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Uttlesford District Council

Chief Executive: Peter Holt

Planning Committee

Date: Wednesday, 6th March, 2024

Time: 10.00 am

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

Chair: Councillor R Freeman

Members: Councillors G Bagnall, N Church, J Emanuel (Vice-Chair), R Haynes, M Lemon, J Loughlin, R Pavitt and M Sutton

Substitutes: Councillors M Ahmed, A Coote, R Gooding, N Gregory, G Sell and R Silcock

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 - 14

To consider the minutes of the previous meeting.
- 3 Speed and Quality Report** 15

To note the Speed and Quality Report.
- 4 Quality of Major Applications Report** 16 - 18

To note the Quality of Major Applications Report.
- 5 S62A Applications Report** 19 - 21

To note the S62A Applications Report.
- 6 UTT/23/0878/DFO - Land West of Thaxted Road, DEBDEN** 22 - 64

To consider response to an appeal against non-determination for application UTT/23/0878/DFO.
- 7 UTT/23/2187/DFO - Land North of Stanstead Airport** 65 - 117

To consider application UTT/23/2187/DFO.
- 8 UTT/23/2964/OP - Highwood Farm, Stortford Road, GREAT DUNMOW** 118 - 153

To consider application UTT/23/2964/OP.
- 9 UTT/23/1718/FUL - Old House Barn, Parsonage Road, TAKELEY** 154 - 171

To consider application UTT/23/1718/FUL.

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|-----------|---|-----------|
| 10 | UTT/23/0654/FUL - Golf World Stansted Ltd, Hall Road, ELSENHAM | 172 - 212 |
| | To consider application UTT/23/0654/FUL. | |
| 11 | UTT/23/3147/FUL - Land behind the Old Cement Works, Thaxted Road, SAFFRON WALDEN | 213 - 230 |
| | To consider application UTT/23/3147/FUL. | |
| 12 | UTT/23/3189/HHF - Tower House, St Edmunds Lane, GREAT DUNMOW | 231 - 242 |
| | To consider application UTT/23/3189/HHF. | |
| 13 | UTT/23/2867/HHF - Aldboro House, Park Street, THAXTED | 243 - 256 |
| | To consider application UTT/23/2867/HHF. | |
| 14 | UTT/23/2868/LB - Aldboro House, Park Street, THAXTED | 257 - 266 |
| | To consider application UTT/23/2868/LB. | |
| 15 | Addendum List | 267 - 293 |

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 Addendum 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.

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Agenda Item 2

PLANNING COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on WEDNESDAY, 7 FEBRUARY 2024 at 10.00 am

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

Officers in attendance: R Beale (Senior 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), M Kolaszewki (Principal Planning Officer), J Lyall (Planning Lawyer), J Pavey-Smith (Senior Planning Officer), M Shoosmith (Strategic Applications Team Leader) and C Tyler (Senior Planning Officer)

Public Speakers: Councillor A Armstrong, S Bampton, P Barber, D Beedle, R Bodsworth, Councillor M Coletta, T Connelly, W Critchley, Councillor J Cheetham, Councillor G Driscoll, D Evans, M Fairchild, Councillor A Gardner, Councillor S Gill, P Graves, J Hayes, M Letchford, Councillor S Luck, D Marrocco, J O'Brien, M Peachey, J Pearce, Dr F Perrott-Humphrey, J Spencer, D St Pierre, D Tew and Councillor V Waring.

PC130 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were given by Councillors Church and Lemon.

The following declarations were made:

- Councillor Bagnall; recused from Item 8.
- Councillor Haynes; recused from Item 10 but would not recuse from Item 8 as his registered interest was at the other end of Smith's Green.
- Councillor Sutton, Takeley Ward Member for Item 8.

PC131 **MINUTES OF THE PREVIOUS MEETING**

An addition was agreed to PC129 in the reasons for deferral as confirmation being required from Essex Fire and Rescue of them being satisfied if the access suited their needs.

With this addition, the minutes of the meeting held on 10 January 2024 were approved as an accurate record.

PC132 **SPEED AND QUALITY REPORT**

The Head of Development Management and Enforcement presented the standing Speed and Quality Report. He highlighted that the Quality of major development figure for April 2021 to March 2023 currently stood at red 3.5% and for April 2022 to March 2024 was currently green at 5%.

The report was noted.

PC133 QUALITY OF MAJOR APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the standing Quality of Major Applications report.

The report was noted.

PC134 S62A APPLICATIONS REPORT

The Head of Development Management and Enforcement presented the S62A Applications report. He highlighted the two outstanding cases, which were being consulted on at this meeting.

In response to a question about the Maggots End application, he said that he had heard nothing back on this case.

The report was noted.

PC135 UTT/23/3112/PINS - LAND NORTH OF KNIGHT PARK, THAXTED ROAD, SAFFRON WALDEN

The Principal Planning Officer presented an outline application with all matters reserved except for access for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park that had been submitted to the Planning Inspectorate (PINS) for determination.

There was a short adjournment from 10.15 am to 10.20 am due to IT technical difficulties.

He recommended that observations be submitted to PINS.

In response to questions from Members, officers:

- Confirmed that the employment allocation had been in the 2005 Local Plan and that the site could be sustainable.
- Said that protection of Tip Toffs Lane could be facilitated.
- Said that there had been previously an application made in 2013 for 300 units.

Members discussed:

- That employment needs should not be sacrificed against housing needs.
- That this site was not suitable for housing.

- That this was not within the CPZ as had been stated.
- Concerns in respect of rights of way and the presence of the substation.

Councillor Pavitt proposed that the Council's response should be opposition to the development due to the conflict with the employment policies in the 2005 Local Plan, the emerging Regulation 18 Local Plan and the proposed employment allocation on site, and material considerations in the form of up to date evidence on employment need and suitable, available and achievable HELAA sites for employment land at Saffron Walden. Concerns also to be raised about protection of rights of way and reference to the substation.

This was seconded by Councillor Bagnall.

RESOLVED that the above observations be communicated to the Planning Inspectorate.

PC136 **UTT/23/3113/PINS - LAND WEST OF THE CRICKETERS, CLATTERBURY LANE, CLAVERING**

The Senior Planning Officer presented an outline application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure that had been submitted to the Planning Inspectorate (PINS) for determination.

He recommended that observations be submitted to PINS.

There were no questions from Members.

Members discussed:

- The lack of sustainability in respect of public transport and there being no safe footpath.
- The proposed layout being at odds with the typology and character of the village.
- The clear intrusion into the countryside.
- The case officer confirmed to the committee there was a typo in paragraph 15.2 of the committee report which should have stated "the proposal would not represent sustainable development".
- The overall conclusions detailed in the officer's report in paragraph 15 that the harm to the openness and character of the countryside, loss of agricultural land and unsustainable location of the site significantly and demonstrably outweighed the benefits of the development when assessed against the Framework taken as a whole.

Councillor Loughlin proposed that the officer's conclusions be supported and communicated to the Planning Inspectorate.

This was seconded by Councillor Emanuel.

RESOLVED that the officer's conclusions be supported and communicated to the Planning Inspectorate.

Councillor Bagnall recused himself from the meeting at 10.40 am.

PC137 **UTT/22/3126/FUL - LAND AT WARISH HALL FARM, NORTH OF JACKS LANE, SMITHS GREEN LANE, TAKELEY**

The Senior Planning Officer presented a planning application for the erection of 40 dwellings, including open space landscaping and associated infrastructures. This application had been put before Members as it was considered that that the reasons for refusal from the dismissed S62a scheme had now been addressed. These reasons were outlined in her presentation.

She recommended that the application be approved, subject to those items set out in section 17 of the report.

Following on from the speakers there was a comfort break between 11.35 am and 11.45 am.

In response to questions from Members, officers:

- Said that this was not considered an irreplaceable habitat.
- Said that access arrangements had been covered in the presentation and that lighting concerns related to the byway.
- Said that the Committee should focus on the two previous reasons for refusal and assess whether these were now adequately demonstrated to have been resolved.

Members discussed:

- That this scheme kept being brought back to the Committee and that in totality this was a very valuable green space.
- Concerns about proposed lighting arrangements; a huge light spill pollution impacting on a protected lane. General concerns that the impact on the protected lane had not been addressed, with Historic England still expressing concerns.
- Suburban encroachment and traffic build-up on a historic lane.
- The balance of harms against the benefits of 40 dwellings. Great concerns were expressed about significant harms.
- The Conservation area designation.
- The fact that two statutory consultees had not objected to the proposed development.
- Whether both reasons for refusal were reconcilable with each other.
- The proposed access arrangements changing the character of the area.
- The possibility of deferring the matter until after the Appeal decision.

Officers indicated that if the matter was deferred the applicant had indicated that the Council would be challenged for non-determination.

Councillor Pavitt proposed refusal of the application in that it had not adequately demonstrated that lighting would not result in unacceptable harm to the character and appearance of the surrounding area and to the significance of the protected lane. There would be permanent harm to the protected lane.

This proposal was seconded by Councillor Haynes.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development in line with the above motion.

Councillor M Coletta, M Peachey, W Critchley, R Bodsworth, P Barber, M Letchford, T Connelly, Dr F Perrott-Humphrey, D Evans and Councillor J Cheetham (Takeley PC) spoke against the application. Statements were also read out from D Bagnall and B Pinchback against the application.

J Spencer (Agent) spoke in support.

The meeting broke for lunch at 12.40 pm and reconvened at 1.45 pm with Councillor Bagnall returning to the meeting.

PC138 **UTT/23/1470/OP - STANSTED DISTRIBUTION CENTRE, START HILL, GREAT HALLINGBURY**

The Senior Planning Officer presented an outline planning application with all matters reserved for the demolition of units 1B, 2A, 2B, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works. She highlighted the amendments as made in the Addendum List.

She recommended that the application be approved, subject to those items set out in section 17 of the report.

In response to questions from Members, officers:

- Said that this was only an outline application; most matters such as noise impact assessments and heritage impact assessments would all be picked up under reserved matters.
- Said that opening hours would be picked up under condition 32.
- Outlined the safety zones.
- Said that the report and conditions had covered maximum heights of buildings.
- Said that a traffic assessment had been undertaken.
- Said that the parameters were being set at the meeting.

Members discussed:

- The many concerns expressed by speakers.
- The possibility of Impact Assessments being carried out earlier in the process; Officers confirmed that these would take place at the reserved matters stage.
- The parameter plan being no greater than the current arrangements; Height impacts. These will be subject to heritage impact assessment bars and would take precedence.
- Significant traffic generated by high bay warehousing.
- Protection of the chalk stream into the River Stort; this could be weaved into condition 9.

- Consultation had been made as part of the application with Aerodrome Safeguarding, MAG, NATs and they would also be consulted at reserved matters stage.
- The need to work with the Parish Council and residents moving forward.

Councillor Emanuel proposed approval of the application, subject to the maximum parameters being set; when seconding Councillor Pavitt reminded the committee of the proposed condition regarding chalk stream protection arrangements which Councillor Emanuel agreed to.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to those items set out in section 17 of the report and in line with the above motion.

Councillor G Driscoll, M Coletta and Councillor V Waring (Great Hallingbury PC) spoke against the application.

D Marrocco (Agent) spoke in support.

There was an adjournment from 3.00 pm to 3.15 pm.

Councillor Haynes recused himself from the next item but remained in the room until after his input as a public speaker.

PC139 UTT/23/0707/FUL - LAND SOUTH OF DEYNES ROAD, DEBDEN

The Senior Planning Officer presented a planning application seeking Full Planning Permission for the creation of 9 bungalows on the land with associated works, including landscaping, parking and access.

He recommended that the Strategic Director of Planning be authorised to refuse permission for the development as detailed in section 17 of the report.

Following public speakers there was an adjournment from 3.55 pm to 4.05 pm.

The Head of Development Management and Enforcement addressed comments made during the public contributions. He said that he was satisfied that the Ward Member had behaved appropriately during the site visit. He explained that the Heritage statement had been missing from the officer's report at the previous meeting and that this had been an error; this had resulted in the item being withdrawn.

The Chair also confirmed that the Ward Member had behaved appropriately during the site visit.

In response to questions from Members, officers:

- Confirmed that the application could be refused on the basis of ENV2 and heritage grounds and that heritage grounds were the strongest basis for any refusals.

- Said that the development could be considered to be sustainable.
- Explained the basis for using Grampian conditions and that it was not inappropriate in this instance.

Members discussed:

- The heritage concerns and how this would take priority above matters such as the development being sustainable.
- ENV 5, S7, GEN 1 and GEN 2 concerns.

Councillor Pavitt proposed refusal of the application, on the basis of the refusal reason (paragraph 17) in the officer's report and ENV 5, S7, together with a mix of GEN1 and GEN2 together.

This was seconded by Councillor Sutton.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission as outlined in the motion above.

Councillor S Luck, Councillor R Haynes (as a member of the public), M Fairchild, J O'Brien, D Tew, J Pearce, J Hayes and Councillor A Gardner (Debden PC) spoke against the application. Statements were also read out from L Carpenter, A Hudson and J and J Millership opposing the application.

D St Pierre (Agent) spoke in support.

The meeting adjourned from 4.35 pm to 4.45 pm. Councillor Haynes left the meeting.

Councillor Emanuel took the Chair for the last three applications, whilst Councillor Freeman remained in the room; this was for training purposes.

PC140 **UTT/23/2494/FUL - CAR PARK, RECREATION GROUND, THE CAUSEWAY, GREAT DUNMOW**

The Senior Planning Officer presented an application for the redevelopment of the existing car park to provide 70 parking spaces and widening of existing crossover. Demolition of existing toilet block and construction of new block with bottle filling station. New storage facility with photovoltaic panels and new MUGA with surrounding hardstanding and landscaping. The application had been called in by Councillor Davey.

She recommended that the application be approved, subject to the conditions set out in section 17 of the report.

There were no questions from Members.

Members discussed:

- The need to encourage participation in sports and that this would be an asset to the town.

- Ensuring the appearance of the MUGA and storage building fitted into the location.
- The need for time switches on the lights and for hours of use to be specified.
- The fact that Sport England supported the proposal had meant that there would be no loss of football pitches.

Officers confirmed that concerns had been addressed in the conditions, other than the hours of use had not been specified but could be added into condition 6.

Councillor Freeman proposed approval of the application, together with the hours of use being added to condition 6.

This proposal was seconded by Councillor Loughlin.

RESOLVED that the Strategic Director of Planning be authorised to grant permission for the development subject to the conditions set out in section 17 of the report, together with the hours of use being specified in condition 6.

Councillor A Armstrong spoke in support of the application.

P Graves and D Beedle spoke against the application.

PC141

UTT/23/2538/FUL - LAND TO THE WEST OF STORTFORD ROAD, CLAVERING

The Senior Planning Officer presented a s73 application to vary condition 20 (widening of footway) of UTT/20/2639/OP (Demolition of Poppies and erection of up to 31 dwellings) in order to remove reference to widening of existing footway and replace with provision of new internal footpath to school.

He recommended that the application be approved subject to those items set out in section 17 of the report.

In response to questions from Members, officers:

- Explained that the reason for this being brought to Committee was because it was a S73 Application.

Members discussed:

- The footpath arrangements: the Parish Council confirmed satisfaction with the explanation given by the Agent who was commended by the Committee.

Councillor Pavitt proposed that the application be approved. This was seconded by Councillor Bagnall.

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

Councillor S Gill (Clavering PC) said that the Parish Council had been neutral on this application but specifically sought clarification on the footpath arrangements.

S Bampton (Agent) clarified the footpath arrangements.

PC142 **UTT/23/1950/FUL - OLD COTTAGE, START HILL, STANE STREET, GREAT HALLINGBURY**

The Development Management Team Leader presented an application for Full Planning Permission for the closure of existing access and formation of new access from the highway and the creation of 9 dwellings on the land, with associated works including landscaping, parking and access. She said that approval had previously been given for 7 dwellings.

She recommended that the application be approved subject to conditions set out in section 17 of the report.

In response to questions from Members, officers:

- Clarified the parking arrangements for visitors in that three dwellings had over provided on parking to cover visitors parking on plot. There were two additional spaces specifically available for visitors.

Members discussed:

- Concerns about parallel parking.
- That there should be at least 2.25 parking spaces for visitors; whilst there were an extra three spaces on three specific dwellings for visitors there were only two spaces specifically for any visitors.
- Concerns about overdevelopment and the reduction of the size of some gardens.

Councillor Pavitt left the meeting at 5.50 pm.

Councillor Bagnall proposed that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of GEN2- design overdevelopment and the need for good garden amenity green space.

This was seconded by Councillor Freeman.

RESOLVED that the Strategic Director of Planning be authorised to refuse permission for the development on the grounds of GEN2- design overdevelopment.

Councillor G Driscoll spoke against the application.

The meeting ended at 5:52 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 2019 to September 2021	October 2020 to September 2022	October 2021 to September 2023	October 2022 to September 2024	
Speed of major Development	60% (76.27%)	60% (80.30%)	60% (83.33%)	60% (84.85%**)	District - P151a
Speed of non-major Development	70% (82.75%)	70% (85.06%)	70% (84.82%)	70% (84.38%**)	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.	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)	April 2022 to March 2024 (appeal decisions to end December 2024)	
Quality of major Development	10% (16.5*%)	10% (17.57%)	10% (11.76%**)	10% (13.51%)	10% (4.76%*)	District - P152a
Quality of non-major Development	10% (2.44%)	10% (2.91%)	10% (2.31%)	10% (1.74%)	10% (1.25%*)	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. **Subject to change*

Agenda Item 4

Committee: Planning Committee
Date: 6 March 2024
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 - 2024. 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*)
 - April 2022 – March 2024 (*appeal decisions made by 31/12/2024*)
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 from April 2017 within the two-year DLUHC monitoring periods.

	All Major Decisions	Refusals	Appeals	Dismissed	Allowed	Pending	Result
Apr 2017 - Mar 2019	76	29	17	8	7	2*	9.21%
Apr 2018 - Mar 2020	79	46	34	17	13	4**	16.46%
Apr 2019 - Mar 2021	74	38	27	13	13	1***	17.57%
Apr 2020 - Mar 2022	68	31	19	7	8	4****	11.76%
Apr 2021 - Mar 2023	74	30	18	7	10	1*!	13.51%
Apr 2022 - Mar 2024	84	25	11	5	4	2	4.76%

*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.

****Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2022.

*! Pending decisions fell outside of the criteria window of appeal decisions made by 31/12/2023.

7 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	£169,873.42
2023 - 2024	£84,854.48	£30,392.28

*Not including the Stansted Airport Inquiry.

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

8. Pending Appeals

8.1

Reference	Address	Type of Appeal	Dates of Hearing/Inquiry – if known
UTT/22/1718/FUL	Land West Of Colehills Close Middle Street Clavering	Written Representations	
UTT/22/1578/OP	Land To The North Of Eldridge Close Clavering	Written Representations	

Recommendation

9. 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	Refused – 27/06/2023
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	Following a High Court Decision, this application needs to be redetermined.
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	Approval with conditions – 14/06/2023
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	Refused – 11/05/2023
06/10/2022	S62A/0000012	UTT/22/2760/PINS	Land East of Station Road Elsenham	Outline Planning Application with all matters Reserved except for the Primary means of access for the development of up to 200 residential dwellings along with landscaping, public open space and associated infrastructure works.	Consultee	Approve with conditions – 11/04/2023
30/11/2022	S62A/2022/0014	UTT/22/3258/PINS	Land To The West Of	Consultation on S62A/2022/0014- Outline application with all matters reserved except for	Consultee	Approve with conditions – 30/05/2023

			Thaxted Road Saffron Walden	access for up to 170 dwellings, associated landscaping and open space with access from Thaxted Road.		
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	Refuse – 11/05/2023
27/04/2023	S62A/2023/0016	UTT/23/0902/PINS	Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley	Consultation on S62A/2023/0016- Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.	Consultee	Refuse – 09/08/2023
24/04/2023	S62A/2023/0017	UTT/23/0950/PINS	Land Tilekiln Green Great Hallingbury	Consultation on S62A/2023/0017 - Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities	Consultee	Refuse – 27/07/2023
27/04/2023	S62A/2023/0018	UTT/23/0966/PINS	Land East Of Pines Hill Stansted	Consultation on S62A/2023/0018 - Up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill	Consultee	Refuse 08/09/2023
03/08/2023	S62A/2023/0019	UTT/23/1583/PINS	Land Known As Bull Field, Warish Hall Farm Smiths Green Takeley	Access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to:: 96 dwellings on Bulls Field, south of Prior's Wood, including associated parking, landscaping, public open space, land for the expansion of Roseacres Primary School, pedestrian and cycle routes to Smiths Green Lane together with associated infrastructure	Consultee	Refuse – 15/12/2023
08/08/2023	S62A/2023/0022	UTT/23/1970/PINS	Passenger Terminal Stansted Airport	Partial demolition of the existing Track Transit System and full demolition of 2 no. skylink walkways and the bus-gate building. Construction of a 3-bay extension to the existing passenger building, baggage handling building, plant enclosure and 3 no. skylink	Consultee	Approve with Conditions – 31/10/2023
15/08/2023	S62A/2023/0021	UTT/23/1848/PINS	Moors Fields Station Road Little Dunmow	Consultation on S62A/2023/0021 - Application for the approval of reserved matters for appearance, landscaping, layout and scale for 160 dwellings and a countryside park pursuant to conditions 1 and 2 of outline planning permission UTT/21/3596/OP	Consultee	Opinion Given
27/08/2023	S62A/2023/0023	UTT/23/2193/PINS	Land At Eastfield Stables May Walk Elsenham Road Stansted	Consultation on S62A/2023/0023 - Proposed erection of 5 no. residential dwellings and associated infrastructure.	Consultee	Opinion Given

24/10/2023	S62A/2023/0027	UTT/23/2682/PINS	Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley	S62A/2023/0027- Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.	Consultee	Opinion Given
09/11/2023	S62A/2023/0025	UTT/23/2616/PINS	Land To The North Of Eldridge Close Clavering	Consultation on S62A/2023/0025 - Outline planning application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure and development	Consultee	Opinion Given
08/11/2023	S62A/2023/0028	UTT/23/2810/PINS	Land To West Of Chelmsford Road Hartford End Felsted	Consultation on S62A/2023/0028 Outline application for construction of up to 50 dwellings (Use Class C3) and associated access and bus stops with all matters reserved apart from access	Consultee	Opinion Given
17/10/2023	S62A/2023/0026	UTT/23/2622/PINS	Land South Of (West Of Robin Hood Road) Rush Lane Elsenham	Consultation on S62A/2023/0026 - Outline application for the erection of up to 40 dwellings with all matters reserved except for access	Consultee	Approved with conditions – 26/02/2024
10/12/2023	S62A/2023/0031	UTT/23/3112/PINS	Land North Of Knight Park Thaxted Road Saffron Walden	Consultation on S62A/2023/0031 - Outline application with all matters reserved except for access for the erection of up to 55 dwellings, associated landscaping and open space, with access from Knight Park	Consultee	Opinion Given
10/12/2023	S62A/2023/0030	UTT/23/3113/PINS	Land West Of The Cricketers Clatterbury Lane Clavering	Consultation on S62A/2023/0030 - Outline application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure	Consultee	Opinion Given
17/01/2024	S62A/2024/0032	UTT/24/0103/PINS	Land To The West Of Mill Lane Hatfield Heath	Consultation on S62A/2024/0032 - The demolition of 12 no. existing structures, the conversion and restoration of 8 no. existing buildings to form 8 no. holiday cottages and 1 no. dwelling, the construction of 3 no. single storey dwellings. The creation of a pedestrian and cycle link path	Consultee	

Agenda Item 6

Committee: Planning

Agenda Item

Date: 6 March 2024

Title: UTT/23/0878/DFO: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance

Author: Nigel Brown, Development Manager
Avgerinos Vlachos, Senior Planning Officer

Summary

1. The above planning application was reported to Planning Committee 22 November 2023.
2. Members will recall that Committee resolved to defer the determination of the application for the reasons set out in minutes below:

Members discussed:

- Concerns that this was a gateway development to the village and general dissatisfaction with proposed triple tandem parking arrangements and the overall layout of the development.
- The fact that the proposed housing was imposing and wrong for the village of Debden by reason of its design, scale and layout.
- Concerns about the development feeling too dense, with a lack of appropriate boundary treatments in relation to the existing housing in the area.
- Design concerns, particularly at the edges of the development and that it was considered more of an urban aesthetic development.
- Concerns over the proximity of the flats to the neighbouring properties to the north.
- The clear need to involve the Parish Council and the local community in discussions with the developer.
- The need for a site visit.

Councillor Bagnall proposed deferral of the application, in order to resolve the issues raised during the discussion above. This was seconded by Councillor Sutton.

RESOLVED that the application be deferred, in order to resolve issues raised.

3. It can be confirmed that the applicants have now exercised their right to appeal against non-determination. The appeal has been accepted as a valid appeal and the appellants have opted for the Written Representations method of appeal, but the Planning Inspectorate has the authority to upgrade this to an Informal Hearing or Public Inquiry. The power to determine this application has now been removed from the Council's jurisdiction.
4. In situations where the Local Planning Authority receive appeals against non-determination, it is appropriate for the Local Planning Authority to confirm its

view on the appeal scheme. To minimise criticism for unreasonable behaviour it is imperative that this is done at the earliest stage.

5. It should be clarified at this stage the Committee has two options on this matter. If Committee resolves to support the application, then it would infer that the Council will not defend the appeal other than administratively and through the progressing of the related Section 106. Conversely, if the Committee will not support the proposal, then robust and defensible reasons for not supporting the application should be agreed to inform any defence of the appeal.
6. The original Planning Committee report from the 22 November 2023 is attached. The officers' recommendation remains in support of the application.

It is recommended that Planning Committee support the proposal subject to the Section 106 Obligation (already agreed at outline stage) and conditions recommended within the Officer's report dated 22 November 2023.

For clarification, by agreeing to support the proposal Committee is confirming that the Council will not defend the appeal other than conveying its support for the application. The Council will continue to administer the appeal and progress the Section 106 Obligation with the appellant.

Financial Implications

1. None. There are no costs associated with the recommendation.

Background Papers

Planning Application Reference UTT/23/0878/DFO; Planning Committee Report UTT/23/0878/DFO; submitted documents and drawings by the applicants/appellants; Late list.

Impact

- 1.

Communication/Consultation	None
Community Safety	None
Equalities	None

Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Risk Analysis

1.

Risk	Likelihood	Impact	Mitigating actions
1	1	1	None

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.



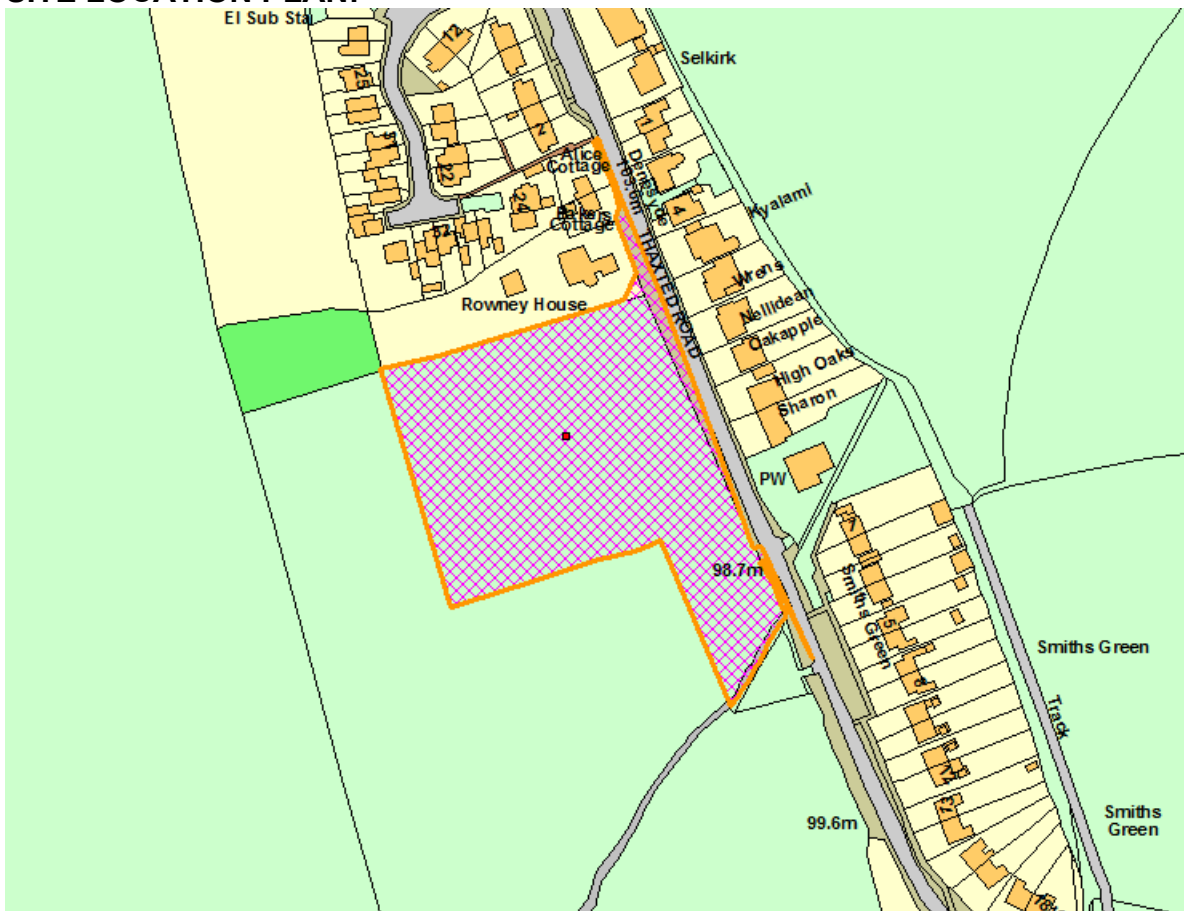
ITEM NUMBER:

PLANNING COMMITTEE 22 November 2023
DATE:

REFERENCE NUMBER: UTT/23/0878/DFO

LOCATION: Land To The West Of
Thaxted Road
Debden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 25 September 2023

PROPOSAL: Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings – details of access, layout, scale, landscaping and appearance.

