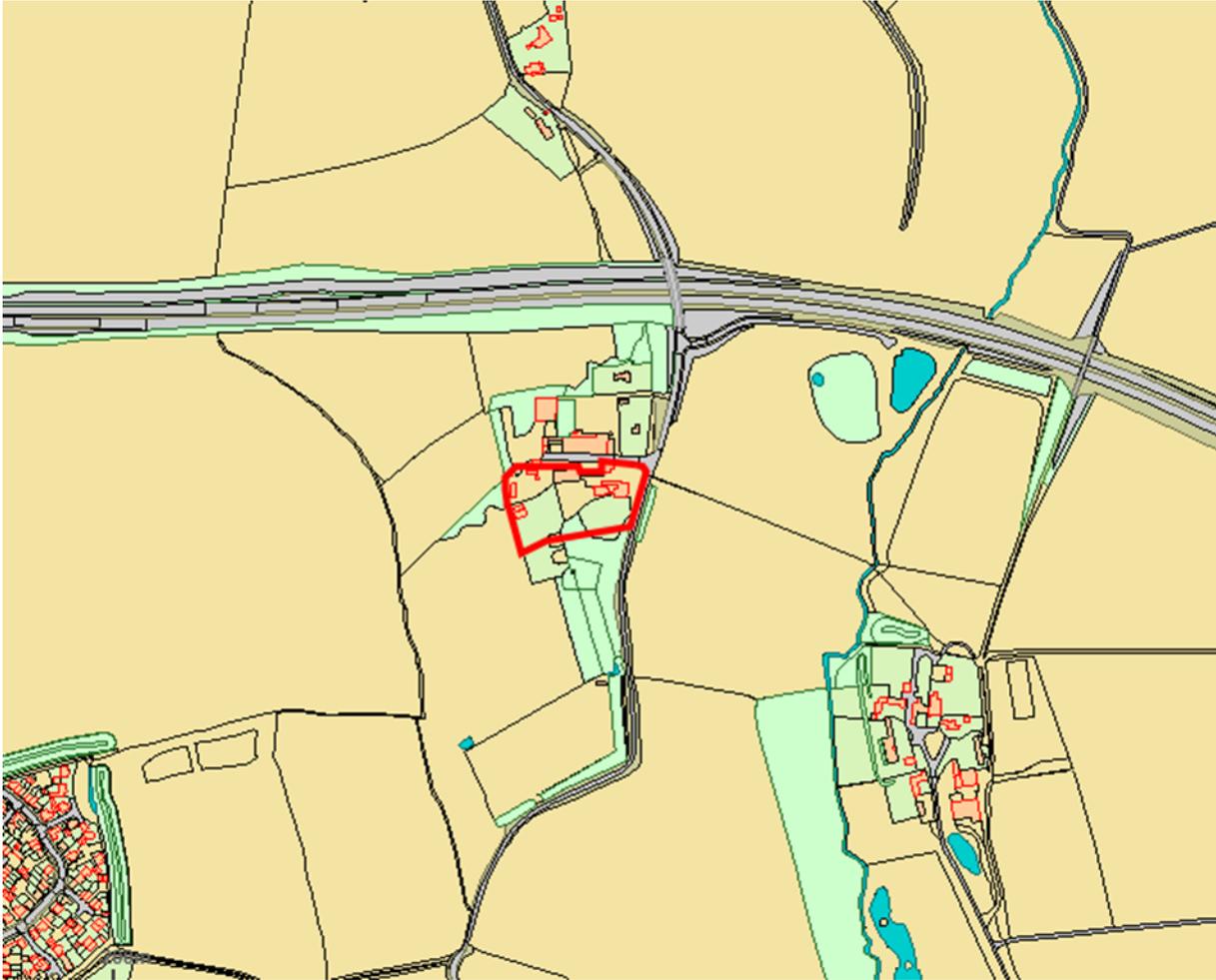
REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the emerging Local Plan; and, the provisions of the National Planning Policy Framework.

