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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 8th March, 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.

Those who would like to watch the meeting live can do so virtually [here](#). The broadcast will be made available as soon as the meeting begins.

**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 - 11

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 12

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 13 - 16

To note the Quality of Major Applications Report.
- 5 S62A Applications** 17 - 18

To note applications which have been submitted direct to the Planning Inspectorate.
- 6 S62A/22/0011. UTT/22/2624/PINS - Land Near Pelham Substation, Maggots End Road, MANUDEN** 19 - 61

To consider making observations to the Planning Inspectorate in respect of UTT/22/2624/PINS.
- 7 S62A/2023/0015. UTT/23/0246/PINS - Grange Paddock, Ickleton Road, ELMDON** 62 - 82

To consider making observations to the Planning Inspectorate in respect of UTT/23/0246/PINS.
- 8 UTT/22/2744/FUL - Land Known as 7 Acres, Warish Hall Farm, Parsonage Road, TAKELEY** 83 - 136

To consider application UTT/22/2744/FUL.

- 9 UTT/22/3013/OP - Highwood Farm, Stortford Road, GREAT DUNMOW** 137 - 169

To consider application UTT/22/3013/OP.

- 10 UTT/22/1947/FUL - Camp Poultry Farm, Mill Lane, HATFIELD HEATH (Withdrawn)**

Item withdrawn by the Agent.

PLEASE NOTE THAT AGENDA ITEM 11 WILL NOT BE TAKEN BEFORE 2.00pm.

- 11 UTT/21/2922/FUL - Rear of Marshes, Cherry Street, Duton Hill, TILTY** 170 - 187

To consider application UTT/21/2922/FUL.

- 12 UTT/21/2927/FUL - Rear of Marshes, Cherry Street, Duton Hill, TILTY** 188 - 206

To consider application UTT/21/2927/FUL.

- 13 UTT/22/2863/DFO - 10 and 12 The Mead, THAXTED** 207 - 217

To consider application UTT/22/2863/DFO.

- 14 Late List** 218 - 227

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, 22
FEBRUARY 2023 at 10.00 am**

Present: Councillor S Merifield (Chair)
Councillors G Bagnall, J Emanuel, R Freeman, G LeCount,
M Lemon (Vice-Chair), J Loughlin, R Pavitt and M Sutton

Officers in attendance: L Ackrill (Principal Planning Officer), N Brown (Head of
Development Management and Enforcement), C Edwards
(Democratic Services Officer), C Gibson (Democratic Services
Officer), M Jones (Senior Planning Officer), E Smith (Solicitor)
and L Trevillian (Principal Planning Officer)

Public Speakers: Councillor E Oliver, Councillor S Gill (Clavering PC), D Jones. I
Lyne, J Noble, G Stainer, R Thomas and F Woods.

PC279 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillor Fairhurst.

The Chair declared that she was the Ward Member for Felsted and Stebbing
(item 5).

PC280 **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 8 February 2023 were approved as an
accurate record.

PC281 **UTT/22/2052/FUL - SECTOR IV WOODLANDS PARK GREAT DUNMOW, PARSONAGE DOWNS, GREAT DUNMOW**

The Principal Planning Officer presented a report that sought full planning
permission to revise a scheme approved under outline application
UTT/2507/11/OP with details approved under UTT/13/1663/DFO for the erection
of 28 dwellings (23 open market and 5 social/ affordable dwellings).

He recommended that the Director of Planning be authorised to grant permission
for the development subject to those items set out in section 17 of the report.

In response to questions from Members, officers:

- Said that information relating to viability assessments was confidential.
- Clarified the location of the affordable housing in relation to the market housing and confirmed that there had not been a “cluster” policy in 2013.
- Said that possible reasons for deferral could be the density and clustering issues.

- Confirmed that there was a Registered Social Landlord (RSL) interested provided planning permission was granted.
- Confirmed that the draft S106 included UDC having first option on the designated affordable housing site in the event of another RSL not coming forward
- Said that no more than 65 dwellings could be built until construction of the affordable housing commenced; further market development would be blocked.
- Stated that a further viability assessment could be introduced as a late stage review if needed.

Members discussed:

- A further viability assessment being conducted on the land to be retained by the developer, as to how many of the 118 dwellings could be affordable dwellings.
- The 7 disabled parking spaces and the flats being adaptable.
- The need to look at this application on its own merits as otherwise it was a blocked site.
- The fact that Essex CC Highways had no objections.
- Communal amenities.
- The layout.

Councillor Emanuel proposed that the application be approved

This proposal was seconded by Councillor Pavitt.

RESOLVED that planning permission be granted subject to those items set out in section 17 of the report.

PC282 UTT/22/1508/DOV - SECTOR 4, WOODLANDS PARK, GREAT DUNMOW

The Principal Planning Officer presented a Deed of Variation (DoV) to the Section 106 attached to the Planning Permission UTT/2507/11/OP to reduce the Affordable Housing requirement to 23.7% to dispose of the land required for the Affordable Housing to a registered provider for £1 and to pay an off-site contribution of £46,000 towards the provision of Affordable Housing.

He recommended that the Director of Planning be authorised to grant the variation to the Section 106 Legal Agreement attached to application reference UTT/2507/11/OP.

The Chair asked if there was any additional discussion needed following the previous item.

Councillor Emanuel proposed approval on the basis that in the event of no Registered Social Landlord being identified, that a) UDC would have first refusal and that b) a further viability assessment would be carried out at the 65 houses break point.

Councillor Pavitt seconded the motion.

RESOLVED that the variation to the Section 106 Agreement be authorised in line with the motion.

There was a brief adjournment between 10.50 am and 10.55 am.

PC283 UTT/22/3178/DFO - LAND EAST AND NORTH OF CLIFFORD SMITH DRIVE, FELSTED

The Senior Planning Officer presented an application that provided details following outline application UTT/19/2118/OP for the erection of 41 dwellings with all matters reserved except access along with associated works. The reserved matters to be considered being only appearance, layout, landscaping and scale. The application included discharging conditions 7, 8, 11, 17, 18, 19 and 22. The proposal included 40% affordable housing.

She recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report.

In response to questions from Members, officers said:

- That the play area would be a Public Open Space, and not available for residents only.
- The issue of Anglian Water handling sewage without discharge of phosphates was for future discussion.

Members discussed:

- The reference by the Urban Design Officer to 6-8 parking spaces being over-provision.
- The footpath links encouraging walking.
- The positivity provided by the play area being a Public Open Space.
- The support from the parish.

Councillor Emanuel proposed approval of the application and this was seconded by Councillor Pavitt.

RESOLVED that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report.

There was an adjournment between 11.05 am and 11.20 am.

The Chair then brought forward the following agenda item as not all speakers had arrived for Agenda Item 6.

PC284 UTT/22/3164/FUL - BROOKLANDS FARM, HIGH STREET, CLAVERING

The Principal Planning Officer presented an application for the installation of solar panels to provide green electricity to Brooklands Farmhouse. The application had been called in by Councillor E Oliver.

Following confirmation from the Applicant the officer confirmed that the power generated by the proposals amount to 16.7 kilowatts and not 16.7 megawatts as stipulated within the committee report.

He recommended that the Director of Planning be authorised to refuse permission for the reasons set out in section 17 of the report and that the harms from the application outweighed the benefits.

In response to questions from Members, officers said:

- The applicant as part of their submission had provided two different models/design of the solar arrays, however, the Applicant had not stipulated to the LPA what their preferred model was and that if permission were to be approved, the Applicant would submit further details as to their preferred preference. The officer advised that both models were virtually identical in respect to their visual appearance and that the only difference between the models was the power that they generated.
- Officers confirmed that the Applicant had not undertaken pre-application advice prior to the submission of the application. It was also confirmed that it was not necessary to take part in community consultation given the scale of the proposals.

Members discussed:

- The initiative to get solar power with high spec panels likely to have a 25 year life-span.
- Where the batteries would be stored.
- Conservation area concerns weighed against climate emergency concerns.
- Views previously expressed by planning inspectors.
- Concerns expressed by Place Services.
- The poor screening arrangements around fencing and hornbeam hedges.
- The possibility of finding a better location for the panels.
- That some pre-application works would have perhaps been on benefit.
- That the property had a large footprint.

Councillor Emanuel said that she thought the proposal for solar panels could be moved outside the conservation area, given the size of the area of land owned by the applicant; she proposed refusal of the application for the reasons set out in section 17 of the report. This proposal was seconded by Councillor Bagnall.

RESOLVED that the Director of Planning be authorised to refuse permission for the reasons set out in section 17 of the report.

Councillor E Oliver and J Noble (Applicant) spoke in support of the application.

PC285 **UTT/22/1718/FUL - LAND WEST OF COLEHILLS CLOSE, MIDDLE STREET, CLAVERING**

The Principal Planning Officer presented a report seeking full planning permission for the erection of 10 dwellings alongside associated works including access, parking and landscaping.

He recommended that the Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report.

Following on from all public speakers, the meeting adjourned for lunch at 12.45 pm and reconvened at 1.20 pm.

In response to questions from Members, officers:

- Said the lane was not a protected one but became so west of Middle Street, by the ford.
- Gave possible reasons as to why this location had previously been rejected in the call for sites.
- Explained how displaced flooding had been assessed by the LPA and had been referred to the Environment Agency and SUDs as statutory consultees and that this seeking of expert advice discharged the Planning Authority's duty of care..
- Referred to the Highways requirements in respect of widening the road, with an additional 1 metre for planting.
- Said there had been no provision made for solar panels on the roofs.
- Said that the possibility of flood water from the road going into a basin could be seen as a benefit.

The Agent provided some clarity in respect of flooding mitigation, through dropping ground level to give 66 cubic metres extra storage.

Members discussed:

- The fact that flood mitigation was unlikely to make any difference to road flooding.
- Whether this was an inappropriate place to build, given the elevation, topography and the outlook on the conservation area.
- Possible deferral to enable SUDs to attend a future meeting to provide expert opinion.
- The Conservation Officer's comments not being addressed.
- Heritage considerations, as contained within the advice from Place Services.
- An Evacuation Plan and seeking the views of the Emergency Planning Officer and the Emergency Services for a view on access arrangements.
- Access and road widening issues.
- GEN7, ENV3 and biodiversity concerns.
- A Constraints map.

Councillor Emanuel proposed deferral of the application to consider:

- input from the SUDs team,
- an Evacuation Plan,

- Conservation Area concerns,
- Palettes of materials to chime with Middle Street,
- the Protected Lane, and
- Solar Panels.

This was seconded by Councillor Bagnall.

RESOLVED that the application be deferred in line with the proposed motion.

Councillor E Oliver, F Woods (on behalf of Keep Clavering Rural), G Stainer, I Lyne, R Thomas and Councillor S Gill (Clavering PC) all spoke against the application.

D Jones (Agent) spoke in support.

Before closing the meeting, the Chair paid tribute to Elizabeth Smith (Solicitor), as this was her last meeting at UDC, and thanked her for all her efforts over the years.

The meeting ended at 2.07 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% (85.71%**)	District - P151a
Speed of non-major Development	70% (74.43%)	70% (82.75%)	70% (85.06%)	70% (84.75%**)	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% (5.56%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.22%*)	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 March 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.

Criteria: Quality

District matter Majors

		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	3			3	0.00%
Quarter 08	Jan - Mar 2023	5	2					0.00%
	total	72	29	14	3	4	7	5.56%

Minimum level required

10.00%

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	Consultee	

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	
30/01/2023	S62A/2023/0015	UTT/23/0246/PINS	Grange Paddock Ickleton Road Elmdon	Consultation on S62A/2023/0015- Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout.	Consultee	



ITEM NUMBER: 6

PLANNING COMMITTEE DATE: 8 March 2023

REFERENCE NUMBER: PINS: S62A/22/0011 &
UDC: UTT/22/2624/PINS

LOCATION: Land Near Pelham Substation, Maggots End Road, Manuden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council February 2023**

PROPOSAL: 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.

APPLICANT: Low Carbon Solar Park Limited

AGENT: Pegasus Planning Group Ltd

DATE 20 March 2023

CONSULTATION

RESPONSE

DUE:

CASE OFFICER: Mr Lindsay Trevillian

NOTATION: Outside Development Limits, Adjacent Ancient Monuments, Adjacent Listed Buildings, Adjacent Ancient & Important Woodlands, Adjacent Country Wildlife Sites.

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for poor performance in relation to the quality of decisions making on major applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1. RECOMMENDATION

That the Director of Planning be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

- The proposal will lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and thus detrimental harm upon the openness and character of this part of the countryside.
- The proposals would result in adverse effects when considering the cumulation of effects of the proposals with other existing and/or

potential approved projects. This would result in an extensive area of the surrounding landscape being affected resulting in an intensive change over the surrounding locality.

- There is strong sense of historic integrity in the locality consisting of ancient monuments, listed buildings, and potentially important archaeological remains. The proposals may lead to 'less than substantial harm' upon the surrounding heritage assets, and it has yet to be concluded as to whether any further mitigation is required to make the proposals acceptable to ensure the preservation of locally important archaeological remains.
- To ensure that there is no detrimental harm regarding highway safety for all users including those utilising the PROW's and to avoid unwanted traffic congestion on the surrounding highway network during both the construction and operational stages of the development.
- Advise that all protected species and their habitats are suitable protected and that net biodiversity gain of at least 10% as mandated by the new Environment Act 2021 is provided.
- Recommended that appropriate flood and drainage mitigation is provided to ensure there is no risk of flooding within or outside of the application site.
- That all financial or on-site obligations (subject to CIL Regulations) suggested by consultees, are secured through a Section 106 Legal Agreement. This should also secure that following the lifetime of the use of the site as a solar photovoltaic farm, the land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite.
- To take into account all statutory and non-statutory comments and those representations made by the public.

2. DESCRIPTION OF THE SITE:

- 2.1** The area of land subject to this full planning application relates to the land known as 'Land Near Pelham Substation, Maggots End Road, Manuden, 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.
- 2.2** The application site falls within the administrative boundary of Uttlesford District Council.
- 2.3** The site is located on agricultural land located between the villages of Stocking Pelham to the northwest, Berden to the north, and Manuden to the south east.
- 2.4** The site area is approximately 79 hectares in overall size and is made up of several irregular shaped agricultural fields which are used for a mix of crop production and pasture. The site contains undulating slopes throughout with slight variation in levels, but overall, the site generally falls from north to south.

- 2.5** The sites boundaries and internal fields are made up of either linear tree groups or managed hedgerows and ditches. The local landscape can be described as rural with the occasional domestic dwellings, farmsteads and associated agricultural buildings.
- 2.6** The site is bounded by agricultural land to the north beyond Blakings Lane, a mixture of woodland and agricultural land to the east; agricultural land to the south; and a mixture of woodland and agricultural land to the west. The Pelham Spring Electricity Substation is located to the west. The nearest group of dwellings is in the hamlet of Brick House End to the west. Battles Hall and other properties in Maggot's End sit to the southeast of the site, and along Maggot's End Road leading west from Manuden to East End and then Stocking Pelham.
- 2.7** There are no designated heritage assets located within the site. Battle's Hall is a Grade II Listed building with the associated Moated Site at Battle's Manor designated a Scheduled Monument. The neighbouring properties to the north, The Crump and associated former barn are designated as Grade II listed buildings. The adjacent ringwork The Crump is also Scheduled Monument. Several further Grade II Listed Buildings are recorded in the surrounds of the site.
- 2.8** In terms of local designations, the site is adjacent to Battles Wood Ancient Woodland, which lies to the east. There are no County Wildlife Sites or any other local environmental designations nearby. The site is not adjacent to any statutory or non-statutory landscape designations and the Environmental Agency Flood Risk Maps identifies the whole of the site lying within 'Flood Zone 1'.
- 2.9** There are several Public Rights of Way which bisect the site in places or pass in very close proximity, linking Battle's Hall and Maggot's End Road with Brick House End.
- 2.10** Currently, vehicle access is via existing farm tracks from the farm to the east of the site. These unmade tracks are currently limited to the southern region of the site.

3. DETAILS OF THE PROPOSAL

Proposal

- 3.1** This application seeks full planning permission for the construction, operation, maintenance and decommissioning of a ground-mounted solar farm with battery storage alongside associated works.
- 3.2** It is estimated that the proposed development would generate up to 49.99 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11,000 tonnes of CO₂ per annum. The electricity would be sold to the National Grid as part of a commercial enterprise.

- 3.3** The Applicant has confirmed that they are unable to fix all of the design details of the proposed development at this stage. This is due to the need wait until a final investment decision is made and an appropriate contractor appointed by the applicant if planning permission is granted.
- 3.4** Following the award of the contract, the appointed contractor would then need to carry out a number of detailed studies to inform the technology selection for the proposed development and also to optimise its layout and design before starting work at the Site.
- 3.5** The Applicant has therefore sought to incorporate sufficient design flexibility as part of this application. This relates to the dimensions and layout of the structures forming part of the proposed development, including the precise layout of the site and the height of the solar panels.
- 3.6** The design approach involves defining development zones, rather than having a defined layout as shown on drawing ref: LCS032-DZ-01 REV 20 titled 'Zoning Layout Plan'. It has been submitted this way to allow the future contractor to optimise the layout of the solar farm following any grant of planning permission, rather than being bound to a precise layout.
- 3.7** In all, 6 zones have been identified with each one defining where certain infrastructure should be located across the site to accommodate the works, however, there is flexibility in terms of the layout within each zone.
- 3.8** The proposed development would include the construction and operation of the following equipment:
- 3.9**
- Arrays of solar PV panels;
 - Approximately 23 containerised inverters;
 - Approximately 36 containerised battery storage units;
 - 33-132kV Substation compound to include: Transformers, DNO substation and Customer substation/switchgear and meter equipment;
 - Internal access tracks;
 - Perimeter fence and access gates; and
 - CCTV cameras.
- 3.10** The solar panels would be laid out in straight south-facing arrays from east to west across the field enclosures. There will be a gap of approximately 3-4m between each row. At the lowest edge, the arrays would be approximately 0.9m above ground level, and up to 3m above ground level on the top edges and would be angled at 29.5 degrees, the optimum position for absorbing year-round solar irradiation. The solar panel modules are made from photovoltaics which are blue, grey or black in colour and constructed of anodized aluminium alloy. A galvanised steel frame mounting system will support the solar array. Indicative dimensions of the proposed panels and frame are shown on the PV detail provided within the submitted application drawings (DWG no. SD-17)

- 3.11** The proposed inverters will comprise containerised units or small cabin type structures and will be situated across the site either towards the centre of each solar section, or, aligned with existing hedgerow boundaries. The proposed inverters will measure approximately 12.2m long, 2.5m wide and 2.9m high. The containerised batteries will be located across the site, alongside the inverter units.
- 3.12** The proposed compound area will be in the centre of the site (as shown in orange on the Proposed Site Layout) and will contain both a 132kv DNO substation and transformer which will step up the voltage of the energy before exporting it to the point of connection at Pelham Substation.
- 3.13** The proposed solar farm will connect into the Pelham Substation via an underground cable extending from the west of the site. The route of the proposed cable route will be subject to a separate planning application to be submitted to both Uttlesford District Council and East Hertfordshire Council in the future if permission is approved for the development.
- 3.14** The proposals will also include perimeter fencing that will be installed at a height of approximately 2m along the outer edges of the separate parcels of fields. In addition to the fencing, it is proposed to install pole mounted CCTV security cameras that would be positioned at intervals along the inside face edge of the fencing at a height of 2.5m.
- 3.15** Access to the proposed solar farm for construction vehicles will be via a new temporary access from Manuden Road, approximately 1.3 kilometres to the north of Manuden village. In addition, an existing farm access track to the southeast of the site will be utilised and upgraded to provide operational access, off the unnamed road to the south of the site.
- 3.16** **Operation, Construction and Decommissioning**
- 3.17** Temporary planning permission is sought, with the solar farm having an operational lifespan of 40 years. After this, the scheme would be decommissioned with all of the structures and equipment removed, and the land would revert to its present undeveloped agricultural condition.
- 3.18** During the operational phases, activities would amount to the maintenance, cleaning and servicing of plant and equipment, plus vegetation management.
- 3.19** A temporary construction compound would be set up with the site development boundary during construction. The compound would contain temporary portable buildings, containerised storage containers, parking, temporary hardstanding, temporary gated compound and wheel washing facilities.
- 3.20** Construction working hours would typically be 07:00 – 18:00 Monday to Friday and 0800 – 13:00 on Saturdays.

3.21 This application forms a resubmission of a previously refused scheme (ref: UTT/21/3356/FUL) which was submitted to Uttlesford District Council in November 2021 and subsequently refused on 24 January 2022 under delegated powers. Further information is provided in full in Section 5 of this report.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 An Environmental Impact Assessment (EIA) Screening Opinion was requested from the Council on 25th February 2021 by the Applicant. Unfortunately, due to staff shortages and a high case load placed on planning officers at the time, a screening opinion was not formally prepared in response to this request.

4.2 However, at the time of submission of the previous application that was refused ref: UTT/21/3356/FUL, the Applicant submitted a further screening opinion which confirmed that the planning application boundary had materially changed from that originally applied for to that identified outlined in red as part of the application proposals.

4.3 The Council under ref: UTT/21/3379/SCO issued their EIA Screening Opinion on 20 January 2022 confirming that the proposal would not give rise to significant adverse environmental effects and therefore an EIA is not required to be submitted with the application.

4.4 However, it should be acknowledged that when the Council issued their opinion, no other applications had been submitted to the Council for solar farms or similar schemes within the vicinity of the application site and thereby it was deemed at the time the proposals would not result in potential cumulative impacts.

4.5 Turning to this application, on 23 September 2022, the applicant submitted a Non-EIA planning application to the Secretary of State. On 5 October 2022, the Planning Inspectorate, on behalf of the Secretary of State, confirmed in a letter to the Applicant that they have considered the application in accordance with Regulation 12(3) of the EIA Regulations.

4.6 The Inspector considered that the visual effects due to the change of use from agriculture to solar infrastructure and the scale of such development are likely to be significant. The Inspector also confirmed that there is also potential for adverse effects when considering the cumulation of effects with other existing and/or approved projects, namely, UTT/16/2316/FUL (Land North of Pelham Substation), S62A/22/0006 (Land at Berden Hall Farm), 3/21/2601/FUL (Land at Wickham Hall Estate), UTT/21/0688/FUL (Land At, Cole End Farm Lane, Wimbish), UTT/21/2846/FUL (Chesterford Park, Little Chesterford, Essex) and 3/22/0806/FUL (Land off Crabbs Lane and Pelham Substation).

- 4.7** The Inspector on behalf of the Secretary of State confirmed that based on the information provided, the proposed development has the potential to give rise to significant visual effects and significant cumulative effects including those on the local landscape through an increase in the amount of electrical infrastructure within the locality. The Inspector concluded that the submission of an Environmental Statement (ES) is required by the Applicant under regulation 12(3) of the EIA regulations.
- 4.8** It is important to acknowledged that the Inspectors opinion on the likelihood of the development proposed having significant environmental effects is reached only for the purposes of this Directive and is not a conclusion on the merits of the scheme.
- 4.9** An Environmental Impact Assessment was submitted to the Secretary of State on 9th February 2023 with confirmation of the application be valid on the 12 February 2023.

5. RELVENT SITE HISTORY

5.1 Application Site:

5.2 A search of Council's records indicates the following relevant recorded planning history:

5.3 UTT/21/3356/FUL - 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.

5.4 The above application was refused for 8 reasons of refusal under delegated powers in January 2022. The reasons of refusal can be summarised as per below:

- 5.5**
1. The proposals by reason of its sitting, size and scale would have a harmful impact upon the rural character and appearance of the area.
 2. The proposals would result in 'less than substantial' to nearby heritage assets through change in their setting. Furthermore, a lack of information was submitted in the supporting heritage statement and thereby the impact of the proposals could not be accurately assessed as part of this application.
 3. The application had not provided appropriate consideration of the impact of the development such as a geophysical assessment and photographic evidence of the area to assess the historic environment.
 4. The proposed works by reason of the poor layout and position of solar panels in and around the towers and below the high voltage overhead electricity lines would not enable appropriate access &

maintenance of national important infrastructure and may result in harm to safety.

5. Insufficient information has been submitted in support of the application to demonstrate that there would not be an unacceptable impact to protected and priority species and their habitats.
6. Insufficient information has been provided in support of the proposals to demonstrate that the proposed highway works scheme is acceptable in terms of highway safety, efficiency and accessibility and that the proposed works are indeed deliverable.
7. Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding, both the flooding authority and the Council are unable to accurately assess the potential impact that the proposals may have to flooding upon the site itself or elsewhere.
8. A lack of a s106a was provided to secure the decommissioning of the solar farm following its 40 year operation.

5.6 This application forms a resubmission of the previously refused scheme whereby the Applicant has made revisions to address the previous reasons of refusal. The main revision includes the removal of two areas (development zones) from southwestern part of the eastern site parcel and to the north of the site in order to reduce and lessen the harm on both the character and openness of the countryside and the upon surrounding heritage assets.

5.7 Surrounding Sites:

5.8 Planning permission was granted in October 2016 for the development of a 49.9MW battery storage facility on land immediately to the north of Pelham Substation (ref. UTT/16/2316/FUL).

5.9 A further application for the construction of ground mounted Solar Farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping was submitted to the Planning Inspectorate for determination under Section 62A of the Town and Country Planning Act 1990 in July 2022. The above application was registered by the Planning Inspectorate under reference S62A/22/0006 (Uttlesford Reference: UTT/22/2046/PINS) at land at Berden Hall Farm, Dewes Green Road, Berden, directly to the northeast of Pelham Substation. The land subject to this application is situated approximately 500m to the northwest of the site. At the time of the assessment of this application, neither a hearing date or a decision has been made by the Secretary of State.

5.10 UTT/22/1203/FUL - Construction and operation of a Battery Energy Storage System and associated infrastructure. Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) - access only in Uttlesford District - Land Off Pelham Road Berden. - Not yet determined.

6. PRE-APPLICATION ADVICE & COMMUNITY CONSULTTION

6.1 Pre-application:

6.2 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.