APPLICANT: Ford Homes Ltd

AGENT: Mr R Albone (BBR Design Ltd)

EXPIRY DATE: 04 July 2023

EOT EXPIRY DATE: 27 November 2023

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits (Adjacent).
Tree Protection Order.
Within Areas A and B of Debden Radar.
Road Classification (Thaxted Road – Class III).
Within 2km of SSSI.
Public Right of Way (Footpath – West).
Public Right of Way (Footpath – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

1.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units and a public open space to the front of the site.

1.2 The details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 1.3 The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 1.4 Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 1.5 The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION**

- 3.1 The application site comprises open, undeveloped land used as arable land, located to the west of Thaxted Road, adjacent to the development limits in the village of Debden. Thaxted Road runs north-south through the centre of Debden, providing a link for communities between Saffron Walden and Thaxted. The site is the south of Highfields, a small cul-de-sac, and Rowney House, within the garden of which two houses have been approved. There is ribbon development of housing to the east of the site on the opposite side of Thaxted Road. The site is generally raised above the level of Thaxted Road and falls towards the south-west corner. There are hedgerows alongside the highway and to the north and south of the site. The site is open to land to the west. Public footpaths run to the west and south of the site. The site is within the Environment Agency Flood Zone 1 and therefore not at risk from fluvial flooding.

4. **PROPOSAL**

- 4.1 This is a reserved matters planning application with the details of access, layout, scale, landscaping and appearance, following the outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings. The application proposes 10 no. affordable units a public open space to the front of the site.
- 4.2 The application includes the following documents:

- Application form
- Desk based archaeological assessment
- Landscape and visual assessment
- Preliminary ecological appraisal
- Transport statement
- Flood risk assessment
- Revised transport statement
- Agent's response to highways
- Email correspondence
- Response to flood authority
- Response to case officer (revisions)
- Revised area schedule (by 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**

6.1

Reference	Proposal	Decision
UTT/20/0264/OP	Outline permission with all matters reserved for the erection of 25 no. private and affordable dwellings.	Approved with conditions and a s106 agreement (03.10.2022).
UTT/18/1708/FUL	Proposed development of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure, including 14 no. affordable housing units. With associated garages, landscaping and new access.	Refused and appeal dismissed (22.02.2019).
UTT/17/3047/PA	Erection of 25 dwellings on current agricultural land.	Closed (01.12.2017).

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

7.1 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this reserved matters application. No details have been submitted prior to the submission of this application of whether any community consultation with the public was

undertaken. However, a statement of community involvement had been submitted with the outline application (UTT/20/0264/OP).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 Local Flood Authority

8.2.1 No objections unconditionally – recommended discharge of condition 10 from the outline permission (see full response in Appendix 2).

8.3 Natural England

8.3.1 No comments (see full response in Appendix 3).

8.4 Manchester Airport Group

8.4.1 No objections subject to conditions (see full response in Appendix 4).

9. PARISH COUNCIL COMMENTS

9.1 Object:

- The Parish Council objected the outline application.
- Potential for further development.
- Missing design and access statement.
- Insufficient information about housing mix and tenure mix.
- Size and type of dwellings can be objected to.
- Highway safety concerns.
- Potentially insufficient parking provision.
- Clarifications needed regarding ownership of foul sewer.
- Concerns on boundary treatments and street lighting.
- Ecological and biodiversity concerns.
- Flood risk concerns.
- Residents contributing to a management company may compromise affordability.
- Appearance of dwelling more in keeping with properties in the area.
- More dwellings necessary for young and elderly with more parking.
- S106 necessary to restrict further development.
- Provision to prevent extensions, to prevent over-development.
- No pre-application discussions with the parish council.
- Public consultation with the developer necessary after the May elections.

10. CONSULTEE RESPONSES

10.1 UDC Housing Enabling Officer

10.1.1 No objections.

10.2 UDC Environmental Health

10.2.1 No objections subject to conditions.

10.3 UDC Landscape Officer/Arborist

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to a condition.

10.5 Place Services (Archaeology)

10.5.1 No objections subject to conditions.

10.6 Crime Prevention Officer

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

10.7 Anglian Water

10.7.1 No comments as there is no connection to the Anglian Water sewers.

10.8 Affinity Water

10.8.1 No comments.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in the local newspaper and representations have been received.

11.2 Support

- 11.2.1
- Opportunity for local people to remain in the village.
 - Affordable housing provision.
 - Potential for young persons to own a house.
 - Appealing village and area.

11.3 Object

- 11.3.1
- Potential for further development.
 - Highway safety concerns.

- Flood risk and drainage concerns.
- Loss of arable land.
- Too large a development for the size of the village.
- No public consultation.
- Right to control the pace and nature of development in local community.
- Previously developed land alternatives not considered.
- Detrimental effect to the environment.
- Tandem parking arrangements unacceptable.
- Car reliance.
- Infrastructure capacity concerns.
- Loss of view and outlook.
- Noise, light pollution and other disturbances.
- Concerns over responsibility and maintenance of public open space.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Appropriate boundary treatments needed.
- Details needed for the wildlife strip on the northern boundary.
- Harm to protected tree.
- Trees on northern boundary within the curtilage of Rowney House.
- Land ownership issues (access, footpath).
- Out of date ecology report.
- Three storey buildings.
- Lack of green/sustainability credentials.
- Consultation with Natural England required.
- Concerns regarding the accessibility of the flats.
- Conflict with local and national policies.
- Loss of ancient verge.

11.4 Neutral

- 11.4.1**
- Scaled back application.
 - Affordable homes provision.
 - Affordable homes should be offers to local first-time buyers.
 - Restriction on future expansion of the site necessary.
 - Risk of creating housing estates within the village.
 - Rural character must be preserved.
 - Further loss of arable land must be prevented.
 - Public consultation necessary.

11.5 Comment

- 11.5.1** All material planning considerations raised by third parties have been taken into account when considering this application. Land ownership issues and issues around the deliverability of a planning permission are not planning issues, but civil matters.

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

- 12.3.1** 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 February 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 July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1	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
ENV3	Open Space and Trees
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV8	Other Landscape Elements of Importance for Nature Conservation
ENV10	Noise Sensitive Development
ENV11	Noise Generators
ENV12	Protection of Water Resources
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Supplementary Planning Document – Developer's contributions
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)
 Essex County Council Developers' Guide to Infrastructure Contributions (2020)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Background
 - B) Appearance, scale, layout, landscaping / Climate change
 - C) Residential amenity
 - D) Access and parking
 - E) Ecology
 - F) Contamination
 - G) Archaeology
 - H) Flood risk and drainage
 - I) Housing mix and affordable housing
 - J) Other matters

14.3 A) Background

14.3.1 The principle of the development was accepted in the outline permission granted under UTT/20/0264/OP (extant until 30 September 2025). The outline permission was granted subject to planning conditions and a

section 106 agreement. The s106 agreement set out the terms in which affordable housing, public open space and the village hall contribution would be defined.

14.3.2 Since the determination of the outline planning application, the local planning authority (LPA) published in October 2023 a 5-Year Housing Land Supply (5YHLS) of **5.24 years**¹; this figure includes the necessary 5% buffer. That said the LPA's Development Plan cannot be viewed as being fully up to date, and as such, paragraph 11(d) of the National Planning Policy Framework (2023) would still be engaged. The planning balance has already been applied in UTT/20/0264/OP and found the proposal to represent 'sustainable development' in the context of the NPPF.

14.3.3 The LPA has also adopted the Supplementary Planning Document (SPD) Developer Contributions (March 2023) as part of its development plan.

14.3.4 Notwithstanding the updated 5YHLS position and the adoption of a new SPD, there is material change in circumstances that would alter the view relating to principle. The proposal's compliance with the findings of the Planning Inspector² for a development of 36 no. dwellings that was dismissed on the wider site is explained in Section B.

14.4 B) Appearance, scale, layout, landscaping / Climate change

14.4.1 The scope of outline and reserved matters permissions is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It limits reserved matters approval to issues of access; appearance; landscaping; layout; and scale with the following definitions:

- 14.4.2**
- **“appearance”** means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - **“landscaping”**, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—
 - (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;

¹ Previously at 4.89 years in Apr 2022 (from 3.52 years, Apr 2021, and 3.11 years in Jan 2021 and 2.68 years before that).

² APP/C1570/W/19/3231500 (UTT/18/1708/FUL) for a mix of 36 no. new dwellings ranging from 1-bed, 2-person, up to 5-bed, 7-person houses with a mix of tenure and affordable housing – Appeal dismissed on 09 September 2019.

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
(e) the provision of other amenity features.

- “**layout**” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- “**scale**” except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings.

14.4.3 Layout:

The proposed development would provide amenity spaces, a main internal road, footpaths and public open space for community interaction. The main road at the centre of the development would have soft landscaping features, including trees, that would highlight it as a focal point in the proposed layout. The proposed dwellings to the east of the application site would be aligned to the open space to its frontage facing onto Thaxted Road, creating a defined edge within the site and an appropriately unified front. Intra-site navigation would be easy and convenient.

14.4.4 The proposed dwellings will have sufficient private amenity spaces with appropriate distances between them and the existing neighbouring properties (see Section C). The apartment block (plots 13-17) would include communal space and all plots would be located close to the public open space to the front of the site. Refuse collection would take place from within the site, with refuse vehicles travelling in forward gear and appropriately spaced driveways to allow their turning to exit the site in a forward gear.

14.4.5 The Inspector for the appeal scheme (see plan) noted that the Highfields housing estate to the north of the site, above Rowney House, is not a prominent departure from the local pattern of development as it is screened from the wider rural landscape by a dense belt of planting to its west³. However, unlike the refused scheme, the proposed layout would be looser with less units/outbuildings and with the western boundary stepped back to coincide with that of the development envelope, which would offer a softer perception of the development to the users of the public footpath to the west of the site. Although no such belt of planting is proposed on the western boundary, the front layout of the site would include a public open space and the existing landscape buffer on the northern boundary would be enhanced by additional plantings (to be secured via condition). Also, unlike the refused scheme, the proposed layout would include three tiers of built form.

³ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 7.



14.4.6 The Crime Prevention officer raised **no objections** but noted concerns with the layout, requiring the details of the proposed lighting, boundary treatments and physical security measures (to be conditioned).

14.4.7 Therefore, the proposal would be a natural extension to the village rather than a prominent departure from the local pattern of development or visually separate and discordant incursion into the rural landscape as the appeal scheme⁴. The proposed layout would provide an appropriate siting of the dwellings, garages and public open space within the site that would be compatible with its surroundings and nearby residential development. The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

14.4.8 Scale and appearance:
The appeal scheme was found to have a suburban character and layout due to its failure to reflect the local vernacular, the lack of a verdant character throughout the appeal site and its out-of-scale proportions in relation to Debden⁵. On the contrary, the current design of the proposed buildings would be responsive to the local vernacular, away from the previous unified and boxy appearances, taking design cues from traditional rural buildings in the countryside (including the Broctons Farm complex).

14.4.9 The traditional designs of the proposed dwellings would remove the generic suburban aesthetic of the previous scheme in favour of a distinct visual identity that would make the development compatible with the surrounding buildings and the edge of the village. The built form has been reduced in comparison to the appeal scheme. Although the proposed dwellings would be of varying scales⁶, there would be fewer units than the appeal scheme, and as such, the development would read as a “*natural*,

⁴ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 9.

⁵ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraphs 12-13.

⁶ Including larger detached dwellings, smaller semi-detached properties, a bungalow and a block of flats.

integrated and harmonious extension” to Debden⁷ and its landscape setting. The residential gardens and the natural elements and plantings in the proposed layout would offer a verdant character to the application site that the previous scheme failed to provide. Finally, the proposed materials would include the use of timber weatherboarding and brickworks that are more appropriate for this rural location (to be secured via condition). The proposal would comply with policy GEN2 of the Local Plan and paragraph 130(a)-(d) of the NPPF.

- 14.4.10** The Inspector also noted that the smaller scheme of 25 no. dwellings would be materially different to the appeal scheme for 36 no. dwellings; in his words *“Part of the site is allocated in draft Policy DEB1 of the emerging Local Plan. However, the emerging local plan is not at a stage where it can be given determinative weight. In any event, the draft allocation is for approximately 25 homes on a smaller parcel of land. A scheme coming forward in the context of this allocation, if adopted, would be materially different to what is before me”*⁸. Although the site has not been allocated in the latest draft Local Plan, outline permission has already been granted and the site is indeed materially different to the previous one for the reasons explained in Section B.
- 14.4.11** Notwithstanding the concerns raised from neighbouring occupiers regarding the size of the block of flats, this building would not be visually or spatially dominant within the application site nor as viewed from the public realm and the neighbouring properties. Plot 17 (flat 5) would be within the roof of the proposed building, and as such, the overall height of the block of flats would only be 2m higher than plots 11-12 next door and not significantly higher than the existing properties on this side of Thaxted Road. The appearance of the building as a 2.5-storey property and its location away from the edges of the development site would preserve the character and appearance of the area and streetscene.
- 14.4.12** The proposal would not involve any significant changes in the existing ground levels across the site and the proposed dwellings have been designed to respond in scale to the existing ground levels, as shown in the Revised Proposed Section drawings.
- 14.4.13** A condition is also necessary to improve accessibility and social inclusion for all potential users for the proposed building for plots 13-17, in accordance with policy GEN2(c) of the Local Plan, as recommended by the Housing officer.
- 14.4.14** Landscaping:
- 14.4.15** The landscape proposals would create a public open space to the front of the site that would contain wildflower meadows and mixed native hedging, whilst retaining the existing front hedge (except for the vehicular access).

⁷ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 13.

⁸ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 28.

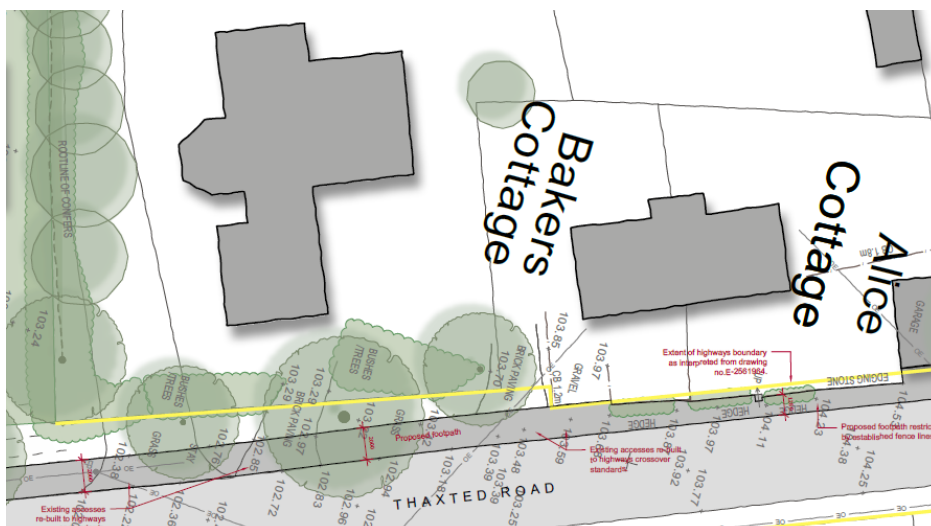
The landscape buffer on the northern boundary would also be enhanced with additional tree plantings and mixed native hedging. These features would create green infrastructure corridors within the site, improving the experience of highway users and softening the appearance of the proposed development as perceived from the neighbouring occupiers across the road to the east.

14.4.16 The Landscape officer raised **no objections** subject to conditions, as the proposal would not be harmful to the wider landscape. The conditions refer to hard and soft landscaping details and a condition to ensure replacement and/or filling for any loss of hedge or gaps in the existing hedge with replanted hedge at 3 no. subjects per metre run inclusive of existing. Despite the submitted Proposed Landscaping Plan, further details are required (including photographs and specifications) for the proposed hard and soft landscaping features. The Landscape officer advised that close boarded fencing should be avoided to the western and southern boundaries (facing onto open arable fields), and a continued hedge or post and rail fencing would be necessary at the southern boundary of the site between plots 25 and 09.

14.4.17 Notwithstanding the concerns raised by third parties, the Landscape officer confirmed that the risk to the protected tree⁹ to the front of Rowney House, by the proposed footway, would be less than substantial. Despite the Inspector's concerns that "*It has not been demonstrated how the provision of a pavement along Thaxted Road would be compatible with the retention of this tree*"¹⁰, the previous case officer for the outline application (UTT/20/0264/OP) stated that the submitted drawing titled Proposed Footpath Link would demonstrate that the TPO tree would be retained due to the limited infringement of the hardstanding over its root protection area and protective measures during construction works (to be conditioned). The same applies for the current application, as the same drawing was submitted. Given that these protective measures would be within the application site, as shown in the Location Plan, the condition would comply with the tests in paragraph 56 of the NPPF.

⁹ Tree Preservation Order (TPO).

¹⁰ APP/C1570/W/19/3231500 (UTT/18/1708/FUL), paragraph 30.



14.4.18 Climate change:

The LPA adopted a Climate Crisis Strategy 2021-30 and an Interim Climate Change Planning Policy, which prioritises energy performance. An Energy Statement or other relevant information have not been submitted with the application; however, an appropriate condition can be used to ensure the development would bring forward water and energy efficiency measures and construction techniques to ensure compliance with the above policies, as well as section 14 of the NPPF. Water efficiency must be at a total water consumption of 110 litres per person per day (or less) as set out in policy 3 of the Interim Climate Change Planning Policy, and policy GEN2(e) of the Local Plan.

14.5 **C) Residential amenity**

14.5.1 In terms of the residential amenity of the occupants, the proposed units have the following occupancies and gross internal areas (GIA) compared to the minimum thresholds set out in the Nationally Described Space Standard (NDSS, see brackets):

- Plot 1: 3B4P¹¹ (> threshold 84sqm)
- Plot 2: 3B4P (> threshold 84sqm)
- Plot 3: 3B4P (> threshold 84sqm)
- Plot 4: 3B5P (> threshold 93sqm)
- Plot 5: 3B5P (> threshold 93sqm)
- Plot 6: 3B4P (> threshold 84sqm)
- Plot 7: 3B4P (> threshold 84sqm)
- Plot 8: 4B6P (> threshold 106sqm)
- Plot 9: 4B6P (> threshold 106sqm)
- Plot 10: 5B7P (> threshold 119sqm), including home office
- Plot 11: 3B4P (> threshold 84sqm)
- Plot 12: 3B4P (> threshold 84sqm)
- Plot 13-17:
- Plot 13 (Flat 1): 2B2P (> threshold 61sqm)

¹¹ 3B4P = 3 no. bedrooms – 4 no. persons.

- Plot 14 (Flat 2): 1B2P (> threshold 50sqm)
- Plot 15 (Flat 3): 2B2P (> threshold 61sqm)
- Plot 16 (Flat 4): 1B2P (> threshold 50sqm)
- Plot 17 (Flat 5): 2B3P (= threshold 61sqm)
- Plot 18: 2B3P (> threshold 61sqm)
- Plot 19: 3B4P (> threshold 84sqm)
- Plot 20: 3B4P (> threshold 84sqm)
- Plot 21: 3B4P (> threshold 84sqm)
- Plot 22: 3B4P (> threshold 84sqm)
- Plot 23: 4B6P (> threshold 106sqm)
- Plot 24: 4B6P (> threshold 106sqm)
- Plot 25: 4B6P (> threshold 106sqm), not including home office or study as they are below 7.5sqm.

14.5.2 Therefore, the proposed dwellings and flats have GIAs that do not fall below the minimum thresholds of the NDSS, and as such, the proposed units offer appropriate living accommodation for their future occupants, by way of providing adequate floor space, to the benefit of their residential amenity. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.3 In terms of amenity (garden) space, following minor revisions, the proposed plots have the following garden areas:

- Plot 1: 127.1 sqm of rear garden
- Plot 2: 113.1 sqm
- Plot 3: 119.4 sqm
- Plot 4: 104.7 sqm
- Plot 5: 134.8 sqm
- Plot 6: 106.1 sqm
- Plot 7: 105.4 sqm
- Plot 8: 212.1 sqm
- Plot 9: 138.6 sqm
- Plot 10: 144.5 sqm
- Plot 11: 101.9 sqm
- Plot 12: 110.1 sqm
- Plots 13 – 17: 173.9 sqm (flats)
- Plot 18: 111 sqm
- Plot 19: 101.1 sqm
- Plot 20: 103.2 sqm
- Plot 21: 101 sqm
- Plot 22: 100.8 sqm
- Plot 23: 100.8 sqm
- Plot 24: 100.1 sqm
- Plot 25: 154.9 sqm.

14.5.4 Considering the above and in comparison to the minimum thresholds set out in the Essex Design Guide, the proposed units would have adequate gardens (or communal garden in the case of the proposed block of flats)

that would satisfy the Essex Design Guide. The proposal would comply with policy GEN2(c) of the Local Plan, and paragraph 130(f) of the NPPF.

14.5.5 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, notwithstanding the concerns raised by neighbouring occupiers, the Environmental Health officer raised **no objections** subject to conditions (see also Section 6). The condition refers to noise controls on air source heat pumps. It should be noted also that a condition for a Construction Method Statement and other conditions were recommended by Environmental Health at the outline stage and remain relevant. In any case, a condition to control the use of external lighting in order to safeguard residential amenities within and outside the site is necessary.

14.5.6 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers and for the impact on the future occupants of the proposed units in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.7 Potential overlooking and loss of privacy:
Notwithstanding the comments from neighbouring occupiers regarding the potential loss of privacy, the proposed development would not materially harm the residential amenity of any existing neighbouring occupiers.

- **Plots 1 and 9 / plots 3 and 10:**
 - Following revisions, back-to-back distances have exceeded the 25m threshold, and as such, actual and perceived overlooking between back-to-back habitable room windows at rear elevations would be eliminated.
- **Plot 18:**
 - Plot 18 is a bungalow but first-floor bedroom windows from the extant planning permission at the rear of Rowney House (UTT/22/1639/FUL) would be overlooking the private garden of plot 18. However, the distance between the front façade of the extant dwelling next door to the nearest corner of plot 18 would be 10.6m and views to the garden would be angled. Although the proposed green screening on the northern site boundary cannot be relied upon continuously due to health and season, the indirect views into the private garden of plot 18 would not materially harm the residential amenity of the future occupants of plot 18.
- **Plots 13-17:**
 - There are no windows at upper floor level facing north towards the dwelling approved in the extant permission under UTT/22/1639/FUL and the communal garden of plots 13-17 would remain private, as the extant unit to the back of Rowney House would have 2 no. small bedroom windows at first-floor level facing south towards the blank east elevation of plots 13-17.

- **Plot 8:**
 - There are no side facing windows at upper floor level in plot 8 and the location of Rowney House would exclude the possibility of a compromise in the residential amenity (privacy) of the existing or future occupants of those residential units.

14.5.8 Potential overshadowing and loss of light:
Following careful considerations of the objections submitted by neighbouring occupiers, due to their size, scale and position, the proposed buildings would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any proposed, extant or existing properties that would harm the residential amenity of their occupiers.

14.5.9 Potential overbearing effects:
Given the appropriate gaps between the buildings and the position of plots 13-17 away from the northern site boundary, the scheme would not amount to an overbearing impact ('tunnelling effect' or 'sense of enclosure') that would harm the residential amenity of any neighbouring or prospected occupiers.

14.5.10 Overall, the proposal would not materially harm residential amenities of existing and future occupants and would comply with policy GEN2 of the Local Plan, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

14.6.1 Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines '**access**' as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

14.6.2 From a highway and transportation perspective and notwithstanding the concerns raised by third parties, following revisions and the submission of additional information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 111 and 110(b) of the NPPF. The conditions refer to the construction of the access, the surface treatment of the access, the provision of parking and turning areas and the provision of a 2m-wide footway along the western side of Thaxted Road. Conditions 4 (visibility splays), 5 (footway), 6 (improvements to passenger transport infrastructure), 7 (Construction Management Plan) and 8 (residential travel information pack) remain relevant as part of the outline permission.

14.6.3 The required parking spaces as per the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards

(2009), as well as the parking spaces proposed by the application, are as follows:

	Bedrooms	Required parking	Proposed parking	Test
Plot 1	3-bed	2	2	Yes
Plot 2	3-bed	2	2	Yes
Plot 3	3-bed	2	2	Yes
Plot 4	3-bed	2	2	Yes
Plot 5	3-bed	2	3	Yes
Plot 6	2-bed	2	2	Yes
Plot 7	2-bed	2	2	Yes
Plot 8	4-bed	3	3	Yes
Plot 9	4-bed	3	3	Yes
Plot 10	5-bed	3	3	Yes
Plot 11	3-bed	2	2	Yes
Plot 12	3-bed	2	2	Yes
Plot 13	2-bed	2	2	Yes
Plot 14	1-bed	1	1	Yes
Plot 15	2-bed	2	2	Yes
Plot 16	1-bed	1	1	Yes
Plot 17	2-bed	2	2	Yes
Plot 18	2-bed	2	2	Yes
Plot 19	3-bed	2	2	Yes
Plot 20	3-bed	2	2	Yes
Plot 21	2-bed	2	2	Yes
Plot 22	2-bed	2	2	Yes
Plot 23	4-bed	3	3	Yes
Plot 24	4-bed	3	3	Yes
Plot 25	4-bed	3	6	Yes

14.6.4 The total spaces for residents would be 48 no. parking spaces¹² of appropriate dimensions and the visitors' parking spaces would be 6 no. spaces. Notwithstanding the objections and concerns raised by neighbours, "*tandem parking is acceptable on-plot, within the curtilage of a dwelling but should be discouraged in areas which offer general access, e.g. parking courts*"¹³. Tandem parking has been successfully avoided in the parking court for plots 13-17 and would also allow a more flexible layout that focuses on the proposed dwellings and green infrastructure instead of being visually dominated by parking spaces. The proposed parking arrangements would comply with the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009), as well as policy GEN8 of the Local Plan.

14.6.5 The proposed garages and cycle sheds provide appropriate numbers of cycle spaces in accordance with the requirements of the Essex County Council Parking Standards (2009).

14.7 E) Ecology

¹² Parking arrangements are shown in the Revised Proposed Site Plan; the Parking Plan should be considered out of date and superseded.

¹³ Essex County Council Parking Standards (2009), paragraph 3.4.22.

14.7.1 The Ecology officer raised **no objections** subject to a condition to secure biodiversity mitigation and enhancement measures, as well as to avoid any harm to protected and priority species and habitats. The development would accord with paragraphs 43, 174(d) and 180 of the NPPF, and policies GEN7 and ENV8 of the Local Plan. The condition refers to further surveys for mobile protected species, and as such, the concerns raised by third parties over the validity of the ecological data included in the application are addressed. In addition, condition 15 (action in accordance with appraisal recommendations), 16 (construction environmental plan), 17 (biodiversity enhancement strategy), 18 (landscape and ecological management plan) and 19 (lighting scheme) from the outline permission under UTT/20/0264/OP remain relevant. Natural England has **refrained** from commenting.

14.8 F) Contamination

14.8.1 In terms of contamination, the Environmental Health officer raised **no objections** subject to a condition to protect human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to electric car chargers per unit as promoted by paragraph 107 of the NPPF. However, this has already been imposed as condition 9 in the outline permission (UTT/20/0264/OP) and shall not be repeated in the reserved matters permission. Condition 14 (potential land contamination) is also relevant from the outline permission.