17. No conversion or preliminary groundwork of any kind shall take place until the implementation of a programme of archaeological recording in accordance with a written scheme of investigation which shall have been submitted and approved in writing by the local planning authority has been secured.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with Policy ENV4 of the adopted Local Plan and the provisions of the National Planning Policy Framework.

18. No preliminary groundworks shall be installed until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which will have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the development will not cause harm to a site of archaeological importance in accordance with Policy ENV4 of the adopted Local Plan and the provisions of the National Planning Policy Framework.



UTT/18/3525/LB - TAKELEY

(Referred to Committee as accompanied by a planning application for more than 5 dwellings)

PROPOSAL: Demolition of extensions to the listed building and its retention as a single dwelling.

LOCATION: Frogs Hall, Bambers Green Road, Takeley

APPLICANT: Winston Group

AGENT: DLA Town Planning Ltd

EXPIRY DATE: 27th February 2019 (extension of time until 17th January 2020)

CASE OFFICER: Jonathan Doe

1. NOTATION

1.1 Grade II Listed Building

2. DESCRIPTION OF SITE

2.1 The site is that of a detached house and its curtilage. The house is on the western side of Bambers Green Road.

2.2 Within the curtilage of the house is an outhouse known as the Coach House.

3. PROPOSAL

3.1 Demolition of extensions to the listed building and its retention as a single dwelling.

3.2 The proposals involve the retention of a single dwelling within the listed building, the formation of an annex within the retained and restored Coach House. The coach House would be retained as an Annex to Frog's Hall, proposals for this restoration will come forward under a separate application.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

5. APPLICANT'S CASE

5.1 The application documentation includes a Heritage Statement and a Planning Statement.

5.2 A case is made that the site comprises previously developed land and as such its development is encouraged by the NPPF. The previous use of the land is said to

be a use that would fall within Class B2/B8. The historic use of the site has no restriction on such matters as hours of operation or open storage. Existing commercial buildings would be demolished. At paragraph 6.2.2 of the Planning Statement it is stated that buildings with a footprint of 994 sq m and a volume of 4,196 cubic metres would be demolished.

- 5.3 A process of heritage assessment has concluded that that the proposals result in beneficial impacts on both the fabric of the listed building and also in terms of its setting.

6. RELEVANT SITE HISTORY

- 6.1 No relevant history.

7. POLICIES

Uttlesford Local Plan (2005)

ENV2 – Development affecting Listed Buildings

Supplementary Planning Documents/Guidance

None.

National Policies

National Planning Policy Framework

Other Material Considerations

None.

8. PARISH COUNCIL COMMENTS

- 8.1 Takeley Parish Council object to this application for the following reasons:
1. In the curtilage of a listed building in a Countryside Protection Zone. Not in keeping with the current area.
 2. Overdevelopment of site with six houses crammed on a minor road.

9. CONSULTATIONS

Specialist Advice on Historic Buildings and Conservation

- 9.1 The application is for the demolition of extensions to the listed building and its retention as a single dwelling, demolition of existing outbuildings and the erection of 6 no. detached dwellings.
- 9.2 The above concerns Frogs Hall, a Grade II listed (HE Ref: 1112188) house.
- 9.3 The list description notes:
House. Circa early C17, extended in C18 and early C19 and remodelled in circa mid C19. Rendered and partly slate hung timber frame and white- washed brick. Slate roof with gabled ends and crested ridge tiles; wings at rear, with hipped slate roof and gable-ended plain tile roof. Brick gable-end and lateral stacks. Plan: circa early C17 front (east) range extended by addition of C18 wing at rear of right end

(north west), and in early C19 by wing at rear of left end (south west). In circa mid C19 the house was remodelled.