6.3 Following the refusal of the previous planning application, the applicant submitted a pre-application advice request to Uttlesford District Council (Ref: UTT/22/0679/PA) on 14th March 2022. This included formal discussions between the applicant, planning & landscape officers from the Council and Conservation Officers from Essex County Council.

6.4 The Council issued their written advice 27th June 2022 which concluded that any revised design which removed PV arrays from the southern, south-eastern and northern part of the eastern parcel of the site could be considered appropriate when one applies a tilted planning balance in addition to overcoming those technical concerns.

6.5 In addition to the above, the applicant has also held separate pre-application discussions with Essex County Council Highways to agree a suitable access construction access strategy for the site.

6.6 Community Consultation:

6.7 Prior to the submission of the previous refused planning application, the Applicant has undertaken a consultation exercise with the public and other stakeholders in their preparation of the application. This was conducted between March and July 2021 before a public exhibition event was held at Manuden Village Community Centre on the 2nd August. This included sending letters and consultation packs to neighbours, writing to relevant Parish Councils and advertising in the local press.

6.8 The Applicant submits that they listened to all views expressed by consultees, the public and Parish Council, during the duration of the consultation and has made appropriate changes to the proposed development to address and mitigate concerns raised where possible.

6.9 To confirm, it has not been indicated whether any further community consultation has been held prior to the submission of this application to the Secretary of State.

7. STATUTORY CONSULTEES:

7.1 All statutory consultees will write directly to PINS within the 21 period being the 20 March 2023 and are thereby not informed within this report.

8. PARISH COUNCIL COMMENTS

- 8.1** Any comments made by the Parish Council's in relation to the proposals will be required to be sent directly to PINS within the 21 period being the 20 March 2023 and are thereby not informed within this report.

9. CONSULTEE RESPONSES

- 9.1** All consultees' comments should be submitted directly to PINS within the 21-day consultation period being the 20 March 2023 and are thereby not informed within this report.

10. REPRESENTATIONS

- 10.1** The application was publicised by sending letters to adjoining and adjacent occupiers and by displaying site notices. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 20 March 2023. All representations should be submitted directly to PINS within the 21-day consultation period.

- 10.2** UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

11. MATERIAL CONSIDERATIONS

- 11.1** 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.

- 11.2** 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.

- 11.3** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or the Secretary of State, in considering whether to grant planning permission 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.

12. THE DEVELOPMENT PLAN

- 12.1** 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 & Quendon & 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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

12.2 POLICIES

- 12.3** Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with planning applications, local authorities should have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In deciding planning applications, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless Material Considerations indicate otherwise. The relevant development plan documents comprise:

12.4 Uttlesford District Local Plan 2005

- 12.5** Relevant development plan policies

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
E4 – Farm diversification: Alternative Use to Farmland
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV4 – Ancient Monuments and Sites of Archaeological Interest
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments

ENV11 – Noise Generators
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
ENV15 – Renewable Energy

12.6 Supplementary Planning Document/Guidance

12.7 Supplementary Planning Documents of relevance to this application:

Energy Efficiency and Renewable Energy (October 2007)
Essex County Council Adopted Parking Vehicle Standards (2009)
Solar Farms (July 2021)

12.8 National Planning Policy Framework

12.9 The National Planning Policy Framework (hereafter “the NPPF”) was first published in 2012 and was revised in July 2021. It sets out the Government’s national planning policies for England. It identifies the Government’s vision, objectives and goals for the planning system and provides a series of aids in the determination of planning applications.

12.10 Solar farm proposals with a generating capacity of greater than 50MW, under the Planning Act 2008, are classified as a National Strategic Infrastructure Projects (NSIP) requiring a Development Consent Order (DCO). Smaller solar farm proposals with a generating capacity of below 50MW can be determined by the relevant Local Planning Authority (LPA) through the normal planning application process.

13. CONSIDERATION AND ASSESSMENT:

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

- A) Principle of Development**
- B) Context of presumption in favour of sustainable development**
- C) Countryside Impact**
- D) Heritage Assets**
- E) Archaeological**
- F) Neighbouring Amenity**
- G) Loss of Agricultural Land**
- H) Transport, Access, and Public Rights of Way**
- I) Trees, Arboriculture & Landscaping**
- J) Nature Conservation & Biodiversity**
- K) Flooding and Drainage**
- L) Construction Considerations and Site Restoration**
- M) Planning Obligations**
- N) Cumulative Impacts**
- O) Other Issues**

13.2 A. Principle of Development

- 13.2.1** Proposals for development of solar farms are assessed against national and local planning policies including National Planning Policy Statements (NPS), National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the statutory Development Plan for Uttlesford District Council.
- 13.2.2** The principle of solar development is supported in the National Planning Policy Framework (NPPF) which states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 13.2.3** The Government expects future low cost, net zero consistent electricity to be made up of prominent on shore and offshore wind and solar, complemented by technologies which provide power or reduce demand when the wind is not blowing, or the sun does not shine.
- 13.2.4** Renewables now account for over one third of all UK electricity generation, up from 7 per cent in 2010, driven by the deployment of wind, solar and biomass. Electricity demand is predicted to double in the UK by 2050, driven in part by the electrification of vehicles and increased use of clean electricity replacing gas for heating. The Government has set a target to cut greenhouse gas emissions compared to 1990 levels in the UK by 100% by 2050.
- 13.2.5** More widely, the UK is committed to meeting a target of net-zero by or before 2050. This means that across the UK, emissions of Green House Gas for all sources will have to reduce from the current figure of 4352 million tonnes. The UK Government industrial and green growth strategies have made further pledges to invest in green growth low carbon infrastructure and investment in efficiency.
- 13.2.6** In August 2019, Uttlesford District Council declared a Climate and Ecological Emergency. The declaration represented a commitment to take appropriate action to make the Council's activities net-zero carbon by 2030.
- 13.2.7** The NPPF talks generally about renewables within the context of planning for climate change and makes no specific reference to solar farms. It favours sustainable energy systems as long as any impacts are (or can be) made acceptable, and states that local planning authorities should approach these as part of a positive strategy for tackling climate change.
- 13.2.8** Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-

scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- b) approve the application if its impacts are (or can be made) acceptable.

13.2.9 Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

13.2.10 All planning proposals and decisions should contribute and enhance the natural and local environment. NPPF paragraphs 174a and 174b require proposals to:

- a) protect and enhance the valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

13.2.11 The NPPG outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms. It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar farms are focused on previously developed and non-agricultural land.

13.2.12 There are several local policies that are relevant to the consideration of a solar farm application. Those being Policies S7 and ENV15 of the Adopted Local Plan.

13.2.13 The application site is located outside the development limits of nearby villages and settlements within open countryside and is therefore located within the Countryside where Policy S7 applies.

13.2.14 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.

13.2.15 Policy ENV15 of the Uttlesford Local Plan which states that small scale renewable energy development schemes to meet local needs will be

supported providing it can be demonstrated that they do not adversely affect:

- i) The character of sensitive landscapes;
- ii) Nature conservation interests; or
- iii) Residential and recreational amenity.

The supporting text for Policy ENV15 states that schemes should be sited close to settlements or groups of buildings in rural areas and close to the origin of the energy resource. Development will only be permitted in locations where the local road network is capable of handling any additional traffic generated by the proposal.

13.2.16 In July 2021, the Council published guidance on preparing and submitting proposals for solar farms. It also gives guidance on how planning applications should be considered in light of national and local requirements.

13.2.17 The approach in the NPPF, local planning policies and Uttlesford's guidance is to be supportive to the principle of solar energy developments provided that the environmental impacts can be appropriately managed.

13.2.18 A key environmental benefit is that the proposal has capacity to generate up to 49.9 MW of renewable energy, which could provide approximately enough energy to power over 16,500 homes and displace up to 11,000 tonnes of CO₂ per annum.

13.2.19 This in-principle support and the environmental benefit has to be weighed against any environmental and other impacts of the proposal in a balancing exercise. The balancing exercise is a matter of planning judgement.

13.2.20 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.

13.2.21 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.

13.3 B. Context of presumption in favour of sustainable development.

13.3.1 The NPPF considers that achieving sustainable development means that the planning system has three overarching objectives which are independent and need to be pursued in mutually supportive ways so that

opportunities can be undertaken to secure net gains across economic, social and environmental objectives.

13.3.2 The proposal is a renewable energy project which in principle is supported by national and local planning policies due to the benefits it would deliver in reducing greenhouse gas emissions. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry. There would be significant habitat and biodiversity net gains associated with the development arising from a 100% habitat gain from habitat retention, creation and enhancement from the change of arable fields into grassland when managed as a wildflower meadow.

13.3.3 However, the proposals will no doubt change the character of the site from one of arable fields to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and thereby result in a significant change to the visual qualities of the landscape. There may also be other harm that has yet to be identified by statutory or non-statutory consultees that may influence the balance of the proposals one way or the other which will need to be considered. Concerns regarding the previous refused application consisted of harm upon heritage assets, highway safety, biodiversity, and flood risk.

13.3.4 As such, without all the available information from relevant statutory consultees, one can't conclude at this stage whether the proposals would amount to sustainable development or not when applying a balance assessment.

13.4 C. Landscape and Visual Impact.

13.4.1 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.

13.4.2 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.

13.4.3 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'.

- 13.4.4** The Landscape Character of Uttlesford District Assessment identifies the site as falling within the 'Berden and Farnham Chalk Upland' landscape character area with extends from Ford End in the north to the environs of Farnham in the south.
- 13.4.5** The character assessment stipulates that this area is an extremely varied with the open wide vistas on the higher ground contrasting with the more intimate feel of the steep slopes descending to the Bourne Brook. The field pattern varies in the same way - rather large and regular in the northern and middle part of the area, becoming more irregular and smaller in scale towards the south. There are quite a few pedestrian footpaths crisscrossing the area, and a double row of pylons dominates the skyline on the plateau outside Berden, where there is also a highly visible national grid electricity station.
- 13.4.6** Further to the above the site is located within the South Suffolk and North Essex Clayland (National Character Area 86), as identified by Natural England. The 'Summary' section of the published assessment describes the NCA86 as: *"It is an ancient landscape of wooded arable countryside with a distinct sense of enclosure. The overall character is of a gently undulating, chalky boulder clay plateau, the undulations being caused by the numerous smallscale river valleys that dissect the plateau. There is a complex network of old species-rich hedgerows, ancient woods and parklands, meadows with streams and rivers that flow eastwards. Traditional irregular field patterns are still discernible over much of the area, despite field enlargements in the second half of the 20th century."*
- 13.4.7** The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively with effective screening and appropriate land topography the area of a zone of visual influence could be limited. Although solar farms often cause changes to the landscape and whilst they may not be able to achieve a limited visual influence, they should be minimised as far as possible.
- 13.4.8** The skyline of the site and the surrounding slopes are visually sensitive to potential new development, with open views possible along across and the wider countryside. There is strong sense of historic integrity, resulting from a wealth of historic buildings and a historic settlement pattern comprising dispersed hamlets and villages, which are connected by a series of winding lanes.
- 13.4.9** It is acknowledged that previous application ref: UTT/21/3356/FUL it was concluded that due to the excessive size and scale of the proposals, it would result in detrimental harm to the openness and character of the countryside. To reduce the visual harm of the proposals, the applicant

has revised the scheme reducing the size of the proposals by way of removing a couple of development zone to the north and south of the eastern parcel of the site. No indication has been provided by the Applicant as to the amount of land that this quantifies from that of the proposals that were previous refused.

- 13.4.10** As with previous scheme, the development would be located across a series of agricultural fields with gently sloping gradients. The fields within the site are delineated and divided by existing tree belts woodland, and some hedgerows. The majority of the site is on sloping land which falls away from Battles Wood (an ancient woodland) down towards Brick House End.
- 13.4.11** Although it is acknowledged that two development zones have been removed thereby reducing the number of solar arrays and their associated infrastructure, the proposal will still lead to a change in the character and appearance of the landscape, which could be argued to lead to a change in the quality of the landscape and loss of agricultural character. However, the green energy equipment such as solar arrays and wind turbines are rapidly becoming features that are becoming an integrated part of the agricultural landscape.
- 13.4.12** This is none so more evident by the acceptance of local Policy ENV15 which generally accepts renewable energy schemes of a small scale by their very nature and them likely to result in some adverse impact upon the character and appearance of the countryside. As such they are not precluded from rural areas. However, in this case, the proposals result in a significant large renewable energy scheme outside the aims and guidance of Policy ENV15 which accepts smaller scheme subject to meeting certain criteria.
- 13.4.13** The proposal would retain the original field pattern in situ. Within the site, the panels would be sat on the rolling slope and flat land within east-westerly arrays (rows).
- 13.4.14** The applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document describes the baseline qualities and current condition of local landscape character. It identifies several locations (visual receptor viewpoints) from which the site can be viewed. The LVIA also identifies steps that would be taken to mitigate against any harm that would likely to arise from the implementation of the development.
- 13.4.15** The application site does not form part of any designated landscape. However, the Framework also requires the intrinsic character and beauty of the countryside to be recognised when assessing development proposals.
- 13.4.16** This 79 hectares of land is situated within an area of very attractive open countryside. The proposed solar panels and associated infrastructure,

including the access track and security fencing would be new elements within the landscape.

- 13.4.17** Whilst the countryside can accommodate many forms of development, the long rows of panels, internal access track and ancillary buildings would comprise a rather utilitarian form of development that would contrast awkwardly with the unspoilt open qualities of the site.
- 13.4.18** For the duration of the development (40 years) the proposal would markedly alter the character of the site. Although the panels would in part be semi screened by natural existing and proposed vegetation, they would be seen from the public realm and wider distance views. The likely arrays of dark grey coloured panels would disrupt the harmonious pattern of open fields and would appear as a discordant element amongst the patchwork of green and yellow coloured fields.
- 13.4.19** The proposal would detract from the pleasing rural scene and erode the qualities of the 'lower rolling farmed and settled undulating slopes'. As the solar panels are 3m high, it will not be possible to completely mitigate the effects of this development.
- 13.4.20** The area is popular with locals and visitors utilising PROW's within and surrounding the site and, as a consequence, even small-scale changes are likely to be apparent to those who spend their time enjoying / relaxing in this attractive rural area. The proposal would result in moderate adverse visual impacts rather than 'negligible' visual change as described within the appellant's Landscape and Visual Impact Assessment.
- 13.4.21** The adverse effect upon the character and appearance of the area weighs against the development.

13.5 D. Heritage Assets

- 13.5.1** Where any development may have a direct or indirect effect on designated heritage assets, there is a legislative framework to ensure the proposals are considered with due regard for their impact on the historic environment.
- 13.5.2** There are no designated heritage assets located within the site, however, there are several heritage assets in proximity in which the proposals may harm. These include:
- The Crump and Former Barn, Grade II listed (list entry number: 1112471),
 - Scheduled Monument, The Crump (list entry number: 1009308),
 - Scheduled Moated Site at Battles Manor (list entry number: 1011630),
 - Battles Hall, Grade II listed (list entry number: 1276720),
 - Cart Lodge 30 metres southeast of Battles, Grade II listed (list entry number: 1239353),

- Dovecote 30 metres north west of Battles, Grade II listed (list entry number: 1239462),
- Hillview, Grade II listed (list entry number: 1276749),
- Rose Garth, Grade II listed (list entry number: 1322443),
- Brick House, Grade II listed (list entry number: 1170302),
- Peyton Hall, Grade II listed (list entry number: 1233139) and
- Barn to south east of Peyton Hall, Grade II listed (list entry number: 1233141).

- 13.5.3** At the time of preparing this report, the Council are not in receipt of any consultation response from either Historic England or Place Services Conservation Officer. However, it should be noted that both consultees raised concerns with the previous scheme ref: UTT/21/3356/FUL which led to reasons of refusal being imposed on the decision.
- 13.5.4** Historic England previously confirmed in their formal response that whilst they do not object to this type of development in principle, they have concerns in relation the impact of the scheme on the historic environment and consider it would result in harm and they recommend that further, more detailed assessments should be undertaken to establish the impact of these proposals on the significance of heritage assets.
- 13.5.5** This was also raised by Place Services Conservation Officer who stated that they do not consider that the maximum level of mitigation has been realised through the design of the current scheme as there may be the potential for a no harm scheme to be realised. Furthermore, the Heritage Statement does not provide clear and convincing justification to demonstrate the harm arising from the proposals, contrary to Paragraph 200 of the NPPF (2021).
- 13.5.6** Amongst the concerns raised by both Historic England and the Conservation Officer was the potential impact on the setting of the Scheduled Monuments known as 'The Crump: a ringwork 600m south of Berden' and 'Moated site at Battles Manor' and the surrounding Grade II listed buildings within a 1500m radius of the site.
- 13.5.7** It was suggested by both Historic England and the Conservation Officer that the proposed Solar Farm would result in an industrialising effect, contrary to the verdant and rural landscape setting and would result in an erosion of the rural character of the designated heritage assets.
- 13.5.8** It was concluded that this would result in harm to the significance of the heritage assets and that further comprehensive documentation from the applicant that establishes the likely impacts and visibility of the scheme from these assets is required to allow for the development to be fully assessed and for the balance to be weighed proportionally by the Council.
- 13.5.9** Concerns were also raised in relation to the assessment of the impact of the development on the setting of designated heritage assets. It was noted that the approach taken and considered that the Landscape Visual

Impact Assessment (LVIA) provides primarily generic landscape views and does not include heritage-specific viewpoints.

- 13.5.10** Both Historic England and the Conservation Officer consider that previous scheme had the potential to cause ‘less than substantial harm’, moderate in scale to the significance of the designated heritage assets of both the schedule monuments and a number of Grade II listed buildings as identified above.
- 13.5.11** As mentioned above in this report, the Applicant has revised the scheme by reducing the number of development zones, and thus reducing the spread of solar arrays to the northern and southern sections of the eastern parcel of the site. The Applicant also submits that they have provided more details in their supporting LVIA and Heritage Statement providing further justification of the acceptance of the proposals from a conservation view.
- 13.5.12** Whether the revisions and further documentation submitted as part of the scheme overcome both Historic England and the Conservation Officers previous concerns is one of which we will have to wait and see once the Council are in receipt of their formal comments. Nevertheless, it could be reasonably assumed that both Historic England and the Conservation Officer could conclude that the proposals would lead to ‘less than substantial harm’ given their previous comments. However, the level of harm could be reduced from one of moderate to high harm, to one of a low level on the spectrum of the scale of harm. Any harm as per the Frameworks would need to be weighed against the benefits of the scheme.
- 13.5.13** With regards to the case for public benefit for the historic environment, there is no doubt that there is likely to be a clear public benefit because of the proposals being able to generate up to 49.9 MW of renewable energy. However, the decision maker, and in this case the Inspector acting on behalf of the Secretary of State, will need to provide a balance assessment between any potential identified harm and the benefits of the proposals.

13.6 E. Archaeological

- 13.6.1** In accordance with 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.
- 13.6.2** Once again, the Council is not in receipt at the time of the preparation of this report either informal or formal comments from Essex County

Council's Historic Environment Officer regarding the acceptance of the proposals in respect to archaeology. However, it should be acknowledged that the Historic Environment Officer raised concerns which led to a reason of refusal on the previous application ref: UTT/21/3356/FUL.

- 13.6.3** Previously the Historic Environment Officer stipulated that given the extent of the recorded archaeology on the Historic Environment Record and that identified within the Applicant's supporting heritage statement in an area where little previous development has been undertaken there is a high potential for previously unknown significant archaeological deposits to be identified within the development area.
- 13.6.4** It was thereby previously recommended that the Applicant undertakes a geophysical assessment and provide an assessment of aerial photographic evidence of the area to support their application to establish the nature and complexity of the surviving archaeological assets. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in situ and/or the need for further investigation.
- 13.6.5** Following the guidance within the NPPF as required by paragraph 194, the Historic Environment Officer stipulated that this work should be undertaken prior to a planning decision being made.
- 13.6.6** A geophysical survey has since been undertaken within the site in March 2022 following the previous application being refused and the comments made by the Historic Environment Officer. A full copy of the survey is provided in Appendix 9 of the Heritage Statement.
- 13.6.7** The survey recorded anomalies indicative of archaeological activity at three locations within the site which have been interpreted as possible settlement activity.
- 13.6.8** It also identified two areas which were suggestive of archaeological activity of possible Iron Age to Romano-British date, in the northernmost extent of the site and in the western extent of the site. These comprised anomalies comprising a series of enclosures which could tentatively be dated to these periods based on their form. There is some evidence for Iron Age to Roman activity in the site, including an apparent loose concentration of findspots of artefacts of Romano-British date in the northern extent of the site. The findspot of a fragment of quern stone was recorded immediately south of the site. A large quantity of findspots of this date have also been identified in the wider area. On this basis, the potential for significant archaeological remains of Iron Age to Roman date within the site is considered to be moderate to high.
- 13.6.9** The geophysical survey identified three sides of a possible enclosure of potential post medieval to modern date in the eastern extent of the western area of the site. Development in the study area was focused at Berden to the north and Manuden to the south-east, as well as farmsteads

located in the wider landscape. On this basis, the geophysical survey concluded that the potential for significant archaeological remains of post-medieval to modern date is considered to be low.

13.6.10 The works undertaken by the applicant and the findings as concluded within the supporting geophysical survey will need to be fully assessed by Essex County Council's Historic Environment Officer as to the acceptance of the proposals or whether any further mitigation is required to make the proposals acceptable to ensure the preservation of locally important archaeological remains.

13.7 F. Neighbouring Amenity

13.7.1 Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

13.7.2 The nearest group of dwellings are located in the hamlet of Brick House End to the west. Battles Hall and other properties in Maggot's End sit to the southeast of the site, and along Maggot's End Road leading west from Manuden to East End and then Stocking Pelham.

13.7.3 The arrays themselves are passive during operation, they have no running parts and emit no carbon, noise smell or light. Once installed, the system itself needs minimum maintenance and will be unmanned.

13.7.4 The proposal would be visible from several nearby residential properties. The panels themselves, at a maximum of 3 metres in height are not considered to be overbearing in relation to proximity from existing residential properties. The impact of residential first floor views would only offer a more expansive viewpoint and would not be unacceptable given their separation distance and the inclusion of substantial planting boundaries.

13.7.5 In relation to glint and glare, the solar panels are designed to absorb light, rather than reflect light. Although the surface is glass, it is not reflective in the same way as a mirror or window.

13.7.6 Many residential receptors already benefit from existing vegetation which removes views of the reflective area. For those receptors where there is no existing screening, mitigation in the form of planting, secured by the Landscape and Ecological Management Plan (LEMP), is recommended to reduce any perceived impact in this regard.

- 13.7.7** The solar panels are not considered to harmfully affect nearby residential amenity by way of adverse glint or glare to warrant significant concerns or a reason for refusal on this ground.
- 13.7.8** The substations, control buildings, inverters and transformer stations will be acoustically rated and can produce sound, but this can be managed and rated such that acceptable noise levels are achieved.
- 13.7.9** Council's Environmental Health Officer raise no objections to the previous scheme that was refused, and although no revised comments have been provided to date, it is anticipated that Environmental Health Officer will not raise objections to the revised proposals in respect to noise/disturbance.
- 13.7.10** It is acknowledged that during the construction phases, there will be periods when works are likely to be audible to at nearby receptors. A Traffic Construction Management Plan will be required to minimise against these temporary impacts.
- 13.7.11** Construction/delivery hours will also be restricted to 8am – 6pm (Monday to Friday) and 8 am – 1pm (Saturday) to ensure compliance with the Council's standard working times and to reduce any impact upon nearby residents.
- 13.7.12** Conditions relating to construction traffic management plan and hours of operation would control the impacts of the proposal during the assembly of the site. The use of the site is not considered to result in unacceptable noise and disturbance.
- 13.7.13** Precise details of the location of CCTV can be secured by condition so that it does not lead to loss of privacy.

13.8 G. Loss of Agricultural Land and Farm Diversification.

- 13.8.1** 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".
- 13.8.2** One of the concerns raised within representation letters from the public during the assessment of the previous refused scheme ref: UTT/21/3356/FUL was the potential for a loss of Best and Most Versatile' (BMV) agricultural land which now doubt will be raised again under this revised application. It was previously found by Officers that on balance the proposals would not lead to a permanent loss of 'BMC Land'.
- 13.8.3** Annex 2 of The Framework defines "Best and Most Versatile Land" as land in grades 1, 2 and 3a of the Agricultural Land Classification".

- 13.8.4** 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.
- 13.8.5** 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.
- 13.8.6** An Agricultural Land Classification (ALC) site survey was conducted and submitted in support of this application which demonstrates that the separate parcels of agricultural land within the red line are comprised of a mix of Grade 2, Grade 3a and Grade 3b quality land and thus the proposed site is 'Best and Most Versatile Land'.
- 13.8.7** 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.
- 13.8.8** The previous refused application ref: UTT/21/3356/FUL was consulted to Natural England who acknowledged that the site was over 20 hectares in size and thereby the proposals may lead to harm upon best and most versatile land. However Natural England confirmed that:
- 13.8.9** *We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.*
- 13.8.10** Given the above comments, and the similarities between the previous scheme that was refused, and this revised application, it can be reasonably assumed that Natural England will once again have no objections to the proposals.
- 13.8.11** The development is proposed for a temporary period for up to 40 years after which the site will be restored to its former state to continue agricultural use, therefore there will be no permanent loss of agricultural land as a result of the development.