14.9 G) Archaeology

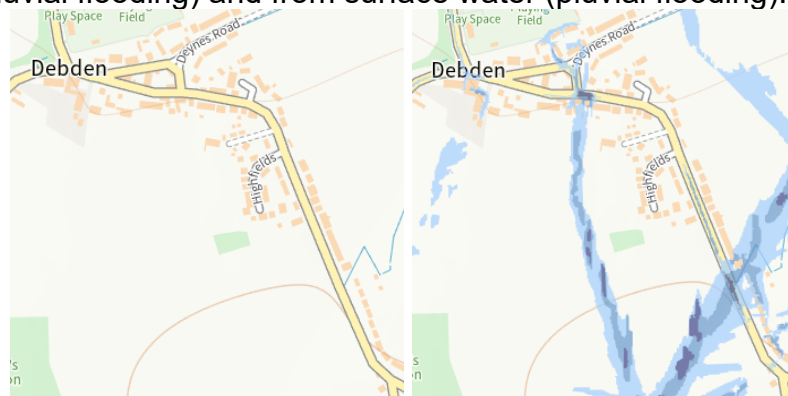
14.9.1 Archaeology reported that the proposed development "*lies within a potentially sensitive area of heritage assets*". The Archaeology officer raised **no objections** subject to conditions; however, the conditions refer to a programme of archaeological investigation through trial trenching followed by open area excavation, which has already been covered in condition 20 of the outline permission (UTT/20/0264/OP). The development would comply with paragraph 192(b) of the NPPF, and policy ENV4 of the Local Plan.

14.10 H) Flood risk and drainage

14.10.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere (see paragraphs 159-169 of the NPPF).

14.10.2 Although the site falls within Flood Zone 1, footnote 55 in paragraph 167 of the NPPF states that a site-specific Flood Risk Assessment (FRA) should accompany all proposals in Flood Zone 1 involving sites of 1 hectare or more; or land that may be subject to other sources of flooding,

where its development would introduce a more vulnerable use. These criteria apply on this occasion, and as such, an FRA was submitted with the application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding).



14.10.3 Paragraph 167 of the NPPF states, amongst other things, that development should only be allowed in areas at risk of flooding where, in the light of the site-specific flood-risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

14.10.4 Following the submission of an updated FRA and additional flood risk information, Essex County Council (as the Lead Local Flood Authority, LLFA) raised **no objections** to the development as the information required by condition 10 in the outline permission under UTT/20/0264/OP have been submitted and agreed to. Condition 10 required the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development (along with other technical requirements). This surface water drainage scheme would prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site, ensure the effective operation of SuDS¹⁴ features over the lifetime of the development and provide mitigation of any environmental harm which may be caused to the local water environment. The LLFA support to the scheme means that it has been demonstrated that the proposed development would not increase flood risk on the site or elsewhere and that the operation of the proposed SuDS would be effective, in accordance with paragraph 167 of the NPPF and policy GEN3

¹⁴ Sustainable Urban Drainage Systems.

of the Local Plan. As such, notwithstanding the concerns raised by the Parish Council and neighbours, the proposal would not place an unacceptable risk to human lives and would not lead to property damages.

14.11 I) Housing mix and affordable housing

14.11.1 Policy H10 is applicable on sites of 0.1ha and above or of 3 no. or more dwellings (being relevant on this occasion), requiring a significant proportion of market housing comprising small properties. 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. As such, notwithstanding policy H10 requiring smaller properties, more recent evidence in the Local Housing Needs Assessment (LHNA) Update (October 2023) prepared for the Draft Uttlesford Local Plan 2021 – 2041 (Regulation 18) recommends the following housing mix:

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	5%	35%	40%	20%
Affordable home ownership	20%	45%	25%	10%
Affordable housing (rented)	35%	35%	25%	5%

14.11.2 The proposed development would include the following housing mix:

	1-bed	2-bed	3-bed	4+-bed	Total
Market	-	-	9 (60%)	6 (40%)	15
Affordable shared ownership	-	-	3 (100%)	-	3 (30%)
Affordable rent	2 (29%)	4 (57%)	1 (14%)	-	7 (70%)
Total	2	4	13	6	25

14.11.3 The LHNA shows there is a particular need for 2-bed accommodation and for rented affordable housing to provide a range of different sizes of homes, including 30% of 3+ bedroom properties. However, this evidence has not yet been formally accepted by the LPA and holds limited weight. In any case, the Housing officer raised **no objections** to the proposed housing mix and affordable housing provision, as the affordable tenure split is 70% affordable rent and 30% shared ownership. The development would comply with policy H10 of the Local Plan.

14.11.4 The 40% affordable housing contribution is triggered as the site exceeds 0.5 hectare and the scheme comprises a 'major development'¹⁵. The

¹⁵ 'Major development' is defined in the NPPF Glossary (p.68): For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 sqm or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

application would provide 10 no. affordable units (40% of the total number of units) that has already been secured through the signed s106 agreement. Again, the Housing officer supports the affordable housing provision and mix that would be provided by the proposal. The development would comply with policy H9 of the Local Plan.

14.12 J) Other matters

14.12.1 The Safeguarding Authority for Stansted Airport have **no objections** subject to conditions to secure flight safety. The conditions refer to measures against light spill and the prevention of birds being attracted to the site.

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 details of access, scale, appearance and layout are acceptable, as the proposed development would have limited impact on the character and appearance of the area and would safeguard the residential

amenities of existing and future occupants. The proposal would not compromise highway safety as agreed by the Highway Authority and would provide appropriate parking arrangements. The development would also be acceptable in terms of ecology and biodiversity. The detailed surface water drainage scheme has been assessed and accepted by the Lead Local Flood Authority.

- 16.2** The landscaping proposals submitted with the application would require further details which shall be conditioned.
- 16.3** Affordable housing, education contributions, a public open space and a village hall contribution have been secured through the signed section 106 agreement at the outline stage of the development. The housing mix and affordable housing provision and mix are also supported by the Housing officer.
- 16.4** The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the scheme – the position has not changed following the grant of the outline permission (UTT/20/0264/OP). Therefore, the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.
- 16.5** It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

- 1** 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

- 2** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) 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 in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, and to ensure the development is visually attractive, in accordance with policies S7, GEN2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 3** Prior to commencement of the development hereby approved, details of all hard and soft landscaping (including photographs) shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

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

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 4** Prior to commencement of the development hereby approved, supplementary ecological surveys for badgers to inform the preparation and implementation of ecological mitigation measures required shall be submitted to and approved in writing by the local planning authority.

The supplementary ecological surveys for badgers shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Thereafter, the approved supplementary ecological surveys for badgers shall include ecological mitigation measures which shall be implemented prior to occupation of the development hereby approved as agreed in the Preliminary Ecological Appraisal (Skilled Ecology Ltd, Updated March 2019), or (if shown to be necessary by the approved supplementary ecological surveys for badgers) shall amend and update the ecological

mitigation measures which shall be implemented prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The CMS shall also include protective measures for the protected tree under the Tree Preservation Order to front of Rowney House. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities and to protect important environmental features of amenity value, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV3, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, the energy and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development hereby approved shall not be occupied until all the approved energy and water efficiency measures have been implemented.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with the adopted Uttlesford Local Plan Policy GEN2, as well as Uttlesford District Council's Interim Climate Change Planning Policy (2023) and the Uttlesford Climate Change Strategy 2021-2030.

- 7** Prior to occupation of the flats in plots 13 – 17, revised floor plans shall be submitted to and approved in writing by the local planning authority, showing a lift to serve all floors and flats within the approved building.

REASON: To improve accessibility and social inclusion for all potential users, in compliance with the adopted Uttlesford Local Plan Policy GEN2(c), and the National Planning Policy Framework (2023).

- 8** Prior to occupation of the development the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate

the swept path of all vehicles accessing the site for the intended purpose, to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. Thereafter, the access shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that safe, efficient, and improved accessibility is provided for all highway users in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, a 2-metre wide footway shall be provided along the western side of Thaxted Road to extend from the approved access to the south until it meets the existing footpath as shown in the Proposed Footpath Link drawing hereby approved (reference PL43). The footway shall include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted Road. Thereafter, the footway and crossing point shall be retained as such at all times.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 11** Prior to first use, 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. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 13** Any loss of hedge on the site's frontage and any gaps in the existing hedge on the site's frontage shall be replaced and/or filled with replanted native species mixed hedge at 3 no. subjects per metre run inclusive of existing.

REASON: To preserve the character and appearance of the area, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV3, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 14** If air source heat pumps are installed at the development, they must be specified, designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of the British Standard 4142:2014.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2023).

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

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 16** No dust/smoke clouds and pools/ponds of water shall occur or be created on or above the site. No airborne debris shall be created on or blown from the site from any waste materials. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no reflective materials (such as solar panels) shall be added to the building without the express consent in writing by the local planning authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/23/0878/DFO
Our Ref: 31506
Date: 22nd September 2023



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/23/0878/DFO
Applicant Ford Homes Ltd
Site Location Land To The West Of Thaxted Road Debden Essex
Proposal Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance

SUPERSEDES PREVIOUS RECOMMENDATION ISSUED 11TH MAY 2023

Conditions 4, 5, 6, 7 and 8 of UTT/20/0264/OP provide details of visibility splays, footway provision, improvements to passenger transport infrastructure, construction management plan and Residential Travel information plan. As these Highway matters have been previously covered no further mention will be made in the current application but the above conditions remain relevant and applicable to the proposal.

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

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

1. Prior to occupation of the development the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular

crossing of the highway verge. **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety
3. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been provided. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety
4. Prior to occupation of any dwelling, a 2-metre footway shall be provided along the western side Thaxted Road from the proposed access to the south, to extend along the site's frontage and to include a pedestrian crossing point to connect to the existing footway on the eastern side of Thaxted road.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Within the limits of the junction with Thaxted Road, the longitudinal gradient of the proposed access road should not be steeper than 2.5% within the first 15m as measured from the channel of the main road.
- v. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building

materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

- vi. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- vii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- viii. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- ix. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding
- x. The development is not likely to be adopted by Essex County Council



.....
pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

APPENDIX 2 – ESSEX COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

Essex County Council
Development and Flood Risk
Waste & Environment
C426 County Hall
Chelmsford
Essex CM1 1QH



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 9th August 2023
Our Ref: SUDS-006710
Your Ref: UTT/23/0878/DFO

Dear Avgerinos,

Consultation Response – UTT/23/0878/DFO – Land West of Thaxted Road, Debden

In response to your email of 04/08/23, I can find no record of having been re-consulted on the above application. However, I note the additional information submitted by the applicant which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object to** the discharge of condition 10 of UTT/20/0264/OP.

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>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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.

While we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Yours faithfully,

Richard Atkins
Development and Flood Risk Officer
Team: Development and Flood Risk
Service: Waste & Environment
Essex County Council

Internet: www.essex.gov.uk
Email: 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.

APPENDIX 3 – NATURAL ENGLAND

From: [SM-NE-Consultations \(NE\)](#)
To: [Planning](#)
Subject: [External] UTT/23/0878/DFO – Consultation response
Date: 14 April 2023 11:41:43
Attachments: [image001.png](#)
[ufm19 CONS - Consultee Letterm.pdf](#)

Dear Sir/Madam

Application ref: **UTT/23/0878/DFO**

Our ref: **428733**

Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland, ancient and veteran trees](#) which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Loz Burrige

Natural England

Consultation Service

Hornbeam House

Crewe Business Park, Electra Way,

Crewe, Cheshire, CW1 6GJ

Enquiries line: 0300 060 3900

Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england



APPENDIX 4 – SAFEGUARDING AUTHORITY FOR STANSTED AIRPORT



AERODROME SAFEGUARDING RESPONSE

Response under Circular 1/2003 Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas: the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002

APPLICATION DETAILS

Ref:

Local Planning Authority:	
UDC	
Application No:	Application Type:
UTT/23/0878/DFO	DFO
Development Proposal:	
Details following outline application UTT/20/0264/OP for the erection of 25 no. private and affordable dwellings - details of access, layout, scale, landscaping and appearance.	
Location:	OS Co-ordinates (Eastings/Northings):
Land To The West Of Thaxted Road Debden	555883 / 233121

As safeguarding authority for Stansted Airport our response, under the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, is as follows:

No Objection
 Crane Advisory Permit
 Need to engage with MAG Safeguarding
 Request Conditions
 Objection

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

- 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 and measures 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.
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.
- 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 in consultation with the aerodrome safeguarding authority for Stansted Airport.
Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN. An aviation perspective Glint and Glare assessment may be necessary.

Informatives:

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:
<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

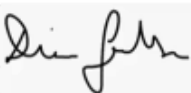
No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order ("Order"). In particular in contravention of the following provisions under that Order:-

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Name: Diane Jackson - Authorised MAG Aerodrome Safeguarding Officer

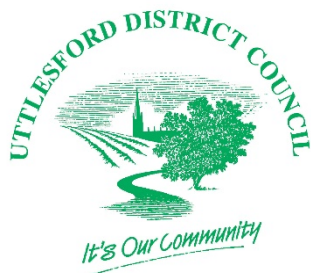
Signed: 

Date: 06/04/2023

The appropriate office for the purpose of consultation is:

Head of Planning and Infrastructure
Enterprise House,
Bassingbourn Road,
Essex
CM24 1QW

[Email: aerodrome_safeguarding@stanstedairport.com](mailto:aerodrome_safeguarding@stanstedairport.com)



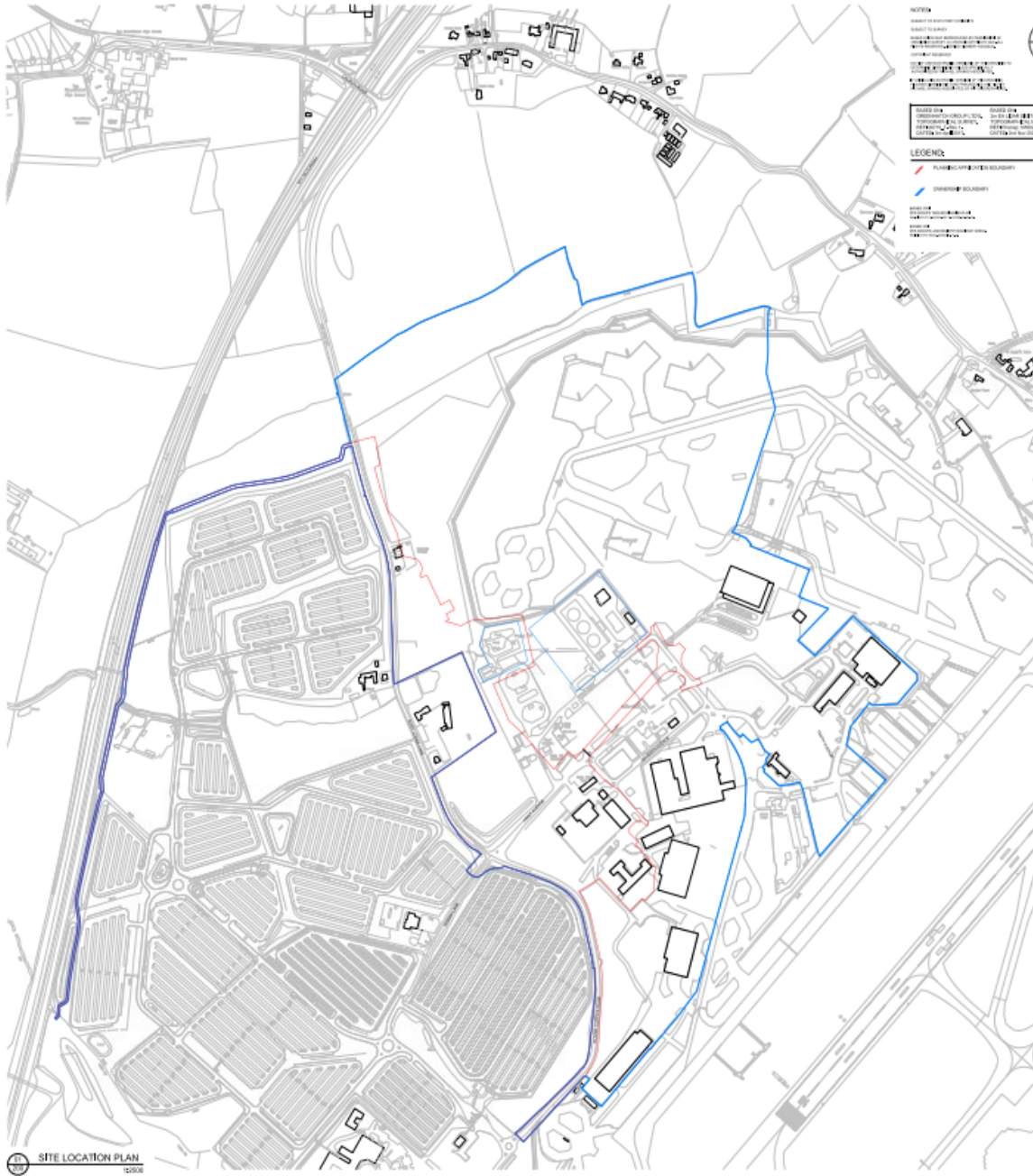
ITEM NUMBER: 7

PLANNING COMMITTEE DATE: 6th March 2024

REFERENCE NUMBER: UTT/23/2187/DFO

LOCATION: Land North of Stansted Airport

SITE LOCATION PLAN:



PROPOSAL: Reserved matters comprising external appearance, layout, scale and landscaping for Phase 1 pursuant to Outline Planning Permission ref: UTT/22/0434/OP; comprising 22,637sqm (GEA) commercial / employment floorspace predominantly within Class B8 Classes E(g) and Class B2, car parking, cycle storage, servicing, plant areas, landscaping and other associated works

APPLICANT: Threadneedle Curtis Limited

AGENT: Montagu Evans LLP

EXPIRY DATE: 24 November 2023

EOT Expiry Date: 12th March 2024

CASE OFFICER: Maria Shoemith

NOTATION: Airport related uses protection area
Aerodrome Directions
Strategic landscape area
Important Woodland – Round Coppice and Stocking Wood & Local Wildlife sites
SSSI Impact Zone for Hatfield Forest
Air Quality – M11 (within 100m) and A120 (within 35m)
Oil pipelines hazard
Within 250m landfill – contamination
Noise restrictions of 57db 16hr LEQ
Flood risk centre zone for Great Hallingbury Brook
Public Right of Way
Mineral Safeguarding Area

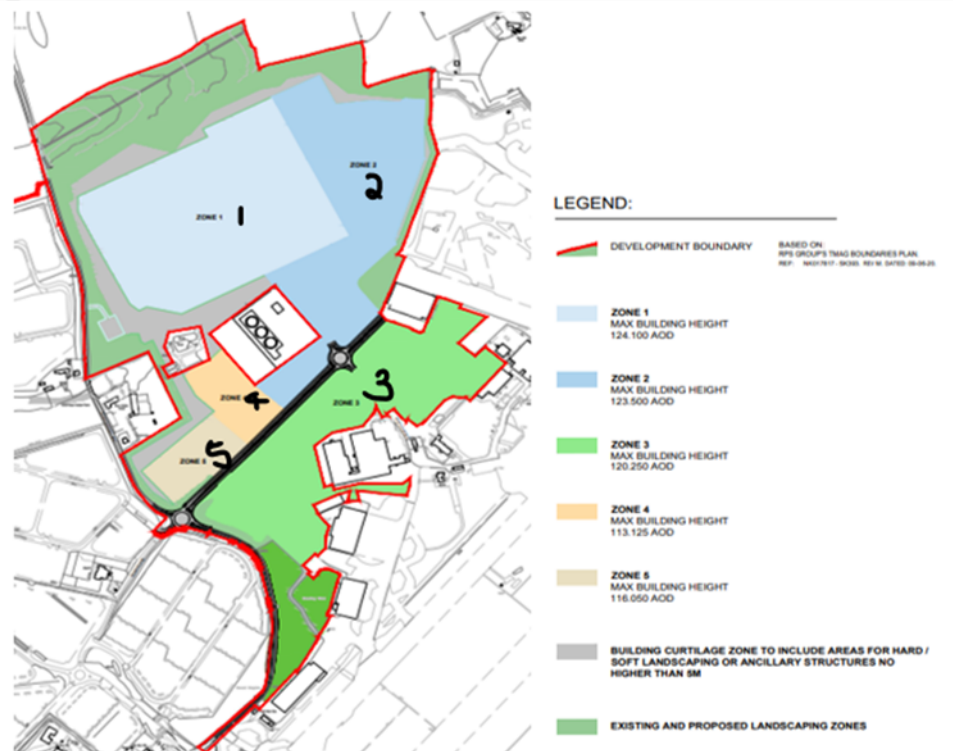
REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

1.1 The application is for reserved planning matters following outline planning permission being granted for *“the demolition of existing*

structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route and other associated works with matters of layout, scale, appearance and other landscaping reserved". Outline planning permission was granted in August 2023 subject to a schedule of conditions and a Section 106 Agreement.

- 1.2** The application site is located west/north-west of Stansted Airport. The site's access would be taken from First Avenue, which is located off Bury Lodge Lane and Round Coppice Road that lie in the ownership of MAG however the applicant has the right to undertake highway improvements in association with the proposed development. The outline planning application site covers an area of 66.11ha of airport land that includes the proposed access, highway works and cycle route. The developable area for employment is 61.86ha. There are areas within the wider redline which are not included within it which are retained by the airport that consist of fuel storage tanks and storage area that also forms part of the airport's drainage.
- 1.3** As part of the outline application parameters were approved. An approved total floorspace of up to 195,100 sqm of mixed employment uses to comprise the following:
- 95% storage and distribution use (Class B8)
 - 5% mixed business uses (Classes E(g)/B2/B8)
 - Ancillary retail / café / day nursery uses (Classes E (a, b, f))
- 1.4** The approved parameter plans at the outline stage limited and show the extent of the development proposed, the extent of the built development zone, defined heights and maximum height limits, vehicular access points, extent of landscaping/and green zones (existing & proposed) and maximum floor area. The subject reserved matters should accord and be within the parameters that have been approved under the outline consent. The proposed Phase 1 units fall within the identified parameter height zones 3 and 5, and the proposed heights accord with the approved parameters outlined within drawing 31519-PL-102 approved under the Outline application.



- 1.5** The principle of the development has already been approved, and therefore the quantum of use is not for discussion nor is the flexibility in the use.
- 1.6** The considerations for this reserved matters application is in terms of design layout, scale, appearance and other landscaping in relation to Phase 1, which covers Units 1, 2 and 3 to the front of the application site. The adopted allocation policy of the site has accepted the scale of such buildings in this location.
- 1.7** Several aerodromes protection measures have been proposed as part of the mitigation measures and secured as part of the outline planning conditions. All identified hazards and public safety issues such as the fuel storage tanks, bird hazard, glint and glare, wind impact, instrumental flight procedures, security and emergency access route have been mitigated within the outline application and conditions; also considered in further detail as part of this reserved matters. Concerns raised by the statutory consultees have been addressed.
- 1.8** The buildings in their fabric are proposed to be ultra-sustainable, especially the offices, meeting a high BREEAM rating. The scheme meets Local Plan Policies GEN1 and GEN2 Supplementary Planning Guidance Energy Efficiency and Renewable Energy SPG (October 2007) and the more recent Interim Climate Change Policy (2021), as well as the NPPF.

- 1.9** With regards to heritage impact whilst a degree of harm has been identified during the course of the outline planning application this has been mitigated through landscape buffer, an acoustic fence, separation distances and with the heights a lower scale. The layout is the same as that highlighted in the outline planning application on the illustrative master plan. It is maintained that the development of this site as proposed would not result in significant harm to the detriment of the heritage assets of which the public benefits outweigh the harm in accordance with Policy ENV2 of the Adopted Local Plan and the NPPF.
- 1.10** In terms of amenity, lighting, contamination, flooding, landscaping, and ecology no objections have been raised by the statutory consultee. Many of the required details have been conditioned at outline stage to follow prior to commencement or occupation. It has been concluded that the development is in accordance with Local Plan Policies GEN2, GEN3, GEN4, ENV13, ENV14, GEN7, ENV4 and Part 16 of the NPPF.
- 1.11** The details submitted for the proposed development is considered to be acceptable and in accordance with the outline planning permission.

2. RECOMMENDATION

- 2.1** 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 covers an area of 66.11ha of airport land that covers the proposed access, highway works and cycle route. The developable area for employment is 61.86ha. The site itself is largely flat. The scheme has been separated into two phases of which this application falls under Phase 1. This part of Phase 1 occupies an area of approximately 11.9ha to the west of the wider site. Phase 1 has been described within the submission as *“the gateway into the Wider Site and forms the first development parcel when entering the Site from the vehicular access off Round Coppice Road to the west”*.
- 3.2** The site is located west/north-west of Stansted Airport. The site’s access would be taken from First Avenue, which is located off Bury Lodge Lane and Round Coppice Road that lie in the ownership of MAG however the applicant has the right to undertake highway improvements in association with the proposed development, which have already been agreed as part of the outline consent.
- 3.3** There are areas within the wider redline which are not included within it which are retained by the airport that consist of fuel storage tanks and storage area that also forms part of the airport’s drainage.

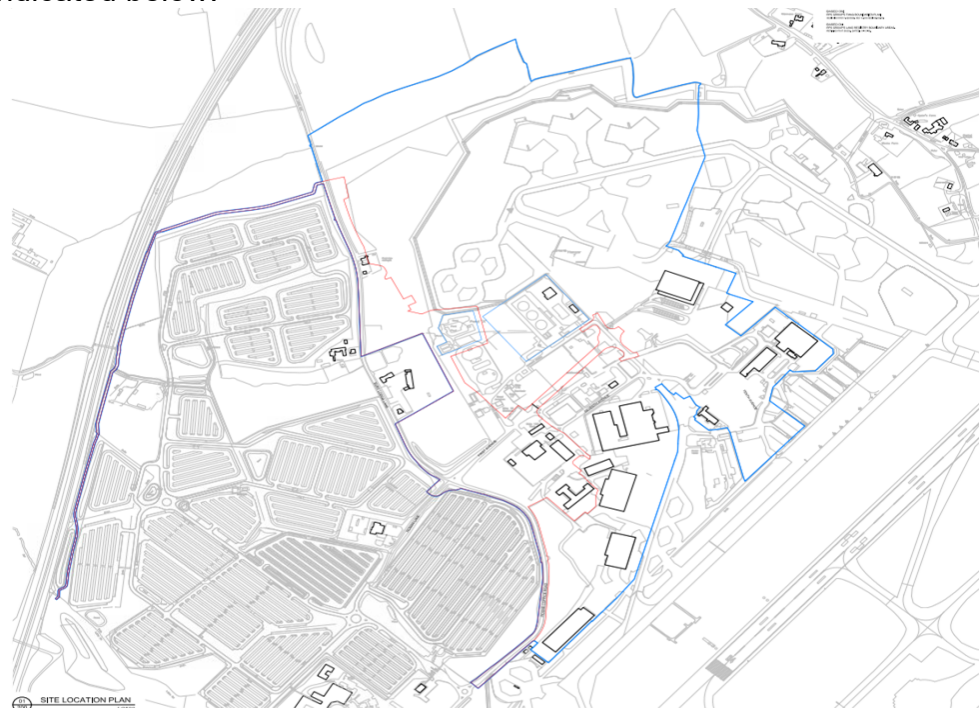
- 3.4** Stansted Mountfitchet Village is located approximately just over 1km to the northwest of the site, Burton End lies to the northeast of the airport Birchanger Village to the west and Takeley to the south.
- 3.5** Immediately opposite the application site is the airport's Long Stay car parks. The site is currently used for a mixture of services, storage and distribution warehouses, aeroplane hangars and stands.
- 3.6** The southern part of the site has low level buildings. There is an existing fuelling station and the two storey Stansted House. This first phase and reserved matters application covers this area and would see the demolition of those buildings, as approved within the outline planning permission.
- 3.7** There are three lots of residential properties that are located near the site. Within the application site are Bury Lodge Cottages which are in the applicant's ownership and are proposed to be demolished as part of the proposed wider approved development and replaced with soft landscaping which will form a continuation of the existing strategic landscaping, also the construction of a new substation to serve the development and cycle path route. Adjacent to the application site fronting Bury Lodge Lane to the north of the Elsenham Youth Football Club pitches is Bury Lodge Barn a wedding venue, events and boutique hotel. This is stated to be in the ownership of the applicant which has a long lease. This consists of barns that are Grade II Listed Buildings. Opposite the site, next to the long stay car parks is Little Bury Lodge Farm. This residential property west of Bury Lodge Lane is owned freehold by Stansted Airport Limited (STAL) and had been empty following fire in 2021. This property is already subjected to airport related activity already. The Elsenham Youth Football Club pitches is where Unit 2 is proposed to be located. The relocation of Elsenham Youth Football Club forms part of the signed S106 Obligations.
- 3.8** The site's roads are within easy reach of the M11 London to Cambridge corridor, A120 which links to the A131 and A12 beyond.
- 3.9** The application site is surrounded and protected by strategic landscape along the northern and western boundary which is protected by Local Plan Policy AIR6. This is stated to be within the submission circa 50m in depth. To the most southernly point is an ancient woodland known as Stocking Wood that forms a nature reserve, and Round Coppice Wood which is a continuation of this. The Reserved Matters application indicates that this strategic landscape will be retained and enhanced as part of the scheme.
- 3.10** The application site has been underused surplus land, considered to be brownfield which had been sold to the applicant August 2020. *"The Site comprises predominately developed land with areas of undeveloped curtilage. Parts of the Site were originally used as the terminal building*

at Stansted, from which several buildings remain, a number of which are vacant. The existing buildings are predominantly clustered in the southern area of the site, with hard standing and open space to the north,” (UTT/22/0434/OP Planning Statement)

4. **PROPOSAL**

4.1 The subject of this reserved planning matters application relates to the external appearance, layout, scale and landscaping of Phase 1 of the site relating to Units 1, 2 and 3 following the granting of outline planning permission for the “*demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm GIA commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route with matters of layout, scale, appearance and other landscaping reserved.*” The details of the main access, as well as works to the length of First Avenue has been approved as part of the outline and therefore the internal road layout off First Avenue also forms part of the Reserved Matters consideration.