- 9.4 Two storeys. Almost symmetrical three-bay east front. Central glazed door with tented canopy, canted bay of sashes with glazing bars to left and right, above which the first floor is jettied out and gabled with ornate bargeboards. C19 three-light moulded mullion transom. Windows on first floor (centre two-lights) all with hood moulds. Left hand (south) return, hipped wing on left with large French casement and C19 12-pane sash above, and lean-to verandah on right with brick piers and French casement. Right hand (north) return, C18 wing, three-window range, with circa C18 three-light wooden mullion windows with leaded casements and flush-panel door; lower C19 stable range to right (north west). Various sash windows and outshuts at rear.
- 9.5 Interior: largely result of circa mid C19 remodelling with joinery mostly of that period. Many C18 fielded six-panel doors. Late C19 staircase. Chimneypieces replaced. Rear north west kitchen wing has one chamfered cross-beam with runout stops.
- 9.6 Five bays of the circa early C17 roof over the front (east) range survive; trusses have lapped dovetail jointed collars, clasped side purlins, curved wind braces; heavy stud partition (closed truss) between bays three and four; some common rafters survive. Roof over C18 rear wing of softwood, collars mortice and tenoned to principal rafters and clasping side purlins, the common rafters largely intact and no ridge piece.
- 9.7 Whilst I have no objection in principle to the proposed demolition of the modern outbuildings and the modern extension to Frogs Hall, the proposed development of the site is considered detrimental to the understanding of Frogs Hall as a historic hall house: a high status building enclosed by ample amenity space. Development to the rear of Frogs Hall has traditionally comprised of buildings associated with the host dwelling, clustered around the north extent of the application site and it is recommended that this be retained, facilitating the appreciation of Frogs Hall's historic rank. Further to this, the proposed scheme would lead to the overdevelopment of the plot and the saturation of a listed building's setting with built form, curtailing its curtilage and at odds with the traditionally open character of the building's surrounds.
- 9.8 For the above, the scheme is considered to cause "less than substantial harm" to a designated heritage asset and paragraph 196 of the NPPF is relevant.

10. REPRESENTATIONS

- 10.1 This application has been advertised by a site notice posted on 29 January and letters were sent to neighbouring properties on 23 January. The notification period expired on 19 February 2019. No representation has been received.

11. APPRAISAL

The issue to consider in the determination of the application is:

- A Whether the proposal would have a detrimental effect on the character and setting of a Listed Building.

A Whether the proposal would have a detrimental effect on the character and setting of a Listed Building.

- 11.1 The listed building itself would be retained as a single dwelling. The removal of later additions and the enhancement of the immediate setting will result in the creation of an attractive dwelling which will be more manageable on its reduced footprint, and closer to its original size and character.
- 11.2 The proposals involve the removal of a large amount of added extension at the rear of the existing listed building. These additions have been added piecemeal over previous decades and they do not possess historic or architectural interest. Removing them will better reveal the special interest of the principal building and enable its immediate setting to be opened up to create a more attractive context.
- 11.3 Specialist advice is that the scheme is considered to cause “less than substantial harm” to the significance of a heritage asset and paragraph 196 of the NPPF is relevant.
- 11.4 The NPPF requires a balance to be applied in the context of heritage assets, including the recognition of potential benefits accruing from a development. In the case of proposals which would result in “less than substantial harm”, paragraph 196 provides the following:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.”
- 11.5 Whilst the misgivings of the specialist advisor are noted, the specialist advice concludes that the proposals are considered to cause less than substantial harm to a designated heritage asset and as such paragraph 196 of the NPPF is relevant. This paragraph refers to any harm being weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. A residential use as a property of a manageable size would ensure that the building would be maintained in a good condition and that it would ensure the long term retention and preservation of the form of the original house.
- 11.6 At the time of the site visit the house was vacant. The house appeared to have been closely associated with the business use involving the former agricultural buildings which latterly had a commercial use. It is considered that the proposals, involving the house reverting to a family type property of a manageable scale would avoid the house remaining vacant and declining further in terms of its maintenance.
- 11.7 The proposal is considered to be acceptable with regard to Policy ENV2.

12. CONCLUSION

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

- A** It noted that specialist advice does not go so far as to recommend refusal and taking the proposal in a broad context it is considered that the balance of benefits against dis-benefits is such that Listed Building consent should be given.

