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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 8th February, 2023

Time: 10.00 am

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

Chair: Councillor S Merifield

Members: Councillors G Bagnall, J Emanuel, P Fairhurst, R Freeman,
G LeCount, M Lemon (Vice-Chair), J Loughlin, R Pavitt and M Sutton

Substitutes: Councillors M Caton, A Coote, C Criscione, N Gregory, B Light 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 relating to applications being determined by the District Council, subject to having given notice by 2pm on the day before the meeting. Please register your intention to speak at this meeting by writing to committee@uttlesford.gov.uk. Please see the section headed "Meetings and the Public" overleaf for further details.

When an application is to be determined by the Planning Inspectorate (PINS) the purpose of the report to Planning Committee is not to determine the application but to provide the PINS with the Council's view of the planning application. The role of the District Council is solely as a statutory consultee on the planning application; its consultation runs parallel with other statutory and non-statutory consultees.

The Planning Committee is not the opportunity to make representations directly to the decision maker and as such no public speaking on this matter will be afforded to either third parties or the applicant. Please find further information [here](#) regarding submitting representations directly with PINS.

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**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** 6 - 9
To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 10
To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 11 - 15
To note the Quality of Major Applications Report.
- 5 S62A Applications** 16 - 17
To note applications which have been submitted direct to the Planning Inspectorate.
- 6 UTT/22/0267/FUL - Land at Tilekiln Green, Start Hill, GREAT HALLINGBURY** 18 - 87
To consider application UTT/22/0267/FUL.
- 7 UTT/21/2461/DFO - Land to the West of Isabel Drive and off Stansted Road, ELSENHAM** 88 - 119
To consider application UTT/21/2461/DFO.
- 8 UTT/22/2480/FUL - Land to the North West of Henham Road, ELSENHAM** 120 - 136
To consider application UTT/22/2480/FUL.

PLEASE NOTE THAT ITEM 9 WILL NOT BE TAKEN BEFORE 2.00pm

- 9 UTT/22/2035/FUL - Land East of St Edmunds Lane, GREAT DUNMOW 137 - 186**

To consider application UTT/22/2035/FUL.

- 10 UTT/22/1275/OP - Land at Parsonage Farm, Parsonage Farm Lane, GREAT SAMPFORD 187 - 237**

To consider application UTT/22/1275/OP.

- 11 UTT/22/2744/FUL - Land known as 7 Acres, Warish Hall Farm, Parsonage Road, TAKELEY 238 - 291**

To consider application UTT/22/2744/FUL.

- 12 Late List 292 - 308**

This document contains late submissions, updates or addendums to existing agenda items which have been received up to and including the end of business on the Friday before Planning Committee. The late list is circulated on the Monday prior to Planning Committee. This is a public document, and it is published with the agenda papers on the UDC website.

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The following time allocations are in place for speaking at this meeting:

- Members of the public: up to 4 minutes.
- District Councillors who do not sit on the Planning Committee: up to 5 minutes.
- Representatives of Town/Parish Councils: up to 5 minutes.
- Agents/Applicants: up to 4 minutes with additional time for each objector, up to a maximum of 15 minutes. **Please note that if an application is recommended for approval and there are no registered speakers against the application then the agent/applicant will not have the right to make representations.**

The agenda is split into two parts. Most of the business is dealt with in Part I which is open to the public. Part II includes items which may be discussed in the absence of the press or public, as they deal with information which is personal or sensitive for some other reason. You will be asked to leave the meeting before Part II items are discussed.

Agenda and Minutes are available in alternative formats and/or languages. For more information, please call 01799 510510.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 25 JANUARY 2023 at 2.00 pm

Present: Councillor R Freeman (Chair)
Councillors G Bagnall, C Criscione, J Emanuel, G LeCount, B Light, J Loughlin, R Pavitt and M Sutton

Officers in attendance: N Brown (Head of Development Management and Enforcement), C Gibson (Democratic Services Officer), D Hermitage (Director of Planning), J Mann (Environmental Health Officer), C Shanley-Grozavu (Democratic Services Officer), M Shoosmith (Strategic Applications Team Leader), E Smith (Solicitor) and K Wilkinson (Strategic Development Engineer – Essex CC)

Public Speakers: D Bird, Councillor Maureen Caton (Stansted Mountfitchet PC), Councillor Melvin Caton, Councillor J Evans, S Hadland, E Ledwidge and Councillor N Reeve.

PC265 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

In the absence of both the Chair and Vice-Chair, Councillor Freeman was nominated and seconded for the Chair. Members supported the nomination and Councillor Freeman took the Chair.

Apologies for absence were received from Councillors Merifield, Lemon and Fairhurst. Councillor Criscione substituted for Councillor Lemon and Councillor Light for Councillor Fairhurst.

Councillors Bagnall and Sutton declared that they were both Ward Members for Takeley.

Councillor Criscione declared a personal interest as his wife was an employee of a company providing transportation services to Universal Aviation but that this had no bearing on his participation in the discussion. The Chair confirmed that this was in order.

PC266 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 11 January 2023 were approved.

PC267 **UTT/22/0434/FUL - LAND NORTH OF STANSTED AIRPORT**

The Strategic Applications Team Leader presented an application for Outline planning permission for the demolition of existing structures and redevelopment

of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, electric substation, strategic landscaping and cycle route with matters of layout, scale, appearance and other landscaping reserved.

The application was recommended for approval subject to conditions as set out in section 18 of the report and the details contained in the Late List.

There was an adjournment taken to address technical issues during the submissions from the Public Speakers between 2.50 pm and 3.00 pm.

In response to various questions raised by Members, officers:

- addressed questions relating to traffic modelling outside of the A120 and the M11, additional traffic movements and the CAP scheme for peak hours 6.00 – 9.00 and 16.00 – 19.00. It was recognised that particularly relating to the 4 Ashes junction there was a need to keep HGV's on the main strategic roads and away from the villages.
- said that Little Bury Lodge was not listed.
- clarified that the slides showing Burton End were actual points of reference.
- said that Sport England had objected, they removed their Directive objection, to the scheme but that the football club would not become homeless as there was a requirement within the S106 Heads of Terms for a new pitch to be put in first. The relocation arrangements would be agreed with Sport England.
- said that air quality concerns and any requirement for a receptor could be addressed through the conditions.
- provided information in respect of financial benefits to be gained through additional business rates.
- said that discussions were on-going in respect of the need to move the border control point.
- said that there would be no loss of ancient woodland and that a fence buffer and hedging would be required at the reserved matters stage, particularly to protect nutrients in the soil that would protect the woodland from air quality issues.
- said that external lighting and noise management schemes had been addressed within the conditions.

Members discussed:

- Air Quality conditions and the possibility of a receptor being put in place.
- Sustainability issues relating to foul drainage water and waste heat recycling and the principles outlined in para 14.3.25 and 14.3.40.
- There currently being a lot more hard surfacing on site and the landscaping as part of the scheme would help reduce this, provide softening and improve drainage at reserved matters stage.

A point of order was raised and the Chair made it clear that it was not acceptable for notes to be passed to Members by the public during the debate. This was supported by the Council's Solicitor who said that the expertise was provided at the top table.

Members further discussed:

- Highways management issues, protection of local networks, the need for improvements to the A120 and the 4 Ashes junction and the arrangements for no right turns out of the site. The Head of Development Management and Enforcement said that all three Highways Authorities had been working very closely on this and that concerns would be addressed through the conditions. The Director of Planning referred Members to para 14.7.2 of the report in that the NPPF stated in Paragraph 111 that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on safety, or the residual cumulative impacts on the road network would be severe”. The Strategic Development Engineer – Essex CC said that traffic modelled movements of 7,000 per day were within acceptable limits.
- Concerns about the lack of community engagement and the need for further details as to the benefits to the local community
- Outstanding concerns from Sport England. The Head of Development Management and Enforcement said that all measures in respect of proposed sports facilities were mitigation measures.
- The benefits to the community of further local employment opportunities being brought to the area.
- The benefits of good childcare arrangements.
- The need for better transport connectivity and an active travel plan.
- Concerns that the majority of green space was all to the north west of the development. The Strategic Applications Team Leader indicated that this would be picked up at the reserved matters stage.
- Future possible location of the ATC, although not a planning consideration.
- Possible benefits to local government finances, although not a material planning consideration.
- Comments made by Place Services relating to ecology having been taken into account in the conditions.
- The increase in time from 3 to 5 years for application for approval of the Reserved Matters from the date of the permission.

Members discussed the fact that this was likely to be the biggest in-district application for a number of years and the fact that various issues had been raised that were considered to be outstanding. It was suggested that both the conditions and the S106 be brought back to Committee for future consideration; another suggestion was that these could be agreed with the Chair.

The Director of Planning said that it would be unusual to bring back conditions and the S106 to Committee. The Solicitor agreed.

The Chair said democratic accountability was important and that matters relating to conditions and the S106 would best be left with officers.

A compromise arrangement was suggested in that prior to final sign-off the proposed conditions and S106 details be emailed to Members for any specific concerns to be raised.

Councillor Criscione proposed that the development be approved, in line with the recommendation and that details of the proposed conditions and the S106 be circulated to Members for comment prior to final sign-off.

Councillor LeCount seconded the proposal.

RESOLVED that the Director of Planning be authorised to grant planning permission for the development subject to those items set out in section 18 of this report –

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

The conditions and the S106 Agreement to be circulated to Members for comment prior to final sign-off.

and

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to refuse permission following the expiration of a 6-month period from the date of Planning Committee or other period to be first expressly agreed by the Director of Planning.

Public Speakers: Various issues were raised by Councillors Melvin Caton, N Reeve (Portfolio Holder for the Economy, Investment and Corporate Strategy), J Evans (Portfolio Holder for Planning, Stansted Airport, Infrastructure Strategy and the Local Plan) and Maureen Caton (Stansted Mountfitchet PC)

S Hadland (Applicant) spoke in favour of the application and was supported by E Ledwidge and D Bird, who addressed issues raised by the public speakers.

The meeting ended at 4.47 pm.

Criteria For Designation – Speed and Quality

Speed of planning decisions

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	October 2018 - September 2020	October 2019 to September 2021	October 2020 to September 2022	October 2021 to September 2023	
Speed of major Development	60% (70.27%)	60% (76.27%)	60% (80.30%)	60% (84.21%**)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.06%)	70% (85.07%**)	P153

*UDC performance in green % greater than the threshold is good - ** data incomplete*

Quality – Appeals

Measure and type of Application	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Threshold and assessment period.	Live Table
	April 2018 - March 2020 (appeal decisions to end December 2020)	April 2019 to March 2021 (appeal decisions to end December 2021)	April 2020 to March 2022 (appeal decisions to end December 2022)	April 2021 to March 2023 (appeal decisions to end December 2023)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (11.76%)	10% (8%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.18%*)	P154

*UDC performance in green is good and red means that we exceeded the maximum %. *To note there are decisions and appeal decisions outstanding and this data may change.*

Committee: Planning Committee
Date: 8 February 2023
Title: Quality of Major Applications
Author: Dean Hermitage

Purpose

1. To report to Planning Committee the applications that have been considered both as Delegated and at Planning Committee which contribute to the data considered by DHLUC as to whether a Local Planning Authority falls within the criteria to be designated.
2. There are four criteria where a Local Planning Authority may be designated - Quality Major; Quality Speed; Quality Non-Major and Speed Non-Major.
3. This report specifically considers the Quality of Major Applications and covers the period 2017 - 2023. The Quality of Major Applications is for decisions made within a two-year period with appeal decisions up to and including the 31 December of the two-year period.
4. Therefore, the periods covered in this report are as follows:
 - *April 2017 - March 2019 (appeal decisions made by 31/12/2019)*
 - *April 2018 - March 2020 (appeal decisions made by 31/12/2020)*
 - *April 2019 - March 2021 (appeal decisions made by 31/12/2021)*
 - *April 2020 - March 2022 (appeal decisions made by 31/12/2022)*
 - *April 2021 – March 2023 (appeal decisions made by 31/12/2023)*
5. The Planning Advisory Service provided each Local Authority with a 'Crystal Ball' (basically a spreadsheet) where the data can be added each month/quarter to monitor whether there is any risk of designation.

6. Below shows the periods 2017 - 2019; 2018 - 2020 and 2019 - 2021 annually with the overall two-year period % - as per the DHLUC monitoring periods.

Criteria: Quality	District matter Majors							
	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result	
Apr 2017 - Mar 2018	37	9	1	0	1	0	2.7%	
Apr 2018- Mar 2019	39	20	16	8	6	2*	15.38%	
Total for 2017 - 2019							9.21%	
Apr 2018 - Mar 2019	39	20	16	9	7	0	17.95%	
Apr 2019- Mar 2020	40	26	18	8	6	4**	15%	
Total for 2018 - 2020							16.5%	
Apr 2019 - Mar 2020	40	26	18	9	9	0	22.50%	
Apr 2020- Mar 2021	34	12	9	4	4	1***	11.76%	
Total for 2019 - 2021	74	38	27	13	13	1*	17.57%	
		Minimum level required						10.00%

*Pending decision falls outside of the criteria window of appeal decision made by 31/12/2019.

**Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2020.

***Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2021.

7. Below shows the period 2020 - 2022 quarterly. This is on-going and will be monitored and updated.

		Incomplete Data						
		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2020	11	2	1	1	0	0	0.00%
Quarter 02	July - Sept 2020	8	2	2	0	2	0	25.00%
Quarter 03	Oct - Dec 2020	4	3	2	1	1	0	25.00%
Quarter 04	Jan - Mar 2021	11	5	4	2	2	0	18.18%
Quarter 05	Apr - Jun 2021	5	4	2	2	0	0	0.00%
Quarter 06	July - Sept 2021	5	2	1	0	1	0	20.00%
Quarter 07	Oct - Dec 2021	16	9	5	1	1	3	6.25%
Quarter 08	Jan - Mar 2022	8	4	2		1	1	12.50%
	total	68	31	19	7	8	4	11.76%
		Minimum level required						10.00%

Any appeal decisions received from 01 Jan 2023 are not included in this designation period.

		All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Quarter 01	Apr - Jun 2021	5	4	2	2	0	0	0.00%
Quarter 02	Jul - Sept 2021	5	2	1	0	1	0	20.00%
Quarter 03	Oct - Dec 2021	16	9	5	1	2	2	12.50%
Quarter 04	Jan - Mar 2022	8	4	2		1	1	12.50%
Quarter 05	Apr - Jun 2022	7	2	1	0	0	1	0.00%
Quarter 06	July - Sept 2022	11	1	0				0.00%
Quarter 07	Oct - Dec 2022	15	5	2			2	0.00%
Quarter 08	Jan - Mar 2023	2	0					0.00%
	total	50	27	13	3	4	6	8.00%

8 Cost of appeals per year*

Year	Legal including Awards of Costs	Consultants
2017 - 2018	£102,660	£33,697
2018 - 2019	£ 21,325	£10,241
2019 - 2020	£182,013	£78,776
2020 - 2021	£144,117	£70,481
2021 - 2022	£129,453	£152,057
2022 - 2023	£306,407.36 (to 23/12/2022)	£139,094.32 (to 23/12/2022)

*Not including the Stansted Airport Inquiry.

Please note that Inquiry cost may not be held in the same financial year as the application decision.

9. Appendix 1 shows the breakdown of the applications including the reference number, whether considered at committee or delegated, the officer recommendation along with the decision, appeal decision and the date of the appeal decision – for the current period.

The date of the appeal decision is a key factor - if it is after 31 December at the end of the 2-year period then it is not included in that round of monitoring by DHLUC.

Recommendation

10. It is recommended that the Committee notes this report for information.

Impact

Communication/Consultation	Planning Committee
Community Safety	None
Equalities	None
Health & Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
3	3	3	Action Plan & Pathway work

1 = Little or no risk or impact

2 = Some risk or impact - action may be necessary

3 = Significant risk or impact - action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project

The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

Applications which have been submitted direct to the Planning Inspectorate

Date Notified:	Planning Inspectorate Reference:	Uttlesford District Council reference:	Site Address:	Proposal:	Local Planning Authority Role:	Decision from PINs:
26 April 2022	S62A/22/000001	N/A	Land southeast of Stansted Airport, near Takeley	Requested a Screening Opinion for a solar farm including battery storage units, with approximately 14.3MW total maximum capacity.	Notified of outcome	
26 April 2022	S62A/22/0000002	UTT/22/1040/PINS	Former Friends' School, Mount Pleasant Rd, Saffron Walden	Conversion of buildings and demolition of buildings to allow redevelopment to provide 96 dwellings, swimming pool and changing facilities, associated recreation facilities, access and landscaping.	Consultee	Approval with conditions – 11/10/2022
24 May 2022	S62A/22/0000004	UTT/22/1474/PINS	Land east of Parsonage Road, and south of Hall Road, Stansted	The erection of a 14.3 MW solar photovoltaic farm with associated access tracks, landscaping, supplementary battery storage, and associated infrastructure.	Consultee	Approval with conditions – 24/08/2022
06 July 2022	S62A/0000005	UTT/22/1897/PINS	Canfield Moat High Cross Lane Little Canfield	Erection of 15 dwellings	Consultee	
20 July 2022	S62A/0000006	UTT/22/2046/PINS	Land At Berden Hall Farm Dewes Green Road Berden	Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping.	Consultee	
02 August 2022	S62A/0000007	UTT/22/2174/PINS	Land to the south of Henham Road Elsenham	Residential development comprising 130 dwellings, together with a new vehicular access from Henham Road, public open space, landscaping and associated highways, drainage and other infrastructure works (all matters reserved for subsequent approval apart from the primary means of access, on land to the south of Henham Road, Elsenham)	Consultee	
23/09/2022	S62A/0000011	UTT/22/2624/PINS	Land near Pelham Substation Maggots End Road Manuden	Construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and Landscaping The application has been	Consultee	

				submitted and we await notification that it is valid - (26/01/2023)		
06/10/2022	S62A/0000012	UTT/22/2760/PINS	Land East of Station Road Elsenham	Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works.	Consultee	
30/11/2022	S62A/2022/0014	UTT/22/3258/PINS	Land To The West Of Thaxted Road Saffron Walden	Consultation on S62A/2022/0014- Outline application with all matters reserved except for access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.	Consultee	

Agenda Item 6



ITEM NUMBER: 6

PLANNING COMMITTEE 8 February 2023
DATE:

REFERENCE NUMBER: UTT/22/0267/FUL

LOCATION: Land At Tilekiln Green
Start Hill
Great Hallingbury

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 26.01.2023

PROPOSAL: Development of site to create an open logistics facility with associated new access and ancillary office with amenity facilities

APPLICANT: FKY Limited

AGENT: Mr Richard Norman

EXPIRY DATE: 22 June 2022

EOT Expiry Date 14 February 2023

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Countryside Protection Zone (CPZ). Part within Flood Zone 3. Within 2km of SSSI. Within 20m of Flitch Way (Local Wildlife site). Within 6km Stansted Airport. Adjacent to Listed Building.

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** The application is for an open logistics facility where storage containers are decanted from larger vehicles onto smaller ones, to be located within the Countryside Protection Zone in Great Hallingbury.
- 1.2** The application site covers an area of 5.12 hectares of which 3.02 hectares is proposed to be developed. The remainder (around edge of site) will remain as woodland or areas of open land where new tree planting is proposed. The open logistics facility will comprise mainly an area of hardstanding for heavy goods vehicles (maximum 80) and lorries and cars (107 spaces)
- 1.3** This application follows a similar previous application UTT/21/0332/FUL which was refused on 2.05.2021 for 9 reasons including countryside harm, highways conflict, harm to heritage assets, potential harm to aerodrome safety and amenity harm.
- 1.4** Highways England and ECC Highways now have no objections to the proposals. Additional information has been submitted to overcome other

reasons of refusal. Notwithstanding the proposal remains contrary to the aims of Uttlesford Local Plan Policy S8 and Uttlesford Local Plan Policy ENV2. This is a matter that has been considered in the planning balance

- 1.5 It is stated that the existing lease on the applicant's current logistics facility at Stansted Airport "North Side" expires in 2023 and that the new freeholders of that site have stated that it is not their intention to continue to make the site available for the applicant (Wren Kitchens) beyond this point.
- 1.6 Wren kitchens are an existing employer in Uttlesford and if approved this application would result in a major employer staying in the district. They have actively been looking for a suitable site in the district for the last three years. There is a shortage of suitable commercial employment land in the district.
- 1.7 It is concluded on balance, that the proposed development subject to conditions, that the benefits of granting planning permission would significantly and demonstrably outweigh the identified impacts of the proposed development.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site lies at Start Hill (Tilekiln Green) and comprises an open tract of undeveloped undulating grassland (former field) comprising 5.13 ha (stated) which has a pronounced slope north to south and which is bordered on its north side by the B1256 Dunmow Road, on its south side by the Flicht Way (former railway line), on its east side by Bedears Green Road (Tilekiln Green) and on its west/north-west side by the M11 and the Birchanger Interchange (Junctions 8/8a). A Thames Water sewerage pumping station is situated on the site's eastern boundary onto Bedlars Green Road. A tree belt exists along the site's northern boundary, whilst a further tree belt exists along the southern boundary with the Flicht Way, with recent tree planting having taken place in front. Great Hallingbury Brook runs along the south-western boundary of the site which in turn feeds into the River Stort further to the south
- 3.2 A short line of dwellings face onto the site along the eastern side of Bedlars Green Road containing a grade II listed building (The Old Elm), an adjacent outbuilding which is has been converted for residential use and a further dwelling which is currently under construction, whilst a

further short line of dwellings lie on the western side of the road to the immediate south of the pumping station before the Flich Way. A petrol filling station stands onto the B1256 on its northern side opposite the junction with Bedlars Green Road adjacent to the north-east corner of the site.

4. PROPOSAL

4.1 The proposal is for the creation of an open logistics facility with associated new access and ancillary office with amenity facilities.

4.2 The site will be used as a transfer point where by storage containers would be decanted from larger vehicles onto smaller one through demountable operations which will in turn transport these containers to local markets

4.3 Other on-site facilities will include parking for drivers and porters and two small portacabin office/amenity facilities.

4.4 There would be a maximum potential for parking of 80 Heavy goods Vehicles and parking spaces for 107 cars to include 6 disabled parking spaces.

4.5 To the north-eastern boundary 1.8m palisade fencing is proposed, and to the south-eastern side of the site where the car parking is situated, acoustic close boarded fencing is proposed.

4.6 In order to facilitate the movement of Heavy goods vehicles, it is proposed to realign the northern part of Tilekiln Green Road and widen the Ba1256 to the south.

4.7 A new access will then be created onto the realigned Tilekiln Green Road to form the main access to the site.

There would be extensive new planting of trees, including woodland to the east of the site, either side of the proposed access onto Tilekiln Green road.

4.8 The application is supported by the following documents:

- Acoustics Report
- Air Quality Assessment
- Archaeological Desk Based Assessment
- Biodiversity Checklist
- Bird Strike Hazard Management Plan
- Design and Access Statement
- Ecological Assessment
- Economic Report
- External Lighting Strategy
- Flood Risk Assessment
- Heritage Impact Assessment

- Landscape and Visual Appraisal
- Planning Statement
- Solar Photovoltaic Glint and Glare Study
- Suds checklist
- Transport Assessment

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposed development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/2113/06/FUL	Change of use from agricultural land to Thames Water Operational land and erection of control panel, fencing and minor ancillary works including new access in association with sewer flood scheme	AC
UTT/21/0332/FUL	Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities.	Refused
UTT/22/0434/FUL	Outline application for demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route with matters of layout, scale, appearance and other landscaping reserved	Pending
UTT/20/1098/FUL	15 dwellings and 6 affordable.	Allowed at appeal.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** No relevant pre-planning history, although an exploratory preapplication proposal meeting was held in 2016 between Council officers and an interested third party to consider the future use of the site for commercial/employment use in response to enquiries from potential firms about utilising the site for this purpose. The Council responded by saying that the principle of change of use of the site from greenfield to commercial use would be contrary to local and national policies due to its countryside location within the CPZ and therefore any proposal would need to demonstrate how the need for the proposed use would outweigh the harm it would have on the countryside (UTT/16/0956/PA).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112,
- 8.1.2** The following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The application includes changes to the highway, in the form of a revised junction layout at Tile Green and the B1256
- 8.1.3** Internal consultation has taken place between highways officer, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken.
- 8.1.4** Following the various reviews, a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.
- 8.1.5** The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened, and junction straightened up.
- 8.1.6** These changes would remove current points of conflict on the highway. It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the

morning and afternoon peak period so will not affect the highway when least capacity is available.

8.1.7

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions – see appendix 1:

8.2 National Highways

8.2.1 No objection. Our review of the revised Transport Assessment shows that the level of trip generation is broadly the same as per the previously reviewed submission from January 2021. Our review of the earlier Transport Assessment raised some points that were then resolved through the provision of additional information, following which we removed our holding objection. Given that the trips haven't increased, and the developed area appears to be slightly less than in the previous application, we believe that there is no reason to object to this proposal.

8.3 Local Flood Authority

8.3.1 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object.

8.4 Environment Agency

8.4.1 No objections to the proposed development.

8.5 Natural England

8.5.1 No objection.
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

9. Parish Council comments.

9.1 Little Hallingbury Parish Council

9.1.2 Strongly object to this planning application.

The proposal for a large logistics hub operating 24/7 adjacent to residential housing in Tilekiln Green, Great Hallingbury is detrimental to the locality and would significantly increase traffic.

A proportion of the additional traffic would travel through the villages of Great Hallingbury and Little Hallingbury, along narrow rural lanes, without pavement for the large part, with pinch points which are not wide enough for two vehicles to pass. This would cause significant noise and pollution issues for residents; safety issues for motorists, cyclists, farm traffic and

pedestrians alike; as well as verge and carriageway erosion leading to potholes.

- 9.1.3** Little Hallingbury is already a cut through to the M11 and suffers from a high volume of speeding traffic and accidents along the A1060. With all the increased traffic, particularly HGV's, that will be going to and from the proposed site additional strain will be put on the main road though our village. The narrow lanes of Little Hallingbury are already suffering verge erosion and recent diversions through these lanes have added significantly to this and proved that they are not suitable for increased volumes of traffic, which will only exacerbate the problem.

Tilekiln Green, Great Hallingbury is entirely the wrong place for a large 24/7 logistics hub and the village, and its surrounds should not be allowed to be blighted by such.

9.2 Great Hallingbury Parish Council

- 9.2.1** Strongly object to the above planning application for the following reasons:

The current infrastructure could not support the increased traffic this development would bring. The junction at Start Hill with the B1256, and its close proximity to the M11 roundabout (Junction 8) already sees much traffic build up from the roundabout and back along Stane Street. This means drivers often divert through the village. The speed and weight of traffic means our roads and verges suffer much erosion, and an increase in traffic would exacerbate the situation.

- 9.2.2** It will also have a huge impact at the other end of the village with the junction of Church Road and the A 1060 and, as travellers deviate their journeys, it will inevitably send more traffic past Howe Green House School (currently under concern because of speeding traffic issues), across Woodside Green and down New Barn Lane, again in an attempt to circumvent the traffic build up that would transpire should this application go ahead.

9.3 Takeley Parish Council

- 9.3.1** Takeley Parish Council strongly objects to this proposal for the following reasons:

- 1) Conflict with Policies S7 and S8.

The Countryside Protection Zone was established by Uttlesford District Council following the report by Sir Graham Eyre QC in 1984. ('Airport Inquiries' 1981-83). The Council developed the CPZ planning policy to limit the physical size of the airport and to maintain an area of open countryside around the airport, reinforcing normal planning controls on development within the countryside. The Uttlesford Local Plan (adopted 1995) made reference to the CPZ as follows:

9.3.2 The priority within this zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments.

The CPZ boundaries have not changed since it was designated, except around Elsenham where the boundaries were modified to reflect Local Plan housing allocations. The main developments within the CPZ in the last 20 years have been the construction of the A120 through the area, the extension of the Elsenham Jam Factory (a long-established Local Plan designation to allow expansion, treated as an exception to the CPZ to support the rural economy) and some minor changes in the Takeley area. This policy was last reviewed in 2016 with no boundary changes recommended.

The principles and objectives of the policy remain valid today. The site for this proposal lies in Parcel 1 Tilekiln Green. The landscape is open and land use includes large arable fields with a small, wooded area around the motorway junction.

9.3.3 Development around the northern edge of this parcel will severely compromise the openness of this area and will introduce a greater sense of unnecessary industrialisation. This area within the CPZ contains the characteristics of the countryside with very limited urbanising elements.

9.3.4 2) GEN1 - Traffic congestion
At junction 8 there is often traffic tailing back along the B1256 at peak times. The application by Wren Kitchens indicates that there will be upwards of 500 vehicle movements a day. Given that this will involve a significant number of heavy vehicle movements it will only exacerbate the traffic problems.

9.3.5 Other comments.

The introduction of a significant industrial site in this at this location with the consequential increase in noise, light pollution and vehicle emissions suggests that this will severely impact on the local residents.

It is interesting to note that some 20 years ago an application to use 3 existing bedrooms for bed and breakfast purposes was rejected by UDC as well as on appeal. (UTT/1148/01/FUL). Among the reasons for refusal given by UDC at the time were: 'The proposal fails to comply with the above policy (Policy S4 of the adopted District Plan) as it would give rise to additional traffic travelling through the surrounding countryside and parking at the site both during the day and night. This traffic and the noise and disturbance associated with the parking would be an alien feature in the rural area which would harm the character of the Countryside Protection Zone. This proposal fails to comply with the above policy (DC14 of the adopted District Plan) as it would give rise to a level of traffic and noise associated with the parking and turning of vehicle, both during

the day and night, would harm the general living conditions of occupiers and general living conditions of neighbours.’

Takeley Parish Council supports the objections made by Great Hallingbury Parish Council. In conclusion we contend that this proposal is not appropriate for this site as it will have an adverse impact on the openness and character of the local countryside and would lead to an unnecessary addition of built form and further urbanisation of this area.

9.4 Great Hallingbury Parish Council 27 (additional comments June 2022)

9.4.1 As the Customer Care and Social Value Manager for Sisk, who are the main contractor on the M11 Junction 8 (including A120 West) on behalf of Essex County Council points out:

‘The area around Junction 8 of the M11 is increasingly congested and lacking capacity at peak times. Planned developments in the north of Bishop’s Stortford and local growth planned in East Herts and Uttlesford will lead to an increasing amount of traffic using the junction in the years ahead as London Stansted Airport continues to grow.’

The planning Department or those making decisions should be aware of this and take this into account when granting permission for any future planning applications especially with planning application UTT/22/0267/FUL Land at Tilekiln Green, Start Hill (Creation of an open logistics facility with associated new access and ancillary office with amenity facilities).

10. CONSULTEE RESPONSES

10.1 Place Services - Archaeology

10.1.1 Recommendation Archaeological evaluation and excavation.

The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development.

10.1.2 A Desk Based Assessment was undertaken on the area of the proposed development is comprehensive and identifies the archaeological potential as high for Romano-British and post-medieval remains, a moderate

potential for prehistoric and moderate to high for medieval remains. However, following ongoing excavations in the adjacent field evidence of early medieval activity as well as a probable insitu tile kiln have been identified. This application site would therefore also have a high potential for below ground remains of early medieval/ medieval date. The proposed development is situated therefore within an area of known archaeological potential and any preserved archaeological remains will be impacted by the proposed development. Therefore, a phased condition for archaeological evaluation and excavation is recommended.

An archaeological brief will be produced by this office detailing the archaeological work required. A recognised professional team of archaeologists should undertake the works.

10.2 UDC Environmental Health

10.2.1 9th May 2022 This service has reviewed the details and information provided. The site is located close to Stansted Airport and the M11 motorway and therefore is subject to relatively high levels of existing transportation noise. There are no objections in principle to this development subject to the following comments and proposed conditions.

10.2.2 Noise

In making this response the Noise Assessment report submitted by Sharps Acoustics dated 21 January 2022 in support of this application has been reviewed. This is an update of a previously submitted report dated January 2021 to evaluate the potential noise mitigation measures to achieve acceptable noise levels at the existing noise sensitive dwellings.

10.2.3 The report notes that the proposed layout of the site, as shown in Figure B1 in Appendix B, has changed and that the key difference from a noise perspective is that the area closest to eastern edge of the site (where the nearest noise sensitive dwelling is located) has been removed entirely from the design.

10.2.4 The noise model has been re-run with the most up to date vehicle flow numbers and noise source data and the new site layout and predicted rating noise levels for three of the closest noise sensitive receptors and shows that BS4142 assessment outcomes indicate a range from -25 to +2dB. Whilst all predicted rating levels would be below the background level at all times of day and night they are above the desired target of 5dB below background, as given in the Councils technical guidance on noise, between the hours of 04.00 – 06.00 when the background levels are lower and the key impacts from the development's traffic movements are likely to be during night-time periods with a peak hour at around 05:00. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent.

10.2.5 National and local planning policy makes it clear that where existing residential premises are already exposed to high levels of noise, any future new development should avoid increase in the noise burden experienced by residents. The modelling assessment has been based on the provision of a “2.4m close boarded sound retardant fence” as detailed in drawing no PL1001 in Appendix B of the report. Further to this, iterations of the noise model could be done to include an increase in height and type of acoustic barrier to establish if this would result in any significant reduction in the BS4142 outcome to align closer with the UDC recommended limit. However, it is noted that a higher barrier was previously considered which would have resulted a further reduction in noise levels but was considered unacceptable due to its adverse visual impact and that strict adherence to the desired 5dB below background requirement may not be required, if it can be demonstrated that all reasonable steps have been taken to mitigate the noise generated from the site.

10.2.6 The location and specification of any acoustic barrier should be agreed in writing by the Local Planning Authority and secured by an appropriate condition.

10.2.7 Furthermore, in view of the scale of the development as proposed, it is recommended that a Construction Environmental Management Plan is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated.

10.2.7 Air Quality

This service is satisfied with the submitted Air Quality Assessment by Fichtner dated 21 January 2022 which concludes that the development will not have a significant impact on local air quality.

The report proposes dust mitigation measures in Appendix C (which could be incorporated into the CEMP) and operational mitigations in Section 8 which should form part of this permission, if granted, including the provision of a travel plan.

10.2.8 External Lighting

In making this response the External Lighting Strategy undertaken by FKY Limited ref US/10398/LSR - 01 dated 12.10.20 has been reviewed.

The proposed lighting scheme is given and detailed on drawing KTA Drawing Number: 10398-EXT-01 dated ‘April 2021.

This service is satisfied that should the external lighting be designed and installed in accordance with the submitted details the proposal is acceptable.

10.2.9 Additional comments (10th November 2022)

The parking bays nearest to Brookside are EV parking bays, EVs are quieter than combustion engine vehicles, so the vehicle noise should be reduced as a consequence. A 2.4-metre-high close boarded sound retardant fence is also proposed to surround the car park and EV charge points nearest to Brookside to further reduce any impact.

There are no details of what charge points are proposed and what noise impact could be expected from them. It is not apparent that this potential noise source was included in the acoustic assessment. Therefore, the developer should provide these details (and any other plant not previously considered) in consultation with the acoustic consultant. A BS4142:2014 assessment should be completed to confirm what the worst-case noise impact could be on nearby noise sensitive receptors.

A condition has been recommended to ensure light pollution is minimised. An air quality assessment has also been completed; this shows there will not be a significant impact. Impacts during construction will be mitigated, details of how will be incorporated into a CEMP.

No comment can be provided in relation to whether the proximity of the oil tank and charge points is safe or not. It would be expected this would be investigated by the district Network Operator at the detailed design stage for the installation of the electrical supply, to ensure that any electrical supply installed posed no safety risk to future users

10.3 UDC Landscape Officer/Arborist

10.3.1 The proposal site is within the Countryside Protection Zone (CPZ). The main objectives and requirements of the CPZ remains valid: to maintain a local belt of open countryside around the airport which will not be eroded by coalescing development. Policy 8 of the Local Plan states: The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular, development will not be permitted if either of the following apply:

- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
- b) It would adversely affect the open characteristics of the zone.

10.3.2 The CPZ was revisited in a report (dated June 2016) commissioned by UDC from Land Use Consultants Ltd (LUC). The application site under consideration falls within Parcel 1 of the study area. The LUC report cemented the view that the whole of Parcel 1, including the current application site should be retained within the CPZ designation.

- 10.3.3** The proposed development would have a significant detrimental visual impact on the open rural character on a substantial area of the zone.

The revised planting scheme (Dwg no. C18-446.P204 rev B) provides extensive new woodland buffer areas with an appropriate planting density and native species mixture. The additional proposed planting of common hornbeam hedging to the frontage with Tile Kiln Road is again considered appropriate to achieve additional screening.

- 10.3.4** My previous comments of 20th June 2022 remain, however, the planting proposals would provide a level of mitigation. In the CPZ planning permission will only be granted for development that is required to be there or is appropriate to a rural area.

- 10.3.5** Additional comments (27th October)

- 10.3.6** The proposed common hornbeam trees along the TileKiln Green Road are considered appropriate

10.4 Place Services (Conservation and Heritage)

- 10.4.1** The application site forms the immediate setting of Grade II listed The Elm (List UID: 1101606), a sixteenth century timber-framed building of special architectural interest. The inherent setting of the listed building comprised a dispersed settlement of farmsteads within vast rural landscape, which is attributable to its character.

Regrettably, the wider setting of the listed building has been impinged upon by the introduction of M11 in the 1960s and later developments following the closure of the railway line through Dunmow significantly altered its immediate setting. A number of earlier buildings in the vicinity, which formed a historic built environment centring The Elm, have also been lost. Within such a context, the proposed development would further encroach upon the remaining open surrounding of the listed building to exacerbate the harm and it would be subsumed by modern developments all around.

Severing this last link between the building and its original setting would be a negative change. It is important to note that where the significance of a heritage asset has been compromised in the past by unsympathetic development, consideration still needs to be given to whether additional change will further detract from the significance of the asset in order to accord with NPPF policies¹. Proposed development, including 2.4m tall extensive timber boarded boundary fence, would form an incongruous backdrop in the views of The Elm from Dunmow Road and adversely affect the views out of the asset towards the south and west.

Therefore, having special regard to the desirability of preserving the setting of The Elm, I am unable to support the application. The proposal, in my opinion, would lead to low level of 'less than substantial harm' to the

significance of the listed building by unsympathetically encroaching upon the last remaining section of its original setting, therefore subject to Paragraph 202 of the NPPF. Whilst the scale of harm may low, great weight should be given to the asset's conservation (Paragraph 199) and clear and convincing justification is required under Paragraph 200.

10.5 Place Services (Ecology)

10.5.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.5.2 Summary:

We have reviewed the Ecological Assessment (Ecology Solutions, January 2022), Bird Hazard Management Plan (Ecology Solutions, February 2022), External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) and Landscape proposals, drawing no. NC18.446-P204 Rev b (Nigel Cowlin Landscape Assessment & Design, June 2022) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

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

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

10.5.3 The mitigation measures identified in the Ecological Assessment (Ecology Solutions, January 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly mobile mammal species, bats, nesting birds and invertebrates.

In addition to the above, protective measures to be used during the development of the site should be detailed within a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and secured by a condition of any consent. This should include the protection of the Flich Way LNR, LoWS and Country Park, as well as the protection of the adjacent streams and Water Vole within them. The CEMP: Biodiversity will also detail the proposed removal of Variegated Yellow Archangel from the site.

Given the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)) and suitable terrestrial habitats are present in close proximity to the site, it is considered possible that GCN will be present. GCN should therefore be considered as part of this planning application, however, due to the habitats to be impacted by

the proposed development, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage, including storage of materials. This precautionary method statement can be included within the CEMP: Biodiversity and should be secured by a condition of any consent.

- 10.5.4** We are generally satisfied with the proposed mitigation strategy for reptiles on site, given the limited suitable habitat and low number of reptiles seen during the survey. We do not consider there to be sufficient detail in relation to how reptiles will be protected during the construction phase from entering site. A finalised reptile mitigation strategy should be supplied, giving these further details.

This should be secured by a condition of any consent.

In relation to the lighting strategy, given the use of LEDs on site, it is not considered the External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) accurately reflects the true lighting spill as LEDs generally do not give off spill behind the lamp. If the lighting spill plan submitted is accurate, then light spill on the existing woodland and proposed woodland, tree and shrub planting will need to be reduced to below 1 lux to be considered acceptable, for example by the use of shields.

- 10.5.5** A finalised lighting strategy displaying the revised light spill following the comments above should be secured by a condition of any consent.

We support the proposed reasonable biodiversity enhancements including the installation of bat boxes, bird boxes, log piles, hibernaculum and insect boxes as well as new native planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. The new native planting (including new woodland, tree and shrub planting) should be managed to benefit wildlife. It is recommended that the management of these new and the retained habitats are outlined in a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013.

10.6 **ECC Minerals and Waste**

- 10.6.1** No comment

10.7 **NATS Safeguarding**

10.7.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

10.8 Flitch Way Action Group

10.8.1 I am the Uttlesford area representative of Essex Bridleways Association and the secretary of the Flitch Way Action Group, registered charities dedicated to developing and preserving safe off-road routes for horse riders, walkers and cyclists. The Flitch Way Action Group is working to reconnect the separated sections of the Flitch Way through Dunmow and to create a safe off-road link from the severed end of the Flitch Way at Start Hill into Bishops Stortford. This project is a key part of the Great Dunmow Neighbourhood Plan. It is supported by Uttlesford District Council, Essex County Council and national walking cycling and equestrian organisations.

10.8.2 Sections of the new bridleway through Dunmow are already complete and others are enshrined in the planning documents for future developments. The Flitch Way is a designated local wildlife site and nature reserve: a haven for flora and fauna and a much valued resource for people to enjoy the peace and tranquillity of the Essex countryside. Linking the severed sections will provide a safe and sustainable option both for leisure and for walking or cycling to school and work.