4.2 Below indicates the redline for Phase 1 subject to this Reserved Matters application, regardless of a revised phasing plan has been submitted to indicate a larger area coming forward earlier in the development of the site. However, the reserved matters focus is on the smaller area as indicated below.



4.3 The reserved matters provide details of landscaping to the boundaries of the first phase in and around the proposed three units, including the improvement to the strategic landscaping along the boundaries of the

site with Round Coppice Road and Bury Lodge Lane. Details of the internal footpath/cycle path have been provided as well.

4.4 As part of the outline nature of the scheme parameters were proposed to provide clarity, certainty, and limitations in terms of what is being proposed and the level of mitigation which is likely to be required. The proposed floorspace of up to 195,100 sqm of mixed employment uses to comprise approximately:

- 95% storage and distribution use (Class B8)
- 5% mixed business uses (Classes E(g)/B2/B8)
- Ancillary retail / café / day nursery uses (Classes E (a, b, f))

4.5 The tables below breaks this down further;

4.5.1

Table 4.1 – Likely Development Uses Schedule

Land Use	Land Use Class	GIA (SQM)
General Industrial	B2	9,715
Offices Research and Development Industrial Processes	E(g) (i), (ii), (iii)	
Storage & Distribution	B8	
Sale of Food and Drink	E(b)	630
Day Nursery	E(f)	170
Total		195,100

4.5.2

Table 4.2: Proposed Height Parameters

	Proposed Height Parameter – AOD Meters	Approximate Equivalent Height - Meters
Zone 1	124.100 m	24m
Zone 2	123.500 m	22m
Zone 3	120.250 m	20m
Zone 4	113.125 m	14m
Zone 5	116.050 m	16m

4.6 This Reserved Matters application for Phase 1 seeks the following;

- 4.7**
- Construction of 21,977sqm (GIA)/22,637sqm (GEA) of commercial / employment floorspace falling within Class B8 Class E(g) and B2 uses, split between three new buildings;
 - Car parking provision comprising 177 spaces (Unit 1 = 76; Unit 2 = 66 and Unit 3 = 35);
 - Cycle parking provision comprising 66 spaces (Unit 1 = 28; Unit 2 = 28 and Unit 3 = 10);
 - Service yards; sprinkler tanks and bin storage for each unit;

- Associated landscaping;
- Cycle Path; and
- Other associated works.

4.8 In terms of height, the parameters are stated to be reflective of what exists on site with the highest point being comparable to the existing Titan building. These reserved matters ensures that this is the case that the size, scale, appearance and layout are acceptable and compatible with the surrounding area. Following the approved parameter plan above, Units 1 and 2 are proposed to be 15.4m in height to the parapet of the units and, Unit 3 is 13m high to the parapet. These are within the approved height parameters of 20m in Zone 3 and 16m in Zone 5.

4.9 Elsenham Youth Football Club is proposed to be relocated adjacent to Forrest Hall Park School on its playing fields which has now been granted planning permission separately from the Northside outline planning permission and these subject reserved matters.

4.10 The 494 (Stansted Airport) Squadron RAF Air Corp Cadets which had a building on site has been relocated which makes way currently cycle/footpath link.

4.11 The proposed units will have a floorspace of as follows:

- Unit 1 – 8,487sqm;
- Unit 2 – 9,782sqm; and
- Unit 3 – 3,704sqm

4.12 The following documents have been submitted in support of the planning for consideration;

- Transport Statement
- Statement of Compliance
- Design And Access Statement

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The proposal falls within 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs). An Environmental Impact Assessment has been provided as part of the outline application submission following earlier Screening and Scoping Opinions being issued prior to its submission. This reserved matters application is in accordance and within the parameters of the initial outline EIA. Relevant Statutory consultees had been involved in this process at the time and have been reconsulted on this application. Their comments are highlighted below.

6. RELEVANT SITE HISTORY

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

6.2 UTT/16/3601/SO - request for an EIA Scoping Opinion for “the demolition of existing structures and buildings at land northwest of the airport (referred to as ‘Stansted Northside’) and development of a new logistics centre with general industrial and storage / distribution uses to complement activities at Stansted”. The opinion was based on approximately 55ha of which up to 43ha was proposed to be developed. – Opinion given

6.3 UTT/21/3180/SO - Request for Scoping opinion for proposed development of a logistics hub comprising of approximately 195,100m² (2.1 million square feet((ft²)) (Gross Internal Area (GIA)) of floorspace which shall comprise of Class B8 (storage or distribution) Class B2 (general industrial) and Class E (commercial business and service) (the Proposed Development)

- No opinion given following the submission of UTT/22/0434/OP

6.4 UTT/18/0460/FUL – Airfield works comprising two new taxiway links to the existing runway (a Rapid Access Taxiway and a Rapid Exit Taxiway), six additional remote aircraft stands (adjacent Yankee taxiway); and three additional aircraft stands (extension of the Echo Apron) to enable combined airfield operations of 274,000 aircraft movements (of which not more than 16,000 movements would be Cargo Air Transport Movements (CATM)) and a throughput of 43 million terminal passengers, in a 12-month calendar period.

- The application was allowed by the Secretary of State on 21 June 2021

6.5 UTT/17/1640/SO - Request for EIA scoping opinion under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for proposed increase in annual number of passengers to 44.5mppa and corresponding increase of 11,000 annual aircraft movements with associated construction within the airport boundary including two new links to the runway together with nine additional aircraft stands

- Opinion Given

6.6 UTT/0717/06/FUL – Extension to the passenger terminal; provision of additional aircraft stands and taxiways, aircraft maintenance facilities, offices, cargo handling facilities, aviation fuel storage, passenger and staff car parking and other operational and industrial support accommodation; alterations to airport roads, terminal forecourt and the Stansted rail, coach and bus station; together with associated

landscaping and infrastructure as permitted under application UTT/1000/01/OP but without complying with Condition MPPA1 and varying Condition ATM1 to 264,000 ATMs

- Allowed by the Secretary of State on 8 October 2008

6.7 UTT/1150/80/SA - Outline app for expansion of Stansted Airport by provision of new passenger terminal complex with capacity of about 15 mppa east of extg runway cargo handling & general aviation facilities hotel and taxiways (incl. widening of proposed taxiway to be used

- allowed at appeal by the Secretary of State on 5th June 1985

6.8 UTT/22/0434/OP – Outline application for demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route and other associated works with matters of layout, scale, appearance and other landscaping reserved

- Approved subject to conditions and S106 Agreement 9.8.2023

6.9 A number of local and wider major schemes have been granted planning permission of which have been highlighted and taken into account within the EIA which had been assessed as part of the assessment of the outline planning report at the time.

6.10 A number of Discharge of Condition applications have been submitted following conditions at outline relating to materials, aerodrome safeguarding, lighting, air quality, landscaping and BNG.

6.11 A Statement of Compliance has been submitted as part of this application.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Local planning authorities are required to produce a Statement Community Involvement under Section 18 (Part 1) of the Planning and Compulsory Purchase Act (2004). The previous SCI was adopted in 9th March 2021 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.

7.2 No further community involvement has been undertaken following an extensive pre-application process at outline stage.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

Highway Authorities

8.1 National Highways – No objection

8.1.1 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.

8.1.2 Upon a review of the supporting documents, we believe the proposed development will not result in a significant impact on the SRN.

8.1.3 We offer no objections to this planning application based on the information provided to date, the Transport Statement (August 2023) provides an overview of the level of development which falls within the quantum of development permitted by the Outline consent (ref: UTT/22/0434/OP), there are no material changes to the proposal and these are within the agreed development parameters.

8.1.4 Our previous response related to the Outline consent (ref: UTT/22/0434/OP) dated December 2022 still stands and should be read in conjunction with the responses from ECC's Highway Authority and MAG Stansted Airport, in relation to Phase 2 of the works.

8.1.5 Consequently, we offer no objection to this planning application.

8.2 MAG – No comment

8.2.1 In respect of Stansted Airport's role at the highway authority, we have no comments to make on the above application.

8.3 ECC Highways

Email dated 13.9.2023

8.3.1 Further information and clarification sought in terms of the following;

- It is unclear whether the shared pedestrian/cycle route from the site forms part of the Phase 1 or not. On the Phasing Plan, the entirety of the shared route (the new sections and the existing bridleway section, and the toucan crossing) is coloured as Phase 1, but the Statement of Compliance and Transport Statement note that Phase 1 will deliver only a section of the shared pedestrian/cycle route (through the Phase 1 part of the site to Bury Lodge Lane) and that the crossing will be delivered as part of future Reserved Matters applications – please clarify

- On drawing Cycle Route Rev 02 0439-SHRK-XX-XX-DR-L-1003, we note and welcome the provision of a 3.5m proposed cycle route from the units to Bury Lodge Lane, however the paragraph 4.32 of the Transport Statement notes “the proposed pedestrian / cycle link will be 3m wide” so we would welcome clarity on this matter
- Paragraph 3.4 of the Design and Access Statement notes that Round Coppice Road is public highway, however our mapping does not show Round Coppice Road as part of the public highway network, please could this be clarified. The applicant can contact highway.status@essexhighways.org to request this information
- Paragraph 4.3 notes that footpaths and cyclepaths have been incorporated to enable access to each unit - clarity on the cyclepaths specifically would be welcomed as beyond the new cycle route, it is not clear how cyclists would access each unit and specifically their cycle parking facilities
- Condition 26 of the outline permission provides that “Cycleways and footways within the development site designed to the standards in LTN1/20 linking to key employment areas and facilities” but plans at Appendix I of the Transport Statement note non-compliant features – please clarify
- On drawing Proposed External Materials 31785-PL-251A, the shared pedestrian/cycle route is coloured but not listed in the key - clarity on the surfacing material for the route would be welcomed

8.3.2 **Updated Comments 31.01.2024**

Further to additional information being submitted ECC Highways have said;

8.3.3 The Highway Authority has assessed the information which has been submitted with the planning application, including the Transport Statement dated August 2023 and two responses from Vectos to our earlier comments – references 215864/N24 and 215864/N26. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2023 and, in particular, paragraphs 114-116, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

8.3.4 Bury Lodge Lane forms part of the public highway maintained by Essex County Council, but the other roads within the site and its immediate vicinity are private roads. There are no proposals to change this arrangement as part of this application.

- 8.3.5** Our response is based on the assumption that the section of shared footway/cycleway to the west of Bury Lodge Lane (connecting to bridleway 60_45) and the works to bridleway 60_45 are outside the scope of this reserved matters application.
- 8.3.6** It appears on the Revised Detailed Site Plan - 2 of 2 (drawing no. 31785-PL-203 Rev C) that the turning head for the sub-station access, approved under reference UTT/23/2160/NMA, is to be amended to accommodate the new cycle route. We remind the applicant that condition 25 on the outline planning decision requires that 'Turning and parking shall be provided at the substation to accommodate service vehicles and ensure they can leave the site in a forward gear' – we would encourage the applicant to ensure that the revised turning head is sufficient to meet that requirement.
- 8.3.7** There also appears to be discrepancies between drawings submitted drawn up by Michael Sparks Associates and those drawn up by Vectos. For example, Vectos drawing VD22808-VEC-HGH-CYC-SK-CH-0003 Rev C indicates that tactile paving will be provided at both sides of the vehicular access to Unit 2 whereas, Michael Sparks Associates drawing 31785-PL-202 Rev M shows landscaping/planting on the southern side of the access. Similarly, Vectos drawing VD22808-VEC-HGN-FA1-SK-CH-0014 Rev A indicates that the removal of one parking space at Unit 2 is required to facilitate the cycle route which isn't reflected on the Detailed Site Plans. We have referenced the Vectos drawings in our conditions below as these fit our requirements.
- 8.3.8** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.
- 8.4** **Lead Local Flood Authority – No Objection subject to Conditions**
- 8.4.1** 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.
- 8.5** **Historic England - No Comment**
- 8.5.1** Historic England provides advice when our engagement can add most value. In this case we do not wish to offer advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

- 8.6 Environment Agency – No objection** subject to conditions
- 8.6.1** Groundwater and Potential sources of contamination
We have reviewed the following submitted documents:
- Land to the North of Stansted Preliminary Risk Assessment (PRA) prepared by WSP, dated August 2017 (ref.: 70022583-V2.0);
 - Land to the North of Stansted Environmental Statement Non-Technical Summary prepared by Trium, dated January 2022 (ref.: n/a).
- 8.6.2** The proposed development site’s current use as an ancillary airport site, comprising aircraft hangars and stands, storage and distribution facilities, and fuel/chemical storage, along with its historical use as a WWII military base and more recently as a commercial airport, means it could potentially contain sources of contamination.
- 8.6.3** Potential contaminants could be mobilised and impact on controlled waters, specifically groundwater in the underlying Lowestoft Formation Secondary Undifferentiated aquifer, and the deeper Chalk Principal aquifer, as a result of the proposed redevelopment of the site.
- 8.6.4** We note that a portion of the site is within Source Protection Zone 3, likely associated with the Stansted Mountfitchet pumping station owned by Affinity Water. We also note that the PRA indicated a “moderate to high” risk to controlled waters from on-site sources, and a review of an additional 2015 WSP intrusive investigation 100m south of the site reported elevated levels of hydrocarbons, PAHs, BTEX, and VOCs in groundwater samples, with some taken from the Lowestoft Formation describes as having a “hydrocarbon sheen”.
- 8.6.5** We understand that Uttlesford District Council (UDC) Environmental Health had already applied conditions pertinent to land contamination (Condition 57 in the Decision Notice) to the approved original outline planning application (ref.: UTT22/0434/OP) associated with this planning application. However, it is our understanding that these conditions have not yet been addressed nor included in the Statement of Compliance prepared by Montagu Evans LLP, dated August 2023. As a result, we will reiterate those conditions set by UDC Environmental Health below.
- 8.6.6** Considering the information provided, we have no objection to the proposed development given the inclusion of the following conditions on any grant of decision notice. Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. We note that UDC have used similar conditions previously, however we would like to highlight an additional condition relating to piling methods.

8.7 Aerodrome Safeguarding Authority - Holding objection Removed through DOC details

8.7.1 Thank you for consulting with the aerodrome safeguarding authority for Stansted Airport; unfortunately, we must lodge a holding objection to these Reserved Matters until the following issues are addressed:

- We have previously advised that the fruit and berry bearing component of some of the planting types must be reduced, this has not been taken into account and the thicket (woodland edge) planting, mixed species native hedgerow, mixed species formal clipped hedgerow and air pollution mitigation hedgerow all still include more than 40% fruit and berry bearing.
- The numbers or proportions of the trees to be used have not been included, and although the species of concern (cherry, oak and Scots Pine among others) have been highlighted as to be used in limited quantities, this cannot be checked without the proportions or numbers being supplied.
- The proposed landscape planting plan includes a relatively high proportion of plants that have the potential to result in an exploitable and attractive food resource for hazardous birds close to Stansted airport, potentially resulting in increased local populations and movements of these birds close to or across the runways and approaches. In this critical location close to the airport and given the extent of the planting we reiterate our previous advice that the fruit and berry bearing component of the planting must be reduced to 20% or less in each planting type.
- The proposed roof profiles are pitched, but many have a parapet around and a double pitch with a gully between. This has the potential to support nesting large gulls, and as such a BHMP with a commitment to zero tolerance of the roof nesting gulls is required in this location. Herring and Lesser Black-backed Gulls are both priority species on the STN risk assessment.
- The above-mentioned changes must be implemented in order to ensure that this development does not risk resulting in an increase in local movements and populations of hazardous birds.

8.7.2 Updated Comments

The landscaping planting and a revised BHMP which confirms the zero tolerance of nesting birds details have been addressed through the discharge of condition submissions, whereby the Aerodrome Team have removed their objection in this respect.

8.8 Active Travel England

- 8.8.1** This is Active Travel England's (ATE) third response to application UTT/23/2187/DFO. In its first response ATE raised a number of issues, many of which were addressed or clarified by technical note N23 'Response to Active Travel England Comments' that contains a walking and cycling network shown on plan VD22808 VEC-HGN-FA1-SK-CH-0014 Rev A in appendix A and outlines improved active travel connections within the site.
- 8.8.2** A second technical note, N27, was issued in response to ATE's second consultation response. This addressed a number of ATE's concerns in relation to the geometry of the proposed footway/cycleway; while the radii remain tight at the approach to the junctions at either end, ATE accepts the reason for this. Therefore, ATE accepts the design shown in principle on submitted drawing VD22808 VEC-HGN-CYC-SK-CH0003 REV C.
- 8.8.3** The note N27 provides some information concerning the cycle parking and facilities for cycle parking to be provided within the building. ATE is concerned that these facilities are not sufficient to support the ambitions with regard to sustainable travel within the DAS, travel plan or transport assessment submitted with the outline application and therefore recommends that the conditions below are applied to any recommendation of approval.
- 8.8.4** It has been confirmed by the LPA that application refers only to the area within the red line boundary to the east of Bury Lodge Lane and not the footway/cycleway within the red line boundary to the west of Bury Lodge Lane which is covered by a Grampian condition. Therefore, no comments have been made on this.
- 8.8.5** It is noted that there are discrepancies between drawing submitted by Vectos and others submitted by Micheal Sparks Associates. ATE assumes that the revised Vectos drawings are correct and requests they are submitted separately on the website and referenced in the approved drawings and conditions.
- 8.8.6** ATE supports the highway authority's recommendation dated 31/1/2024 and has not repeated the conditions therein.
- 8.8.7** ATE has no objection to the application in view of revised drawings VD22808 VEC-HGNCYC-SK-CH0003 REV C and VD22808 VEC-HGN-FA1-SK-CH-0014 Rev A, subject to the following recommendations being secured.

8.9 NATs – No Objection

- 8.9.1** Further to our earlier representation and conditions imposed on the outline consent, NATS can confirm that it is engaged with

Manchester Airport Group around the mitigation measures required to address the impact of the scheme. NATS is currently liaising with MAG around the timescales required for the delivery of the works, which it anticipates to deliver over the coming weeks, in advance of the construction activity commencing in earnest.

In the interim, we understand that there is a pre-commencement condition and MAG requires to undertake the following groundwork:

1. widening Round Coppice Road
2. service diversions- sewers, IT, Openreach, water, electricity
3. installation of a sub station
4. demolition

As such, NATS En Route can confirm that none of the work above is anticipated to affect its operations and that it is satisfied that MAG can proceed to undertake this work. Once NATS has delivered the work necessary to remedy the anticipated impact of the construction of the hangars/warehouses on its S10 SSR radar, it will be happy to confirm this in writing to the LPA. Should there be any further queries in the meantime, do not hesitate to contact us.

8.10 Civil Aviation Authority – No Response

8.11 Fisher German OIL Pipes – Neutral

8.11.1 We confirm that our client Exolum's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit..

9. PARISH COUNCIL COMMENTS

9.1 STANSTED PARISH COUNCIL - Neutral

9.1.2 The Parish Council neither objects to or supports this application which is only for Phase 1. We expect that by the time the whole development is completed, all of the requirements will have been delivered including: Reprovision of the youth football pitches, Pedestrian and cycle links, Wellbeing facilities, Traffic management for vehicles leaving the site. All other provisions contained in the now published draft S106 agreement.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection

10.1.1 Suitable conditions were attached to the permission given to this site at outline stage (UTT/22/0434/OP.) The Environmental Protection team have no further comments to add at this stage.

10.2 UDC Landscape Officer/Arborist – No Objection

10.2.1 The submitted soft landscaping details are considered satisfactory, together with the landscape management plan. The fencing details, including the acoustic barrier are also considered satisfactory.

10.3 UDC Conservation Officer – No Objection subject to condition

10.3.1 A degree of harm to local heritage assets was identified during the review process associated with the Outline Planning application. It was considered that the development would not result in significant harm when balanced with public benefit.

10.3.2 A 4m high acoustic fence is proposed to screen the development in part, from the Bury Lodge site (drawing 1006-Rev02). The principle is acceptable however further details about the finish/colour of the final product to be installed should be provided for LPA approval.

10.3.3 The details submitted as part of the application appear appropriate for the proposed use. Should the application be consented, I suggest the following Condition is attached:

Before work begins, details about the finish (colour) of the acoustic fence that borders the Bury Lodge site shall be approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the Bury Lodge site, under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

10.4 ECC Place Services (Ecology) – Holding Objection Removed

10.4.1 Holding objection due to insufficient ecological information on designated sites (Local Wildlife Site), European Protected Species (Great Crested Newt and bats), protected species (Badger) and Priority habitats (Lowland Mixed Deciduous Woodland).

10.4.2 Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate

mitigation.

- 10.4.3** We are not satisfied that there is sufficient ecological information available for determination of this application.
- 10.4.4** It is noted that a Stage 1, 2 & 3 Arboricultural Impact Assessment & Method Statement Report Rev 1 (RSK Biocensus, August 2023) for the site has been submitted with application ref UTT/23/2150/DOC, to discharge Condition 15 (Tree Protection), attached to UTT/22/0434/OP.
- 10.4.5** It was recommended in Chapter 11: Ecology and Biodiversity of the Environmental Statement: Volume 1 submitted with the outline application UTT/22/0434/OP that works are to be undertaken in line with the Arboricultural Tree Protection Plan. The mitigation and enhancement recommendations within this report were secured by Condition 42 of the outline application UTT/22/0434/OP. A Stage 1 and 2 Arboricultural Impact Assessment Report Rev 3 (RSK Biocensus, January 2022) was also submitted under outline application UTT/22/0434/OP. The proposed impacts to trees shown in the Stage 1, 2 & 3 Arboricultural Impact Assessment & Method Statement Report Rev 1 (RSK Biocensus, August 2023) are different to those shown in the Stage 1 and 2 Arboricultural Impact Assessment Report Rev 3 (RSK Biocensus, January 2022) with a greater impact shown in the woodlands in the newer report. Further ecological information has not been submitted with the current application and therefore it is unknown if these additional impacts have been assessed in relation to ecology. As the impacts include the removal of Priority habitat woodland for the creation of a cycle path and additional impacts to Stocking Wood, a Local Wildlife Site (LoWS) and Priority habitat, there is potential for additional ecological impacts.
- 10.4.6** Additional information in relation to the ecological impacts of the latest proposals and any necessary additional mitigation and enhancement measures needed are required prior to determination. This is to include potential impacts to protected and Priority species including bat, Great Crested Newt and Badger as well as Priority habitat and Stocking Wood LoWS.
- 10.4.7** To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats and Great Crested Newts (GCN), both European Protected Species.
- 10.4.8** The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

10.4.9 This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

10.4.10 We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection. This is also necessary to support discharge of conditions applications UTT/23/2150/DOC and UTT/23/2151/DOC for Phase 1 only.

Updated Comments received 20.2.2024
10.4.11 No Ecology objection - We have reviewed the documents supplied by the applicant and are now satisfied that there is sufficient ecological information to support approval of this application and avoid any conflict with the LEMP and delivery of BNG.

10.5 Strategic Crime Prevention - Neutral

10.5.1 Various comments regarding the logistics of surveillance and other detailing which is unknown at this time. This has been discussed directly with the Strategic Team, the applicant and MAG. Further direct liaison meetings are being held.

10.6 Crime Prevention Officer – Neutral

10.6.1 The ‘Essex Police – Designing out Crime Office (DOCO) welcomes the opportunity to make further comment on the proposed development of “Land North of Stansted Airport”.

10.6.2 We acknowledge the continued “partnership working” with the developer and design team on this proposed development programme. We also acknowledge the part of Manchester Airports Group in this large infrastructure project and look forward to ongoing collaboration with all involved.

10.6.3 Upon review of the various plans and documentation accompanying this application we have the following observations for consideration and discussion.

10.6.4 Perimeter Fencing to Units 1,2 & 3
The majority of fencing is described as 2.4 metre high pre galvanised steel powder-coated paladin fencing; can the developer confirm that this is close welded mesh fencing and to what security rating this fence conforms.

- 10.6.5** LPS 1175 Issue 8 welded mesh fencing is rated with a minimum attack resistance time, ranging from 1 minute up to 20 minutes, (depending on the thickness of the mesh and other constituent parts of each panel) and Essex Police recommend that the developer gives due consideration to threat and risk of criminality particularly in relation to perimeter penetration.
- 10.6.6** **Protecting and serving Essex**
It is important that design and security specifications are risk commensurate and provide an effective and realistic level of physical security that is commensurate with the risk.
- 10.6.7** Furthermore, the Unit 2 pedestrian gate by the area described as “Future Sprinkler Tanks” do not appear to benefit from surveillance and we are interested in the interior perimeter treatment for this area and are concerned that this may pose a weakness in the protected boundary of this unit.
- 10.6.8** Can the applicant also confirm that the pedestrian gates will be 2.4 metres high or alternatively be enclosed above by a close welded mesh panel that equates to an overall continued 2.4 metre perimeter height.
- 10.6.9** **Car Parking and CCTV**
Essex Police note that the car parking for both Units 1 & 2 will not benefit from surveillance from within the two units and (given the individual tenants requirement to install their own CCTV) we are interested in how the land/development owner will ensure that CCTV covers these areas and whether the provision of core cabling for CCTV will be included in the build. We are conscious of a missed opportunity for increased surveillance through quality CCTV provision as the developer is transferring the responsibility in this area to the future tenants.
- 10.6.10** **Electrical Vehicle Charging Points**
There is detail within the plans for Electrical Vehicle Charging Points (EVCP's); Essex Police recommend that consideration is given to the security provision for the EVCP's. Early consideration will mitigate the opportunities associated with crime relating to this comparatively new vehicle fuel power provision. We would welcome consultation regarding the security and management of EV charging points.
- 10.6.11** It should be noted that there is emerging crime nationally in relation to this technology where cabling and elements of EVCP's are stolen.
- 10.6.12** **Cycle Route**
We would like to understand the management and maintenance plan for this area and the type of lighting that is to be included given a perceived lack of surveillance. We would also like detail regarding the

cycle crossing facility which appears to be a “sub-way” which will require lighting.

10.6.13 Cycle routes that are not managed or adequately illuminated can become crime generators and when giving consideration to the Home Office agenda for the reduction of “Violence against Women and Girls” (VAWG) it is important that a safe travel route is provided for the benefit of all.

10.6.14 Cycle Storage
There appears to be a contradiction between the BREEAM report (which was provided separately to this application) where secure cycle storage is indicated and the BO20 document/plan accompanying Protecting and serving Essex this application where open sided storage is shown. Clarity is therefore sought in relation to both the type of cycle storage facility and the fencing illustrated on the plan in the immediate area of the cycle stores for all three units which are outside the secure compounds; we would like to understand the nature of fencing and its’ purpose. As this is a reserved matters application, we are keen to understand the finer detail relating to security.

10.6.15 Fencing adjacent to cycle stores shown in blue

10.6.16 Lighting
Essex Police are satisfied that sufficient information has been supplied during our discussions with the developer in relation to the lighting plan but would point out that these documents do not accompany this specific application (UTT/23/2187/DFO).Page 25 of the Design and Access statement states that “dark spaces will be well lit” however this information does not appear to be included in the supporting strategic documents within this part of the application.

10.6.17 Landscaping
Essex Police cannot over stress the importance of the future management and maintenance programme to ensure that the landscaping plans for this development are successful and achieve the desired outcome for security. Can the applicant confirm that there will be a landscaping management policy for the life cycle of the development.

10.6.18 Substation
We note that an electricity sub-station is to be constructed on the western fringe of the development site which will be accessed from Bury Lodge Lane. Can it be confirmed that this will serve the entire business park? Furthermore, we are interested in the level of security of the building; the plans appear to show a fence around a compound which encloses a smaller area housing the sub-station. This larger compound does not appear to be protected by gates and we would therefore be interested in the access arrangements for this important

part of the site's infrastructure. Details around access control, lighting, fencing and door security would be welcomed by the DOCO.