- 13.8.12** However, it is acknowledged that during the life of the proposed development consisting of up to 40 years that there is likely that there will be a reduction in agricultural productivity over the whole development area including food production.
- 13.8.13** As the global human population continues to rise, more land will need to be committed to agricultural production to meet a likely rise in demand for food. This also has the potential to increase or to intensify agricultural activities on land already used for food productions such as the existing field subject to these proposals.
- 13.8.14** However, it is also recognised that the production of agriculture has over the course of time been associated with the loss of vegetation, biodiversity loss and with reductions in presence of wildlife as a consequence of post-war agricultural intensification thereby resulting in environmental harm.
- 13.8.15** Given the above, a balance must be found on farms and agricultural land which allows for the needs of vegetation renewal and wildlife without impacting on the potential for food production.
- 13.8.16** Farming is and will continue to be an important economic activity in the district whereby the quality of the land provides a high basis for crops. However, it is recognised that farms also need to diversify which may include non-agricultural activities to offset the falling trend of falling prices for crops.
- 13.8.17** However, the size and scale of permitting non-agricultural activities will need to be sensitive to the character of it setting, protect or enhance the land in question.
- 13.8.18** ULP Policy E4 states that alternative uses for agriculture land will be permitted subject to certain criteria. This criterion is set out below,
- a) The development includes proposals for landscape and nature conservation enhancement;
 - b) The development would not result in a significant increase in noise levels or other adverse impacts beyond the holding;
 - c) The continued viability and function of the agricultural holding would not be harmed;
 - d) The development would not place unacceptable pressures on the surrounding rural road network (in terms of traffic levels, road safety countryside character and amenity).
- 13.8.19** In respect to the above, it is considered that the proposals would meet criteria as set in Policy E4. The proposals would present considerable opportunity for landscape and biodiversity mitigation and enhancement by providing habitat and landscape enhancements through new planting

and the creation of extensive grassland areas to replace arable land and species diverse wildflower meadow grassland.

- 13.8.20** As confirmed previously by Council's Environmental Health Officer, the proposals will not result in significant increase in noise levels or other adverse impacts beyond the holding subject to appropriate mitigation measures. Once again, it can be reasonably assumed that the same conclusions will be reached by the Environmental Health Officer in this respect.
- 13.8.21** The development would not result in the permanent loss of agricultural land and the land will be returned to full agricultural use. During the operational stage of the development, the land will have time to assist in the rebalancing of soil nutrients, re-establishing soil biota, breaking crop pest and disease cycles, and provide a haven for wildlife thus enhancing the quality of land for future agricultural use following the decommissioning of the solar farm.
- 13.8.22** It was considered previously that in respect to potential unacceptable pressures on the surrounding rural road network, this was found to result in a negligible impact on the surrounding highway network. However, one must now consider the cumulative harm of both construction and operation vehicles from both the proposals and those developments similar in nature that are currently being assessed and could be constructed at the same time.
- 13.8.23** On balance it is thereby considered that weight should be given to the benefits of the scheme, and it would not result in a significant loss of BMV agricultural land or harm the agricultural industry.

13.9 H. Transport, Access & Public Rights of Way.

- 13.9.1** 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 not compromise road safety and to take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than the car.
- 13.9.2** Vehicular access to the site during the construction phase is proposed via an existing agricultural/farm access from Manuden Road to the east of the site. The access currently serves farmland and agricultural buildings. The applicant submits that this access point will be upgraded with improved visibility splays to serve construction vehicles.
- 13.9.3** The application is supported by a Highways Statement that concludes that there are no highway reasons why planning permission for the proposed development should be withheld.

- 13.9.4** In assessing the proposals of the previous scheme that was refused ref: UTT/21/3356/FUL, concerns were raised by Essex County Council who are the Lead Local Highway Authority which led a reason for refusal being imposed as part of the previous decision.
- 13.9.5** The Highway Authority confirmed that the previous application lacked a considerable amount information to justify the acceptance of the proposals from a highways and transportation aspect. Missing information included a construction management plan and road safety audit to assess how the proposals could potentially impact the public rights of way (PROW) that intersect the site and the proposed access.
- 13.9.6** Since the previous application was refused, the Applicant stipulates that they have undertook extensive pre-application discussions with the Highway Authority and have submitted a Construction Traffic Management Plan (September 22) in support of the proposals.
- 13.9.7** The acceptance of the proposals will need to be assessed by the Highway Authority from a Transportation and Highways perspective regarding highway safety for all users and to avoid unwanted traffic congestion on the surrounding highway network for both the construction and operational stages of the development.
- 13.9.8** In terms of vehicle parking, developments are expected to provide off-street vehicle parking in accordance with the Council's adopted parking standards as provided by Policy GEN8 of the adopted Local Plan and Supplementary Planning Guidance 'Vehicle Parking Standards'.
- 13.9.9** A temporary compound area is proposed around 1.4 kilometres to the west of the proposed construction access with Manuden Road. A temporary car parking area (including spaces for minibuses) will be provided on the site within the compound. Parking will therefore be contained within the site and no unnecessary parking will occur on the local highway network.
- 13.9.10** Any Public Rights of Way (PROW) through or surrounding the site should remain usable, retain their recreational amenity and character, and be integrated as part of the development proposal. They should remain accessible by the general public during construction and through the operational stage of the development to ensure the continued safe passage of the public on the definitive right of way.
- 13.9.11** It is also acknowledged that PROW as amenities for local communities to improve their mental and physical health and wellbeing is important recognised. The character and amenity value of retained PROW should be maintained and buffers between paths and solar arrays should be used. For example, for retained PROW not enclosed by hedges/tree line i.e. those passing within a field used for solar panels and passing between them, a width of 5m for the footpath would be required to provide openness and to avoid walkers feeling hemmed in.

- 13.9.12** The public PROW within the site include PROW 39_34, PROW 5_14, and PROW 39_4. A footpath also runs along the northern and western site boundaries. The proposed development will retain all rights of way. The applicant submits that the proposed construction access track will follow the same alignment as PROW 39_4, however, the temporary access track will be separated from the PROW at all times.
- 13.9.13** The Applicant confirms that vehicles will need to cross several PROW's during the construction phase. The current landowner already uses these routes with agricultural vehicles. For the duration of the construction phase, the Applicant suggest that appropriate mitigation and management procedures will be put in place for the crossing points. This will include signage, fencing, banksmen and ensuring that users of the PROW's always have priority.
- 13.9.14** The Applicant confirms that the PROWs will be maintained within the site once it is operational with 5 to 10 metre buffers. This will ensure that the proposals still remain to some extent a sense of openness and to avoid walkers feeling hemmed in as per the above guidance.
- 13.10 I. Trees, Arboriculture & Landscaping.**
- 13.10.1** The application is supported by an Arboriculturally Impact Assessment (AIA) which has provided an assessment of the potential impact of the proposed development on the site's arboricultural resources. In total, 113 trees, groups of trees, hedgerows and areas of woodland were surveyed. Most of the trees and hedgerows are located around the periphery of each field that make up the site, however there are some larger mature trees as well a number of wooded areas of varying sizes. Also to the east is Ancient Semi-Natural Woodland (ASNW) known as Battlers Wood.
- 13.10.2** The AIA confirms that proposals result in none of the survey items being removed in their entirety. However, sectional removals of low/moderate-quality hedgerows (H2) and tree groups (G9) may be required to allow new access tracks to be constructed.
- 13.10.3** It is also recommended that Category U trees/tree group T45, T50 and G23 are removed as these trees were identified as standing dead which pose a safety risk if the land-use changes. It is recommended that these trees are removed in accordance with proactive, appropriate tree management rather than direct result of the development proposals. Therefore, the significance of the removals is considered negligible. Furthermore, the loss of the vegetation will be offset by way of proposed new planting.
- 13.10.4** The AIA stipulates that retained trees can be adequately protected by tree protection fencing during construction activities to sustain their health and longevity.

- 13.10.5** Subject to the implementation of the advice contained within the AIA, the AIA suggests that the proposed development is acceptable from an arboricultural perspective.
- 13.10.6** Ensuring 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.
- 13.10.7** 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.
- 13.10.8** 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.
- 13.10.9** In this instance the applicant has applied a design strategy to provide appropriate mitigation measures in the form of a buffer zone.
- 13.10.10** 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.
- 13.10.11** The standing advice also states that the area within the buffer zone should contribute to wider ecological networks, and only be planted with local and appropriate native species. The proposals will have a buffer of 30 to 50m as indicated within the supporting Planning Statement from the ancient woodland and this area is to consist of semi-natural habitats such as a mix of scrub, grassland and wildflower meadow. The proposals in this respect comply to the standing advice and the NPPF.
- 13.10.12** Taking all the above into consideration, it is concluded that the proposals would not result in significant harm to existing vegetation, including individual and groups of hedgerows, trees and nearby woodlands of importance. If permission were to be approved, conditions would be imposed that the works to be carried out in accordance with the AIA including all suggested mitigation measures to ensure the adequate protection of vegetation during both the construction and operational phases of the development.
- 13.11** **J. Nature Conservation and Biodiversity.**
- 13.11.1** 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.

- 13.11.2** Development sites should lead to net biodiversity gain of at least 10% as mandated by the new Environment Act 2021. Although there is a minimum mandatory 10% biodiversity net gain (BNG), the Council should encourage proposals to aim for a higher BNG taking into consideration that larger sites and sites of higher agricultural value should naturally seek greater BNG.
- 12.11.3** Although formally consulted, at the time of preparing this report, as with other consultees, the Council does not have receipt of either an informal or formal consultee response from Essex County Council Place Services Ecology Officer. However, it is advised, that in respect to the assessment of the previous refused application ref: UTT/21/3356/FUL, Place Services Ecology Officer confirmed in their formal response that in respect to BNG, they supported the reasonable biodiversity enhancements as proposed.
- 13.11.4** As outline in the Ecological Impact Assessment undertaken by Clarkson and Woods, BNG includes the installation of bat, bird, and dormouse boxes and three hibernacula, the creation of grazing grassland, tussocky grassland, wildflower meadows and a ditch and the planting of native, species-rich hedgerows.
- 13.11.5** It is not unreasonable to suggest that the Ecologist will once again confirm that the proposed BNG will be appropriate, which will meet the requirements of Paragraph 174d of the National Planning Policy Framework 2021.
- 13.11.6** Although Place Services Ecologist considered the enhanced mitigation to be appropriate, they raised concerns regarding the lack of information submitted in support of the scheme in relation protected and priority species and their habitation. They confirmed that following the review of all supporting documentation supplied by the Applicant, it was deemed that there was insufficient ecological information available for determination of the application regarding Great Crested Newts, Bats, Hazel Dormouse, and hedgerows. This led to a further reason of refusal imposed on the decision notice as the proposals did not enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021 and to be able to properly assess any potential impacts upon protected species.
- 13.11.7** The applicant has provided an updated Ecological Impact Assessment which will be fully assessed by Place Services Ecologist. At this stage, and without formal comments from the Ecologist, it can't be confirmed whether the proposals would have an adverse impact to protected species of their habitats.
- 13.12** **K. Flooding and Drainage.**

- 13.12.1** Solar farms have the potential to interrupt overland flow routes, reduce the amount of rainfall absorbed into the ground and increase the rate and volume of surface water runoff.
- 13.12.2** 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.
- 13.12.3** Most of the development is solar panels which are supported on piled struts, and thereby the surface area of the site is comparatively small in comparison to the overall development site area.
- 13.12.4** A check of the Environmental Agency's website and the Councils 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.
- 13.12.5** The previous application was consulted to both the Environment Agency and Essex County Council who are the Lead Local Flooding Authority. Although no comments were received from the EA, the Flooding Authority did issue a holding objection as a lack of information was provided to justify the acceptance of the proposals. The lack of information included:
- Provide 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.
 - If configuring the solar panels parallel to contours is not possible then consideration must be given to the inclusion of additional cut off trenches to manage the risk of channelisation.
 - Limit 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.
 - 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 2 40% climate change event. It is anticipated that the runoff response of the site will increase due to the proposed solar panels, therefore use at least 5% of the solar panel area towards the calculation of the SUDS storage volume.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. If the half drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
 - Incorporate bunds to help slow and interrupt the surface water flows.

- Provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition. If the ground becomes bare due to lack of maintenance the peak discharge has the potential to increase significantly.
- Sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses. Culverting existing watercourses/drainage ditches should be avoided. Where culverting for access is unavoidable, it should be demonstrated that no reasonable alternatives exist and where necessary only temporarily for the construction period.
- Demonstrate 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.
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels of swales or filter drains, invert levels of inlet and outlets of basins/ ponds, top and base levels of basins/ ponds. Storage volume of various SUDS features.
- Detailed engineering drawings of each component of the drainage scheme.
- Provide a drainage plan which details exceedance and conveyance routes, FFL levels of sub stations, levels of battery units, and ground levels.
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution should be provided.
- Provide 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- The applicant in their submission should also state that they 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.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

13.12.6 Due to a lack of information submitted in support of the previous proposals a reason of refusal was imposed on the decision as both the Flooding Authority and the Council were unable to accurately assess the potential impact that the previous proposals may have to flooding upon the site itself or elsewhere.

13.12.7 The Applicant has provided an updated Flood Risk Assessment following the previous application being refused in support of this revised application. At this stage, and without formal comments from the Flooding

Authority, it can't be confirmed whether the proposals would have an adverse impact upon the risk of flooding either on the site or off-site.

13.13 L. Construction Considerations and Site Restoration.

13.13.1 Construction methods should minimise disruption to land e.g. intrusive groundworks, such as trenching and foundations, should be minimised and the use of concrete avoided where possible and should be detailed through a CEMP. On agricultural land, frames should be pile driven or screw anchored and not concrete-based, and capable of easy removal, allowing the ground to be fully restored. If permission were to be approved, a pre-comment condition requiring a CEMP should be imposed.

13.13.2 A restoration plan should be identified at the earliest stage of planning. Solar farms are temporary developments and should be capable of removal and reversible i.e. at the end of the life of the development, the land can be return to its pre-development use. After the use of the site as a solar photovoltaic farm, land should be restored to its previous state including removal of all panels, supporting infrastructure and other temporary structures onsite. This can be secured by way of a Section 106 Agreement as suggested below.

13.14 M. Planning Obligations.

13.14.1 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.

13.14.2 Following the operation stage, it is proposed that the solar farm is decommissioned, with the solar panels and other infrastructure will be removed and the majority of the site will be retained as grassland back to its previous condition.

13.14.3 The restoration process is intended to ensure that the site is restored to the same quality as existing, and the Applicant has confirmed within their supporting documentation that this can be secured with the Council through the use of a Section 106 agreement. It is considered that an appropriately worded planning condition would not be strong enough in respect to ensuring the site is returned back to its original state in 40 years' time, and therefore a legal agreement is required. An agreement can appropriately secure and set out limitations on what kinds of obligations should be entered into.

13.14.4 At the time of issuing this assessment, a S106 Agreement had not been prepared or completed, however, it is suggested that the Council in their consultation response to the Secretary of State that the decommissioning of the proposals and its restoration back to its former land use should be secured via a legal agreement.

13.15 N. Cumulative Impacts

13.15.1 Each application should be considered on its own merits, however, there are occasions, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The Council or in this instance the Inspector on behalf of the Secretary of State, should have regard to the possible cumulative effects arising from any existing or approved development.

13.15.2 Within the locality there are several other existing and/or applications that are pending decisions, namely:

- UTT/16/2316/FUL - Development of a 49.99MW Battery Storage Facility connected to Pelham Substation. The development will support Enhanced Frequency Response (EFR) which is a new service required by National Grid to help it balance the frequency fluctuations on the grid system. (Land North of Pelham Substation) – Approved October 2016.
- UTT/21/0688/FUL - Construction and operation of a ground mounted solar farm together with associated infrastructure, including inverters, customer switchgear, DNO substation, medium voltage power station, security cameras, perimeter fence, access tracks and landscaping (Land At, Cole End Farm Lane, Wimbish) – Pending Decision.
- UTT/21/2846/FUL - The construction of a Green Energy Hub for the Chesterford Research Park comprising solar array development, a battery energy storage system, associated transformers, underground cabling and other electrical equipment, related landscaping scheme, fencing and CCTV. (Chesterford Park, Little Chesterford, Essex) – Approved December 2022.
- UTT/22/1203/FUL - Cross Boundary Application in conjunction with East Herts District Council (ref. 3/22/0806/FUL) (Land off Crabbs Lane and Pelham Substation) – Pending Decision
- UTT/22/2046/PINS (PINs ref: S62A/22/0006) - Development of a ground mounted solar farm with a generation capacity of up to 49.99MW, together with associated infrastructure and landscaping. (Land at Berden Hall Farm) – Pending Decision

- 3/21/2601/FUL - Erection of a solar photovoltaic farm with an output capacity not to exceed 49.9MW of energy, with supporting infrastructure and battery storage, inverters and transformers, fencing and landscaping works (Land at Wickham Hall Estate) – Pending Decision.

- 13.15.3** Cumulative effects are not only experienced between developments of the same type, i.e. multiple solar farms, they can also be experienced in combination with other development in the surrounding landscape, including industrial buildings and other forms of renewable energy.
- 13.15.4** Within the Screening Direction issued by the Inspector on behalf of the Secretary of State, it concluded that the submission of an Environmental Impact Assessment (EIA) is required by the Applicant under regulation 12(3) of the EIA regulations. When determining the extent of issues to be considered in the assessment and reported in the Environmental Statement, the Inspector confirms that there is the potential for adverse effects when considering the cumulation of effects of the proposals with other existing and/or approved projects and recommended that the Applicant as part of their EIA provide comprehensive details regarding Cumulative Impacts.
- 13.15.5** The EIA must contain the information specified in regulation 18(3) and must meet the requirements of regulation 18(4). The EIA must include the information that may reasonably be required to enable the Council or Secretary of State to come to a reasoned conclusion on the significant effects of the proposed development on the environment.
- 13.15.6** The applicant has provided an assessment of the potential cumulative impacts within Chapter 5 (Landscape and Visual Assessment) within their EIA.
- 13.15.7** The assessment has identified and considered exiting and/or potential similar developments within the locality and specifically refers to the proposed solar farm near Stocking Pelham which is pending a decision by PINs ref: S62A/22/0006, and Stocking Pelham BESS which was approved under application ref: UTT/16/2316/FUL.
- 13.15.8** The assessment stipulates that *“assuming the cumulative Solar Farm near Stocking Pelham and Stocking Pelham BESS have already been constructed, and large scale pylons exerting a strong influence over the local landscape, the addition of the Proposed Development would bring about a highly localised high degree of change and major significant effects. Such effects would be limited to the landscape associated with the Proposed Development, the two cumulative sites, and the existing infrastructure, i.e., the landscape between Stocking Pelham and the existing Stocking Pelham Substation”*.
- 13.15.9** *Beyond this immediate area, the landscape has been assessed as not subject to any significant effects.*

- 13.15.10** The cumulative assessment has also included the visual receptors: viewpoints and PRow's associated with the Application Site. The assessment has concluded that there is no potential for any simultaneous or in succession views of the Proposed Development and the identified cumulative schemes from the local PRow's due to the lack of any inter-visibility.
- 13.15.11** When one takes into account the cumulative effects of the size and scale of the proposals including the potential of the construction of the solar farm near Stocking Pelham, it is considered an extensive area of the general landscape being 150 hectares in total will be affected resulting in an intensive change over the surrounding locality. As the Applicant identifies above in the EIA, the cumulative sites would *"bring about a highly localised high degree of change and major significant effects"*. Although this change would decrease over time due to mitigation in the form of additional planting, localise harm would still be apparent in the short to medium term whilst time is taken for planting to mature and help soften the development from visual receptors.
- 13.15.12** People who will perceive the change include surrounding residents, recreational users – walkers horse riders, cyclists with an interest focused on the landscape. Sequential cumulative views will occur for those users of PRow's that travel across the local landscape between the sites and nearby settlements.
- 13.15.13** One should also reference the proposal solar farm to the land known as 'Land at Wickham Hall Estate'. Although this site falls outside the administrative boundary of Uttlesford District Council and lies within the jurisdiction of East Herts District Council, this site is only approximately 4km south of this application site and proposes a large 49.9MW solar farm of a site covering 79 hectares. If this were to be approved by East Herts District Council, there would be approximately 229 hectares of solar panels and associated infrastructure all within 4km.
- 13.15.14** It is acknowledged that the submitted EIA provides a cumulative assessment of the potential long term cumulative effects on the landscape character and visual receptors, however the short to medium harm is limited. Furthermore, an assessment during the construction phase is not included, being of short duration and likely to be lower or like those assessed at the operational stage.
- 13.15.15** Although the Applicant indicates that the construction phase of the development would be approximately 20 weeks (5 months), it is considered that the Applicant should have taken this into account as part of their assessment. Whether the construction phase is short or not, if the construction stage of the both the solar farms happens simultaneously or overlap each other, one would expect to be a significant amount of heavy traffic vehicles utilising the surrounding highway network which may be detrimental to the safety of all highway users and increase congestion.

13.15.16 The prominence of the development proposal in association with the solar farm near Stocking Pelham, the addition of a further battery energy storage system which are still pending decisions along with the existing 49.9MW battery storage facility and substation is likely to have a high level of cumulative effects if all are constructed. It is regarded that the development proposal in association with the existing relevant development creates the appearance of a large extensive and visually prominent development. The visual appreciation of the landscape is affected as the views will change to a more industrial character rather than agriculture.

13.15.17 However, one must take into account that the visual effects can be wholly reversed (when the proposal is decommissioned) the proposals reinstatement will not create residual adverse effects upon the landscape character after the life span of the development ceases. Nevertheless, the proposals during the lifetime and operation phase will provide medium to long term harm until the site is decommissioned.

13.16 O. Other Issues

13.16.1 General Procedures:

13.16.2 From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

13.16.3 The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

13.16.4 The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

13.16.5 The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 05.09.2022. This should include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted.

13.16.6 The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

13.16.7 Site Selection:

13.16.8 The Applicant has undertaken an appraisal of the site selection process. The application site has been chosen for a combination of reasons including that the site is of a suitable area to accommodate the solar PV arrays, is located in close proximity to an existing grid connection point, it is served by an appropriate access and is well located geographically for solar gain. Other land, including previously developed and the physical capacity constraints of available rooftops is considered by the Applicant to be unviable to the scale of the development proposed.

13.16.9 Health and Safety:

13.16.10 There is no substantiated evidence to demonstrate that the proposal would lead to any other impacts on health of residents nor interference with radio waves, tv reception and WiFi.

13.16.11 National Grid:

13.16.12 It is acknowledged that the Council are not in receipt of all consultee responses at the time of preparing this report, however it should be recognised that the National Grid previously raised concerns which led to a reason of refusal being imposed as part of the previous refused application ref: UTT/21/3356/FUL.

13.16.13 Concerns were raised by National Grid in respect to the layout of the proposals and particular the position of solar panels in and around the towers and overhead electricity lines. National Grid advised for safety reasons, access and maintenance that the panels inside 4YL190 tower stand-off (green zone) need to be moved, and to provide amended drawings with this adjustment. Furthermore, it was requested for confirmation that 5.3m shall be maintained to all proposed installations in still air and conductor swing. It is advised that the proposals should conform to National Grids previous requests to ensure that their assets can be properly operated and maintained which meets the reasonable needs of all potential users in accordance with paragraph 97(b) of the Framework.

13.16.14 Secure by Design:

13.16.15 During the assessment of the previous scheme, Essex Police advise that following an increase in solar farms being targeted by thieves in other counties, consideration must be given to providing suitable site security for the proposal. This will be a matter for the developer.

13.16.16 Other legislation:

13.16.17 The Council is aware that there may be services within the area and has consulted with relevant stakeholders. Services, including Cadent, and

Essex and Suffolk Water previously raised no objection to the proposal. There may be separate arrangements outside of the planning process for the applicant to notify utilities stakeholders separately.

14. EQUALITIES

14.1 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. 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. CONCLUSION

15.1 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.

15.2 In respect to addressing the benefits of the development, the proposal for a large-scale renewable and low carbon energy scheme would assist in tackling climate change and provide a valuable contribution to cutting greenhouse gas emissions. There is also general support within the Framework for renewable energy schemes. In addition, the proposal would secure some limited ecological enhancement in terms of new tree planting and the creation of a wildflower meadow and biodiversity enhancements. The development would assist in increasing the security of electricity supply and contribute towards replacing the UK's dated fossil-fuel based energy infrastructure. It would also deliver moderate social and employment benefits by providing employment in the construction and operational phase and generally contributing to sustaining jobs in the wider solar per industry.

15.3 The above economic and environmental benefits can be given considerable weight in the overall planning balance. Thus, taken these together, moderate weight to the benefits of the development have been considered.

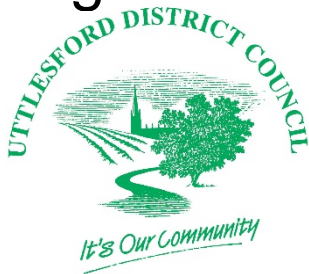
15.4 However, the proposals will no doubt change the character of the site from one of arable fields to one of which appears more unitarian comprising of a substantial amount of electrical infrastructure, and

thereby result in a significant change to the visual qualities of the landscape. There may also be other harm that has yet to be identified by statutory or non-statutory consultees that may influence the balance of the proposals one way or the other which will need to be considered. Concerns regarding the previous refused application consisted of harm upon heritage assets, highway safety, biodiversity, and flood risk.

15.5 As such, without all the available information from relevant statutory consultees, one can't conclude at this stage whether the proposals would amount to sustainable development or not when applying a balance assessment.

15.6 Nevertheless, it is concluded that as a minimal, that as part of the Uttlesford District Councils consultation response to the Secretary of State, advice should be given to those observation highlighted in Section 1 (Recommendation) that should be given full consideration in the decision-making process.