10.8.3 I object to this application. The proposed site currently has a rural aspect in keeping with the Flitch Way on its southern boundary and the fields beyond. The site is visible from the Flitch Way. A lorry park with heavy goods vehicles coming and going, loading and unloading, the associated air and noise pollution; engine noise, reversing alarms, would be incongruous and entirely out of character with the surroundings.

10.8.4 Access to the Flitch Way is via Bedlars Green Road aka Tilekiln Green, a narrow country road. Horse riders, walkers and cyclists use Tilekiln Green to get onto the Flitch Way and via the Flitch Way to enter Hatfield Forest. It will pose a real danger to life for vulnerable road users to be confronted with large HGVs on such a narrow road.

10.8.5 The Transport Assessment states that the site is within cycling distance of Bishops Stortford and that the site is connected to Braintree via the Flitch Way. Neither of these statements is true. To make them so would require reconnecting the Flitch Way through Dunmow and the creation of a new route from the Flitch Way where it terminates at the southwest end of the application site into Stortford. There is potential for a route into Stortford across the fields and via the tunnel under the M11 south of Junction 8. If this application is allowed, I would ask for permission to be given conditional upon a requirement that the applicant contribute to the costs of creating this safe route for all non-motorised users. This would

go some way to compensating local people for the increase in lorry traffic, pollution , noise etc and would also mean that the site could be accessed on foot and bicycle not just from Takeley but also from Stortford and from Dunmow and Braintree.

- 10.8.6** If this planning application is successful, I ask that There be no access to the site from the south.

All vehicles leaving the site to turn left towards the B1256. All vehicles entering the site do so via a right turn from the B1256 That the applicant provide a buffer zone of a minimum of 20 metres and preferably more between the Flitch Way and the site, to be landscaped as advised by Essex Country Park Rangers that the site include visitor parking provision for people wishing to use the Flitch Way.

10.9 Thames Water

10.9.1 Waste Comments

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

- 10.9.2** Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- 10.9.3** The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

- 10.9.4** Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

- 10.9.5** The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that any occupied premises should be located at least 20m away from the pumping station as highlighted as best practice in our Codes for Adoption. The amenity of those that will occupy new development must be a consideration to be taken into account in determining the application as set out in the National planning Policy Framework (NPPF) 2019 at paragraphs 170 and 180. Given the close proximity of the proposed development to the pumping station we

consider that it is likely that amenity will be impacted and therefore object. Not with standing this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that the following informative is attached to the planning permission: “The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-and-wastewater/adopting-asewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.”

10.10 MAG Aerodrome Safeguarding officer

10.10.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to conditions.

10.11 National Trust

10.11.1 The National Trust own and manage Tilekiln Green, a historic green that sits to the south of the proposed site. The Trust also own and manage Hatfield Forest, which sits further to the east of the proposed site.

The Trust have carefully reviewed the documents associated with this proposal and feel that our previous comments in relation to application UTT/21/0332/FUL have not been adequately addressed. Therefore, we wish to re-iterate these comments as we feel they are still pertinent to the current application.

10.11.2 The Trust are concerned that there has been previous damage to the gates at the National Trust’s Hatfield Forest when Heavy Goods Vehicles (HGVs) have been unable to pass under the bridge at Bush End Road and we are concerned that this will increase in frequency as a result of this proposal, if there are future closures of the M11 junction.

The entrance to the proposed development appears to be accessible from the south via Tilekiln Lane which is a narrow road, connected to a number of other narrow lanes.

10.11.3 Historically when HGVs have followed diversions to avoid congestion on the M11, they have attempted to take this route and found that Flitch Way Bridge is too low to get to Start Hill (the entry point of the proposed development), then have to reverse a significant distance to the nearest track to turn.

This track immediately borders the National Trust land at Tilekiln Green and is too narrow for HGVs, particularly when reversing and coming across traffic travelling in both directions.

There have been a number of occasions when significant damage to the historic green boundary has had to be reinstated at cost to the National Trust. We are concerned that with the higher volume of traffic, as a result of this proposed development, that there would be a higher risk of continued damage occurring. Consequently, the historic integrity of Tilekiln Green is at risk of being permanently eroded, particularly during wetter months in the autumn and winter.

10.11.4 The Transport Assessment submitted with this application indicates in tables 5.3 and 5.4 that only 4% of staff traffic will use Tilekiln Lane South and that no HGV traffic is likely to take this route. The National Trust would be keen to receive reassurances from the applicant that HGVs will be instructed not to use Tilekiln Lane South as it is unsuitable for such large vehicles.

10.11.5 Policy GEN1 of the Uttlesford Local Plan (2005) states that development will only be permitted where “the traffic generated by the development must be capable of being accommodated on the surrounding transport network”. The National Trust would request that should the Local Planning Authority be minded to approve this application, that prior to approval they satisfy themselves that sufficient measures have been taken to safeguard Tilekiln Lane South from additional HGV traffic.

10.11.6 Furthermore, the National Trust are concerned that there is evidence to suggest that the veteran trees and their resident species at Hatfield Forest National Nature Reserve and Site of Special Scientific Interest are sensitive to nutrient enrichment resulting from elevated NOx pollutants from both air and road traffic. Whilst Hatfield Forest is considered within the Ecological Assessment, the National Trust would request that the Local Planning Authority are satisfied that the conclusion that this proposal would not have a “significant adverse effect on the statutory site due to the nature of development (non-residential) and the intervening distances” is an appropriate conclusion, prior to the determination of this proposal. The National Trust would support further mitigation measures from the applicant to further reduce the impact on Hatfield Forest.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 365 notifications letters were sent to nearby properties. 229 representations have been received.

11.2 Summary of objections:

- Highway Safety
- Increase in residential traffic
- Lack of public transport
- It seems ironic that the Government have spent untold millions on junction 7A of the M11 in order to alleviate congestion at J8 of the M11 and yet here we have a scheme proposing to return the junction to the very congestion J7a is designed to alleviate

- Impact on M11 roundabout and surrounding roads.
- Impact on Biodiversity
- Light, exhaust, air pollution
- Noise and traffic pollution
- Impact on Flitch Way
- On the opposite side of the roundabout is the Birchanger services and Uttlesford Highways depot which would be a preferable side for the location if it was necessary
- Constantly turning HGV's will create an extremely dangerous and congested area. Local residents already have to queue for up to 30 minutes during rush hour to get onto the M11 roundabout.
- The roundabout works ongoing will not improve the Start Hill junction capacity at all.
- Recently with fuel shortages there has been several incidents of vehicles queuing for some distance to access this Esso facility which is also a grave danger to other traffic.
- No benefit to local community
- Cumulative impact
- Destroying the local landscape. Wren kitchens have illegally cut down trees and endangered local wildlife
- It's a disgrace that the site was cleared before having a biodiversity survey
- Impact on Biodiversity
- Health risk. Studies have shown traffic noise during sleep can increase the risk of early onset dementia. This also increases the pollution in the area causing lung and breathing issues
- Housing Developments in Takeley and Dunmow will increase the residential traffic needing to access the road network. It cannot be allowed that local residents accessing vital networks such as the M11 and A120 have to queue for unreasonably long periods of time to allow lorries to exit and turn into an unnecessary lorry park
- Contrary to Local plan
- There is no demonstration of any requirement for this development to be within this location!
- this application will create misery, gridlock and pose a significant health & safety risk for residents, road users and wildlife over a considerable distance, but especially for those living nearest the site
- Effort needs to be made to ensure the correct sites are chosen for expansion, this is not one of them.
- Inappropriate development for the location
- Impact on character of the area
- Impact on Bedlars Green
- Loss of amenity
- Climate Change
- Loss of green belt
- Surveys were not carried out on appropriate days/weeks/months
- It was established in 2016 (UTT/16/0956/PA) that the principle of changing the use of this site for commercial use was contrary to local and national policies due to its countryside location

- Sheer folly
- National and local polices must be upheld!
- Inadequate infrastructure
- The biodiversity and ecological report was done AFTER wren had flattened the land
- Not taken into consideration two new houses built directly opposite their proposed new entrance
- the noise study was carried out during lockdown when Stansted airport was not operating and there was next to no traffic on the B1256 or M11.
- impact on privacy
- not environmentally friendly
- In 2019 UDC declared a climate emergency so for UDC to support this application would be totally going against what they purport to stand for, i.e concreting over a beautiful green space enjoyed by an abundance of wildlife.
- Impact on character and setting of Listed building
- Connection to utilities (water/power) - systems not intended for extensive development
- Once the logistics centre has been established, what guarantees do we have that the promised "landscaping" will be done, and that they will accurately monitor the air quality and traffic
- Movements
- Loss of wildlife and trees
- Loss of green space
- Impact on flitch Way Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last 2 years there have been applications to build around 6,000 houses or commercial development across 17 sites directly adjacent to the Flitch Way.
The proposed development site as seen from the Flitch Way, has a rural character which would be lost if the site was developed.
- I would draw your attention to two recent Planning Appeals. The first was to build 1500 houses on
- Land North and South of the Flitch Way in Braintree District, reference APP/Z1510/W/18/3197293.
- On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."

- A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25: "24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge
- Rather than the new facility with promises of landscaping to attempt to mitigate this environmental destruction, the area should be restored, as far as possible, and for as long as it takes, to its former state
- As local residents, we are concerned on safety, environmental and community grounds
- Against Uttlesford Climate Change Strategy
- Willow House nor The Old Stables were built when the original noise assessment was done
- For reference, we have actual noise readings prior to lockdown from near Old Elm which show the factual noise levels to be higher than what the applicant has proposed the noise levels will be if this facility ever became operational; impossible
- This is clearly not in keeping with the rural and residential nature of the area.
- Currently this site assists with carbon sequestration, forming a natural barrier with the M11 effectively isolating the existing homes from the worst of the effects of the M11. Destruction of existing habitat on this land will add to greenhouse emissions. This development is a greenfield site, creeping development such as this must not be allowed.
- Vibration from extensive use of heavy vehicles has the potential to damage this listed building, built during times before lorries.
- Extensive investigation must be completed to identify any archaeological items on the site.
- Large areas of the site will be hard landscaped. In times of heavy rain, events frequently occurring, there will be significant runoff and by the very nature of the activity on this site the runoff will include up to 300 toxic pollutants, including hydrocarbons, heavy metals contaminating local watercourses and land causing irreversible damage. The steep sloping nature of the site only exacerbates the likelihood of runoff into existing water courses.
- As a 24-hour operation this site will cause great disturbance to local residents and wildlife

- Lack of pavements
- Impact on Great Hallingbury Conservation Area.
- insufficient consideration has been afforded to the two new properties whose exits are directly opposite the proposed entrance to the new site.
- Development is totally inappropriate.
- The Airport has lots of suitable, available space and there are numerous industrial estates and distribution centres around the wider area that are proven to be better and more suitable locations than wild land on a small road.
- The logistic site will be totally out of character with local properties.
- the proposed entrance to the site is located opposite the entrance to my property (The Old Stables) which will have an impact on my privacy and undoubtedly our access. I do not think that Wren's or the powers that be fully appreciate the severe anxiety this application is already causing the local residents and the effect it is having on their mental wellbeing.
- The excess noise emissions and vehicle light pollution will encroach on my property, as well as others surrounding the site. This will lead to sleep deprivation resulting in health and mental welfare issues
- 65 tons of extra pollution for those living within a one mile return journey per year is a frightening statistic.
- there must be restrictions to operating hours, as a precedent has already been set by Uttlesford District Council within the application for the Stansted Distribution Centre Start Hill UTT/0573/04/FUL
- 24/7 operational noisy activities that are associated with this B8 logistics site regarding:
 - Dust
 - Noise
 - HGV manoeuvres
 - Vibrations
 - Light pollution
 - Loss of night sky
 - Sleep disturbance
 - Air pollution
- Impact on water pressure and drains
- local residents will doubtless see many more heavy vehicles using the B1256 and surrounding smaller roads as a cut-through, causing disturbance at all times of day and night.
- The B1256/Tile Kiln Green section has a 7.5 tonne weight limit "except for loading".
- The application fails to mention the section of the B1256 between the M11 and Tile Kiln
- Green is an urban clearway. This is recent and implemented to address the traffic flow problems that already exist.
- Contrary to policy S8
- Landscape impact

- it is considered that there is not capacity within the existing highway network to accommodate the additional traffic movements generated by the development.
- The Regulation 19 Local Plan published by Uttlesford DC quotes...Objective 1b - Protecting and Supporting Rural Communities To protect and support the village and rural communities beyond the market towns. Great Hallingbury village is a conservation area & therefore needs protecting.
- M11 closures are frequent. All Wren lorries will then divert through the villages in the area when the M11 is closed causing serious danger and nuisance to residents.
- This is the wrong location for a large logistics facility. It would devastate the area and increase traffic problems. It would result in increased traffic on the m11 junction and neighbouring village roads; noise, light and air pollution, damage to wildlife on Great Hallingbury conservation area
- it is not an appropriate development in a village location where residents walk their dogs, horse riders etc.
- Narrow lanes unsuitable for heavy lorries.
- Impact on SSSI Hatfield forest
- This should remain located in a dedicated industrial park, where it is currently.
- Unacceptable increase in traffic
- How can hectares of established protected woodland be concreted over for a HGV Logistic depot, could this get anymore unethical?
- The state of the roads is already a cause for major concern with a plethora of potholes and surface defects on it. An increased number of vehicles (some of which are likely to be 7.5 tonnes) would only increase the devastation of this road and villagers use of it.
- Overbearing development
- The development will impact on our home structurally
- This violates out human rights to privacy
- Restocking of trees is inadequate
- There are three properties where people live that have NOT been recognised or even noted in the Planning Application, that are severely affected by the plans and it clearly shows the total
- disregard to ANY of the residents by Wren! Old Elm Annexe - been occupied for 8 years, and yards from their entrance The Stables - been built over a year ago and immediately outside their proposed entrance Willow House - been built over a year ago and yards from their entrance. These are NOT mentioned anywhere!!!
- Existing traffic congestion.
- Traffic generation
- Overlooking
- Blot on the landscape
- The corporate interests of Wren should not be put above the wellbeing and safety of our community
- Re stocking states 2917 trees and shrubs to be planted. As we can count and observe there are only a fraction of the 2917 trees and

shrubs planted. 487 plastic tree guards can be seen. Of these only 87 have started to grow in spring 2022

- Stansted distribution industrial area has a entrance on the B1256, approximately a mile away from Tilekiln green lane. A small section at the rear of the site is near Tilekiln lane. There is no exit or entrance here. In 2005 the old Elliott's site entrance was removed and stopped up with trees/shrubs planted.

UTT/1641/02/FUL. To keep the lane in keeping with a rural setting. The industrial estate has limit operation hours set as it sits behind an residential area.

Monday - Friday 7:30 - 18:00

Saturday 8:00 - 13:00

No working hours Sundays and Bank Holidays

- Investment should be in local business not bringing it in from other parts of the country. the transport assessment Appendix K which relates to Personal Injury Accident Data covers the period 1st October 2016 to 30th Sept 2021. Of those sixty months considerably less traffic would have been on the road during the national lockdown from March 2019 – this area also had a second lockdown imposed from December 2019 until early 2020.
- Likewise, we assume that these figures can only have been obtained through formal reports from police etc., it is our contention that the majority of accidents are not reported to the police thus this figure cannot be an accurate reflection.
- No noise Assessment has been submitted with this application.
- Urbanising of countryside
- What will happen if there are road closures?
- How much additional noise will be generated by an industrial size charging unit?
- When will the bulk of the charging take place? Overnight?
- Unsociable working hours
- Visibility

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford Local Plan 2005

- Policy S7 – The countryside Policy
- Policy S8 – The Country Protection zone
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN6 - Infrastructure Provision Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance
Policy ENV5 - Protection of Agricultural Land Policy
ENV10 -Noise Sensitive Development, Policy
ENV13 - Exposure to Poor Air Quality Policy
ENV14 - Contaminated Land
ENV7 – The Protection of the Natural Environment Designated sites
ENV11 – Noise Generators

13.3 State name of relevant Neighbourhood Plan in this title

N/A

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Uttlesford Employment Needs & Economic Development Evidence
November 2021.
Uttlesford Countryside Protection Zone Study 2016

14. CONSIDERATIONS AND ASSESSMENT

14.1 The previous application UTT/21/0332/Ful (similar to this application) was refused for the following reasons:

14.1.1 The site lies outside development limits within an area designated as a Countryside Protection Zone (CPZ) within the Uttlesford Local Plan (adopted 2005). Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or b) it would adversely affect the open characteristics of the zone.

The site constitutes an integral part of the Countryside Protection Zone (CPZ) falling within CPZ Parcel 1 (Tilekiln Green) for the purposes of evaluation for the 'Uttlesford Countryside Protection Zone Study' (LUC, 2016) whereby the landscape value of the site is considered intrinsic to the maintenance of the function and integrity of the Countryside Protection Zone.

The proposed development by reason of its nature and magnitude would have a significant adverse impact on the existing open character and appearance of the site by filling an open gap, whilst the cumulative effect of the site infrastructure proposed with any associated external lighting

would significantly erode the integrity of the zone generally. Furthermore, the development by reason of the site's location would result in a sense of coalescence with the airport development whereby the mitigation measures proposed would not eliminate this sense.

The proposed development would therefore be contrary to Policy S8 of the Uttlesford Local Plan (adopted 2005).

14.1.2 2As far as can be determined from the submitted plans the proposed road layout of Tilekiln Green and the B1256 could lead to an unacceptable conflict in the highway to the detriment of highway safety. In particular:

- Whilst there is a 15m straight section back from the junction to be provided, it is in combination with a centre line radius that appears to be less than 44m given this junction is likely to be used extensively by articulated vehicles. Additional clarification is therefore required regarding the approach angle of the cab at the stop line on the B1256 to ensure that vehicles will not be encroaching over the centre line and footway and not be at an angle where visibility will be difficult to achieve.
- Confirmation that the gradient at the junction will meet requirements of DMRB is required.
- The road has a 7.5 tonne weight limit (except for access). No measures have been shown to ensure that large vehicles do not turn right out of the site and contravene the ban.
- A pedestrian crossing of the B1256 is shown to the west of the site entrance. Some aspects of this were raised in the safety audit, including conflict with a private access. The highway authority would want the conflict understood at this planning stage to ensure it is deliverable, so a swept path analysis should be undertaken. The desire line of the crossing is to the east of Tilekiln Green and so would be preferable if it were relocated to the east.
- As identified in the safety audit, high PSV and HFS will be required by the highway authority on the approaches to the access.
- The forward visibility splay to the repositioned directional sign should be shown on the plan.

The proposal as it stands is therefore contrary to the NPPF and Policy GEN1 a), GEN1 b) and GEN1 c) of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity.

14.1.3 The applicant has not demonstrated that a general use for B8 for which this permission would be granted would not lead to queuing at the junction of the B1256 and Tilekiln Road to the detriment of highway safety.

The highway authority is satisfied with the trip generation and distribution shown for this site. However, the permission will be for a general B8 use. A sensitivity test for a general B8 distribution site should be undertaken to ensure that there is no detrimental queuing on the B1256.

The proposal as it stands is therefore contrary to the NPPF and Policy GEN1 a), GEN1 b) and GEN1 c) of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity

- 14.1.4** The applicant has not clearly demonstrated that the layout of the development will adequately accommodate the use on the site and will not lead to parking or manoeuvring on the highway to the detriment of highway safety.

In particular:

- The parking bay sizes appear to be 4.8m by 2.3m. This is below the minimum size of 5m by 2.5m to be used in exceptional circumstances and not the preferred bay size of 5.5m by 2.9m.
- It is not clear from the submitted plans how large HGVs will be able to turn within the site when there are other HGV vehicles parked.
- The space for the cycle parking is limited. Fewer better designed cycle parking spaces would make them more attractive to users.

The proposal is therefore contrary to the NPPF Policy GEN1 a), GEN1 b) and GEN1 c) and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity and ECC adopted parking standards

- 14.1.5** The proposed development would effectively enclose the Grade II listed building known as The Old Elm whereby the setting and rural character of this heritage asset has previously been compromised by modern development where the proposal site currently positively contributes to its setting by the presence of established mature trees and its undeveloped nature which preserves the heritage asset. In this context, Historic England's publication, "The Setting of Heritage Assets" identifies that the experience of the asset includes "surrounding landscape" and "land use", including environmental factors and general nuisance. Whilst screening is proposed for the development, it cannot be guaranteed to remain in perpetuity.

In the circumstances, the proposal would fail to preserve the special interest of the listed building contrary to S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 through inappropriate development in its setting whereby it would accordingly be contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and where the proposal would cause less than substantial harm under paragraph 196 of the NPPF.

- 14.1.6** The design of the proposed development by reason of the submitted landscaping scheme (potential for bird strike), a currently unacceptable lighting scheme and the absence of a submitted Glint and Glare Assessment would result in the proposed development having the potential to conflict with aerodrome Safeguarding criteria relating to the safety of flight for aircraft using Stansted Airport. The proposal is therefore

contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) relating to appropriate and acceptable design.

- 14.1.7** National and local planning policy makes it clear that where existing residential premises are already exposed to high levels of noise, any future new development should avoid increase in the noise burden experienced by residents. The BS4142 assessment outcomes indicate a range from -25 to +2dB at noise sensitive receptors in the vicinity of the site. UDC technical guidance on noise recommends a BS4142 outcome of -5dB. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent and it is understood that acoustic fencing is proposed around the perimeter of the south of the site, with further palisade fencing proposed at other areas.

It is not clear from the submitted report as to the exact height of the proposed acoustic fencing and clarification is sought on this. Further, the applicant should provide further iterations of the undertaken noise modelling to include an increase in height and replacement of the palisade fencing with acoustic fencing to establish if this would result in any significant reduction in the BS4142 outcome to align closer with the Uttlesford District Council recommended BS4142 limit. As it currently stands, therefore, the proposal is contrary to the NPPF and ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to noise.

- 14.1.8** Uttlesford District Council Air Quality Technical Guidance requires that an air quality assessment is necessary for proposals that would significantly alter the traffic composition in an area (e.g. by more than 25 HDV's AADT), including during the construction phase.

Therefore, an AQ assessment should be provided by the applicant in conformance with section 4 of the above guidance for the operational phase and construction phase as required. As it currently stands, therefore, the proposal is contrary to the NPPF and Policies ENV13, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to air quality.

- 14.1.9** A lighting assessment will be required to determine the impact of proposed operational and security lighting at the site. The assessment should include details of the location, height, type and direction of light sources and intensity of illumination and demonstrate compliance with Table 3 of the Institute of Lighting Professional Guidance note for the reduction of obtrusive light. Therefore, until this requested assessment information has been provided, the Local Planning Authority is not in a position to make a fully informed judgement regarding the environmental impact and effect of the proposal relating to lighting.

The proposal is therefore contrary to the NPPF and Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to lighting.

14.1.10 It is therefore necessary to assess whether the above reasons for refusal have been overcome and whether there are material reasons to change that decision. Several additional documents have been submitted with this application and the access revised.

14.2 **The issues to consider in the determination of this application are:**

- 14.2.1**
- A) Principle of development**
 - B) Highways and parking**
 - C) Design and impact on residential amenity**
 - D) Heritage protection**
 - E) Impact on natural environment**
 - F) Interim Climate Change Policy**

14.3 **A) Principle of development**

14.3.1 The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF 2021 as revised states that achieving sustainable development means that the planning system has three overarching objectives, namely economic, social and environmental, which are interdependent, and which need to be pursued in mutually supported ways so that opportunities can be taken to secure net gains across each of the different objectives.

14.3.2 Paragraph 11 of the NPPF states that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

14.3.3 The site lies outside development limits and is therefore within the countryside for the purposes of the LPA's adopted Local Plan (2005) representing as it does a "greenfield" site.

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things... b) recognising the intrinsic character and beauty of the countryside. It should be noted, however, that the site is not a designated site for the purposes of statutory classification within the NPPF.

14.3.4 The adopted Uttlesford Local Plan (2005) identifies a Countryside Protection Zone (CPZ) which seeks to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing developments. Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either:

- a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or
- b) it would adversely affect the open characteristics of the zone.

14.3.5 In 2016, Uttlesford District Council commissioned LUC to undertake an assessment of the Countryside Protection Zone (CPZ) around the airport (“Uttlesford Countryside Protection Zone Study”). The overall aim of the study was to assess the extent to which the land within the CPZ is meeting its purposes as set out in Policy S8 whereby this would enable the LPA to make informed decisions should it decide to amend the CPZ through the new Local Plan process. To this extent, as the brief noted, the study was similar to a Green Belt assessment, although acknowledging the criteria for assessment is different, whilst it was also accepted that national policy does not specifically make reference to CPZs. That said, the study commented that there are similarities between the purposes of the CPZ and those of Green Belts and other strategic planning policies, such as strategic gaps or green wedges, adding that guidance can be drawn from previous assessments of these policies.

14.3.6 Indeed, paragraph 2.23 of the study remarks that; “There are also similarities between the purposes of the CPZ, which promotes the open characteristics of the zone, and Paragraph 137 of the NPPF, which states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.’ In this way, the CPZ could be described as a ‘mini–Green Belt’

The LUC study defined relevant assessment criteria framework based upon the purposes of the CPZ, these being;

- Purpose 1: To protect the open characteristics of the CPZ,
- Purpose 2: To restrict the spread of development from the airport,
- Purpose 3: To protect the rural character of the countryside (including settlements) around the airport and
- Purpose 4: To prevent changes to the rural settlement pattern of the area by restricting coalescence.

14.3.7 In consideration of whether a land parcel met Purpose 1 of the assessment, the assessment considered the following: “Whether a land parcel within the zone retained an ‘open’ character or whether it has already been affected by any built development, including airport-related development, where parcels which had already been compromised by

development were considered to make a weaker contribution to Purpose 1 than those parcels where the CPZ is more open in character”.

- 14.3.8** In consideration of whether a land parcel met Purpose 2, the assessment considered the following:
“That only strong and defensible boundary features such as motorways, dual carriageways, railway tracks could be considered to be significant in relation to purpose 2 (insofar as these features can restrict the spread of development from the airport; thereby limiting the role of the CPZ beyond)”.
- 14.3.9** In consideration of whether a land parcel met Purpose 3, the assessment considered the following:
“This purpose assesses another key characteristic of ‘countryside’, its rural nature, i.e. natural, semi-natural or farmed land free from urbanising influences such as airport-related development. The relative ‘rural ness’ of the countryside can be assessed by comparing the characteristics of the parcel against the area’s key rural landscape characteristics”, adding that “The criterion therefore focuses on the extent to which the rural characteristics of the CPZ have been compromised by the urbanising influence of the airport”
- 14.3.10** In consideration of whether a land parcel met Purpose 4, the assessment considered the following:
“The criteria used to assess this purpose considered whether land in the CPZ retains a rural settlement pattern and whether development would cause coalescence between the airport and neighbouring settlements”.
- 14.3.11** The application site the subject of the current full application falls within Parcel 1 - Tile Kiln Green.

With regard to the description characteristics for Purpose 1 (To protect the open characteristics of the CPZ), it is stated that; “Development along the northern boundary of the parcel compromises the sense of openness. The M11 and the road network associated with the Junction 8 runs along the western boundary. Airport related development is concentrated around Start Hill off the Dunmow Road (Stansted Distribution Centre) immediately outside the northern boundary of the parcel”.

- 14.3.12** With regard to Purpose 2 (To restrict the spread of development from the airport), it is stated that; “There are strong barrier features to the north and west of the parcel such as the M11 and the A120 which have the potential to prevent the outward spread of development from the airport into the countryside. These major roads reduce the role of the parcel in performing this purpose. Conversely, the downgrading of the Dunmow Road following the construction of the new A120 has provided opportunities for development to occur along the road. Airport development at Start Hill, (Stansted Distribution Centre) to the south of Dunmow Road is just outside the CPZ. The CPZ therefore plays a strong role in preventing further development”.

14.3.13 With regard to Purpose 3 (To protect the rural character of the countryside (including settlements) around the airport), it is stated that; “Urbanising development such as the busy road network to the north and west of the parcel (including the M11 junction with the A120 and the Dunmow Road) and the commercial premises at the Stansted Distribution Centre (just north of the parcel) detract from the countryside character of the parcel. The audible intrusion of the M11 reduces the tranquillity of the parcel”.

14.3.14 With regard to Purpose 4 (To prevent changes to the rural settlement pattern of the area by restricting coalescence), it is stated that; “The parcel plays a limited role in preventing the merging between the airport and neighbouring settlement. Airport related development at Start Hill has coalesced with the hamlet of Tilekiln Green only separated by a former railway line (Flitch Way). The historic village of Great Hallingbury, the historic park and garden of Hallingbury Park and the hamlet of Bedlar’s Green, all lie outside the southern boundary of the parcel”.

It is stated as a footnote to Parcel 4 that consideration should be given to the rationalising of the boundary in the northwest of Parcel 1 around the M11 to the outside of Junction 8

14.3.15 In terms of overall findings, Table 4.1 of the study lists Parcel 1 – Tile Kiln Green (to include the application site) with a rating given against each of the CPZ purposes and the assessed level of harm to the CPZ that would result were the parcel to be released from the Zone whereby Purpose 1 Rating was assessed as ‘Medium’, Purpose 2 Rating was assessed as ‘Medium’, Purpose 3 Rating was assessed as ‘Medium’ and Purpose 4 Rating was assessed as ‘Low’, given an overall summary of harm as ‘Moderate’. The Land Use consultants Ltd (LUC) cemented the view that the whole of Parcel 1, including the current application site should be retained for CPZ designation.

14.3.16 (UTT/21/0332/FUL) was previously refused on being contrary to Uttlesford Local Plan policy S8.

The proposal site is some 5ha in extent consisting of unmanaged field grassland, woodland, and scrubland. The site gently slopes NE to SW with a fall of some 10m to the SW. Parts of the site are visible in selected views taken from the B1256; Bedlars Green Road, and public footpaths to the south of the site. The section of the former railway line (The Flitch Way), which runs alongside the south of the site, is not a public right of way at this point. The landscape value of the site is intrinsic to the maintenance of the function and integrity of the CPZ. The development proposed would have a harmful impact on the existing character of the site.

The proposed development would involve the creation of extensive areas of hardstanding aprons for the parking of commercial fleet vehicles, together with an ancillary hardstanding apron area for the parking of

employee cars would have a damaging effect on the current open and undeveloped characteristics of the site. This selected location has to be carefully weighed against the environmental harm which would be caused by the resulting development.

- 14.3.17** The site is located close to a petrol station with a shop and bus stops nearby.
- 14.3.18** The Council's Landscape Officer has also stated that " the proposed development would have a significant detrimental visual impact on the open rural character on a substantial area of the zone" It is agreed that this is the case as the site is open from TileKiln Road, although the visual impact would be mitigated by substantial planting to its eastern boundary.
- 14.3.19** This revised application would help to mitigate the sense of coalescence with the airport development and the loss of the openness of the site. This revised application includes substantial supplementary planting of new woodland and planting to the whole perimeter of the site and also includes restocking of areas that were felled under licence in 2020. The north-eastern boundary is to have approximately 40m deep additional planting between the outer fencing and Tilekiln Road. The site cannot readily be seen from the adjacent M11 or from the north of the site. The development is focusses towards the centre of the site which enables a significant amount of landscaping around the perimeter of the site.
- 14.3.20** This proposal remains contrary to Uttlesford Local Plan policy S8.
- 14.3.21** Against this policy the NPPF states: (Paragraph 81) that planning policies should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address challenges of the future.
- 14.3.22** It goes further stating that Planning Policies should
- a) Set out a clear economic vision and strategy which positively and proactively encourages sustainable growth, having regard to Local industrial Strategies and other local policies for economic development and regeneration.
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances.

- 14.3.23** Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 14.3.24** Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for examples by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 14.3.25** In this respect, the Council does not have an up-to-date local Plan. A recent Uttlesford Employment Needs and Economic Development (Iceni November 2021) Evidence report found that the needs to 2040 for industrial uses 18.9 ha should be considered as a minimum with 27.2ha net being a recommended pragmatic level of growth that facilitates new premises for business over the Plan period. A more positive outlook would be up to a more substantial 43.9ha. This reflects that the vast majority of premises are essentially full and there is justification to support business growth through new allocations. Iceni is of the view that the development at northside should not be considered suitable supply for the general industrial needs established here, given the very large nature of units which certainly for phase one are large scale and strategic in nature and not relating to the historic and local development patterns.
- 14.3.26** A lack of industrial supply is noted in Uttlesford and more generally within 10 miles of Bishops Cleeve with 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. Within a 10 mile radius of the Airport, agents report significant requirements. There is demand for industrial space in a range of small, medium and large size bands across the district including established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand.
- 14.3.27** An Economic Report has been undertaken and submitted as part of this application. Wren Kitchens operates an existing logistics facility on land north of Stansted airport, however the operational lease expires in November 2023. The pending application for Northside UTT/22/0434/FUL does not include any suitable land for open logistic use. Wren currently operates a depot on land north of Stansted Airport (known as 'North Side'), but the lease expires by 2023 and the new owners of the site do not intend to make the site available for Wren beyond that point. Therefore, Wren has a business need for a new location and has identified

the application site that extends to c. 5 ha of which around 3 ha is proposed to be developed.

- 14.3.28** At the current moment in time, no allocations for commercial uses have been made through the Local Plans process.
- 14.3.29** The applicant has looked at 33 alternative sites, however, there were no other sites available within the district that could accommodate the immediate and future spatial and locational requirements of Wren kitchens.
- 14.3.30** The site at Tilekiln Green would be a highly appropriate location strategically and operationally for it given the site's immediate access onto the M11 and the a120 including an improved access arrangement as proposed. The land at Tilekiln Green provides a unique site in that it is readily available in a heavily constricted market which can meet the requirements of the operator.
- 14.3.31** A material consideration since the recently refused application, is an appeal decision for the site immediately adjacent to the east of Old Elm. Application UTT/20/1098/FUL East of Old Elm was allowed 15 dwellings including 6 affordable dwellings on appeal. (1st November 2021)
With regards to development in the CPZ the inspector states: *"The pattern of existing development along Dunmow Road together with the amount and speed of traffic using the road has largely compromised the area's rural characteristics. However, the site's development would lead to an extension of the linear pattern of development westwards along Dunmow Road. Despite the site being well treed with a slope away from the road, its development would adversely impact on Parcel 1 within the CPZ. For these reasons, I conclude that in respect of this main issue, the proposed development would be in conflict with Policy 8 of the ULP 2005 Policy 8, in seeking to restrict development within the countryside, goes beyond Paragraph 174 of the Framework as it seeks to protect land within the CPZ from housing, other than required for the rural area. Accordingly, although the appeal scheme conflicts with this policy, I only accord this conflict limited weight."*
- 14.3.32** A further recent appeal decision which refers to development in the CPZ (UTT/ 21/2971/PIP (24th January 2023) states that *"The blanket approach to protect all countryside and the designated CPZ area in Policies S7 and S8 respectively are not consistent with the more positive and nuanced approach of the Framework to development in rural areas, so the conflicts do not attract full weight."*
- 14.3.33** In view of the mitigation proposed, in the way of additional planting of woodland, acoustic fencing, and the absence of built form, it is considered that moderate weight should be given to impact of the proposal on the CPZ and contrary to Policy S8.

- 14.3.34** Notwithstanding the substantial number of objections, it is considered that as the site is located south of the B1256 and that there is substantial landscaping buffer between the site and the B1256 it is not considered that there would be coalescence between the site and Stansted airport. Taking into account the age of the Countryside Protection Zone policy, the lack of employment sites allocated within the draft local plan and available in the district, greater weight should be given to the need to provide future employment and economic activity to complement the housing growth Uttlesford District Council is obliged to accommodate over the next 17 years and also the substantial weight the NPPF gives support for employment/economic development. The uniqueness of this site being close to the M11 and the A120 is a key positive factor giving the site excellent access to the strategic road network. It is a development that is required to be in this location and would secure the safeguarding of approximately 130 jobs and possible support the expansion of the work force to approximately 200.
- 14.3.35** There is a significant shortage of available employment land within Uttlesford and also of land that would be suitable for a logistics operation of this scale.
- 14.3.36** The adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 14.3.37** It is considered that there are special circumstances that should be taking into consideration and that the proposal is considered to be acceptable on balance in principle.
- 14.4 B) Highways and parking**
- 14.4.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.
- 14.4.2** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 14.4.3** Paragraph 110 of the NPPF states in relation to the consideration of specific applications for development, it should be ensured that:
a) “appropriate opportunities to promote sustainable transport modes should be considered given the type of development and its location”,
b) “safe and suitable access to the site can be achieved for all users”

c) “that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

14.4.4 Paragraph 111 goes onto say that development proposals should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

14.4.5 The application includes changes to the highway, in the form of a revised junction layout at Tile Green and the B1256. Internal consultation has taken place between highway officers, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken. Following the various reviews, a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.

14.4.6 The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened, and junction straightened up.

These changes would remove current points of conflict on the highway.

14.4.7 It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the morning and afternoon peak period so will not affect the highway when least capacity is available.

14.4.8 A very large amount of concerns were received objecting on highway safety grounds,(including concerns on the potential for queuing at the junction of the B1256 and Tilekiln Green and in respect of parking and manoeuvring on the highway) however highway officers have stated that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

14.4.9 Conditions include a restriction on vehicles turning right out of the site so that TileKiln Green is protected and to ensure that drivers are aware of the appropriate route for vehicles to avoid the low bridge.

14.4.10 National Highways, previously objected to the refused application UTT/21/0332/FUL. Additional information has been submitted with this application that have resolved their concerns and they have now removed their holding objection. They now have no objections to the proposal.

- 14.4.11** Accordingly, it is considered that the proposal would comply to the aims of the NPPF advice relating to highway and transportation and ULP Policy GEN1 of the adopted Local Plan.
- 14.4.12** Policy GEN 8 states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. Parking standards for B8 use are maximum standards and require 1 space per 150 sqm. HGV parking provision should be based on operational requirements.
- 14.4.13** The proposal provides parking for 80 HGV's. 107 car parking spaces (inclusive of 6 disabled spaces, 20 cycle spaces and 7 motorcycle spaces).
- 14.4.14** There will be 20 electric charging points on site.
- 14.4.15** The proposal would comply with Uttlesford Local Plan policy GEN8.

14.5 C) Design and impact on residential amenity

- 14.5.1** Policy GEN 2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design guidance and supplementary Planning Documents.;
- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
 - b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.
 - c) It provides an environment, which meets the reasonable needs of all potential users.
 - d) It helps to reduce the potential for crime.
 - e) It helps to minimise water and energy consumption.
 - f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - g) It helps to reduce waste production and encourages recycling and reuse.
 - h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.5.2** Due consideration has to be had as to the impacts of this proposed large commercial operation on local residential amenity in terms of potential noise, light pollution and air quality reduction by reason of its particular use as an open air logistics facility involving a high number of lorry movements both at the site itself and on the immediate road network and also in terms of other nuisance factors such as morning start-ups of diesel

engines (unless electric vehicles were all to be used) and general disturbance normally associated with such operations.

14.5.3 The site is opposite residential properties and therefore the proposal has the potential to result in unacceptable amenity issues including noise, air pollution, light levels at the existing sensitive dwellings.

14.5.3 The proposal also has the potential to have safeguarding issues with Stansted Airport.

14.5.4 The design and layout of the proposed open logistics facility as shown on the submitted site layout has been determined by the functional and operational use to which the site would be put. No permanent buildings are shown proposed for the site whereby two temporary office portacabins are shown to be provided for on-site staff use.

14.5.5 With this application the following documents have been submitted to overcome previous reasons for refusal.

- a Noise Assessment Addendum
- a Glint and Glare Assessment,
- a detailed Lighting Strategy and
- an Air Quality Assessment.

14.5.6 The site is located close to Stansted Airport and the M11 motorway and therefore is subject to relatively high levels of existing transportation noise.

The Noise Assessment has been updated and the key difference from a noise perspective is that the parking area closest to the eastern edge of the site has been removed entirely from the design and replaced by woodland.

14.5.7 The noise model has been re-run with the most up to date vehicle flow numbers and noise source data and the new site layout and predicted rating noise levels for three of the closest noise sensitive receptors and shows that BS4142 assessment outcomes indicate a range from -25 to +2dB. Whilst all predicted rating levels would be below the background level at all times of day and night they are above the desired target of 5dB below background, as given in the Council's technical guidance on noise, between the hours of 04.00 – 06.00 when the background levels are lower and the key impacts from the development's traffic movements are likely to be during night-time periods with a peak hour at around 05:00. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent.

14.5.8 A condition to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated is recommended if recommended for approval.

- 14.5.9** In relation to local air quality, Environmental Health officers have no objections. It is considered that with dust mitigation measures and operational mitigation, the development will not have a significant impact on local air quality.
- 14.5.10** The External Lighting Strategy is considered to be acceptable column mounted external lighting lanterns will include back shields and hoods to minimise light spillage.
- 14.5.11** The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Stansted Airport aerodrome safeguarding authority also have no objects subject to conditions.
- 14.5.12** The site is located within 20m of a Thames Water sewage pumping station. Future occupiers of the site could periodically experience amenity impacts from the pumping station in the form of odour, light, vibration and or noise. The proposed portacabins are to be located more than 20m from the sewage plant.
- 14.5.13** Friends of the Flitch Way have requested the following:
1. 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.