- 10.6.19** Protecting and serving Essex
We look forward to ongoing liaison, to ensure that the scheme delivers on its ambition to create well designed places, buildings and communities that are both safe and secure whilst achieving "Secured by Design" accreditation. We are cognisant that some of these areas have been subject of discussion however Essex Police require written confirmation in order that the Planning condition is discharged in the interest of safety and security of the scheme and the wider area, in accordance with Local Plan Policy GEN2(adopted 2005)
- 10.8** **Affinity Water – No response**
- 10.9** **Thames Water – No response**
- 10.10** **National Grid Electricity – No affected assets**
- 10.11** **National Gas – No affected assets**
- 10.12** **ECC Minerals & Waste Team – No response**
- 10.13** **Cadent Gas – No Objection add informative**
- 10.13.1** We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.
- 10.14** **Gigacler Ltd – No objections**
- 10.14.1** Provided plans of approximate location of equipment. Strongly advised that you undertake hand dug trial holes prior to commencing any of your works.
- 10.15** **UK Power Network – Informative**
- 10.15.1** Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.
- 10.16** **Open Space Society – No Response**
- 10.17** **East Herts DC – No Response**
- 10.18** **Economic Development – No Response**
- 10.19** **Essex Wildlife Trust- No Response**

11. REPRESENTATIONS

11.1 The application was formally consulted to the public by displaying a site notice, sending letters to adjoining and adjacent occupiers and placing an advert in the local paper. A representation was received raising the following issues:

- There is inadequate footpath provision to connect up the site between Stansted Mountfitchet Village and Harlow College (Stansted Airport) / Long Stay Carpark to support such a huge employment site. Giving the fact you are trying to improve green travel options. Such as Train, Bus, Cycle or Walking.

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

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

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

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

(c) any other material considerations.

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

12.4 The Development Plan

12.4.1 Essex Minerals Local Plan (adopted July 2014)

Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Great Dunmow Neighbourhood Plan (made December 2016)
Thaxted Neighbourhood Plan (made February 2019)
Felsted Neighbourhood Plan (made Feb 2020)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)

12.4.2 Stansted Mountfitchet is a Neighbourhood Plan Designated area which is still with the Parish Council to bring together. It should be noted however that the Airport falls outside of the designation.

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 The relevant policies associated to the application proposals are as follows:

S4 - Stansted Airport Boundary
S7 – The Countryside
S8 – The Countryside Protection Zone
AIR3 - Development in the Southern Ancillary Area
AIR4 – Development in the Northern Ancillary Area
AIR6 - Strategic Landscape Areas
GEN1- Access
GEN2 – Design
GEN3 -Flood Protection
GEN4 - Good Neighbourliness
GEN5 – Light Pollution
GEN6 - Infrastructure Provision
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV2 - Development affecting Listed Buildings
ENV3 - Open Space and Trees
ENV4 - Ancient Monuments and Sites of Archaeological Importance
ENV7 - The Protection of the Natural Environment Designated Sites
ENV8 – Other Landscape Elements of Importance for Nature Conservation.
ENV10 - Noise Sensitive Development
ENV11 – Noise Generators
ENV13 - Exposure to Poor Air Quality

ENV14 - Contaminated Land
LC1 – Loss of Sports Fields and Recreational Facilities
LC2 - Access to Leisure and Cultural Facilities
LC3 – Community Facilities

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:

- A. Design**
- B. Heritage**
- C. Landscaping & Nature Conservation**
- D. Amenity**
- E. Highways**
- F. Environmental Statement**

14.2 A. Design

14.2.1 The Principle of the proposed development has already been addressed and approved as part of the outline planning permission UTT/22/0434/OP. This application purely focuses on the detailed design in relation to the external appearance, layout, scale and landscaping for proposed Units 1, 2 and 3 in Phase 1.

14.3.2 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. This is reflected in Policy GEN2 of the adopted Local Plan.

14.3.3 Local Plan Policy GEN2 states;

“Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;*
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;*
- c) It provides an environment, which meets the reasonable needs of all potential users.*
- d) It helps to reduce the potential for crime;*

- e) *It helps to minimise water and energy consumption;*
- f) *It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) *It helps to reduce waste production and encourages recycling and reuse.*
- h) *It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*
- i) *It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.”*

14.3.4 Within the Outline Planning Statement the applicant makes reference to paragraph 124 of the NPPF (2021) current paragraph 128 (NPPF 2023) which highlights the following;

“124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

(a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

(b) local market conditions and viability;

(c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

(d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

(e) the importance of securing well-designed, attractive and healthy places.”

14.3.5 The outline consent provided set parameters such as land use zoning, landscaping and building heights. The parameters have been set to mitigate the scheme and provide certainty to the quantum and scale of development. The setting of parameters would also ensure that the basic design principle of the schemes accord with policy.

14.3.6 The parameter plans limited and showed the extent of the development proposed, the extent of the built development zone, defined heights and maximum height limits, vehicular access points, extent of landscaping/and green zones (existing & proposed) and maximum floor area.

14.3.7 The key site constraints have informed the parameters and illustrative masterplans are the Grade II Listed Bury Lodge, the fuel farm with associated COMAH restrictions, the ponds, underground fuel lines that go through the site and the existing strategic landscaping, plus woodlands.

14.3.8 A Design Code has been prepared by the applicant's Architect and had been submitted in support of the outline application. The Design Code provides a framework for the design of the speculative development as it evolves to follow a focused pattern of design and growth. The submitted Reserved Matters Design and Access Statement highlights that the scheme accords with the overarching Design Code in that the development would aim to achieve the following;

- Provides buildings of varying sizes and plot configurations, to suit occupier requirements and market demands;
- A consistency in design and materials through the use of a shared design code;
- Creation of open and permeable frontage to the estate roads which serve the development;
- Creation of an attractive and spacious entrance to the development at the junction with Round Coppice Road;
- Maintaining strong landscape buffers to minimise visual impact

14.3.9 A Statement of Compliance has been submitted as part of this Reserved Matters application which highlights the compatibility of the design of the scheme in line with the approved set parameters and well as the layout of the design reflecting the illustrative masterplan submitted at outline stage.

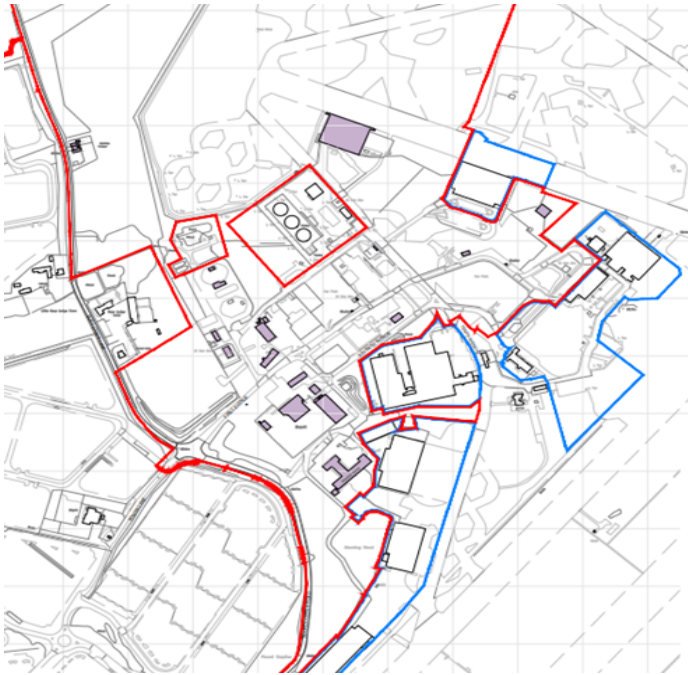
Layout;

14.3.10 This part of Phase 1 of the scheme provides three units following the layout and the parameters plan zoning heights of the scheme. Detailed planning permission has been granted for access and an on-site substation. These are indicated as approved on the submitted plans. Also, as part of the submission the new cycle route that would run through the site is shown in detail. Unit 2 occupies the area where the Elsenham Youth Football Club was located. Their relocation is being dealt with through clauses in the S106 that has been secured as part of the outline consent.

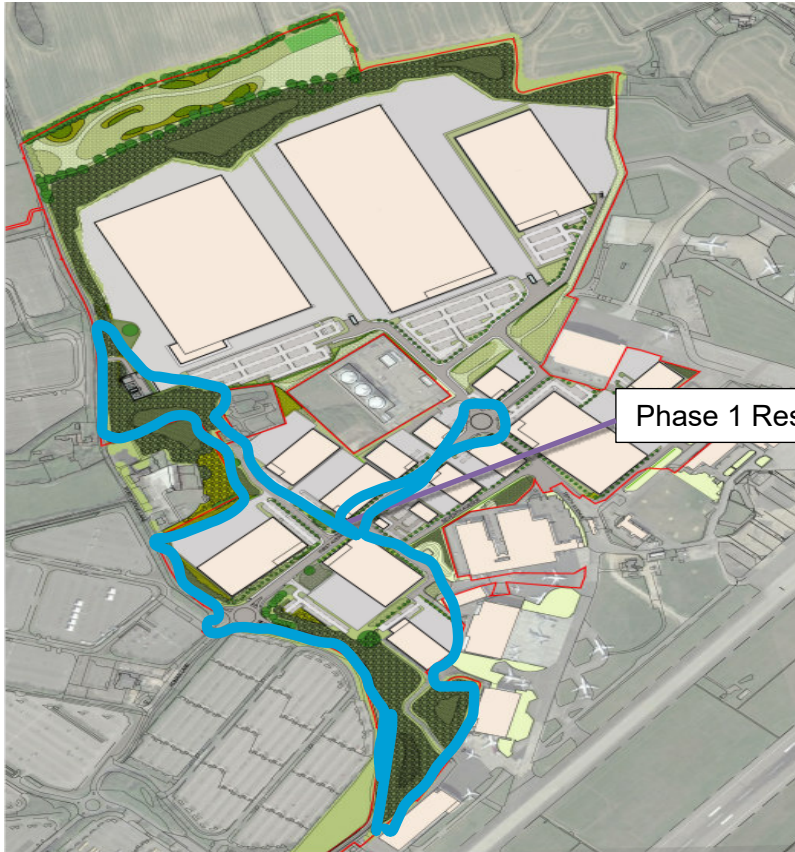
14.3.11 As part of the redevelopment of the site a number of existing dated buildings are proposed to be demolished, which has also been approved as part of the outline application. Many of the buildings to be demolished are in Phase One.

14.3.12 Drawing 31519-PL-103, below, highlights the buildings proposed to be demolished.

14.3.12.1



14.3.12.2 Outline Illustrative Masterplan – Drawing 31519-PL-104



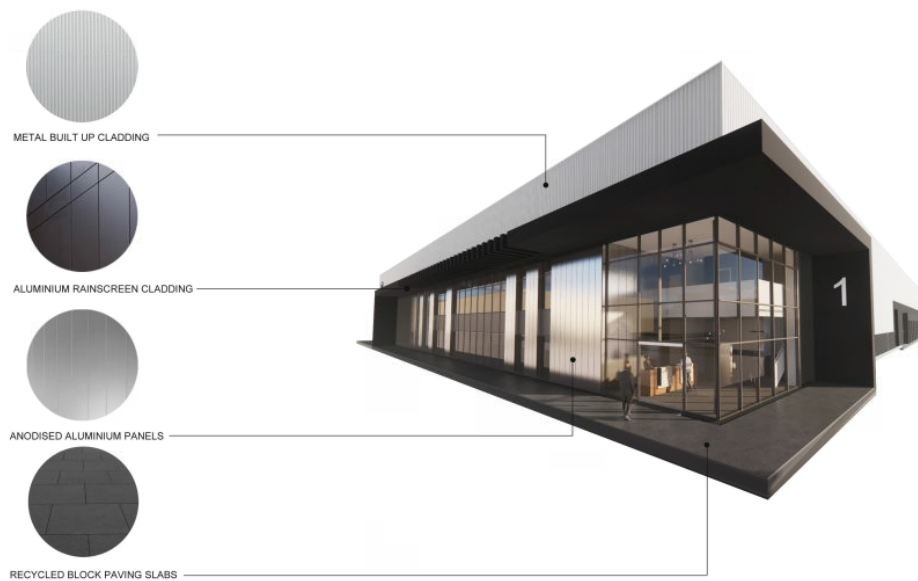
14.3.12.3 Proposed Layout;



14.3.13 First Avenue remains as the main spine road into the site which provides the main frame for the scheme, with development either side of this. The scheme still needs to be flexible; it would also need to be attractive to draw in future tenants and be responsive to accommodate future business needs. This is in accordance with the approved Design and Access Statement (DAS).

14.3.14 Part of the Design Code assessment looked at offices fronting the main roads so there is an active frontage, separating vehicle movement from pedestrian movement and inward facing yards so that the main activity is hidden. Breaking up long elevations and using appropriate coloured materials as a design tool. The proposed scheme accords with the DAS as the main offices front the main roads so there is active street scene, the offices wrap around to carry on the active elevations, together with elongated windows on various elevations this provides for natural surveillance in accordance with Local Plan Policy GEN2 and the NPPF. This address concerns raised by the Crime Prevention Officer in paragraph 10.6.9 above.

14.3.15 Materials are stated would be of metal cladding with a consistent and common palette of colours and cladding type. A limited range of surface materials using vertical and horizontal bands to facilitate in reducing massing. A neutral palette is proposed to provide a simple uncomplicated modern appearance. Offices would be treated distinctly from other functional elements. The reserved matter details accords with this in line with the Outline DAS. However, it should be noted that the materials for Units 1, 2 and 3 plus the substation have been discharged separately under UTT/23/2131/DOC and UTT/23/2134/DOC and are considered to be acceptable. For clarity the substation would be constructed of a black brick and dark grey slate to blend into the landscape and be almost like a barn style type appearance. The materials for the commercial units would be as below;



14.3.16 The plans provide a reinforced landscaping scheme to the north-western part of the site's boundary. This detail is in terms of number, species type and its management has also been conditioned as part of the outline and has undergone intensive consultations with Ecology, Aerodrome and our Landscaping Officer. For the purposes of the reserved matters applications the layout of the landscaping has been assessed. The landscaping forms an important part of creating a desirable employment hub, providing defensible commercially 'private spaces', an attractive streetscene and an improvement in biodiversity. It should be noted that the strategic landscaping, that is policy protected under Policy AIR6 in the Local Plan, will remain protected, enhanced and better managed as part of the wider landscaping scheme.

Appearance;

14.3.17 As part of the outline the submitted Design Code that sits alongside the DAS sets out the main principles of elevational design, the treatment of public realm, the most suitable orientation of buildings, and the specification of the colours and materials to be used. The Design Code provides flexibility and the use of good quality sustainable materials. This is to help in assisting in achieving the design visions of the site and to ensure high standard of design and consistency. The submitted design of the units in terms of appearance follows and is in accordance with the visual vision of the site.

14.3.17.1 Outline application vision of site;



14.3.17.2 Reserved Matters DAS Vision of Site with Proposed Design of Units 1-3



Scale;

14.3.18 The scale of the scheme also forms part of the reserved matters. The applicant has indicated the upper limits of floorspace and building heights plus zonal areas of building heights as part of the outline application, of which this has been conditioned within the outline consent. Paragraph 4.5.2 of this report highlights the approved parameters of the proposed development.

14.3.19 In terms of context the existing surrounding area has large scale developments on the site including airport hangers ranging from 21.2m-22m in height and warehousing around the western and eastern area.

14.3.20 Following the approved parameter plan, Units 1 and 2 are proposed to be 15.4m in height to the parapet of the units (16m to pitch) and, Unit 3 is 13m high to the parapet. These are within the approved height parameters of 20m in Zone 3 and 16m in Zone 5. Again, the proposed unit heights accord with the set parameters approved.

14.3.21 The parameter heights provided are maximums and have been determined by constraints on site including Safeguarding of Aerodromes protecting the take-off cones from the main runways. The applicant has undertaken an assessment exercise of this as part of the outline planning support information. The Airport bodies have been consulted of this planning application of which no objections in this respect.

14.3.22 In terms of floorspace for the units will be;

- Unit 1 – 8,487sqm;
- Unit 2 – 9,782sqm; and
- Unit 3 – 3,704sqm.

14.3.22.1 This will be of mixed commercial / employment floorspace predominantly within Class B8 Classes E(g) and Class B2, details are not provided of the end user as yet and remains flexible for marketing purposes. However, whilst the above specified floorspace equates to 21,973sqm the reserved matters seek for a total floorspace provision of 22,637sqm (GEA) which would cover for any mezzanine floorspace within the units subject to the end user. Nonetheless, the uses together with the floorspace falls within the permitted allowance granted under the outline planning consent as highlighted within paragraph 4.5.1 above.

14.3.23 The design of the development is in accordance with Local Plan Policies GEN2, AIR3, AIR4 and AIR6 of the adopted Local Plan and in accordance with the NPPF.

Sustainability:

14.3.24 The proposed buildings would be subject to the current Building Regulations in terms of accessibility in accordance with Local Plan Policies GEN1 and GEN2 in terms of meeting Part M of the Building Regulations. However, the scheme would also at the very least meet sustainability in terms of energy efficiency and low carbon/renewable energy in accordance with the current high bar which is set. UDC have Supplementary Planning Guidance Energy Efficiency and Renewable Energy SPG (October 2007) and the more recent Interim Climate Change Policy (2021). The applicant has expressed their commitment at outline stage to ensuring the development would be at the forefront of the latest technology to achieve a highly sustainable scheme. The applicant has developed a Net Zero Strategy and Pathway (August 2021) to investing and decarbonising their entire portfolio by 2050. The scheme is designed to accommodate this with using an all-electric strategy, solar panels, energy metres, low carbon renewable technologies, targeting EPC rating 'A' for the offices, provision for battery storage, air source heat pumps for the offices, air tightness and led lighting throughout. There is a commitment to at least meet a BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Very Good' and aiming for 'Excellent' with an ambition for 'outstanding' subject to the individual use of the buildings, of which this has been conditioned as part of the outline consent, Condition 10, which states;

"The buildings shall be designed to meet at least BREEAM rating 'very good' and to aim for 'Excellent' wherever possible. The details shall be submitted to and approved in writing by the Local Planning Authority on

each building reserved matters stage. Thereafter the development shall be implemented in accordance with the approved details.”

14.3.25 It has been highlighted within the submitted Design and Access Statement that *“The orientation [of the roofs] also helps with the proposed provision for roof mounted PV’s as part of the sustainable design.”* However, development has been designed to facilitate the ‘Net Zero Ready’ through the achievement of net zero construction and then designing the building to facilitate net zero operation should a tenant choose to purchase renewable energy to power the building(s).

14.3.26 It has also been conditioned as part of the outline consent (condition 64) that 20% of the parking bays provide electric charging points. The condition states;

“Electric vehicle charging points (EVCP) shall be provided for 20% of the car parking spaces and passive provision shall be made available for at least 25% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. Further provision is required subject to the availability of power supply and the consideration of new technologies.

The location of the EVCP spaces and charging points, and a specification for passive provision shall be submitted to and approved in writing by the local planning authority before any of the commercial units are first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.”

14.3.27 Whilst this detailing has not been provided further details would come forward at a later date to satisfy the conditions and in order to still allow some flexibility in the layout of the approved scheme whilst the development still remains speculative. Nonetheless, the buildings would achieve Part L Building Control compliance through the following;

Energy Strategies

- EPC rating of A as a minimum;
- Achieving BREEAM ‘Excellent’ as a minimum rating (with ambition to Outstanding where possible) to help further lower the overall CO2 production of the building;
- Reduced Air Permeability, lower than standard Building Regulations;
- Improvement in fabric U-Values over what is currently a base requirement in Building Regulations;
- Building services shall be installed to include capability for automatic monitoring and targeting with alarms for out of range values;
- High efficiency LED lighting both internally and externally

- Renewable energy in form of a provision of solar photo voltaic (PV) panels and ASHP's;
- Use of building materials i.e. roof lights to provide natural task lighting, to help reduce energy usage;

Material Selection

- Incorporation of the principles of circularity, ensuring careful selection of materials to not only create a high quality built environment but to reduce embodied carbon, environmental impact, recyclability and ongoing maintenance;
- Where possible FSC certified timber will be sourced.

Building Design

- Application of passive design measures such as the visual appearance of the elevations when designing external envelopes with high thermal performance
- On south facing office windows, the use of brise soleil louvres above the window can contribute toward heat gain mitigation whilst enhancing the overall look of the elevation
- Rooflights over 15% of the warehouse area, to maximise natural daylight penetration;
- Efficient use of materials to minimise waste
- Rainwater harvesting

14.3.28 This element of the proposal is therefore considered to be in accordance with and goes beyond policy requirements.

Accessibility;

14.3.29 The Design Code submitted with the outline application lists various features that the scheme would adopt to comply with Part M Building Regulations. A lot of the detailing of this would be assessed separately by Building Control, in terms of internal layout. However, as part of the wider development new cycle footpaths are to be created which would need to be DDA compliant. 5% disabled car parking bays have been provided as well as cycle stands to allow for alternative means of transport. The layout of the car parks is in close proximity to the specific office/main entrance to the buildings. 2m wide footpaths and 3.5m wide footpath/cycle paths are proposed through the site. The scheme would comply with Policies GEN1 and GEN2 of the Local Plan.

Crime Prevention & Personal & Aviation Safety;

14.3.30 Part of Local Plan Policy GEN2 seeks "c) *It provides an environment, which meets the reasonable needs of all potential users.*" Also "d) *It helps to reduce the potential for crime*" amongst other things.

14.3.31 Due to the nature of the application and its location consideration has been highly focused on and provide security and safety to the airport and the site's users. Detailed discussion have taken place during the course of assessing the application between Essex Police, Aerodrome Safety,

the LPA and the applicant. Many of the details would be are currently unknow due to the speculative nature of the development. However, the outline DAS specified the following points to tackle crime prevention in the following ways:

- **Access & Movement:** The development needs to be laid out to permit open access points which are clearly visible and open to surveillance from a distance. The development should be laid out to permit convenient movement without compromising security. Car parking is to be provided in the most prominent locations available,
- **Structure:** The development is to be designed to remove opportunities for crime. The building is either within the tenants' own management or that of the management of the estate,
- **Surveillance:** CCTV is expected within the site, with car parking also overlooked by the offices. CCTV ducting, poles and brackets will be provided in the development with the CCTV cameras and cabling to be installed by occupiers. Dark spaces will be well lit,
- **Ownership:** The application site and the wider estate are in single ownership enabling a consistent approach to safety and security. The units will be designed to ensure sense of ownership by the occupier through good design and where appropriate this will be further enforced by enclosing potentially vulnerable areas by fencing and legal demise,
- **Physical Protection:** The building will be designed in robust materials - metal sheet cladding on a steel frame. Where glazing is incorporated, toughened laminated sections will be included around the yard and car parking where necessary,
- **Activity:** The main activity in the future units will be that of the business itself (i.e. industrial/ warehousing) which will tend to take place both within the building and its service areas,
- **Management & Maintenance:** A dedicated team as the estate operates 24 hours, 7 days a week, specifically charged with maintenance, landscaping and security of the estate.

14.3.32 The Crime Prevention Officer has raised a number of points which have been outlined in Paragraph 10.6 above.

14.3.33 The Design Code specifies that security fencing for services yards would be 2.4m high paladin/weldmesh. Acoustic timber fencing would be utilised where necessary to limit appearance and noise from yards. In this instance 4m high acoustic timber fence has been proposed between Unit 2 and Bury Lodge, behind landscaping. The detailing to ensure that the fencing is continuous 2.4m high welded mesh fencing around the perimeter/service yards can be further conditioned should planning permission be granted.

- 14.3.341** The offices have been designed to provide natural surveillance along the main First Avenue entrance into the site. The offices wrap around to provide dual aspect of natural surveillance, together with the provision of curtain wall windows provides passive surveillance all the way around the building. Lighting would be a design factor especially offices overlooking public realm and car parking. Lighting would be provided for cycle and footpaths during the dark hours with dark spots being avoided. Signage will also form part of defining public and private areas. However, the lighting is also conditioned at outline and would require further consideration in terms of ecology, aerodrome and designing out crime, but also needs to remain flexible subject to future occupier needs. Defensible spaces have been provided to provide clear indication of public v private areas. For example, a public breakout area has been created to the front of Unit 1 and the service yards have been secured through the provision of gates and landscaped through the use of hedging and gabion walls to create a soft, integrated yet defensible boundary treatment.
- 14.3.35** The Strategic Crime Prevention Officer has provided comments regarding the scheme however these more relate to the operational function of the site which needs to be discussed further with the applicant and MAG through continued liaising outside of the application process.
- 14.3.36** The above designing out crime tools are acceptable and in accordance with Local Plan Policy GEN2 and the NPPF.
- 14.3.37** All identified hazards and public safety issues such as the fuel storage tanks, bird hazard, glint and glare, wind impact, instrumental flight procedures, security and emergency access route have been mitigated within the outline application and conditions. Bird Hazard Management Plan (BHMP) conditioned as part of the outline consent (conditions 46 & 47) of which details have been submitted and approved by Aerodrome Safeguarding and thereafter needs to be complied with at each stage of the development. Some of the issues such as the fuel storage and emergency access falls under the second part of the phasing plan. Details regarding landscaping plant species which directly affects aerodrome safety in terms of BHMP has been agreed.
- 14.3.38** In so far as the details submitted as part of this element of the reserved matters phase 1 the development is in accordance with Local Plan Policy GEN2 and the NPPF.
- 14.4** **B. Heritage**
- 14.4.1** Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. The Framework seeks to protect the heritage assets and seeks justification for any harm.

14.4.2 Immediately to the west of the site is Bury Lodge which is a Grade II Listed Building.

14.4.3 The principle of development in Zone 5 has been approved at outline planning stage, whereby it was concluded that the proposed development would result in **less than substantial and at the low end of the scale** due to separation distances between the heritage assets and the site it was concluded that the resultant harm to these assets to be.

14.4.4 It was noted by the Conservation Officer at the time that the proposed development, through its scale and massing, would detract from the wider rural setting and character of the heritage assets. But it was understood that the application is Outline with details of scale and appearance reserved, recommended that the heights should be minimised where possible and robust mitigation measures employed within any details following application. However, the outline planning permission has secured height parameters for the proposed development site wide and Unit 2 falls within the approved upper end of the height restriction in this zone as discussed above in paragraph 4.8 and 14.3.20. In consideration of the set off distance from the rear elevation of Unit 2 and the rear perimeter fence this ranges from 36-55m, the distance from the rear elevation of the Unit 2 to the Bury Lodge side of the bunding ranges 48-55m. The proposed landscape and noise mitigation to mitigate the development and to protect the amenities of the occupiers of Bury Lodge no objection was raised by the Conservation Officer on this application.

14.4.5 In conclusion the reserved matters details in this respect are acceptable and in accordance with Policy ENV2 of the Adopted Local Plan and the NPPF.

14.5 C. Landscape & Nature Conservation

14.5.1 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.

14.5.2 Paragraph 180 of the NPPF seeks to protect the natural environment. It seeks to protect and enhance valued landscapes, sites of biodiversity, minimising impacts on and providing net gains for biodiversity amongst other things.

14.5.3 Paragraph 181 of the NPPF also emphasises the importance of promoting the conservation, restoration and enhancement of habitats.

- 14.5.4** Paragraph 180 (d) of the NPPF goes onto state that “*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*”
- 14.5.5** A Landscape Maintenance and Management Plan was submitted as part of the outline application. It provided the basis for a landscape strategy that would be enhanced with the provision of meaningful open spaces on site that contribute to biodiversity enhancement. The Plan also outlined the Biodiversity Management Strategy for the management and maintenance of mitigation measures identified in the EIA process.
- 14.5.6** The DAS has highlighted that the landscaping would aim to achieve the following objectives which has fed into the parameters plan;
- to retain existing trees and landscape features as is practical and ensure that those that are retained are adequately protected and integrated within the design;
 - to deliver strategic landscape in order to screen the development from sensitive receptors;
 - to enhance the amenity value of the site and provide an attractive and welcoming environment sympathetic with the existing landscape character of the area;
 - to create a ‘feel safe’ environment for site users;
 - to use ecological design principles with emphasis on increasing the diversity of habitat creation within the context of airfield safeguarding;
 - to take account of the future maintenance requirements by careful selection of plant species and their relationship, with emphasis on achieving good establishment whilst minimising maintenance costs.
- 14.5.7** The submitted landscape layout and the Statement of Compliance reaffirms and meets the aims above.
- 14.5.8** As mentioned above in paragraph 3.9, the application site is surrounded and protected by strategic landscape along the northern and western boundary which is protected by Local Plan Policy AIR6. The strategic landscaping will be retained and enhanced as part of the development and form a critical part in the overall landscaping strategic and is proposed to be enhanced further as part of the development. This is in accordance with Local Plan Policy AIR6 in this respect.
- 14.5.9** The individual units will each have a different nature of landscaping around them as a setting. The carparking areas will all be softened through the use of planting. Veteran trees have been indicated to be retained and integrated into the development. A landscape bund has been proposed along the shared boundary between Unit 2 and Bury Lodge. This would serve a protective mitigation measure for the amenity of Bury Lodge and would have a depth of approximately 14m, it will be graduated slope to a maximum height of 4m together with a 4m high acoustic fencing proposed to be set behind it.