Agenda Item 7



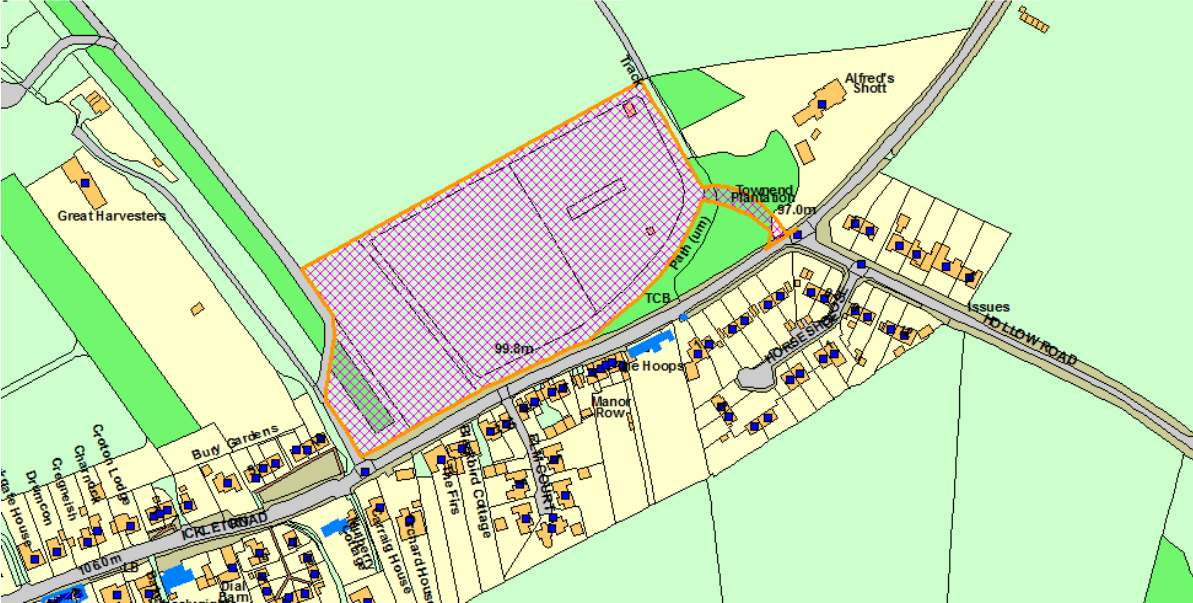
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 08 March 2023

REFERENCE NUMBER: PINS: S62A/2023/0015
UDC: UTT/23/0246/PINS

LOCATION: Grange Paddock
Ickleton Road
Elmdon

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 February 2023

PROPOSAL: Consultation on S62A/2023/0015 - Town and Country Planning Act 1990 (Section 62A Applications).

Application for outline planning permission for the erection of 18 dwellings including provision of access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved for subsequent approval except for means of access and layout.

APPLICANT: Mr R Smith, Rocol Estates Ltd

AGENT: Mr T Coombs

DATE CONSULTATION RESPONSE DUE: 16 March 2023

CASE OFFICER: Bruce O'Brien

NOTATION: Outside Development Limits; Within Flood Zone 1; Mineral Safeguarding Area, SSSI Impact Risk Zone; Contaminated Land Historic Land Use Area

REASON THIS CONSULTATION IS ON THE AGENDA: This is a report in relation to a major (outline) planning application submitted to the Planning Inspectorate (PINS) for determination.

Uttlesford District Council (UDC) has been designated by Government for performance in relation to the quality of decision-making on applications.

This means that the Uttlesford District Council Planning Authority has the status of a consultee and is not the decision maker. There is limited time to comment. In total 21 days.

1. **RECOMMENDATION**

That the Director of Planning and Building Control be authorised to advise the Planning Inspectorate that Uttlesford District Council make the following observations on this application:

Details are to be outlined by the Planning Committee.

2. **SITE LOCATION AND DESCRIPTION**

2.1 The subject site is situated in the area of Elmdon. It is in the north of Uttlesford District.

The application site comprises approximately 5.5 acres of land; a broadly rectangular parcel; outside of the recognised settlement boundary of Elmdon. The site is adjacent to the northern edge of the development boundary, separated only by Ickleton Road.

2.2 There is an existing access from the highway, adjacent to the western boundary of the site. The access leads to a track which runs alongside the western boundary.

There is a footpath (not a Public Right of Way) heading northeast from Ickleton Road passing along the eastern boundary of the proposed development area.

2.3 The application site is located on existing farmland. Currently used for pasture, Natural England Agricultural Land Classification Map (Eastern Region) shows the land classified as Grade 2, very good arable land.

2.5 The site is opposite a Grade II listed building, a residential dwelling, 'The Hoops'.

2.4 The entirety of the application site is in flood zone 1 where there is a low probability of flooding. The site slopes downwards towards its southern boundary where there is a drainage ditch running alongside Ickleton Road.

3. PROPOSAL

3.1 Application for outline planning permission for the erection of 18 dwellings including provision of an access road, car parking and residential amenity space, a drainage pond, and communal open space, with all matters reserved except for means of access and layout.

3.2 The application has been submitted with an indicative layout plan which shows one potential primary vehicular access point into the site, from the south, Ickleton Road.

3.3 The proposed site plan demonstrates 18 units, each on its own plot. The housing mix would comprise 1 x 2-bedroom bungalow, 6 x 3-bedroom semi-detached, 2 x 2-bedroom semi-detached, 5 x 4-bedroom detached, 4 x 5-bedroom detached.

3.4 To the west of the site, the proposal includes a children's play area and a community green space. These are to be available to residents other than those living on the proposed development. The area would be accessed by way of a publicly accessible pathway, leading north from Ickleton Road.

3.5 Other features include a rotunda with a central attenuation pond, resident's amenity space and visitor's parking spaces.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. RELEVANT SITE HISTORY

- 5.1 There is no recent planning application history relating to this site.

6. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 6.1 In line with the guidance of Paragraphs 40 and 132 of the National Planning Policy Framework (2021), the submission is accompanied by a Statement of Community Involvement which sets out the following engagement methods/procedures: -

- 6.2 In 2022, the applicant approached Elmdon Parish Council to seek advice on how best to inform local people of these proposals and their input into the design of the scheme.

The Parish Council recommended that a presentation be made one weekday evening and should include the applicant's draft proposals for the siting and layout of the development. The agreed date was Friday 17th June 2022. The applicant put up several posters in the village to invite all residents and representatives of the applicant also attended. Display boards were set up and informal discussions took place with local people and their representatives. The display boards also included the applicants first proposals for the scheme.

- 6.3 The response from the residents was that there are strong objections to the principle of development of the site.

- 6.4 Comments were as follows:
The speed of traffic on the main road particularly at the bend was a strong local concern.
The access should be re-sited at the eastern end of the site.
Affordable housing was very much supported and welcomed as part of the proposals.
Most attendees recognised that there was a clear demand for new housing, both market and affordable housing.
The scheme should include significant landscaping to help mitigate impacts.

- 6.5 The applicant considered the comments and has changed the proposed layout, accordingly, including the relocation of the vehicular access to the eastern side of the site.

- 6.6 Regarding concerns about speed of traffic on the main road, the application includes a comprehensive Transport Statement to demonstrate that a safe vehicle access to the site is achievable.

6.7 The applicant is willing to consider proposals for detailed contributions to support existing local facilities.

7. **STATUTORY CONSULTEES**

7.1 All statutory consultees are required to write directly to the Planning Inspectorate (PINS) (and not the Local Planning Authority) within the 21 days period: the end date being the 16 March 2023.

7.2 Accordingly, it should be noted that considerations/advice normally obtained from statutory consultees to assist the Local Planning Authority in the consideration of a major planning application have not been provided and are thereby not included within this report.

8. **PARISH COUNCIL COMMENTS**

8.1 These should be submitted by the Parish Council directly to PINS within the 21-day consultation period being the 16 March 2023.

9. **CONSULTEE RESPONSES**

9.1 All consultees' comments are required to be submitted directly to PINS (and not the Local Planning Authority) within the 21-day consultation period, which closes 16th March 2023. Accordingly, it should be noted that considerations/advice normally obtained from consultees to assist in the determination of a major planning application have not been provided and are thereby not included within this report.

Notwithstanding, the following comments have been received:

Essex Police (Designing Out Crime): No objection and have provided some advisory guidance.

UDC Housing: The UDC Housing Team have noted the requirement for affordable housing provision and an appropriate mix.

ECC Archaeology: ECC Archaeology advice is that Historic England be consulted on the proposed development and a pre-commencement condition be added to any approval decision.

10. **REPRESENTATIONS**

10.1 The application was publicised by sending letters to adjoining and adjacent occupiers. Anyone wishing to make a representation (whether supporting or objecting) are required to submit their comments directly to PINS within the 21-day consultation period ending the 16 March 2023

10.2 UDC has no role in co-ordinating or receiving any representations made about this application. It will be for PINS to decide whether to accept any representations that are made later than 21 days.

11. MATERIAL CONSIDERATIONS

11.1 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.

11.2 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.

11.3 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

11.4 The Development Plan

- 11.4.1** 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 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (NPPF) (2021)

12.2 Uttlesford District Plan 2005

S3 – Other Development Limits

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

ENV1 – Design of Development within Conservation Areas

ENV2 – Development Affecting Listed Buildings

ENV3 – Open Spaces and Trees

ENV4 - Ancient Monuments and Sites of Archaeological Importance

ENV5 – Protection of Agricultural Land

ENV7 – Protection of the Natural Environment

ENV12 – Groundwater Protection

ENV14 – Contaminated Land

H1 – Housing Development

H9 – Affordable Housing

H10 – Housing Mix

12.3 State name of relevant Neighbourhood Plan in this title

N/A

12.4 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)

13. CONSIDERATIONS AND ASSESSMENT

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

- 13.2**
- A) Principle Of Development**
 - B) Highways Considerations**
 - C) Design**
 - D) Housing Mix and Tenure**
 - E) Archaeology**
 - F) Flooding**

- G) Arboriculture**
- H) Climate Change and Sustainability**
- I) Air Quality and Pollution**
- J) Ecology**
- K) Heritage**
- L) Planning Obligations**
- M) Other matters**
- N) Planning Balance and Conclusion**

13.3 A) Principle Of Development

- 13.3.1** The application site is located outside of the settlement boundary of Elmdon; therefore, set within the countryside; wherein the principle of development would generally be acceptable if the scheme were to comply with the details as outlined in Policy S7 of the Uttlesford Local Plan (2005) and other Local Plan policies and the NPPF (2021).
- 13.3.2** However, regard is given to the Uttlesford Local Plan being out of date and that the plan significantly pre-dates the introduction of the National Planning Policy Framework in 2012 and as amended (2021).
- 13.3.3** Additionally, the Council as Local Planning Authority is not currently able to demonstrate a 5-year housing land supply (5YHLS).
- 13.3.4** Given the above factors, Paragraph 11 of the NPPF becomes relevant here. Development is inherently sustainable and should be granted planning permission unless:
- i. the application of policies in this Framework that protect areas or assets, or particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 13.3.5** Regarding (i) above, the NPPF (2021) at Section 2, provides guidance on the areas /assets of particular importance that provide a clear reason for refusing the proposed development. These areas are habitat sites and/or designated Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, a National Park or defined as heritage Coast; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.
- 13.3.6** The application site is not located within an area that is specifically protected as outlined in (i) above.
- 13.3.7** 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.

13.3.8 The proposal seeks outline planning permission for 18 residential units. This quantum of development would make a valuable contribution to the district's housing supply. In principle the proposal may be acceptable subject to the assessment of the scheme under the requirement for sustainability as outlined in Paragraph 8 of the NPPF and the relevant policies of the Uttlesford Local Plan.

13.3.9 Paragraph 8 identifies three mutually dependent strands to sustainability which need to be jointly considered in the assessment of this application. These relate to the economic, social, and environmental roles that may be attained by way of the proposed development.

13.3.10 Economic:

The NPPF identifies this is contributing to building a strong, responsive, and competitive economy that supports growth and innovation and identifies and co-ordinates development requirements including the provision of infrastructure.

In economic terms the proposal would have short-term benefits to the local economy in terms of localised construction activity. It would also have medium/long term benefits in terms of the local support of services arising from the proposed residential development. However, these factors have limited weight.

13.3.11 Social:

The NPPF identifies this as supplying homes in a high-quality built environment with accessible local services that reflect community need and wellbeing.

In social terms, the proposal would contribute to local housing supply in an area that is close to an established settlement. The proposal would also make a suitable contribution to the provision of affordable housing. Additional social benefits include provision of a publicly accessible open space/play areas.

13.3.12 Environmental:

The NPPF identifies this as making effective use of land, seeking to protect and enhance the natural and built environment, improving biodiversity, minimising waste and pollution, and mitigating and adapting to climate change.

13.3.13 The site is currently undeveloped, and the proposal will therefore result in the loss of land that is in agricultural use. Most of the land on the site is identified on the Uttlesford District Council Constraints Map as being Grade 2 Agricultural Land.

Such land is very good quality, high yielding agricultural land with minor limitations which affect crop yield, cultivations or harvesting and can support a wide range of agricultural and horticultural crops.

13.3.14 Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating

development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

- 13.3.15** Local Plan policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- 13.3.16** There is conflict with the requirements of policy ENV5. The applicant has failed to assess whether the proposed development could be accommodated elsewhere within the district, which may prove to be more sustainable or of a poorer quality of agricultural category.
- 13.3.17** However, Local Plan policy E4 allows for alternative uses of agricultural land provided the development includes proposals for landscape and nature conservation enhancement, the development would not result in a significant increase in noise levels or other adverse impacts beyond the holding, the continued viability and function of the agricultural holding would not be harmed, and that the development would not place unacceptable pressures on the surrounding rural road network. The proposed development complies broadly with policy E4 and given that the land is currently used for pasture, it is considered that the harm caused by the loss of agricultural land is balanced by the positive impacts of the development when assessed against policy E4 and other local and national policies as a whole.
- 13.3.18** The applicant intends to compensate for the loss of agricultural land by way of the provision of affordable housing, and landscape features, including public open space and a children's play area. It is expected that there would be ecological mitigation and biodiversity enhancement measures attached to any approved scheme.
- 13.3.19** It is acknowledged that the site is situated outside of the settlement boundaries. Policy S7 of Local Plan seeks to protect the Countryside and would normally preclude the location of this form of development in this location. However, Policy S7 has been found, in many recent appeal and planning decisions to not fully comply with the NPPF; as it seeks to place greater restrictions on development in the countryside over and above those of the NPPF.
- 13.3.20** Having regard to other consented planning permissions for residential development, within the District in countryside locations, adjacent to settlements; the lack of a 5YHLS, and an out of date Local Plan, the proposal is considered likely to be acceptable in principle, unless Paragraph 11 applies; *any adverse impacts of doing so would significantly and demonstrably outweigh*

the benefits, when assessed against the policies in this Framework taken as a whole. These matters are further considered below.

13.4 B) Highways Considerations

13.4.1 Access is not a matter that is reserved for future consideration and consent is sought at this stage. The application proposes the creation of a principal vehicular access point at the eastern section of the site which links directly into the main highway of Ickleton Road. A public pedestrian access point would be provided at the western corner of the site, to provide a route to the public play area/open space.

13.4.2 Policy GEN1 of the Local Plan sets out that development will only be permitted if the following criteria is met: -

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.
- e) The development encourages movement by means other than driving a car.

13.4.3 The proposal, which seeks consent for 18 residential units, will cumulatively lead to an increase in traffic movements within the locality. At this stage however, as no comments are available from Essex County Council Highway Authority it is not possible to assess whether vehicular movements associated with this proposed development is acceptable.

13.4.4 There is a need to comply with the Council's parking standards as outlined in Local Plan policy GEN8, Uttlesford Local Residents Parking Standards (December 2012) and the Essex County Council's Parking Standards (September 2009).

13.4.5 There is a requirement for a minimum of 2 spaces per dwelling (and 3 spaces per dwelling for dwellings with 4+ bedrooms) and 0.25 spaces per dwelling for visitor parking. Cycle provision will also be required if no garage or secure parking is provided within the curtilage of the dwelling.

13.4.6 The proposed parking provision as shown on the submitted layout is policy compliant.

13.4.7 The proposed access arrangements for this outline planning application and the highway impact associated with the proposed development fall to be considered by Essex County Council as the Highway Authority. However due to the nature of the S62A application process; wherein comments are to be provided directly to the Planning Inspectorate for decision-making; the Local

Planning Authority are unable to make detailed comments on the highway aspect of the proposed development.

13.5 C) Design and Landscape

13.5.1 This application seeks consent for layout and access only at this stage; with scale, external appearance and landscape considerations being reserved for future consideration.

13.5.2 The guidance set out in Section 12 of National Planning Policy Framework outlines that 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 because of good architecture.

13.5.3 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.

13.5.4 Layout

The application has been submitted with an illustrative layout plan; together with illustrative site sections showing how the proposed development could be accommodated on the site.

13.5.5 The proposed development would be at a two-storey height and would aim for congruent design using vernacular materials.

13.5.6 The development would comprise a low-density scheme of 8/9 dwellings per hectare.

13.5.7 The LPA acknowledge the public benefits of supplying a publicly accessible area of open land and play space. However, there are concerns over the proposed funding mechanism for the provision. The applicant intends to maintain these areas by way of a service charge payable by residents of the proposed development. It is questionable whether private residents would agree to the financing of public spaces in perpetuity. Furthermore, the play areas are to the east of the site and there is no pedestrian link from within the development directly to the play/open space. This matter should be addressed.

13.5.8 The application does not suggest an over-developed or cramped layout. There is enough separation between dwellings, each dwelling would have adequate amenity spaces and parking provision.

13.5.9 Details would be required as to safety aspects regarding the proposed pond within the site.

13.6 D) Housing Mix and Tenure

- 13.6.1** 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.
- 13.6.2** 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. The UDC Housing Team have been consulted on the scheme and conclude that the affordable housing provision on this site will attract the 40% policy requirement as the site is for up to 18 properties. This amounts to 7 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 13.6.3** The specific tenure split and mix for the affordable housing provision can be agreed later if the application is approved, but the recommendation is 5 dwellings for affordable rent and 2 First Homes.
- 13.6.4** The First Homes will be delivered at, or below, a price cap of £250,000 after a 30% developer contribution has been applied.
- 13.6.5** The applicant is prepared to provide an appropriate amount of affordable housing, secured by way of legal agreement. This provision is satisfactory and weighs in favour of the scheme.
- 13.6.6** Policy H10 of the Local Plan requires that for larger schemes a significant portion of market housing comprising smaller properties (2 and 3 bedroom).
- 13.6.7** Layout is being considered at outline stage and as such there is an opportunity to ensure that an appropriate housing mix is secured. The proposed housing mix is 1 x 2-bedroom bungalow, 6 x 3-bedroom semi-detached, 2 x 2-bedroom semi-detached; this is an appropriate provision of smaller dwellings.
- 13.6.8** It is 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 layout demonstrates that this could be achieved. There would be one bungalow, and this could meet the regulations of a Part M, Category 3 home. A condition requiring this will be suggested if the Inspector is mindful of granting consent.

13.7 E) Archaeology

13.7.1 Policy ENV4 Ancient Monuments and Sites of Archaeological Importance Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there will be a presumption in favour of their physical preservation in situ. The preservation in situ of locally important archaeological remains will be sought unless the need for the development outweighs the importance of the archaeology. In situations where there are grounds for believing that sites, monuments, or their settings would be affected developers will be required to arrange for an archaeological field assessment to be carried out before the planning application can be determined thus enabling an informed and reasonable planning decision to be made. In circumstances where preservation is not possible or feasible, then development will not be permitted until satisfactory provision has been made for a programme of archaeological investigation and recording prior to commencement of the development.

13.7.2 The Historic Environment Record identifies the proposed for development as being within an area of potentially sensitive archaeological deposits at the edge of the historic settlement of Elmdon. The proposed development lies near Elmdonbury, a site which encompasses the Scheduled Monument of Castle Grove a ringwork 370 metres northwest of Elmdon Church (SM1011780, EHER3878) as well as the historic farmstead. The proposed development has the potential to impact the setting of this scheduled monument. Further west is the Scheduled Monument of Dagworth moated Site (SM1012055, EHER124) formerly Dagworth Manor House.

Within the vicinity of the proposed development prehistoric pottery has been identified indicating occupation in the locality (EHER46378). Ring ditches have also been identified through cropmarks to the north of the proposed development (EHER16273).

There is therefore the potential for roadside development, prehistoric and medieval features within the proposed development site.

13.7.3 Historic Environment Advice from Essex County Council has advised that the Inspectorate should seek consultation with Historic England on this application. Furthermore, to meet the requirements of Local Plan policy ENV4, a pre-commencement condition would be required to include trial trenching and open area excavation and subsequent assessment.

13.8 F) Flooding

13.8.1 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.

13.8.2 The application site is located within Flood Zone 1 where there is a minimal risk of flooding.

13.8.3 Local Plan policy GEN3 states that: Outside flood risk areas development must not increase the risk of flooding through surface water run-off. A flood risk assessment will be required to demonstrate this. Sustainable Drainage

Systems should also be considered as an appropriate flood mitigation measure in the first instance.

13.8.4 The application is supported by an outline Flood Risk Assessment and Drainage Strategy.

13.8.5 The site is in Flood Zone 1 and shown to be at a low risk of other sources of flood risk. Infiltration testing identified that infiltration methods are viable at the site. For this Outline Planning Application, infiltration devices such as permeable paving, soakaways and an infiltration pond/basin have been utilised to demonstrate how surface water run-off could effectively be managed for all storms up to and including the 1 in 100yr + 40 % Climate Change event. At reserved matters stage, it is advised that further infiltration tests are undertaken and deep bore soakaway tests to detail the infiltration drainage strategy.

13.8.6 All maintenance tasks for drainage within private areas are to remain private, with all shared drainage to be the responsibility of the site's residential management and maintenance teams.

13.8.7 The site is at a low risk of flooding and the proposals do not increase flood risk onsite or elsewhere. The proposed SuDS strategy effectively manages the surface water runoff associated with all new impermeable areas.

It is proposed that foul discharge will be to sewage network connections as identified in the submitted report 3.13 and 3.14.

13.8.8 The proposals will be assessed by Essex County Council who are the lead local flood authority in respect to matters of relation surface water drainage and to flooding. The authority will provide written advice directly to PINs by the 16th March 2023.

13.9 G) Arboriculture

13.9.1 Local Plan policy ENV3 states that 'The loss of traditional open spaces, other visually important spaces, groups of trees and fine individual tree specimens through development proposals will not be permitted unless the need for the development outweighs their amenity value.'

13.9.2 The proposed development would require the loss of trees to make way for the proposed access route to the site. The strong boundary hedge to the front (south) of the site is to remain. The retained trees on the site would be protected during the construction phase by way of methods outlined in a submitted arboriculture impact assessment.

13.9.3 The proposed loss of trees and the protection of others is supported by a submitted arboriculture impact assessment which outlines an arboriculture method statement and tree protection measures.

13.9.4 The Arboriculture impact assessment identifies that there will be a high impact from the loss of the trees to the front of the site. There will be moderate to high impact from the loss of the trees to the sides of the proposed access road. These trees contribute to the overall backdrop; however, they would be more visible from the road once the road frontage trees are removed.

There will be moderate impact from the loss of trees within the upper area as this is visible from a distance, being on higher ground.

13.9.5 An assessment impacts cannot be undertaken without considered input from UDC landscape specialist. Any comments from the Landscape Officer are required to be submitted directly to PINS. However, it is considered that any harmful impacts posed by these matters may be addressed by way of planning conditions to ensure replacement planting.

13.10 H) Climate Change and Sustainability

13.10.1 Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' requires new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measure. The applicant has provided a Sustainability Statement which outlines potential technologies and strategies to achieve and met the targets in the SPD.

13.10.2 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.

13.10.3 However, given the outline nature of the application under consideration which is seeking consent for layout and access only at this stage; it is not possible to provide a detailed analysis of the sustainability advantages of the scheme.

13.11 I) Environmental Health

13.11.1 Policy ENV13 of the Local Plan states that new development that would involve users being exposed on an extended long-term basis to poor air quality outdoor near ground level will be refused.

13.11.2 Local Plan policy ENV14 requires appropriate investigation and remediation of sites that could be harmful to future users.

13.11.3 Local Plan policy ENV10 relates to Noise Sensitive Development. Housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.

13.11.4 An assessment of air quality, land contamination and noise impacts cannot be undertaken without considered input from Environmental Health specialists. Any comments from Environmental Health are required to be submitted directly to PINS. However, it is considered that any harmful impacts posed by these matters may be addressed by way of planning conditions.

13.12 J) Ecology

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.

- 13.12.1** The application is accompanied by a Preliminary Ecological Assessment which indicates that no ecological interest would be harmed by this proposed development. A hedgerow would be retained and trees with any level of bat roosting potential would not be lost.
- 13.12.2** It is possible that bats would commute and forage in the area. Therefore, it is advised that a bat considerate lighting scheme be utilised during construction and completed phases of the proposal.
- 13.12.3** In addition, it is recommended that very significant additional planting be undertaken to reinforce existing boundary hedges and tree lines, replace trees lost to the proposal and plant new tree buffer zones and hedgerows where there are currently no such features. In addition to retained/replacement planting, it is advised that structurally integral bat boxes are installed on each building, with tree mounted bat boxes also installed.
- 13.12.4** The ecological assessment sets out proposed ecological enhancements by way of a badger route, precautions during construction, lighting, nesting birds and enhancements relating to bird and bat boxes, replacement planting and a biodiversity management plan.
- 13.12.5** However, given the nature of the application under consideration, comments from Essex Place Services Ecology consultants shall be submitted directly to PINS. However, it is considered that any harmful impacts posed by biodiversity matters may be addressed by way of planning conditions.

13.13 K) Heritage

- 13.13.1** The application site lies approximately 120 metres east of the Elmdon Conservation Area and is opposite a Grade II Listed Building 'The Hoops'
- 13.13.2** Given the nature of the application under consideration, comments from Essex Place Services Heritage consultants shall be submitted directly to PINS and the Local Planning Authority are unable to comment further on the potential for harm to the setting of heritage assets.

13.14 L) Planning Obligations

- 13.14.1** Paragraph 57 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.

- 13.14.2** Relevant statutory and non-statutory consultees will directly provide PIN's their formal consultation response in respect to the proposals which may or may not result in the need for obligations to be secured by a Section 106 Legal Agreement. Such matters that may arise include:
- i. Payment of education financial contributions; Early Years, Primary and Secondary Schools
 - ii. Financial contribution for Libraries
 - iii. Financial contribution for Health contributions
 - iv. Provision and long-term on-going maintenance of public open space and play area.
 - v. Highways obligations and associated financial contributions.
 - vi. Other community facilities

13.15 M) Other matters

- 13.15.1** From 1 October 2013 the Growth and Infrastructure Act inserted two new provisions into the Town and Country Planning Act (1990) ('the Act'). Section 62A allows major applications for planning permission, consents and orders to be made directly to the Planning Inspectorate (acting on behalf of the Secretary of State) where a local planning authority has been designated for this purpose.