Currently the Design and Access Statement includes a buffer zone of existing trees but the depth is unclear. Any buffer zone should be landscaped sensitively and be attuned to the specific habitat of this section 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. Any planting schemes should be agreed with Essex Country Park Rangers.

and

2. Pedestrian, cyclist and equestrian access - Currently the Flitch Way terminates onto Bedlars Green Road which means that there is a potential conflict between vehicles from the site and equestrians, cyclists and pedestrians which could be dangerous if site traffic uses the road in a southerly direction towards the Hallingburys. Road traffic measures should be in place to protect non-motorised users when they are using the lane.
3. The Transport Statement dated 28 January 2022, included with the application states "A large proportion of Bishops Stortford is, therefore, within cycling distance of the site as is the majority of Takeley. The latter can be accessed via the traffic free cycle, pedestrian and equestrian route of the Flitch Way, which can be accessed from Tile Kiln Green at a point approximately 120m south of the site. The Flitch Way route accommodates National Cycle Route 16 and connects the site with Braintree in the east via Takeley and

Great Dunmow." THIS IS EASILY MISCONSTRUED. The Flitch Way currently terminates at Start Hill and is not connected to Bishops Stortford by a safe direct cycle route. Only Takeley can be accessed by a traffic free route. A safe route connecting the Flitch Way to Bishops Stortford could be created using the tunnel or bridge to cross the M11 to the south of the present site.

4. Flitch Way Visitor Car Parking - The Flitch Way is popular with many local residents across Uttlesford. If planning is approved, we would also like to see visitor car parking included within the development so people, particularly vulnerable users such as children, inexperienced cyclists and mobility users, can enjoy the Flitch Way safely. There is the potential for a new access path to be created to the south of the site providing the Flitch Way Park Rangers are in agreement.

14.5.14 Whilst the development will have a material detrimental impact on the amenity of the occupiers of nearby residential properties, taking into account the mitigation proposed and the existing noise levels from Stansted Airport, the B1256 and the M11 it is not at such a level to warrant refusal of the application.

14.5.15 The proposal, subject to conditions, complies to Policies ENV11, ENV13, GEN2, GEN4 and GEN5 of the adopted Local Plan relating to potential impacts on residential amenity

14.6 D) Heritage protection

14.6.1 In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

14.6.2 The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

14.6.3 The Old Elm is a c16 timber framed Grade II listed building of two storeys with red tiled roof which stands at the junction of Tilekiln Road and Dunmow Road. It is accepted that the setting and rural character of this heritage asset has already been compromised by adjacent developments, namely the petrol filling station positioned to the immediate north, by modern linear housing development along the B1256 corridor and to a wider extent the M11 to the west. A number of earlier buildings in the vicinity, which formed a historic built environment centring The Elm, have also been lost.

- 14.6.4** The proposed development would further encroach upon the remaining open surrounding of the listed building to exacerbate the harm and it would be subsumed by modern developments all around. Severing this last link between the building and its original setting would be a negative change. Heritage officers state that the proposed development, including 2.4m tall extensive timber boarded boundary fence, would form an incongruous backdrop in the views of The Elm from Dunmow Road and adversely affect the views out of the asset towards the south and west. Revised landscaping plans now show woodland between the fencing and Tilekiln Road and the Old Elm.
- 14.6.5** Specialist advice is that the proposal would lead low level of 'less than substantial harm' to the significance of the listed building by unsympathetically encroaching upon the last remaining section of its original setting, therefore subject to Paragraph 202 of the NPPF. Whilst the scale of harm may low, great weight should be given to the asset's conservation (Paragraph 199) and clear and convincing justification is required under Paragraph 200.
- 14.6.6** More recently, an application UTT/20/1098/FUL for construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping was allowed on appeal. This relates to a site to the east of Tilekiln Green Great Hallingbury and to the rear of The Old Elm.
- 14.6.7** The proposal therefore does not comply with the aims of Uttlesford Local Plan policy ENV2 or the aims of the NPPF.
- 14.6.8** The proposal has been revised in respect of landscaping, moving the fencing and the line of development 22m further away from the edge of the site opposite Old Elm, with the screening now proposed to utilise acoustic close boarded fencing rather than palisade fencing. The access road has been realigned and proposed tree planting between the access road and The Old Elm.
- 14.6.9** It is considered that the proposal, with the mitigation proposed, would not impact the setting of the Listed building to such an extent to warrant refusal.
- 14.6.10** The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development.
- 14.6.11** Specialist archaeological advice recommends a condition for Archaeological evaluation and excavation. Subject to that condition the proposal would comply with Uttlesford Local Plan policy ENV4.
- 14.7 E) Impact on natural environment**

- 14.7.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats.

- 14.7.2** The Flitch Way a county wildlife site borders the southern boundary of the site.

- 14.7.3** The National Trust are concerned that there has been previous damage to the gates at the National Trust's Hatfield Forest when Heavy Goods Vehicles (HGVs) have been unable to pass under the bridge at Bush End Road and we are concerned that this will increase in frequency as a result of this proposal, if there are future closures of the M11 junction. This has however, been addressed by highway officers and suitable conditions applied.

- 14.7.4** The National Trust are concerned that there is evidence to suggest that the veteran trees and their resident species at Hatfield Forest National Nature Reserve and Site of Special Scientific Interest are sensitive to nutrient enrichment resulting from elevated NOx pollutants from both air and road traffic. Whilst Hatfield Forest is considered within the Ecological Assessment, the National Trust would request that the Local Planning Authority are satisfied that the conclusion that this proposal would not have a "significant adverse effect on the statutory site due to the nature of development (non-residential) and the intervening distances" is an appropriate conclusion, prior to the determination of this proposal.

The Air Quality Assessment (AQA) which states the screening criteria for determining the requirement for an assessment of air quality effects on ecological sites. Only ecological sites within 200 m of a road affected by the Proposed Development require consideration. The Hatfield Forest SSSI is over 1 km from the Proposed Development or any affected road.

- 14.7.5** The Flitch Way Local Nature Reserve (LNR) does lie within the screening distance, and therefore was included within the AQA. This lies within 20 m of the Proposed Development boundary at the closest point. The AQA showed that the nutrient nitrogen deposition impact of the Proposed Development on the LNR was only just over the 1% screening threshold, at a maximum of 1.56% of the Critical Load for woodlands.

- 14.7.6** Wren Kitchens is planning to invest in a low-carbon electric fleet of HGVs. The effect of this mitigation was not considered in the AQA, as the HGV fleet will be upgraded on a rolling basis and the timescales are not yet known. As such, the effect of emissions from the Proposed Development will be even lower than presented in the AQA once this mitigation measure is implemented.
- 14.7.7** An Ecological Assessment has also been submitted with the application. Essex County Council, Place Services, Ecology have been consulted and has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition. Based on the plans submitted, Natural England also considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 14.7.8** Numerous comments have been received in respect of unauthorised tree felling at the site. Several trees have been felled under licence from the Forestry commission. It should be noted that felling licences and works are dealt with under a separate regime to planning and are not a material consideration for the determination of any planning application.
- 14.7.9** This application, however, does include substantial supplementary woodland and tree planting in addition to the restocking works required under the licence as shown on landscape plan NC18.446-P204 revision A.
- 14.7.10** Mitigation measures are required to conserve and enhance protected and Priority species particularly mobile mammal species, bats, nesting birds and invertebrates. In addition, a Construction Environmental Management Plan for Biodiversity is required for the protection of the Flitch Way LNR, LoWS and Country Park, as well as the protection of the adjacent streams and Water Vole within them.
- 14.7.11** Biodiversity enhancements in the form of Bat boxes, bird boxes, log piles, hibernaculum and t boxes as well as new native planting, have been proposed to secure net gains for biodiversity.
- 14.7.12** As such it is considered that the proposal, subject to appropriate conditions would not have any material detrimental impact in respect of biodiversity to warrant refusal of the proposal and accords with ULP policies GEN7, ENV3, ENV7, and ENV8.
- 14.8** **F) Interim Climate Change Policy**
- 14.8.1** As part of the proposal there will be 20 electric charging points for vehicles located on site, and sufficient shelter for 20 bicycles.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16. CONCLUSION

- 16.1** The proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, would reduce the open character of the CPZ and would cause less than substantial harm to 1 no. designated heritage asset.
- 16.2** Taking into account the age of the Countryside Protection Zone policy, the recognized need for 49 ha of employment land within the district and lack of employment sites allocated within the draft local plan and available in the district, greater weight should be given to the need to provide future employment and economic activity to complement the housing growth. Uttlesford District Council is obliged to accommodate over the next 17 years and also the substantial weight the NPPF gives support for employment/economic development. The uniqueness of this site being close to the M11 and the A120 is a key positive factor giving the site excellent access to the strategic road network. It is a development that is required to be in this location and would secure the safeguarding of

approximately 130 jobs and possible support the expansion of the work force to approximately 200.

16.3 The application is, on balance, recommended approval subject to conditions.

17. 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 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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. Routing strategy for construction vehicles
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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.

- 4 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include, but not be limited to, the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery, and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements.
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion.
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and
 - k) vibration, air quality and dust, light and odour.
 - l) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of highway safety and the control of environmental Impacts in accordance with Uttlesford Local Plan Policy GEN1.

- 5 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be 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) to include Flich Way LoWS, LNR and Country Park as well as the adjacent streams and Water Vole within them and Great Crested Newt.
 - 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.
 - i) Containment, control and removal of any Invasive non-native species present on site

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 protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Uttlesford Local Plan Policy GEN7

- 6 No development shall take place until a Finalised Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.
The Reptile Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The Finalised Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 7 No works except demolition shall take place 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:
- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

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
- 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.in accordance with Uttlesford Local Plan policy GEN3.

- 8 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 9 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 10 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 11 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 approved in writing by the local planning authority.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 12 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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 proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 13 Prior to any works 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) timetable for implementation;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
 - g) The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7.

- 14 No vehicles associated with passengers using Stansted Airport shall be parked on this site for more than 24 hours in any period of 14 days.

REASON: It is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with Uttlesford Local Plan policy T3.

15. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, January 2022) 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with Uttlesford Local Plan Policy GEN7

16. Access Prior to occupation of the development, the access, and highway works shown in principle on drawing number IT196/SK/01 REV K shall be provided, including:

- i. Clear to ground visibility splays shown on the plans from the access onto Tile Kiln Road, and from Tile Kiln Road on to the B1256 and the forward visibility from the M11 junction to the west to the right-hand turn lane onto Tile Kiln Road (as shown in principle in drawing number IT1896/SK/1001. Any signing within the splays to be relocated and vegetation to be removed. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
- ii. Realignment of junction of Tile Kiln Road including ghosted right-hand turn
- iii. Provision of footways minimum width 2m
- iv. Provision of drop kerb crossing point to the east of the junction with Tile Kiln Road and a drop kerb crossing with island to the west.
- v. Signing of the Low bridge
- vi. Landscaping of newly made verge and stopping up of any redundant
- vii. carriageway once works are completed to the satisfaction of the highway authority and area to be stopped up agreed.

All necessary works including the safety audits any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest 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 ULP policy GEN1

- 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest 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.

- 18 The site shall not be occupied until such time as the vehicle parking area indicated on the approved plans including 107 car parking spaces of which 6 to be disabled, 20 EV car charging spaces and in addition 13 EV HGV charging spaces has been hard surfaced, sealed, marked out in parking bays and charging bays active. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with 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

- 19 Prior to occupation a minimum of 20 cycle and 7 motorcycle parking spaces as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity 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.

- 20 Traffic routing management scheme: Prior to occupation signing to be provided within the site to direct all traffic to the north and ban the right-hand turn. Owner of the site to be required to sign Traffic Routing Management Agreement to ensure HGVs use the agreed routine to the strategic network and that and all staff and contractors are provided with this information. Compliance to the right-hand turn ban to be monitored by CCTV and the data to be retained for 6 months and made available to the Planning Authority on request.

REASON: To ensure that drivers are aware of the appropriate route for vehicles to use avoiding the low bridge in the interest 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 policies GEN1 and GEN2

- 21 Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.)

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 The condition is 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.

- 22 Prior to beneficial use a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include retained and proposed planting.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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 approved plan shall thereafter be implemented in full accordance with the approved details. prior to the beneficial use of the development.

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7.

- 23 Prior to beneficial use a finalised lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the light spill impact as a result of the proposed lighting (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 the retained and proposed tree planting at the boundaries of the site.

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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7.

- 24 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Uttlesford Local Plan policy GEN3.

- 25 The applicant or any successor in title 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.

- 26 The Bird Hazard Management Plan 8723.BHMP2022.vf dated February 2022 shall be implemented as approved upon completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - It is necessary to manage the site in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Stansted Airport through the attractiveness of birds.

Airport.in accordance with Uttlesford Local Plan Policy GEN2

- 27 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted airport in accordance with Uttlesford Local Plan Policy GEN2

- 28 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass shall be added to any buildings, including Solar PV panels, without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with Uttlesford Local Plan Policy GEN2

- 29 The rating level of noise emitted by EV charging points on the site shall not exceed 51dB at any noise sensitive premises between 07:00 and 23:00 and 45dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

REASON: in the interests of residential amenity in accordance with Uttlesford Local Plan GEN2

30 The use open logistics facility sui generis use hereby permitted shall be carried out only in association with Wren Kitchens business and not for a general B8 facility.

REASON: Alternative B8 uses could generate different levels of traffic not suitable for this location and may be contrary to Local Plan policies GEN1 and GEN2.

31 Prior to commencement of the development the location and specification of the acoustic barrier shall be submitted and approved in writing to the Local Planning Authority. Subsequently, these works shall be carried out as approved.

REASON: In order to protect residential amenity in accordance with Uttlesford Local Plan Policy GEN2.

Appendices

Appendices for UTT/22/0267/FUL

Highways

Recommendation

Application No. UTT/22/0267/FUL

Applicant Creation of an open logistics facility with associated new access and ancillary

office with amenity facilities

Site Location Land At Tilekiln Green Start Hill Great Hallingbury

Proposal Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The application includes changes to the highway, in the form of a revised junction layout at Tile Gren and the B1256. Internal consultation has taken place between myself, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken. Following the various reviews a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.

The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened and junction straightened up.

These changes would remove current points of conflict on the highway.

It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the morning and afternoon peak period so will not affect the highway when least capacity is available.

From a highway and transportation perspective the impact of the proposal is acceptable to the

Highway Authority subject to the following mitigation and conditions:

1. A condition should be put in place by the planning authority to ensure that the permission is specific to this site and not a general B8 facility that could generate different levels of traffic.

2. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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. Routing strategy for construction vehicles
- VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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.

3. Access Prior to occupation of the development, the access, and highway works shown in principle on drawing number IT196/SK/01 REV K shall be provided, including:

(i) Clear to ground visibility splays shown on the plans from the access onto Tile Kiln Road, and from Tile Kiln Road on to the B1256 and the forward visibility from the M11 junction to the west to the right-hand turn lane onto Tile Kiln Road (as shown in principle in drawing number IT1896/SK/1001).

Any signing within the splays to be relocated and vegetation to be removed. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

(ii) Realignment of junction of Tile Kiln Road including ghosted right-handturn

(iii) Provision of footways minimum width 2m

(iv) Provision of drop kerb crossing point to the east of the junction with Tile Kiln Road and a drop kerb crossing with island to the west.

(v) Signing of the Low bridge

(vi) Landscaping of newly made verge and stopping up of any redundant carriageway once works are completed to the satisfaction of the highway authority and area to be stopped up agreed.

All necessary works including the safety audits any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Gates: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Car Parking: The site shall not be occupied until such time as the vehicle parking area indicated on the approved plans including 107 car parking spaces of which 6 to be disabled, 20 EV car charging spaces and in addition 13 EV HGV charging spaces has been hard surfaced, sealed, marked out in parking bays and charging bays active. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Cycle Parking: Prior to occupation a minimum of 20 cycle and 7 motor cycle parking spaces as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Traffic routing management scheme: Prior to occupation signing to be provided within the site to direct all traffic to the north. Owner of the site be required to sign a

Traffic Routeing Management Agreement to ensure HGVs use the agreed routing to the strategic network and that signing is provided within the site and all staff and contractors are provided with this information. Reason: To ensure that drivers are aware of the appropriate route for vehicles to use avoiding the low bridge in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Workplace Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. 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

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.

Informatives:

- (i) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vi) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

.....
pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson

Internet: www.essex.gov.uk

Email: Katherine.wilkinson@essex.gov.uk

Natural England

Planning consultation: Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

Location: Land At Tilekiln Green Start Hill Great Hallingbury

Thank you for your consultation on the above dated 24 March 2022

which was received by Natural England on 24 March 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Oli Chenkin

Consultations Team

Environment Agency

Thank you for your consultation dated 20 June 2022 for the above application. We have reviewed the documents as submitted and we have no objections to the proposed development.

Flood Risk

The development is for the creation of an open logistics facility with associated new access and ancillary office with amenity facilities at the Land at Tilekiln Green, Great Hallingbury. Whilst the boundary of the property borders the Great Hallingbury

Brook, the proposal itself is over 8 meters away from the main river. Therefore, we have no objections regarding proximity.

In terms of flood risk, we have no objections. The proposed development is situated in Flood Zone 1. However, as we do not have the modelling for the Great Hallingbury

Brook, this is based on the most current flood map and on the 2050 climate change scenario for a commercial development.

We trust this advice is useful

Local Flood Agency

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface watersince the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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 based on the following:
Condition 1

No works except demolition shall takes place 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:

- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant

permissions to discharge from the site into any outfall should be demonstrated.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

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
- 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.

Condition 2

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 3

The applicant or any successor in title 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.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

4

- Changes to existing water courses may require separate consent under the Land

Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common

law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a

scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

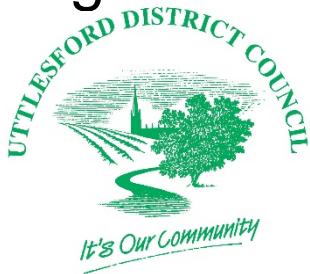
Alison Vaughan, Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council

Agenda Item 7



ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 8 February 2023

REFERENCE NUMBER: UTT/21/2461/DFO

LOCATION: Land to the West of Isabel Drive and off Stansted Road, Elsenham.

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP.

APPLICANT: Dandara Eastern (Miss Amy Atkins)

AGENT: N/A

EXPIRY DATE: 9 November 2021

EOT Expiry Date 28 February 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside development limits, adjacent ancient woodland & local wildlife site, public right of way (PROW), part poor air quality zone, part archaeological site, tree preservation orders, flood zone 1.

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

1.1 This application seeks approval of details following the granting of outline planning under reference UTT/19/2470/OP whereby permission was approved for the erection of up to 99 dwellings along with associated open space and play areas, and other ancillary works across two separate parcels of land.

1.2 The principle of the development along with the details of Access have been approved at outline stage by an Inspector under appeal, leaving the details for consideration as part of this reserve matters application being Appearance, Layout, Scale and Landscaping.

1.3 The applicant has undertaken pre-application discussions prior to this submission of the application with officers of Uttlesford Council and revised the final layout throughout the application assessment which has helped to enhance the quality of the scheme in complying with the standards and guidance as per local policy and in order to achieve a

sense of better place making whilst ensuring that future occupants have a quality development that provides reasonable enjoyment to all.

1.4 The proposals generally comply with the indicative illustrative masterplan that formed part of the outline consent in respect to layout, number of units and housing mix. The design and appearance of the buildings generally conform with the required standards with each residential unit provided with appropriate parking and amenity provision to meet the needs of future occupants. Appropriate areas of informal and formal of public open space are provided throughout the site including the provision of additional land for a future school.

1.5 The proposals comply with the guidance and standards as set out within the Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It has thereby been recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/17/2832/OP.

2.

RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report –

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1 The area of land subject to this planning application relates to the land known as ‘Land To The West Of Isabel Drive And Off Stansted Road, Elsenham. Essex.’ The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The application site comprise two parcels of undeveloped land located to the west of village of Elsenham totalling approximately 8.1 hectares in size. The two Parcels are defined as ‘Land off Isabel Drive’ (Parcel A) and ‘Land off Stansted Road’ (Parcel B).

3.3 Parcel A would be accessed from Isabel Drive. It is bounded by residential development to the east, with woodland to the west. A Public Right of Way (PROW) 31 crosses the southern boundary of Parcel A. Parcel B is accessed directly from Stansted Road, with ancient woodland bounding the northern boundary, woodland to the east, residential development to the south and to the east, and the M11 to the west. Presently, both Parcels A and B generally comprise of overgrown grassland.

3.4 In terms of local designations, the site is not subject to any statutory landscape or ecological designations. The nearest statutory designated site is Hall's Quarry SSSI (geological) located approximately 1.2km to the north. Alsa Wood abuts both Parcels A and B and part of this woodland is listed as Ancient Woodland and is designated as a Local Wildlife Site. The Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'. There are no designated heritage assets either adjoining or within close proximity of the site.

4. PROPOSAL

4.1 This application relates to the reserved matters following a decision made by an Inspector on the 31 December 2020 to allow outline planning permission which was for the erection of up to 99 dwellings along with associated works under application ref: UTT/19/2470/OP.

4.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), providing access and egress for the whole site.

4.3 The reserve matters for consideration relates to Appearance, Layout, Scale and Landscaping for the erection of 99 dwellings.

4.4 The supporting documentation submitted in support of the outline application indicated that the dwellings will be split between Parcel A and Parcel B which amounts to 61 and 38 retrospectively. However, this reserve matters application shows the final layout of the proposals consisting of 51 dwellings for Parcel A and 48 dwellings for Parcel B to provide a better balance and place making.

4.5 The proposed residential mix has been developed to comply with the parameters set by the outline planning permission. Affordable housing makes up 40% of the overall residential development for the scheme, as set out by the requirements of the S106 agreement. The proposal incorporates a range of housing types including one-bedroom flats, two, three, four and five bedroom houses. The proposed residential mix is set out below.

4.6

Unit Type	Affordable	Market	Total
1 - bed dwelling	6	0	6
2 - bed dwelling	15	3	18
3 - bed dwelling	17	28	45
4 - bed dwelling	2	23	25
5 - bed dwelling	0	5	5
Total	40 (40.4%)	59 (59.6%)	100 (100%)

4.7 The dwellings would be predominantly 2 storeys in height although there would also be a limited amount of single storey dwellings. Building styles within the development would range from semi-detached and detached

buildings that contain different sizes and scale and have an assorted use of externally finishing materials and detailing. In addition, the provision of 4 bungalows is proposed and a single apartment building containing 4 flats are proposed across both Parcels. Each of the dwellings within the development has been provided with off street parking spaces and its own private or communal amenity space.

- 4.8** In addition to the proposed housing, the provision of approximately 1.2 hectares of informal and formal areas of open space which amounts to 15% of the total site. A children's equipped play areas have been provided on Parcel B.
- 4.9** As required by the outline and appeal decision, the proposals are to retain the existing public rights of way through the site and a 20m buffer adjacent to the existing woodland.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1** As part of the outline application, the Council issued a screening opinion under the Town and Country Planning Environmental Impact Assessment (EIA) Regulations 2017 stating that the proposal constituted EIA development due to the significant effects and cumulative effects on the local highway network, air quality and on recreational disturbance. The outline application was accompanied by an Environmental Statement.
- 5.2** This reserve matters application does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

- 6.1** The application site contains the following relevant recorded planning history:
- 6.2** UTT/19/2470/OP - Outline application with all matters reserved except access for residential development of up to 99 no. dwellings including affordable homes, with areas of landscaping and public open space, including points of access of Stansted Road and Isabel Drive and associated infrastructure works.
- 6.3** The applicant submitted an appeal for 'non determination' because of the Council failing to make a decision within the statutory time period. Following submission of the appeal, The Council submitted four putative reasons for refusal. The second putative reason, relating to air quality, was withdrawn by the Council following publication of its Air Quality Annual Status Report. Furthermore, the day before the inquiry opens, the Council also confirmed that there was no reason for the proposal to be refused on highway grounds which related to the third putative reason of refusal. The fourth putative reason, relating to affordable housing and

infrastructure was addressed by means of a completed planning obligation by deed of agreement which was submitted after the inquiry.

6.4 Three of the four putative reasons were thereby addressed and as such on that basis, the main issue for the Inspector was to consider the effect of the location of the proposal on the character and appearance of the surrounding area, with particular regard to the size, scale, siting in relation to Elsenham and Alsa Wood.

6.5 The Inspector summarised that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Inspector concluded that outline planning permission should be granted subject to conditions and permission was granted on 31 December 2020.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A request for pre-application advice was submitted to the Council in April 2021 and a meeting took place with officers in May 2021 to discuss the key points and considerations associated to the submission of a reserve matters application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection

8.1.1 The Highway Authority has reviewed the reserved matters application and provided two sets of comments on visibility spays, turning heads, footways and general highway layout which, the applicant has responded to. The layout is now acceptable subject to conditions.

8.2 Highways England – No Objections

8.2.1 Referring to the planning application reference UTT/21/2461 dated 19th August 2021, notice is hereby given that Highways England's formal recommendation is that we offer no objection.

8.3 Local Flood Authority – No Objection

8.3.1 Thank you for your email of 14/03/22, consulting on the updated information for the application. On reviewing the information, it does not affect the validity of the approved SuDs drainage strategy and therefore our position does not change from our letter dated 25th January 2022 which stated:

8.3.2 Having reviewed the Flood Risk Assessment and the associated documents which have accompanied the planning application, we do not object to the granting of planning permission based on the new information received.

8.4 Natural England – No Objections

8.4.1 Natural England confirm that they have no objections to the proposals subject to securing appropriate mitigation to offset the harm the proposals may have upon Hatfield Forest which is a Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR). Natural England therefore advises that permission should not be granted until such time as these ‘on-site’ and ‘off-site’ mitigation measures have been assessed and secured through the appropriate means either by way of an appropriate planning condition or S106 Agreement.

8.4.2 These obligations have already been secured within Schedule 5 of the Legal agreement attached to the outline planning permission.

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council in their latest formal response (23rd January 2023) stipulated that they have strong concerns with this application due to the number of concerns as follows:

1. Noise

The proposed public open space and communal street areas are in clear breach of the Condition. Noise levels in gardens would be unacceptable, and the necessity to keep windows closed would not make for a viable environment.

2. Housing Mix, bungalows

The applicants have failed to adopt the Housing Officer’s advice concerning the provision of bungalows.

3. Housing Mix, affordable homes

Affordable dwellings are not sufficiently dispersed across the site.

4. Housing Mix, distribution

Dwellings generally are unequally distributed across the site.

5. Diversion between sites

The two sites should be considered together.

6. Surface Water disposal

The applicants have not heeded previous response pointing to the severe shortcomings in the SUDS Design Statement.

7. Community Hall

The request is renewed for a contribution, bearing in mind the proximity of the site to the area scheduled for the Community Hall.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 Confirms that the tenure and dwelling mix was agreed with housing officers as part of the application process and meets the identified need. The dwelling mix includes three M4(3) affordable rented bungalows as requested. The affordable homes also meet the National Described

Space Standards. The proposed affordable housing provision meets the 40% policy requirement and equates to 40 new affordable homes across both parcels.

10.2 UDC Environmental Health – No Objection

10.2.1 The Environmental Health Officer confirmed that they have reviewed all revised documentation including amended drawings and the updated noise assessment (December 2022) and concluded that the proposals are appropriate in that no significant harm would occur to the amenities of future occupiers in relation to noise and disturbance and that the scheme would fulfil the requirements of condition 17 attached to the outline decision.

10.3 UDC Urban Designer – No Objection

10.3.1 When considered against the available policy GEN2, taking into account positive and negative aspects of the scheme, and on balance, an overall objection is not raised. Although, aspects of the scheme such as the quality of the design of the house types could have been improved to reflect the Essex vernacular.

10.4 Place Services (Ecology) – No Objection

10.4.1 We have reviewed the documents supplied by the applicant. As ecology is not a matter being considered under this Reserve Matters application, there are no additional conditions to add to those attached to the appeal decision notice.

10.5 Crime Prevention Officer – No Objection

10.5.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime" 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 demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.

10.6 Thames Water – No Objection

Waste Comments – Thank you for consulting Thames Water for discharge of matters relating to surface water. Thames Water confirms the surface water condition referenced can be discharged based on the information submitted. With regard to water Supply, this comes within the area covered by Affinity Water.

10.7 Anglian Water – No Objection

10.7.1 We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction, and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek advice of the Lead Local Flood Authority or the Internal Drainage Board.

10.8 London Stansted Airport – Concerns

10.8.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. Concerns are raised of the potential SuDs and would like to see the applicant provide details of planting dense, marginal vegetation around the periphery of the pond and installing goose proof fencing to deter hazardous waterfowl from the site. This can be mitigated by way of imposing a planning condition for these details to be provided prior to construction of the development.

10.9 NATS Safeguarding – No Objection

10.9.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. Representations have been received by the Council objecting to the proposals for the following reasons:

11.2 Object

- 11.2.1**
- Highway & Traffic
The local roads are awful, both in condition and levels of traffic.
The air is more polluted.
 - Biodiversity
The wildlife is being evicted, and our beautiful woods are being slowly suffocated.
 - Infrastructure:
Local schools, doctors are already overrun, and this new development will add to the existing problems.
The S106 agreement was made by UDC without reference to Elsenham Parish Council.
 - Flooding
More buildings will cause major flooding in the area.

- Noise:
The new development would be too close to the M11 for road noise.
- Amenity:
The proposals would result in a loss of light/overshadow and visual blight thereby resulting in harm to adjoining occupiers.
- Housing Mix
A Lack of bungalow provision is proposed.
- Sustainability:
Solar panels should be provided on every roof. No mention in paperwork of how the houses will be heated.

11.3 Comment

11.3.1 The above concerns have been addressed in detail in the main assessment of this report.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.1.1 Section 70(2) of the Town and Country Planning Act 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.

12.2 The Development Plan

12.2.1 Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made Feb 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)
 Stebbing Neighbourhood Plan (made July 2022)
 Saffron Walden Neighbourhood Plan (made October 2022)

Ashdon Neighbourhood Plan (Made December 2022)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

13.2.1 Relevant development plan policies and material considerations:

Uttlesford Local Plan (2005):

S7 – Countryside

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution

GEN6 – Infrastructure Provision

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

ENV3 – Open Spaces and Trees

ENV7 – Protection of the Natural Environment

ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments

ENV11 – Noise Generators

ENV12 – Groundwater Protection

ENV13 – Exposure to Poor Air Quality

ENV14 – Contaminated Land

ENV15 – Renewable Energy

H9 – Affordable Housing

H10 – Housing Mix

13.3 Supplementary Planning Document or Guidance

13.3.1 Essex County Council Parking Standards (2009)
Uttlesford Local Residential Parking Standards (2013)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Whether the layout, design and appearance of the proposal is acceptable**
 - B) Dwelling mix and Affordable Housing provisions**

- C) Access to the site and highway issues
- D) Landscaping and open space
- E) Biodiversity and Protection of Natural Environment
- F) Noise
- G) Drainage
- H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

14.3 A) Whether the layout, design and appearance of the proposal is acceptable

14.3.1 The guidance set out in Section 12 of 'The Framework' stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture.

14.3.2 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale form, layout, and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties because of loss of privacy, loss of daylight, overbearing or overshadowing.

14.3.3 The design and access statement provides details of the rationale behind the proposed development. This follows an assessment of the constraints and opportunities of the site, the design and appearance of the residential units, landscape objectives, noise assessment mitigation measures and surface water drainage strategies.

14.3.4 Layout:

14.3.5 Parcel A

14.3.6 The site is characterised by a single spine road linked with the existing Isabel Drive. The built form of the development is set to the eastern side of the spine road with a large landscape area to the west to provide a 20m buffer zone to Alsa Wood separating the ancient woodland from the housing. Dwellings are set in a linear row along the spine road with some small clusters of housing leading off two cul-de-sacs centrally within the site.

14.3.7 Parcel B.

14.3.8 Parcel B will also be accessed by a single point via Station Road with a main spine road leading into the site with smaller roads diverting off it. Housing is proposed to front onto the internal highways. A landscape

bund and acoustic fence is proposed to protect the development from any potential noise created from the M11 motorway traffic to the eastern boundary of the site, running from north to south. To the north of Parcel B, a public open space area has been proposed and encompasses a public footpath in a natural finish. This public open space is positioned in this location to protect and provide a buffer zone between the ancient woodland of Alas wood and the proposed housing.

- 14.3.9** In terms of unit numbers across the two parcels, although indicative site plans were submitted, the outline didn't specify/require a certain number on each so it was determined through the pre-app discussions, particularly in reference to housing mix and a balanced community, that the sites should look to provide a good mix of housing on each parcel.
- 14.3.10** The applicant advised that they did initially work up a scheme along the same lines of the outline but felt that it made Parcel B clearly more "exclusive" with larger detached units and a lower affordable provision and thereby didn't see it being as socially inclusive or provide the right mixed community approach. As such the applicant worked looked to work the parcels up with a more balanced product mix and affordable housing provision which the Housing Officer has supported.
- 14.3.11** Upon review of both parcels, the frontage of the buildings largely follows other development in the vicinity with the new buildings along the internal highways being sited at the back edge of the public footways allowing for car parking to be sited where possible between houses or within garages reducing the visual impact of on-site parked cars and allows as much private rear gardens as possible to the rear of the dwellings. It is noted that there is some parking towards the front of properties which is not ideal, however, these hard standing areas are broken up with soft landscaping and thereby on balance the visual impact within the street scene is minimal. It is noted however that frontage parking would benefit from street trees every 4 parking bays, but trees not shown.
- 14.3.12** Parcel A has generally poor connectivity to the existing street network. This will discourage walking and cycling. There are opportunities for connections to Alsa Leys, Isable Drive via Claydon Drive, and Dellows Close that would drastically reduce walking times to the station for residents and it is unfortunate that these options have not been explored further by the applicant. Furthermore, Parcel A has some instances of rear garden timber fences jutting out into public open space which is generally found to be unacceptable. The awkward leftover public spaces caused by these gardens could attract anti-social behaviour and fly tipping. The cul-de-sacs on the east of Parcel A again are poorly planned and result in awkward left-over portions of space which is technically public but has no clear use.
- 14.3.13** As a minimum every effort should be made to avoid overlooking of rear-facing living room windows. Where the rear facades of dwellings back onto one another the Essex Design Guidance stipulates that a distance

of 25 metres between the backs of houses or the use of other possible design mitigation measures may be appropriate to minimise and reduce the risk of potential impact upon neighbouring amenities. Where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner. In addition, where new development backs on to the rear of existing housing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary. This standard is achieved throughout the site.

14.3.14 Scale:

14.3.15 The Applicant has applied careful consideration in the design rationale behind the scale of the development taking into account the constraints of the site, the surrounding buildings and the natural environment. In terms of height, the applicant has taken the opportunity to provide predominantly 2 storey dwelling houses along with 4 single storey bungalows.

14.3.16 The scale of the dwellings is appropriate in relation to the character and appearance of the surrounding area. The dwellings have been sensitively integrated within the tradition-built context using proportions, roof forms and details similar to surrounding buildings ensuring a subservient and well-proportioned buildings.

14.3.17 Appearance:

14.3.18 The house-types generally seem a little uninspired and generic, without high quality materials, and no indication of how the homes and places have been designed to be specific to Uttlesford (other than material palette) or reflect the particular local character.

14.3.19 However, although the dwellings are not strictly in accordance with the Essex Design Guide in terms of preferred elements and features, the buildings will still provide a reasonable sense of place and are of an appropriate quality to provide a street scene that is visually pleasing and provides a sense of character.

14.3.20 Overall, a simple palette of materials that includes variation in facing bricks, roof tiles, weatherboard cladding, and render is proposed. In addition, selected variations in house design respond to the constraints of the site, ensuring that a neighbourly relationship is created and that a strong frontage is created along the internal highways. Key landmark buildings on corners are proposed across the two parcels to help enhance and reinforce the local character.

14.3.21 The proposals seek to respond to the location of the site on the edge of the village and provide a good quality development.

14.3.22 Quality of Accommodation:

- 14.3.23** All of the proposed dwellings have been designed to provide a layout that has been designed to ensure attractive residential environments for new residents.
- 14.3.24** The new homes comply with the Nationally Described Space Standard (NDSS). Each of the new homes will meet internal space standards and have acceptable levels of daylight and privacy as shown by the floor and elevation plans. They would ensure that the new home will function, be adaptable and cater to changing lifestyles that meet the needs of families, children and older people.
- 14.3.25** For a two bedroom dwelling unit, the provision of 50sqm of amenity area and 100sqm for a three bedroom or more dwelling unit has been found to be acceptable and a workable minimum size that accommodates most household activities in accordance with the Essex Design Guide. For a 1-bedroom flat communal gardens must be provided on a basis of a minimum area of 25sqm per flat. In addition to the minimum size guidance, the amenity space should also be totally private, not be overlooked, provide an outdoor sitting area and should be located to the rear rather than the side.
- 14.3.26** All residential units within the scheme have been provided with at least the minimum private garden sizes as stipulated above to meet the recreational needs of future occupiers.
- 14.3.27** All new development, as part of a future growth agenda for Essex, should provide climate friendly proposals in terms climate change mitigation and adaptation measures. Robust and effective designs provide an excellent mechanism to ensure that such measures are delivered within new schemes.
- 14.3.28** However, there is no commitment or no meaningful references to any passive design measures, renewable energy, building fabric specifications, or any other measures that would meaningfully reduce carbon emissions, none of which is in accordance with the Interim Climate Change policy. A suitable worded planning condition should be imposed if permission is granted for the applicant to provide details prior to the construction of the dwellings how the proposals will meet the required standards set out in the Interim Climate Change policy.

14.4. B) Dwelling mix and Affordable Housing provisions

- 14.4.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Paragraph 62 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

- 14.4.2** The S106 agreement attached to the outline planning permission specifies that no less than 40% of all housing units are to be affordable housing units and that the applicant should identify the location of affordable housing on the land including the size of the affordable housing units. Importantly, it does not specify that the affordable units need to be spread across the two Parcels of land that makes up the application site or limit the number of units in a cluster. 28 of these units across both Parcels are to be rented affordable units and 12 are to be shared ownership affordable units which amounts to a 70%-30% split. The proposed affordable housing provision meets the requirements of the S106 and is therefore acceptable in this instance.
- 14.4.3** ULP Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom dwellings. However, since the policy was adopted, the Strategic Housing Market Assessment (SHMA) has identified that the market housing need is generally for dwellings with three or more bedrooms. The Council's general stance is that this should equate to approximately 50% of the dwellings.
- 14.4.4** This is a material consideration because the SHMA constitutes supporting evidence for the Local Plan, which itself requires the housing mix requirements in the SHMA to be met in order to achieve compliance with Policy. 75 of the 99 dwellings proposed comprise of 3 bedrooms or more which equates to 75%. Although the percentage of dwellings consisting of three bedrooms or more is considerably high and it would be a better mix to provide some additional 1- and 2-bedroom dwelling units, on balance it is considered that the mix of dwellings across the development is appropriate.
- 14.4.5** Condition 20 attached to the outline permission requires that 5% of the total dwellings shall be built in accordance with the requirements of M4(3) (wheelchair user dwellings) and the remaining dwellings shall be built out in accordance with requirements M4(2) (accessible and adoptable dwellings) of the Building Regulations.
- 14.4.6** It is acknowledged that wheelchair user dwellings don't necessarily have to consist of bungalows and can consist of ground floors either in apartment buildings or maisonettes.
- 14.4.7** In respect to wheelchair user dwellings, 5% of the total amount of units are proposed. These are located on Plots 31, 32, & 35 on Parcel A, and Plot 56, 71 & 72 on Parcel B. The applicant stipulates that all remaining dwellings will be built to M4(2).
- 14.4.8** Contrary to Parish Council suggestions that 5% of the total amount of dwellings should be bungalows, it is noted that there is currently no local policy, nor is there an obligation contained in the 106 agreement or imposed conditions attached to the outline consent that requires this.

14.4.9 Although there is no requirement to provide bungalows across the site, the applicant has provided the provision of four. These bungalows are located on Plots 31, 32 & 35 for Parcel A and Plot 56 for Parcel B. Plot 35 will be a market dwelling whilst the remaining bungalows would be affordable units.

14.5 C) Access to the site and highway issues

14.5.1 Access:

14.5.2 Access to the development was approved as part of the outline application which established access to the site. New vehicle access points off Isabel Drive (Parcel A) and Stansted Road (Parcel B), provides the main point of access and egress for the whole site.

14.5.3 Parking:

14.5.4 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards.

14.5.5 The Adopted Council Parking Standards recommends that a minimum of one vehicle space be provided for a one-bedroom unit, two spaces for a two or three bedroom dwelling, and three spaces for a four-bedroom dwelling house along with additional visitor parking spaces. In addition, each dwelling should also be provided with at least 1 secure cycle covered space.

14.5.6 All parking spaces are a minimum of 2.9m x 5.5m with detached garages having internal dimensions of 3m x 7m. 1 bedroom homes have 1 parking space, 2 and 3 bedroom homes have 2 spaces and 4 bedroom or more homes have 3 spaces.

14.5.7 On the basis of the accommodation mix provided, a minimum of 222 off street parking spaces would be required across the development. A total of 261 off street parking spaces are provided throughout the site which is excessive of the requirements stipulated within the Adopted Council Parking Standards. These would be accommodated within a range of options including integral and detached garages, and off-street parking. There is also the allowance for 27 additional visitor parking spaces which amounts to a ratio of 1 in 4 spaces for each dwelling. In addition, secure cycling would be provided for each residential unit within the site.

14.5.8 Each residential unit has also been provided with vehicle electric charging points. All points shall be fully wired and connected, ready to use before first occupation of the site and retained thereafter.

14.5.9 All appropriate size vehicles including emergency and refuse vehicles would be able to access the site. Rear access, bin storage and refuse collection points provide the means for efficient servicing. These will ensure appropriate, safe and convenient collection of refuse as confirmed by vehicle tracking analysis and in compliance with local policy. All refuse storage points would be located within 25m carry distance.

14.6 D) Landscaping and open space

14.6.1 All larger development should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows.

14.6.2 Existing mature vegetation along the boundaries of the site have where possible been retained and are used to enhance public open space areas throughout the development in order to achieve a better sense of wellbeing and place making for future occupiers within the development.