- 14.5.10** The nature of the landscaping in terms of species, types and locations etc has been agreed through the Discharge of Conditions whereby no objections have been raised by the aviation safeguarding authorities.
- 14.5.11** As part of the outline application a management plan was submitted which sets out a 15-year plan for the management of the new landscaping following completion of the works, which would also include the addressing of failed landscape works. It also highlights a selective thinning process every set number of years to allow the growth of other trees. This has been conditioned as part the outline planning consent to secure this (condition 5), which addresses a concern raised by the Crime Prevention Liaison Officer.
- 14.5.12** The Landscape Officer has been consulted of the application of which has raised no objection to the soft landscape details, the landscape management plan, the fencing or acoustic barrier. No objections have been raised by Aerodrome Safety or MAG in respect of landscaping.
- 14.5.13** Overall, the landscape details are acceptable and in accordance with Local Plan Policies AIR6, GEN7 and GEN2 and the NPPF in this respect.
- 14.5.14** **Ecology:** The application site itself is not subject of any statutory nature conservation designation being located on airport land.
- 14.5.15** There are ancient woodlands adjacent to the site as well as mature landscaping which forms a defensible boundary. The impact of the development upon the woodlands has been assessed at outline stage within the Environmental Impact Assessment, whereby mitigation measures have been proposed as part of the wider scheme. It was concluded any impact to the woodland is thought to be minimal as it is highly unlikely that there would be any loss or deterioration to the Ancient Woodland following delivery of the mitigation measures proposed. The public benefits also would far outweigh any resultant harm.
- 14.5.16** As stated elsewhere in the report due the proximity of the Airport and safeguarding requirements the nature of landscaping would need to be specific as to not create bird drawing habitats. Amongst this care is stated to be taken to ensure that there is not an over reliance on one specie selection.
- 14.5.17** A variety of ecological and landscape condition were imposed on the outline planning consent of which various Discharge of Condition applications have been submitted allowing the in-depth consultations with Place Services Ecology, Landscape Officer, Aerodrome Safety and MAG.
- 14.5.18** Place Services Ecologist have resolved to raise no objections with the reserved matters application following a series of additional information

being submitted as part of the parallel Discharge of Conditions relating to mitigation and enhancement measures during construction, Construction Environmental Management plan, Biodiversity Net Gain, and Landscape and Ecological Management Plan. Details regarding lighting are still in the process of being agreed.

14.5.19 Therefore, in conclusion of the above the proposed development subject to the identified mitigation measures and agreed details is considered acceptable and in accordance with Local Plan Policies GEN7 and the NPPF.

14.6 D. Amenity

14.6.1 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Local Plan Policy ENV11 states *“Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.”* Paragraph 185 of the NPPF highlights that; *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life 65 ;

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

Paragraph 191 of the NPPF also seeks to protect the natural environment and discusses amongst other things protecting against noise pollution.

14.6.2 Details relating to the noise, at the request of Environmental Health have also been conditioned as part of the outline planning consent under Condition 66-70, 72-74, which also includes details relating to the substation. Details solely relating to the acoustic fencing treatment in relation to Unit 2 and Bury Lodge are the only noise related elements that have been provided as part of this Reserved Matters in this part of

Phase 1. In respect of this application Environmental Health have been consulted of which have stated “*Suitable conditions were attached to the permission given to this site at outline stage (UTT/22/0434/OP.) The Environmental Protection team have no further comments to add at this stage.*”

14.6.3 The development therefore is in accordance with Local Plan Policies GEN2, GEN4, and ENV11 of the adopted Local Plan and in accordance with the NPPF.

14.7 E. Highways

14.7.1 NPPF Paragraph 114 states;

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ⁴⁸; and

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

14.7.2 The NPPF goes onto state in Paragraph 115 “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Paragraph 116 seeks to give priority to pedestrian and cycle movement, creating safe spaces, efficiency of emergency vehicles and enabling charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The wider development was approved at outline whereby the highway impacts of the have been assessed and mitigated with a series of conditions and a complex S106 Agreement.

Access:

14.7.3 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people

whose mobility is impaired and encourage movement by means other than a vehicle.

14.7.4 The outline planning consent granted approval for the main access into the site, First Avenue with associated widening works, and a separate access sought for the sub-station to serve the scheme via Round Coppice Road and Bury Lodge Lane. This has been reflected on the layout plan as part of this Phase 1 submission.

14.7.5 The footways had been stated to be a minimum of 2m in width and the shared cycleway/footway within the site is 3m wide. The shared cycleway/footway on the main spine road through the site is indicated to be 3.5m, in accordance with the details of the outline application.

Parking:

14.7.6 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'. The parking standards are defined in the Essex Parking Standards 2009.

14.7.7 A condition was imposed on the outline consent to ensure that appropriate parking provision is provided across the scheme as it is assessed at Reserved Matters stage (Condition 13).

14.7.8 The proposed units will have a floorspace of as follows:

- Unit 1 – 8,487sqm;
- Unit 2 – 9,782sqm; and
- Unit 3 – 3,704sqm.

14.7.9 The submitted plans indicate that a total of 177 car parking spaces would be provided across Units 1-3, (Unit 1 = 76, 4 access spaces; Unit 2 = 66 with 3 spaces being accessible and Unit 3 = 35, with 2 accessible spaces).

14.7.10 Also, cycle parking provision comprising 66 spaces (Unit 1 = 28; Unit 2 = 28 and Unit 3 = 10) is proposed.

14.7.11 Essex Parking Standards seeks the following;

14.7.11.1

Parking Standards for Use Class B1: Business

Offices, Research and development, Light Industry appropriate in a residential area.

Standard:

Use	Vehicle	Cycle	PTW	Disabled
	Maximum	Minimum	Minimum	Minimum
B1	1 space per 30 sqm	1 space per 100 sqm for staff plus 1 space per 200sqm for visitors	1 space, + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	200 vehicle bays or less = 2 bays or 5% of total capacity, whichever is greater, Over 200 vehicle bays = 6 bays plus 2% of total capacity

14.7.11.2

Parking Standards for Use Class B2: General Industrial

Standard:

Use	Vehicle	Cycle	PTW	Disabled
	Maximum	Minimum	Minimum	Minimum
B2	1 space per 50 sqm	1 space per 250 sqm for staff plus 1 space per 500 sqm for visitors	1 space, + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	200 vehicle bays or less = 2 bays or 5% of total capacity, whichever is greater, Over 200 vehicle bays = 6 bays plus 2% of total capacity

14.7.11.3 Parking Standards for Use Class B8: Storage and Distribution

Including open air storage.

Standard:

Use	Vehicle	Cycle	PTW	Disabled
	Maximum	Minimum	Minimum	Minimum
B8	1 space per 150 sqm	1 space per 500 sqm for staff plus 1 space per 1000 sqm for visitors	1 space, + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	200 vehicle bays or less = 2 bays or 5% of total capacity, whichever is greater, Over 200 vehicle bays = 6 bays plus 2% of total capacity
B8 with retail element	1 space per 150 sqm +1 space per 20 sqm retail area for customer parking			

14.7.12 As it is unclear at this time the nature of uses going into the units other than its specified it is likely to be Use Class B8, E(g) (light Industrial/Offices) and/or Class B2 general industrial uses. On this basis the following parking provision as a **maximum** number of space provision would be sought;

Unit 1 – 57 (B8), 170 (B2), 283 (B1/E(g)) = providing 76 spaces

Unit 2 – 65 (B8), 196 (B2), 326 (B1/E(g)) = providing 66 spaces

Unit 3 – 25 (B8), 74 (B2), 124(B1/E(g)) = providing 35 spaces

14.7.13 Due to the scale of the units, it is predicted that these are likely to be in Use Class B8 (storage distribution) with ancillary officing. Above maximum Use Class B8 car parking provision has been provided to cater for this with the extra for the office provision, however it is below the maximum for the alternative uses. Similarly, the cycle provision meets and exceeds the required provision for B8 staff parking but falls slightly short for visitors cycle provision, whereby the requirement is 26 cycle spaces for Unit 1 (-4), 30 cycle spaces (-2) for unit 2 and 11 for unit 3 (-11). There is sufficient room on site to cater for minimal shortfall.

14.7.14 5% disable parking spaces have been provided.

14.7.15 The required parking provision for Use Class B2 and B1/E(g) is considered excessive this is particularly considering that the site is located in a very sustainable location, there is large scale airport parking opposite the site plus increased sustainable travel alternatives have been provided in terms of shared cycle/footpaths and enhanced bus services. Nonetheless, it should also be noted that the parking standards are maximum and therefore technically the scheme accords.

14.7.16 20% of all car parking spaces would have EV (electric charging) provision. The provision of EVC is in accordance with NPPF paragraphs 109 and 116, and Local Plan Policies GEN2, GEN1 and ENV13.

14.7.17 No objection has been raised by ECC Highways, ATE, MAG or National Highways.

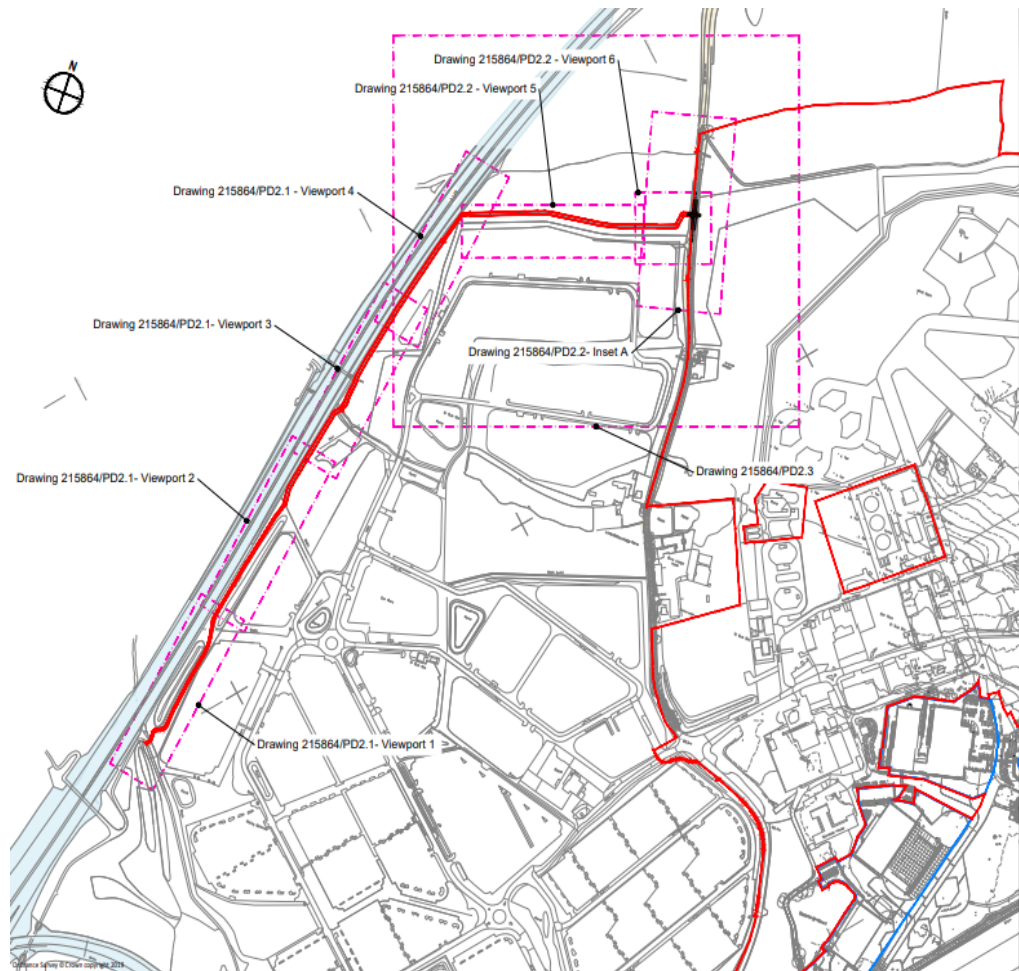
Highways Impact:

14.7.18 A Transport Assessment has been undertaken by Vectos and submitted in support of the outline application. Vectos have been actively in discussions with the three Highway Authorities affected by the development, Manchester Airport Group (also known as STAL) and ECC Highways who are responsible for the local road network and National Highways who manage the M11 and A120, who have intern assessed the Transport Assessment and Travel Plan Framework.

14.7.19 The following highway works were proposed to mitigate and improve access;

- Improvement and widening works to Bury Lodge Lane/Round Coppice Road;
- No right hand turn for HGVs out of the site towards Stansted Village together with CCTV monitoring;
- Enhanced bus service;
- Two Bus stops;
- **Improvements of First Avenue;**
- **Prohibition of cycling along Round Coppice Road between the roundabouts accessing the Long Stay Car Park and First Avenue for safety reasons;**
- **Provision of cycle link from the site to the junction with PROW 45/62 with provision of Toucan crossing on Bury Lodge Lane as shown in principle in drawing number 215864/PD05 rev B**
- Bridleway 45/60 to be surfaced;
- A commuted sum for maintenance to be provided for new surface of the bridleway and any part of the cycleway to be adopted by the highway authority;
- Provision of pedestrian/cycle signage;
- junction improvements shown in outline on M11/A120 Priory Wood Roundabout Junction Preliminary Layout shown in outline on Vectos drawing 15864/A/04 G dated 24 November 22 and M11 J8 Junction 8 Birchanger Junction Preliminary Layout shown in outline on Vectos drawing 215864/A/04 E dated 24 November 22

14.7.20 The diagram below indicates the PROW connectivity proposed above, as indicated in Drawing 215864/PD02 Revision F of the outline planning consent;



- 14.7.21** The detailed plans submitted as part of this application includes a number of the highway works specified in paragraph 14.7.10 above, outlined in bold.
- 14.7.22** All three governing Highway Authorities National Highways, Essex County Council and STAL have been consulted of the planning application as well as the newly formed Active Travel England.
- 14.7.23** No objections have been raised by STAL or National Highways.
- 14.7.24** ECC Highways have made comments on the application and had sought further information during the course of the application's assessment. They had resolved to not object to the reserved matters application subject to conditions relating to the implementations of the cycle routes within the site to units 1-3 and the implementation of the shared footway/cycleway.
- 14.7.25** ATE supports the highway authority's recommendation dated 31/1/2024 and has not repeated the conditions therein. ATE has no objection to the application in view of revised drawings VD22808 VEC-HGNCYC-SK-CH0003 REV C and VD22808 VEC-HGN-FA1-SK-CH-0014 Rev A, subject to conditions being secured.

14.7.26 Third party comments had raised lack of transport connectivity to Stansted Village and Stansted Airport College. Connectivity has been addressed as part of the outline application whereby the shared cycle/footpath, enhanced bus services and further cycleways have been agreed and secured as part of the S106 Agreement and conditions.

14.7.27 As a result, and following thorough consideration the proposed development is acceptable in highways terms subject to mitigations and is in accordance with Local Plan Policies GEN1, and GEN2, also the NPPF.

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. ENVIRONMENTAL STATEMENT

16.1.1 The Town and County Planning (environmental Impact Assessment) Regulations 2017 as amended states the following procedures amongst others;

16.1.2 Prohibition on granting planning permission or subsequent consent for EIA development

3. The relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.

16.1.3 Consideration of whether planning permission or subsequent consent should be granted

26.—(1) When determining an application or appeal in relation to which an environmental statement has been submitted, the relevant planning authority, the Secretary of State or an inspector, as the case may be, must—

(a) examine the environmental information;

(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;

(c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and

(d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

(2) The relevant planning authority, the Secretary of State or the inspector, as the case may be, must not grant planning permission or subsequent consent for EIA development unless satisfied that the reasoned conclusion referred to in paragraph (1)(b) is up to date, and a reasoned conclusion is to be taken to be up to date if, in the opinion of the relevant planning authority, the Secretary of State or the inspector, as the case may be, it addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development.

16.1.4 Co-ordination

27.—(1) Where in relation to EIA development there is, in addition to the requirement for an EIA to be carried out in accordance with these Regulations, also a requirement to carry out a Habitats Regulation Assessment, the relevant planning authority or the Secretary of State, as the case may be, must, where appropriate, ensure that the Habitats Regulation Assessment and the EIA are co-ordinated.

(2) In this regulation, a “Habitats Regulation Assessment” means an assessment under [F1regulation 63 of the Conservation of Habitats and Species Regulations 2017] (assessment of implications for European sites and European offshore marine sites).

16.1.5 An Environmental Impact Assessment has been submitted as part of the outline planning application for consideration where various studies had been undertaken and considered. The proposed development forming part of this reserved matters application accords with this.

17. PLANNING BALANCE AND CONCLUSION

17.1.1 The principle of the development of this site has been agreed under outline planning permission UTT/22/0434/OP subject to detailed conditions and a S106 Agreement. In order to retain flexibility on the use and marketing of the site a number of the details such as the location of EV charging points, installation of solar, some crime prevention details, final species, number and type of landscaping remains to be dealt with by conditions on a phase by phase basis.

17.1.2 However, the submitted design of the development for Units 1-3 is compatible with its surroundings, providing suitable amenity spaces, being ultra-sustainable buildings meeting at least a very high BREEAM rating through its fabric, meeting Secure by Design, Part M of the Building Regulations. By having set parameters and a Design Code agreed as part of the outline consent this provided a framework certainty and limitations in terms of the impacts of the development of which the proposed units accord with the DAS and Design Code set out and agreed previously. Therefore, in accordance with Local Plan Policy GEN2.

17.1.3 Details of lighting both in terms of ecological, countryside, airport operations, detailing of landscape planting has been conditioned as well and details of noise assessments as part of the outline consent.. No objection was raised by Environmental Health in respect of the reserved matters submission. The development is therefore considered to accord with Local Plan Policy GEN2 and GEN4, and the NPPF.

17.1.4 No objection has been raised by ECC Ecology, subject to according with the conditions and carrying the mitigation measures identified within the submitted ecological report that forms part of the outline consent. The scheme is therefore in accordance with Policy GEN7 of the adopted Local Plan. Moderate beneficial impact has been concluded from the development upon the ecological and biodiversity.

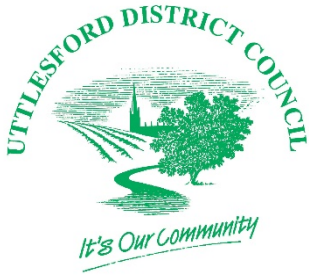
17.1.5 The layout of the proposed landscaping is acceptable according with the Design Code and the DAS. No objections have been raised by the Landscape Officer. Therefore, the application is in accordance with Local Plan Policy GEN7 and S7 in terms of landscaping.

17.1.6 Adequate parking provision is provided on site in accordance with adopted parking standards, Local Plan Policy GEN8, Essex Parking Standards (adopted 2009).

- 17.1.7** Following thorough assessment from ECC Highways and ATE in terms of the internal off shoot of roads, footpath/cycle paths, they have not objected to the proposed development subject to conditions.
- 17.1.8** No objections have been raised by the aviation authorities in so far as the details submitted as part of this reserved matters scheme the development is in accordance with Local Plan Policy GEN2 and the NPPF.
- 17.1.9** In terms of impact upon heritage assets the principle of the development has been agreed at outline stage together with the set approved parameters, whilst acknowledged that the site is designated for airport related development within the adopted local plan. As a result of the various design mitigations proposed between the site and the relationship with Bury Lodge to the north the development is considered to accord with the NPPF in this respect. No objections have been raised by the Conservation Officer. The scheme also accords with Local Plan Policy ENV2.
- 17.1.10** Overall, the scheme is acceptable and in accordance with national and local policies subject to conditions and Section 106 Agreement, and accords with the agreed outline consent parameters, conditions and Section 106 Agreement.

18. CONDITIONS – TO FOLLOW

Agenda Item 8



ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/2964/OP

LOCATION: Highwood Farm Stortford Road, Great Dunmow,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: Feb 2023

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

APPLICANT: Millen Land Group Limited

AGENT: N/A

EXPIRY DATE: 22nd February 2024

EOT Expiry Date 15th April 2024

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/22/3013/OP, which was refused. A Transport Statement addendum, additional access plans and a draft Unliteral Undertaking has been submitted to address the previous reasons for refusal. Application UTT/22/0391/OP also of the same description was the subject of an appeal (APP/C1570/W/22/3305483) which was dismissed.

1.3 The previous 2 reasons for refusal were:

1. 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 medium 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.

2. The development fails to provide the necessary mechanism, to secure the necessary affordable housing and/or financial contribution in lieu of their provision and to the control the self-build provision and re-sale on the site contrary to Policies GEN6 and H9 of the Adopted Local Plan 2005 and the NPPF

1.4 The third reason for refusal (in respect of Insufficient information has been submitted to ensure safe and suitable access to the site for all highway users is provided) attached to UTT/22/0391/OP was overcome as part of application UTT/22/3013/OP

1.5 The applicant has now demonstrated, to the satisfaction of this Authority and 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 and therefore fails to comply with the requirements of Local Plan Policy GEN1.

1.6 The proposal does not comply with the requirements of adopted Local Plan Policy 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, although the NPPF requires planning applications for sustainable development to be favourably considered, the benefits of the proposals need to be weighed against the harm identified. As the site is adjacent to listed buildings, Framework paragraph 208 requires that the harm to the significance of the listed building must be weighed against the public benefits. The public benefits of the proposal are not considered to outweigh the harm to the character and the setting of the heritage assets.

1.7 The applicant has agreed to submit an amended legal agreement to control the self-build provision and their resale on the site and also to secure a financial contribution in lieu of provision of on site affordable housing. (please see below)

1.8 As the public benefits of the development do not outweigh the harm to the setting of the heritage assets the tilted balance under Framework paragraph 11 (d) is not engaged.

2. RECOMMENDATION

That the Strategic Director of Planning and Building Control be authorised to REFUSE permission for the development for the reasons set out in section 17

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site is 1.3 hectares (approximately), located to the west of Buttleys Lane and to the south of Stortford Road (B1256) also to the west of Great Dunmow.
- 3.2** Access is taken from Buttleys 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 permission has been granted for a school to the east of the site, on the opposite side of Buttleys Lane and 332 residential dwellings and a health centre beyond that (further to the east).
- 3.6** Planning permission (UTT/19/2354/OP) has been granted (on appeal) for 60 dwellings at the site to the north 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
 - Preliminary Ecological Appraisal
 - Self Build Planning Passport
 - Flood Risk Assessment
 - Road safety Audit – stage 1
 - Tree Survey
 - Suds Water Quantity and Quality Report
 - Draft Unilateral Undertaking
 - Biodiversity Validation Checklist.
 - Financial Viability Assessment
- 4.3** The application is supported with an indicative masterplan and a set of guiding design principles and a plot passport.

- 4.4 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.

The application follows a recent appeal decision reference APP/C1570/W/22/3305483 (Application UTT/22/0391/OP) and application UTT/22/3013/OP. These were both refused, and the appeal dismissed. The agent has agreed to submit a new legal agreement to secure the financial contributions in lieu of affordable housing and to control the self-build provision and their resale on the site.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

- 6.1

Reference	Proposal	Decision
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. Full planning permission sought for demolition of existing buildings (including Staggs Farm) and development of Phase 1 to comprise 108 dwellings, including affordable housing,	Approved with conditions

	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 . Dismissed on appeal
UTT/22/2358/FUL	Erection of 5 no. dwellings, creation of new access and associated infrastructure	Refused
UTT/22/3013/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

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 The Highway Authority has assessed the information which has been submitted with the planning application. We note that this application is essentially a duplication of the previous application UTT/22/3013/OP (which was refused and dismissed at appeal), however, this current application includes a signed unilateral undertaking. The submitted unilateral undertaking is of no relevance to the highway authority, as such, our response remains much the same as our response to the previous application.

The proposal, as submitted, includes improvements to the public highway in the provision of pedestrian facilities along Buttleys Lane from the site to B1256 Stortford Road, the provision of passing bays along Buttleys Lane and carriageway widening. The detailed design for these highway works is yet to be completed, but the highway authority is satisfied that the improvement works can be delivered entirely within highway land.

8.1.2 The assessment of the application and Transport Statement, dated January 2024, was undertaken with reference to the National Planning Policy Framework 2023, in particular, paragraphs 114-116, the following have been considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures

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

8.2 Local Flood Authority

8.2.1 Holding objection.

9. Great Dunmow Town Council comments

9.1 No comments received

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 Previous comments: Part of this site has a redundant MOD (Ministry of Defence) 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 2021 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** **Essex Police**
- 10.4.1** Whilst there are no apparent concerns with the layout to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures.
- We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole.
- 10.5** **Place Services (Conservation and Heritage)**
- 10.5.1** 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 crossing 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.

10.5.2 The form and layout of the proposal for a housing development appears to be identical to that previously submitted under refused applications UTT22/3013/OP, and UTT/22/0391/OP. My advice provided in response to UTT/22/3013/OP in a letter dated 8th December 2022 was as follows:

10.5.3 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. 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 (UTT/19/2354/OP) 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.

10.5.4 Application UTT/22/0391/OP was the subject of a dismissed appeal (APP/C1570/W/22/3305483, decision date 18th September 2023) in which the Inspector identified a level of less than substantial harm to the significance of listed Highwood Farmhouse. With regards to Highwood Farmhouse, this finding of less than substantial harm to significance concurred with the advice provided by this office in response to both previously refused applications, whilst the Inspector found that harm to the setting and significance of the listed barn would be negligible (Decision Notice paragraph 11).

10.5.5 In conclusion, I remain unable to support the proposed scheme in principle. In my opinion, the proposed development of dwellings will fail to preserve the special interest of the listed farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (December

2023) the level of harm to significance is considered less than substantial (at the middle part of the scale) making paragraphs 205, 206 and 208 relevant

10.6 Place Services (Ecology)

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

10.7 Place Services (Archaeology)

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

10.8 Stansted Airport Aerodrome Safeguarding Authority,

10.8.1 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.

10.9 MOD – Ministry of Defence

10.9.1 Previous comments: The pipeline is redundant. If the landowner wishes to remove the pipeline from the land they may do so at their own cost; however, as different methodologies were used to decommission pipelines, we would highly recommend using specialist contractors.

10.10 Cadent Gas

10.10.1 No objection.

10.11 Thames Water

10.11.1 No objection.

10.12 UK Power Networks

10.12.1 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.

10.12.2 Housing Strategy, Enabling & Development Officer

I confirm that an off-site affordable housing contribution of £365,565 as per the viability assessment commissioned by UDC would be acceptable.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 3 notifications letters were sent to nearby properties. Expiry 28th December 2023

11.2 2 representations have been received.

11.2.1 I am concerned to see the drive up to Highwood Farm has been relocated and there is no buffer zone between plot 1, 2 and the Boundary to Baytree Barn. Although layout has not been decided at this stage relocation of the drive to Highwood Farm would require a variation on the original planning application of UTT/15/2046/HHF |. I would suggest the current layout remains and the plots are moved to reflect this.

The current scheme also relies heavily on my boundary hedging, which is not acceptable. This hedging has taken me over 6 years to grow, and it has many gaps in sections. I would suggest provision for further hedging by the developer would be beneficial. I would therefore kindly ask for permission for alternative fencing/wall on my boundaries to enable on-going privacy and maintain security.

11.2.2 I also note the air source pump comments and I would expect noise levels to be investigated and for it not to impact our quality of living.

I believe the developer has taken much consideration and thought out a sympathetic approach to the scheme, unfortunately sometimes unless you live in the road or area these things are not apparent.

Regarding the listed building, as the immediate neighbour I consider that harm has already occurred due to the many planning permissions granted locally, particularly on the south side of Stortford Road and the 14 dwellings proposed will not significantly add to that harm. The wider agricultural area was changed dramatically when the railway was constructed in a cutting running east to west. That divorced both the farmhouse house and its barns from that wider area. There is a public benefit in allowing the 14 dwelling scheme, namely the improvements for users of Buttleys Lane, improvements that should have been sought within the permissions granted for other local major developments, north of Stortford Road in particular.

11.2.3 Friends of Flitch Way

Our volunteers work for the benefit of the community to conserve, protect and improve the physical and natural environment of the Flitch Way and other sites throughout Essex under the guidance of Essex County Council (ECC) Park Rangers and Public Rights of Way teams.