The Planning Inspectorate will appoint an Inspector to determine the application. The Inspector will be provided with the application documents, representations and any other relevant documents including the development plan policies. Consultation with statutory consultees and the designated LPA will be carried out by the Planning Inspectorate.

The LPA also must carry out its normal notification duties, which may include erecting a site notice and/or writing to the owners/occupiers of adjoining land.

The LPA is also a statutory consultee and must provide a substantive response to the consultation within 21 days, in this case by 16th March 2023. This should ideally include a recommendation, with reasons, for whether planning permission should be granted or refused, and a list of conditions if planning permission is granted. However, as indicated above, the Local Planning Authority are not in possession of all the required information that would be available to it to make an informed assessment of this development proposal.

The Planning Inspectorate will issue a formal decision notice incorporating a statement setting out the reasons for the decision. If the application is approved the decision will also list any conditions which are considered necessary. There is no right to appeal.

13.16 N) Planning Balance and Conclusion

- 13.16.1** The Local Planning Authority is currently unable to demonstrate a 5-year housing land supply. Additionally, the Uttlesford Local Plan significantly predates the National Planning Policy Framework 2021; meaning that some local policies do not fully comply with the Framework.

13.16.2 As a result, Paragraph 11d of the NPPF 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.

13.16.3 In respect to highlighting the benefits, adverse impacts and the neutral impacts of the proposed development, the following has been concluded:

13.16.4 **Benefits:**

Provision of up to 18 dwellings would represent a boost to the district's housing supply.

The proposal would provide additional housing to the locality including affordable housing at 40%. This would equate to 7 affordable homes.

The provision would provide social gains in the form of the provision of public open space and a play area, the additional use of local services and added vitality to the community. The LPA acknowledge the public benefits of supplying a publicly accessible area of open land and play space. However, there are concerns over the proposed funding mechanism for the provision. The applicant intends to maintain these areas by way of a service charge payable by residents of the proposed development. It is questionable whether private residents would agree to the financing of public spaces in perpetuity.

The proposed layout indicates an intention to make efficient use of the land with proposed development that is of a low density commensurate with the surrounding locality.

13.16.5 **Adverse impacts:**

Potential to affect the setting of the Grade II listed building 'The Hoops'.

Loss of trees.

13.16.6 **Neutral:**

Loss of agricultural land.

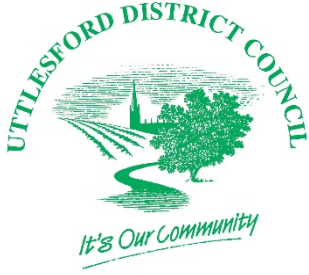
Cumulative impact of the development proposal on local infrastructure can be mitigated by planning obligations.

Proposed biodiversity/ ecology enhancements and mitigation.

Proposed SuDs features on site.

13.16.7 Due to the nature of this application process, it is not possible to provide a detailed assessment of any traffic and transportation, ecology, design, or heritage considerations relating to this proposal. Neighbour comments have not been factored into this assessment.

13.16.8 The unique application process that is presented by this submission, requires the Local Planning Authority to advise the Planning Inspectorate of its thoughts on the proposed scheme. Having regard to the limited opportunity to consider the proposals the Planning Committee is invited to provide its comments.



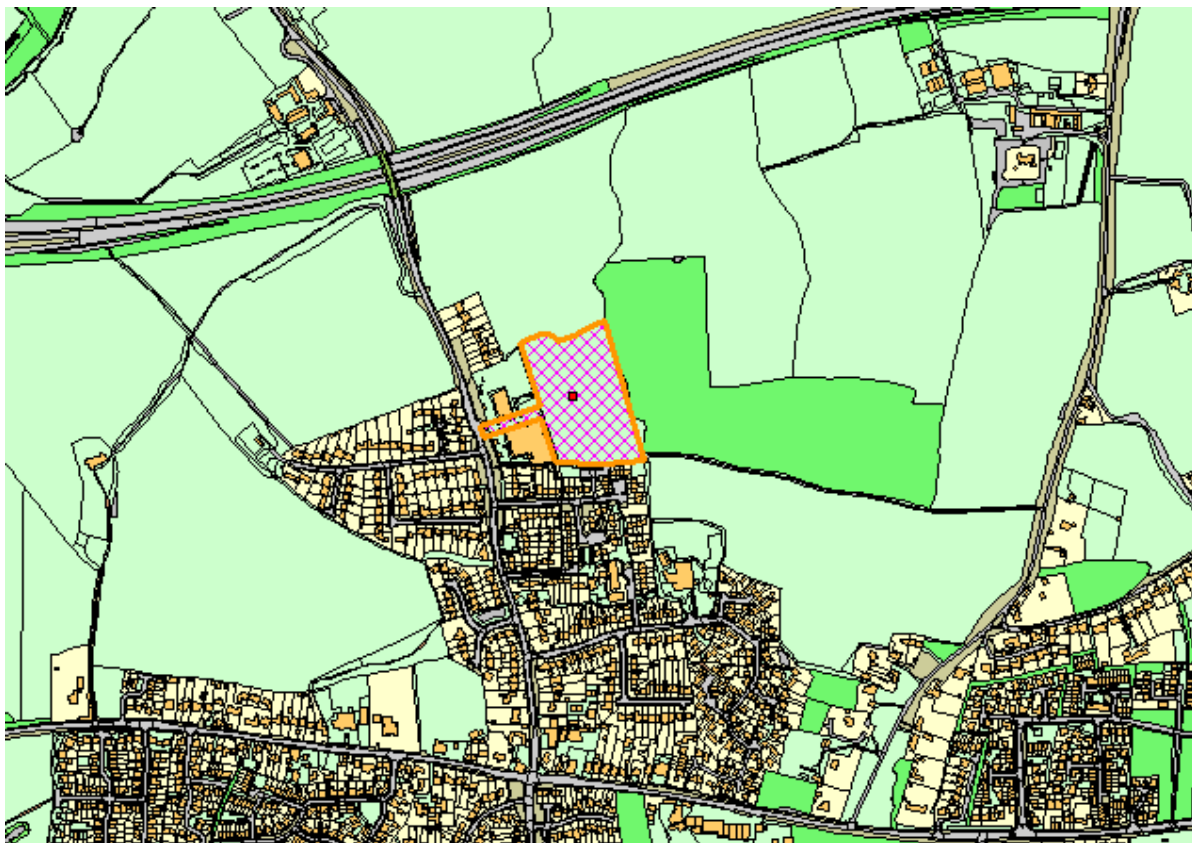
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 8 March 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: Feb 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 application was reviewed at the Planning Committee meeting on 8th of February 2023. Members resolved to refuse the application . However,

the reasons for doing were unclear. A planning authority should only refuse a planning application on the basis of good planning reasons, where this serves a sound and clear planning purpose. As such, this matter does require clarification.as such a decision notice has not been issued on this matter.

1.5 Following the committee meeting on the 8 February, additional information and clarification is been sought on matters raised by members namely:

- An extension of the option period offered by the applicant to for NHS Hertfordshire & West Essex ICB to take up the site of the health centre, and clarification of the likelihood of that option being taken up.
- Reconsideration of the layout, including clarification of the proposed development with the adjacent Ancient Woodland
- Further clarification from ECC Highways on the infrastructure impacts of the proposal

It is considered that the additional information being gathered by officers and provided by the applicant is considered material to the application and as such the application is being reported back to the Committee for consideration in light of this information.

1.6 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.

1.7 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 – Support.

10.14.1 I have met with a couple of the General Practice managers now and reviewed the local situation which indicates we do require more space to deliver to the population, we therefore do not want to pass up an opportunity if the application is approved. As Takeley is in the middle of our current surgeries there is potential that we have this as a joint venture for the South Uttlesford PCN (Primary Care Network) as opposed to a whole practice take over in the area.

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)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

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 Council's 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 Reponses

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

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/news/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.



ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 8 March 2023

REFERENCE NUMBER: UTT/22/3013/OP

LOCATION: Highwood Farm Stortford Road, Great Dunmow,

SITE LOCATION PLAN:



PROPOSAL: Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane

APPLICANT: Mr G Duncan

AGENT: Mr G Duncan

EXPIRY DATE: 16 February 2023

EOT Expiry Date 13 March 2023

CASE OFFICER: Madeleine Jones

NOTATION: Outside Development Limits. Grade II Listed property (Highwood Farm). Within 500m of SSSI. Within 6km Stansted Airport. 500m Oil Pipeline consultation area. Within 20m of Local Wildlife Site (Flitch Way.) Within 250m of ancient Woodland (High Wood)

REASON THIS APPLICATION IS ON THE AGENDA: MAJOR application

1. EXECUTIVE SUMMARY

- 1.1** The proposal is Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane
- 1.2** This application follows an application of the same description UTT/22/0391/OP, which was refused. A Transport Statement addendum and a draft Unliteral Undertaking has been submitted to address the previous reasons for refusal.
- 1.3** The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety and therefore fails to comply with the requirements of Local Plan Policy GEN1.

- 1.4 The proposal does not comply with the requirements of adopted Local Plan Policies S7 and ENV2 which seek to protect the character of the area and the setting of listed buildings. The scheme also fails to comply with GDNP Policy DS1 which seeks to protect the rural setting of Great Dunmow. However, the NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified. When taking the Framework as a whole, the benefits of the proposal are not considered to outweigh the harm to the character and the setting of the heritage assets and impact on highway safety.

2. **RECOMMENDATION**

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is 1.3 hectares (approximately), located to the west of Buttley's Lane and to the south of Stortford Road (B1256) also to the west of Great Dunmow.
- 3.2 Access is taken from Buttley's Lane, a single lane track.
- 3.3 The Flitch Way, a Local Wildlife Site, runs along the south of the site.
- 3.4 To the west of the site is a fencing business. The western boundary has post and rail fencing with trees beyond. The northern boundary has a mix of hedgerows and sporadic trees.
- 3.5 Planning has been approved for a school to the east of the site, on the opposite side of Buttley's Lane and 332 residential dwellings and a health centre beyond that (further to the east).
- 3.6 60 dwellings have been approved to the site to the north under UTT/19/2354/OP under appeal on 19th January 2022.
- 3.7 There are two Grade II listed buildings to the northeast corner of the site, a farmhouse and a converted barn.

4. **PROPOSAL**

- 4.1 Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane.
- 4.2 The application is supported by the following documents:
- Design and Access Statement
 - Heritage Statement

- Planning Statement
- Preliminary Ecological Appraisal
- Self Build Planning Passport
- Flood Risk Assessment
- Transport Statement and Addendum
- Road Safety audit and Brief
- Tree Survey
- Suds Checklist
- Supporting Statement
- Draft Unilateral Undertaking

4.2.1 The application is supported with an indicative masterplan and a set of guiding design principles and a plot passport.

4.2.2 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
DUN/0264/68	Site for petrol filling station	Refused
DUN/0340/70	Site for wildlife preservation area	Refused
DUN/0380/70	Use of land as a naturist club	Refused
DUN/0462/71	Site for dwelling.	Refused
DUN/0497/62	Site for 2 dwelling	Refused
DUN/0646/72	Installation of gateway and extension to existing vehicular access	Approved with conditions
DUN/0716/69	Site for caravan	Approved with conditions
UTT/0094/05/FUL	Proposed erection of stables, tack room, hay store	Approved with conditions
UTT/0790/04/FUL	Conversion of barn and stable to dwelling. Erection of detached double cart shed/store and creation of new access. Change of use from agricultural land to garden use.	Approved with conditions

UTT/0791/04/LB	Conversion of barn and stable to dwelling with internal alterations	Approved with conditions
UTT/13/0068/CC	Application for the bagging of indigenous and imported aggregates together with the erection of a building	
UTT/13/1284/FUL	Conversion of barn and stable to dwelling. Erection of detached cart lodge	Approved with conditions
UTT/13/1370/LB	Conversion of barn and stable to dwelling including internal alterations	Approved with conditions
UTT/15/2046/HH F	Proposed new access/drive way with the erection of new gate/fence.	Approved with conditions
UTT/15/2326/FUL	Conversion of barn and stable to dwelling (amendments to planning application UTT/13/1284/FUL)	Approved with conditions
UTT/15/2329/LB	Conversion of barn and stable to dwelling (amendments to listed building consent UTT/13/1370/LB)	Approved with conditions
UTT/19/2354/OP	Outline application for the construction of up to 60 dwellings with a new vehicular access to be agreed in detail and all other matters to be reserved.(site to the north)	Allowed at appeal.
UTT/18/2574/OP	Hybrid planning application with: Outline planning permission (all matters reserved except for points of access) sought for demolition of existing buildings (excluding Folly Farm) and development of up to 332 dwellings, including affordable housing, 1,800 sqm Health Centre (Class D1) and new access from roundabout on B1256 Stortford Road together with provision of open space incorporating SuDS and other associated works.	Approved with conditions

	Full planning permission sought for demolition of existing buildings (including Staggs Farm) and development of Phase 1 to comprise 108 dwellings, including affordable housing, a new access from roundabout on B1256 Stortford Road, internal circulation roads and car parking, open space incorporating SuDS and play space and associated landscaping, infrastructure and other works. 14ha of land to be safeguarded for education use via a S.106 Agreement	
UTT/13/2107/OP	Outline application, with all matters reserved, for up to 790 homes, including primary school, community buildings, open space including playing fields and allotments and associated infrastructure (Land north of Stortford Road)	Approved with conditions.
UTT/22/0391/OP	Outline application with all matters reserved except for access for a residential development comprising 14 no. self-build dwellings together with access from and improvements to Buttleys Lane	Refused
UTT/22/2358/FUL	Erection of 5 no. dwellings, creation of new access and associated infrastructure	Refused

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

7.1 UTT/19/2544/PA: 40 dwellings, written advice only.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority**

- 8.1.1** Buttleys Lane serves a vital role in providing a connection from the B1256 to a plethora of Public Rights of Way and the Flitch Way, an important and popular greenway and wildlife corridor that runs for fifteen miles from Braintree station to Start Hill near Bishops Stortford and provides a safe traffic free environment for walkers, cyclists, and equestrians. Buttleys Lane and the Flitch Way also form part of the National Cycle Network Route 16.
- 8.1.2** The Highway Authority are mindful that the area immediately surrounding Buttleys Lane is currently being developed for residential use and over the next few years demand for access to the local Public Rights of Way network, Flitch Way and National Cycleway Route 16 is anticipated to increase significantly which in turn will increase demand for use of Buttleys Lane by new residents seeking to access the countryside for recreation.
- 8.1.3** The current vehicular use of Buttleys Lane is minimal serving only 3 dwellings, and Byway 34 Great Dunmow and this allows for pedestrians' cyclists and equestrians traffic to be safely accommodated. The addition of 14 new dwellings would significantly increase the vehicular traffic use of Buttleys Lane and therefore it is essential that any development proposals provide adequate mitigation to ensure continued safe passage for walkers, cyclists and equestrians using Buttleys Lane, additionally any new development should provide safe and suitable access including pedestrian access for their residents.
- 8.1.4** It is the view of the highway authority that the current proposals do not accord with the above and therefore, from a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:
1. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.
Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided.
 - a. A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
 - b. A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
 - c. Appropriate provision for pedestrians along Buttleys Lane.

- d. The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Fritch Way), and wider highway network.
- e. Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

8.1.5 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.

8.2 Local Flood Authority

8.2.1 No objection subject to condition.

9. Great Dunmow Town Council comments

9.1 The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.

10. CONSULTEE RESPONSES

10.1 Fisher German LLP

10.1.1 Exolum Pipeline System does not have apparatus situated within the vicinity of your proposed work. No comment

10.2 UDC Environmental Health

10.2.1 Part of this site has a redundant MOD pipeline running through it, and this use could have resulted in ground contamination potentially harmful to human health. A minimum of a Phase 1 contamination survey of the site is required, but as there is no reason to suppose that any contamination could not be remediated by the use of standard techniques this may be secured by condition.

10.2.2 The site is located next to the busy A120 which is likely to be the dominate noise source that will impact on future occupiers of the proposed development. Whilst this is not considered a barrier to development, it is important to ensure that a suitable noise mitigation scheme is incorporated into the design and construction of the new dwellings, to ensure future occupiers are able to enjoy a good acoustic environment. (Subject to conditions).

10.2.3 This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. A condition is

recommended to protect the amenity of existing residential properties close to the site.

10.2.4 Air Quality

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

10.2.5 Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

10.3 Anglian Water

10.3.1 No comment

10.4 Place Services (Conservation and Heritage)

10.4.1 Grade II listed Highwood Farmhouse (List entry number 1323789) has been dated to the late 15th century or earlier and is timber framed and plastered with a red plain tile roof, a cross wing to the east and 16th century and later red brick chimney stacks. To the east of the farmhouse is Baytree Barn, a Grade II listed 17th century timber framed and weatherboarded barn with red pantile roof (listed as Barn at Highwood Farm, Buttleys Lane, List entry number 1142502). The listed buildings lie on the west side of Buttleys Lane which becomes a track to the south of Highwood Farm, and the immediate and wider setting of the listed buildings is agricultural land which surrounds them on all sides. An application (UTT/22/2358/FUL) for a development of 5 new dwellings on land to the south of Brady's Barn directly adjacent to the site which is the subject of this application, was refused with less than substantial harm to the significance of the listed buildings (through development in their setting) amongst the reasons for refusal. I also note that an outline application for construction of up to 60 dwellings (UTT/19/2354/OP) on land directly to the north of the development site of the current application was refused (with no reference made to heritage impact in the reasons for refusal) but an appeal against this decision was allowed in January 2021. The Heritage Statement submitted with the original application found a moderate level of less than substantial harm to the significance of Highwood Farmhouse and the neighbouring barn arising from the proposals.

10.4.2 The proposed development site is an area of land directly to the west and south of the listed buildings and forms part of the agrarian setting of both the historic farmhouse and barn, provides a direct link to their historic function, and makes a positive contribution to their significance. Historic England's GPA Advice Note 3 on The Setting of Heritage Assets (2017)

provides details of factors to consider in assessing the contribution of setting to significance. In this case there are a number of factors in terms of the heritage assets' physical surroundings including green space, history and degree of change over time and how the assets are experienced including the surrounding landscape character, views from and towards the assets, tranquillity, and land use. There is also the competition and distraction from the heritage assets that the new development will introduce, as well as the effects of light spill and increased noise and activity levels.

10.4.3 Although I acknowledge that there has been change to the immediate setting of both listed buildings, as set out in the same Historic England guidance, where the significance of heritage assets has been compromised in the past by unsympathetic development affecting their setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the assets. The cumulative impact of the current proposal along with the consented potential development of 60 new dwellings directly to the north and west of the listed buildings should also be considered. The complete urbanisation of the land to the west of these heritage assets would effectively remove the important contribution of setting to their significance.

10.4.4 To conclude, in my opinion, the proposed development of dwellings will fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2021) the level of harm to significance is considered less than substantial (at the medium part of the scale) making paragraphs 200 and 202 relevant.

10.5 Place Services (Ecology)

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

10.6 Place Services (Archaeology)

10.6.1 No objections subject to conditions of Archaeological Programme of Trial Trenching followed by Open area Excavation.

10.7 Stansted Airport Aerodrome Safeguarding Authority,

10.7.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with Aerodrome Safeguarding criteria. No objection raised subject to conditions.

10.8 MOD

10.8.1 The pipeline is redundant.

10.9 Cadent Gas

10.9.1 No objection.

10.10 Thames Water

10.10.1 No objection.

10.11 UK Power Networks

10.11.1 Should the excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV) contact should be made to obtain a copy of the primary route drawings and associated cross sections.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 28 notifications letters were sent to nearby properties. Expiry 9th December 2022

11.2 Object

11.2.1 Friends of the Flitch Way and Associated Woodlands

11.2.2 The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).

11.2.3 The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site reference Ufd196 and has recently been designated a Local Nature Reserve by English Nature. It carries a bridleway along most of its length and is a popular and much-loved greenway with over 70 access points, giving walkers, cyclists and equestrians access to the beautiful countryside of northwest Essex.

11.2.4 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.

11.2.5 To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused due to the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. Greenspaces in Uttlesford are in high demand and should be protected for the health and well-being of residents.

11.2.6 We are also particularly concerned about the increased traffic down Buttleys Lane which is a single-track road with no passing places. It is currently the main Great Dunmow access route to the Flitch Way for pedestrians, cyclists and equestrians. If the application is approved then road traffic measures should be in place to protect non-motorised users when they are using the lane including speed restrictions appropriate to its shared use.

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.

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 & 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 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

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 Policy
H1 – Housing Development
ENV2 - Development affecting Listed Buildings
ENV3 - Open Space and Trees
ENV4 - Ancient monuments and Sites of Archaeological Importance
ENV5 - Protection of Agricultural Land
ENV7 – The protection of the natural environment designated site
ENV10 -Noise Sensitive Development
ENV13 - Exposure to Poor Air Quality
ENV14 - Contaminated Land

13.3 Great Dunmow Neighbourhood Plan 2015-2032 Made December 2016

DS1:Town Development Area
DS15: Local Housing Needs
LSC1: Landscape, Setting and Character
DS13: Rendering, Pargetting and Roofing
DS12: Eaves Height
GA2: Integrating Developments
DSC: land south of Stortford Road and Land adjacent to Buttleys Lane.
GA3: Public Transport
DS9: Buildings for Life
GA1: core footpath and Bridleway Network.

DS11: Hedgerows
LSC-A The historic Environment.

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
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14 CONSIDERATIONS AND ASSESSMENT

14.1 This application follows an application bearing the same description UTT/22/0391/OP which was refused.

14.1.1 It was refused for the following reasons

1. Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided. The applicant has failed to demonstrate, to the satisfaction of the Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.

Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided, contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

2. The proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF para 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
3. The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, and to the control the self-build provision and re-sale on the site contrary to Policy GEN6 of the Adopted Local Plan 2005.

14.1.2 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. Additional documents have been submitted with this application and a draft Unilateral Undertaking to secure the self-build units provision and resale.

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

- 14.2.1** **A) Principle of Development**
- B) Highways Safety and Parking Provision**
- C) Design and Amenity**
- D) Biodiversity**
- E) Impact on setting and adjacent listed building**
- F) Affordable Housing/Housing Mix**
- G) Contamination**
- H) Drainage and Flooding**

14.3 **A) Principle of development**

14.3.1 The application site is outside of the development limits and in the countryside (ULP Policy S7). Development in this location will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. 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.

14.3.2 This is consistent with paragraph 174(b) of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

14.3.3 The National Planning Policy Framework 2021 describes the importance of maintaining a 5YHLS of deliverable housing sites. The Council's housing land supply currently falls short of this and is only able to demonstrate a supply of 4.89 Years Housing Land Supply (YHLS).

14.3.4 Paragraph 11 of the NPPF considers the presumption in favour of sustainable development, this includes where there are no relevant development plan policies, or where policies which are most important for determining the application are out-of-date. This includes where the 5YHLS cannot be delivered. As the Council is currently unable to demonstrate a 5YHLS, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11). A provision of 14 residential dwellings would make a valuable but modest contribution to housing supply within the District.

- 14.3.5** As advised, this presumption in favour of sustainable development is increased where there is no 5YHLS. In this regard, the most recent housing trajectory for Uttlesford District Council identifies that the Council has a 4.89YHLS. Therefore, contributions toward housing land supply must be regarded as a positive effect.
- 14.3.6** However, the NPPF does not suggest that the policies of the Development Plan (including Policy S7) should be ignored or disapplied in such circumstances, instead requiring that the ‘tilted balance’ in paragraph 11 must be applied. It remains a matter of planning judgment for the decision-maker to determine the weight that should be given to the policies, including whether that weight may be reduced taking account of other material considerations that may apply, including the degree of any shortfall in the 5YHLS.
- 14.3.7** Paragraph 219 of the NPPF confirms that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. Instead, it states that due weight should be given to them according to their degree of consistency with the Framework and that the closer the policies in the plan to the Framework, the greater the weight that may be given.
- 14.3.8** Paragraph 14 of the NPPF advises that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the 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) the local planning authority’s housing delivery was at least 45% of that required over the previous three years.
- 14.3.9** The Neighbourhood Plan would however be a material consideration. The site is located outside the town Development area as established in the made Great Dunmow Neighbourhood Plan (GDNP). The GDNP, is now more than two years old and as such the added protection of Paragraph 14 would not however apply in respect of the Made Great Dunmow Neighbourhood Plan as this was made on December 2016 (greater than 2 years).
- 14.3.10** The proposal seeks the erection of 14 self-build dwellings together with access from and improvements to Butleys Lane.
- 14.3.11** It is therefore necessary to assess whether the application proposal is sustainable and a presumption in favour is engaged in accordance with the NPPF. There are three strands to sustainability outlined by the NPPF

which should not be taken in isolation, because they are mutually dependent. These are all needed to achieve sustainable development, through economic, social, and environmental gains sought jointly and simultaneously through the planning system.

14.3.12 Economic:

The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.

14.3.13 Social:

The NPPF identifies this as supplying required housing and creating high quality-built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a small contribution towards the delivery of the housing needed in the district.

14.3.14 Environmental:

The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

14.3.15 Paragraph 174 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by, amongst other matters, recognising the intrinsic beauty and character of the countryside. The Framework therefore reflects the objective that protection of the countryside is an important principle in the planning system and is one that has been carried forward from previous guidance (and is unchanged from the way it was expressed in previous versions of the NPPF).