14.6.3 The proposals would not result in harm to those trees that are covered by tree preservation orders (TPO's).

14.6.4 The general landscape layout particularly that of the plot landscaping has been designed to help enhance the overall character and appearance of the development and creates a pleasant environment to live in. Extensive grassed areas and garden beds along with street trees will provide an open and attractive aspect to the front of dwellings. In addition, the soft landscaping would be easily maintained and allow for future growth. The landscaping is appropriate in that it will help soften the built form of the development and reflect its wider setting.

14.6.5 Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

14.6.6 The indicative master plan submitted as part of the outline permission showed most of the open space areas sited to the west of Parcel A and to the north of Parcel B.

14.6.7 In total, 1.2 hectares of informal and formal public open space is proposed throughout the two Parcels of land that make up the site. This is easily accessible on foot or bicycle.

14.6.8 It is acknowledged the protection of ancient woodland, ancient trees and veteran trees from development is a material planning consideration that is taken into account when making decisions on planning applications.

- 14.6.9** Paragraph 180(c) states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.
- 14.6.10** Natural England and Forestry Commission provides guidance (known as 'standing advice') to help decide on development proposals that may affect ancient woodland, ancient trees and veteran trees.
- 14.6.11** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 14.6.12** The purpose of this zone is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. The standing advice stipulates that for ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.
- 14.6.13** A natural landscape area to the west of Parcel A has been created to protect Alsa Wood through means of a 20m buffer separating the ancient woodland and the proposed built area of development. To the north of Parcel B, a public open space area has been created and encompasses a public footpath and Local Equipped Area of Play. This area also contributes to the protection and acts a buffer zone between the proposed built development and the ancient woodland of Alsa Wood.
- 14.6.14** A Local Equipped Are of Play is proposed to the north of Parcel B and will include trees and amenity grassland planting, timber equipment for play and benches. Specifically, the size and amount of play equipment is acceptable, and it will be within convenient locations to the housing and help encourage healthy living.
- 14.6.15** The proposed landscaping of open spaces including street frontages is appropriate.

14.7 E) Biodiversity and Protection of Natural Environment

- 14.7.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.7.2** Existing ecology and natural habitats found on the site must be safeguarded and enhanced and new opportunities for increasing the biodiversity should be explored.
- 14.7.3** The application site itself is not the subject of any statutory nature conservation designation being largely undeveloped Parcels of arable fields with some mature trees and hedgerows scattered throughout and along its boundaries including woodland.

14.7.4 It is therefore clear that the proposals would not result in adverse impacts in relation to ecology and that in fact a net biodiversity gain is achievable on the site through the implementation of the mitigation measures suggested in the accompanying ecology report. The proposals therefore comply with all policies relating to the conservation and enhancement of biodiversity. Furthermore, no objections were raised by Place Services ecologist.

14.8 F) Noise

14.8.1 It should firstly be advised that the applicant as part of the details of this application is not seeking to discharge the details of Condition 17 imposed on the outline planning permission in relation to noise but is merely showing as part of this application measure of mitigation of noise between the M11 and the housing as part of the layout of the proposals. The details of Condition 17 would be assessed under a 'Discharge of Condition' application at a future date.

14.8.2 The Inspector as part of their assessment of the outline application took into consideration external noise generators and in particular the proximity of the M11 motorway in relation to the built form proposed and how this may potentially harm the amenities of future occupiers in respect to noise and disturbance.

14.8.3 As confirmed within the applicants supporting noise assessment, the Inspector acknowledged that due to the proximity of the proposal to the M11 corridor, a number of dwellings would be subject to moderate adverse impacts and as such the highest noise levels would exceed guidance levels for some plots within Parcel B.

14.8.4 The Inspector concluded in respect to noise and disturbance that subject to additional mitigation measures being secured by way of a planning condition, that on that basis, the proposal would result in permanent adverse impacts being negligible at Parcel A and minor at Parcel B, with moderate impacts remaining in some gardens.

14.8.5 The application was consulted to Council's Environmental Health Officer to consider the proposed noise mitigation measures forming the proposals.

14.8.6 Concerns were initially made that although the mitigation methods to achieve the required internal noise levels demonstrated and complied with the British Standards, approximately one third of the dwellings did not meet the required external noise levels. As such, the applicant during the assessment of the scheme submitted revised drawings slightly amending the layout and design of the proposals and provided an updated noise assessment to reflect the revisions.

14.8.7 Following the review of all revised documentation including the relevant noise assessments and drawings, the environmental health officer confirmed that the reconfigured design to optimise the acoustic environment has resulted in almost all the external garden amenity spaces being under 55db as per the British Standards. The officer confirms that there are a few exceptions to this where there are 5 dwellings within 1db of the standard which in practice would be imperceptible.

14.8.8 The environmental health officer concludes that the internal and external amenity spaces provided throughout the development are acceptable in that there would be no excessive harm upon the amenities of future occupiers from nearby noise sources such as the M11 Motorway. It is also stipulated that the scheme would comply with the requirements of condition 17 imposed on the approved outline permission, however, this would be fully assessed under a future DOC application.

14.9 G) Drainage

14.9.1 The adopted Development Plan Policy GEN3 requires development outside flood risk to avoid increasing the risk of flooding through surface water run-off.

14.9.2 The applicant has submitted a SUDs Design Statement, a SUDs Management and Maintenance Plan, Phase A & B Surface Water Network Documentation and a SUD's Checklist in support of the proposals and to allow for the details of the above condition to be discharged.

14.9.3 The application was consulted to Essex County Council SuD's team who are the lead local flooding authority who confirmed that having reviewed the supporting Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of the planning permission.

14.9.4 The development at the site will not increase flood risk elsewhere and neither direct surface water runoff off site. The proposals will therefore not result in adverse impacts in respect either flood risk or drainage and thereby in accordance with policy GEN3 and GEN6 of the adopted local plan and the NPPF.

14.10 H) Whether the proposal would cause harm to the amenities of adjoining property occupiers

14.10.1 Due consideration has been given in relation to the potential harm cause to the amenities enjoyed by adjoining residential property occupiers.

14.10.2 Although a large proportion of the new dwellings within the development would have the pleasure of views overlooking public spaces or woodland, other new dwellings would back onto existing. Parcel A is bounded by

residential development to the east and Parcel B is bounded by residential development to the south.

- 14.10.3** The site plan shows a degree of separation between the proposed area of housing and the adjoining dwellings that would ensure that the amenities of these properties will be largely protected. The distance would conform to the relevant setbacks within the Essex Design Guide and as such the proposal would not result in a significant degree of overlooking, overshadowing and would neither be visually intrusive nor overbearing when viewed from adjoining properties.
- 14.10.4** In relation potential impacts at the construction stage, particular in relation to air quality, noise and vibration, a condition attached to the outline consent requiring a Construction Management Plan would ensure to address these points when the details are submitted.
- 14.10.5** It is concluded that the development would not result in excessive harm to the amenities enjoyed by adjoining residential property occupiers and that the proposal would comply with local policies GEN2, GEN4 and ENV11.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16.1 CONCLUSION

- 16.1.1** The proposed layout of the site generally accords with the approved indicative masterplan that was granted outline permission under appeal by the Inspector. The layout, size and scale of the proposals is considered appropriate to reflect the character and appearance of the characteristics of the site and its wider context. It would integrate well with the surrounding built form and the natural environment whilst at the same time providing a sense of well-being for future occupiers. The proposed landscaping and open space including street frontage is appropriate.
- 16.1.2** The proposed affordable housing meets the requirements of the S106 agreement and is therefore acceptable and on balance it is considered that the mix of one, two, three four and five bedroom homes across the development is appropriate.
- 16.1.3** It is concluded that the proposed development would cause no harm in relation to highway safety. In addition, appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers including visitor parking.
- 16.1.4** It is acknowledged that some dwellings will just fall short of the required standards to mitigate against noise in relation to outdoor amenity, however, on balance the living conditions of future occupiers of the new dwellings would be appropriate and the proposals would not lead to excessive harm upon the amenities of adjoining property occupier surrounding the site.
- 16.1.5** The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework. It is thereby recommended that this reserve matters application relating to details concerning Appearance, Scale, Layout and Landscaping be approved in association with outline permission reference UTT/19/2470/OP subject to the conditions outline below.

17. 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** Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed, and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any other purpose other than the parking of vehicles that related to the use of the development unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that on street parking of vehicle in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 4** Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans has been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Local Policy GEN8 of the Uttlesford District Council Local Plan as Adopted (2005).

- 5** Prior to the construction of the development hereby approved, details shall be submitted and approved by the Local Planning Authority demonstrating appropriate mitigation measures to prevent birds being attracted to the site. The attenuation or infiltration features will need to be designed to be as unattractive to hazardous birds as possible. Planting around these areas should not include fruit or berry bearing plants, trees and shrubs that are attractive to birds hazardous to aircraft.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the NPPF.

Appendix 1

Lead Local Highway Authority

Essex County Council
Paul Crick
Director for Highways and Transportation

CC: Cllr Gooding
Essex Highways DM

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/21/2461/DFO

Applicant Dandara Eastern

Site Location Land To The West Of Isabel Drive And Off Stansted Road Eisenham

Proposal Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP

Note

The highway authority has reviewed the reserved matters application and provided two sets of comments on visibility splays, turning heads, footways and general highway layout which the applicant has responded to, the layout is now acceptable.

From a highway and transportation perspective the impact of the proposal as shown in drawing numbers TRE.21.1112-A-B-PL100 rev D, 6478-MJA-SW-XX-DR-C009 rev P2, BT2202-MJA-1810 rev P2, TRE.21.1112-A-PL105 rev D, 6478-MJA-SW-XX-DR-C-500 rev P4, 6478-MJA-SW-XX-DR-C-501 rev P4 is acceptable to the Highway Authority subject to the following mitigation and conditions:

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.

1. Dwellings shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless

otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Dwellings shall not be occupied until such time as their associated cycle parking indicated on the approved plans, has been provided. Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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.

Informatives:

- (i) The principle of the traffic calming is accepted, the details will be finalised during the S38 technical approval. This will include an assessment of the need for buildouts at plots 72 and 65 and the additional feature near the entrance of parcel B.
 - (ii) The roads in parcel A are unlikely to be adopted due to the drainage arrangements.
 - (iii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
 - (iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
 - (v) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
 - (vi) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be
-

- (vii) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 13/32 and 13/31 and the Fitch Way (48/47) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



pp. Director for Highways and Transportation
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National Highways



National Highways Planning Response (NHPR 21-09) Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@highwaysengland.co.uk

To: Uttlesford District Council
FAO, Lindsay Trevillian

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: UTT/21/2461/DFO

National Highways Ref: M11

Location: Land to The West of Isabel Drive and off Stansted Road, Eisenham

Proposal: Reserved Matters (Appearance, Landscaping, Layout and Scale) for 99 residential dwellings (Use Class C3), and associated works to include details required by Conditions; 17 (sound insulation measures) and 19 (Surface water drainage scheme) of planning permission ref: UTT/19/2470/OP.

Referring to the consultation on a planning application dated 14 March 2022, referenced above, in the vicinity of the M11, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

Natural England

Dear Sir or Madam,

Our ref: 386834

Your ref: **UTT/21/2461/DFO**

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 26 August 2021 Reference 364363

The advice provided in our previous response applies equally to this **amendment**

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours faithfully

Julian Clarke

Consultations

Natural England

Hornbeam House, Electra Way

Crewe Business Park

Crewe, Cheshire CW1 6GJ

tel 0300 060 3900

email consultations@naturalengland.org.uk

Lead Local Flooding Authority

From: [Suds](#)
To: [Planning](#)
Subject: [External] RE: Planning Application Consultation - UTT/21/2461/DFO CT
Date: 21 March 2022 09:55:38

Hi Clive

Thank you for your e-mail of 14/03/22, consulting on the updated information for the above application. On reviewing the information, it does not affect the validity of the approved SuDS drainage strategy and therefore our position does not change from our letter of 25th January 2022.

Regards

Richard Atkins

Development and Flood Risk Office

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>

Sent: 14 March 2022 12:48

To: [Suds](mailto:Suds@essex.gov.uk) <Suds@essex.gov.uk>

Subject: Planning Application Consultation - UTT/21/2461/DFO CT

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Utters field District Council
Planning Services

Date: 25th January 2022
Our Ref: SUDS-005470
Your Ref: UTT/21/2461/DFO

Dear Sir/Madam,

Consultation Response –Land to the West of Isabel Drive and off Stansted Road, Elsenham

Ref: SUDS-005470
LPA Ref: UTT/21/2461/DFO

Thank you for your email received on 06/12/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above-mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on Suds schemes for major developments. We have been statutory consultee on surface water since the 15th of April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA Suds Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

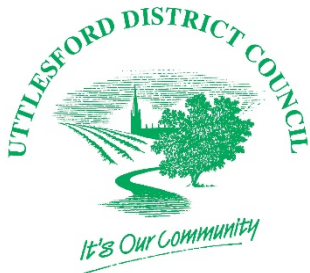
Lead Local Flood Authority position

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 based on the new information received.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

Agenda Item 8



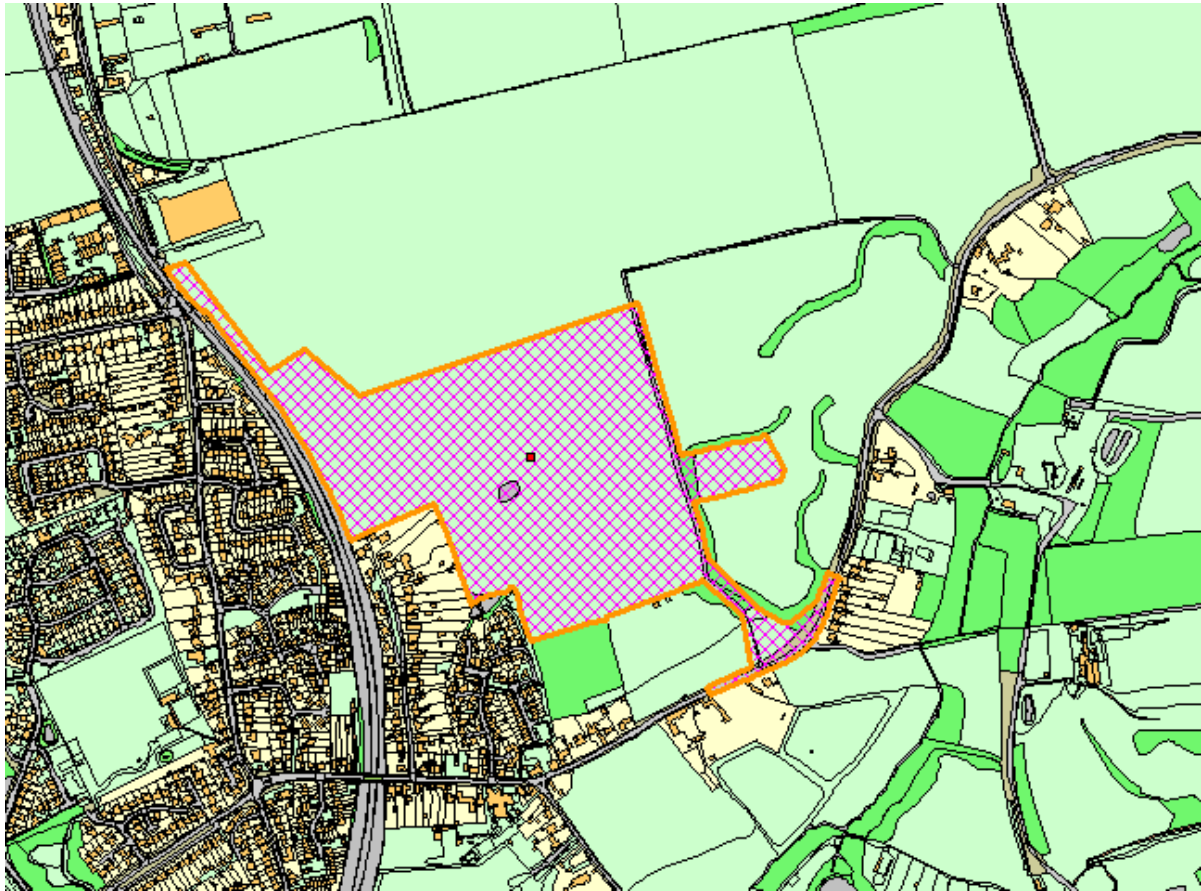
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 8 February 2023

REFERENCE NUMBER: UTT/22/2480/FUL

LOCATION: Land To The North West Of, Henham Road,
Elsenham,

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway

APPLICANT: Bloor Homes

AGENT: Mr Anas Makda

EXPIRY DATE: 6 December 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits/Adjacent to Listed Buildings.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1. EXECUTIVE SUMMARY

1.1 This application is to vary conditions made under Section 73 of the town and Country Planning Act 1990 (as amended) pursuant to application UTT/17/3573/OP allowed at appeal on 22nd December 20

1.2 The amendment seeks to vary Condition 2 (approved plans), Condition 9 (access plan), 10 (transport infrastructure) & 11 (footway/cycleway scheme).

1.3 The proposed variations to conditions 2, 9 and 10 involve the substitution of a previously consented plan with a new plan that would bring the outline conditions in line with the access details approved through the reserved matters. The proposed variation of Condition 11 (footway/cycleway scheme) seeks to amend the timeframe within which the footway cycleway shall be constructed from prior to the occupation of the first dwelling to prior to the occupation of the 80th dwelling on site.

2. RECOMMENDATION

2.1

That the Director of Planning be authorised to **GRANT** planning permission for the development subject to those items set out in section 17 of this report –

- A) Conditions
- B) S106 Agreement

3. SITE LOCATION AND DESCRIPTION:

3.1

The application site lies on the north-west side of the B1051 Henham Road to the immediate north-east of the existing built-up area for Elsenham village and comprises for the purposes of the land edged in red part of undeveloped amenity land / parkland running parallel with the Henham Road frontage and part of open arable agricultural land lying to the rear.

3.2

The site slopes up from the B1051 towards the rear (northern) site boundary as edged in red. A listed residential property lies opposite the site on the south side of Henham Road, whilst further residential properties line the south-eastern side of the road just past the site after a gradual bend. Public footpath PRow 13_21 traverses the site north-east/south-west and leads across an existing field track leading from Henham Road to the northern end of the site.

3.3

The site is not located within or adjacent to any conservation areas. However, there are several Grade II listed buildings along the south side of Henham Road.

4. PROPOSAL

4.1

To vary conditions made under Section 73 of the town and Country Planning Act 1990 (as amended) pursuant to application UTT/17/3573/OP allowed at appeal on 22nd December 2020.

4.2

The application seeks to vary Condition 2 (approved plans), Condition 9 (access plan), 10 (transport infrastructure) & 11 (footway/cycleway scheme).

4.3

The proposed variations to conditions 2, 9 and 10 involve the substitution of a plan drawing that would bring the outline conditions in line with the access details approved through the reserved matters UTT/21/2799/DFO granted on 17.12.2021 Condition 11 seeks to amend the wording to defer delivery of the foot/cycleway from 'prior to the occupation of the first dwelling' to 'prior to the occupation of the 80th dwelling on site.' The amended plan includes the following changes:

- 4.4
- The footway has been widened on one side of the carriageway from 2.0m to 3.5m.
 - Space for swales has been included.
 - The carriageway has been narrowed from 6.5m to 6.0m.
 - The carriageway has been re-aligned to increase the distance between road users and the former quarry embankment.
 - 'Narrowings' have been added to encourage 20mph design speed throughout the development and reduce vehicle speeds on the approach to the PRoW (Public Right of Way) crossing.
 - A raised table has been added to promote awareness of the PRoW crossing.
 - Radii have been increased at the access and the junction footway extended.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposed amendments would not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

- 6.1
- UTT/17/3573/OP - Outline application with all matters reserved except for access for: up to 350 dwellings, 1 no. primary school including early years and childcare setting for up to 56 places, open spaces and landscaping including junior football pitch and changing rooms, access from B1051 Henham Road with associated street lighting and street furniture, pedestrian, cycle, and vehicle routes. pedestrian and cycles link to Elsenham Station and potential link to Hailes Wood, vehicular and cycles parking. provision and/or upgrade/diversion of services including water, sewerage, telecommunications. electricity, gas and services media and apparatus, on-plot renewable energy measures including photo-voltaics, solar heating and ground source heat pumps, drainage works, sustainable drainage systems and ground and surface water attenuation features, associated ground works, boundary treatments and construction hoardings - Land to The North West Of Henham Road Elsenham – Not Determined - Appeal Ref: APP/C1570/W/19/3243744 – Appeal Allowed – 22/12/2020.
 - UTT/21/2799/DFO - Details following outline approval UTT/17/3573/OP (approved under appeal reference APP/C1570/W/19/3243744) for access road infrastructure to serve up to 350 new homes and associated uses - details of appearance, landscaping, layout and scale. - Land To The North West Of Henham Road Elsenham Hertfordshire - Approved with Conditions – 17/12/2021.

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 No formal discussions have taken place.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

8.1.1 The highway authority has considered the documents submitted for the discharge of conditions 2 and 9, drawings EA177-EN-100 Rev E, EA177-EN-101 Rev F and 2101-522 038G as these are in accordance with the approved S278 drawings we are happy for the conditions to be varied to include them.

8.1.2 Condition 10, the highway authority has considered the variation to this condition and looked at it in relation to the submitted phase plan. The highway authority would be willing to accept a variation to the condition which required the footway cycleway to be made available for use prior to the occupation of the 80th development, I would like added that, safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.

8.2 Highways Agency – No Objection.

8.2.1 With this application for the proposed variation of conditions 2, 9, 10, and 11 for the planning permission of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network. Therefore, we offer no objection.

9. Elsenham Parish Council

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 No consultee responses required.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 563 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 0 Comments received.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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.

12.3 The Development Plan

12.4 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

13.4 GEN1 – Access
GEN6 – Infrastructure Provision

13.5 Supplementary Planning Document or Guidance

13.6 Uttlesford Local Residential Parking Standards (2013)

Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

14.2 Guidance for determining s73 applications is set out in the National Planning Practice Guidance (NPPG) which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition, but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations is somewhat restricted and only the amendments being applied for should be considered at this stage.

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

14.4 A) Access

14.4.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.4.2 As noted above, the amendments to the plan drawing as part of conditions 2, 9 & 10 would bring the content of the outline conditions in line with the access details considered acceptable and approved as part of the reserved matters application UTT/21/2799/DFO.

14.4.3 Condition 11 seeks to amend the wording to defer delivery of the foot/cycleway to provide a connection to the station until prior to the occupation of the 80th dwelling on site rather than prior to the occupation of the 1st dwelling. As part of the heads of terms as set out within the appeal decision, the applicant was required to make provision for the phasing of the development to be agreed with the Council. This was subsequently agreed with by the Council as part of drawing No. EA177-PHASING-0A Rev A. Given the agreed phasing plan for the development,

with the western part of the site forming one of the later phases, the ECC Highways Team consider that this amendment would be a reasonable and appropriate timeframe for the cycleway to be provided.

- 14.4.4** As referred to above, the ECC Highways Authority have been consulted as part of the application and consider the variations to the conditions to be acceptable.
- 14.4.5** The proposed amended layout would ensure that the safety and accessibility for pedestrians and cyclists would be prioritised as required by Policy GEN1 of the Uttlesford Local Plan 2005.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.5 Human Rights

15.6 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16 Conclusion

16.7 The scale and nature of the changes outlined above and explained in the planning submission are considered to minor in relation to the approved scheme at outline stage and would bring the outline conditions in line with the access details approved through the reserved matters.

16.8 It is therefore recommended that the application be approved subject to the suggested conditions.

17. S106/ CONDITIONS

17.1 S106

17.2 The S106 Agreement signed as part of the outline permission states under section 16 that ‘in the event that the Council or Inspector on appeal shall at any time hereafter grant a planning permission pursuant to an application made under section 73 of the 1990 Act in respect of the conditions attached to the Permission (and for no other purpose whatsoever) references in this Deed to the Permission and the Development shall be deemed to include any such subsequent planning applications and planning permissions granted as aforesaid and this Deed shall henceforth take effect and be read and construed accordingly. Therefore, a Deed of Variation to the S106 is not required as part of this application.

17.3 Conditions

1 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 that development commences and the development must be carried out as approved.

Application for approval of the first Reserved Matters must be made to the local planning authority not later than the expiration of 2 years from the date of permission UTT/17/3573/OP, dated 22/12/2020. The development hereby permitted must be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- FFP012-151 Rev B Site Location Plan
- FFP012-132 Rev J Parameter Plan
- EA177-EN-100E Access General Arrangement (Sheet 1)
- EA177-EN-101F Access General Arrangement (Sheet 2)
- EA177-EN-038G S38 Adoption Plan

3 The development shall be carried out in accordance with the details of Archaeology as part of planning consent references UTT/22/2410/DOC & UTT/22/3166/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

- 4** The development shall be carried out in accordance with the details of the Construction Management Plan as part of planning consent in reference UTT/22/2194/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 5** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of any dwelling. The LEMP shall include provision for habitat creation and management during the life of the development hereby permitted, and shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
 - g) Details of the body or organisation responsible for implementation of the plan. Ongoing monitoring, remedial/contingency measures triggered by monitoring to ensure that conservation aims, and objectives are met.
 - h) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management body or bodies responsible for its delivery.

The approved plan will be implemented in accordance with the approved LEMP.

- 6** The development shall be carried out in accordance with the details of the Invertebrate Mitigation and Management Plan as part of planning consent reference UTT/22/0699/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 7** Prior to the installation of any fixed external lighting within the public realm, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme must:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.

- b) Show how and where external lighting will be installed (through the provision of a design drawing and a spill light isolux drawing) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- c) Provide details of future maintenance of installed fixed lighting.

The lighting scheme shall be implemented in accordance with the approved details.

- 8** The development shall be carried out in accordance with the details of the Skylark Mitigation Strategy as part of planning consent in reference UTT/22/0700/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

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.

- 9** Prior to the occupation of any dwelling access from Henham Road shall be provided in accordance with drawings EA 17 7 - EN- 100E Access General Arrangement, EA177 - EN - 101F Access General Arrangement, and EA177 - EN - 038G S38 Adoption Plan, and shall include visibility splays with dimensions of 4.5 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction clear to ground at all times thereafter.

- 10** Prior to the occupation of any dwelling the transport infrastructure as shown in principle on drawing number EA 17 7 - EN- 100E Access General Arrangement, EA177- EN - 101F Access General Arrangement, and EA177- EN - 038G S38 Adoption Plan, shall be provided:

- Two bus stops, to the specification of Essex County Council and including poles, flags, timetables, raised kerbs, shelters and appropriate road markings.
- 2m wide footway on the north side of Henham Road from the site access to join with the existing footway to the west.
- Footway on the south side of Henham Road to link the existing footways.
- Dropped kerb crossing point of Henham Road.
- Raised table crossing point of public right of way and associated signing of Public Right of Way (PROW) 21 (Elsenham).

- 11** Prior to the commencement of the development, a scheme showing a footway/cycleway of minimum width of 3m, linking the development to Old Mead Road (as shown on the approved Parameter Plan (FFP012-132 Rev J), including details of associated signing and lighting shall be

submitted to and approved in writing by the Local Planning Authority. The footway/cycleway shall be constructed in accordance with the approved scheme and made available for use prior to the occupation of the 80th dwelling hereby permitted.

Safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.

- 12** Prior to the occupation of any dwelling hereby permitted an electrical vehicle charging point shall be provided for that dwelling. For houses these shall be accessible from any on-plot parking spaces associated with that house. For every 25 flats, one or more parking bays shall be marked out for use by electrical vehicles only. Charging infrastructure and cabling shall be provided and thereafter maintained and retained.
- 13** Prior to the opening of the primary school, an Education Travel Plan must be submitted to and approved by the Local Planning Authority in writing. The Education Travel Plan shall then be actively implemented from the opening of the primary school for a minimum period of 5 consecutive years during which the school is operational.
- 14** The development shall be carried out in accordance with the details of the Noise Insulation Measures as part of planning consent reference UTT/22/2978/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 15** Prior to the opening of the primary school, a scheme of design and mitigation measures to achieve BB93 School Acoustics criteria for the specific rooms of the school, and for any external teaching areas so that noise levels should not exceed 50dB LAeq 30 mins shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 16** Prior to installation of any externally mounted ancillary plant for non-residential buildings, equipment and servicing a scheme of design and details of any necessary mitigation to achieve a rating level at the closest noise sensitive receptor from all plant combined of 5 dB LAeq below the typical background (LAeq 90) level at the nearest noise sensitive receptor shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 17** The development shall be carried out in accordance with the details of contamination as part of planning consent reference UTT/22/0590/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 18** The development shall be carried out in accordance with the details of the Surface Water Drainage as part of planning consent reference

UTT/22/2359/DOC, unless otherwise agreed in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

- 19** Prior to the occupation of any of the dwellings hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

The applicant or any successor in title must maintain yearly logs detailing the maintenance of the surface water drainage system which should be carried out in accordance with the approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 20** 5% of the dwellings approved by this permission shall be built to Category 3 (Wheelchair user) housing M3 (3)(2)(a) wheelchair adaptable. The remaining dwellings must be built to Category 2: Accessible and adaptable dwellings M4 (2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

- 21** No development or preliminary groundworks shall commence until an Unexploded Ordnance Risk (UXO) Assessment has been submitted to and approved in writing by the Local Planning Authority. The UXO Assessment shall include details of risk mitigation measures, how mitigation will be implemented, details of the procedures should high risk UXO not previously identified be encountered and the reporting regime. The mitigation shall be undertaken in accordance with the approved scheme.

- 22** Prior to commencement a detailed arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify trees to be retained as part of the development and shall include details of measures to protect and manage those trees during and after the construction stage of the development. The development shall be undertaken in accordance with the approved statement.

- 23** Prior to the occupation of any dwelling a scheme for hedgerow gap planting in the hedgerow to the south of Footpath 15 shall be submitted to and approved in writing by the Local Planning Authority. The hedgerow gap planting shall be undertaken in accordance with the approved scheme.

Appendix 1 –Statutory Consultee Reponses

[External] UTT/22/2480/FUL Highway Consultation Response 11091



Katherine Wilkinson - Strategic Development Engineer <[REDACTED]>
To Laurence Ackrill; Planning



Wed 25/01/2023 11:49

UTT/22/2480/FUL

Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway

The highway authority has considered the documents submitted for the discharge of conditions 2 and 9, drawings EA177-EN-100 Rev E, EA177-EN-101 Rev F and 2101-522 038G as these are in accordance with the approved S278 drawings we are happy for the conditions to be varied to include them.

Condition 10, the highway authority has considered the variation to this condition and looked at it in relation to the submitted phase plan. The highway authority would be willing to accept a variation to the condition which required the footway cycleway to be made available for use prior to the occupation of the 80th development, I would like added that, **safe access from the occupied dwellings to the cycle path should be maintained at all times during the construction of the site.**

Kind regards

Katherine Wilkinson | Strategic Development Engineer
Strategic Development



SAFER GREENER HEALTHIER

T: [REDACTED]
E: [REDACTED]

W: www.essex.gov.uk/highways

Please note I work Tuesday - Thursday

**National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@highwaysengland.co.uk

To: Uttlesford District Council FAO, Laurence Ackrill

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: UTT/22/2480/FUL **National Highways Ref:** 96079

Location: Land to The North West of Henham Road, Elsenham, Hertfordshire

Proposal: Variation of conditions 2, 9, 10 and 11 attached to outline permission UTT/17/3573/OP granted on appeal - conditions 2, 9 and 10 to be varied to amend the Access Plan reference to updated plans and condition 11 to be amended to alter trigger for completion of cycleway.

Referring to the re-consultation on a planning application dated 08 September 2022, referenced above, in the vicinity of the M11, that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~e) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@df.gov.uk and may not determine the application until the consultation process is complete.

Signature: S. H.	Date: 13 September 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

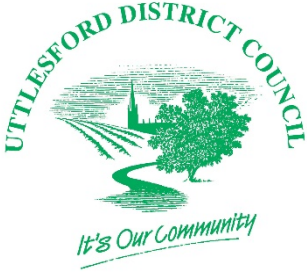
Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

The proposed development site is located remotely from the Strategic Road Network, where proposed site access will be from the local road network.

With this application for the proposed variation of conditions 2, 9, 10, and 11 for the planning permission of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

Therefore, we offer no objection.



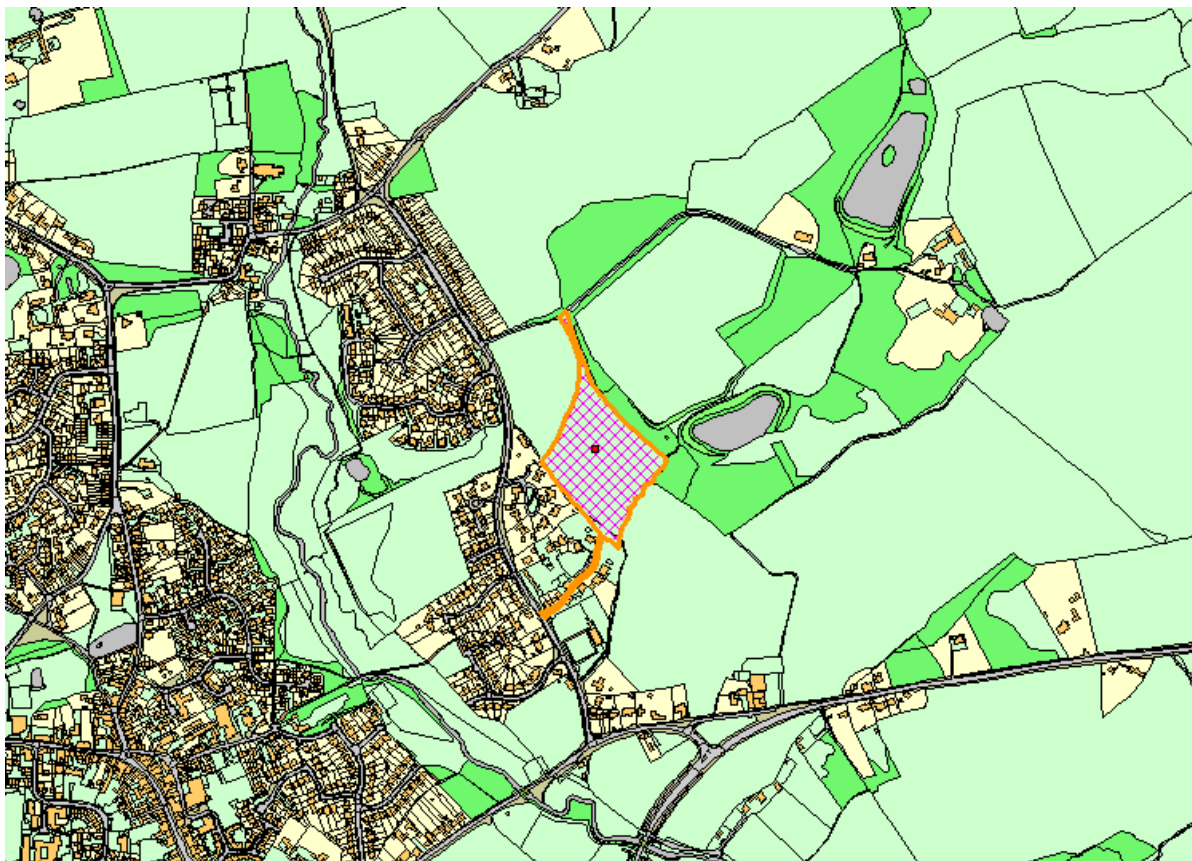
ITEM NUMBER: 9

PLANNING COMMITTEE 8 February 2023
DATE:

REFERENCE NUMBER: UTT/22/2035/FUL

LOCATION: Land East Of St Edmunds Lane North Of Tower
View Drive, St Edmunds Lane, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023**

PROPOSAL: Erection of 30 no. self-build and custom dwellings.

APPLICANT: Mr Rupert Kirby

AGENT: Miss Hannah Wallis

EXPIRY DATE: 24 October 2022

EOT Expiry Date

CASE OFFICER: Laurence Ackrill

NOTATION: Outside Development Limits (ULP) / Outside Town Development Area (GDNP), Ancient Woodland & within 100m of County Wildlife Site.

REASON THIS APPLICATION IS ON THE AGENDA: Major planning application.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought for the erection of 30 no. new self-build and custom dwellings.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan and is also located outside the development housing growth 'Town Development Area', as designated by the Great Dunmow Neighbourhood Plan.
- 1.3** As the proposals cannot be tested against a fully up-to-date Development Plan, and the Council is currently unable to demonstrate a 5-year housing land supply (although its position is improving), paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed "Planning Balance" has been undertaken of the proposals against all relevant considerations.
- 1.4** The proposals would boost the Councils self-build housing supply, in which there is an identified need and the provision of an off-site affordable housing financial contribution. Furthermore, weight has been given in respect to introduction of a new footpath linking the proposed houses to

the network of public footpaths to the north, improvements to transport infrastructure and on-site energy generation from low-carbon sources. The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.

- 1.5 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of the proposed development.

2. **RECOMMENDATION**

- 2.1 That the Director of Planning be authorised to **GRANT** planning permission for the development subject to those items set out in section 17 of this report –

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the Council's delivery of housing over the last three years is substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

- 2.3 That, in the absence of the agreement referred to in resolution (2.1) above being completed within the time period provided for in resolution (2.2) above, the planning permission be refused for the following reasons:

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support its delivery. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, Policy H9 - Affordable Housing of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site is located on the east side of St Edmunds Lane and comprises an irregular shaped sloping parcel of agricultural land consisting of 3 ha. The site lies to the north east of the first phase of development by the applicant, which benefits from planning permission for the erection of 22 custom/ self-build dwellings. (UTT/19/1508/FUL)
- 3.2** A public footpath lies to the north of the application site. Tower View Drive, a group of 2-storey dwellings is found to the south west of the application site. Further, Tower House, a Grade II listed former Windmill is situated to the west of the application site. The site is bound to the east by the Wood at Merks Hall, which is a County Wildlife Site and a stream to the south.
- 3.3** The site is not located within or adjacent to any conservation areas and there are no listed structures on the site. However, adjacent to and northwest of the site is the Grade II listed building, Tower House, an early eighteenth-century windmill, and house, of red brick with a domed cap. The site is located outside development limits and also outside the housing growth Town Development Area, as designated by the Great Dunmow Neighbourhood Plan.

4. PROPOSAL

- 4.1** Full planning permission is sought for the erection of 30 no. self-build and custom dwellings.
- 4.2** Access to the site would be through the adjoining 'Phase 1' residential development to the southwest of the site, that is currently under construction, through an extended estate road.
- 4.3** The developed part of the site would have a net area of approximately 3 hectares, with a density of approximately 10 dwellings per hectare.
- 4.4** The site would feature the creation of a public walkway from the development across the open land to the rear of the site, to link into the public footpath to the north, with a 100m² LAP (Local Area for Play) would running alongside the north-eastern boundary of the site with a landscaped perimeter edge.

5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5.1** The proposal amounts to "Schedule 2" development (10. Infrastructure Projects - (b) Urban development projects...) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. However, as the development proposal by reason of its nature, size or location (i) does not exceed 1 hectare of urban development which is not dwelling-house development; (ii) does not exceed 150 dwellings and (iii)

the overall area of the development does not exceed 5 hectares, the proposal is not EIA development, and an environmental assessment is not required to assess the environmental impacts of the development.

6. RELEVANT SITE HISTORY

- 6.1** UTT/20/1744/FUL - Proposed 30 no. Self-build and custom dwellings - Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow – Refused – 11/06/2021 - Appeal Ref: APP/C1570/W/21/3282098 – 28/11/2022.

Adjoining Sites

- 6.2** UTT/14/0472/OP - Outline application with all matters reserved for the development of land for the provision of 22 custom / self-build dwellings with associated access, parking provision and amenity space. - Land East Of St Edmunds Lane Great Dunmow Essex – Refused – 23/05/2014 - Appeal Ref: APP/C1570/A/14/2223280 – Appeal Allowed – 15/05/2015.

UTT/17/3623/DFO - Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no.custom/ self-build dwellings. Details of access, appearance, landscaping, layout and scale - Land East of St Edmunds Lane Dunmow – Approve with Conditions – 11/05/2018.

UTT/19/1508/FUL - Construction of 22 Custom/ Self Build Dwellings (Revised Schemes to UTT/17/3623/DFO) - Land East of St Edmunds Lane Dunmow - Approve with Conditions – 25/06/2020.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** The Localism Act requires pre-application consultation on certain types of planning applications made in England. No pre-application consultation has been carried out prior to the current application. However, extensive discussions with the Council and community took place as part of the previous application that was recently dismissed at appeal. As such the following consultation events have been held by the applicants:

- Public exhibition held on 10/09/2019.
- Notice of exhibition advertised 2 weeks prior in local newspapers and online.
- Pre-application meetings with Uttlesford District Council on 25/01/2019 & 22/10/2019.
- Pre-application meeting with Great Dunmow Town Council – 04/06/2019.
- Online meeting with members of the Town Council – 20/05/2020.

- 7.2** Full details of the applicant's engagement and consultation exercises conducted is discussed within Section 5 the supporting Planning Statement.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority (subject to conditions and S106 agreement).

8.2 Local Flood Authority – No Objection.

8.2.1 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.

9. Great Dunmow Town Council Comments - Object

9.1 Raise objection in accordance with previous comments submitted. These included the following:

- Harm to the setting of a listed building
- Harm to the character of the countryside
- Contemporary design is not supported
- There is a lack of cycleways in the area
- A financial contribution should be sought for foot/cycle paths.
- A financial contribution to a new swimming pool on the proposed new secondary school site East of Buttleys Lane.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection.

10.1.1 The applicant has stated that without prejudice they are willing to agree to an off-site contribution in lieu of the 8 Affordable Rental Properties secured via a legal agreement given the exemption of paragraph 65 of the NPPF in relation to home ownership. Normally, on-site affordable provision is required but given that this is a custom/self-build site an off-site contribution in lieu of the 8 Affordable Rented Properties is acceptable.