12.2.4 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).

- 12.2.5** 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.
- 12.2.6** 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 north west Essex. 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.
- 12.2.7** 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.
- 12.2.8** 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,;
- (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 & 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 (19th December 2023)

13.2 Uttlesford Local Plan 2005

- 13.2.1** 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

13.3.1 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.

13.4 Supplementary Planning document or guidance

13.4.1 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)
Developer Contributions SPD

14 CONSIDERATIONS AND ASSESSMENT

14.1 This application follows an application bearing the same description UTT/22/0391/OP which was refused and dismissed on appeal on 18th September 2023

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 Application UTT/22/3013/OP was refused on 4TH September 2023. The first and third reasons for refusal were overcome and it was refused on the following:

1. 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 medium 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

2. The development fails to provide the necessary mechanism, to secure the necessary affordable housing and/or financial contribution in lieu of their provision and to the control the self-build provision and re-sale on the site contrary to Policies GEN6 and H9 of the Adopted Local Plan 2005 and the NPPF

14.1.3 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 and also for a financial contribution in lieu of provision of affordable housing on site.

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 and heritage assets**
- F) Affordable Housing/Housing Mix/self-build**
- G) Contamination**
- H) Drainage and Flooding**

14.2.2 A) Principle of development

14.2.3 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.

14.2.4 This is consistent with paragraph 180(b) of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside.

14.2.5 The National Planning Policy Framework 2024 describes the importance of maintaining a 5-year housing land supply (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 4.50 Years Housing Land Supply (YHLS).

14.2.6 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.

14.2.7 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 4.50 YHLS. Therefore, contributions toward housing land supply must be regarded as a positive effect.

- 14.2.8** 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 to 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.
- 14.2.9** Paragraph 225 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.
- 14.2.10** 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.
- 14.2.11** 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 five 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 5 years).
- 14.2.12** The proposal seeks the erection of 14 self-build dwellings together with access from and improvements to Butleys Lane. The Government encourages this form of housing provision and the available evidence indicates that there is an unmet need in the area. Whilst the scale of provision is modest in relation to the housing needs of the district as a whole, there is a shortfall in housing land supply. The Inspector at the recent appeal for the site gave moderate weight to the benefit of providing the additional self-build housing.
- 14.2.13** 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.

14.2.14 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.

14.2.15 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.

14.2.16 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.

14.2.17 Paragraph 180 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).

14.2.18 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 180 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 significant impact on the character of the area. This impact would need to be weighed against the benefits.

14.2.19 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 Flitch 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.

14.2.20 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.

14.2.21 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 buildings, which would also need to be weighed against the benefits.

14.2.22 In view of the adjacent approved applications, taking into account the lack of five-year housing supply, the proposal is on balance considered to be acceptable in principle. However, paragraph 11d of the NPPF 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.

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶ or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefit, when assessed against the policies in this Framework taken as a whole. (Footnote 6 includes designated heritage assets and other designated assets)

14.2.23 The appeal decision stated that the improvements to Butleys Lane would allow safe and suitable access for all users, their effect would be to

address the impact of the additional traffic generated by the proposal rather than to provide any additional benefits. As such, the improvements provide little positive support for the proposal.

14.2.24 The public benefits are not considered to outweigh adverse impacts to heritage harm and therefore the proposal is unacceptable

14.3 B) Highways Safety and Parking Provision

14.3.1 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.

14.3.2 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.

14.3.3 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 2023 NPPF and as such are considered to carry full weight.

14.3.4 Access is a consideration for this outline application. As part of this application, a Transport Addendum has been submitted, and revised access plans, including Buttleys Lane. The previous reason (1) for refusal for the previously refused application UTT/22/0391/OP bearing the same description has now been overcome

14.3.5 Buttleys Lane is a single-track road with no passing places. It is currently the main Great Dunmow access route to the Flich Way for pedestrians, cyclists and equestrians. Buttleys Lane is not included within the red line of the application site, however, sufficient information has now been submitted confirming that the improvements necessary to Buttleys Lane are deliverable. An updated topographical survey has been provided

14.3.6 The new Pegasus crossing serving the recently approved new developments to the north of the B1256 (providing a link to the Flich

Way), the usage of Buttleys Lane by pedestrians and cyclists is likely 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. It has now been demonstrated that passing bays for vehicular traffic and pedestrians can be provided within highway land.

- 14.3.7** The intensification of Buttleys Lane by the occupants of 14 new dwellings is not considered to be insignificant.
- 14.3.8** The proposals are indicated to have one point of access onto Buttleys Lane.
- 14.3.9** With regards to the visibility splays, these can be provided within Highways owned land.
- 14.3.10** As stated, Buttleys Lane provides a crucial interface between existing residents of Great Dunmow, major new development, and access to the surrounding countryside for pedestrians, equestrians and cyclists seeking to access the Flitch Way Country Park, National Cycleway Network and extensive Public Rights of Way network for commuting, leisure and exercise and wellbeing. Introducing new access to residential development off Buttleys Lane will change the existing dynamic between vehicles and non-motorised users, particularly pedestrians using Buttleys Lane and the developer has now provided a mitigation scheme that will provide access to development whilst accommodating pedestrians, equestrians and cyclists.
- 14.3.11** The proposal, as submitted, includes improvements to the public highway in the provision of pedestrian facilities along Buttleys Lane from the site to B1256 Stortford Road, the provision of passing bays along Buttleys Lane and carriageway widening.
- 14.3.12** The Highway Authority are now assured that a mitigation scheme is capable of being delivered within the highway and can be subject to a planning condition. It has now been established that a safe form of access for all users of Buttleys Lane i.e. pedestrians, cyclists can be maintained /provided within highway land and the previous reason (1) for refusal has been overcome.
- 14.3.13** 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.

- 14.3.14** 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.

14.3.15 It has been demonstrated that these parking requirements are achievable on the site, if 14 dwellings are built.

14.3.16 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.

14.3.17 The above requirements can be secured by a suitable worded condition.

14.4 C) Design and Amenity

14.4.1 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

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

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

14.4.4 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.

14.4.5 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.

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

14.4.7 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.

14.4.8 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.

14.4.9 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.

14.4.10 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.

- 14.4.11** 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.
- 14.4.12** 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.
- 14.4.13** 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.
- 14.4.14** 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.
- 14.4.15** 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.
- 14.4.16** 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.
- 14.4.17** 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.
- 14.4.18** 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.
- 14.4.19** 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 in respect of overlooking or overshadowing.

14.5 D) Biodiversity

- 14.5.1** 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.
- 14.5.2** The application is accompanied by a completed biodiversity checklist and a Preliminary Ecological Appraisal (November 2021).
- 14.5.3** Past Specialist Ecology advise is 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. A further survey is being carried out at the end of February and the application will be updated at the planning committee meeting.
- 14.5.4** 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.
- 14.5.5** 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.
- 14.5.6** 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.
- 14.5.7** 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 180d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. This can be achieved by a suitably worded condition.
- 14.5.8** 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.

14.5.9 A Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the vegetated boundaries.

14.5.10 Subject to suitable conditions to minimise the impacts of the proposal they confirm that the proposal is acceptable.

14.5.11 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.

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

14.6.1 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.

14.6.2 Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.

14.6.3 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 crossing 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.

14.6.4 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.

14.6.5 Paragraphs 205, 206 and 208 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.

- 14.6.6** 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.
- 14.6.7** UTT/13/2107/OP development of 790 homes on the north side of Stortford Road.
- 14.6.8** UTT/20/1963/CC development for a new school and associated infrastructure on land directly to the east of the listed buildings.
- 14.6.9** 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.
- 14.6.10** 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.
- 14.6.11** 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.
- 14.6.12** 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.
- 14.6.13** 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 urbanising, 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.

- 14.6.14** The complete urbanisation of the land to the west of these heritage assets would effectively remove the important contribution of setting to their significance.
- 14.6.15** 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.
- 14.6.16** 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.
- 14.6.17** Specialist conservation Officers advice is that 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.
- 13.6.18** Against the conservation officer's advice is that of the appeal inspector who stated: "Overall, I consider that the proposed development would cause less than substantial harm to the setting of Highwood Farmhouse. The harm to the setting of the listed barn would be negligible. Nevertheless, I am required to give considerable weight and importance to the desirability of preserving the settings of listed buildings. The proposal would also conflict with Policy ENV2 of the Uttlesford Local Plan 2005 (LP) which presumes against proposals that adversely affect the settings of listed buildings and paragraph 205 of the National Planning Policy Framework (the Framework) to the extent that it has similar aims".
- 14.6.19** Framework paragraph 208 requires that the harm to the significance of the listed building must be weighed against the public benefits of the proposal.
- 14.6.20** The proposal would include limited public benefits, to include the provision of 14 dwellings and the development during construction and future occupation would positively contribute to the local economy.
- 14.6.21** The proposal would now result in financial contributions in lieu of the provision of affordable housing for the amount of £365,565, however this is a requirement of Uttlesford Local Plan Policy H9 and is supported by the NPPF (Paragraphs 64- 66)

- 14.6.22** The Planning inspector when balancing harm stated “The proposal would cause less than substantial harm to the setting of Highwood Farmhouse listed building. As required by Framework paragraph 199 (now 205) I give great weight and importance to this harm. Again, I attach considerable weight to the conflict with LP Policy ENV2. The provision of 14 self-build plots would provide a moderate public benefit. Other public benefits are limited. Collectively, the public benefits do not outweigh the identified harm to the setting of the listed building.”
The financial contribution in respect of affordable housing is not considered to alter the balance and that the public benefits on balance do not outweigh the less than substantial harm to the Heritage Assets and their setting.
- 14.6.23** In terms of the tilted balance under NPPF paragraph 11(d) the adverse impacts of granting permission through the harm to the setting of the listed building would significantly and demonstrably out weight the moderate benefits of the proposal when assessed against the policies in the NPPF as a whole.
- 14.6.24** As such, the outcome of the Framework paragraph 11(d) exercise is that the application should not be determined otherwise than in accordance with the development plan. The proposal conflicts with LP Policies H9 and ENV2 as well as a number of the Framework aims. The proposal does not benefit from the presumption in favour of sustainable development and the application should be refused.
- 14.6.25** Policy ENV4 seeks to protect archaeological heritage assets.
- 14.6.26** 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.
- 14.6.27** 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.
- 14.7 F) Affordable Housing/housing mix/self-build**
- 14.7.1** 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.

- 14.7.2** 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.
- 14.7.3** 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.
- 14.7.4** Paragraph 63 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).
- 14.7.5** 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.
- 14.7.6** 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.
- 14.7.7** 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 application UTT/22/0391/OP, an application for the same site and not this application and also does not include any mechanism to secure the affordable housing contributions (although the agent has stated in the design and Access statement (1.2) that this application “remains unchanged other than the submission of a new legal agreement to secure off site affordable housing”) and thus achieve compliance with NPPF and Local Plan Policies in respect of Affordable Housing. and agreed to amend the Unilateral Undertaking to amend the application number and to agree to the payment of a financial contribution in lieu of affordable housing.
- 14.7.8** As stated above, as the site is over 0.5 hectares 40% of affordable housing is required under policy H9. Self-build does not fall under the definition of affordable housing as stated at Annex 2 : glossary of the NPPF

Paragraph 65 of the NPPF states that: Where major development involving the provision of housing is proposed planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership ³¹ unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exceptions to this 10% requirement should also be made where the site or proposed development:

c) is proposed to be developed by people who wish to build or commission their own homes

14.7.9 The footnote 31 states that “As part of the overall affordable housing contribution from the site”

14.7.10 The need for affordable rented units within Great Dunmow is as follows:

Gt Dunmow: calculated bedroom need for Affordable Rented	Number of applicants in housing need
1 bedroom	76
2 bedrooms	45
3 bedrooms	45
4 or more bedrooms	7
Bedroom need to be assessed	18
Total	191

14.7.11 The Adopted Developers contributions SPD states With the introduction of First Homes the Council will seek an affordable housing split of 70% affordable rent, 25% First homes and 5% shared ownership.

14.7.12 This amounts to 4 units of affordable housing (relating to the rented units) or a financial contribution in lieu of provision i.e., 70% of the 40% required by policy H9

14.7.13 In exceptional circumstances where on-site cannot be achieved, off site provision and/or commuted payments in lieu may be supported where this would offer an equivalent or enhanced provision of affordable housing. Paragraph 66 of the NPPF requires of-site provision or a financial contribution to be robustly justified

14.7.14 The applicant has submitted a Financial Viability Appraisal in respect of the required affordable housing contributions.

14.7.15 This found that on a 100% open market value basis that the development cannot viably make the requested affordable housing contribution or any S106 payments

14.7.16 The viability assessment has been reviewed by an independent firm and they have drawn different conclusions upon the accuracy of the applicants assumptions

14.7.17 Their review concludes that an affordable housing contribution of £356,565 could be viably provided as part of this application.

14.8 G) Contamination

14.8.1 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.

14.9 H) Drainage and Flooding

14.9.1 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.

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

14.9.3 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.

14.10 Other material considerations

14.10.1 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

14.10.2 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. Although the requirement for financial contributions in lieu of affordable housing needs to be secured. The submitted draft has not been signed by the relevant parties and does not include any mechanism for securing the affordable housing contribution required. The applicant has however, confirmed that they are now willing to pay the amount suggested by the independent assessor. An affordable

housing contribution of £356,565 can be viably provided as part of the application. This can be secured by a revised unilateral undertaking.

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.

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

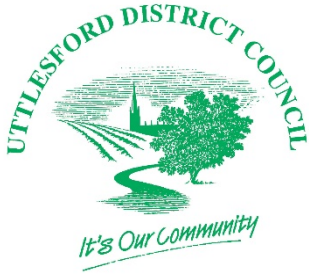
16.1.3 Subject to conditions securing mitigation measures, the proposal would not have any material detrimental impact in respect of protected species and would accord with ULP Policy GEN7.

- 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 affordable housing contributions in lieu of provision. This has been agreed, Unilateral Undertaking submitted is not adequate.
- 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.
- 16.1.8** Recommendation: Refusal

17. REASONS FOR REFUSAL

- 1** 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.
- 2.** The development fails to provide the necessary mechanism to secure the required provision of appropriate infrastructure to mitigate the development, secure the necessary affordable housing or financial contribution in lieu of provision 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 9



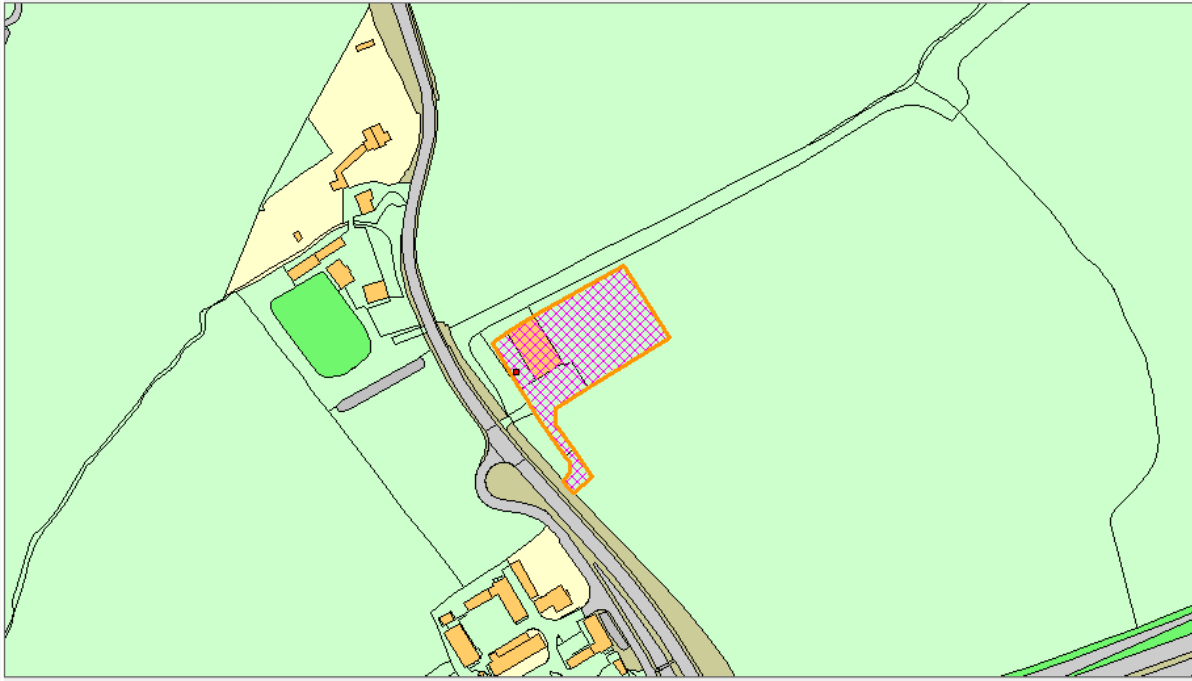
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/1718/FUL

LOCATION: Old House, Parsonage Road, Takeley CM22 6PU

SITE LOCATION PLAN:



**© Crown copyright and database rights 2021 ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 19th February 2024**

PROPOSAL: Erection of two new agricultural buildings and a lean-to extension to an existing agricultural building

APPLICANT: GA Coleman & Partners

AGENT: Strutt & Parker

EXPIRY DATE: 16.10.2023

EOT Expiry Date: N/A

CASE OFFICER: Jonathan Pavey-Smith

NOTATION: Outside development limits, Stansted Airport (Aerodrome Direction)

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. **EXECUTIVE SUMMARY**

- 1.1 The application site lies within the designated Countryside and the Countryside Protection Zone (CPZ). It is currently in agriculture use. The applicant owns the land where the site is situated at Old House Barn. However, the business (GA Coleman & Partners) runs from Parkers Farm and Home Farm. The applicant may lose access to the main grain store at Home Farm. As a result, a need to create a replacement on their own land to give them security for future years has been created. .
- 1.2 The two new agricultural buildings are the same height as the existing agricultural building. They will each measure 501.37m² in floorspace respectively and the lean-to will measure 262.75m² in floorspace. The total new floor space proposed is 1265.49m².
- 1.3 In landscape terms there are no overriding landscape or visual effects that should prevent the development. It is considered that the proposal would not give rise to a significant impact on the local highway network. As such, the proposed development is compliant with policy GEN1 (Access).

2. **RECOMMENDATION**

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

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site comprises an existing agricultural building and its associated hardstanding plus a small portion of farmland. The site also has an existing access off Parsonage Road, which was consented as part of the planning application associated with the existing agricultural building at the site (Reference UTT/19/2525/FUL).
- 3.2 The existing building measures approximately 500m². It has a grey fibre cement sheeting roof and walls clad with green plasticol coated steel sheeting and pre-stressed concrete panels.

- 3.3** The remaining areas of the site comprise agricultural land owned and farmed by the applicant. The proposed site is well screened to the north of the site on the road frontage, by existing hedgerow and trees. The site is located in the north-west corner of a wider parcel of agricultural land, owned by the applicant.
- 3.4** The application site is situated on Parsonage Road which connects to the B183, separate from Parkers Farm. The site location allows for HGVs to access land farmed on both sides of the A120, without using local village routes.
- 3.5** The site is situated within the 'Countryside Protection Zone' and falls on a 'Route of New Road to be Safeguarded'. The site falls within Flood Zone 1 whereby it has a low probability risk of flooding. There is a Grade II listed building; Old House Farmhouse, located to the south of the site.

4. PROPOSAL

- 4.1** The application seeks planning permission for the erection of two agricultural buildings and a lean-to on an existing agricultural building on land at Old House Barn
- 4.2** The two new agricultural buildings are the same as the existing agricultural building. They will each measure 501.37m² in floorspace respectively and the lean-to will measure 262.75m² in floorspace. The total new floor space proposed is 1265.49m².
- 4.3** The new agricultural buildings will measure a ridge height of 8.57m which is the same as the existing building. The lean-to will form an extension from the existing buildings eaves and will form a new eaves to the building of 3.65m.
- 4.4** The buildings are conjoined but are separate in all other respects and there is no internal access between them. The new buildings will comprise the same materials as the existing building and will therefore have Juniper Green plastisol coated steel walls with concrete panels and a Natural Grey big six fibre cement sheet roof. The buildings will also contain roller shutter doors including two on each of the agricultural buildings and one on the lean-to spray store. All three buildings will contain a door respectively.
- 4.5** An area of hardstanding will be provided to the south entrance of the proposed grain stores extending to the east of the existing hardstanding

to sufficiently provide for the turning of large vehicles for loading and unloading.

4.6 The application includes a Design and Access Statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

4.7 Also included with the application:
 Application Form and Ownership Certificate
 Relevant Plan and Drawings
 Transport Statement
 Vehicular Swept Path Analysis
 Preliminary Ecology Appraisal
 Landscape and Visual Impact Assessment

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/19/2525/FUL	Proposed new agricultural building to be used as a grain store.	Approved 10.12.2019
UTT/17/3353/FUL	Proposed Grain Store	Refused Appeal Dismissed.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 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.

9. PARISH COUNCIL COMMENTS

9.1 Takeley Parish Council – No Objections

10. CONSULTEE RESPONSES

10.1 Safeguarding Authority for Stansted Airport

10.1.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this development subject to the following Conditions:

1. During construction and operation, 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 and measures must be taken to prevent scavenging of any grain 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.

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

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

3. 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 in consultation with Stansted Airport.

Reason: Flight safety - to prevent ocular hazard and distraction to pilots using STN.

Informatives:

No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order (“Order”). In particular in contravention of the following provisions under that Order:- Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft. Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 14 notifications letters were sent to nearby properties.

11.2 One letter of support has been received *‘it’s nice to see some rural structures go up in the area that farmers are able to benefit from considering how difficult the industry has become. It would be nice to see an agricultural building go up to keep an authentic feel to the area instead the village being dictated by the airport’.*

11.2.1 No letters of objections 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)
 - Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

- #### **13.1.1**
- National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

- S7 – The countryside
- S8- Countryside protection zone
- GEN1- Access
- GEN2 – Design
- GEN3 -Flood Protection
- GEN4- Good Neighbourliness
- GEN5 –Light Pollution
- GEN6- Infrastructure Provision
- GEN7 - Nature Conservation
- ENV2- Development affecting Listed Buildings
- ENV4- Ancient monuments and Sites of Archaeological Importance
- ENV5- Protection of Agricultural Land
- ENV10-Noise Sensitive Development,

ENV13- Exposure to Poor Air Quality

ENV14- Contaminated Land

13.3 Supplementary Planning Document or Guidance

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/ Reason for Grain Storage**
 - B) Design and Landscape Impact/Impact on Countryside Protection Zone (CPZ)**
 - C) Highways**
 - D) Neighbouring Amenity**
 - E) Ecology**
 - F) Drainage and Flood Risk**

14.3 A) Principle of Development / Reason for Grain Storage

14.3.1 The application site lies within the designated Countryside and Countryside Protection Zone (CPZ) is currently in agriculture use. Policy S7 states planning permission will only be given for development that needs to take place there or is appropriate to a rural use.

14.3.2 The applicant owns the land where the site is situated at Old House Barn, however the business (GA Coleman & Partners) runs from Parkers Farm and Warren Farm, which are owned by Essex County Council (ECC). The applicant is a tenant on that land and has been for over 100 years.

14.3.3 G A Coleman & Partners are currently in the process of negotiating two new FBT agreements. One of these is likely to result in them losing one of their main grain stores at Home Farm after the upcoming harvest due to the landlord requesting this back for other purposes.

14.3.4 This has created uncertainty regarding the business's future operations and agricultural storage capacity. G. A. Coleman & Partners as a result need to create a replacement farmyard on their own land to give them security for future years.

14.3.5 In addition, G. A. Coleman & Partners also lease grain storage off Camgrain which is a commercial storage facility with sites in East Anglia. G A Coleman & Partners intend to keep the grain under their own control for marketing and sale, particularly as farming enters an uncertain time with the removal of the Basic Payment Scheme (BPS). The business is therefore seeking to leave Camgrain in order to reduce transport costs and sell and market their own crops.

14.3.6 As such, it is considered that the demand of the new buildings is appropriately justified for the existing agricultural use, and therefore, it is considered appropriate to take place at this location. As such, the principle of the proposed development is compliant with policy S7 subject to further assessment in relation to landscape impact on the countryside

14.3.7 In summary, there is no in principle objection to the erection of new agricultural buildings on this agricultural land, subject to all other matters being adequately addressed

14.4 B) Design and Landscape Impact/Impact on Countryside Protection Zone (CPZ)

14.4.1 The site lies within the Countryside Protection Zone (CPZ) which seeks to retain a "green" buffer around Stansted Airport to prevent undesirable forms of development and urban sprawl. The Countryside Protection Zone (CPZ) has four aims:

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

14.4.2 The two new agricultural buildings are the same height as the existing agricultural building. They will each measure 501.37m² in floorspace respectively and the lean-to will measure 262.75m² in floorspace. The total new floor space proposed is 1265.49m². The new agricultural buildings will measure a ridge height of 8.57m which is the same as the existing building. The lean-to will form an extension from the existing buildings eaves and will form a new eaves to the building of 3.65m.

14.4.3 The new buildings will comprise the same materials as the existing building and will therefore have Juniper Green plastisol coated steel walls with concrete panels and a Natural Grey big six fibre cement sheet roof.

- 14.4.4** The application is supported by a Landscape Visual Impact Assessment (LVIA) which provides an assessment of the impact of the proposed development on the landscape character of the area.
- 14.4.5** The most sensitive receptors were identified as residents within properties along Parsonage Road to the north, as well as users of the Public Rights of Way. The proposed development will be visible from one cluster of properties situated at Stansted Guest House along Parsonage Road. However, the proposal will be partially screened by the existing vegetation on the northern boundary.
- 14.4.6** It is accepted that the new buildings will be large. However, it is not considered that it would be excessive given the overall size of the farm and the operational requirements of the business. Agricultural buildings are a common characteristic of the countryside and an essential requirement of modern-day farming. Although the proposed new buildings will increase the size of the existing structure, it will be in keeping with the functional agricultural character that currently exists on site.
- 14.4.7** It is considered necessary to impose a condition, removing agricultural permitted rights, from the new farmstead, to avoid subsequent extensions and alterations which could extend beyond this site and result in an unacceptable impact upon the countryside. It is also considered necessary to impose a landscaping condition.
- 14.4.8** As such the new buildings would not adversely affect the character and appearance of the countryside and in my view, it would not conflict with any of the four purposes of the Countryside Protection Zone (CPZ)
- 14.4.9** As such taking into consideration the details above it is considered the landscaping details are appropriate in the context of the character of the site and accords with ULP Policies S7, S8, GEN2, ENV3, and the NPPF.
- 14.5 C) Highways**
- 14.5.1** The site has existing access. The site access is 6m in width with 6m radii. Visibility splays of 2.4m x 120m to the north and 2.4m x 160m to the south, in line with recorded 85th percentile speeds as set out in the Transport Statement prepared for application UTT/19/2525/FUL. No notable change to Parsonage Road in the vicinity of the site have been identified, and as such it is reasoned that the access as provided through consent UTT/19/2525/FUL would remain appropriate for the proposed buildings.

14.5.2 The access serving the existing building was installed in 2022 which would serve the proposed agricultural buildings, and these would generate very limited vehicle movements.

14.5.3 As the buildings on the site will mostly be used as grain store. The busiest period of the year will be around 4 weeks of harvest for Traffic movements. The applicant has not stipulated exact numbers of trips; however, this would only be limited to the 4 weeks in harvest and limited by the size of the grain storage area.

14.5.4 The Highway Authority are satisfied that the proposed development will not result in a detrimental impact on the safety and efficiency of the local highway network.

14.5.5 Overall subject to the imposition of conditions, the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable and accords with ULP Policies GEN1 and the NPPF.

14.6 D) Neighbouring Amenity

14.6.1 There are no residential properties within close proximity of the site, whilst a B1 commercial site exists to the south (Stansted Courtyard). Therefore, the proposal would not have any detrimental impact upon residential amenity. As such, the proposal would not be contrary to ULP Policies GEN2 and GEN4.

14.7 E) Ecology

14.7.1 Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated. The application site itself is not subject of any statutory nature conservation designation being largely an open field used for agriculture and hedgerows scattered throughout.

14.7.2 As such, it is considered that that the proposed development is compliant with policy GEN7 (Nature Conservation).

14.8 F) Drainage and Flood Risk

14.8.1 The development site lies within Flood Zone 1 (low probability of flooding) as defined by the Environmental Agency and is less than 1 hectare in size. The Framework indicates that all types of development are appropriate in

this zone and hence there is no requirement for sequential or exemption testing or for the applicant to provide a flood risk assessment. It is not foreseen that the proposal would result in the risk of increase flooding within and further beyond the site.

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 It is considered that the principle of the new buildings in this location is acceptable. The siting of the two buildings are not considered to be to detriment of the character and appearance of this countryside setting or

the Countryside Protection Zone (CPZ). The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or highway safety or ecology.