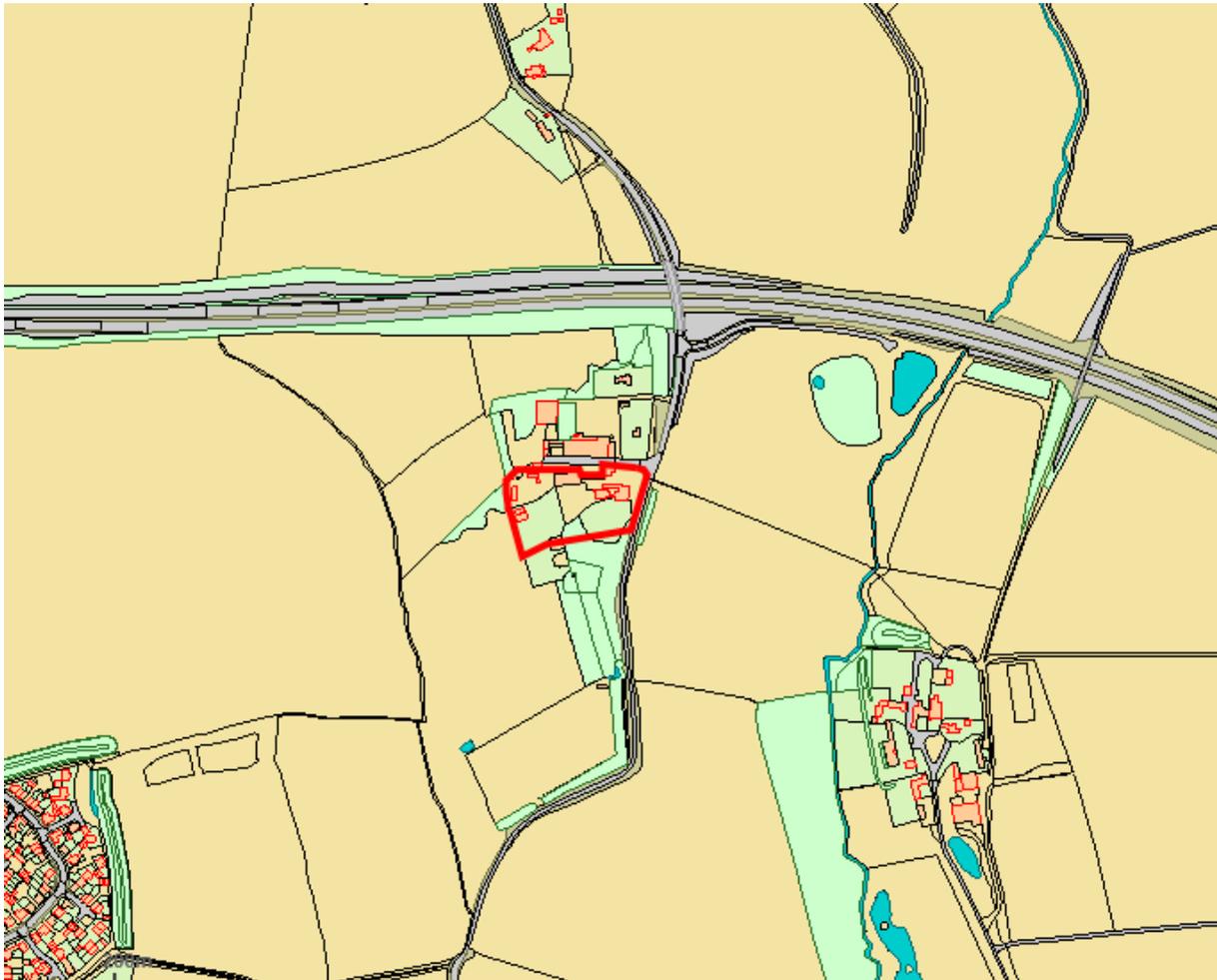
RECOMMENDATION – LISTED BUILDING CONSENT WITH CONDITIONS

Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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