10.2 UDC Environmental Health – No Objection.

10.2.1 This service has reviewed the details supplied to support this application and has no objection in principle.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 ECC Historic Buildings and Conservation

10.4.1 The proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF this harm would be less than substantial, Paragraph 202 being relevant. I suggest that this harm is towards the low end of the spectrum. I also consider this application to be contrary to Paragraph 206.

10.5 ECC Infrastructure – No Objection.

10.5.1 A development of this size can be expected to generate the need for the financial contribution to mitigate the need for education places based on 30 dwellings for the following:

- Early Years Education: (Financial contribution of £TBC).
- Primary Education: (Financial contribution of £TBC).
- Secondary Education: (Financial contribution of £TBC).

10.6 Place Services (Ecology) – No Objection

10.6.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.7 NHS – No comments.

10.7.1 The Clinical Commissioning Group only respond to planning applications of 50 or more dwellings so would not be commenting on the site in this instance.

10.8 Aerodrome Safeguarding – No Objection.

10.8.1 No aerodrome safeguarding objections to the proposal subject to conditions.

10.9 Anglian Water – No Objection.

10.9.1 Anglian Water have no objection to this application subject to planning conditions.

10.10 Affinity Water – No Objection.

10.10.1 The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that

are material to the determination of the application and are addressed in the next section of this report.

- 200 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 8 Comments of objection received.

11.2 Summary of Objections

- Overdevelopment of Dunmow
- Increase in demand for energy and carbon issues
- Impact on green belt land (Officer comment: the application site is not designated as green belt land.
- Impact on privacy
- Impact on wildlife
- Noise pollution
- Impact on mental health
- Concerns regarding access and traffic
- Impact on drainage
- Degrade of woodland
- Impact on the countryside character
- Impact on listed buildings
- Out of keeping with the area
- Lack of infrastructure, including water pressure

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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:

(a) 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.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

12.5 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021) (NPPF)

13.3 Uttlesford District Plan 2005

S7 – The Countryside
S8 – The Countryside Protection Zone
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments

ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.4 Great Dunmow Neighbourhood Plan

Policy DS1: TDA: Town development Limits
Policy DS8: Building for Life
Policy DS9: Hedgerows
Policy DS10: Eaves Height
Policy DS11: Rendering, Pargeting and Roofing
Policy DS12: Integration of Affordable Housing
Policy DS13: Local Housing Needs
Policy LSC1: Landscape, Setting and Character
Policy GA-A: Public Transport
Policy GA2: Integrating Developments (Paths and Ways)
Policy GA3: Public Transport
Position: HEI-A: Infrastructure Delivery
Policy NE1: Identified Woodland Sites
Policy NE2: Wildlife Corridors
Policy NE3: Street Trees on Development Sites
Policy NE4: Screening
Policy S0S3: Children’s Play Space

13.5 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Countryside Impact**
 - D) Design & Neighbouring Amenity**
 - E) Heritage impacts and Archaeology**
 - F) Affordable Housing Mix and Tenure**
 - G) Access and Parking**
 - H) Nature Conservation & Trees**
 - I) Climate Change**
 - J) Contamination**
 - K) Flooding**
 - L) Air Quality**

M) Planning Obligations

14.3 A) Background

14.3.1 This application follows on from a previous application under reference UTT/20/1744/FUL, determined in 2021. That proposal involved a full application for 30 no. Self-build and custom dwellings. The application was refused permission on the following grounds:

1. The proposed development by reason of the site's location lying outside development limits within the countryside, would be harmful to the particular character of the countryside in which the site is set. As such, the development would be contrary to the adopted Uttlesford Local Plan Policy S7 of the Uttlesford Local Plan (adopted 2005,) and Policy DS1:TDA, LSC1 of the adopted Great Dunmow Neighbourhood Plan 2016, whereby the adverse environmental effects arising from this rural harm and loss of openness would significantly and demonstrably outweigh any identified benefits of the submitted scheme, when assessed against the guidance contained in the National Planning Policy Framework (February 2019) when taken as a whole.
2. The setting of the Grade II listed building at Tower House will be affected by the development, as the existing site positively contributes to its setting and significance through being undeveloped land which preserves its sense of tranquillity and isolation. In particular, the proposed will further separate the listed building from its agrarian context, undermining its significance. Visually the proposed will be intrusive and other factors such as light pollution, noise pollution and general disturbance must be taken into consideration. The proposed would present the harmful sprawl and urbanisation of the site resulting in several impacts to the designated heritage asset, especially considering the diurnal, environmental and seasonal changes. The proposed development would therefore adversely alter the experience, understanding and appreciation of the listed building. The harm to the designated heritage asset is considered to be 'less than substantial', Paragraph 196 of the National Planning Policy Framework (2019) is therefore relevant. Considering the topography of the site, and the impact mentioned above, the 'less than substantial harm' to lies towards the lower half of the scale of harm. Accordingly, the proposal is contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
3. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 – Infrastructure Provision to Support Development, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

14.3.2 The proposal was subsequently dismissed at appeal, with the Inspector concluding that in *‘the absence of a mechanism to secure the custom and self-build homes, or an affordable housing contribution, presents conflict with the Framework, particularly at paragraph 65 where it requires a minimum contribution to affordable housing as part of its objective to deliver a supply of homes for varying groups in the community.’* As such, *‘the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.’*

14.3.3 In order to overcome the concerns in respect of this refused / dismissed scheme the applicant has confirmed to agree to an off-site contribution in lieu of 8 Affordable Rental Properties secured via a legal agreement. As such, the scheme is materially different to that of the previous proposal. In addition, a unilateral undertaking would be signed to secure the entirety of the development for custom and self-build homes. As such, the scheme is materially different to that of the previous proposal.

14.4 B) Principle of development

Housing Delivery

14.4.1 The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.4.2 Policy DS13 – Local Housing Needs of the Great Dunmow Neighbourhood Plan highlights that residential development proposals shall be supported which meet the need for a housing mix including a significant proportion of one and two bedroom including bungalows which accommodate the needs of the elderly.

14.4.3 The NPPF highlights that under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

14.4.4 The most recent self-build register shows there is a demand/need for self-build within the Uttlesford District of 242 entries, with 45% of entrants registering a preference for a 4 bedroom dwelling and only 0.4% of entrants registering a preference for a 1 bedroom dwelling.

- 14.4.5** The proposed scheme would facilitate the construction of self build & custom residential units in a location close to public transport and local facilities. Whilst the proposal would not include affordable housing on-site, the applicant has committed to providing an off-site contribution, as discussed in more detail under Section F of this report. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Development Limits

- 14.4.6** Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 14.4.7** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 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.
- 14.4.8** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.4.9** 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 and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.
- 14.4.10** The Planning Inspector as part of the previously dismissed appeal at the site considered that *'the proposed development would inevitably entail a reduction in the openness of the appeal site and some encroachment of the settlement into the surrounding countryside. Despite this, the appeal site would form one of a cluster of developments set around both sides of St Edmunds Lane which together form a more gradual transition between the settlement and the countryside. Together with the recently approved development to the south, the appeal scheme would effectively infill and*

round-off the edge of the settlement. This limits its visual impacts and the development would not represent a significant encroachment into the countryside when viewed in combination with those other developments.' Given that the proposal has not been altered, nor the site circumstances changed significantly from that of the dismissed appeal, no further concerns are raised in relation to the development and how this would accord with Policy S7.

Loss of Agricultural Land

- 14.4.11** Paragraph 174(b) of the Framework states "Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.
- 14.4.12** Annex 2 of The Framework defines "best and most versatile land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".
- 14.4.13** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.4.14** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.
- 14.4.15** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.4.16** No assessment of alternative sites of a poorer quality of agricultural category have been undertaken, as such there would be some conflict with Policy ENV5. However, the loss of BMV land as part of the

application, at 3 ha, would be relatively small and such a loss can only be afforded very limited weight in relation to the conflict with this policy. As such the loss of agricultural land in this location is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Great Dunmow Neighbourhood Plan

- 14.4.17** The site is located outside the ‘Town Development Area’ as designated by Policy DS1:TDA of the Great Dunmow Neighbourhood Plan. The purpose of which is to direct future housing growth, protect the rural setting of Great Dunmow and contain the spread of the town by promoting infill within existing built up-areas.
- 14.4.18** Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, any adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
 - c) the local planning authority has at least a three-year supply of deliverable housing sites; and
 - d) d) the local planning authority’s housing delivery was at least 45% of that required over the previous three years.
- 14.4.19** The Great Dunmow Neighbourhood Plan is a material consideration, however, as the Neighbourhood Plan is now more than two years old and as such the added protection of Paragraph 14 would not apply in respect to applications involving the provision of housing. It is therefore necessary to assess whether the application proposal is sustainable development.
- 14.4.20** The Planning Inspector as part of the previous appeal decision concluded that *‘the proposal would not cause harm to the character and appearance of the area. While there would be some encroachment of the settlement into the countryside, given the site’s location this impact would be limited. Consequently, the proposal would not conflict with the aims of Policy S7 of the ULP or Policy DS1 of the DNP insofar as they relate to protection of the town’s rural setting and the character of the countryside.’* Given that the scheme has not been altered significantly since the previous appeal decision, no further concerns are raised in relation to the proposal regarding conflict with Policy S7 or DS1 and therefore the previous reason for refusal in relation to this cannot be sustained.

Suitability and Location

- 14.4.21** Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.
- 14.4.22** Great Dunmow is identified within the Local Plan settlement hierarchy as being “the focal point of the south-eastern part of the District and the second largest settlement in Uttlesford.” Where there is a town centre with a number of services and facilities.
- 14.4.23** Although outside the ‘development limits’ of Great Dunmow as designated by the Local Plan and the ‘Town Development Area’ of the Neighbourhood Plan, it is noted as part of a previous appeal for the adjacent site in relation to application reference UTT/14/0472/OP, the Planning Inspector considered that *‘given its close proximity to the town centre, along with the location of bus stops providing public transport to Stansted Airport, Braintree and Colchester, local services would be accessible to future occupiers of the proposed dwellings.’* Given the applications site lies just beyond the aforementioned development site, towards the western edge of the settlement, it would therefore not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

Policy Position

- 14.4.24** The Council is currently unable to demonstrate a 5YHLS supply and therefore paragraph 11 is fully engaged along with the “tilted balance” in favour of the proposals.
- 14.4.25** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.
- 14.4.26** The “Planning Balance” is undertaken further below, but before doing so we have undertaken a wider assessment of the proposal against all relevant considerations to determine if there are impacts, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.
- 14.4.27** However, taking into account the lack of 5YHLS, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5 B) Countryside Impact

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.5.4** The application site lies within the character area known as the Upper Chelmer River Valley, which stretches from the southern edge of the historic town of Thaxted, southwards to the point at which the river meets the urban edge of Chelmsford.
- 14.5.5** The area is characterised by gently undulating valley floor has an enclosed character and restricted views often framed by the many riverside and hedgerow trees, a string of small wet woodlands and the sloping valley sides. The assessment describes the key characteristics for the landscape area as being a narrow valley with dense riverside trees, arable valley sides with a fairly open character. Overall, this character area has a relatively high sensitivity to change.
- 14.5.6** As noted by the Planning Inspectors comments in relation to the site as part of the previous appeal, the proposed development '*would not represent a significant encroachment into the countryside when viewed combination with those other developments.*' '*Together with the strategy for landscaping on the site, the development would respect the character and appearance of those neighbouring developments and provide a suitable transition to the countryside beyond.*'
- 14.5.7** As noted above, given that the proposed scheme has not changed significantly from that of the previous application and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be '*limited*', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

14.6 C) Design & Neighbouring Amenity

Design

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.6.2** Unlike a conventional detailed application, the finalised layout and scale of the proposed development cannot be considered at this stage. This is due to the various extension and garage options that are available for the proposed plots. These will be determined by the purchaser and, like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of work on each plot.
- 14.6.3** In terms of design selection for the house types, the submitted Design Code and Plot Parameter Plan set the maximum dwelling width, depth, eaves height and ridge height as well as the materials pallet. This is intended to allow flexibility for the self-builder whilst providing the Council with certainty of what would be delivered. The Design Code sets out, for example, the line of house frontages, depth of build zone, plot co-ordinates and maximum ridge and eaves heights. In terms of construction, the developer would promote the "Golden Brick" principle where the plot buyer would have the option of self-building the dwelling from slab level upwards or request that the dwelling is variously constructed to roof level or the third option being a "Turn-key" dwelling where the buyer simply chooses internal layout etc. The scheme adopts a modular approach to the various house types.
- 14.6.4** The applicant is proposing a range of different house types for each plot, which are designed as single, two and two and a half storeys in height, in keeping with the scale of existing housing development locally and set within 3no. distinct character areas:
- 14.6.5** Area 1: The layout of area 1 seeks to continue the theme set by Phase 1, with cottage style properties facing the main road. All the parking is provided behind or to the side of the properties to ensure that the parking of cars will not detract from the street scene. The intention being to create an attractive and varied street scene similar to the villages found in the surrounding area such as Newport, Thaxted, Great Bardfield & Finchingfield.

- 14.6.6** Area 2: The side road has a semi-rural design theme with mixture of cottage and agricultural styled properties to either side of the road leading to a feature house and neighbouring barn style property at its end.
- 14.6.7** Area 3: Sits in front of the woodland at Merks Hall and opposite the more traditional area 2. It is designed to create an area that appears like a modern addition to the settlement. The intention being to create a greater range of choice for self-builders. The design of the illustrative houses has been inspired by European woodland developments, that combine natural materials, such as native hardwoods with large, glazed areas to create highly energy efficient buildings.

Scale

- 14.6.8** The scale of the house types would comprise generally a mix of 1, 1½ and 2 storey dwellings across the development. The details would be fixed by various building parameters as part of a Design Code, submitted within the applicants Design & Access Statement. Front doors to each property would face the street, with parking spaces to the side / rear of buildings and there to be native hedge planting to front boundaries.
- 14.6.9** The Inspector as part of the previous application appeal noted that the *'exact location of the houses on the plots and the design of the houses, will vary, the proposal includes a detailed design code which would place restrictions on parameters including eaves and ridge heights, as well as building footprints, materials and boundary treatments.'* No concerns were raised the Inspector in relation to the contents / parameters as set out by the design code and the details for the units within each plot would be subject to approval of details applications.
- 14.6.10** Given the above, it is concluded that the proposed scale of the development would be generally consistent with the provisions of Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005, Policy DS10 of the Great Dunmow Neighbourhood Plan, and the Essex Design Guide.

Landscaping

- 14.6.11** Each plot has sufficient garden amenity space to serve the maximum size property which could be achieved for that plot given the extension/garage options. There would be sufficient separation distances between the proposed dwellings, whilst no overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application.
- 14.6.12** The proposal would also provide an area of public open space featuring a 100m² Local Area for Play (LAP) to the northern part of the site.
- 14.6.13** A landscaping scheme and strategy have been submitted with the application. It is proposed to plant native species hedges between each plot, with specimen trees to create a semi-rural appearance. A tree belt is

also proposed around the LAP that will screen the development from the north and create a high-quality public open space. The existing vegetation to the south will be retained and enhanced. The proposed mix of planting is considered to be appropriate for this edge of settlement site and no objections are therefore raised under ULP Policy GEN2 and GDNP Policies DS9 and NE4.

Neighbouring Amenity

- 14.6.14** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.6.15** As noted above, the proposal would be up to 2 ½ storeys in scale. The proposed site would be located due east of closest neighbouring residential development, where there would be a soft-landscaped buffer between the sites that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook.
- 14.6.16** In terms of noise disturbance from construction works, the construction phase of the site would be a temporary disturbance and an unavoidable aspect of new development. The Control of Pollution Act would provide protections in terms of hours of work and preventing unreasonable noise disturbance being created to neighbouring occupiers.
- 14.6.17** Given the generous spacings between the proposed units within the development and to that of the closest neighbouring residential developments, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.7 D) Heritage impacts and Archaeology

Impact on the setting of Listed Buildings

- 14.7.1** Policy ENV 2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.
- 14.7.2** The site is not located within or adjacent to any conservation areas and there are no listed structures on the site. However, adjacent to and northwest of the site is the Grade II listed building, Tower House, an early eighteenth-century windmill and house, of red brick with a domed cap.

- 14.7.3** The ECC Place Services Conservation Officers have been consulted with as part of the application. They consider that the proposed development of thirty dwellings would result in several adverse impacts in line with Historic England's Setting of Heritage Assets (GPA Note 3) and would present cumulative harm to the setting and significance of the adjacent listed building, Tower House. The proposals will adversely alter the agrarian setting of the Tower House, particularly views from the north and east, and wider views from the south. Furthermore, other environmental factors such as noise, general disturbance and light spill must also be considered.
- 14.7.4** In their assessment, the proposals would fail to preserve the special interest of the listed building, this harm would be less than substantial, with this harm being towards the low end of the spectrum.
- 14.7.5** The Appeal Inspector as part of the previously dismissed appeal came to a similar conclusion in terms of the proposals effect on the setting of Tower House. They noted that *'the semi-rural setting contributes to the appreciation of, and therefore the significance of, this heritage asset.'* *'The appeal scheme would impact upon the setting of the listed building.'* However, *'the northern part of the field would remain undeveloped, and this would retain the main open area across which the listed building is viewed from the public footpath.'*
- 14.7.6** The Inspector then goes on to surmise that *'due to the gradient of the land and the distance of the proposed development from the footpath, it would primarily be the roof slopes as well as parts of the first floor levels which would be apparent in those views. The landscaping buffer proposed to the northern side of the development would also provide screening to varying degrees. As a result, whilst the development would alter the sense of the listed building being set in a wider rural landscape, the development would not be dominant in those views nor visually detract or compete with it.'*
- 14.7.7** *'The development may entail additional external lighting and a degree of light pollution, alongside general movements and noise associated with the use of residential properties. However, given the distance of the proposed development from the listed building, proximity of other residential uses, and clear separation by boundary treatments, these impacts on the setting of the listed building would not be harmful.'*
- 14.7.8** On the other hand, the Inspector did concede that *'the proposal would introduce a new footpath linking the proposed houses to the network of public footpaths to the north. By doing so, new public views of the listed building would be created. This would increase opportunities for the public to appreciate and experience the heritage asset across the open field, which is an important part of its setting and significance. This would be a significant public benefit.'*
- 14.7.9** In terms of the "tilted balance", as set out in Section B of the Report, paragraph 202 of the National Planning Policy Framework 2021 (NPPF)

advises that 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.

Archaeology

- 14.7.10** In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing, and enabling informed and reasonable planning decisions to be made.
- 14.7.11** The ECC Archaeological Team have not commented on the application. However, it is noted that the Specialist Archaeological Adviser at Place Services, Essex County Council commented on the previous application and reported that the application site has the potential for surviving archaeological deposits and has recommended a series of pre-development conditions of archaeological investigation and reporting, which would be adequately secured by condition.
- 14.7.12** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

14.8 E) Affordable Housing Mix and Tenure

Affordable Housing

- 14.8.1** In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.
- 14.8.2** The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more properties.
- 14.8.3** Paragraph 65 of the Framework which sets out that planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. An exemption to this provision is given where the proposal is to be developed by people who wish to build or

commission their own homes. The footnote states that affordable home ownership is part of an overall affordable housing contribution, and that the exemption is made therefore in relation to this part. As such, the Framework is not intended to exempt self-build and custom build housing entirely from the requirement to provide affordable housing, only that it would not be required to provide affordable homes for ownership.

14.8.4 The Inspector as part of the previously dismissed appeal noted that *'by comprising entirely self-build plots, the proposed development would have been exempt from making an affordable housing contribution under the provisions of paragraph 65 of the Framework. In the absence of a mechanism to ensure that the proposal conforms to the exceptions given in paragraph 65, and in the absence of any other affordable housing being secured, the development would not accord with the objectives of the Framework insofar as they relate to delivery of affordable housing. The absence of such a contribution to affordable housing therefore weighs against the development.'*

14.8.5 Given the above exemption the proposal would still be subject to the provision of affordable rented housing as per the requirements of Policy H9 of the Local Plan. Normally, on-site affordable provision is required. However, in consultation with the Council's Housing Officer, given that the application relates to the construction of custom/self-build units, an off-site contribution in lieu of the 8 Affordable Rented Properties is considered to be acceptable. As such, the proposal would contribute to the creation of a mixed and balanced community in this area. This would represent a significant public benefit that would weigh in favour of the proposed development and would overcome the concerns raised by the Inspector as part of the dismissed appeal.

Housing Mix

14.8.6 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2- and 3-bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

14.8.7 The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%.

14.8.8 The accommodation mix would be subject to those on the self-build register who come forward to acquire the plots. However, as noted above there is a significant proportion of entrants on the register who are seeking to build 4 bedroom units (109 - 45%), with the 2nd highest being entrants registering a preference for a 3 bedroom dwelling (75 – 31%).

- 14.8.9** It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The Council's Housing Strategy 2021-26 also aims for 5% of all units to be bungalows delivered as 1- and 2-bedroom units.
- 14.8.10** The applicant has suggested the following indicative mix to accommodate for the needs of those on the self-build register as follows: 2 bed units at 23%, 3 bed units at 27%, 4 bed units at 43% and 5 bed units at 7%. This would be an appropriate mix, given the housing needs as required by entrants on the self-build register. As such, it is considered that the proposed off-site contribution to affordable housing and the overall mix and tenure of housing provided within this proposed development is acceptable and in accordance with policies H9 of the Local Plan & DS12 & DS13 of the Great Dunmow Neighbourhood Plan.

14.9 F) Access and Parking

Access

- 14.9.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.9.2** The proposed development is served from the access arrangement and internal access road to be constructed under UTT/19/1508/FUL. Therefore, if this planning consent were to be implemented, the access arrangement, internal access road and associated footway with pedestrian crossing point of St Edmunds Lane must be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.
- 14.9.3** The highway authority has advised that the most appropriate way to mitigate the impact of the development is through provision and improvement of sustainable transport connections and to this end a contribution to bus services has been requested as part of the proposal. As such, the highway authority does not consider the residual cumulative impact on the highway network to be severe and there would be a number of measures incorporated to promote active travel to and from the site, nor have any concerns been raised with regards to the proposals impact upon highway / pedestrian safety in this regard.
- 14.9.4** Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.10 G) Nature Conservation & Trees

Nature Conservation

- 14.10.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.10.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to a section of Ancient Woodland and is within 100m of Merks Hall County Wildlife Site.
- 14.10.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). However, as this application is less than 50 units, as such, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.
- 14.10.4** Place Services ecologist have reviewed the supporting documentation submitted in support of the proposals in detail and have assessed the likely impacts on protected and priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 14.10.5** Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Merks Hall Wood in respect of any resulting loss or deterioration.
- 14.10.6** The proposed reasonable biodiversity enhancements including the installation of bird and bat boxes, Hedgehog refugia and Barn Owl box and the creation of ponds as well as the planting of native trees and hedgerows, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

Trees

- 14.10.7** The proposed development would not result in the loss of any trees or hedgerows in order to facilitate the development. In addition, there would be extensive planting of street trees is proposed throughout the

development and also to soften the perimeter of the site and to reinforce existing areas of soft landscaping to the boundaries of the site. As mentioned above, a landscaping scheme and strategy have been submitted with the application. It is proposed to plant native species hedges between each plot, with specimen trees to create a semi-rural appearance. A tree belt is also proposed around the LAP that will screen the development from the north and create a high-quality public open space. The existing vegetation to the south will be retained and enhanced. The proposed mix of planting is considered to be appropriate for this edge of settlement site.

14.10.8 Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8 and DS9, NE2, NE3 & NE4 of the Great Dunmow Neighbourhood Plan.

14.11 H) Climate Change

14.11.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.11.2 The applicant has not submitted an energy and sustainability statement. However, as part of the submitted Design & Access Statement the applicant has committed to sustainable construction methods and the use of renewable energy systems within the proposed housing. Timber frame construction would be used, using prefabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction time and allows better levels of insulation. The dwellings would also make use of air source heat pumps and solar panels. Given the nature of the project the full extent of the sustainable measures would become clearer prior to the fit out of each unit. As such, a condition relating to the installation of sustainable energy measures is to be attached.

14.11.3 Overall, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

14.12 I) Contamination

14.12.1 Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

14.12.2 The Council's Environmental Health Officer has been consulted on the application and notes that there is no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, a condition is to be attached to ensure that if any land contamination identified, the site shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

14.12.3 Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

14.13 J) Flooding

14.13.1 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.

14.13.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

14.13.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.13.4 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

14.13.5 The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.14 K) Air Quality

14.14.1 The site is not located within a poor air quality zone and the Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard. A condition relating to the installation of charging points for electric vehicles is requested and this is to be included.

14.14.2 Given the above, the proposals would comply with Uttlesford Local Plan Policy ENV13.

14.15 L) Planning Obligations

14.15.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.15.2**
- The provision of an appropriate contributions towards Early Years education facilities as agreed with the County Council. (Financial contribution of £TBC).
 - The provision of an appropriate contributions towards Primary Education facilities as agreed with the County Council. (Financial contribution of £TBC).
 - The provision of an appropriate contributions towards Secondary Education facilities as agreed with the County Council. (Financial contribution of £TBC).
 - A financial contribution of £110,430 (index linked) towards to contribute to a bus strategy for Great Dunmow which will provide a regular service to the proposed development / along St. Edmunds Lane.
 - Residential Travel Plan.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.5 Human Rights

15.6 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16 Planning Balance and Conclusion

16.1 With Uttlesford District Council unable to demonstrate a 5YHLS supply as a consequence paragraph 11d of the NPPF therefore applies which states that 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.3 In respect to addressing the benefits of the proposed development, the comments raised by the Planning Inspector as part of the dismissed appeal in relation to the site are a material consideration. The Inspector considered that *'the proposal would introduce a new footpath linking the proposed houses to the network of public footpaths to the north. By doing so, new public views of the listed building would be created. This would increase opportunities for the public to appreciate and experience the heritage asset across the open field, which is an important part of its setting and significance. This would be a significant public benefit.'*

16.4 In addition to this, the proposed development would provide 30 new self-build homes in which Local Authorities are required to have regard to this and to give enough suitable development permissions to meet the identified demand. The proposal would also provide an off-site contribution in lieu of the 8 Affordable Rental Properties. These elements would also represent a significant public benefit.

- 16.5** The development would provide economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.
- 16.6** In terms of the adverse impacts of development, the proposal would result in less than substantial harm to the significance of heritage assets, at the lower half of the scale.
- 16.7** The main turning point from the previous application in terms of the dismissed appeal relate to securing of an appropriate affordable housing contribution. Without this, as per the previous appeal, the proposal was considered to cause *'harm through a failure to provide a policy compliant affordable housing contribution. This would undermine the national objective to address the need for different types of housing and the ULP Policy H9 requirement for affordable housing. The effects of this lack of provision would be significant and long lasting and would be in direct conflict with the Framework.'* This harm was ascribed substantial weight by the Inspector. However, given the proposal now includes an affordable housing contribution, the proposal would now be compliant and overcome the reason for the dismissed appeal.
- 16.8** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.9** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.10** It is therefore recommended that the application be approved subject to a S106 and suggested conditions.

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Off-site financial contribution in lieu of the 8 Affordable Rental Properties.
 - ii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010.
 - iii. Payment of education financial contributions; Early Years, Primary, Secondary and Libraries.
 - iv. Provision and long-term on-going maintenance of public open space (including LAP).
 - v. Financial contributions towards bus services.
 - vi. Monitoring cost.

- vii. Payment of the council's reasonable legal costs.

17.3 Conditions

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

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.

- 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** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: Paragraphs 163 and paragraph 170 of the National Planning Policy Framework state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 4** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 5** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI.

REASON: The Historic Environment Record shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

6

The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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 shows the proposed development lies in a potentially sensitive area of archaeological deposits, in accordance with Policy ENV4 of the adopted Uttlesford Local Plan 2005.

7

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:

- i. Safe access into the site.
- ii. The parking of vehicles of site operatives and visitors.
- iii. Loading and unloading of plant and materials.
- iv. Storage of plant and materials used in constructing the development.
- v. Wheel and underbody washing facilities

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, in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

8

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 and dust emanating from the site and shall be consistent with 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).

9

No works except demolition shall take place 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 and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 7.2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

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 and to provide mitigation of any environmental harm which may be caused to the local water environment in

accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

10

Prior to the commencement of the development, a construction environmental management plan (CEMP: Biodiversity) shall be 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) to include measures to protect the adjacent Priority habitat, Ancient Woodland and Local Wildlife Site.
- 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.
- i) Containment, control and removal of any Invasive non-native species present on site

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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

11

Prior to any works above slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Ecology Report (A. R. Arbon, December 2022), shall be submitted to and approved in writing by the local planning authority. This is to include the height and aspect the products will be installed at.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 12** Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot, including energy efficiency measures shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

REASON: To prevent environmental and amenity problems arising from flooding and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 14** Prior to the first occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include ponds, trees and hedgerows.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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 approved plan will be implemented 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

15

Prior to the first occupation of the development, 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 plans, 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 conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

16

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Ecology Report (A. R. Arbon, December 2022) as well as the 15m buffer from Ancient Woodland as identified in the Landscaping Plan, drawing no. 565.123 D (Pelham Structures Ltd., January 2023) 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

17

All of the 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

18

Cycle parking shall be provided for each dwelling 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 in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

19

All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the Landscape Strategy drawing 565.123 D. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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

20

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 in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

21

Prior to first occupation of the development, highway improvements in the vicinity of the site on St Edmunds Lane shall be provided. These shall include but not be limited to:

i. formalisation of the bus stop / improvements to the passenger transport infrastructure at the 'informal' bus stop located on the east of St Edmunds Lane along the site frontage, including raised kerbs, hardstanding, flags, timetables, pedestrian crossing points, a length of footway from the site access to the bus stops, and any other related infrastructure as deemed necessary by the Highway Authority.

ii. Provision of a Vehicle Activated Sign (VAS). The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval.

REASON: To provide access to sustainable forms of transport for users of the site and in the interest of highway safety, in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

22 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

23 The applicant or any successor in title 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 the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

24 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Appendix 1 – Statutory Consultee Responses

Your Ref: UTT/22/2035/FUL
Our Ref: 16466
Date: 10th January 2023



CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

Andrew Cook
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/2035/FUL
Applicant Mr Rupert Kirby
Site Location Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow
Proposal Erection of 30 no. new self build and custom dwellings

The proposed development is served from the access arrangement and internal access road to be constructed under UTT/19/1508/FUL. Therefore, if this planning consent were to be implemented, the access arrangement, internal access road and associated footway with pedestrian crossing point of St Edmunds Lane must be constructed, prior to commencement of the development, to ensure safe and suitable access to the site is provided.

The Highway Authority has developed an outline public transport strategy for Great Dunmow and therefore we are recommending that a proportionate contribution be made towards the strategy. The strategy intends to provide a regular service to the site / along St Edmunds Lane, which currently only benefits from infrequent off-peak services, and provide support for the service for 5 years.

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. Prior to first occupation of the development, highway improvements in the vicinity of the site on St Edmunds Lane shall be provided. These shall include but not be limited to:
 - i. formalisation of the bus stop / improvements to the passenger transport infrastructure at the 'informal' bus stop located on the east of St Edmunds Lane along the site frontage, including raised kerbs, hardstanding, flags, timetables, pedestrian crossing points, a length of footway from the site access to the bus stops, and any other related infrastructure as deemed necessary by the Highway Authority.
 - ii. Provision of a Vehicle Activated Sign (VAS).

The infrastructure shall be provided entirely at the expense of the developer including any required safety audits, traffic regulation orders and other requirements for technical approval. **Reason:** To provide access to sustainable forms of transport for users of the site and in the interest of highway safety.
2. Prior to first occupation of the development, the sum of £110,430 (index linked) to be paid to the local planning authority to contribute to a bus strategy for Great Dunmow which will provide a regular service to the proposed development / along St. Edmunds Lane. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
3. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. Safe access into the site.
 - ii. The parking of vehicles of site operatives and visitors.
 - iii. Loading and unloading of plant and materials.
 - iv. Storage of plant and materials used in constructing the development.
 - v. Wheel and underbody washing facilities**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.
5. 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.

6. 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.

Informative:

- i. The proposed development is not suitable for adoption by the Highway Authority.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. The developer shall use an ECC approved supplier for the VAS and it is estimated that the commuted sum for the VAS will be approximately £2,000.00 and will be finalised through the S278 agreement.

- viii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 12 and 23 (Great Dunmow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

Essex County Council
Development and Flood Risk
Waste & Environment
C426 County Hall
Chelmsford
Essex CM1 1QH



Uttlesford District Council
Planning Services

Date: 3rd January 2023
Our Ref: SUDS-006156
Your Ref: UTT/22/2035/FUL

Dear Sir/Madam,

Consultation Response – UTT/22/2035/FUL - Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow

The applicant for the above site has submitted information which provides this Council with the opportunity to re-assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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 based on the following:**

Condition 1

No works except demolition shall take place 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 and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 7.2l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system. The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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.

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
- 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.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will

cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title 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.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction

with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours faithfully,

Richard Atkins
Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Waste & Environment
Essex County Council

Internet: www.essex.gov.uk
Email: sucts@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

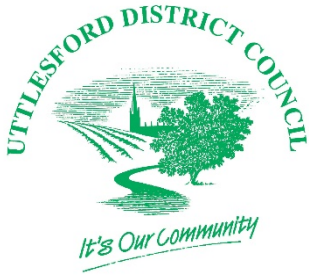
Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control

department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- **Sustainability of the development**

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.



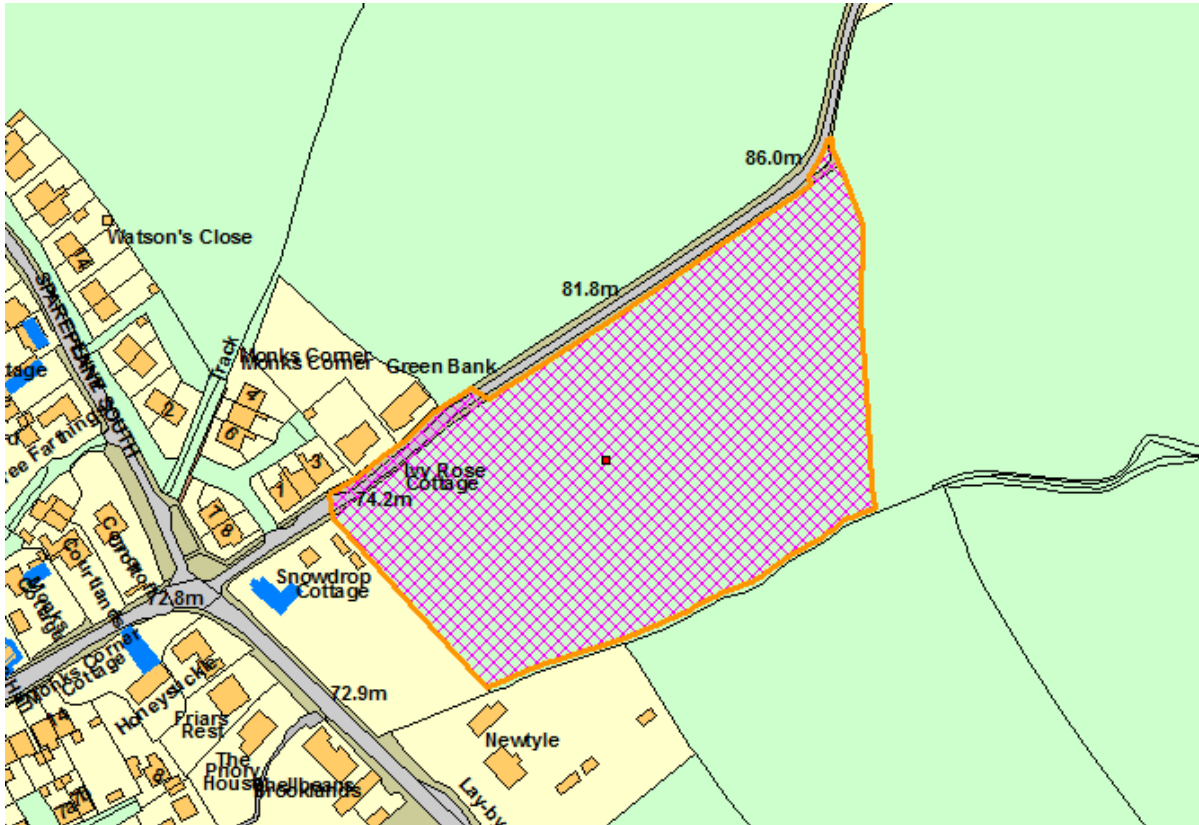
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 8th February 2023

REFERENCE NUMBER: UTT/22/1275/OP

LOCATION: Land At Parsonage Farm, Parsonage Farm Lane,
Great Sampford

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Outline planning permission with all matters reserved apart from access for a residential and community development including 27 dwellings (14 private and 13 affordable) a community shop, a play area, shared gardens and public green space and all associated parking.

APPLICANT: Ms Celine Bird (Cityshape Investments Ltd)

AGENT: Mr Ian Abrams

EXPIRY DATE: 10 October 2022

EOT Expiry Date: 11 January 2023

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Listed Building, Adjacent Public Right of Way (PRoW).

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1** This outline application seeks permission for the construction of a mixed-use development containing 27 residential dwellings and a community shop alongside associated works with all matters reserved apart from access.
- 1.2** This application is submitted following a recent decision made by the Council to refuse a similar application under delegated powers for 6 reasons of refusal in October 2021 under delegated powers ref: UTT/21/1618/OP. Apart from the submission of some updated documentation and confirmation of correct land ownership boundaries, this application remains the same as the previous refused application.
- 1.3** As required by paragraph 11 of the Framework, a detailed planning balance has been undertaken of the proposals given that the Council neither has an up-to-date Local Plan or a 5-year housing supply. A detailed conclusion of the benefits and harm are provided in Section 16 of this report. It has been concluded that the benefits of the proposals

do not outweigh the identified harm and thereby the application should be refused for the reasons provided in Section 17 of this report.

2. RECOMMENDATION

That the Director of Planning be authorised to **REFUSE** permission for the reasons set out in Section 17.

3. SITE LOCATION AND DESCRIPTION:

3.1 The area of land subject to this outline planning application relates to the land known as Land at Parsonage Farm, Parsonage Farm Lane, Great Sampford, Essex. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.

3.2 The application site is located on the southern side of Parsonage Farm Lane approximately 50m east of B1053 on the settlement edge of Great Sampford. The site itself is irregular in shape with the front boundary following the curve of the highway and its topography has a modest fall across the site from east to west. The site has an area of approximately 2 hectares.

3.3 The site is currently free of any established built form and is predominantly agricultural land. Existing mature vegetation in the form of medium to large trees and hedgerows are located along the southern and western boundaries of the site. No vegetation is covered by tree preservation orders.

3.4 The application site is located outside the settlement boundary limits as defined by the Adopted Local Plan on the eastern edge of the settlement. A linear row of mix housing styles extends partly along Parsonage Farm Lane opposite the site to the north, whilst a single dwelling house known as 'Malmesbury Cottage' abuts the western boundary of the site. This adjoining dwelling is identified as being grade two listed. Large arable fields used for agriculture are to the north, south and east of the site.

3.5 There are a two Public Rights of Way (PROW) paths in the vicinity of the application site. PROW 21_34 is to the south and abuts the boundary of the site and PROW 21_21 is to the north on the opposite side of Parsonage Farm Road.

3.6 Great Sampford itself includes limited local services and amenities containing a public house, church, primary school and playing fields. A limited bus service for school children runs through Great Sampford along the B1053.

4. PROPOSAL

- 4.1 This planning application is submitted in outline with matters relating to scale, layout, appearance, and landscaping reserved. The applicant is seeking approval in principle to develop the site for 27 dwellings, a village shop, play areas and for the site access to be granted detailed consent. This will leave the approval of the scale, layout, appearance, and landscaping to be decided at a later date when further applications (the reserved matters) will be submitted to the Council if this outline permission is granted.
- 4.2 Although this application seeks outline planning permission, the application is accompanied by indicative parameter plans, which give an indication of how such a quantum of development could be achieved on the site including in respect of layout. The applicant has suggested that the proposals would be made of mix of housing types, forms, and styles. As part of the proposals, 13 of 27 dwellings will be affordable housing which amounts to 48% of the total amount of housing proposed.
- 4.3 The shop will be 200sqm with the intention to be a small, locally run shop providing goods for the local community of Great Sampford.
- 4.4 The proposals will include a new vehicle access which will provide the main ingress point for both vehicles and pedestrians. The access will be positioned along the southern side of Parsonage Farm Lane whereby it is proposed to widen the carriageway to allow for two-way vehicle traffic and a footpath for pedestrians.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). However, the proposal is for a relatively modest residential-led development. There would be localised effects on the site and surrounding area, but these would not likely result in significant effects on the environment, either alone or cumulatively with other development. Therefore, an Environmental Impact Assessment was not required as part of this reserve matters application.