14.3.16 The site is outside of the development limits and currently undeveloped. It is considered that the dwellings on this site would be harmful to the character of the landscape. The NPPF recognises the intrinsic character and beauty of the countryside. This proposal would have an urbanising impact on the character of the rural countryside setting. This proposal is contrary to the aims of paragraph 174 of the NPPF. Policy S7 is therefore a very important consideration for the sites, as it applied strict control on new building. Ensuring that new development will only be permitted if its appearance protects or enhances the character of the part of the countryside within which it is set or that there are special reasons why the

development in the form proposed needs to be there. It is considered that the proposal would result in intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality, of which the effect would be harmful to the setting and character of the countryside. The proposal would introduce an element of built form within the open countryside, which would have some impact on the character of the area. This impact would need to be weighed against the benefits.

14.3.17 The Council contends that this development would be harmful to the rural characteristics of the area, it would not be in keeping with the landscape character, by eroding the rural approach to Great Dunmow. It is very divorced from any built form on the southern side of the road. The allocated dwellings and proposed school site to the east of the site form the boundary of built form to the southwest of the town, with Butleys Lane being the defensible boundary of the built form. Near to the site is the Flich Way, which must be protected in the event of the development of this site. The site also is adjacent to a Public Right of Way and cycle route.

14.3.18 A material consideration is the recent appeal for the site north of the application site. The recent planning appeal allowed for the erection of 60 dwellings west of Butleys Lane immediately north of the application site (UTT/19/2354/OP). When built this would change the character of the approach into Great Dunmow as would the development of the site to the east approved under UTT/20/1119/CC and UTT/18/2574/OP for a school and up to 332 dwellings and a health centre.

14.3.19 The proposal would extend development into the open countryside beyond clearly defined limits, diminishing the sense of place and local distinctiveness of the settlement. The proposal could be designed at reserved matters stage to minimise the harm caused. This harm would need to be weighed against the benefits of the proposal. The site is also adjacent to listed buildings of which the impact upon the Heritage assets are considered below. However, the proposal would have a detrimental impact on the character and setting of the Listed building, which would also need to be weighed against the benefits.

14.3.20 In view of the adjacent approved applications (allocated and at appeal), taking into account the lack of five-year housing supply, the proposal is on balance considered to be acceptable in principle.

14.4 B) Highways Safety and Parking Provision

14.4.1 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight.

ULP Policy GEN1 of the adopted Local Plan states that development will only be permitted if it meets all of the following criteria;

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely;
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network;
- c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired;
- d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access;
- e) e) The development encourages movement by means of other than driving a car.

Great Dunmow NP Policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles form part of the principles of sustainable development in the 2021 NPPF and as such are considered to carry full weight.

14.4.2 Access is a consideration for this outline application. As part of this application, a Transport Addendum has been submitted, however at this point in time the previous reason for refusal for the previously refused application UTT/22/0391/OP bearing the same description has not been overcome. A meeting was held on the 14 February with ECC highways officers, however, it is not established that a safe form of access for all users of Buttleys Lane i.e. pedestrians, cyclists can be maintained /provided within highway land.

14.4.3 Buttleys Lane which is a single-track road with no passing places. It is currently the main Great Dunmow access route to the Flitch Way for pedestrians, cyclists and equestrians. Buttleys Lane is not included within the red line of the application site and therefore it is not confirmed that the improvements necessary to Buttleys Lane are actually deliverable. In view of the previous application being refused in respect of highways grounds it is considered that these issues should have been dealt with by a pre-application advice application before submitting the application.

14.4.4 The audit submitted does not take into account Flitch Way or the new Pegasus crossing serving the new developments from the north of the B1256 (providing a link to the Flitch Way). Taking into account of the recently approved schemes, the useage of Buttleys Lane by pedestrians and cyclists is therefore likely going to intensify and therefore it is fundamental to maintain a safe access for other users other than those of a motor vehicle. Buttleys Lane leads onto the Flitch Way which is part of the National cycle route and has heavy demand for walking and cyclists. Managing conflicting users of the lane is very important. No facilities for pedestrians have been provided as part of the development.

- 14.4.5** It is not clear from the information submitted that the passing places can be provided in highway land and delivered on the highway without impacting on third party land. An updated topographical survey with the additional information from highway records would provide more clarity.
- 14.4.6** The intensification of Buttleys Lane by the occupants of 14 new dwellings is not considered to be insignificant.
- 14.4.7** The proposals are indicated to have one point of access onto Buttleys Lane.
- 14.4.8** Essex County Council Highway Officers have assessed the application and they have stated that from a highway and transportation perspective the impact of the proposal is not acceptable to the highway authority for the following reasons:

The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a) A plan showing the proposed highway works within the red line to include details pertaining to the highway boundary (including a topographical survey showing highway boundary features) and land in the control of the applicant to ensure that the proposed works are deliverable.
- b) A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- c) A plan demonstrating the full extent of the visibility splays from the proposed site access onto Buttleys Lane can be achieved in either direction, with the highway boundary and red line overlaid.
- d) Appropriate provision for pedestrians along Buttleys Lane.
- e) The appropriate accommodation of the highway user (pedestrians, cyclists, and equestrians) accessing the Public Rights of Way network (including Flitch Way), and wider highway network.
- f) Swept path analysis demonstrating a large refuse vehicle entering and exiting the site to the north and south.

The development would result in an increase in the number of vehicle movements using the access road. The work to be undertaken to make it acceptable in highway terms would change the character of the lane.

- 14.4.9** UTT/19/2354/OP, as allowed at appeal under APP/C1570/W/21/3270615, proposed a new direct access to B1256, to the north of the site it would be preferable for this site to access through that development.

- 14.4.10** With regards to the visibility splays, they may be able to be provided within Highways owned land, however an updated topographical survey with additional information from highway records is required for clarity.
- 14.4.11** As such there is insufficient information which has been supplied for the application to comply with Policy GEN1. Therefore, the 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.
- 14.4.12** Any proposal would need to comply with the current adopted parking standards. The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) as well as the Uttlesford Local Residential Parking Standards (December 2012), details of both of sets of standards can be found on the Council's website – www.uttlesford.gov.uk under supplementary planning documents. The applicant should adhere to guidance in the Essex Design Guide and the Local Plan Policy GEN8 – Vehicle Parking Standards.

The required parking provision requirement for C3 (dwellings) use is:

- A minimum of 2 spaces (3 spaces for 4+bedrooms) per dwelling and 0.25 spaces per dwelling for visitor parking.
 - Cycle provision - If no garage or secure area is provided within the curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents.
 - Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface)
 - The minimum internal dimension for garages is 7m x 3m.
 - Flats and houses are treated the same in respect of parking provision requirements and as such the two bed and three bed flats will each require 2 parking spaces. 4 visitor parking spaces are required. The visitor parking should be spread cross the site.
 - All parking surfaces shall be of a permeable material or drained to a soakaway.
 - Roads must meet adoptable road standards in respect of fire regulations and bin refuse collection.
- 14.4.13** Recently the Council has adopted an Interim Climate Change Planning Policy requiring all new homes to be provided with at least one installed fast charging point.
- 14.4.14** The above requirements can be secured by a suitable worded condition.

14.5 C) Design and Amenity

14.5.1 Policy GEN2 sets out the design criteria for new development. In addition, Section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design

14.5.2 All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.

14.5.3 The application is supported with an indicative masterplan, parameters plan, a set of guiding design principles and a plot passport.

14.5.4 Each plot has a defined area within which the dwelling may be constructed. The individual plots vary in shape and orientation and each plot has its own 'Plot Passport' which regulates the build footprint. Each plot is dimensioned, and the build zone is determined according to the specific configuration of the plot.

14.5.5 In addition, other guiding principles relate to height, distances to boundaries, boundary treatment and the main frontage of each dwelling, together with access and parking. A full list is set out below:

- 'Build Area': Each plot owner has an identifiable 'build area' within which a maximum developable footprint can be delivered. The master layout and design vision affords variety and avoids repetition or uniformity.
- Scale and massing [Xm maximum and Xm minimum zones]
- Principal frontage location
- Parking spaces will be 'on plot' and can take the form of garages or car ports within the build area
- Landscape treatments, such as garden hedges; planting and maintenance
- Distance to boundaries minima: Side boundary X metres & front boundary X metres.
- Tree Root Protection Areas to be fenced during construction.
- Construction Accommodation to be positioned outside the Tree Root Protection Areas.
- Avenue Trees are to be positioned in the verge in line with plot boundaries.

Permitted Development: Future development is permitted within the original build footprint for each plot (notwithstanding planning permitted development allowances for extensions).

14.5.6 A sample Plot Passport include the provision of solar panels, Electric Charging Points, minimum of 25m² of intensive Green roofs, Air Source Heat Pumps and rainwater harvesting system for all non- green roofs.

- 14.5.7** The Uttlesford Local Plan (20 January 2005), was adopted before the Uttlesford Self and Custom Build register was set up. Therefore, there are no policies that specifically refer to self and custom build.
- 14.5.8** Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high-quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.
- 14.5.9** Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the District. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.
- 14.5.10** Policy GEN2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings.
- 14.5.11** The development will not be permitted if it would 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. Minimum distances are stated on the indicative masterplan.
- 14.5.12** The site is located in close proximity to the A120 and also there is one other potential noise source from the activities of the existing Dunmow fencing supplies which borders the west of the proposed site. A Noise Assessment report would be necessary to consider the impacts of noise and the possible mitigation measures. If approved this could be secured by a relevant condition.
- 14.5.13** To ensure future occupiers enjoy a good acoustic environment, in accordance with ULP Policy ENV10 a condition would be required if air source heat pumps are installed. There are proposed air source heat pumps shown on the sample plot Passport. If these are being considered these is a potential source of noise that could impact on dwellings unless suitably designed, enclosed, or otherwise attenuated. Their operation should not exceed the existing background noise level inclusive of any penalty for tonal, impulsive, or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142: 2014+ A1: 2019.
- 14.5.14** In order to prevent ocular hazard and distraction to pilots using Stansted Airport, no solar photovoltaics are to be used on site without first consulting with the Aerodrome Safeguarding authority for STN.

- 14.5.15** In view of the site's location in relation to Stansted Airport, all exterior lighting to be capped at the horizontal with no upward light spill and no reflective materials to be used in the construction of these buildings. This can be achieved by a suitably worded condition.
- 14.5.16** The Essex Design Guide recommends the provision of 100m² private amenity space for 3 bedroom and above properties. The indicative plans shows that this is achievable.
- 14.5.17** The indicative plans show that all of the units would have private amenity spaces capable of being in accordance with the requirements set out in the Essex Design Guide.
- 14.5.18** As appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made at this time. Notwithstanding this, the indicative layout shows that the proposed development could be accommodated on site without giving rise to residential amenity issues.

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 14.6.2** The application is accompanied by a completed biodiversity checklist and a Preliminary Ecological Appraisal (November 2021).
- 14.6.3** Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the Preliminary Ecological Appraisal (Hybrid Ecology Ltd., November 2021) should be secured by a condition of any consent and implemented in full.
- 14.6.4** The development site is situated within the 14.6km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's letter to Uttlesford DC relating to Strategic Access Management and Monitoring Strategy (SAMM) – Hatfield Forest Mitigation Strategy (28 June 2021) should be followed to ensure that impacts are minimised to this site from new residential development.
- 14.6.5** As a first step towards a comprehensive mitigation package, the visitor management measures required within Hatfield Forest SSSI / NNR have been finalised in a Hatfield Forest Mitigation Strategy.
- 14.6.6** As this application is less than 50 or more units, 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.

- 14.6.7** The proposed reasonable biodiversity enhancements including infill planting of hedgerows, tree/hedgerow planting, wildflower meadow creation and ponds and the installation of habitat boxes for bats and birds as well as the provision of Hedgehog Highways, 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. This can be achieved by a suitably worded condition.
- 14.6.8** Given the habitats proposed as part of the enhancement, it is recommended that a Landscape and Ecological Management Plan (LEMP) is provided to outline how these proposed habitats will be managed for the benefit of wildlife. The LEMP should be secured by a condition of any consent.
- 14.6.9** A Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries.
- 14.6.10** Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.
- 14.6.11** As such it is not considered that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

14.7 E) Impact on setting and adjacent listed building and heritage assets

- 14.7.1** Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under Paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.
- 14.7.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.7.3** Grade II listed Highwood Farmhouse (List entry number 1323789) has been dated to the late 15th century or earlier and is timber framed and plastered with a red plain tile roof, a crosswing to the east and 16th century and later red brick chimney stacks. To the east of the farmhouse

is Baytree Barn, a Grade II listed 17th century timber framed and weatherboarded barn with red pantile roof (listed as Barn at Highwood Farm, Buttleys Lane, List entry number 1142502). The listed buildings lie on the west side of Buttleys Lane which becomes a track to the south of Highwood Farm, and the immediate and wider setting of the listed buildings is agricultural land which surrounds them on all sides.

- 14.7.4** An application (UTT/22/2358/FUL) for a development of 5 new dwellings on land to the south of Brady's Barn directly adjacent to the site which is the subject of this application, was refused with less than substantial harm to the significance of the listed buildings (through development in their setting) amongst the reasons for refusal.
- 14.7.5** Paragraphs 199, 200 and 202 of the NPPF state: When considering the impact, the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 14.7.6** A number of housing developments have been approved in the immediate vicinity of the listed buildings which will have a cumulative impact on their setting.
- 14.7.7** UTT/13/2107/OP development of 790 homes on the north side of Stortford Road.
- 14.7.8** UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings.
- 14.7.9** UTT/19/2354/OP development of up to 60 homes on the field directly to the north of the listed buildings, allowed on appeal in January 2022.
- 14.7.10** The Heritage Statement submitted with the original application found a moderate level of less than substantial harm to the significance of Highwood Farmhouse and the neighbouring barn arising from the proposals.
- 14.7.11** The proposed development site is an area of land directly to the west and south of the listed buildings and forms part of the agrarian setting of both the historic farmhouse and barn, provides a direct link to their historic function, and makes a positive contribution to their significance.
- 14.7.12** There are a number of factors in terms of the heritage assets' physical surroundings including green space, history and degree of change over time and how the assets are experienced including the surrounding

landscape character, views from and towards the assets, tranquillity, and land use. There is also the competition and distraction from the heritage assets that the new development will introduce, as well as the effects of light spill and increased noise and activity levels.

- 14.7.13** Development on this site will fundamentally alter the context of the listed buildings, severing the link between the surrounding agricultural land and the listed buildings and divorcing them from their wider rural context. This would have a significant impact upon the ability to understand and appreciate them as an historically rural farmhouse and barn serving the wider agrarian landscape. The cumulative impacts of the surrounding developments would be suburbanising, changing the rural context of the listed buildings and leading to them being surrounded by built development. This would affect both the understanding and appreciation of the listed buildings as a rural farmstead.
- 14.7.14** The complete urbanisation of the land to the west of these heritage assets would effectively remove the important contribution of setting to their significance.
- 14.7.15** The current application is for a development of 14 dwellings on the land directly to the south and west of the listed buildings. The application site constitutes the last area of open land around the heritage assets. The cumulative impacts of the surrounding developments upon the setting and significance of the listed assets.
- 14.7.16** Given that moderate harm was identified because of the development to the north, it is considered that development on the application site would have a greater impact because of the cumulative effect of the proposals. While the impact could be mitigated to some extent through appropriate design, landscaping buffer and materials at the reserved matters stage, the cumulative impact of the proposals would be harmful to the setting of the listed buildings.
- 14.7.17** The proposed development of dwellings will fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (2021) the level of harm to significance is considered less than substantial (at the medium part of the scale) making paragraphs 200 and 202 relevant.
- 14.7.18** The proposal would include limited public benefits of 14 dwellings.
- 14.7.19** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 14.7.20** Policy ENV4 seeks to protect archaeological heritage assets.

14.7.21 The County Archaeologist has identified that the site lies within an area of known archaeological deposits. The proposed development area has the potential to contain significant archaeological remains. Excavations to the north of the proposed development identified early medieval remains (EHER49678). It is located adjacent to a known area of cropmark evidence indicating a number of potential prehistoric and medieval features (EHER 14075). To the north of the proposed development is the Roman road of Stane Street (EHER 1226, 4698). Medieval coins and Bronze Age pottery has been identified just south of the proposed development (EHER 45330, 54973). There is therefore the potential for early medieval, medieval and Roman archaeological remains within the proposed development.

14.7.22 The County Archaeologist has recommended an archaeological programme of trial trenching followed by open area excavation. This can be secured by condition if planning permission is granted.

14.8 F) Affordable Housing/housing mix/self-build

14.8.1 On sites of 0.5 hectares or more or of 15 dwellings or more, the Council will seek 40% of affordable housing. This application is for 14 dwellings and 3.1 hectares.

14.8.2 The proposed development is for self-build. The self-build and Custom Housebuilding Act 2015 provides a legal definition of self-build and custom house building. The Act does not distinguish between self-build and custom house building and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. In considering whether a self-build, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

14.8.3 The Government is committed to boosting housing supply and believes that the self-build and custom housebuilding sector has an important role to play in achieving this objective.

14.8.4 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including people wishing to commission or build their own homes).

14.8.5 Self-build and custom housebuilding contribute to effective designs and sustainable construction, as well as facilitating the provision of a range of high-quality homes, the right mix of housing of appropriate size, type and tenure to help meet the demands of the different group within the community.

14.8.6 Even though the Council does not have current Policy on Self-Build and Custom Housebuilding the Council continues to support and encourage

development proposals promoting a mix of housing sizes, types and tenure needed for different groups in the district. The housing mix includes affordable housing, family homes, homes for the elderly, renters, and people wishing to build their own homes.

14.8.7 A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots. A draft unilateral agreement has been submitted; however, this has inaccuracies as it relates to an appeal for the same site and not this application.

14.9 G) Contamination

14.9.1 Policy ENV14 states that before development, where a site is known or strongly suspected to be contaminated, a site investigation, risk assessment, proposals and timetable for remediation will be required. Environmental Health Officers have been consulted and they state that a precautionary contaminated land condition is recommended.

14.10 H) Flood risk

14.10.1 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

14.10.2 The site is located within Flood Zone 1 and therefore the area least likely to flood.

14.10.3 The Local Lead Flood Authority raise no objections to the proposals subject to conditions. As such, the proposal complies with Policy GEN3 and the policy set out in the NPPF.

14.11 Other material considerations

14.11.1 The applicant has submitted a draft Unilateral agreement with this application; however, it refers to the appeal planning application UTT/22/0391/OP and not this application. The site within red line does not include Buttleys Lane and therefore any works to Buttleys Lane is not secured by this agreement. It is not clear whether the proposed passing places can be provided in highway land and delivered on the highway without impacting on third party land. Third parties would need to be signatories to any s106 agreement therefore the Unilateral Agreement provided does not mitigate the development nor technically fit for purpose to ensure that the development can be mitigated.

14.11.2 A revised Unilateral Undertaking could secure the control of self-build provision and resale on the site which would remove the previous reason for refusal in this respect. The submitted draft has not been signed by the relevant parties.

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 principle of the development is on balance considered to be acceptable. It is considered that the weight to be given to the requirement to provide a 5 YHLS and the housing provision which could be delivered by the proposal would outweigh the harm caused to countryside harm.

16.1.1 The access to the development is not acceptable. The applicant has failed to demonstrate, to the satisfaction of this Authority, that safe and suitable access for all highway users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety.

16.1.2 All matters for the current application are reserved except access. Scale, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage

- 16.1.3** Subject to conditions securing mitigation measures, the proposal would not have any material detrimental impact in respect of protected species and would accord with ULP Policy GEN7.
- 16.1.4** It is not considered that the public benefits on balance outweigh the less than substantial harm to the Heritage Assets and their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005.
- 16.1.5** A S106 is required to cover for the occupancy and restrictions on re-sale for the self-build plots and for any land outside of the highway land required to provide safe access. The applicant has submitted a draft Unilateral agreement with this application; however, it refers to the appeal planning application UTT/22/0391/OP and not this application. The site within red line does not include Buttleys Lane and therefore any works to Buttleys Lane is not secured by this agreement. It is not clear whether the proposed passing places can be provided in highway land and delivered on the highway without impacting on third party land. Third parties would need to be signatories to any s106 agreement therefore the Unilateral Agreement provided does not mitigate the development nor technically fit for purpose to ensure that the development can be mitigated.
- 16.1.6** The proposal subject to conditions would accord with ULP Policy ENV14 in terms of contamination.
- 16.1.7** The site is at low risk of flooding. The proposal complies with Policy GEN3 and the policy set out in the NPPF.

17. REASONS FOR REFUSAL

- 1** Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided.

The applicant has failed to demonstrate, to the satisfaction of the Highway Authority, that safe and suitable access for all highways users can be provided to the site; that the proposed works are deliverable; and therefore, that the impact upon the highway network caused by this proposed will not have an unacceptable consequence on highway safety. Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided. Nonetheless the development in the absence of this information 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 and the NPPF.

- 2** The proposed development would cause less than substantial harm to the setting and significance of the listed buildings, NPPF paragraph 202 being relevant. The harm is considered to be at the mid-point of the scale. The proposals would fail to preserve the special interest of the listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, because of excessive cumulative development within their setting. These proposals are therefore considered contrary to the implementation of Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF.

- 3** The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, and to the control the self-build provision and re-sale on the site contrary to Policy GEN6 of the Adopted Local Plan 2005 and the NPPF.

Agenda Item 11



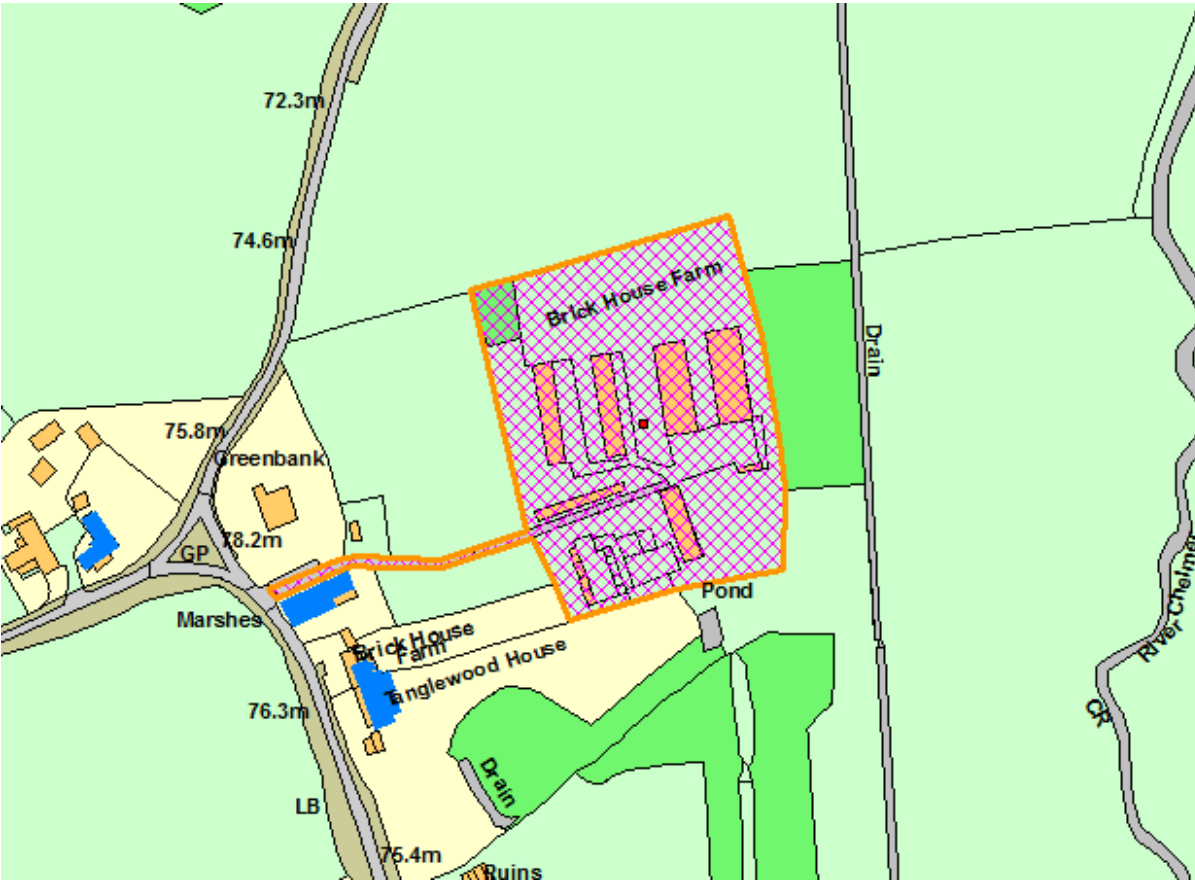
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 08 March 2023

REFERENCE NUMBER: UTT/21/2922/FUL

LOCATION: Rear Of Marshes
Cherry Street
Duton Hill

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Section 73A retrospective application for the retention of buildings for domestic storage of the occupants of the dwellinghouse known as Marshes.

APPLICANT: Mr Carter and Mr Gardiner

AGENT: Sole Concepts Limited

EXPIRY DATE: 17 November 2021

EOT Expiry Date: 15 April 2022

CASE OFFICER: Bruce O'Brien

NOTATION: Outside Development Limits. Within SSSI Impact Risk Zone. Within 6km of Stansted Airport. Adjacent to (east) of a Protected Lane. Adjacent to listed buildings. Edge of Flood Zones 2 and 3.

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor - Impact on the local rural community and neighbourhood, increased noise, pollution and light pollution. Traffic problems.

1. EXECUTIVE SUMMARY

- 1.1** This application is a retrospective application submitted under Section 73A of the town and Country Planning Act 1990 (as amended).
- 1.2** The application is one of a tranche of five applications that were submitted for the same site.
- 1.3** Three applications have been refused under delegated powers (UTT/21/2921/FUL, UTT/21/2923/FUL, UTT/21/2926/FUL); two have been recommended for approval of which this application is one, the other being UTT/21/2927/FUL.