6. **RELEVANT SITE HISTORY**

- 6.1 A search of Council's records indicates the following recorded planning history for both the application site and the surrounding locality:
- 6.2 Application Site
- 6.3 UTT/21/1618/OP - Outline application with all matters reserved except access for proposed residential and community development including 27 dwellings (14 private and 13 affordable), community shop, play area, shared gardens, public green space and associated parking

- 6.4** The above application was refused under delegated powers on 26th October 2021 for six reasons of refusal. In summary, the application was found:
- Not be of a suitable location for housing having regard to the accessibility of services and facilities and thereby the heavy reliance of a motor vehicle;
 - Detrimental impact upon the openness and character of the countryside;
 - Result in less than substantial harm to adjoining listed building;
 - The proposal would intensify the use of the junction of Parsonage Farm Lane & the B1053 which is deficient in terms of visibility, geometric and width. The proposals would thereby lead to an increase in traffic movements to a substandard junction and thereby would be detrimental to highway safety and its efficiency.
 - Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding;
 - Lack of a legal agreement to secure obligations to mitigate the proposed development.
- 6.5** This application was subsequently appealed ref: APP/C1570/W/22/3296078, however, prior to the hearing the applicant withdrew the appeal.
- 6.6** This outline application has been submitted to address and overcome the reasons of refusal as imposed on the previous application.
- 6.7** Surrounding Sites:
- 6.8** Important to the merits of this application is the planning history on the site known 'Land At Spare Penny Lane South, Great Sampford' which is located approximately 100m north of this application site. The site has applied for similar modest size housing developments over previous years as detailed below:
- 6.9** UTT/16/2555/OP - Outline application, with all matters reserved except for access, for 18 dwellings and garages, extension to Council car parking and new vehicular access.
- 6.10** The above application was refused and then subsequently dismissed at appeal under ref: APP/C1570/W/17/3171477 (July 2017).
- 6.11** UTT/22/0618/OP - Outline application with all matters reserved except access and layout for the erection of 18 no. dwellings, community building, provision of allotment gardens, surface water drainage pond and associated means of vehicular and pedestrian access
- 6.12** The above application was refused by Members of the Planning Committee in November 2022.

6.13 These applications are deemed to be important material considerations in the assessment of this scheme and are referred to throughout the main assessment of this report.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community. The Applicant has entered into a Planning Performance Agreement (PPA) with the Council.

7.2 No pre-application has been engaged by the applicant post decision of the outline application that was refused above in Section 6 or prior to the submission of this application.

7.3 However, it is acknowledged that pre-application engagement including a programme of meetings between the applicant and officers of Uttlesford District Council took place prior to the submission of the outline application in November 2019.

7.4 Prior to the submission of the previous refused outline planning application, the applicant stipulates within their planning statement that they undertook a virtual public consultation as they were unable to hold face to face events during the covid restrictions. Furthermore, a website was set up which set out details of the proposals, plans and answers to frequently asked questions. It has not been advised whether any further public consultation has taken place prior to the submission of this revised application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority - Objects

8.1.1 The Highway Authority confirms that the most relevant comments dated 23rd January 2023 supersedes their previous recommendation dated 6th October 2022 following the submission of further information from the applicant.

8.1.2 The Highway Authority confirm that from a highway and transportation perspective the impact of the proposal is not acceptable in that although the applicant has proposed a scheme of highway improvement works as part of the proposals, it has not been demonstrated to the satisfaction of the authority that the proposed works would be acceptable in terms of highway safety, accessibility and efficiency for all highway users, and that they conform with the Essex Design Guide in that they are in fact deliverable. Full details of the Authorities concerns are provided in Appendix 1 of this report.

8.2 Local Flood Authority – No Objection

8.2.1 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 based on imposing conditions if permission were to be consented.

8.3 Essex Minerals & Waste – No Objection

8.3.1 The Mineral and Waste Planning Authority has no comment to make in relation to this application as the area of the proposed development site located within the Essex sand and gravel Mineral Safeguarding Area is below the minimum Minerals Local Plan 2014: Policy S8 threshold of 5ha.

9. PARISH COUNCIL COMMENTS

9.1 Sampford Parish Council was formally consulted who acknowledged within their response that they object to the proposals for the reasons outlined below:

- Unustainable location – There are very limited amenities and services including employment opportunities in the settlement to meet the needs of future occupiers.
- Community shop – There is no appetite from the community to operate its own shop or meet any ongoing costs associated with it.
- Flood Risk – Disagree with the conclusions within the supporting Flood Risk Assessment for the reasons provided in detail within the Parish Council’s formal response.
- Access and highways – The proposals would lead to detrimental harm to highway safety and traffic congestion due to the reasons provided in detail within the Parish Council’s formal response.
- Environment and Community Damage – The site will result in serious environmental damage to surrounding heritage assets.
- Countryside – The proposals will not protect or enhance the character of the surrounding countryside.
- Community Consultation – The applicant states that the Parish Council and local residents were sent details as part of their consultation process. Following a search through Parish Council minutes we can find no record of such consultation.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer – No Objection

10.1.1 The affordable housing provision on this site will attract 40% policy requirement as the site is for 27 units. It is welcome that the application is proposing that 13 of the 27 properties are affordable which equates to just over 48%. It is also the Council’s policy to require 5% of the whole

scheme to be delivered as wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed mix and tenure split of the affordable properties based upon the need of the SHMA 2017 can be agreed at the reserve matters stage. The village shop, green space and play area included as part of the application could benefit the local community. The proposed development would deliver much-needed affordable housing in an area within the district which has particular high property values.

10.2 UDC Environmental Health – No Objection

10.2.1 The EHO officer confirmed that they have no objections to the scheme, however, suggested that conditions should be imposed if permission is granted consent in respect to noise and disturbance, contamination, air quality and lighting.

10.3 UDC Landscape Officer/Arborist

10.3.1 No response provided at the time of this assessment.

10.4 ECC Place Services (Conservation and Heritage) – Concerns raised.

10.4.1 The application site is immediately adjacent to Malmesbury Cottage and shares its eastern boundary. The impact of the proposed development to the setting of the adjacent listed building is considered to be less than substantial harm. The proposed development would present the urbanisation of the site, contrary to the prevailing rural character of the site, Malmesbury Cottage and the settlement of Great Sampford. It was concluded that the level of harm to be within the low-medium level of the spectrum.

10.5 ECC Place Services (Ecology) - Object

10.5.1 The ecologist confirmed that they have reviewed all documentation submitted in support of the application and confirmed that currently they were not satisfied that there is sufficient ecological information available for determination of this application in relation to the protection of the retained hedgerows. This information is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

10.6 ECC Crime Prevention Officer – No Objection

10.6.1 Whilst there are no apparent concerns with the layout it is noted that there is very little natural surveillance over the parking areas from neighbouring properties.

10.7 Anglian Water – No Objection

10.7.1 Assets Affected

10.7.2 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development boundary.

10.7.3 Wastewater Treatment

10.7.4 The foul drainage from this development is in the catchment of Great Sampford Water Recycling Centre which currently does not have the capacity to treat the flows of the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

10.7.5 Used Water Network

10.7.6 The sewage system at present has available capacity for these flows via gravity. If the developer wishes to connect to our sewage network, they should serve notice under Section 106 of the Water Industry Act 1991.

10.7.7 Surface Water Disposal

10.7.8 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS). From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water. As such we are unable to provide comments on the suitability of the surface water management.

11. **REPRESENTATIONS**

11.1 The application was formally consulted to the public by displaying a site notice, sending letters to adjoining and adjacent occupiers and placing an advert in the local paper. Several representations were received that objecting to the scheme for the following reasons:

- Highways/Access - The proposals as a result of increase traffic generation would result in harm to highway safety and traffic congestion along the surrounding highway network.
- Unustainable - The village is not a sustainable location with poor access to shops, local services, and employment for residents of the houses other than by car.
- Flooding/Drainage – The surrounding area is prone to flooding. The proposals would result in further potential for flooding.
- Countryside Impact - The development of this site would result in additional buildings in the countryside which would be detrimental to the open and rural character of the surrounding countryside.
- Air Pollution – Increase traffic would result in increased impacts upon air pollution.

- Play Area – There is already a public park in the village and thereby the new play area will not provide any additional benefits.
- Scale – The size of the proposals is out of proportion with the size of the village.
- Noise – The proposals would result in noise during construction works.
- School – The local school is already oversubscribed and there is no more room.
- Precedence - The site has not been listed as appropriate for potential development by Uttlesford DC and approval would set a dangerous precedent and encourage other non-compliant proposals
- Affordable Home – Although provided, local families will still not be able to afford these homes.

11.4 Comment

11.4.1 The above concerns raised within the representations are considered in detail within the below assessment.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
- Uttlesford District Local Plan (adopted 2005)
- Felsted Neighbourhood Plan (made Feb 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made 19 July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

The relevant policies associated to the application proposals are as follows:

- S7 – The countryside
- GEN1- Access
- GEN2 - Design
- GEN3 - Flood Protection
- GEN4 - Good Neighbourliness
- GEN5 - Light Pollution
- GEN6 - Infrastructure Provision
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- H9 - Affordable Housing
- H10 - Housing Mix
- ENV2 - Development affecting Listed Buildings
- ENV3 - Open Space and Trees
- ENV5 - Protection of Agricultural Land
- ENV7 - The Protection of the Natural Environment Designated Sites
- ENV8 – Other Landscape Elements of Importance for Nature Conservation
- ENV10 - Noise Sensitive Development
- ENV11 – Noise Generators
- ENV13 - Exposure to Poor Air Quality
- ENV14 - Contaminated Land
- LC3 – Community Facilities

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of Development**
- B) Suitability and Location**
- C) Countryside Impact**
- D) Character and Design**
- E) Heritage**
- F) Housing Mix and Tenure**
- G) Loss of Agricultural Land**
- H) Neighbouring Amenity**
- I) Parking and Access**
- J) Landscaping, open space**
- K) Nature Conservation**
- L) Contamination**
- M) Flooding & Drainage**
- N) Community Shop**
- O) Planning Obligations**

14.2 A) Principle of Development

14.2.1 The application site is located outside the development limits of Great Sampford within open countryside and is therefore located within the Countryside where policy S7 applies.

14.2.2 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. 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.

14.2.3 The proposal cannot be tested against a fully up-to-date Development Plan, and the Council are currently unable to demonstrate a 5YHLS. In either scenario or both, in this case, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.

14.2.4 Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would ‘significantly and demonstrably’ outweigh the benefits of the proposal.

14.2.5 The “Planning Balance” is undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if there are impacts have been undertaken, before moving to consider if these impacts are adverse and would ‘significantly and demonstrably’ outweigh the benefits of the proposal in the planning balance.

14.3 B) Suitability and Location

14.3.1 The site lies outside the settlement development boundary limits of Great Sampford. It is identified within the Adopted Local Plan settlement hierarchy as being “Other Village” that is located on main transport link between the towns of Saffron Walden and Finchingfield and is identified as having limited amenities and services.

14.3.2 The applicant submits that the application site is situated within an accessible and sustainable location. However, officers disagree with these comments. Local services within the village are limited to just a small primary school, public house, church, and a village hall. It is acknowledged that these would be all accessible by foot or bicycle from the site along existing and new pavements from the application site.

14.3.3 The nearest bus stops are located approximately 120 metres west of the site, on either side of the B1053. The bus stops within Great Sampford provide access to the school service number 419 which facilitates journeys to the Joyce Frankland Academy in Newport during the morning peak and a return service is provided in the afternoon. There is no public bus service that operates through the village.

14.3.4 As such, no meaningful weight in respect to public transport as a means by which future occupants of the application site could access services and employment.

14.3.5 Cycling and walking could be an option for some future residents as a means of accessing those limited services within the village, but not all, depending on mobility and proficiency thus reducing the reliance that can be placed on this mode of transport as an alternative to a private car. Furthermore, it would only be expected that a modest number of trips made by this form of transport given the extremally limited services and facilities available in the village.

14.3.6 Nearby larger settlements and towns offer a far greater range of local amenities and services including employment opportunities that are beyond walking or cycling distance. As such, occupiers of the proposed

development would need to travel beyond the village to access most other services and facilities to meet their daily needs.

- 14.3.7** As a consequence, there is likely to be a heavy reliance on the private motor car for future occupiers of the development. It is acknowledged that the NPPF highlights that transport solutions will vary from urban to rural areas. However, a development of 27 dwellings and a community shop is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private car. Hence, there would be significant negative effects in terms of impacts upon the environment and the proposals would also conflict with the aim of the NPPF to promote sustainable transport modes.
- 14.3.8** It would also undermine the Framework's aim of locating new dwellings in rural areas close to services and facilities as a means of protecting the vitality of rural communities and reducing unnecessary travel by car, with associated carbon emissions, as one measure to cumulatively limit the effects of climate change.
- 14.3.9** It is recognised that the environmental impact from vehicles would diminish as combustion engines are phased out and replaced by ultra-low emission and electric vehicles. However, even if a condition was imposed for an electric charging point for each residential unit, it is considered that it would be unlikely in the short to medium term that the majority of future occupants would use these vehicles. As a consequence, this cannot be relied upon as a means of mitigating the inaccessible location of the site.
- 14.3.10** The NPPF highlights in paragraph 78 and 79 that in rural areas, a new development in one village could support facilities in another village. It is recognised that the proposals would help to support the existing village facilities such as the primary school and public house, and although the proposals include a community shop, for the reasons provided further in this assessment, there is a lack of substantial evidence that this additional service would be provided, or that it would have an appreciable effect on services and facilities in nearby settlements.
- 14.3.11** The village does not contain a full range of services and occupants would be reliant upon the larger town of Saffron Walden or Thaxted for higher order shops and facilities. Consequently, even by the standards of a rural community, the proposals would be somewhat remote from the facilities needed to sustain day to day requirements. Accessibility is a key component of the social role within the Framework. The provision of housing in this location is not conducive to the delivery of local services to meet the needs of the community. In this respect, the proposal would not comply with the social aims of the Framework.
- 14.3.12** Relevant to the merits of this application and in particular reference to the location and accessibility, officers would like to refer to application ref: UTT/16/2555/OP which was refused and then subsequently

dismissed at appeal under ref: APP/C1570/W/17/3171477 (July 2017) for the site known as 'Land rear of Watsons Close, Sparepenny Lane South, Great Sampford, Saffron Walden, Essex CB10 2RJ'.

- 14.3.13** This site is located approximately 100m northwest of this application site which sought outline planning permission for the erection of 18 dwellings and garages, extension to Council car parking and new vehicular access. Figure 1 below shows the location of the two sites in comparison to one another.



Figure 1: Location of the application site in comparison to the appeal site.

- 13.3.14** The appeal decision is provided at Appendix 2 for Members reference. Within paragraph 13 of the decision, the Inspector acknowledges that although the services in the village are accessible, they conclude that the services are limited stating:
- 13.3.15** *“The range of services and facilities in Great Sampford is largely limited to the primary school, public house, church and village hall. They are all accessible by foot or bicycle from the appeal site along pavements and 30mph roads”.*
- 13.3.16** The Inspector continues to conclude in the same paragraph that *“The bus service is limited to an on-demand service that is not regular and a school bus for secondary school in term time only. As a consequence, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking or cycling distance along roads that contain national speed limits and lack pavements or lighting”.*
- 13.3.17** There has not been a change in respect to local policies since the above decision was made, however, it is acknowledged that the National Planning Policy Framework has been revised since the Inspector made their assessment in relation to the above appeal.

- 13.3.18** However, although there has been a slight revision to the Framework, the same principles and guidance apply in respect to accessibility and sustainable modes of travel.
- 13.3.19** The conclusions in the decision made by the Inspector concurs with the same conclusions outline in this report which are:
- Limited services within the village to meet the daily needs of future residents
 - There is no public transport links offering other modes of sustainable transport.
 - Future residents would need to travel beyond the village to access a great range of services.
- 13.3.20** The Inspector in the above decision concluded that the amount of additional vehicle movements per day required for 18 new dwellings would result in negative effects and conflict with the aims of the NPPF to promote sustainable development. Finally in paragraph 16 it is concluded by the Inspector that *“the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan Appeal which, amongst other things, requires development to encourage movement by means other than the private car”*.
- 13.3.21** After the above dismissed appeal, a revised planning application ref: UTT/22/0618/OP was submitted. Members of the Planning Committee refused planning permission (November 2022) for very similar reasons to that of which the Inspector concluded as part of the previous scheme.
- 13.3.22** In summary, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan amongst other things, requires development to encourage movement by means other than the private car.
- 14.4** **C) Countryside Impact**
- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape character assessment is not a tool designed to resist all change within the landscape, rather, it recognises that landscapes are continually evolving. Understanding of character will aid decision-making in the planning sphere and can be used to ensure that any change or development does not undermine whatever is valued or characteristic in a particular landscape. It is linked to the idea of a

sustainable environment in which our social and economic needs, and natural resources, are recognised.

- 14.4.3** Although not formally adopted as part of the Local Plan or forms a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Pant River Valley' landscape character area which extends into Briantree District Council. The character assessment stipulates that this area consists of shallow valleys that are predominantly arable farmland with well hedged medium to large fields on valley slopes with large open views mending over the countryside.
- 14.4.5** Overall, the site is representative of the local landscape character and characteristics as identified in the Uttlesford Landscape Character Assessment. The landscape fabric of the site can be described as a medium to large arable field that is surrounded by the retention of existing hedges/tree lines along western and southern boundaries which does provide some mitigation in the form of natural screening. There is very little screening on the eastern boundary and the front northern boundary is generally open.
- 14.4.6** The visual envelope, i.e. the area from which the site can be seen, is relatively high due to the position of the site and the topography. The field is readily apparent from Parsonage Farm Lane and the public footpath that runs along the field's southern boundary. It thereby makes a positive contribution to the character and appearance of the area as part of the attractive countryside and helps to form a rural and green backdrop to this part of Great Sampford.
- 14.4.7** Development within the village is generally of a linear form along the highways and this is no different in respect to start of Parsonage Farm Lane. There is an abrupt end along Parsonage Farm Lane to the edge of the village of Great Stampford and the existing extent of housing presenting a stark interface between undeveloped and developed land.
- 14.4.8** The development would result in a significant encroachment and sprawl of built development into the whole of the field. The green and rural backdrop to the village would thus be eroded.
- 14.4.9** The dispersed pattern of development is considered to detrimentally alter the character of the locality and would result in a substantial change in the sites character. The proposal would undermine the agricultural setting of the village and the tranquil nature of a public footpath, and the proposed access would provide further open views into the site, with visibility splays resulting in a loss of potential vegetation along the front

boundary. The development of the site will impact upon the cross-valley views and characteristic views across the enclosed meadow fields in the locality.

14.4.10 The view from the public footpath would alter considerably with the proximity of housing and gardens, especially given the change in levels.

14.4.11 Whilst hidden in part from wider distance views from by trees on the southern boundaries, the cumulative impact of such proposals will alter the rural character and ambience of an area such as increased traffic movements, residential paraphernalia, bin collections, new community shop etc. will urbanise the countryside and erode the tranquil qualities of the site.

14.4.12 The current setting provides a soft transition between the countryside and the edge of the village. This proposal will extend the built form outside the village envelope and diminish the disactivates and character of the village and the surrounding countryside by no longer posing as part of the transitional space between the village and the countryside to its east.

14.4.13 The proposed development would result in a detrimental impact to the character and appearance of this part of the countryside contrary to policy S7 of the adopted Local Plan and the NPPF.

14.5 D) Character and Design

14.5.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.5.2 This is an outline application where Appearance, Scale, Layout and Landscaping are reserved matters. The application includes several indicative plans that indicate the key aspects of the design and layout such as access, public open space, and landscape features. The density of the site would be 13.5 dwellings/hectare and there would be a mixture of housing types.

14.5.3 Whilst the layout of the development is a matter reserved for consideration at a later date, the Council has to be satisfied that the site is capable as accommodating the community shop, the number of dwellings proposed along with suitable space for policy compliant level of car parking, garden and open spaces and SuD's etc.

- 14.5.4** The challenge for designers is to design new characterful buildings which reconcile the requirements of a modern lifestyle with the need for integration into their context. Successful and appropriate new development often has simple proportions and details, based on those of their traditional rural equivalent.
- 14.5.5** It is worth noting that unpretentious new designs which are sensitively integrated with their landscape setting often have steeper symmetrically pitched roofs and strong simple roof shapes together with a simple long narrow plan form with minimally articulated facades are typical of most rural locations.
- 14.5.6** The applicant submits that the design of the dwelling would reflect the local vernacular in terms of style, form, size, height and materials. They would be traditional in design to reflect the patterns and characteristics of the surrounding area and the street scene. There is no reason to suggest the design of the buildings would not be appropriately designed, however the final design, layout of the proposals would need to be assessed at reserve matter stage.
- 14.6 E) Heritage**
- 14.6.1** Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve, and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. Paragraph 196 of the Framework states that where development proposals 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 its optimum viable use.
- 14.6.2** Immediately to the west of the site is the property known as 'Malmesbury Cottage,' which is a grade two listed building. This is an eighteenth-century timber framed and plastered cottage with thatch roof (list entry number: 1322553). Further to the west are a number of designated heritage assets including the Great Sampford Conservation Area.
- 14.6.3** On consideration of the above and to the various response and documents that have been submitted, the conservation officer from Place Services has concerns regarding the proposals impact upon the setting and significance of the adjoining heritage asset.
- 14.6.4** It is acknowledged that this is an outline application with all matters reserved apart from access and thereby at this stage there is insufficient detail to provide a fully informed decision upon the potential impact of the proposed development with regards to the level of harm. Furthermore, details including appearance, scale, layout and landscaping are yet to be agreed and have the potential to be subject to change.

- 14.6.5** It has been concluded by the conservation officer that the application site positively contributes to the setting of 'Malmesbury Cottage', plus the proposed development would sever the last link between the asset and its original setting thus raising the level of harm. Therefore, given the harmful urbanisation of the proposed development, the sensitivities of the site and the unknown aspects of the development, the conservation officer concludes that the level of harm to be within the low-medium level of the spectrum of 'less than substantial harm'.
- 14.6.6** The applicant submits that public benefits that the scheme includes the provision of new housing of varying types including affordable housing, community shop and new public open space.
- 14.6.7** Furthermore, the applicant has identified a list of heritage benefits within the Heritage Impact Assessment resulting from the development that should be considered as part of the planning balance. These are listed below:
- 14.6.8**
- The formation of a higher quality landscape buffer to the rear of the listed cottage.
 - The opening up of the site for community use thus allowing public access to the field where none presently exists.
 - The formation of new views and vistas of the village from the northeast.
 - Enhancement of the landscape setting of the site – which is covered in detail in the Landscape DAS.
- 14.6.9** It should be noted that these are not considered to be 'heritage benefits' contrary to the suggestions within the submitted Heritage Impact Assessment and in part are local policy requirements expected of such a proposal or mitigation measures.
- 14.6.10** Planning Policy Guidance notes some examples of heritage benefits including - sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long term conservation (Paragraph: 020 Reference ID: 18a-020-20190723).
- 14.6.11** It is the officer's view that there are no heritage benefits arising from the proposed development for 'Malmesbury Cottage' as per Planning Policy Guidance. The proposed development does not make a positive contribution to local character and distinctiveness, nor does it enhance or better reveal the significance of the heritage asset.
- 14.6.12** It was concluded that the proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of Malmesbury Cottage contrary to Paragraph 202 of the NPPF. Thereby it would result in less than substantial harm to the setting and significance of Malmesbury Cottage, which concurs with the assessment of the

submitted Heritage Statement. Furthermore, the proposals would result in the urbanisation of the rural locality, thus failing to make a positive contribution to local character and distinctiveness as per Paragraph 197.c.

14.6.13 With regards to the NPPF, the level of harm is considered less than substantial. As such the Council, should weigh this harm against any public benefits of the proposal including where appropriate. The proposals offer some public benefits in the form of new housing; however, it is considered that these benefits would not outweigh the harm to the heritages assets as outlined above.

14.6.14 The development of this site for mixed use purposes would result in conflict with policy ENV2 of the adopted Local Plan and the NPPF.

14.7 F) Housing mix and Tenure

14.7.1 In accordance with Policy H9 of the Local Plan, the Council has adopted a housing strategy which sets out Council's approach to housing provisions. The Council commissioned a Strategic Housing Market Assessment (SHMA) which identified the need for affordable housing market type and tenure across the district. Section 5 of the Framework requires that developments deliver a wide choice of high-quality homes, including affordable homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

14.7.2 On 24th May 2021, the Government published a Written Ministerial Statement¹ that set out plans for delivery of a new type of affordable home ownership product called First Homes. First Homes are the Government's preferred discounted market tenure and should account for a minimum 25% of affordable housing secured through planning obligations.

14.7.3 Uttlesford District Council requires the provision of 40% of the total number of residential units to meet the national definition of 'affordable housing' within all new residential developments that comprise 15 or more residential units or a site of 0.5 hectares and above.

14.7.4 To meet housing need the 40% affordable housing policy requirement must incorporate 70% affordable housing for rent, provided as either social or affordable rented housing. The remaining 30% required to meet demand for affordable shared home ownership. The First Homes Requirement (25%) can be accounted for within the 30% affordable home ownership element of the contribution. As such, the following affordable housing contribution will be considered policy compliant:

- 70% of the affordable units will be required as affordable housing for rent.
- 25% of the affordable units on new residential developments will be required as First Homes.

- 5% of the affordable units on new residential developments will be required as Shared Ownership Housing.

14.7.5 The application is proposing that 13 of the 27 properties are affordable which equates to just over 48%. This is beyond policy compliant and can be regarded to be a material benefit to the scheme. However, the Council require that 70% of the affordable provision is for affordable rent which would equate to 9 of the 13 affordable new homes upon this proposed development. The remaining 4 affordable homes will need to be made up of First Home and Shared Ownership Housing. No clarification has been provided from the applicant in respect of their intended affordable tenure mix for the proposed development at this stage.

14.7.6 Policy H10 requires that developments of 3 or more dwellings should provide a significant proportion of small 2 and 3 bedroom market dwellings. However, since the policy was adopted, the Council in joint partnership with Braintree District Council have issued the 'Housing for New Communities in Uttlesford and Braintree (ARK Consultancy, June 2020)'.

14.7.7 The study recommends appropriate housing options and delivery approaches for the district. It identifies that the market housing need for 1 bed units is 11%, 2-bed units 50%, 3-bed units 35.6% and 4 or more bed units being 3.4%. Although the applicant has expressed that there would be mixture of 2, 3 and 4 bedroom dwellings, no accommodation schedule has been provided.

14.7.8 As this is an outline application with layout reserved, the accommodation mix would be assessed at reserved matter stage if permission were to be consented for this outline application and it is advised that the applicant refer to the above accommodate needs.

14.7.9 It is also the Councils' policy to require 5% of the whole scheme to be delivered as fully wheelchair accessible (building regulations, Part M, Category 3 homes). The proposed alms house type properties could well meet this objective, however, this should be explored further by the applicant under a reserved matters application.

14.8 G) Loss of Agricultural Land

14.8.1 Paragraph 174(b) of the Framework states "Planning policies and decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".

14.8.2 Annex 2 of The Framework defines "best and most versatile land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".

14.8.3 Local Policy ENV5 states that where agricultural land is required, developers should seek to use areas of poorer quality except where other sustainable considerations suggest otherwise.

14.8.4 Most of the land in Uttlesford District Council is classified as best and most versatile land. Indeed, most of the sites that are being identified for development within the emerging Local Plan are on such land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of previously developed land within the district is very restrictive. Virtually all agricultural land in the district is classified as Grade 2 or 3a with some areas of Grade 1.

14.8.5 There are no defined thresholds for assessing the effects of non-agricultural developments on agricultural land, however, one measure that can be considered as a threshold is that local authorities should consult Natural England where possible proposed developments would lead to the loss of 20 hectares or more of BMV agricultural land.

14.8.6 As the site for development is 2 hectares in size, and although it is acknowledged to as 'best and most versatile' agricultural land, it is considered that the proposed development would not result in disproportionate loss of BMV land or lead to unnecessary loss of arable land in terms of providing food security. The proposals would not result in harm to soil, air, water or noise pollution or land instability from the new development. It is considered that the development is in accordance with Local Policy ENV5.

14.9 H) Neighbouring Amenity

14.9.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.9.2 The application is seeking outline permission and layout is a matter for reserve consideration at a later date and therefore it is not possible to fully assess the impact it would have on the amenity of neighbouring occupiers.

14.9.3 However, the site is well distanced from neighbouring properties adjacent and adjoining site and could be designed appropriately such that it is not anticipated that the proposed development would give rise to any unacceptable impact on the amenities enjoyed of these neighbouring properties.

14.10 I) Parking and Access

14.10.1 Access:

- 14.10.2** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and encourage movement by means other than a vehicle.
- 14.10.2** Access is provided via the realignment of Parsonage Farm Lane creating a new priority junction towards the western part of the application site. In addition, it is proposed to widen the existing highway to 5.5m along Parsonage Farm Lane to allow for 2-way vehicle movements including a new 2m wide pedestrian footway.
- 14.10.3** The application was consulted to Essex County Council who are the lead locally Highway Authority who confirmed in their response dated 23rd January 2023 that from a highway and transportation perspective, the impact of the proposal is unacceptable to the highway authority.
- 14.10.4** The Authority acknowledge that the applicant has proposed a scheme of highway improvements works to address the intensification of traffic movements both along Parsonage Farm Lane and its junction with the B1053 and to improve accessibility and safety for all users.
- 14.10.5** However, the Highway Authority concluded that the proposed improvement works have not demonstrated that they are acceptable in terms of highway safety and efficiency. A lack of information has been provided to ensure appropriate visibility splays, swept path analysis for to demonstrate that opposing vehicles along the altered section of the B1053, including large and agricultural vehicles can be accommodated, and a lack of a 'Safety Audit' has been submitted.
- 14.10.6** Furthermore, it was concluded that the applicant has not demonstrated to the satisfaction of the Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved.
- 14.10.7** These reasons include the lack of appropriate pedestrian visibility splays at crossing points, details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, and the applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership because of widening of the existing bell mouth which serves Monks Corner Bungalows
- 14.10.8** Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

14.10.9 Parking:

14.10.10 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'.

14.10.11 The adopted Council parking standards recommended for at least 1 vehicle space for each 1 bedroom unit and at least 2 vehicle spaces for dwellings consisting of two or three bedroom dwellings and three spaces for a four or more bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.

14.10.12 As the final mix of housing has not been refined as this is a reserved matters application whereby layout is reserved, the number of required vehicle spaces cannot be fully assessed at this time, however, the applicant should be advised of the above requirements. Notwithstanding this, it is regarded that the proposals and the site itself would be able to provide sufficient off-street parking in accordance with the standards to meet the needs of future residents.

14.10.13 In respect to the community shop, the maximum standards require 1 space per 14sqm. The proposals confirm that the intention of the community shop would be 200sqm and thereby it would be expected that 14 spaces be provided including provision for disable parking.

14.10.14 Notwithstanding the above, concerns are raised in respect to some of the location of the parking. Although the indicative plans show most of the properties having parking to the side of the dwelling houses, concerns are raised with regards to the remote parking for units 4 to 8 in that these are no ideal in terms of accessibility. Furthermore, the large parking court to the side of unit 3 is not ideal in respect to place making resulting in a poor sense of place when one enters the development.

14.11 **J) Landscaping, open space**

14.11.1 Landscaping:

14.11.2 Landscaping is set as a reserve matter; however, all larger developments should be designed around a landscape structure. The landscape structure should encompass the public open space system but should also provide visual contrast to the built environment and constitute a legible network based, where appropriate, on existing trees and hedgerows. The layout and design of the development, including landscaping, should seek to reflect the rural vernacular of the locality. Native species should be provided for structural planting and linked to existing vegetation to be retained.

- 14.11.3** It is understood that the proposals would include were possible the retention of hedgerows and trees along the boundaries of the site and individual and groups of trees are proposed to be planted within the development to help define spaces and soften the building forms. This will help to provide natural screening of the development and enhance the public realm to enrich the public open spaces to achieve a better sense of wellbeing and place making for future residents.
- 14.11.4** However, the indicative site plan shows that the belt of trees/hedgerow along the eastern and southern boundaries is shown to be incorporated into the rear garden areas of proposed dwellings. There is concern that the proximity of the trees to the south facing facades of dwellings and garages would give rise to pressure for these trees to be reduced, or removed, to allow full use of the gardens and to overcome issues of shading and thereby reducing the natural screening from PROW and the wider views to the south of the site.
- 14.11.6** Open Space:
- 14.11.7** Open space areas should be suitably located and have appropriate proportions to their use and setting. Narrow or peripheral areas, which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development. The proposed development retains 30% of the site as open space for the public to enjoy.
- 14.11.8** Residential developments should normally be required to meet the need for play provision generated by the development on site, as an integral part of the design. A play area must be sited within an open space sufficient to accommodate the provision and its required buffer zone to ensure residential amenity is maintained.
- 14.11.9** It is acknowledged that Local Equipped Area of Play (LEAP) is to be potentially situated to the south of the community shop to the west of the site with the potential of a natural play area, pavilion, and a gazebo. Although the size of these areas is currently unknown and there are no details as to the type of equipment or activities at this stage, this should be designed into the scheme up front and not as an afterthought, be of a sufficient size and provide reasonable recreation facilities. The design and layout of future formal and informal play areas should accord with the guidance set out in the 'Fields of Trust'.
- 14.12** **K) Nature Conservation**
- 14.12.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.12.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture.
- 14.12.3** A Preliminary Ecological Appraisal (Skilled Ecology Consultancy Ltd., July 2021) was submitted in support of the proposals. The Appraisal identified that all the hedgerows abutting the site, apart from the leylandii cypress hedgerow, as priority habitats. It also identifies that the hedgerow along the southern boundary is also considered to be 'important' for biodiversity under the Hedgerow Regulations 1997.
- 14.12.4** As such, The Preliminary Ecological Appraisal recommends that the hedgerows, particularly along the southern and eastern boundaries of the site, are excluded from new gardens by fencing in order to prevent new owners from unnecessarily reducing or removing them.
- 14.12.5** The proposed Site Plan, drawing number 108819_03 does not include fencing between the proposed gardens and retained hedgerows, but instead recommends new additional planting to screen the dwellings.
- 14.12.6** The ecologist at Place Services has confirmed that they do not consider that the additional planting will prevent new homeowners from removing or unfavourably managing the retained hedgerows and so it is considered necessary to include fences within the design.
- 14.12.7** The ecologist recommends that the inclusion of details of the fencing (preferably close-boarded) between the retained hedgerow and proposed gardens is required to ensure there are no impacts upon the retained hedgerows, priority habitat and that this information should be provided prior to determination of the application. This concern can be resolved by an appropriately worded planning condition requesting details of all boundary treatments be provided at the time of the submission of reserve matter application to ensure the protection of established hedgerows.
- 14.12.8** The ecologist also noted that 36m of Priority habitat (hedgerow) is to be removed along Parsonage Farm Lane to facilitate the development. As this priority habitat is due to be impacted by the proposed development, it is recommended that Defra's Biodiversity Offsetting Metric 3.1 (or any successor) should be used to demonstrate how impacts will be offset.
- 14.12.9** Any retained or proposed habitats should be managed for the benefit of wildlife. Proposed management prescriptions should be outlined within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent concurrent with reserved matters.
- 14.12.10** Subject to the above requirements, we support the proposed reasonable biodiversity enhancements including one bird and bat box per dwelling, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy

Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

14.12.11 The above recommendations to secure a Biodiversity Enhancement Strategy and a Landscape and Ecological Management Plan (LEMP), could be secured by way of imposing appropriately worded planning conditions if outline permission were to be granted.

14.13 L) Contamination

14.13.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with policy ENV14 of the adopted Local Plan. The application was consulted to Council's environmental health officer who suggested that if permission is approved, conditions regarding that no development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority by way of a Phase 1 Assessment.

14.14 M) Flooding & Drainage

14.14.1 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.

14.14.2 A check of the Environmental Agency's website and the Council's policy maps has identified the site as being located in Flood Zone 1. The Framework indicates that all types of development are appropriate in this zone and hence there is no requirement for sequential or exception testing.

14.14.3 New major development for housing need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.14.4 In respect to flooding and drainage, the application is supported by a Flood Risk Assessment. This concludes that the flood risk from other sources is considered to be low and the flood risk from surface water to be medium, but appropriate mitigation measure has been provided to overcome this.

- 14.14.5** Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions on the decision if permission is granted.
- 14.14.6** The proposals, for this reason is thereby comply with to policy GEN3 of the adopted Local Plan and the NPPF.
- 14.15 N) Community Shop**
- 14.15.1** Policy LC3 of the adopted Local Plan stipulates that community facilities will be permitted on a site outside settlement boundary limits subject that there is a demonstrated need for the facility, the need of the facility cannot be met on a site within the settlement boundary and that the site is well related to the settlement.
- 14.15.2** Community shops are an effective mechanism for safeguarding essential retail outlets in rural areas, but they can also have wider social, economic, and environmental benefits. However sometimes, these facilities can struggle to stay open, fall into disrepair or could just become too expensive to run.
- 14.15.3** No information has been submitted in support of the proposals to establish or gauge the level of support whether the local community within the village are willing to invest in the project. It is acknowledged that an on-line community engagement forum took place however no information was provided as to the public response regarding the need for such a shop. The Parish Council have suggested within their formal response that there is no appetite from the community to operate its own shop or meet any ongoing costs associated with it.
- 14.15.4** In respect to the operations of the shop, no information has been provided as to whether the shop will be managed or leased, establish any terms or parameters for how the business will be run, consider what the shop will stock and sell and what other services it will offer.
- 14.15.5** Further potential concerns of the community shop may relate to funds such as which groups will be engaged in setting up a community shop and who will be faced with raising funds for it to start.
- 14.15.6** Usually, long operational hours are often required for most community shops which open early in the morning, then close late at night to meet the needs of their local customers. This may lead to staffing challenges for a store that is independently owned and operated. Trying to find employees to work specific shift hours that are early in the morning, or during the overnight, could lead to difficulties and the operations of the community shop.

14.15.7 Although a community shop is proposed as part of the proposals, there is a considerable lack of information in respect to demonstrating the need for such a facility in the first place, how this will function and be secured, or why it can't be position within the settlement boundaries of the village has not been appropriately demonstrated. Thereby it is regarded that no to limited weight can be given to this aspect of the proposals in the overall balance as the shop can't be guaranteed in being constructed and thereafter remain open.

15.16 O) Planning Obligations

14.16.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levey (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- 14.16.2**
- Affordable Housing: 48% affordable housing (split across the affordable rent, intermediate tenures and first homes).
 - Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, allotments, a community orchard, play areas and trim trial. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
 - The provision of an on-site building to contain a village shop and its future management.
 - Payment of the council's reasonable legal costs.
 - Payment of monitoring fee.

14.16.3 No legal mechanism exists by the way of a Section 106 agreement or by way of a unilateral undertaking to secure affordable housing for the proposed scheme has been submitted in support of the application. The proposed development thereby is contrary to Policies H9, LC3, ENV3 and GEN6 of the Uttlesford Local Plan (Adopted 2005).

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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.

16. PLANNING BALANCE AND CONCLUSION

16.1 With Uttlesford District Council unable to demonstrate a 5-year housing land supply as a consequence paragraph 11d of the NPPF therefore applies which states that 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 there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby it still carries reasonable weight.

16.3 In respect to addressing the benefits of the proposed development, the provision of 27 dwellings including 13 of these being affordable housing would represent a reasonable boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The proposed affordable housing provides more than required by policy which is also a material benefit to the scheme.

- 16.4** The development would provide economic benefits in terms of the construction of the dwellings and the operation of the local community shop and the investment into the local economy. The additional of a local play area and public open space areas and the provision of a community shop would also provide social benefits. Further consideration has also been given in respect to the net gains for biodiversity.
- 16.5** Thus, taken these together, moderate weight to the benefits of the development have been considered.
- 16.6** Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects.
- 16.7** Although the applicant has proposed a scheme of highway improvement works as part of the proposals, it has not been demonstrated to the satisfaction of the highway authority that the proposed works would be acceptable in terms of highway safety, accessibility and efficiency for all highway users, and that they conform with the Essex Design Guide in that they are in fact deliverable.
- 16.8** The proposals would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of 'Malmesbury Cottage' contrary to Paragraph 202 of the NPPF. Thereby it would result in less than substantial harm to the setting and significance of heritage asset.
- 18.9** Therefore, and taken together, significant weight to the adverse impacts have been considered in respect of development and the conflict with development plan policies. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.
- 16.10** For the reasons given above, the proposals would be contrary to policies S7, GEN1, GEN6, H9, LC3, ENV2 and ENV3 of the adopted Local Plan and the NPPF. The application is therefore recommended for refusal.

17. REASONS FOR REFUSAL

- 1** The proposal would introduce 27 no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Local services within the village are limited and thereby future occupiers would need to access facilities and amenities beyond reasonable walking/cycling distance of the

site in other settlements to meet their needs. The development in this location would undoubtedly place reliance upon travel by car and would not encourage sustainable transport options to be made.

The proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with policy GEN1 of the Adopted Local Plan which amongst other things, requires development to encourage movement by means other than the private car and the National Planning Policy Framework.

- 2** The proposal would introduce a sizeable new development to an area of open countryside and would result in an unnatural extension to the village of Great Sampford. The location of the site and the topography of the land are such that any development on the site would have a harmful impact upon the rural character and appearance of the area.

The proposals would significantly harm the intrinsic character and beauty of the countryside resulting in landscape and visual effects from a number of publicly accessible viewpoints and failing to perform the environmental role of sustainability, contrary to policy S7 of the Adopted Local Plan and the National Planning Policy Framework.

- 3** The application lies to the east of the grade two listed building known as Malmesbury Cottage. The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.

The proposals by way of the sitting and size would inevitably result in an adverse impact to the setting and experience of the designated heritage asset of Malmesbury Cottage and thereby resulting is in less than substantial harm to the setting and significance of the heritage asset.

Having regard to the guidance in paragraph 202 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the significance and setting of the designated heritage asset. The proposals are thereby contrary to policy ENV2 of the Adopted Local Plan and the National Planning Policy Framework.

- 4** The proposal would intensify the use of the Parsonage Farm Lane / B1053 junction, which is currently deficient in width and forward visibility. The main function of the B1053 (Secondary Distributor) is that of carrying traffic freely and safely between centres of population. An increase in movements at a substandard junction would be detrimental to highway safety and efficiency, and therefore appropriate improvements are required. The applicant has proposed a scheme of improvement works; however, it has not been demonstrated to the satisfaction of this Authority

that the proposed 'highway works scheme' to B1053 is acceptable in terms of highway safety and efficiency, and therefore, that safe and suitable for all highway users can be achieved contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework

5 The applicant has not demonstrated to the satisfaction of this Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved, for the following reasons.