2. RECOMMENDATION

<p>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 -</p> <p>A) Conditions</p>
--

3. SITE LOCATION AND DESCRIPTION:

3.1 The wider application site consists of a combination of former farm buildings and some recently installed structures. The buildings are associated with a listed building (Marshes), which is a single residential dwellinghouse. The site is a former farmyard situated to the rear of Marshes and it is accessed by way of a single driveway leading from the main highway, between Marshes and another bungalow dwelling, Greenbank. The drive leads eastwards onto the site where the land descends into a rural valley which contains a section of the river Chelmer.

3.2 The buildings in question for this application are the two most south-easterly buildings on the site.

The application relates to the operational development and use of units 4 and 5 on the site as identified on the submitted plans and planning statement.

These units are single storey buildings that have been in existence on the site for less than 4 years.

4. PROPOSAL

4.1 This is a retrospective planning application submitted under the terms of Section 73A of the Town and Country Planning Act (1990) for the retention of units 4 and 5, used for domestic storage by the occupants of the Marshes dwellinghouse. The units contain vehicles and machinery used to tend the wider parcel of land in ownership of the applicant, and other domestic items.

It is noted here that although the use of the buildings is for the occupants of Marshes, the buildings are not within the residential curtilage of the dwellinghouse.

4.2 The use of the buildings would be considered in relation to the planning unit within which they sit. The use of the whole planning unit is that of a 'mixed' or 'sui generis' use and under the rule in *Burdle*, it is the unit of occupation that is the appropriate unit to consider, until or unless a smaller unit is identified which is in separate use, both physically and functionally (*Burdle v SSE (1972)*). Here, a smaller unit is identified, but there is not a physical or functional separation from the main planning unit and the use constitutes one within the wider 'sui generis' site.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The 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/0881/88	Change of use of redundant farm building to joinery workshop	Approved. 29.07.1988- applied to the whole of the building which comprises units 1 and 7 (wider site)
UTT/0328/01/FUL	Change of use of redundant farm building to church organ workshop (B1 use)	Approved 07.07.2001- applied to the front section of unit 2 (wider site)
UTT/0282/12/FUL	Conversion of part of farm building and alterations to extend organ workshop	Approved 30.04.2012 – applied to the rear section of unit 2 (wider site)
UTT/21/2921/FUL	Section 73A retrospective application for the retention of use of buildings for B2/B8 use for vehicle repairs and storage of vehicle parts.	Refused 16.01.2023
UTT/21/2923/FUL	Section 73A retrospective application for the retention of building for domestic storage of the occupants of the dwellinghouse known as Marshes	Refused 16.01.2023
UTT/21/2926/FUL	Section 73A retrospective application for the retention of buildings for B8 use as a commercial self-storage facility.	Refused 16.01.2023

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application advice has been given and no community consultation has been undertaken.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Essex County Council Highways officers have assessed the proposed development and its access and parking arrangements. From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation

policies contained within the Highway Authority's Development Management Policies.

8.2 Highway Authority

8.2.1 Essex County Council Highways officers have assessed the proposed development and its access and parking arrangements. From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies.

9. PARISH COUNCIL COMMENTS

9.1 Great Easton and Tilty Parish Council object on the following grounds:

Question the description of the application.

Harm to local amenity

Contamination of river Chelmer

Safe removal of asbestos

Vehicle parking provision

Flood Risk

Ecology/protected species

Foul sewage disposal

Highways matters and sustainability of location.

Contrary to Local Plan policy E5 (Re-use of rural buildings)

These matters have been considered during the recommendation process and where relevant and/or material have been given the appropriate weight.

10. CONSULTEE RESPONSES

10.2 UDC Environmental Health

10.2.1 No objection to the retention of the units for domestic storage in association with the Marshes dwellinghouse. As domestic storage, it is considered that the noise generation from the units would be very limited.

10.3 Place Services (Conservation and Heritage)

10.3.1 The proposed development has been considered by way of an assessment of the cumulative impacts of the five applications that have been submitted for this site.

The whole development would cause less than substantial harm to the setting of the nearby listed buildings, by way of infill and intensifying the usage of the site with associated vehicle movements, noise, and lighting.

10.4 Place Services (Ecology)

10.4.1 No objection subject to all mitigation and enhancement measures and/or works being carried out in accordance with the details contained in an approved Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 10 notifications letters were sent to nearby properties. The application was posted in the press on 07.10.2021.

11.2 There has been one representation in support of the application.

11.2.1 The grounds for support are:
Disturbance levels are low from the site as a whole
Traffic impacts are not solely caused by the Marshes site
The countryside requires light industrial sites
Objections to the scheme from other neighbours are unbalanced

11.3 Object

11.3.1 There are 8 neighbour objections to the scheme on the grounds of:
Highway Safety
Intensification of use of the highway/a protected lane
Unauthorised uses
Harm to amenity
Harm to the setting of nearby listed buildings
Ecology/protected species
Drainage matters
Character and Appearance

11.4 Comment

11.4.1 Many of the objections relate to the five applications at the site and any cumulative impacts of the entire scope of uses at the site. The public representations have been considered during the recommendation process and where relevant and/or material have been given the appropriate weight.

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.
- 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 11 October 2022)
 Ashdon Neighbourhood Plan (made 6 December 2022)
 Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 **National Policies**

13.1.1 National Planning Policy Framework (2021)

13.2 **Uttlesford Local Plan 2005**

- 13.2.1 S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV2 - Development affecting Listed Buildings Policy
ENV11- Noise Generators
ENV12- Protection of Water Resources

13.3 Supplementary Planning Document or Guidance

- 13.3.1 Essex County Council Parking Standards (2009)
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) Principle of Development
 - B) Access, parking, and highway safety
 - C) Environmental Health and Impacts upon amenity
 - D) Character and Appearance
 - E) Ecology
 - F) Heritage Considerations
 - G) Surface Water Drainage and Contaminants

- 14.3 A) Principle of development

- 14.3.1 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (NPPF).

- 14.3.2 The site is set in a location that is outside of any defined settlement boundary, recognised as the countryside.

The construction of buildings in the countryside is an acceptable form of development and the principle is generally acceptable subject to compliance with policies within the Local Plan, namely S7, GEN1, GEN2, GEN4, GEN7, GEN8, ENV2, ENV11, and ENV12.

- 14.4 B) Access, parking, and highway safety

- 14.4.1** Paragraph 110 (b) of the NPPF states that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 112 (c) asks that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’
- 14.4.2** Local Plan policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- 14.4.3** Essex County Council Highways officers have assessed the development, its access and parking arrangements. From a highway and transportation perspective the Highway Authority has no objections to make on this application as it is not contrary to the relevant transportation policies contained within the Highway Authority’s Development Management Policies.
- 14.4.4** The development is for the retention of buildings that would serve the dwellinghouse known as Marshes. They would be used solely for the storage of items and machinery for domestic use, not in association with any business. Therefore, there would be limited traffic movements involved with the use of the buildings.
- 14.4.5** In view of the above it is considered that the development , subject to the detailed conditions, would comply with the aims of Paragraphs 110 and 112 of the NPPF (2021) and Local Plan policy GEN1.
- 14.4.6** Local Plan policy GEN8 states that Development will only be permitted where the number, design and layout of the proposed vehicle parking places is appropriate for the location.
- 14.4.7** In the case of this application, the buildings are for the use of the occupants of the dwellinghouse known as Marshes and the dwelling has an established parking arrangement. There is no extra parking provision requirement for outbuildings in domestic use. Therefore, the proposal complies with Policy GEN8 of the adopted Uttlesford Local Plan 2005.
- 14.5** **C) Environmental Health and Impacts upon amenity**
- 14.5.1** Environmental Health Officers have reviewed the scheme and have no objection to the retention of the units for domestic storage in association with the Marshes dwellinghouse. As domestic storage, it is considered

that the noise generation from the units would be very limited, and the risk of any other harmful impacts are negligible.

14.5.2 Considering the possible use of the buildings for either commercial or industrial purposes, and the impacts that may arise from those uses, it is recommended that an approval decision should contain conditions whereby the use of the units is restricted to incidental use for the occupants of 'Marshes' and that no change of use shall occur without prior permission from the local authority.

14.5.3 The use would be restricted by planning conditions and as such, it is considered that there would be no risks to human health or the environment by way of noise or other disturbance; the proposal is in accordance with Local Plan policies ENV11 and GEN4 and the requirements of Paragraph 130 of the NPPF (2021).

14.6 D) Character and Appearance

14.6.1 Given the location of the site, Local Plan Policy S7 (The Countryside) applies. Policy S7 reflects the tenet of Paragraph 174 of the NPPF. Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the 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.

14.6.2 Local Plan policy GEN2 requires that developments must be compatible with the scale, form, layout, appearance, and materials of surrounding buildings and safeguard environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.

14.6.3 Paragraph 130 of the NPPF states that developments should add to the overall quality of the area, be visually attractive and be sympathetic to local character, including the surrounding built environment.

14.6.4 The scale and design of the buildings is neither excessive nor incongruous with this rural former farmyard site. The buildings are single storey, clad in green metal sheeting and have a modern agrarian appearance. Therefore, the buildings are appropriate for this site and the proposal complies with the broader aims of Paragraphs 130, and 174 of the NPPF (2021) and Local Plan policies S7 and GEN2.

14.7 E) Ecology

- 14.7.1** Concerns were raised with regards to the impact of the retrospective development upon protected and priority species. The applicant brought forward a biodiversity enhancement strategy which has been assessed by ECC Place Services Ecology.
- 14.7.2** Essex County Council, Place Services Ecology has confirmed that it has no objection subject to all mitigation and enhancement measures and/or works being carried out in accordance with the details contained in an approved Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).
- 14.7.3** As such, it is considered that subject to an appropriate condition, the development would not have a material detrimental impact on ecology. There would be no conflict with Local Plan policy GEN7 and the wider principles of Paragraph 180 of the National Planning Policy Framework (2021).
- 14.8** F) Heritage Considerations
- 14.8.1** The wider site which contains the units is situated to the east of a cluster of designated heritage assets, all of which are listed at Grade II:
- Brickhouse Farmhouse, a late sixteenth-century or early seventeenth-century house with two crosswings, timber framed and plastered with a red plain tile roof (list entry no: 1112252).
 - Five bay barn to north of Brickhouse Farmhouse, a seventeenth-century barn of five bays, timber framed and weatherboarded with a half-hipped thatched roof and hipped midstrey to the south, now converted into a dwelling (list entry no: 1322573) (Marshes).
 - Tingates Farmhouse, a sixteenth-century timber-framed and plastered farmhouse with red plain tile roof, of two storeys with original red brick central chimney stack (list entry no: 1112228), north-west of Brickhouse Farm.
- 14.8.2** The site is located off a Protected Lane (UTTLANE90 Little Easton/Tilty/Thaxted – Duck St to Folly Mill Lane).
- 14.8.3** Historically, the site was agricultural land belonging to Brickhouse Farm.
- 14.8.4** The Conservation officer's response to consultation looks at the development by way of an assessment of the cumulative impacts of the five applications that have been submitted for this site.
- 14.8.5** They conclude that the whole development would cause less than substantial harm to the setting of the nearby listed buildings, by way of infill and intensifying the usage of the site with associated vehicle movements, noise, and lighting.

- 14.8.6** However, given that five separate planning applications are submitted, the impacts of each application on the setting of nearby listed buildings must be separated from their cumulative impacts. In this regard it should be noted that three of the five applications have now been refused planning permission with at least one of those decisions citing heritage harm.
- 14.8.7** The two domestic storage buildings are sited to the south-east corner of the site, furthest away from the nearby heritage assets, and the uses are expected to have a low level of use and thus generate limited amounts of noise, disturbance, and external lighting.
- 14.8.8** Therefore, in this case, it is considered that any impacts to the setting of nearby listed buildings would not reach the bar of being classified as 'less than substantial harm' and the proposal is in accordance with Paragraph 202 Of the NPPF (2021) and Local Plan policy ENV2.
- 14.9** **G) Surface Water Drainage and Contaminants**
- 14.9.1** Paragraph 185 of the NPPF (2021) states that decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.
- 14.9.2** Local Plan policy GEN3 states that outside of flood risk areas development must not increase the risk of flooding through surface water run-off.
- 14.9.3** Local Plan policy ENV12 aims to protect water sources. It states that development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.
- 14.9.4** The site is in Flood Risk 1 Zone and adjoins Flood Risk Zones 2 and 3 which are related to the Chelmer Valley. A Flood Risk Assessment is not required in this instance.
- 14.9.5** The units and their use would not alter the risk of the contamination of nearby water sources by way of the discharge of foul water and/or trade effluents, neither is it expected that the development would pose a risk of flooding by way of surface water discharge.

14.9.6 That said, to ensure compliance with the above policies, a condition is recommended to be added to any approval, to demonstrate that the building provides an adequate soakaway or other method to remove surface water.

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 development has been assessed against local and national policy requirements and is found to be in accordance with those policies. Any approval decision shall be subject conditions that shall restrict the use of the buildings to that of storage for the occupants of Marshes only and for no other business purpose, ecology mitigation and a plan to demonstrate surface water drainage.

17. CONDITIONS

- 1** The development shall be retained in its current form in accordance with the approved plans and documents as set out in the Schedule. The development shall not undergo any changes or alterations unless agreed in writing by the Local Planning Authority.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 2** The approved buildings shall not be used for any commercial or business purposes.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 3** The approved buildings shall be used for the storage of items used by the occupants of the dwelling house known as Marshes. The use of the buildings, as part of a mixed-use site, is classed as 'Sui Generis' and no change of use of the building shall take place without permission from the Local Planning Authority.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 4** Within 3 months of the date of this decision notice, a detailed plan of the method of the disposal of surface water from the roofs of the approved buildings shall be submitted to the Local Planning Authority for their written approval. Thereafter if any remedial works are required they shall be implemented in full in a timescale to be agreed in writing with the Local Planning Authority .

REASON: To prevent the risk of flooding by way of surface water run-off in accordance with Local Plan policy GEN3

- 5** Within 3 months of the date of this decision notice, all mitigation and enhancement measures and/or works shall be carried out in accordance

with the details contained in the Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).

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 comply with the requirements of Local Plan policy GEN7, 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).

APPENDIX 1
Essex Highways Authority Consultation Response

Your Ref: UTT/21/2922/FUL
Our Ref: 51739
Date: 6th December 2022



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/21/2922/FUL
Applicant Mr D Carter and Mr B Gardiner
Site Location Rear Of Marshes Cherry Street Duton Hill
Proposal Section 73A retrospective application for the retention of buildings for ancillary domestic storage for the dwellinghouse known as Marshes

SUPERSEDES PREVIOUS RECOMMENDATION DATED 14TH DECEMBER 2021

Marshes is a group of buildings which benefits from an existing historic access onto Cherry Street. The historic access is constrained and does not meet current standards, and therefore the Highway Authority would endeavour to ensure that use of the historic access does not extend beyond the level of vehicle use associated with the lawful use of the application site.

Since the highway recommendation dated 14/12/2021, the applicant has provided a transport statement. The Highway Authority has had some difficulty in establishing the permitted lawful use of the buildings associated with the application from the transport statement and has sort clarification from Uttlesford District Council on this matter.

Therefore, having regard to the previous use of the building, from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Note:

The rural location of the site is such that for the vast majority of journeys the only practical option of travelling to and from site would be the private motor vehicle. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

F Masnie

Agenda Item 12



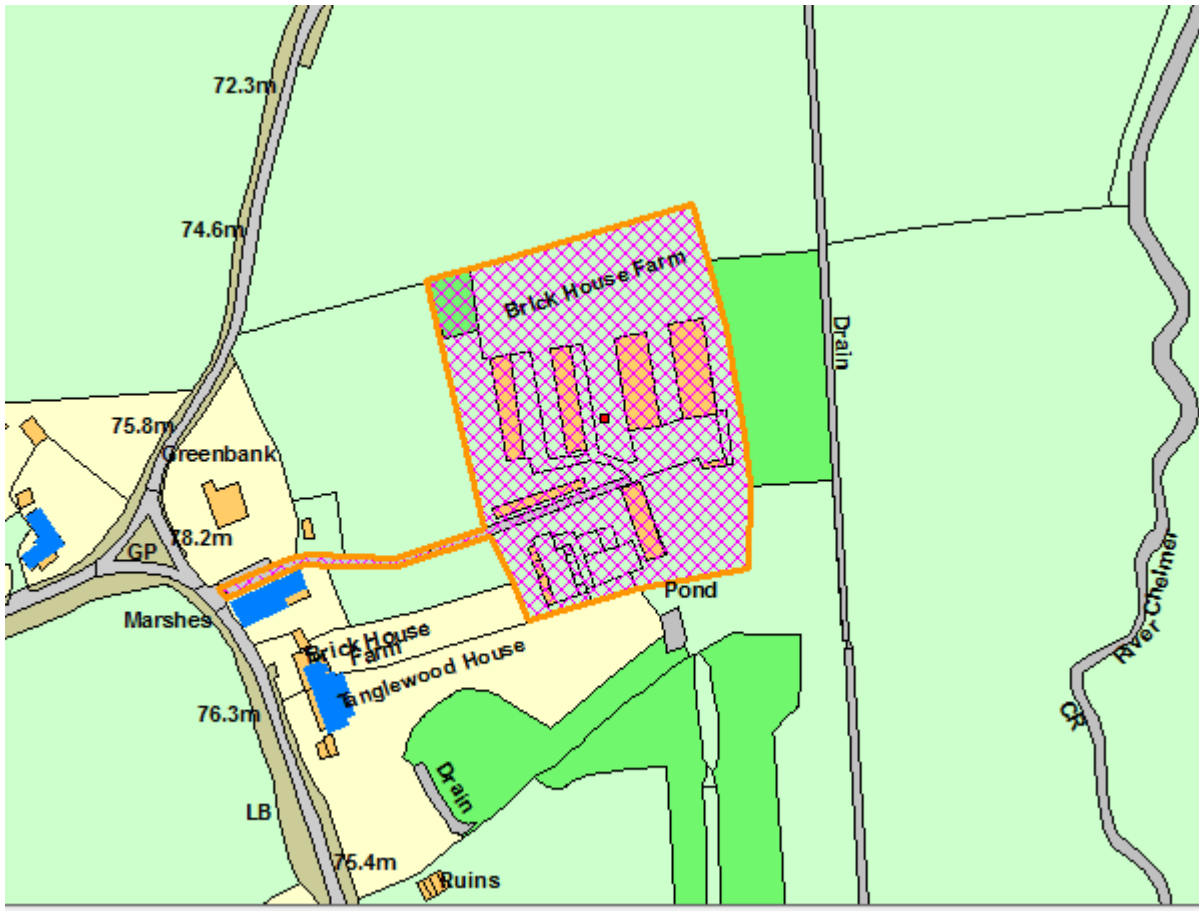
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 08 March 2023

REFERENCE NUMBER: UTT/21/2927/FUL

LOCATION: Rear Of Marshes
Cherry Street
Duton Hill

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Section 73A retrospective application for the change of use of buildings for B8 use as a commercial self-storage facility.

APPLICANT: Mr Carter and Mr Gardiner

AGENT: Sole Concepts Limited

EXPIRY DATE: 17 November 2021

EOT Expiry Date: 15 April 2022

CASE OFFICER: Bruce O'Brien

NOTATION: Outside Development Limits. Within SSSI Impact Risk Zone. Within 6km of Stansted Airport. Adjacent to (east) of a Protected Lane. Adjacent to listed buildings. Edge of Flood Zones 2 and 3.

REASON THIS APPLICATION IS ON THE AGENDA: Call in by Councillor - Impact on the local rural community and neighbourhood, increased noise, pollution and light pollution. Traffic problems

1. **EXECUTIVE SUMMARY**

1.1 This application is a retrospective application submitted under Section 73A of the town and Country Planning Act 1990 (as amended).

1.2 The application is one of a tranche of five applications that were submitted for the same site.

1.3 Three applications were refused under delegated powers (UTT/21/2921/FUL, UTT/21/2923/FUL, UTT/21/2926/FUL); two have been recommended for approval of which this application is one, the other being UTT/21/2922/FUL.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 18 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

3.1 The wider application site consists of a combination of former farm buildings and some recently installed structures. The buildings are associated with a listed building (Marshes), which is a single residential dwellinghouse. The site is a former farmyard situated to the rear of Marshes and it is accessed by way of a single driveway leading from the main highway, between Marshes and another bungalow dwelling, Greenbank. The drive leads eastwards onto the site where the land descends into a rural valley which contains a section of the river Chelmer.

3.2 The buildings in question for this application are two rows of single storey buildings on the site.

The application relates to the formalisation of the continuation of the use of the buildings as identified on submitted plans and a planning statement as units 15-32.

Notwithstanding some minor physical alterations, these units are single storey former agricultural buildings that were originally used as part of the redundant farm and have been in existence on the site for no less than 4 years.

4. **PROPOSAL**

4.1 This is a retrospective planning application submitted under the terms of Section 73A of the Town and Country Planning Act (1990) for the retention of the current uses of units 15-32 as commercial storage units (B8 use class).

4.2 The applicant states within the submitted planning statement that:
'These units form small 'lock-up' stores which are rented out individually to customers for the storage of personal goods and belongings. This use and practice has been on-going for over thirty years previous and is a very low-key use, with customers making collections and deliveries for storage on a very occasional basis.'

4.3 The applicant has submitted evidence in support of the claim of continuous use of the units for storage purposes. This evidence consists of historic images and letters of evidence from third parties. It is noted here that the applicant would need to provide evidence of the continuous use of the units for commercial storage purposes for a period of no less than ten years, for the use of the units to be immune from enforcement action, thus proven lawful.

4.4 This application seeks to regularise the historic use.

Given the age of the buildings involved in this application, no operational development is relevant here.

4.5 The continued use of the buildings would be considered in relation to the planning unit within which they sit. The use of the whole planning unit is that of a 'mixed' or 'sui generis' use and under the rule in Burdle, it is the unit of occupation that is the appropriate unit to consider, until or unless a smaller unit is identified which is in separate use, both physically and functionally (Burdle v SSE (1972)). Here, smaller units are identified, but there is not a physical or functional separation from the main planning unit and the use constitutes one within the wider 'sui generis' site.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The 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/0881/88	Change of use of redundant farm building to joinery workshop	Approved. 29.07.1988- applied to the whole of the building which comprises units 1 and 7 (wider site)
	UTT/0328/01/FUL	Change of use of redundant farm building to church organ workshop (B1 use)	Approved 07.07.2001- applied to the front section of unit 2 (wider site)

UTT/0282/12/FUL	Conversion of part of farm building and alterations to extend organ workshop	Approved 30.04.2012 – applied to the rear section of unit 2 (wider site)
UTT/21/2921/FUL	Section 73A retrospective application for the retention of use of buildings for B2/B8 use for vehicle repairs and storage of vehicle parts	Refused 16.01.2023
UTT/21/2923/FUL	Section 73A retrospective application for the retention of building for domestic storage of the occupants of the dwellinghouse known as Marshes	Refused 16.01.2023
UTT/21/2926/FUL	Section 73A retrospective application for the retention of buildings for B8 use as a commercial self-storage facility.	Refused 16.01.2023

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application advice has been given and no community consultation has been undertaken.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Essex County Council Highways officers have assessed the development and its access and parking arrangements. It is considered that the existing junction is constrained, it does not meet current standards, and therefore its usage should not extend beyond the level of vehicle use associated with any lawful uses of the application site.

9. PARISH COUNCIL COMMENTS

9.1 Great Easton and Tilty Parish Council object on the following grounds:

Question the description of the application.
Harm to local amenity
Contamination of river Chelmer

Safe removal of asbestos
Vehicle parking provision
Flood Risk
Ecology/protected species
Foul sewage disposal
Highways matters and sustainability of location.
Contrary to Local Plan policy E5 (Re-use of rural buildings)

These matters have been considered during the recommendation process and where relevant and/or material have been given the appropriate weight.

10. CONSULTEE RESPONSES

10.2 UDC Environmental Health

10.2.1 Environmental Health have no concerns over the development , despite concerns that some mitigation measures may be unenforceable.

10.3 Place Services (Conservation and Heritage)

10.3.1 The development has been considered by way of an assessment of the cumulative impacts of the five applications that have been submitted for this site.

They conclude that the whole development would cause less than substantial harm to the setting of the nearby listed buildings, by way of infill and intensifying the usage of the site with associated vehicle movements, noise, and lighting.

10.4 Place Services (Ecology)

10.4.1 Essex County Council, Place Services Ecology has confirmed that it has no objection subject to all mitigation and enhancement measures and/or works being carried out in accordance with the details contained in an approved Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).

11. REPRESENTATIONS

11.1 A site notice was displayed on site and 10 notifications letters were sent to nearby properties. The application was posted in the press on 07.10.2021.

11.2 There has been one representation in support of the application.

11.2.1 The grounds for support are:
Disturbance levels are low from the site as a whole
Traffic impacts are not solely caused by the Marshes site
The countryside requires light industrial sites
Objections to the scheme from other neighbours are unbalanced

11.3 Object

11.3.1 There are 8 objections to the scheme on the grounds of:
Highway Safety
Intensification of use of the highway/a protected lane
Unauthorised uses
Harm to amenity
Harm to the setting of nearby listed buildings
Ecology/protected species
Drainage matters
Character and Appearance

11.4 Comment

11.4.1 Many of the objections relate to the five applications at the site and any cumulative impacts of the entire scope of uses at the site. The public representations have been considered during the recommendation process and where relevant and/or material have been given the appropriate weight.

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.

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 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The countryside Policy
GEN1- Access Policy

GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV2 - Development affecting Listed Buildings Policy
ENV11- Noise Generators
ENV12- Protection of Water Resources

13.3 Supplementary Planning Document or Guidance

13.3.1 Essex County Council Parking Standards (2009)
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) Principle of Development**
 - B) Access, parking, and highway safety**
 - C) Environmental Health and Impacts upon amenity**
 - D) Character and Appearance**
 - E) Ecology**
 - F) Heritage Considerations**
 - G) Surface Water Drainage and Contaminants**

14.3 A) Principle of development

14.3.1 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (NPPF).