- a) The proposal does not provide appropriate pedestrian visibility splays at all crossing points to connect the development site to existing footway network and local facilities, and with having regard to the highway boundary.
- b) Details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, including visibility splays, and proximity to proposed bell-mouth.
- c) The proposal shows widening of the existing bell mouth which serves Monks Corner Bungalows. The applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership.
- d) A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

An inadequate highway works proposal would be detrimental to highway safety, and the lack of pedestrian facilities would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport contrary to policy GEN1 of the Adopted Local Plan and the National Planning Policy Framework

6 The proposed development would trigger the requirement for:

- Affordable Housing: 48% affordable housing (split across the affordable rent, intermediate tenures and first homes).
- Open Space: the provision of an appropriate amount of open space, which provides a significant area of open space for recreation for all age ranges, and play areas. The open space will be subject to an appropriate management regime. Play facilities: the provision of play equipment which will be subject to an appropriate management regime.
- The provision of an on-site building to contain a village shop and its future management.
- Payment of the council's reasonable legal costs.
- Payment of monitoring fee.

This requirement would need to be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. As such, the proposals are contrary to Policies

H9, LC3, ENV3 and GEN6 of the Adopted Local Plan and the National Planning Policy Framework.

Appendix 1 – Statutory Consultee Responses

Lead Local Highway Authority

Your Ref: UTT/22/1275/OP
Our Ref: 51035
Date: 23rd January 2023



CC: (by email) *DM, SMO2, Chelmsford
Cllr Martin Foley*

Paul Crick
Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1275/OP

Applicant Ms Celine Bird Cityshape Investments Ltd

Site Location Land At Parsonage Farm Parsonage Farm Lane Great Sampford

Proposal Proposed residential and community development including 27 dwellings (14 private and 13 affordable) a community shop, a play area, shared gardens and public green space and associated parking.

SUPERSEDES PREVIOUS RECOMMENDATION DATED 6TH OCTOBER 2022

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

Parsonage Farm Lane with B1053

1. The proposal would intensify the use of the Parsonage Farm Lane / B1053 junction, which is currently deficient in width and forward visibility. The main function of the B1053 (Secondary Distributor) is that of carrying traffic freely and safely between centres of population. An increase in movements at a substandard junction would be detrimental to highway safety and efficiency, and therefore appropriate improvements are required. The applicant has proposed a scheme of improvement works; however, it has not been demonstrated to the satisfaction of this Authority that the proposed 'highway works scheme' to B1053 is acceptable in terms of highway safety and efficiency, and therefore, that safe and suitable for all highway users can be achieved.

Further consideration would be given to the application upon receipt of the following information:

- a. Clarification of the 85th percentile speed of vehicles travelling along B1053 near Parsonage Farm Lane / Spare Penny Lane, to ensure that demonstrated forward visibility splays are appropriate. (As per Table 2.1, the 85th percentile speeds are slower than the average).
- b. Swept path analysis demonstrating:

- Opposing vehicle travelling along altered section of B1053, including a large vehicle.
 - Agricultural vehicle travelling along the altered section of B1053.
- c. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

The existence of the junction at this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier and would be detrimental to highway safety. Furthermore, if any alterations to B1053 and Parsonage Lane with B1053 must not impact upon the safety of vehicles travelling on B1053.

Parsonage Farm Lane

2. The applicant has not demonstrated to the satisfaction of this Authority that the proposed Parsonage Farm Lane 'highway works scheme' is acceptable in terms of highway safety, efficiency, accessibility, and conforms with the Essex Design Guide; that the proposed works are deliverable; and therefore, that safe and suitable for all highway users can be achieved, for the following reasons.
- a. The proposal does not provide appropriate pedestrian visibility splays at all crossing points to connect the development site to existing footway network and local facilities, and with having regard to the highway boundary.
 - b. Details of how the existing private drives on Parsonage Farm Lane will be accommodation by the proposed works, including visibility splays, and proximity to proposed bell-mouth.
 - c. The proposal shows widening of the existing bell mouth which serves Monks Corner Bungalows. The applicant has failed to demonstrate how the altered access will be delivered, with respect to land ownership.
 - d. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.

An inadequate highway works proposal would be detrimental to highway safety, and the lack of pedestrian facilities would be detrimental to highway safety and would restrict the choice of future occupiers to utilise sustainable modes of transport.

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Note:

- i. Planning application UTT/22/0618/OP was submitted, prior to the submission of this application. The application utilises the junction of B1053 with Spare Penny Lane and Parsonage Farm Lane. The applications should take account of each other, with particular reference to highway alterations at the junction.
- ii. The proposed bell-mouth to serve the development is considered excessive in width, and consideration should be given to provide a more conventional symmetrical bell mouth.

- iii. To be considered for adoption by the Highway Authority, the proposed development should accord with the Essex Design Guide.
- iv. Should these matters be resolved, a TRO would need to be secured for the 30mph speed limit for Parsonage Farm Lane.
- v. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org or follow link – <https://www.essexhighways.org/highway-schemes-and-developments/adoptions-and-land/highway-status-enquiries>
- vi. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme.
- vii. It is noted that the junction of Parsonage Farm Lane and B1053 is recorded as an Area Susceptible to Surface Water Flooding and the applicant should have due regard to this within their proposal.

Informative:

- i. B1053 is a secondary distributor, part of Essex County Council's Development Management Route Hierarchy, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through routes in built up areas.

The location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.



.....
pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Lead Local Flooding Authority

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Emma Barral
Tendring District Council
Planning Services

Date: 11 August 2022
Our Ref: SUDS-006119
Your Ref: UTT/22/1275/OP

Dear Ms Barral,

Consultation Response – UTT/22/1275/OP- Land At Parsonage Farm Parsonage Farm Lane Great Sampford Essex

Thank you for your email received on 11 July 2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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 based on the following:

Condition 1

No works except demolition shall take place 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 and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. Please note we do not accept QBar.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- 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. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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
- 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.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title 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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances)

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The

applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Alison Vaughan, Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Environment, Climate & Customer Services
Essex County Council

Internet: www.essex.gov.uk
Email: surb@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- **Flood recovery measures (including flood proofing and other building level resistance and resilience measures)**

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications ["Preparing for Floods"](#) and ["Improving the flood performance of new buildings"](#).

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Appendix 2 – Appeal Decision



Appeal Decision

Site visit made on 4 July 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th August 2017

Appeal Ref: APP/C1570/W/17/3171477

Land rear of Watsons Close, Sparepenny Lane South, Great Sampford, Saffron Walden, Essex CB10 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Harrison against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2555/OP, dated 9 August 2016, was refused by notice dated 20 December 2016.
 - The development proposed is erection of 18 dwellings and garages, extension to Council car parking and new vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved except for access. I have had regard to the proposed site plan (drawing number 2_REV 3) but have considered all elements of this plan as indicative apart from details of the access points.
3. The Council has clarified in its appeal statement that the fourth reason for refusal should only relate to the provision of affordable housing. The Council is not seeking any financial contribution towards education facilities.

Main Issues

4. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) whether the location would provide a suitable site for housing having regard to the accessibility of services and facilities;
 - (c) the effect of the development on the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance; and
 - (d) whether the development would make provision for affordable housing.

Reasons

Character and appearance

5. Great Sampford is a small village surrounded by fields and open countryside. Sparepenny Lane South forms the eastern edge of the village, where the majority of housing faces onto the road in a linear pattern. This includes Watsons Close, a row of semi-detached bungalows immediately adjacent to the appeal site. There is no further housing to the north-west of Watsons Close on the same side of the road. Sparepenny Lane South becomes increasingly more secluded beyond Watsons Close with boundary planting on the north-east side of the lane. According to historical maps provided by the appellant, Watsons Close was developed along the south-western edge of a much larger historic field. At my site visit, this encroachment is less apparent on the ground as the rear boundaries for Watsons Close have become established as part of the linear development along Sparepenny Lane South.
6. The appeal site forms approximately half of the remaining historic field. The field is readily apparent from the rear of Watsons Close and the public footpath that runs along the field's eastern boundary. It rises from south-east to north-west and is enclosed by thick boundary planting on all sides with the exception of its boundary with Watsons Close where the rear elevations and gardens of the bungalows are clearly visible. There are glimpses of the field from Sparepenny Lane South between the bungalows of Watsons Close.
7. Although the boundary planting prevents views of the wider countryside beyond the field, the appeal site and the remaining field nevertheless form a rural and green backdrop to this part of Great Sampford. It thus makes a positive contribution to the character and appearance of the area as part of the attractive countryside that surrounds the village.
8. As an outline application with all matters reserved except for access, it is not possible to be certain of the precise effects of 18 dwellings. It is clear that ample space exists within the appeal site for landscaping to help screen and soften the development. However, the development would result in a significant encroachment of built development into the field. The view from the public footpath would alter considerably with the proximity of housing and gardens, especially given the change in levels. The approach into the countryside from Sparepenny Lane South would diminish.
9. The proposed site plan shows an access onto Sparepenny Lane South to the north-west of Watsons Close which would potentially open up views of development from the more secluded part of the lane. The green and rural backdrop would be eroded, including the glimpses seen between the bungalows of Watsons Close, and part of the attractive countryside would be lost. As a consequence, there would be a significant negative effect on the character and appearance of the area.
10. The existing Watsons Close development only makes a minor encroachment into the historic field and follows a linear pattern along Sparepenny Lane South. Its effect on the adjoining countryside is limited. The appeal site is much larger than Watsons Close, and covers much more of the historic field. Thus, the Watsons Close development does not justify a much larger

encroachment into the countryside and a more harmful effect on the character and appearance of the area.

11. I am aware that a housing development known as Willets Field was built around twenty years ago on the southern edge of Great Sampford. I do not know the full planning history of this development and what existed on site before it was built. Thus, in terms of this main issue, I can give it little weight and have assessed the proposed development on its own merits.
12. Concluding on this main issue, the proposed development would result in significant harm to the character and appearance of the area. Therefore, it would not accord with Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan'). This policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area, only permitting development if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The development would also conflict with the National Planning Policy Framework (NPPF) which requires schemes to respond to local character.

Accessibility to services and facilities

13. The range of services and facilities in Great Sampford is largely limited to the primary school, public house, church and village hall. They are all accessible by foot or bicycle from the appeal site along pavements and 30mph roads. The bus service is limited to an on-demand service that is not regular and a school bus for secondary school in term time only. As a consequence, occupiers of the proposed development would need to travel beyond the village to access most other services and facilities. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking or cycling distance along roads that contain national speed limits and lack pavements or lighting.
14. As such, there is likely to be a reliance on the private motor car for occupiers of the development. The NPPF highlights that transport solutions will vary from urban to rural areas. However, a development of 18 dwellings is likely to generate a significant amount of transport movements per day and a large number of these movements are likely to be by private car. Thus, there would be significant negative effects in terms of the use of natural resources and the lack of accessible local services. It would also conflict with the aim of the NPPF to promote sustainable transport modes.
15. The NPPF in paragraph 55 and the Planning Practice Guidance (PPG) make it clear that development in one village could support facilities in another village. The proposed development would help to support the existing village facilities such as the primary school, notwithstanding arguments about the capacity of the school. However, there is little evidence before me that the proposed development would result in additional services and facilities being provided in the village or that it would have an appreciable effect on services and facilities in nearby settlements. I note that the Willets Field development has similar accessibility to services and facilities, but on its own this does not justify the provision of further housing.
16. Concluding on this main issue, the proposed development would not be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would not accord with Policy GEN1 of the Local Plan

which, amongst other things, requires development to encourage movement by means other than the private car.

Living conditions of neighbouring occupiers

17. The existing public footpath from Sparepenny Lane South is quiet and inconspicuous as it passes between Watsons Close and another bungalow development at Monks Corner. There is little evidence that it is used regularly by motorised vehicles. The proposed southern access would greatly alter the first section of the footpath with a road for vehicles associated with the development. With an outline application it is not possible to tell how many of the 18 dwellings would be served by the access given the second access to the north-west of Watsons Close. However, it seems possible that several dwellings would be served by it, resulting in a number of vehicle movements per day.
18. These movements would be close to the gardens and elevations of properties at 2 Watsons Close and 4-6 Monks Corner. The noise and disturbance generated would be noticeable and would have a negative effect on the living conditions of occupiers of these properties. Although there are existing car parks serving properties at Watsons Close and Monks Corner, their access points are in different locations that do not have the same effect as the proposed southern access would have on specific properties and gardens.
19. I note that the Willets Field development has an access onto the main road which serves a number of properties. However, I do not know what the site conditions were like prior to that development being built and what effects the access has had on the living conditions of occupiers of neighbouring properties.
20. Some of the neighbouring occupiers at Watsons Close and Monks Corner have raised concerns regarding the effect of development on their living conditions in terms of outlook, light and privacy. While the development would undoubtedly change the character and appearance of the field, it is not possible to be certain of the effects on outlook, light and privacy with all matters reserved apart from access. Nevertheless, this does not diminish the harm I have identified in terms of vehicle movements.
21. Concluding on this main issue, the proposed development would have a negative effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance. Therefore, it would not accord with Policy GEN4 of the Local Plan which, amongst other things, seeks to avoid development where noise and vibrations generated would cause material disturbance or nuisance to occupiers of surrounding properties. The development would also conflict with paragraph 17 of the NPPF which seeks a good standard of amenity for all existing occupants of land and buildings.

Affordable housing

22. Policy H9 of the Local Plan and the Developer Contributions Guidance Document 2016 (DCGD), which has been adopted as a material consideration by the Council, seeks 40% affordable housing provision on sites of 15 or more dwellings. The appellant initially indicated that this could be secured by planning condition, but has since pursued the approach of a planning obligation.

23. A planning obligation has been submitted by the appellant as part of the appeal process in the form of a unilateral undertaking. This seeks to provide the required contribution of affordable housing. However, while the planning obligation has been signed and witnessed by the relevant parties, it has not been dated. This is a requirement in order for the planning obligation to be completed and take effect. In these circumstances, I cannot take the submitted planning obligation into account as part of my decision.
24. The provision of 40% affordable housing would represent a benefit in favour of the development, but with an incomplete planning obligation, there would be no provision. Thus, the development would not accord with Policy H9 of the Local Plan or the DCGD which seeks affordable housing provision.

Planning balance

25. The Council confirms in its appeal statement that it cannot currently demonstrate a five year housing land supply and states that it stands at 4.5 years. As a consequence, paragraph 49 of the NPPF applies which states that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole or specific policies in the NPPF indicate development should be restricted.
26. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. Policy S7 takes a more restrictive approach to development in the countryside compared to the NPPF which could be affecting the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and so still carries reasonable weight. Policies GEN1, GEN4 and H9 are consistent with the NPPF and so carry substantial weight.
27. Addressing the benefits of the proposed development first, the provision of 18 dwellings would represent a reasonable boost to the district's housing supply, mindful of the housing land supply situation and the need for housing in the district. The development would provide economic benefits in terms of the construction of the dwellings and the investment into the local economy. The extension of the Council car parking area would also provide a benefit. However, the moderate amount of housing proposed, and the likely limited effect on the provision of local services and facilities would temper these benefits. Thus, taken together, I afford moderate weight to the benefits of the development. For the avoidance of doubt, even with a completed and effective planning obligation for affordable housing, the provision would have been moderate and so would not have affected the overall weight I have given to the benefits of the development.
28. Turning to the adverse impacts of development, the negative environmental effect of the development on the character and appearance of the area would be significant due to the level of encroachment and intrusion of built development into the countryside. The lack of accessible services and facilities and the subsequent reliance on the private motor car would have significant negative environmental and social effects. The noise and disturbance caused by a number of vehicle movements per day along the proposed southern

access road is important. Finally, the provision of affordable housing has not been secured. Therefore, taken together, I afford significant weight to the adverse impacts of development and the conflict with development plan policies. For the avoidance of doubt, even with a completed planning obligation, the overall weight I have given to the adverse impacts would be the same.

29. Thus, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of development. In the circumstances, the proposal would not represent sustainable development contrary to the NPPF.

Other Matters

30. I note that the site was included in the Council's Strategic Housing Land Availability Assessment as a suitable site for small scale development, but I have not been provided with details of how that assessment was carried out. For the avoidance of doubt, I have assessed the proposed development on its own merits.

Conclusion

31. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

Agenda Item 11



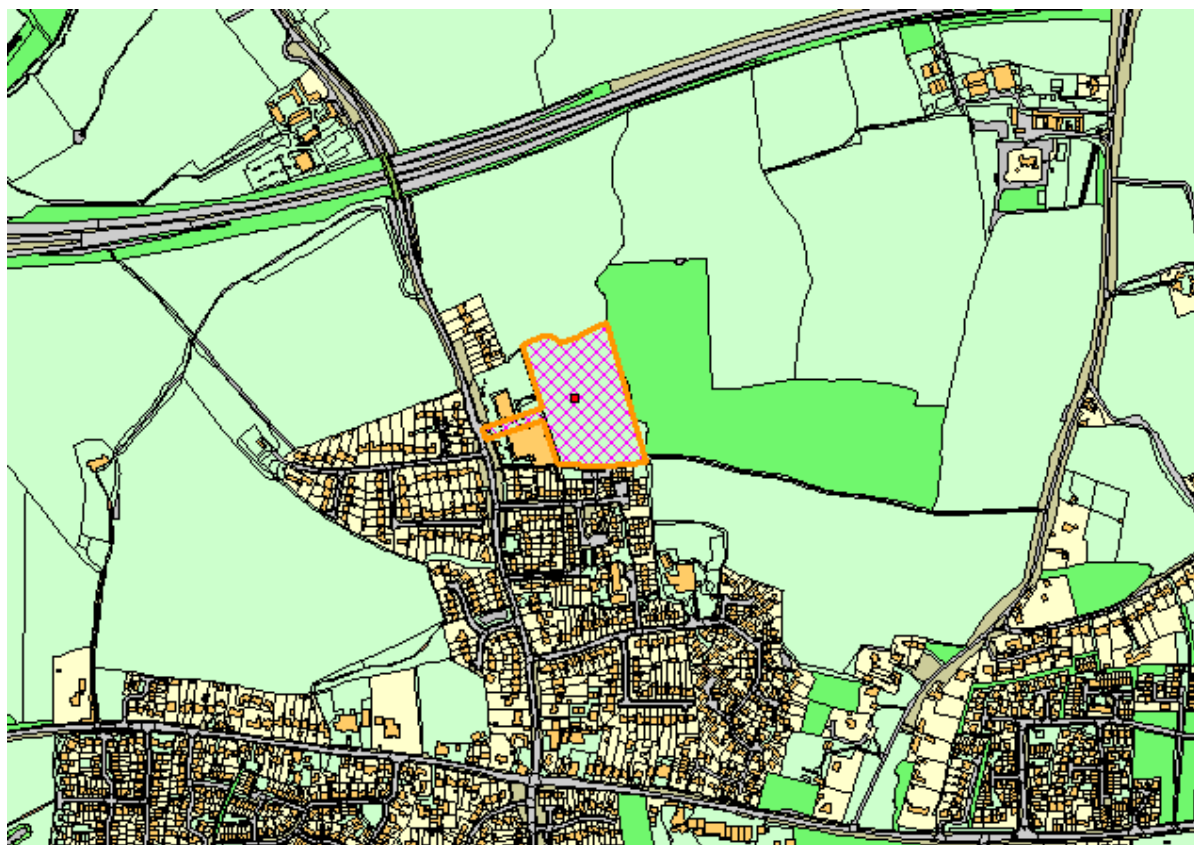
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 8 February 2023

REFERENCE NUMBER: UTT/22/2744/FUL

LOCATION: Land Known As 7 Acres, Warish Hall Farm, Parsonage Road, Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: **Erection of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.**

APPLICANT: **Weston Homes PLC**

AGENT: **Mr Jarrod Spencer**

EXPIRY DATE: **10 January 2023**

EOT Expiry Date

CASE OFFICER: **Laurence Ackrill**

NOTATION: **Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood); Contaminated Land Historic Land Use; Within 6km of Stansted Airport; Within 2KM of SSSI; County and Local Wildlife site (Priors Wood).**

REASON THIS APPLICATION IS ON THE AGENDA: **Major planning application.**

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought for the construction of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.

1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan. The site is located outside development limits and is also located within the Countryside Protection Zone (CPZ).

1.3 As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

1.4 The proposals would bring public benefits by the longer-term employment provision from the business park extension and the provision of a medical

facility. Furthermore, weight has been given to biodiversity net gain, improvements to transport infrastructure and on-site energy generation from low-carbon sources. The development would provide social and economic benefits in terms of the construction of the buildings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.

- 1.5 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of the proposed development and the conflict with development plan policies. However, it is considered that the benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development.

2. **RECOMMENDATION**

- 2.1 That the Director of Planning be authorised to **GRANT** planning permission for the development subject to those items set out in section 17 of this report –

- A) Completion of a s106 Obligation Agreement in accordance with the Heads of Terms as set out
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to **REFUSE** permission following the expiration of a 6-month period from the date of Planning Committee.

- 2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the proposals cannot be tested against a fully up-to-date Development Plan and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

- 2.3 That, in the absence of the agreement referred to in resolution (2.1) above being completed within the time period provided for in resolution (2.2) above, the planning permission be refused for the following reasons:

1. The proposed development fails to deliver appropriate infrastructure in order to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development of the Adopted Uttlesford Local Plan 2005 and the National Planning Policy Framework 2021.

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located to the north-east of Takeley and comprises predominantly agricultural land, known as '7 acres'. The site area measures approximately 2.3ha and has a largely flat gradient.
- 3.2 There is commercial development immediately to the west of the site, with vehicular access onto Parsonage Road. This adjacent site is designated as a Key Employment Area within the Local Plan. To the east of the site is Ancient Woodland (Priors Wood), which is also designated an important woodland and county wildlife site within the Local Plan. South of this is residential development and a public right of way runs along the southern boundary of the site.
- 3.3 The site is not located within or adjacent to any conservation areas and there are no listed structures on or adjacent to the site. The site is located outside development limits and is also located within the Countryside Protection Zone.

4. PROPOSAL

- 4.1 Full planning permission is sought for the erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking. The proposed buildings would provide 3568sqm of flexible employment space, including a 581sqm building dedicated for use as a Medical Centre.
- 4.2 Access to the site would be through the adjoining employment site to the west, through an extended estate road, with on-site parking provision.
- 4.3 The development site would feature a 15m buffer zone to the Ancient Woodland of Prior's Wood and an outdoor amenity space for employees within the estate.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The proposed development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

- 6.1
- UTT/21/1987/FUL - Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes -

Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.

- UTT/22/2134/FUL - Proposed change of use of land to create extension to the existing car park serving the Weston Group Business Hub and Weston Innovation Centre, including 124no. car parking spaces with associated access and landscaping. - Weston Business Centre Parsonage Road Takeley Bishops Stortford, CM22 6PU. – Approve with conditions – 13/10/2022.

Adjoining Sites

- 6.2**
- UTT/0761/01/OP - Erection of a two storey building for class B1 (business) - Factory Building On Part Of Zellweger Site - Former Neotronics Building Parsonage Road Takeley - Approve with Conditions – 11/10/2001.
 - UTT/17/1854/FUL - Demolition of Skyway House and erection of a two storey office building for use within Class B1a, provision and reconfiguration of car parking, and alterations to vehicular accesses - Skyways House Parsonage Road Takeley - Approve with Conditions – 17/01/2018.
 - UTT/21/2488/OP - Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure - Land East Of Parsonage Road Takeley - Approve with Conditions – 09/11/2022.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. No prior discussion has taken place with the Local Planning Authority prior to the submission of this current application. However, the site formed part of a previous application where commercial and community uses were provided on the same parcel of land. As such, it can be considered that the following consultation events have been held by the applicants:

- UTT/20/2531/PA: Re-development of the following land parcels at Warish Hall Farm; Jacks - 2 Hectares Bull Field - 4 Hectares 7 Acres - 2.2 Hectares Initial proposal of up to 100 dwellings and 400 sqm of light industrial / commercial development.
- Distribution of leaflets to local residents, online public consultation, follow-up online public consultation, consolidation and application of public comments, notices erected around the site and a public exhibition.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

8.1.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority (subject to conditions and S106 agreement).

8.2 Highways Agency – No Objection.

8.2.1 We have reviewed the technical information provided in support of this planning application and we conclude that this development will not have a severe impact upon the nearby A120.

8.3 Local Flood Authority – No Objection.

8.3.1 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.

8.4 Natural England – No Objection.

8.4.1 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

9. Takeley Parish Council Comments - Object

9.1 Resolved to object on the following grounds:

- Harm caused to the CPZ and countryside.
- Harm to the adjacent Woodland.
- Concerns regarding design.
- Drainage issues.
- Highways impact and access concerns.

10. CONSULTEE RESPONSES

10.2 UDC Environmental Health – No Objection.

10.2.1 This service has reviewed this application and whilst there is no objection in principle, subject to a condition relating to a further noise assessment should be carried out to assess the likely impact of noise from plant, machinery and general noise from the use of the site.

10.2.2 No objection on grounds of contaminated land or air quality, which can be adequately dealt with by way of condition.

10.3 UDC Landscape Officer/Arborist

- 10.3.1** No comments received.
- 10.4 Conservation Officer – No Objection.**
- 10.4.1** It is considered that the proposals would result in no harm to the significance of any heritage assets
- 10.5 Archaeology Place Services – No Objection.**
- 10.5.1** No objection, subject to conditions, including an Archaeological Programme of Trial Trenching followed by Open Area Excavation.
- 10.6 ECC Infrastructure – No Objection.**
- 10.6.1** No contributions are sought from commercial development.
- 10.7 Place Services (Ecology) – No Objection**
- 10.7.1** No objection subject to securing biodiversity mitigation and enhancement measures.
- 10.8 Minerals and Waste Planning – No Objection.**
- 10.8.1** Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.
- 10.9 Aerodrome Safeguarding – No Objection.**
- 10.9.1** No aerodrome safeguarding objections to the proposal subject to conditions.
- 10.10 NATS – No Objection.**
- 10.10.1** NATS have no safeguarding objections to the proposal.
- 10.11 Thames Water – No Objection.**
- 10.11.1** Thames Water have no objection to this application subject to the inclusion of informatives.
- 10.12 Woodland Trust – No Comments Received.**
- 10.13 UDC Economic Development Manager – Support.**
- 10.13.1** In 2016 The Council’s Economic Development Team commissioned a report which highlighted the shortage of commercial land and premises across the district. In 2021 the Council’s Local Plan Team commissioned the Employment Needs and Economic Development Study which similarly highlighted the shortage of commercial land and premises and

also the unmet demand in the area surrounding the airport for industrial units. I would strongly support an increase in commercial / industrial units in the area surrounding the airport.

10.14 NHS Hertfordshire and West Essex – No objection.

10.14.1 We have looked into the capacity on our primary care surgeries, and they are just about coping, but the forecasted growth will significantly change that position.

11. REPRESENTATIONS

11.1 The application was publicised by sending letters to adjoining and adjacent occupiers, displaying a site notice and advertising it within the local newspaper. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report.

- 198 Neighbouring properties sent letters.
- Site Notice erected close to the site.
- Press Notice published.
- 9 Comments of objection received.

11.2 Summary of Objections

- Impact on the countryside character and policy S7
- Impact on the Countryside Protection Zone and policy S8
- Impact upon highway congestion and highway safety
- Reduction of green spaces
- Impact on heritage assets
- Lack of infrastructure
- Loss of agricultural land
- Inaccurate info within transport survey
- Lack of parking
- Impact on drainage and flooding
- There is no need for employment space
- Impact on property values (Officer comment: this is a purely private matter and not a material planning consideration).

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act 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.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

12.5 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made December 2022)

13. POLICY

13.1 National Policies

13.2 National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

S7 – The Countryside

S8 – The Countryside Protection Zone

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN4 – Good Neighbourliness

GEN5 – Light Pollution
 GEN6 – Infrastructure Provision
 GEN7 – Nature Conservation
 GEN8 – Vehicle Parking Standards
 E1 – Distribution of Employment Land
 E2 – Safeguarding Employment Land
 E3 – Access to Workplaces
 ENV2 – Development Affecting Listed Buildings
 ENV3 – Open Spaces and Trees
 ENV4 – Ancient monuments and Sites of Archaeological Importance Policy
 ENV5 – Protection of Agricultural Land
 ENV7 – Protection of the Natural Environment
 ENV8 – Other Landscape Elements of Importance
 ENV10 – Noise Sensitive Developments
 ENV12 – Groundwater Protection
 ENV14 – Contaminated Land

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document- Accessible homes and play space
 homes Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Background**
 - B) Principle of Development**
 - C) Countryside Impact**
 - D) Design & Neighbouring Amenity**
 - E) Heritage impacts and Archaeology.**
 - F) Access and Parking**
 - G) Nature Conservation & Trees**
 - H) Climate Change**
 - I) Contamination**
 - J) Flooding**
 - K) Air Quality**
 - L) Planning Obligations**

14.3 A) Background

14.3.1 This application follows on from an application under reference UTT/21/1987/FUL that included this part of the site. That proposal involved a mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment

units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes. The application was refused permission for the following grounds:

1. The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development.
2. The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development.
3. The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.
4. The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development.

14.3.2 The proposal was subsequently dismissed at appeal, with the Planning Inspector concluding that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, that it would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits.

14.3.3 In order to overcome the concerns in respect of this refused / dismissed scheme the site area has been reduced, with this scheme now including only the '7 Acres' part of the site, involving the commercial extension to the business park. As such, the scheme is materially different to that of the previous proposal.

14.4 B) Principle of development

Provision of Employment Space

14.4.1 The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that help create the conditions in which businesses can invest, expand and adapt. 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.

14.4.2 Policies within Chapter 4 'Economic Activity' of the Local Plan 2005, seek to ensure that provision is made for enough land to meet the structure plan requirement and enable the expansion of existing firms and the introduction of new employment; to ensure that a range of employment opportunities is available at key locations across the district and that alternative employment exists other than in the concentration on the airport at Stansted; to enable opportunities for local employment close to where people live, which may potentially reduce travel to work and to ensure that development is accessible to all.

14.4.3 The proposed development will provide 3 new units for flexible Class E purposes, totalling 3568 sqm (GIA). The proposal has been developed to meet the needs of various types and sizes of occupiers and will secure the development of this vacant site and contribute to the delivery of high-quality employment floorspace in Uttlesford.

14.4.4 The Council's Economic Development Team have been consulted as part of the application and are supportive of the provision of such employment space in this location and do not consider that such provision would undermine the use of the existing Key Employment Area. As also noted by the Planning Inspector as part of the previous appeal *'the longer-term employment provision from the business park extension are significant public benefits and attract significant weight.'* As such, the proposal would be in line with the overarching objectives of adopted policy in supporting

economic growth in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Healthcare Facilities

- 14.4.5** Of the total floor space provision, a 581sqm building dedicated for use as a new Medical Centre that would to serve existing and new patients, allowing for improved care and treatment. One of the overarching objectives of the Uttlesford Local Plan is 'to improve the health of the community.'
- 14.4.6** A Medical Centre was included as part of the previous application and whilst the current application does not involve additional residential units, the need for the Medical Centre was not raised as a concern by the Clinical Commissioning Group (CCG) who were consulted as part of that application, nor the Inspector who considered the 2022 appeal.
- 14.4.7** The Medical Centre would be offered to CCG for their use. At the time of writing the CCG was not able to confirm if a provider that would be willing to take up the space. However, they did advise that forecasted growth will significantly increase pressure on local health services. As such, it is not considered that the inclusion of the Medical Centre would undermine the delivery of health facilities within Takeley or the wider area. In addition, it is noted that this was not raised as a going concern by the CCG as part of the previous application, nor raised as an issue by the Planning Inspector as part of the appeal. Therefore, the delivery of the Medical Centre would be in accordance with the overarching objectives of the Local Plan in supporting improved healthcare facilities for the community and would be a significant benefit of the proposed development.

Development Limits

- 14.4.8** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 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.
- 14.4.9** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.4.10** 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 and therefore should be

given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

- 14.4.11** Although outside the ‘development limits’ of Takeley as designated by the Local Plan, the new built form would be constructed towards the north-eastern edge of the settlement and adjoining an existing ‘Key Employment Area’, therefore the proposals provide a logical relationship with the existing settlement and employment uses. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

Countryside Protection Zone

- 14.4.12** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:

- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside
- b) It would adversely affect the open characteristics of the zone.

- 14.4.13** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the ‘protection’ afforded to the CPZ in Policy S8 is not the same as the Framework’s ‘recognition’.

- 14.4.14** The application site is currently agricultural land with planting around the boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.

- 14.4.15** As noted above, a material consideration is the appeal decision, as highlighted within planning history section of this report (APP/C1570/W/22/3291524), which relates to development at the site being within the Countryside Protection Zone.

- 14.4.16** The Planning Inspector as part of that appeal noted that *‘7 Acres has planting around the boundaries... While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-*

carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield. (Para 30).

- 14.4.17** Furthermore, at para 32, the Inspector considered that *'in terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.'*
- 14.4.18** *'While the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.'* (Para 33).
- 14.4.19** Given the proposal in relation to the 7 Acres has not changed significantly since the previous application, it is considered that the proposal would result in in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

Loss of Agricultural Land

- 14.4.20** Paragraph 174(b) of the Framework states "Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".
- 14.4.21** Annex 2 of The Framework defines "best and most versatile land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".
- 14.4.22** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 14.4.23** The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of

alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

- 14.4.24** Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.
- 14.4.25** No assessment of alternative sites of a poorer quality of agricultural category has been undertaken, as required by Policy ENV5. However, it is also noted that this lack of assessment of alternative sites was not included as a reason for refusal as part of the previous application in relation to the site; neither was it highlighted as a concern by the Planning Inspector when the appeal was determined. Accordingly, the loss of the agricultural land in this location is afforded very limited weight and is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Policy Position

- 14.4.26** As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.4.27** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.4.28** The introduction of built form in this location would result in some harm to the openness and character of the rural area and therefore would be contrary to the aims of policy S7 and S8. However, as noted by the Planning Inspector as part of the previous appeal relating to the site, *7 Acres 7 Acres 'is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.'* In addition, given *'the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.'* Therefore, the proposal would not be considered to result in significant coalescence between the airport and existing development in the surrounding countryside.
- 14.4.29** As the proposals cannot be tested against a fully up-to-date Development Plan and that policies ENV5, S7 & S8 are not fully consistent with the

NPPF, conflict with such policies should be given moderate weight. The proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and, therefore, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5 C) Countryside Impact

14.5.1 A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

14.5.2 Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.

14.5.3 Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.

14.5.4 The application site lies within the character area known as the 'Broxted Farmland Plateau' which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.

14.5.5 The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area. which are sensitive to changes in land management. Overall, this character area has moderate to high sensitivity to change. The assessment also highlights that any new development should respond to the historic settlement pattern, especially scale and density, and that the use of materials, and especially colour, should be appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.

14.5.6 As noted by the Planning Inspector's comments in relation to the site as part of the previous appeal, *'the site which comprises 7 Acres... is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely*

separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.' (Para 22).

14.5.7 Given that the proposed scheme has not changed significantly in relation to the proposed development on the site of 7 Acres, and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be 'minimal', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

14.6 D) Design & Neighbouring Amenity

Design

14.6.1 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.

14.6.2 The proposed development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.

14.6.3 The buildings would be 2no. commercial storeys, ranging from 7.75m to 9.32m in height, which will facilitate a variety of potential tenants and meet the servicing needs.

14.6.4 The units are laid out logically and functionally, with clearly demarcated entrances, delivery and service areas and separate, safe pedestrian approaches, with areas for soft landscaping. The employment units would be finished predominantly in profiled metal cladding, whilst the medical centre would be largely finished in brick, the final details of which would be secured by way of condition.

14.6.5 The proposal also involves the creation of an outdoor amenity space for employees within the estate southern part of the site. The amenity area will be spacious and a predominantly green landscaped area that would provide both benefits to the scheme in terms of its visual appearance and also to the well-being of employees, along with a 15m buffer being maintained between the edge of the development and the Ancient Woodland.

14.6.6 Overall, the proposed development would have a high quality multi-functional employment space, providing an appropriate extension to the existing employment site to the west of the site. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

Neighbouring Amenity

14.6.7 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.6.8 As noted above, the proposal would be up to two storeys in scale, ranging from 7.75m to 9.32m in height. The proposed site would be located due north of the closest neighbouring residential development, where there would be a substantial soft-landscaped buffer between the sites that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook. The closest building to the residential units to the south would be over 25m away from the medical centre building.

14.6.9 The proposed commercial buildings would be separated from the closest residential properties to the north, approved as part of application UTT/21/2488/OP, by at least 10m to the common boundary between the 2 sites and would also be screened by east by existing strong planting that borders the two sites.

14.6.10 In terms of noise, the Council's Environmental Health Team have been consulted as part of the application and consider that a further noise assessment would be required to be carried out to assess the likely impact of noise from plant, machinery and general noise from the use of the site, to determine the likely noise impact of the proposal, whether the proposals are acceptable and what level of noise from plant and machinery would be acceptable. The Environmental Health Team consider that this could be adequately restricted by way of condition and relevant assessments provided prior to the occupation of the units.

14.6.11 The hours of use of the site would be restricted by way of condition to reasonable times, similar to those approved in relation to the existing employment area that adjoins the site, to ensure that the use of the site would not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

14.6.12 Given the generous spacings between the proposed buildings within the development to that of the closest neighbouring residential developments and the restrictions on potential noise emanating from the site by conditions, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.7 E) Heritage impacts and Archaeology

14.7.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.2 There are no designated or scheduled heritage assets within or immediately adjacent to the proposed development site that would be impacted upon. It is noted that a reason for refusal as part of the previous application involving the site included the harm caused setting of several designated and non-designated heritage assets. However, this was in relation to a separate parcel of land that is not included within this application. The ECC Historic Environment Team have been consulted as part of the application and have confirmed that the proposals would result in no harm to the significance of any heritage assets. As such, the proposal overcomes the previous reason for refusal in relation to harm to heritage assets and the proposal would therefore comply with policy ENV2 of the Local Plan.

14.7.3 In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.7.4 The site is not located within or adjacent to an archaeological site. However, the ECC Place Services Archaeology Team note that the Historic Environment Record has identified that the proposed development lies within an area where there are extensive known archaeological deposits and as such the site has high potential for further deposits to be identified.

14.7.5 As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

14.8 F) Access and Parking

Access

14.8.1 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road

network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

- 14.8.2** Policy GEN8 also states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance “Vehicle Parking Standards”. This states a maximum of 1 space per 35m². Moreover, the ECC also provides maximum vehicle parking standards in relation to office use development, of 1 space per 30m².
- 14.8.3** The primary access serving the site is from Parsonage Road to the west. In order to facilitate this access, the existing Weston Homes car park is to be modified, so that vehicles are afforded access to the proposed site.
- 14.8.4** The ECC Highways Authority have been consulted as part of the application and advise that the impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA (Microprocessor Optimised Vehicle Actuation) which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.
- 14.8.5** Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.
- 14.8.6** Moreover, the National Highways Team have also been consulted as part of the application and have advised that, due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.
- 14.8.7** Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting

whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to Prior's Wood Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.9.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). However, given the proposal does not involve the provision of residential units, 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.
- 14.9.4** The ECC Place Services Ecology Team have been consulted as part of the application and support the proposed reasonable biodiversity compensation and enhancement measures including the planting of a native hedgerow on the western boundary, installation of bird and bat boxes as well as new tree and shrub planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).
- 14.9.5** It is noted that The Woodland Trust have been consulted as part of the application but have not provided any comments. Nevertheless, it is noted that objections were raised by the Trust in relation to previous application involving the site. As part of the objection to the proposed development, a request was made for there to be a buffer zone of at least 50m between the Woodland and the proposed development. However, Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Prior's Wood in respect of any resulting loss or deterioration.
- 14.9.6** As part of the previous application involving the site, it is noted that there was a reason for refusal as part of that application relating to the lack of mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. However, this element was assessed by the Planning Inspector as part of the subsequent appeal, who considered that as *'there would be no incursion into the root protection area and no harm to trees would result.'*

14.9.7 The Inspector then went on to state that they were *'content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior's Wood Management Plan.'* Whilst a Management Plan has not been provided as part of this application, the proposed road and cycleway as referred to above do not form part of this application. There would be a footpath within the 15m buffer zone. However, this would only comprise a narrow gravel path. In any case, the proposal would be subject to the submission of a landscape and ecological management plan to ensure there would be no adverse effects upon the Ancient Woodland.

14.9.8 Given the above, refusal of the application on the grounds of harm caused to the Ancient Woodland could not be sustained as there would be no conflict with Policy ENV8 or the Standing Advice issued by Natural England and The Forestry Commission, therefore the proposal is acceptable in this regard.

Trees

14.9.9 No individual trees, tree groups, or woodland will require removal to implement the proposed development. Approximately 80m of hedgerow H5, a low quality (Category C) that is dominated by blackthorn, will require removal to allow the proposed development to be implemented. However, it is noted that the same hedgerow was proposed to be removed as part of the previous application at the site and that the ECC Place Services Ecology Team noted that such losses would be mitigated by proposed new tree and hedge planting, as shown on the submitted Landscape Masterplan. The finer details of which would be secured by way of condition.

14.9.10 Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

14.10 H) Climate Change

14.10.1 Policy GEN2 of the Local Plan seeks to ensure that the design of new development It helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.

14.10.2 The applicant has submitted an Energy and Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up

the building fabric itself, before considering the use of mechanical or electrical building services systems.

14.10.3 The statement demonstrates that the applicant would be committed to meeting the requirements of Part G of building regulations, as well as installing a number of renewable energy measures such as through the use of PV Panels. However, the full extent of the sustainable measures would become clearer prior to the fit out of the proposal. As such, a condition relating to the installation of sustainable energy measures is to be attached.

14.10.4 Overall, the scheme would be consistent with the Councils Interim Climate Change policy and its Energy & Sustainability strategies are therefore supported, subject to conditions.

14.11 I) Contamination

14.11.1 Policy ENV14 of the Local Plan states that any proposal on contaminated land needs to take proper account of the contamination. Mitigation measures, appropriate to the nature and scale of the proposed development will need to be agreed.

14.11.2 The applicant has provided a The Phase 1 investigation that does not identify any pollutant linkages. No remediation of the site is expected to be required to make the site suitable for use. The Council's Environmental Health Officer has been consulted on the application and notes that there is no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, a condition is to be attached to ensure that if any land contamination identified, the site shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

14.11.3 Therefore, the application is considered acceptable in terms of its land contamination risks and in accordance with the aforementioned policies.

14.12 J) Flooding

14.12.1 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.

14.12.2 The Environmental Agency's website and the Councils policy maps has identified the site is within a fluvial Flood Zone 1 where there is a minimal risk of flooding.

14.12.3 New major developments need to include a flood risk assessment as part of their planning application, to ensure that the required form of agreed

flood protection takes place. Additionally, all major developments are required to include sustainable drainage to ensure that the risk of flooding is not increased to those outside of the development and that the new development is future proofed to allow for increased instances of flooding expected to result from climate change.

14.12.4 Essex County Council who are the lead local flooding authority who stipulate that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, that they do not object to the granting of planning permission subject to imposing appropriately worded conditions.

14.12.5 The proposals, for this reason is therefore considered to comply with policy GEN3 of the adopted Local Plan and the NPPF.

14.13 K) Air Quality

14.13.1 The site is not located within a poor air quality zone. However, an air quality assessment has been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of a condition relating to the submission of a mitigation scheme to ensure dust from demolition and construction is controlled in accordance with IAQM's Guidance.

14.13.2 Given the above, the proposals would comply with Uttlesford Local Plan Policy ENV13.

14.14 L) Planning Obligations

14.14.1 Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matter that the Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- A financial contribution of £280,000 towards improvements to enhanced bus services.
- A financial contribution of £50,000 (index linked) to fund design and implementation of improvements to the signalised junction of the B1256/B183.
- A financial contribution of £6,132 (plus the relevant sustainable travel indexation) for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.
- Healthcare Facility Land Option to CCG.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.5 Human Rights

15.6 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) 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

16 Planning Balance and Conclusion

16.1 Paragraph 11 of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 In respect to addressing the benefits of the development, the proposal for a large-scale employment use and the employment opportunities that would be created as a consequence carries significant weight and the socioeconomic benefits which carry moderate weight.

16.3 The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment, as well as education and training. It would not undermine the delivery of health facilities within Takeley and the wider district, and the benefits of the healthcare facilities proposed would also carry significant weight.

- 16.4** The development would provide economic and social benefits in terms of the construction of the development.
- 16.5** Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have a minimal effect in terms of landscape character and visual impact. However, it would result in a minor adverse effect on the open characteristics of the CPZ.
- 16.6** Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.
- 16.7** Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.
- 16.8** It is therefore recommended that the application be approved subject to the suggested conditions

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Financial contribution towards improvements to enhanced bus services.
 - ii. Financial contribution to fund design and implementation of improvements to the signalised junction of the B1256/B183.
 - iii. Financial contribution for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.
 - iv. Healthcare Facility Land Option to CCG.
 - v. Monitoring cost.
 - vi. Payment of the council's reasonable legal costs.

17.3 Conditions

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

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.

- 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 Prior to the commencement of any works a mitigation scheme in accordance with the IAQM's Guidance on the assessment of dust from demolition and construction must be submitted to and approved in writing by the Local Planning Authority to ensure that any detrimental impact to air quality during the development phase is controlled. Thereafter, the development shall not be carried out other than in accordance with the approved mitigation scheme, which shall be implemented before any part of the development is occupied.

REASON: To minimise any adverse effects on air quality, in accordance with Policies GEN4 & ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4 Prior to the commencement of any works, a construction environmental management plan (CEMP: Biodiversity) shall be 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) to include impacts upon adjacent Local Wildlife Sites, Priority habitat and ancient woodland.
- 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.
- i) Containment, control and removal of any Invasive non-native species present on site.

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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 5** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Update and Walkover (Ecology Solutions, September 2022) 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 Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework

- 6** If the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &

Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 7** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

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

- 8** No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 10** No development shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the 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 the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

12 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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. Routing strategy for construction vehicles
- vi. Protection of any public rights of way within or adjacent to the site
- vii. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

13 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) 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) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures

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

- 14** No development in connection with the construction of the development hereby approved shall take place until an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development. The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the units.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

- 15** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 16** Prior to the commencement of any works above slab level, a Biodiversity Compensation and 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 Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensation and enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the compensation and enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 17** Prior to the commencement of the development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure flood risk is not increased elsewhere by development, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 18** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 19** The applicant or any successor in title 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 the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 20** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the adjacent development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter.

REASON: To enable future or existing development to be linked to the pedestrian cycle network in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policies DM9 & DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 22** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 23** During demolition & construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

- 24** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis,

and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 25** The development shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 26** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 27** The development hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, have been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with policy DM1 AND DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 28** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 29** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 30** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP 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 approved plan will be implemented 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 Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 31** 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 plans, 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 conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 32** Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. The noise of all vehicles and equipment required for the operation proposed industrial site shall not exceed a rating level above the daytime and evening background noise level when measured be in accordance with BS4142: 2014 when measured at any boundary of the nearest sensitive receptor.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

- 33** In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant

and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with GEN4 of the Uttlesford Local Plan (adopted 2005).

- 34** Prior to the first occupation of the development, a scheme for the treatment of the proposed development site including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005.

- 35** In perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The Obligations and Undertaking set out in the submitted BHMP are appropriate for this development in this location and should address any issues with breeding gulls on the roof spaces. For consistency and avoidance of doubt, sections 9.3 and 9.4 should mention all roof spaces, not just portacabin roofs, and any review of the management plan should be in conjunction with STN.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 36** No landscaping development to take place until the species details of the planting proposals for shrubs, trees and hedgerows are submitted to the Local Planning Authority for approval in consultation with the safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike avoidance; the planting has the potential to attract and support arboreal and flocking bird species, depending on the species and varieties to be planted.

- 37** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Flat plate LED luminaires that are downward focused are requested.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport. The proposed development is 2600 meters from the airfield boundary. Due to the proximity of the airfield visual circuit (night) the LED technology has very little upward dispersal of light and the light emitted is more directional (downwards).

- 38** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority. If solar pv is added, a full Glint & Glare assessment will be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN and in accordance with Policy GEN5 of the Adopted Local Plan and the National Planning Policy Framework.

- 39** The use of the buildings hereby permitted shall not be operated before 07:00 hours or after 21:00 hours Monday to Sunday, including Bank Holidays.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 40** Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the use of the premises shall be restricted to any industrial processes (Use Class E(g); and/or Use Class E(e) purposes only and shall not be used for any other purpose including any purpose within Class E of within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may replace it), unless approval is obtained to a variation of this condition through the submission of a planning application. No more than 600m² of floorspace shall be allocated to Class E(e) as part of the development.

REASON: In order to protect employment floorspace, given the employment demand in the district and to enable the Local Planning Authority to properly consider and control the uses to protect the amenity of nearby residents.

Appendix 1 –Statutory Consultee Responses

Your Ref: UTT/22/2744/FUL
Our Ref:HT/TPD /SD/KW/48518/4B
Date:- 23/12/2022



CC: Essex Highways DM
Cllr Susan Barker
Travel Plan Team

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/2744/FUL
Applicant Weston Homes PLC
Site Location Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley
Proposal Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking

Note

This application was accompanied by a transport assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The transport assessment relied heavily on the previous application and transport assessment and assessed the site in conjunction with a separate application (Jacks Lane). While this has been noted as possible cumulative impact it has not been assumed that this will be approved. It should be noted any future applications in this area should use the most up to date traffic data and not rely on growing pre-covid data.

The impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.

Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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. Routing strategy for construction vehicles
 - VI. Protection of any public rights of way within or adjacent to the site
 - VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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.

2. **Access:** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £280,000 (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
4. **B1256/B183 Junction:** Prior to any occupation payment of a financial contribution of £50,000 (indexed from the date of this recommendation) shall be paid to fund design and implementation of improvements to the signalised junction of the B1256/B183 (known as the Four Ashes) including any necessary enhancement, refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, contribution may be used to fund work already carried out or funded, at the time of payment, by the highway authority at

this junction. **Reason:** to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists.

5. **Permeability:** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the a development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter. **Reason:** To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary.
6. **Vehicular Parking:** Development shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **Cycle Parking:** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **Workplace Travel Plan:** Prior to first occupation of the proposed commercial development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. **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.

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.

Informatives:

- (i) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway

Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vi) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 40 (Takeley) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.



pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk



**National Highways Planning Response (NHPR 21-09)
Formal Recommendation to an Application for Planning Permission**

From: Martin Fellows (Regional Director)
Operations Directorate
East Region
National Highways
PlanningEE@highwaysengland.co.uk

To: Uttlesford District Council FAO, Laurence Ackrill

CC: transportplanning@dft.gov.uk
spatialplanning@highwaysengland.co.uk

Council's Reference: UTT/22/2744/FUL **National Highways Ref:** 96941

Location: Land Known as 7 Acres Warish Hall Farm Parsonage Road, Takeley

Proposal: Erection of 4 no. industrial/flexible employment (Use Class E) buildings (c.3568sqm) associated landscaping and parking.

Referring to the consultation on a planning application dated 06 December 2022, referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~e) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

¹ Where relevant, further information will be provided within Annex A.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: S. H.	Date: 22 December 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard UTT/22/2744/FUL and has been prepared by Shamsul Hoque.

We have completed our review of the details and information provided. The current proposals under planning application UTT/22/2744/FUL now comprise only the employment component of the proposed development, from an earlier application (21/1987/FUL) on this site. There are slight differences in the quantity of employment floor space assessed previously and with the current proposal. The impact of the employment floor space would have been considered to have fallen below the threshold at which National Highways would require junction capacity assessments at nearby SRN junctions.

Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

National Highways raises no objections.

Date: 03 November 2022
Our ref: 410169
Your ref: UTT/22/2744/FUL



planning@uttlesford.gov.uk

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking
Location: Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your consultation on the above dated 13 October 2022 which was received by Natural England on 13 October 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

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.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Teena Lawrence
Consultations Team

From: [NATS Safeguarding](#)
To: [Planning](#)
Subject: RE: [EXTERNAL] Planning Application Consultation - S UTT/22/2744/FUL [SG31688]
Date: 13 October 2022 12:43:34
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Our Ref: SG31688
Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully
NATS
NATS Safeguarding

E: natssafeguarding@nats.co.uk
4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Public

From: planning@uttlesford.gov.uk <planning@uttlesford.gov.uk>

Sent: 12 October 2022 14:14

To: NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Subject: [EXTERNAL] Planning Application Consultation - S UTT/22/2744/FUL

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please See Attached



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NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

Essex County Council
**Development and Flood Risk
Waste & Environment**
C426 County Hall
Chelmsford
Essex CM1 1QH



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 25th January 2023
Our Ref: SUDS-006323
Your Ref: UTT/22/2744/FUL

Dear Laurence Ackrill,

Consultation Response – UTT/22/2744/FUL– Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your email received on 16/01/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Condition 3

The applicant or any successor in title 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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/flood-risk-assessments-climate-change-allowances)

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Georgie Tuttle, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Late List –Planning Committee 08/02/2023

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.

Statutory consultees are listed below:

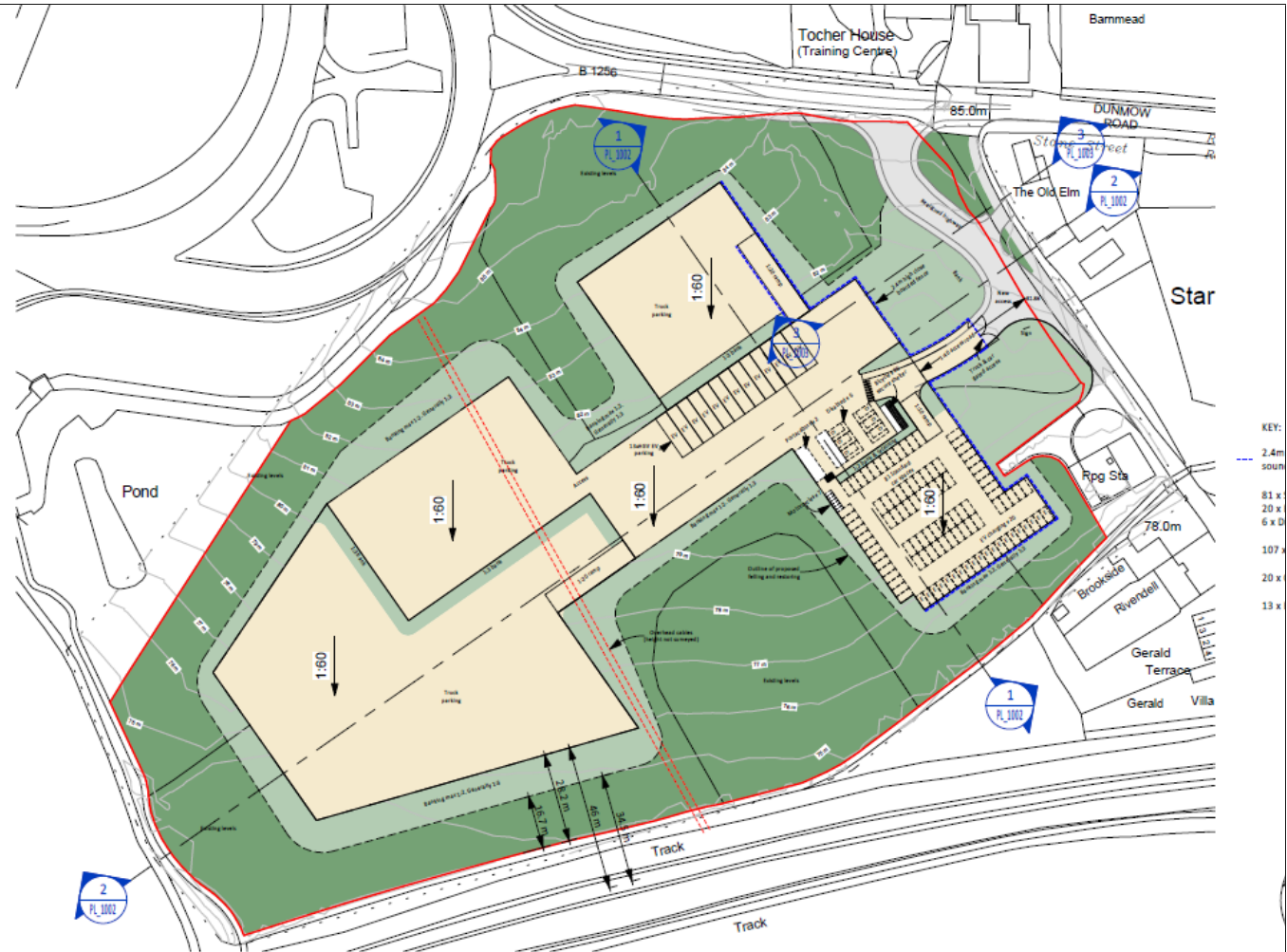
- Highway Authority**
- The Health & Safety Exec**
- Highways Agency**
- Local Flood Authority**
- Railway**
- Environment Agency**
- Historic England**
- Garden History Society**
- Natural England**
- Sport England**

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

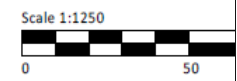
This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
6	UTT/22/0267/FUL LAND AT TILEKILN GREEN GREAT HALLINGBURY	<p>Section2 of report Should read: <u>RECOMMENDATION</u></p> <div style="border: 1px solid black; padding: 10px;"> <p>That the Director of Planning and Building Control be authorised to GRANT permission for the development subject to those items set out in section 17 of this report -</p> <p>A) Conditions B) Completion of a S106 Obligation agreement in accordance with the Heads of Terms: Travel Plan and monitoring fee £6,132 Financial contribution for upgrade of Fritch Way £40,500 Monitoring Fee £416</p> <p>And If the freehold owner shall fail to enter into such an agreement, the Director Planning shall be authorised to REFUSE permission following the expiration of a 6 month period from the date of Planning Committee</p> </div>
6	UTT/22/0267/FUL	Additional conditions. Condition 32

	<p>LAND AT TILEKILN GREEN</p> <p>GREAT HALLINGBURY</p>	<p>There shall be a buffer zone between the Flitch Way Wildlife Corridor and the proposed development of 10m wide for the length of the boundary between the site and the wildlife corridor approximately 230m. This should be landscaped sensitively, with minimal management and intervention to , and reflect the specific habitat of this section of the Flitch Way, the buffer zone should be secured with secure boundary fencing. Prior to occupation, full details shall be submitted and approved in writing to the Local Planning authority, subsequently, these works shall be carried out as approved.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7. Condition 33 Landscaping.</p>
6	<p>UTT/22/0267/FU L</p> <p>LAND AT TILEKILN GREEN</p> <p>GREAT HALLINGBURY</p>	<p>From agent We have been undertaking a final review of the revised condition list issued on Tuesday, and note Condition 32 in respect of a buffer zone to Flitch Way.</p> <p>This condition is fine, we do not currently have a proposed fence along the southern boundary but are comfortable to provide one under the requirements of the condition.</p> <p>Further, in respect of the landscaping/restocking discussions we would draw attention to the detail annotated on the proposed landscaping and restocking plans (attached for reference) confirming the number of trees planted and the areas of restocking that have already taken place. The sections drawing also provides a useful context in respect of the extensive landscaping that may prove useful for Cllrs at the committee.</p>



KEY:
 2.4m
 sound
 81 x
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 6 x D
 107 x
 20 x
 13 x



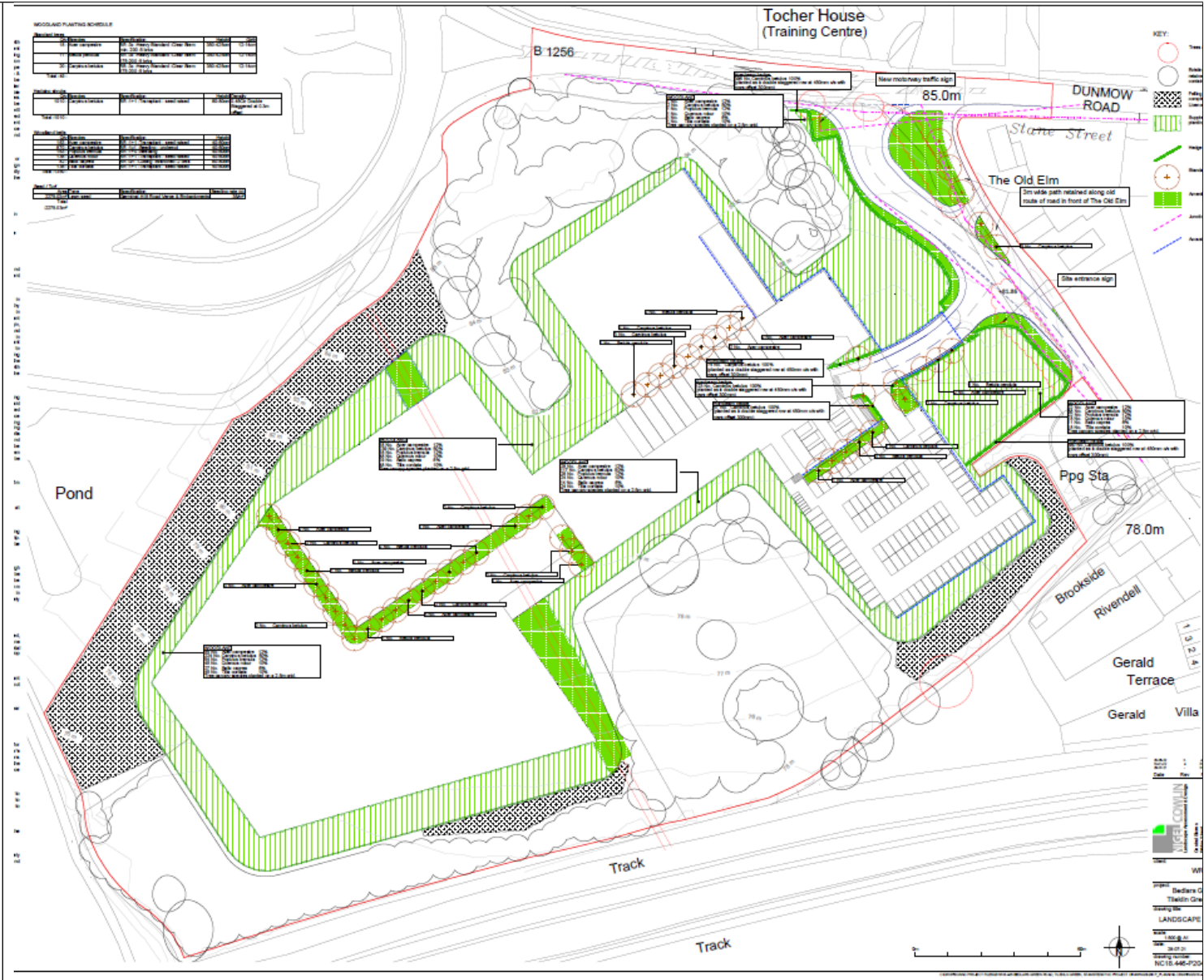
chitecture
 24 Church St. West
 Woking, Surrey,
 GU21 6HT
 01483 494 350
 info@prc-group.com
 www.prc-group.com

Revisions:	Drawn / Checkd:	Date:
A. PARKING DETAILS & MARKS ADJUSTED	MJRC	02.02.2012
B. APPLICATION BOUNDARY ADJUSTED	MJRC	08.01.2012
C. NEW OFF-PARKING ZONES	MJRC	07.01.2012
D. LEVELS REMOVED	MJRC	11.01.2012
E. CYCLE SPACES ADDED	MJRC	14.01.2012
F. BOUNDARY ADJUSTED	MJRC	09.02.2012
G. BOUNDARY ADJUSTED	MJRC	18.08.2012
H. TRACKING ADJUSTED	MJRC	02.02.2012

Client: FRY LTD
Project: TILEKILN GREEN
Drawing Title: PROPOSED LAYOUT

Checked by: SC	Scale @ A3: 1 : 1250	Dr 12/0
Job No: 11008	Stage - Drawing No: PL_1001	
Construction <input type="checkbox"/>	Preliminary <input type="checkbox"/>	Information <input type="checkbox"/>
Approval <input checked="" type="checkbox"/>	Tender <input type="checkbox"/>	

PRC Architecture & Planning





6	UTT/22/0267/FU L LAND AT TILEKILN GREEN GREAT HALLINGBURY	<p>Consultee response: Place services : Heritage - they have now had a chance to look at the revised landscape proposals. Unfortunately, they cannot suggest the revision and mitigation planting sufficiently alleviate their concern regarding encroachment on the setting of the listed building. Although they acknowledge that it would help softening the backdrop by screening the close boarded fencing, the overall impact on the openness is still considered negative. Therefore, they would reiterate that the proposal would lead to a low level of less than substantial harm to the listed building by adversely affecting its setting that makes an important contribution to the overall significance of the asset. Whilst the revised scheme demonstrates the desirability of preserving the setting (as required by the Section 66 of Planning Act 1990) the harm still makes the application subject to Paragraph 202 of the NPPF.</p>
6	UTT/22/0267/FU L LAND AT TILEKILN GREEN GREAT HALLINGBURY	<p>Landscape officer: The use of ‘whips’ for restocking, or planting of new woodland, is considered appropriate to ensure establishment and reduce the risk of plant failures. Whilst such planting does not provide an immediate effect in terms of screening, the medium to long-term benefits are considered to outweigh the planting of standard or heavier tree stock.</p>
6	UTT/22/0267/FU L LAND AT TILEKILN GREEN GREAT HALLINGBURY	<p>Environmental Health Officers I’ve looked at the application and proposed conditions and recommend those listed below. Based on this, I don’t think your proposed condition 29 is necessary. 31 could also be swapped out.</p> <p><u>Plant noise</u> The rating level of noise (affecting The Old Elm, Brookside and Gerald Villa) emitted from cumulative and plant and operational noise shall not exceed those levels provided in Appendix C: Predicted noise levels (Table C1, C2 and C3) of report prepared by Sharps Acoustics, titled: Land at Tilekiln Green, Stansted. Addendum note considering the effect of changes to site layout and noise screening dated 21st January 2022.</p> <p>REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).</p>

		<p>Post completion condition</p> <p>Within 6 months of site becoming operational, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority.</p> <p>The report shall provide information on the measured (or calculated if measurement is not possible) sound emitted from the site at 1.0m from the facade of the following residential receptors:</p> <ul style="list-style-type: none"> • The Old Elm • Brookside • Gerald Villa <p>The noise survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Where cumulative operational noise, and plant rated noise levels are found to be in excess minimum background noise levels, a detailed noise mitigation scheme submitted to the Local Planning Authority for approval. Any scheme of mitigation shall be implemented within in accordance with the approved details, and it shall be retained in accordance with those details thereafter.</p> <p>REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).</p> <p>Fencing specification & mitigation</p> <p>Before the development/use hereby permitted is occupied, a scheme detailing all noise mitigation measures shall be submitted to and approved in writing by the local planning authority. The scheme shall provide full details of the acoustic fencing to include, design, location, mass, acoustic properties, lifespan, guarantee and maintenance requirements. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and maintained thereafter.</p> <p>On Air Quality I note Ecological receptors are discussed under S.5.2 of the report (pg 22) and then again on page 36. This covers the Flitch Way and not impacts on Hatfield Forest. As I mentioned to address the NT concerns, this needs to be referred to Ecology for advice and this is beyond expertise of Env Health</p>
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		<p>The applicants acoustic consultant is correct. Essentially the consultant has listed all potential assessment criteria with his report and in doing so makes reference to the Noise Policy Statement for England and Planning guidance on noise. These have reference to what NOAEL, LOAEL and SOAEL may be, but they are subjective somewhat and are intended to inform discussion, particularly in the absence of specific guidance.</p> <p>For operational commercial noise, BS4142: 2019 is the appropriate assessment. For traffic noise, reference to the potential change and how significant that is over the existing is appropriate</p> <p>The most relevant point to note is that the nearest receptors are already impacted by noise at levels way above any existing guidance such as that mentioned by the Great Hallingbury Neighbours Association.</p> <p>It is not appropriate to compare the assessment criteria with the Dft SoNA document for various reasons: namely</p> <ol style="list-style-type: none"> 1. SoNA is a noise study that specifically looks at the effects of aircraft noise and annoyance. It is not based on traffic noise or commercial operations 2. The application of what should be considered NOAEL, LOAEL, SOAEL is subjective and needs to be considered against the existing noise climate and other applicable standards 3. It is appropriate to have reference to DMRB, although in the context of the report, the focus is not about what absolute levels may be considered LOAEL or SOAEL, but is more about the impact on the development in terms of any change in noise level. <p>In summary, existing noise levels already exceed those we would usually apply to residential development. According to the findings of the report, the proposal will not adversely impact the dwellings from operational activities. This is due to the noise being masked by other sources such as road traffic and aircraft. Noise from traffic is considered to impact on The Old Elm by 1dB. This is considered to be negligible when assessed in accordance with the change in noise levels accounted for in DMRB.</p>
	<p>UTT/22/0267/FUL</p> <p>LAND AT TILEKILN GREEN</p>	<p>Additional information from agent; Please see below stats regarding staff number and location. To confirm, 84% live within a 30 mileage radius of site.</p>

	GREAT HALLINGBURY	<table border="1"> <thead> <tr> <th><i>Mileage from Depot</i></th> <th><i>Number of Staff</i></th> <th><i>%</i></th> </tr> </thead> <tbody> <tr> <td><i>0 - 30</i></td> <td><i>123</i></td> <td><i>84.25%</i></td> </tr> <tr> <td><i>31 - 60</i></td> <td><i>21</i></td> <td><i>14.38%</i></td> </tr> <tr> <td><i>61 - 100</i></td> <td><i>2</i></td> <td><i>1.37%</i></td> </tr> <tr> <td><i>Grand Total</i></td> <td><i>146</i></td> <td><i>100.00%</i></td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th><i>Duty Time from Depot</i></th> <th><i>Number of Staff</i></th> <th><i>%</i></th> </tr> </thead> <tbody> <tr> <td><i>Under 30 Minutes</i></td> <td><i>83</i></td> <td><i>56.85%</i></td> </tr> <tr> <td><i>30 Minutes - 1 Hour</i></td> <td><i>55</i></td> <td><i>37.67%</i></td> </tr> <tr> <td><i>1 Hour - 2 Hour</i></td> <td><i>8</i></td> <td><i>5.48%</i></td> </tr> <tr> <td><i>Grand Total</i></td> <td><i>146</i></td> <td><i>100.00%</i></td> </tr> </tbody> </table>	<i>Mileage from Depot</i>	<i>Number of Staff</i>	<i>%</i>	<i>0 - 30</i>	<i>123</i>	<i>84.25%</i>	<i>31 - 60</i>	<i>21</i>	<i>14.38%</i>	<i>61 - 100</i>	<i>2</i>	<i>1.37%</i>	<i>Grand Total</i>	<i>146</i>	<i>100.00%</i>	<i>Duty Time from Depot</i>	<i>Number of Staff</i>	<i>%</i>	<i>Under 30 Minutes</i>	<i>83</i>	<i>56.85%</i>	<i>30 Minutes - 1 Hour</i>	<i>55</i>	<i>37.67%</i>	<i>1 Hour - 2 Hour</i>	<i>8</i>	<i>5.48%</i>	<i>Grand Total</i>	<i>146</i>	<i>100.00%</i>
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<i>61 - 100</i>	<i>2</i>	<i>1.37%</i>																														
<i>Grand Total</i>	<i>146</i>	<i>100.00%</i>																														
<i>Duty Time from Depot</i>	<i>Number of Staff</i>	<i>%</i>																														
<i>Under 30 Minutes</i>	<i>83</i>	<i>56.85%</i>																														
<i>30 Minutes - 1 Hour</i>	<i>55</i>	<i>37.67%</i>																														
<i>1 Hour - 2 Hour</i>	<i>8</i>	<i>5.48%</i>																														
<i>Grand Total</i>	<i>146</i>	<i>100.00%</i>																														
6	<p>UTT/22/0267/FU L</p> <p>LAND AT TILEKILN GREEN</p> <p>GREAT HALLINGBURY</p>	<p>Emails have been received from residents showing videos and photos of lorries reversing back up the lane, destroying verges and coming awfully close to their fence and general chaos down the village lane where it joins the B1256. These are issues that have already been considered under the application.</p>																														
6	UTT/22/0267/FU L																															

	<p>LAND AT TILEKILN GREEN</p> <p>GREAT HALLINGBURY</p>	
7	<p>UTT/21/2461/DF O</p> <p>LAND TO THE WEST OF ISABEL DRIVE AND OFF STANSTED ROAD</p> <p>ELSENHAM</p>	<p>Following the completion of the committee report, planning officers have received some late comments from Council's Urban Design Officer as provided in full below for members information:</p> <ul style="list-style-type: none"> • Site A - plots 1 and 2 - 3.2m high brick walls and timber fences to rear gardens will be a highly incongruous form on the public open space and existing public right of way. If this is the only solution to the noise constraint, then I would suggest removing these homes altogether. National Design Guide (NDG) paras 133, 40, 42, 105, 47, 57, 130. • Both sites - new rear gardens do not connect to existing rear gardens and instead a narrow un-useable strip of open space is created with no clear public or private use and no maintenance access or regime. The result will be an unmanaged space that could suffer from fly tipping and poses a security risk due to an un-overlooked accessible space to the rear of dwellings. NDG paras 153, 158. • Site B - 6m fence to northern edge - can this be changed to a 4m landscaped bund + 2m fence as per the rest of the fence. A landscaped bund with fence reduces the impact somewhat by becoming a new soft landscape element. In comparison, a 6m high fence is a highly incongruous form on the public open space and existing public right of way, particularly when the structure required to support this in reality is likely to be significant and likely steel/concrete. NDG paras 40, 42, 57. • Internal environment - if windows need to remain closed to enable homes to meet noise standards, what happens when the homes are required to be ventilated in the next heatwave, for example? Presumably the homes will be provided with mechanical ventilation and air conditioning, which is contrary to NDG guidance on passive design. The applicant should provide commitments on how they

		<p>are going to deal with this issue. I'd suggest external solar shading, window sizes adapted to Essex Design Guide/LETI standards, and an improvement on Building Regulations insulation levels. NDG paras 125, 126, 138, 139, 141, 147, Building Regulations Part L and Part O, and Building Typologies 2. Greenfield, large-scale, low-density new-build residential Essex Design Guide and Solar shading Essex Design Guide.</p> <p>As a result of the comments above, an additional condition is suggested in addition to those outline in the Committee Report as per below:</p> <p>Notwithstanding the details submitted on the approved plans, the proposed 6m high fence as shown along the northern boundary of Parcel B adjacent to the Local Equipped Play Area shall be replaced with a 4m high earth bund incorporating a 2m high boundary treatment erected on top of the earth bund shall be constructed similar to that as identified along the western boundary, and thereafter remain unless otherwise agreed in writing by the Local Planning Authority REASON: To ensure an appropriate design in the public realm whilst providing appropriate sound mitigation for the general public and future occupiers in accordance with Policies GEN2 and ENV10 of the Adopted Local Plan and the National Planning Policy Framework.</p>
8	<p>UTT/22/2480/FU L</p> <p>LAND TO THE NORTH WEST OF HENHAM ROAD</p> <p>ELSENHAM</p>	TBC
9	<p>UTT/22/2035/FU L</p> <p>LAND EAST OF ST EDMUNDSO</p>	<p>Panning Obligations under paragraph 14.15.2 to be replaced with the following:</p> <ol style="list-style-type: none"> i. Off-site financial contribution in lieu of the 8 Affordable Rental Properties; ii. Custom / self-build dwellings; iii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010;

	<p>LANE NORTH OF TOWER VIEW DRIVE</p> <p>GREAT DUNMOW</p>	<ul style="list-style-type: none"> iv. Payment of education financial contributions; Early Years, Primary & Secondary; v. Provision and long-term on-going maintenance of public open space (including LAP); vi. Financial contributions towards bus strategy; vii. Residential Travel Packs; & viii. Monitoring cost. <p>S106 Heads of Terms under Section 17.1 to be replaced with the following:</p> <ul style="list-style-type: none"> i. Off-site financial contribution in lieu of the 8 Affordable Rental Properties; ii. Custom / self-build dwellings; iii. Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010); iv. Payment of education financial contributions; Early Years, Primary & Secondary; v. Provision and long-term on-going maintenance of public open space (including LAP); vi. Financial contributions towards bus strategy; vii. Residential Travel Packs; & viii. Monitoring cost. <p>The following correspondence to be included:</p>
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Building for a Healthy Life - Uttlesford Assessment Tool

Land East Of St Edmunds Lane North Of Tower View Drive St Edmunds Lane Dunmow

UTT/22/2035/FUL

31/01/2023

First issue

An objection is raised due to issues summarised as:

- Ancient woodland, existing watercourses and mature landscaping inc. trees addressed with rear garden fences (assumed high timber fences)
- Lack of information about rear and side boundary treatments.
- Highways are over-engineered with no pedestrian crossings.
- Areas of open space with no clear public or private function.
- Local equipped area for play should be provided rather than only a LAP.
- Pedestrian connection surface (proposed to be woodchip) is not accessible.
- No application specific commitments to sustainability measures such as air source heat pumps or solar panels (DAS only references other projects by applicant).
- Street trees are in private ownership and are therefore vulnerable to removal/lack of maintenance.

Locally made timber framed homes are positive but are not specifically stipulated in the application. Example house designs are locally inspired and distinctive, which is positive. Material palette detailed in DAS is supported.

Completed by Jack Bennett (UDC Principal Urban Design Officer)

Uttlesford Local Plan 2005 GEN2 Design

Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance (Building for a Healthy Life, UDC Interim Climate Change Policy, and The Essex Design Guide, Accessible Homes and Playspace SPD) and other Supplementary Planning Documents'.

a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;	g		
b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;	r		
c) It provides an environment, which meets the reasonable needs of all potential users;	a		
d) It helps to reduce the potential for crime;	a		
e) It helps to minimise water and energy consumption;	a		
f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan;	a		
g) It helps to reduce waste production and encourages recycling and reuse;	a		
h) It minimises the environmental impact on neighboring properties by appropriate mitigating measures;	g		
i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.	g		

Rev. - Rev. A Rev. B

Officer Comments below (as required):

Ancient woodland, existing watercourses and mature landscaping inc. trees addressed with rear garden fences (assumed high timber fences).
Pedestrian connection surface (proposed to be woodchip) is not accessible to wheelchairs. No at-grade/blended pedestrian crossings shown.
Large areas of exposed rear garden fences and areas with no clear public or private function have potential for fly-tipping and unwanted access.
Air source heat pumps and photovoltaic (solar) panels are strongly encouraged but not specified.
Comments below.
No reference to an approach over and above the standard, that would reduce waste production or encourage recycling and reuse beyond the baseline.

Building for a Healthy Life assessment

Natural connections (walking, cycling, landscape, desire lines etc)	a		
Walking, cycling, and public transport (accessibility, proximity to existing bus stops, cycling routes etc)	a		
Facilities and services (mixed uses, education, play facilities etc)	a		
Homes for everyone (mix, affordable integration, consideration of older people etc)	g		
Making the most of what's there (understanding site context, heritage, landscape, ecology etc)	r		
A memorable character (identity, distinctiveness, local character, materials, detailing etc)	g		

Rev. - Rev. A Rev. B

Further comments

Pedestrian connection surface (proposed to be woodchip) is not accessible to wheelchairs (National Design Guide (NDG) para 76).
No at-grade/blended pedestrian crossings shown, dropped kerbs are assumed. This format of crossing advantages vehicles rather than pedestrians which is contrary to NDG paras 76, 77, 78.
Fields in Trust guidance for 30 homes (or 52 if Phase 1 to the south is also considered) requires a Locally Equipped Area for Play. Only a Local Area for Play appears to be provided, and there are no details about what this will contain, so a judgement on the suitability of provision cannot be made. 0.23ha of accessible and useable open space is required, no figures are providing to prove this threshold has been met (NDG para 91, 92, 94).
Ancient woodland, existing watercourses and mature landscaping inc. trees addressed with rear garden fences (assumed high timber fences) - see 'well defined streets and spaces' section below (NDG paras 91, 92, 96).
House types are locally influenced and distinctive.

Well defined streets and spaces (active frontages, edges etc)	r	<p>Ancient woodland, existing watercourses and mature landscaping inc. trees addressed with rear garden fences (assumed high timber fences - no information provided). This creates large areas of exposed rear garden fences and areas with no clear public or private function (NDG paras 133, 158) which have potential for fly-tipping and unwanted access. It is also not clear how these spaces will be enhanced or maintained (NDG paras 93, 94, 153). The high timber fence will create an incongruous urbanising intrusion into what is a natural rural landscape.</p> <p>This does not respect, enhance, nor take advantage of the existing ancient woodland setting, stream, and established planting/trees to form the basis of a high quality linear public open space (NDG paras 40, 42), which should be overlooked with active frontages (NDG para 105). High timber fences are not in keeping with the local traditional boundary treatments, are generic, and are not robust (NDG 40, 42, 47, 55, 56, 57).</p> <p>It should be noted that even if a condition is secured which imposes a more suitable boundary treatment, permitted development rights will still enable the erection of high timber fences and therefore the problem lies inherently with the inward facing layout.</p>
Easy to find your way around (wayfinding, legible places, easy to get lost?) Healthy streets (speed limits, pedestrian/cycle crossing etc)	g a	<p>See 'walking, cycling, and public transport' section above.</p> <p>Shared surfaces and private drives need to be 'special' material at per Essex Design Guide i.e. pavers, bound gravel, coloured tarmac rather than standard black tarmac - NDG para 83.</p> <p>No speed reduction measures shown as required by the Essex Design Guide. 20mph limits must be enforced with planted build-outs (to create carriageway narrowing) and raised tables. Only rumble strips will not be adequate in residential areas where pedestrians and cycles have priority.</p>
Cycle and car parking (variety, provision, detailing, landscaping etc) Green and blue infrastructure (open spaces, ecology, SUDs, street trees etc)	g a	<p>See 'facilities and services' and 'well defined streets and spaces' section.</p> <p>Street trees are in private ownership and are therefore vulnerable to removal/lack of maintenance (NDG paras 76, 83, 153) rather than be provided in maintained space or provided with TPO.</p>
Back of pavement, front of home (front gardens, boundary treatments etc)	g	

Condition 12 to be amended to include boundary treatments, to read as follows:

Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options and layout within the plot and the materials to be used in the construction for that plot, including energy efficiency measures and boundary treatments shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot shall be constructed strictly in accordance with the approved details.

		<p>REASON: In the interests of the appearance of the site and because the final details for each plot have not been established to allow for flexibility in this custom/self-build scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).</p> <p>Additional condition to be added:</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no gates, fences, walls or other means of enclosure shall be erected (other than that development expressly authorised by this planning permission).</p> <p>Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.</p>
10	<p>UTT/22/1275/OP</p> <p>LAND AT PARSONAGE FARM</p> <p>GREAT SAMPFORD</p>	TBC
11	<p>UTT/22/2744/FU L</p> <p>LAND KNOWN AS 7 ACRES WARISH HALL FARM</p> <p>TAKELEY</p>	TBC

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.