14.3.2 The site is set in a location that is outside of any defined settlement boundary, recognised as the countryside.

The re-use, or the change of use of buildings in the countryside is an acceptable form of development and the principle is generally acceptable subject to compliance with policies within the Local Plan, namely S7, GEN1, GEN2, GEN4, GEN7, GEN8, ENV2, ENV11, and ENV12.

14.4 B) Access, parking, and highway safety

- 14.4.1** Paragraph 110 (b) of the NPPF states that ‘safe and suitable access to the site can be achieved for all users’, whilst Paragraph 112 (c) asks that development should ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.’
- 14.4.2** Local Plan policy GEN1 relates to safe access and states that development will only be permitted where a) Access to the main road network must be capable of carrying the traffic generated by the development safely and c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
- 14.4.3** Essex County Council Highways officers have assessed the development and its access and parking arrangements.
It is considered that the existing junction is constrained, it does not meet current standards, and therefore its usage should not extend beyond the level of vehicle use associated with any lawful uses of the application site.
- 14.4.4** However, after having regard to the applicant’s claim that the units have been used for commercial storage for many years and that no other business uses take place within the units, then it is considered that the retention of use of the units as B8 storage units only would not lead to an increase in vehicle movements over and above that which has historically taken place.
- 14.4.5** In view of the above it is considered that the development, subject to the detailed conditions, would comply with the aims of Paragraphs 110 and 112 of the NPPF (2021) and Local Plan policy GEN1.
- 14.4.6** Local Plan policy GEN8 states that Development will only be permitted where the number, design and layout of the proposed vehicle parking places is appropriate for the location.
- 14.4.7** A parking layout has been provided by the applicant. It shows considerable areas of land which would be used for the parking of vehicles, none allocated, and which includes a significant area to the north of unit 7 which would be highly visible across open countryside. The number of vehicles that could be parked on the significant extent of vehicle parking areas is a concern with regards to the impact on the appearance

of the site in this rural location. However, it is considered that there is enough land available to provide a suitable, allocated parking layout.

14.4.8 Therefore, the development although in conflict with Local Plan Policy GEN8, could be amended by planning condition, to comply.

14.5 C) Environmental Health and Impacts upon amenity

14.5.1 Environmental Health Officers have reviewed the scheme and have no objection to the retention of the use of the buildings for commercial storage subject to conditions relating to noise management and controlled hours of operation.

14.5.2 Mitigating conditions may be applied, and the use of the buildings could be restricted by planning condition. As such, the development is in accordance with Local Plan policies ENV11 and GEN4 and the requirements of Paragraph 130 of the NPPF (2021).

14.6 D) Character and Appearance

14.6.1 Given the location of the site, Local Plan Policy S7 (The Countryside) applies. Policy S7 reflects the tenet of Paragraph 174 of the NPPF. Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to the rural area, with development only being permitted if its appearance protects or enhances the 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.

14.6.2 Local Plan policy GEN2 requires that developments must be compatible with the scale, form, layout, appearance, and materials of surrounding buildings and safeguard environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.

14.6.3 Paragraph 130 of the NPPF states that developments should add to the overall quality of the area, be visually attractive and be sympathetic to local character, including the surrounding built environment.

14.6.4 The layout, scale and design of the buildings would not , and has not , changed because of the use. The buildings are appropriate for this site and the development complies with the broader aims of Paragraphs 130, and 174 of the NPPF (2021) and Local Plan policies S7 and GEN2.

14.7 E) Ecology

- 14.7.1** Concerns were raised with regards to the cumulative impacts of the retrospective development of the site upon protected and priority species. The applicant has provided a biodiversity enhancement strategy which has been assessed by ECC Place Services Ecology.
- 14.7.2** Essex County Council, Place Services Ecology has confirmed that it has no objection subject to all mitigation and enhancement measures and/or works being carried out in accordance with the details contained in an approved Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).
- 14.7.3** As such, it is considered that subject to an appropriate condition, the development would not have a material detrimental impact on ecology. There would be no conflict with Local Plan policy GEN7 and the wider principles of Paragraph 180 of the National Planning Policy Framework (2021).

14.8 F) Heritage Considerations

- 14.8.1** The wider site which contains the units is situated to the east of a cluster of designated heritage assets, all of which are listed at Grade II:
- Brickhouse Farmhouse, a late sixteenth-century or early seventeenth-century house with two crosswings, timber framed and plastered with a red plain tile roof (list entry no: 1112252).
 - Five bay barn to north of Brickhouse Farmhouse, a seventeenth-century barn of five bays, timber framed and weatherboarded with a half-hipped thatched roof and hipped midstrey to the south, now converted into a dwelling (list entry no: 1322573) (Marshes).
 - Tingates Farmhouse, a sixteenth-century timber-framed and plastered farmhouse with red plain tile roof, of two storeys with original red brick central chimney stack (list entry no: 1112228), north-west of Brickhouse Farm.
- 14.8.2** The site is located off a Protected Lane (UTTLANE90 Little Easton/Tilty/Thaxted – Duck St to Folly Mill Lane).
- 14.8.3** Historically, the site was agricultural land belonging to Brickhouse Farm.

- 14.8.4** The Conservation officer's response to consultation looks at the development by way of an assessment of the cumulative impacts of the five applications that have been submitted for this site.
- 14.8.5** They conclude that the whole development would cause less than substantial harm to the setting of the nearby listed buildings, by way of infill and intensifying the usage of the site with associated vehicle movements, noise, and lighting.
- 14.8.6** However, given that five separate planning applications are submitted, the impacts of each application on the setting of nearby listed buildings must be separated from the cumulative impacts. In this regard it should be noted that three of the five applications have now been refused planning permission with at least one of those decisions citing heritage harm.
- 14.8.7** The existing rows of buildings are sited in a prominent position to the west of the site, closest to the nearby heritage assets. However, the proposed use as commercial/domestic storage facilities has been in existence for several years and is expected to generate a low level of use and thus create limited amounts of noise and disturbance.
- 14.8.8** Therefore, in this case, it is considered that any harmful impacts to the setting of nearby listed buildings would not reach the bar of being classified as 'less than substantial harm' and the development is in accordance with Paragraph 202 Of the NPPF (2021) and Local Plan policy ENV2.

14.9 G) Surface Water Drainage and Contaminants

- 14.9.1** Paragraph 185 of the NPPF (2021) states that decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.
- 14.9.2** Local Plan policy GEN3 states that outside of flood risk areas development must not increase the risk of flooding through surface water run-off.
- 14.9.3** Local Plan policy ENV12 aims to protect water sources. It states that development that would be liable to cause contamination of groundwater particularly in the protection zones shown on the proposals map, or contamination of surface water, will not be permitted unless effective safeguards are provided.

14.9.4 The site is in Flood Risk 1 Zone and adjoins Flood Risk Zones 2 and 3 which are related to the Chelmer Valley. A Flood Risk Assessment is not required in this instance.

14.9.5 Units 15-32 have historically been used for either agricultural or light industrial purposes. The continued uses would not alter the risk of flooding or the contamination of nearby water sources by way of the discharge of surface water, foul water and/or trade effluents.

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 OTHER MATTERS

- 16.1** It is noted here that an objection to the scheme referred to Local Plan policy E5. Policy interpretation suggests that policy E5 exists for buildings that have not yet been used for anything other than agricultural purposes. As the buildings that contain units 15-32 have been 're-used' for purposes other than agricultural for many years, policy E5 does not carry much weight here, rather it is the impacts of the use that are assessed under the Local Plan as stated.

17. CONCLUSION

- 17.1** The development has been assessed against local and national policy requirements and is found to be in accordance with those policies. An approval decision shall be subject conditions that shall restrict the use of the building to that of commercial storage and for no other business purpose or vehicle repairs and restoration and conditions relating to Environmental Health and an allocated parking layout.

18 CONDITIONS

- 1** The development shall be retained in its current form in accordance with the approved plans and documents as set out in the Schedule. The development shall not undergo any changes or alterations unless agreed in writing by the Local Planning Authority.

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 protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 2** Within 3 months of the date of this decision notice, a parking and turning layout for the users of the units shall be submitted to the Local Planning Authority for their written approval. The agreed parking and turning layout shall remain thereafter.

REASON: To ensure the approved development has appropriate parking and turning provision, in accordance with Local Plan policy GEN8.

- 3** Within 3 months of the date of this decision notice, the stated relevant measures included within the submitted Noise Management Plan (section 4.4.3 of Noise Impact Assessment completed by Climate Acoustics, 24th May 2022, ref CLI0306/R1/Rev. D) shall be implemented and maintained thereafter.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site, and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, GEN1, GEN2, GEN4 and ENV11.

- 4** Hours of use of the approved units are restricted to between the hours of: 07:00hrs to 20:00hrs Mondays to Fridays, and 08:00hrs to 18:00hrs on Saturdays, with no business use taking place at any time on Sundays and Bank or Statutory Holidays.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 5** The approved units shall not be used for any other business purposes other than as commercial storage (Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 6** No vehicle repairs or vehicle restoration, whether on a private or commercial basis shall take place within the approved development.

REASON: To protect the living conditions of the occupants of nearby residential dwellings, to limit the intensification of local traffic generation and the use of the access to the wider site and to protect the character and appearance of the countryside and the setting of nearby heritage

assets in accordance with Local Plan policies ENV2, S7, GEN1, GEN2, GEN4 and ENV11.

- 7 Within 3 months of the date of this decision notice, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Biodiversity Enhancement Strategy (Wild Frontier Ecology, July 2022).

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 comply with the requirements of Local Plan policy GEN7, 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).

APPENDIX 1 Essex Highways Authority Consultation Response

Your Ref: UTT/21/2922/FUL
Our Ref: 51739
Date: 6th December 2022



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/21/2922/FUL
Applicant Mr D Carter and Mr B Gardiner
Site Location Rear Of Marshes Cherry Street Duton Hill
Proposal Section 73A retrospective application for the retention of buildings for ancillary domestic storage for the dwellinghouse known as Marshes

SUPERSEDES PREVIOUS RECOMMENDATION DATED 14TH DECEMBER 2021

Marshes is a group of buildings which benefits from an existing historic access onto Cherry Street. The historic access is constrained and does not meet current standards, and therefore the Highway Authority would endeavour to ensure that use of the historic access does not extend beyond the level of vehicle use associated with the lawful use of the application site.

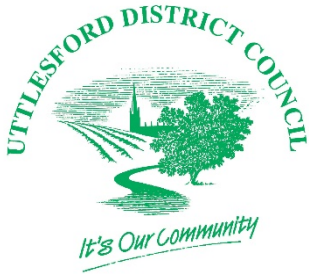
Since the highway recommendation dated 14/12/2021, the applicant has provided a transport statement. The Highway Authority has had some difficulty in establishing the permitted lawful use of the buildings associated with the application from the transport statement and has sought clarification from Uttlesford District Council on this matter.

Therefore, having regard to the previous use of the building, from a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Note:

The rural location of the site is such that for the vast majority of journeys the only practical option of travelling to and from site would be the private motor vehicle. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

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ITEM NUMBER: 13

**PLANNING COMMITTEE 08 March 2022
DATE:**

REFERENCE NUMBER: UTT/22/2863/DFO

LOCATION: 10 And 12 The Mead Thaxted

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: February 2023

PROPOSAL: Application for Approval of Reserved Matters of Outline Planning Permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of the development)

APPLICANT: Uttlesford District Council

AGENT: Mr T Welland,

EXPIRY DATE: 19 December 2022

EOT Expiry Date:

CASE OFFICER: Nathan Makwana

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Uttlesford District Council owned Property.

1. EXECUTIVE SUMMARY

1.1 This is a reserved matters application for the erection of one dwelling following the determination of the previous outline scheme: UTT/21/1850/OP. The outline scheme was for all matters reserved for the demolition of a pair of defective bungalows and the erection of 1 no. bungalow together with new vehicular parking and associated external works.

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.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site comprises an area of 0.031 hectares and is characterised as vacant residential plot which currently has two semi-detached single storey bungalows on it. The site is within the development limits of Thaxted, with the main town centre facilities approximately 0.5 km away.

3.2 The site is within a residential area of similar single storey dwellings and adjoins open space to the east.

4. **PROPOSAL**

4.1 Application for Approval of Reserved Matters of Outline Planning Permission UTT/21/1850/OP (access, appearance, landscaping, layout and scale of the development)

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**

Reference	Proposal	Decision
UTT/21/1850/OP	Outline application with all matters reserved for the demolition of a pair of defective bungalows and the erection of 1 no. bungalow together with new vehicular parking and associated external works	Approved with Conditions on 16.12.2021

7. **PREAPPLICATION ADVICE**

7.1 Pre-application advice was sought on the 19.04.2021 regarding the 'Development of side gardens to create additional dwellings and replacement of defective existing dwellings. A written response was supplied on the 07.05.2021.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **ECC Highways**

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

9. **PARISH COUNCIL COMMENTS**

9.1 None received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.2 The Environmental Health Officer has proposed conditions relating to Contaminated Land, Construction Management and two informatives.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and notification letters were sent to 26 nearby properties.

11.2 No representations have been 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.

12.4 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 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)

3. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

GEN1- Access Policy
GEN2 – Design Policy
GEN4 – Good Neighbourliness Policy
GEN8 - Vehicle Parking Standards Policy
ENV14 - Contaminated Land

13.3 Thaxted Neighbourhood Plan 2017-2033

TX HD1 - Scale and Location of New Development
TX HD2 - Local Housing Needs
TX HD10 - Design Principles
TX LSC3 – Wildlife Habitats and landscape features

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) Appearance, Landscaping, Layout and Scale**
- B) Highways and Access**
- C) Environmental Health**
- D) Neighbour Amenities**

14.2 A) Appearance, Landscaping, Layout and Scale

14.2.1 ULP Policy GEN2 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.

14.2.2 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) 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.

14.2.3 POLICY TX HD1 – Scale and Location of New Development states that development proposals for residential development shall be supported which respect the streetscape and historic and landscape character, conserve or enhance heritage assets and open spaces, and do not adversely impact the key views of Thaxted.

14.2.4 This reserved matters application follows the grant of outline planning permission UTT/21/1850/OP for the demolition of two bungalows and the erection of a single replacement bungalow. The application submits full details of the proposed bungalow. As evidenced on the submitted plans, the proposals outline a single storey bungalow incorporating two bedrooms, a sitting room and a bathroom, all designed for disabled wheelchair access across the whole dwelling.

14.2.5 The exterior of the dwelling has been designed to ensure it blends in well with the street scene as it will be comprised of buff bricks and brown pantiles, subject to a condition specifying the type of material. This will apply for all external materials as these details have not been supplied prior to determination.

14.2.6 The dwelling will also incorporate a number of sustainable features including an Electric Vehicle Charging Point, Solar PVs and an air source heat pump.

14.2.7 The external amenity space will provide a garden commensurate with the size of the dwelling and the plot. Indeed, this meets exceeds the Essex Design Guide Specification of 50sqm for a two-bedroom dwelling. As well as this, accessible bin storage and a storage shed are provided to the front and the rear of the dwelling respectively.

14.2.8 The proposal is for one adapted dwelling capable of accommodating such persons in need of this type of accommodation. It will provide beneficial

housing stock to Uttlesford's own council housing portfolio and has been designed accordingly, providing climate sensitive features as well as accessible internal spaces and external spaces that meet the Essex Design Guide Specification.

- 14.2.9** The proposal is therefore compliant with Policy GEN2 of the Uttlesford Local Plan 2005 (Adopted) and Thaxted Neighbourhood Plan Policies TX HD1 and TX HD2 and the NPPF 2021.

B) Highways and Access

- 14.3** Details relating to access are to be considered in this application. The new dwelling will be accessed from The Mead. A vehicular access to the site will be provided to the side of the proposed dwelling by the partial removal of the front hedge. The Local Highways Authority have provided a consultation recommending two conditions relating to vehicle and cycle parking.

- 14.3.1** Subject to these two conditions, the proposal complies with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

C) Environmental Health

- 14.4** The Environmental Health Officer has been consulted and requests two conditions relating to Land Contamination (if discovered during construction) and a Construction Management Plan (this will be included as an informative condition).

- 14.4.1** Subject to these conditions, the proposal accords with ULP Policies ENV11 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.5 D) Neighbour Amenity

- 14.5.1** The dwelling will be single storey in height and will be set in from the boundary with the adjoining property to the west and have a hipped roof. The proposed bungalow would be generally aligned with the rear of the neighbouring property (8 The Mead) and therefore, would therefore have no significant impact upon these its occupants.

- 14.5.2** The driveway will be positioned to the side of the plot adjacent to 8 The Mead with the existing hedge being removed and replaced by a fence. The proposed use of this part of the site for vehicle parking is considered acceptable and whilst there would be an increase in vehicular movement in this location; given the small size of the property, this would be infrequent. Accordingly, it is considered that this aspect of the proposal would not result in undue harm to the occupants of this neighbouring property.

14.5.3 No other property is considered to be impacted by this proposed development. It is considered that the proposal complies with policies GEN2 and GEN4 of the Uttlesford Local Plan 2005 and the NPPF 2021

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 considered in the determination of this application

16. CONCLUSION

16.1 The principle of development has therefore been established via the previous outline and reserved matters consent and this application accords with ULP Policies GEN2 of the Uttlesford Local Plan 2005 (Adopted) and TX HD1 and TX HD2 of the Thaxted Neighbourhood Plan and the NPPF 2021.

16.2 Subject to two parking conditions, the proposal is acceptable in Highways and Access terms and complies with ULP Policies GEN1 and GEN2 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

16.3 Subject to conditions relating to Land Contamination and Noise, the proposal accords with ULP Policies ENV11 and ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

17 CONDITIONS

- 1** The development hereby permitted shall be carried out in accordance with the approved plans as set out below:

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

- 2** Prior to any works above slab level, a schedule of the types and colours of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented strictly in accordance with the approved materials and shall be maintained as such in perpetuity.

REASON: To preserve the significance of the heritage assets, in accordance with the adopted Uttlesford Local Plan Policy GEN2, Thaxted Neighbourhood Plan Policy TXHD1, the Essex Design Guide and the National Planning Policy Framework (2021)

- 3** Prior to occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for each dwelling. Thereafter, the charging points shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021)

- 4** The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 5** 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 in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6** The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(3) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 7** 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 ULP Policy ENV14 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

Late List –Planning Committee 08/03/2023

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		Comment

6	UTT/22/2624/PINS	<p><u>Manuden Parish Council:</u></p> <p>Following the completion of the Committee Report, officers can confirm that Manuden Parish Council have sent their formal comments to the Secretary of State confirming that they Object to the proposals.</p> <p><u>ECC Place Services Conservation Officer:</u></p> <p>Formal comments have also been sent directly to the Secretary of State from ECC Place Services Conservation Officer who concludes that the proposals are considered to result in a low level of less than substantial harm to several designated heritage assets and at the lowest end of the spectrum for Rose Garth and Brick House. The proposals are not considered to result in harm to the significance of the Scheduled Monuments.</p> <p><u>Specialist Archaeological Advice:</u></p> <p>As per the previous refused application, the Historic Environment Consultant suggests that Archaeological trial trenching evaluation in advance of a planning decision should be undertaken as a result of a high potential for previously unknown significant archaeological deposits to be identified within the development area as identified by the supporting documentation.</p>
7	UTT/23/0246/PINS	TBC
8	UTT/22/2744/FUL	<p>The following correspondence to be included:</p> <p>Comments from NHS Hertfordshire and West Essex:</p>

From: KNIGHT, Jennie (NHS HERTFORDSHIRE AND WEST ESSEX ICB - 06K) [REDACTED]
Sent: 06 February 2023 13:32
To: Laurence Ackrill <LAckrill@uttlesford.gov.uk>
Subject: RE: [External] RE: UTT/22/2744/FUL | Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking | Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Hi Laurence

I have met with a couple of the General Practice managers now and reviewed the local situation which indicates we do require more space to deliver to the population, we therefore do not want to pass up an opportunity if the application is approved.

As Takeley is in the middle of our current surgeries there is potential that we have this as a joint venture for the South Uttlesford PCN (Primary Care Network) as opposed to a whole practice take over in the area.

I will be planning a meeting next week with all practices in the South Uttlesford area to explore this further and try and get some more detail.

If in the meantime this development is unlikely to go ahead please let me know as we will need to explore other options to meet the estate gap.

Kind regards,
Jennie

From: Laurence Ackrill <LAckrill@uttlesford.gov.uk>
Sent: 03 February 2023 15:02
To: KNIGHT, Jennie (NHS HERTFORDSHIRE AND WEST ESSEX ICB - 06K) [REDACTED]
Subject: RE: [External] RE: UTT/22/2744/FUL | Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking | Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Hi Jennie,

Thank you for getting back to me.

Apologies for not responding to your previous email, I must have missed that. I'm available this afternoon, if you wish to discuss?

There would be a legal agreement alongside any approval of the application, with a clause to ensure that the site is offered to the CCG and this option would be open for 12 months.

Laurence Ackrill
Principal Planning Officer
Development Management

Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex

	Updated Comments / Clarification from ECC Highways:
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		<p>UTT/22/2744/FUL</p> <p>Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley</p> <p>Highways Briefing Note</p> <p>At committee more information was asked concerning the highways aspects of the application UTT/22/2744. These concerned the required highway infrastructure to improve connections for pedestrians and cyclists on Parsonage Road that would provided by the development to west of Parsonage Road and details of the mitigation required at Takeley junction.</p> <p>Committed Improvements on Parsonage Road</p> <p>A roundabout junction is required to form the access for Land East of and West of Parsonage Road. This to the north of the north of the Weston Homes site and includes an extension of the 30mph speed limit to include the roundabout. As well as acting as a junction with the new development it will also slow down traffic coming into Takeley from the north, this also has island crossing points around it for pedestrians and cyclists.</p> <p>To the immediate north of proposed roundabout will be a pedestrian/cycle parallel crossing and widening of footways to provide the start of a shared used cycleway to connect to Stansted Airport and connect the two sites for cyclists.</p> <p>The Land West of Garnetts has to provide a zebra crossing of Parsonage Road and upgrades to the bus stops South of Chestnut Way.</p> <p>Contributions have also been taken to extend this cycle route up to the airport and improve bus services. The cycleway is a longer term project that all new developments in Takeley are required to contribute to.</p> <p>Four Ashes Junction</p> <p>This application, and previous applications, have all had to assess the cumulative impact on the Four Ashes junction. This has been done by undertaking taking traffic counts, adding background traffic growth to understand future flows in 2027 the opening year (TEMPRO is the industry standard method for this) , and then adding specific committed development flows from approved applications.</p> <p>As you would expect the assessment of this junction has shown that the junction is forecast to be over capacity, which is the justification for the requirement of the upgrading of the signals as well as the other sustainable transport mitigation.</p> <p>As part of planning application UTT/19/0393 – Land West of Parsonage Road, the developer was required to fit MOVA (Microprocessor Optimised Vehicle Actuation) onto the signals prior to first occupation. MOVA is a system that detects queues and maximises the capacity of the junction by reacting to the flows. When this junction was being assessed in 2018/19 it was thought that providing MOVA would be sufficient. However, more recent assessments of later applications suggest that an updating of the whole junction with modern equipment, a method to vary clearance timings after the pedestrian green when the crossings are clear and any required signing and lining would provide a more efficient junction and build on the optimisation of the MOVA system. Therefore this development and Northside have been required to contribute to the upgrading of the junction.</p>
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		<p>The S278 (technical approval) to fit MOVA is being worked on at the moment and it has not been fitted to the junction yet. Knowing that other funding is likely to come forward ECC is considering the best way to deliver the signals and whether forward funding from ECC would be appropriate.</p> <p>A number of planning applications that were submitted before and after UTT/19/0393, that would have impacted on the junction have been required to provide this improvement or a contribution, while it looks like the improvements have been asked multiple times some of the applications have been refused so never came forward. Even if an application is approved it is not always certain that it will be delivered therefore I will keep requesting it as a condition (if it is required) until the junction improvement is delivered. The condition will fall away from some applications when it has been delivered. Any funding not required will be returned in the usual way.</p> <p>UTT/22/2744 highway mitigation</p> <p>The following highway mitigation was recommended for this site.</p> <ol style="list-style-type: none"> 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; <ol style="list-style-type: none"> 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. <p>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.</p> 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.
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		<p>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</p> <p>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. The 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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		<p>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.</p> <ul style="list-style-type: none"> • Condition 36 & 34 to be amalgamated to read as follows: <p>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, in in consultation with the safeguarding authority for Stansted Airport. The development hereby permitted shall be implemented in accordance with the approved details.</p> <p>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 and Flight Safety.</p> <ul style="list-style-type: none"> • Conditions 3, 12 & 13 to be amalgamated to read as follows: <p>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:</p> <ol style="list-style-type: none"> 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
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	<p>i. Waste management proposals</p> <p>j. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.</p> <p>k. Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures</p> <p>l. Scheme in accordance with the IAQM’s Guidance on the assessment of dust from demolition and construction.</p> <p>m. Storage of plant and materials used in constructing the development</p> <p>n. wheel and underbody washing facilities</p> <p>o. routing strategy for construction vehicles</p> <p>p. protection of any public rights of way within or adjacent to the site</p> <p>q. before and after condition survey to identify any defects to highway in vicinity of the access to the site and where necessary ensure repair are undertaken at the developer expense, where caused by the developer.</p> <p>REASON: In the interests of the amenity of surrounding locality residential/business premises and highway safety in accordance with Policies GEN1, GEN2, GEN4 & ENV13 of the Uttlesford Local Plan (adopted 2005).</p> <ul style="list-style-type: none"> • Condition 7 to be omitted as duplicated by Condition 31. Condition 31 to be amended as follows: <p>Prior to the first occupation of the development, a lighting design scheme, providing for biodiversity and amenity impacts, 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.”</p> <p>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 &</p>
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		<p>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. And 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> <ul style="list-style-type: none"> • Condition 23 to be omitted as details included as part of condition 13.
9	UTT/22/3013/OP	No late list items
10	UTT/22/1947/FUL	WITHDRAWN
11	UTT/21/2922/FUL	TBC
12	UTT/21/2927/FUL	TBC
13	UTT/22/2863/DFO	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.