17. CONDITIONS

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

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

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

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

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

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. In accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 4** Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
- i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
 - viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 5** The developer should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
 - b) No dust emissions should leave the boundary of the site
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
 - d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

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

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no development within Schedule 2, Part 6 Classes A to E inclusive shall be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

REASON: To ensure that existing standards of visual amenity are maintained.

7 During construction and operation, 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 and measures must be taken to prevent scavenging of any grain 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.

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

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

9 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 in consultation with Stansted Airport.

REASON: Flight safety to prevent ocular hazard and distraction to pilots using STN.

Informative

No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards

ideally, automatic blinds to be fitted that close at dusk. Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

Given the location of this property the applicant should be aware that the airport will act against anyone found in contravention of the Air Navigation Order ("Order"). In contravention of the following provisions under that Order: -

Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.

Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Agenda Item 10



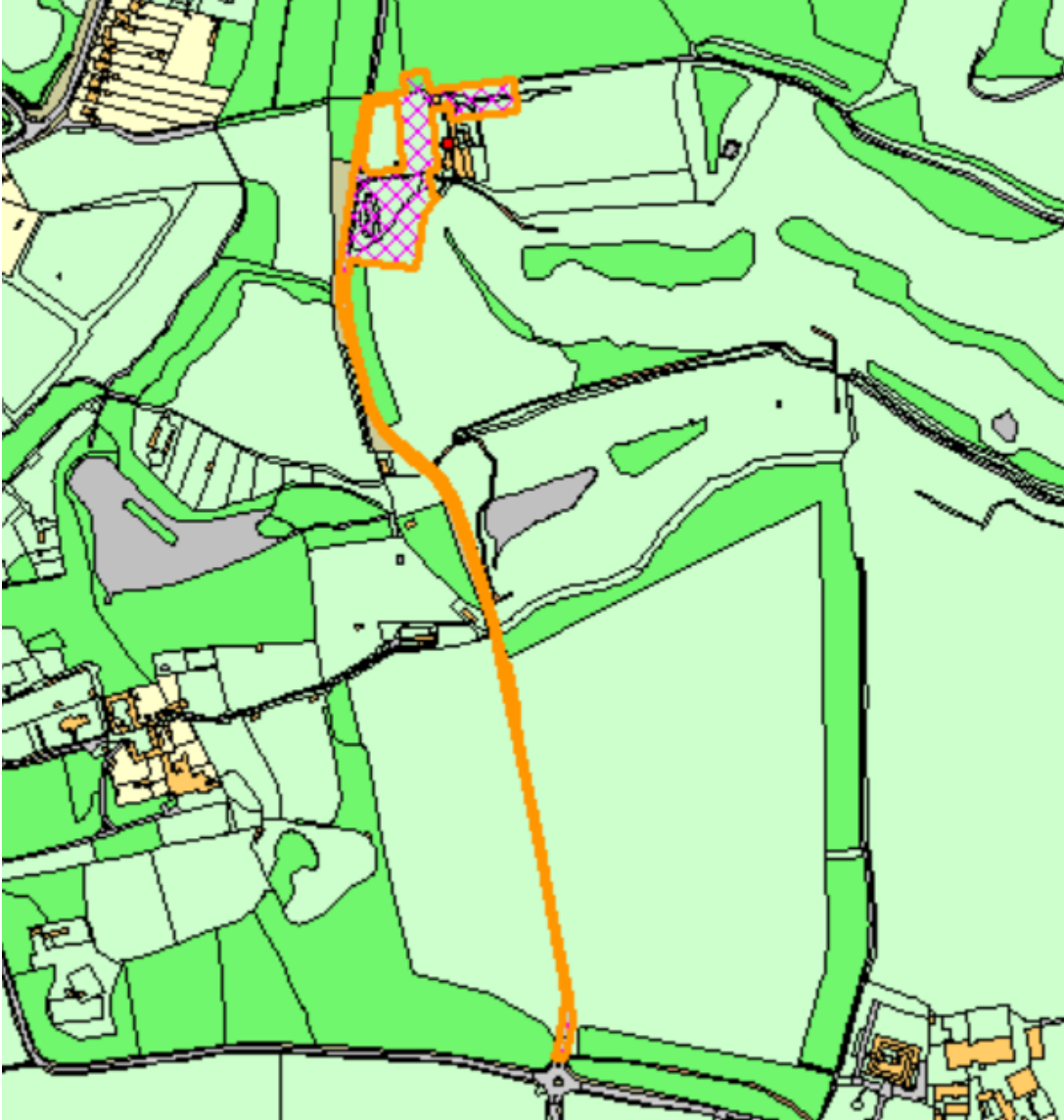
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/0654/FUL

LOCATION: Golf World Stansted Ltd
Hall Road
Elsenham
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 February 2024

PROPOSAL: Erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head

APPLICANT: Golf World Stansted Limited

AGENT: Mr. Rob Gibbs

EXPIRY DATE: 23.06.2023

EOT Expiry Date 12th April 2024

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Within Countryside Protection Zone. Public Right of Way. Within 6KM of Stansted Airport. Within 250m of Landfill Site. Within 2km of SSSI. Contaminated Land. Tree Preservation Order. Adjacent Historic Park/Garden.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

- 1.1** The site is located outside Development Limits within the Countryside Protection Zone, with residential properties, a campsite/farm and historic parkland to the west.
- 1.2** The proposal is for a temporary permission of 5 years, for the erection of a marquee with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head
- 1.3** On the site is an existing golf course with a function room, bar and golf shop, an adventure golf course, golf driving range and car parking.
- 1.4** The proposal is considered to be acceptable subject to conditions.

2. RECOMMENDATION

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The site is located to the north of Hall Road in Elsenham and is assessed by a single track (with passing points) that is shared with Elsenham quarry. The application site comprises a golf course with associated clubhouse and golf driving range. There is a car park to the west and north west of the clubhouse.
- 3.2** There is a certified caravan club to the northwest of the driving range. To the north and northeast of the site is Elsenham quarry. Adjacent to the site are important woodlands (Lady Wood and Park Wood which are adjacent to Pledgdon Wood which is a SSSI. There are residential properties to the west of the access road. Stansted Airport is approximately 1.8 km to the south of the site. The recently approved adventure golf area has now been completed and open to the public.
- 3.3** The site also has a café/bar, a gymnasium, fitness studio, health and beauty suite, functions suite for weddings etc.

4. PROPOSAL

- 4.1** The application is for the erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head
- 4.2** The main marquee would measure 25 x 35 m and have a height of 7m and eaves height of 3m. The walls would be solid panels and the roof double lined.
- 4.3** A further marquee immediately adjacent to the principal marquee would measure 25m by 10m and would accommodate a servery, male and female toilets and a disabled toilet.
- 4.4** The proposal includes a drop off zone, comprising a layby to the east of the access road, from where a new bridge would provide a direct pedestrian route to the marquee.
- 4.5** The 80 parking spaces will be located to the north east of the existing club house/driving range and a further 20 spaces to the north of the existing car park.
- 4.6** Hard and soft landscaping is proposed at the principal entrance to the marquess as well as its surrounds to soften the development.

- 4.7 The proposed venue seeks planning permission for the following hours of operation:
Monday to Sunday 07.00 to 00.00.

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/22/1475/NMA	Non material amendment attached to UTT/16/1066/FUL- reduction in dimensions of water body. Amendment to description of the water body to water storage lagoon.	Approved
SWR/0015/58	Extension of permission for extraction of sand and gravel	Approved with conditions
UTT/0644/94/FUL	Retention of mobile home for security purposes	Approved with conditions.
SWR/0450/71	Proposed filling of 10 acres approx. with brick, rubbish, topsoil and factory maintenance rubbish.	
UTT/0948/12/FUL	External deck to first floor side elevation	Approved with conditions
UTT/1801/08/FUL	Construction of a new health facility, swimming pool, squash courts, badminton courts, reception, restaurant, 40 parking spaces and ancillary works	Refused
UTT/15/0819/FUL	Proposed demolition of single storey rear addition and erection of single storey extension plus new conservatory, including insertion of three new roof windows in the existing roof	Approved with conditions
UTT/0007/99/FUL	Extension to existing storage building, enclosure of open bays and erection of terrace.	Approved with conditions
UTT/0182/95/FUL	Change of use of agricultural land after sand extraction and landfill to nine hole golf course	Approved with conditions

	and three academy (practice holes)		
UTT/1251/09/FUL	Siting of portacabin for period of 18 months.	Approved conditions	with
UTT/0728/11/FUL	Temporary siting of portacabin for two years.	Approved conditions	with
UTT/0814/03/FUL	Construction of new health facility, swimming pool, reception, cafe extension, 5 new bays, 40 car parking space	Approved conditions	with
UTT/0041/78	Reinstatement of existing sand and gravel pits to agricultural land.	Approved conditions	with
UTT/1021/09/FUL	Construction of a new health facility, swimming pool, squash courts, sports hall, reception, restaurant, 40 parking spaces and ancillary works.	Approved conditions	with
UTT/1581/11/FUL	Variation of condition C.90c (The proposed portacabin structure hereby permitted shall remain assembled and be used in accordance with the boundaries of condition 4 above for a period of no more than 18 months from the date of this permission. After the expiry of this period the portacabin structure shall be completely dismantled and removed from site in its entirety and the ground returned to its previous condition, unless otherwise agreed in writing by the local planning authority) on planning application UTT/1251/09/FUL	Approved conditions	with
UTT/1774/90	Construction of golf driving range with associated parking facilities and alteration to existing access.	Approved conditions	with
UTT/13/2539/FUL	Removal of existing portacabin and link corridor and erection of new single	Approved conditions	with

	storey extension, to create larger gymnasium suite.		
UTT/1400/87	Change of use of agricultural land (restored after sand extraction and landfilling) to a 9 hole golf course	Approved conditions	with
UTT/14/2973/FUL	Construction of new external bar and 2 no. external toilets, located beneath the existing first floor balcony.	Approved conditions	with
UTT/0187/94/FUL	Temporary stationing of mobile home, erection of machinery store.	Approved conditions	with
UTT/1218/96/FUL	Erection of two storey extension to clubhouse including employees flat.	Approved conditions	with
UTT/16/1066/FUL	Proposed modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure golf area, driving range refurbishment, extension to car park, and creation of a reservoir for the purposes of sustainable on-site irrigation and landscape / ecological enhancements.	Approved conditions	with
UTT/17/0549/FUL	Amendment to previously approved scheme (UTT/13/2539/FUL) to include two single storey front extensions	Approved conditions	with
UTT/17/1312/FUL	Widening of sections of the access roadway to create a two lane roadway for the length within the applicants control	Approved conditions	with
UTT/17/1533/FUL	Variation of condition 14 ("No waste other than those waste materials defined in the application details shall enter the site") of planning permission UTT/16/1066/FUL (modernisation of Elsenham Golf and Leisure to include the creation of a chipping green and adventure	Approved conditions	with

UTT/17/1673/FUL	Application to vary Condition Number(s): 2(Netting of reservoir and ponds), 3(Bird Hazard Management Plan), 9(Site Contamination Investigation), and 10 (Remediation Scheme) of planning permission UTT/16/1066/FUL to exclude the construction of the adventure golf area as illustrated by drawing number CP01 C	Approved with conditions
UTT/18/2499/FUL	New two-storey golf driving range attached to the existing driving range. Existing range converted to a golf shop. Associated extension to provide additional toilet accommodation.	Approved with conditions

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 N/A

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

8.2 Local Flood Authority

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

8.2.2 Previous advice:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- More information is required regarding the remediation works and the results of the ground quality assessment. This is especially important as the drainage strategy is proposing to infiltrate on an ex-landfill site.
- Infiltration testing is required to confirm the viability of the proposed SuDS features and the current accompanying hydraulic calculations.

- Page 31 (1:100-year storm event) shows that the half drain down time for the pond 'exceeds 7 days. Please provide the half drain down time for a 1:30 year storm event plus 40% climate change.
- Please provide hydraulic modelling for the 1 in 1 year and the 1 in 30-year rainfall events.
- Clarification is required regarding the treatment for the site. This should be shown by the hazard pollution level indices and the mitigation indices that the features used provide. Please see: <https://www.essexdesignguide.co.uk/suds/waterquality/>
- Please can the historic borehole test mentioned in section 4.1.8 be included in the appendices.
- Exceedance routes should be provided.

8.3 Historic England

8.3.1 Not offering advice

8.4 Sport England

8.4.1 The proposed development does not fall within our statutory remit (Statutory Instrument 2015/595), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice including Sport England's Planning for Sport Guidance can however be found on our website Planning for Sport. If the proposal involves the loss of any sports facility, then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved relevant evidence base document that the local authority has in place. If the proposal involves the provision of a new sports facility, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant sport's National Governing Body, design guidance notes Design Guidance

8.4.2 While Sport England is not in a position to provide a detailed response on this occasion, consideration should be given to the advice provided by the relevant recognised sport's National Governing Body (see list of recognised sport's national governing bodies on Sport England's website Recognised Sports) who are better placed than Sport England to provide informed advice to the Council on facilities involving the more specialist sports (such as golf). In the case of golf the recognised National Governing Body is the England Golf.

8.5 Essex Gardens Trust

8.5.1 This is an application for a large temporary marquee and additional parking at Golf World, Elsenham. The Heritage Statement acknowledges the existence of numerous listed buildings in the area, but overlooks the parkland and landscape at Elsenham Hall

which is included in Essex Gardens Trust's Uttlesford Inventory. In the early 19th century, the road was diverted away from the Hall, and parkland with a lake were created. The park and gardens were later enhanced by the Gilbey family. Their extent is recognisable on Google Earth. Golf World adjoins to the north-east. The application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting

9. Elsenham Parish Council comments

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 Contaminated Land:

In view of this historic use as a landfill, contamination risks that may be present on site must be identified, assessed and where necessary remediated to a suitable standard. Recommends that this secured by condition.

10.1.2 Recommend that the following condition is attached to any planning consent granted for the outline application as proposed:

10.1.3 Environmental Noise:

The noise impact assessment completed by Synergy Architects 18th November 2022 shows that external noise levels 1m from the façade of the marquee would have to be 76dBA in the day and 73dBA at night. The sound mitigation of the structure of the marquee is not yet known, but this is expected to be minimal. 10dB has been assumed in the assessment, which would mean that any events would have to operate at 86 and 83dBA respectively.

10.1.4 Although some events may be able to operate at this level, most events with music or a band would wish to operate at higher levels. It is therefore considered likely that additional mitigation would be required in order to meet our requirements. It is recommended that a noise limiter is installed, but at this point we do not have enough information to recommend a level to set it at and without mitigation it may have to be set unfeasibly low as to make the development unsustainable. Therefore, further detail on what level of noise mitigation will be incorporated into the design is required.

10.1.5 Environmental Noise:

The updated Noise impact Assessment submitted by the applicant shows that noise from the proposed development can be controlled adequately provided that suitable mitigation is installed.

- 10.1.6** Plant Noise:
An assessment of the plant to be installed as part of the development indicates that 3.5 metre acoustic screening of proposed plant area will be required in order for the plant noise to meet our criteria of 5dB below background at the nearest noise sensitive receptor. Therefore, a condition is recommended:
- 10.1.7** Construction/Demolition:
There are residential properties adjacent to this site. A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction. A condition is recommended to protect the amenity of existing residential properties close to the site:
- 10.1.8** 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
- 10.1.9** External Lighting:
In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spillover light, or glare. A condition is therefore recommended to secure this:
- 10.1.10** 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 UDC Landscape Officer/Arborist**
- 10.2.1** The proposed development would have limited impact on the setting of the wider historic parkland associated with Elsenham Hall.
- 10.3 Place Services (Conservation and Heritage)**
- 10.3.1** Built Heritage Advice pertaining to erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head.
- 10.3.2** Golf World is located on former agricultural land and a number of Grade II listed buildings are located in the vicinity of the site including the following:
- Pennington Hall (List entry number 1230880) and Dovecote to East of Pennington Hall (List entry number 1230880) - to the north west of the site

- Gardeners Cottage (List entry number 1171192) and Range of Thatched, Timber Framed Outbuildings and Barn to West of Gardeners Cottage (List entry number 1112339) to the west of the site
- Elsenham Place (List entry number 1112337), Dovecot to South West of Elsenham Place (List Entry number 1112338) and Barns to West of Elsenham Place Fronting Road (List entry number 1171188) – to the south west of the site
- Elsenham Hall (List entry number 1112336) – to the south west of the site
- The Grade I listed Church of St Mary the Virgin is also located to the south west.

10.3.3 The early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall have been identified as a historic designed landscape of Essex by the Essex Gardens Trust and thus, may be considered a non-designated heritage asset.

10.3.4 The development site is located on land to the north east of the former park

10.3.5 The proposed marquee and support marquee with associated terrace, access provision and additional car parking will represent a sizeable increase in the built form and quantum of hard landscaping on the Golf World site. However, although the site forms part of the wider rural setting of the listed buildings, there is a high degree of physical separation and limited inter-visibility between the site and the designated heritage assets. Therefore, it makes a very limited contribution to their significance. On this basis, in my opinion, the proposal will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2021)

10.3.6 I do not consider there to be harm to the significance of the designated heritage assets arising from this development in their wider setting. The potential impact of the development on the setting of the non-designated historic designed landscape of Elsenham Hall has not, thus far, been assessed in the Heritage Statement provided with this application. Therefore, I do not feel I have sufficient information to make an informed judgement on this matter. I would recommend an assessment is requested to meet the requirements of Paragraph 194 of the NPPF.

10.3.7 11th July

10.3.8 Further to my initial response dated 13th April 2023, I have reviewed the Heritage Statement Addendum provided regarding the significance of the early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall, which may be considered a non-designated heritage asset. The development site is located on land to the north east of the former park.

On the basis of the information provided, I am satisfied that the proposals will not result in any harm to the significance of the above non-designated heritage asset.

10.4 Place Services (Ecology)

- 10.4.1** Following on from our comments dated 3rd January 2024, we have reviewed the Ecology Response letter from FPCR dated 1st February 2024, relating to the likely impacts of the proposed drainage strategy (see Drainage Layout, drawing no. PC3576-RHD-DE-SW-DR-D0500 Rev P05 (Royal Haskoning DHV, October 2023)) on grassland, woodland and the banks of a ditch, habitats that could be used by protected species such as bats, Great Crested Newt, Otter, reptiles and Water Vole.
- 10.4.2** This area was not covered by The Ecological Appraisal (FPCR, November 2022). We are now satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 10.4.3** The applicant has looked into the Great Crested Newt (GCN) District Level Licensing (DLL) option for the site but has found it is not feasible at this time and they are opting for the traditional licensing route instead. Although the population class size assessment for GCN at the site is considered out of date, recent eDNA surveys have shown GCN are still present. The LPA therefore have enough certainty of impacts and that appropriate mitigation can be provided. The applicant can therefore use licensing Policy 4 in this instance.
- 10.4.4** The submission of a copy of a Natural England mitigation licence for Great Crested Newt should be secured by a condition of any consent. The mitigation measures identified in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and Ecology Response letter from FPCR dated 1st February 2024 should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.
- 10.4.5** We recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the northern and western boundaries and around the existing pond. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023).
- 10.4.6** In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:
- Do not provide excessive lighting. Use only the minimum amount of light needed for safety;
 - All luminaires should lack

UV elements when manufactured. Metal halide, compact fluorescent sources should not be used; • LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability; • A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component; • Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012); • Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards; • Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01; • Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt; • Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow; • Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely

10.4.7 A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced to detail how surrounding retained habitats, including Priority habitats, will be protected during the construction phase of the development. This CEMP: Biodiversity should be secured by a condition of any consent.

10.4.8 We support the proposed reasonable biodiversity enhancements including the enhancement of rough grassland areas, creation of new pond habitat and creation of native scrub habitat, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013. We recommend that submission for approval and implementation of the details should be a condition of any planning consent.

10.4.9 Holding objection 3rd January 2024
Following on from our comments dated 6th November 2023, we have reviewed the additional documents supplied by the applicant in relation to the drainage strategy at the site, including the Drainage Layout, drawing no. PC3576-RHD-DE-SW-DR-D-0500 Rev P05 (Royal Haskoning DHV, October 2023). It is noted that this Drainage Layout plan includes a pumping station linked to a discharge point into a ditch to the

north-west of site. This proposal appears to impact upon additional grassland, woodland and the banks of a ditch, habitats that could be used by protected species such as bats, Great Crested Newt, Otter, reptiles and Water Vole.

- 10.4.10** The Ecological Appraisal (FPCR, November 2022) was written before these designs were produced and did not cover the area to be impacted by the proposed drainage strategy so potential ecological impacts have not been assessed by a suitably qualified ecologist.
- 10.4.11** We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that an addendum addressing the additional potential impacts caused by the proposed pumping station and discharge into an existing ditch is produced by a suitably qualified ecologist.
- 10.4.12** Details of survey results and any necessary additional mitigation & enhancement measures are required to make this proposal acceptable and will need to be provided prior to determination.
To fully assess the impacts of the proposal the LPA need ecological information for the site, particularly for bats, Great Crested Newt and Otter, all European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should “Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby”, “Survey for great crested newts if there’s a pond within 500 metres of the development, even if it only holds water some of the year” and “Survey for otter if distribution and historical records suggest otters may be present; development will affect a water body, river, stream, lake, sea or marshland; development will affect habitat near a water body directly or through environmental effects, such as creating noise or light”.
- 10.4.13** The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 10.4.14** This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

10.4.15 We have reviewed the submitted documents, including the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023), Biodiversity Advice Note (FPCR, October 2023) and Biodiversity Checklist (Synergy Architects Ltd., March 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

10.5 MAG Aerodrome Safeguarding

10.5.1 No objection. The Safeguarding Authority for Stansted Airport has assessed the addendum provided to the existing BHMP for the site. The addendum includes reference back to the original management plan, whilst also setting out specific landscaping and management with regards this development. Along with parameters for the pond and landscaping, it states that – Good site management/housekeeping will ensure that:

1. visitors and staff are prevented from feeding duck/geese that may be present.
2. Regular litter picking is undertaken both routinely and during/immediately following events in public and staff areas.

10.5.2 The applicant has also stated, “Whilst the soft landscaping proposals and external lighting design to the marquee, pond and it’s immediate environment will be the subject of more detailed design and submission for approval (by Condition), the attached Addendum clearly states the parameters these designs will follow to fully manage and restrict any bird population within the vicinity.”

10.5.3 Therefore, we have no objection to this development subject to the following Conditions:

10.5.4

- The aerodrome safeguarding authority for Stansted Airport must be consulted on any further detail design submissions.
Reason: To ensure that the development will not compromise the flight safety of aircraft using Stansted Airport.

- The existing Bird Hazard Management Plan shall be implemented with the agreed addendum as approved, and shall remain in force for the life of the site. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

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.

- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

10.5.5 Informatives:

- Given the location of this property, the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order, in particular the following provisions of that Order:
Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:
<https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification>

10.6 BAA comments

10.6.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome safeguarding criteria. This is a holding objection.

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

10.6.2 We object to this development pending further information and assurances from the applicant with regard to the management of birds on the site to prevent any increase in numbers of species of birds that are hazardous to aircraft. In more detail:

- The erection of the marquee, associated car parking and drop off areas should not result in an increased attraction for species of birds that are hazardous to aircraft in themselves, however the increase in catering and in human presence in and around the marquee may result in an increased availability of dropped or discarded food waste. Therefore, the applicant must formally commit to good housekeeping including regular litter patrols in order to ensure that no food waste is available as a potential food source for scavenging birds such as Starlings, Feral Pigeons and gulls.

10.6.3 There should be an existing Bird Hazard Management Plan in place for this site; this should be revised to include the new facilities and strengthened in view of the increasing numbers of Canada Geese in contravention of the existing plan. Without this commitment, robust management and routine practice, this site has the potential to pose a significant hazard to aircraft using Stansted Airport.

- 10.6.4** Exact details of the pond regrading, tree thinning and associated landscaping works have not been provided. It is imperative that details are provided so that we can assess the potential habitat for species of birds that are hazardous to aircraft. Opening up of the pond and increasing the human presence near the water will have the potential to substantially increase the attraction of this feature to both ducks and geese.
- 10.6.5** The pond should remain completely enclosed by a goose proof barrier of dense emergent vegetation and/or a goose proof fence, alongside a commitment to preventing any feeding of ducks or geese in addition to the good housekeeping policy to prevent access to dropped or discarded food waste.
- 10.6.6** When we can be satisfied that the applicant understands the need to develop and manage the site in such a way as to not increase the risk of a bird strike to aircraft using Stansted Airport, we will rescind this holding objection and a condition relating to Bird Hazard Management will be necessary.
- 10.6.7** We will also need the following Condition:
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.
- 10.7** **Thames Water**
- 10.7.1** No comments
- 10.8** **Essex Gardens Trust**
- 10.8.1** The Heritage Statement acknowledges the existence of numerous listed buildings in the area, but overlooks the parkland and landscape at Elsenham Hall which is included in Essex Gardens Trust's Uttlesford Inventory. In the early 19th century, the road was diverted away from the Hall, and parkland with a lake were created. The park and gardens were later enhanced by the Gilbey family. Their extent is recognisable on Google Earth. Golf World adjoins to the north-east.
- 10.8.2** The application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting
- 10.9** **England Golf**

- 10.9.1** Having reviewed the proposal and accompanying documentation, England Golf have no issues with this application and are supportive of the plans to erect a temporary marquee.
There appears to be no impact on the level of golf provision currently being provided, and it seems as if this will allow Golf World Stanstead to evolve and improve their offer.

11. REPRESENTATIONS

- 11.1** Site notice/s were displayed on site and 54 notifications letters were sent to nearby properties.
- 11.1.2** 2 Objections have been received
- 11.1.3** We are the registered owners of the land (EX911826) to the south-west of the applicant's site with their access road dividing the land. The land has been the home of Daisy Mays Farm since 2014. This is a not-for-profit organisation that keeps and rehomes animals and runs as a smallholding that is open to the public which attracts hundreds of families each week to see the animals, walk through the woodland and fields and enjoy the outdoor environment.
- 11.1.4** The current environment is extremely tough and the farm faces constant financial challenges to keep its animals fed and homed. In order to survive the farm has had to diversify to bring additional income streams in and since 2021 has operated a "wild camping" site in the top field.
This allows families to come and stay at the farm and experience camp in an unspoilt environment. It is peaceful and tranquil, and families relax and enjoy the countryside. At night it is quiet and dark, and they are surrounded by nature. We have deer come through the fields, rabbits in the undergrowth and hawks circling in the sky. This is only achieved because it is peaceful.
- 11.1.5** The income for the farm not only comes from the campers paying for their pitches but also by spending money in the snack shack, buying firewood and BBQs packs, all of this is an essential income to the farm and if lost would have a major impact.
- 11.1.6** The reason for our objection is on the grounds of noise as the proximity of our campsite to the proposed marquee has not been considered at all in the application. The Noise Assessment by Temple Group Ltd and the Design & Access Statement by Synergy Architects makes no mention of the campsite and no approach was made to us during the design process to assess the impact that this proposal may have on us an aerial view shows the location of the proposed marquee and the distance to the nearest pitch (60m). The camp site then extends along the line of the bushes parallel with the marquee and then returns down the line of trees, in total there are 10 pitches for tents with a further 3 pitches for

caravans on the far side of the field. The rest of the top field is used by livestock with sheep, goats and horses grazing. We are concerned that loud noise i.e. music, fireworks will cause them distress.

- 11.1.7** The marquee has a maximum capacity of 600 people, and the operating hours are 07.00 until midnight all week. The music and sounds of the guests, even with attenuation measures will still be significant and be extremely disruptive to people trying to sleep less than 60m away. At night even low levels of noise travel and this will have a major impact. In the morning from 07.00 cleaners, caterers, suppliers will start arriving to clear up from the night before with all the cars and noise that entails.
- 11.1.8** There is also parking proposed for up to 100 cars and if an event finishes at midnight, then all these cars have to leave via the access road which is 30m away from the nearest tents. There will also be coaches parking up waiting for guests with engines running and people talking loudly as they get ready to leave.
- 11.1.9** There will also be light pollution as all the cars and coaches leave and headlights sweep across the field.
- 11.1.10** The whole basis of our campsite is that it is peaceful and that is what our reputation has been built on, we have guests returning regularly to enjoy to peace and quiet. Our reviews show that this is important to them and if there is music and noise until midnight and then cars driving by until possibly 1am with headlights shining our campsite will be extremely adversely affected and impact us financially.
- 11.1.11** Our objection is summarised as follows:
- Music and noise until midnight only 60m away from sleeping campers.
 - Cars and coaches leaving within 30m of sleeping campers until 1am
 - Noise causing distress to livestock
 - Light across the campsite until 1am
 - Suppliers, cleaners etc arriving at 07.00.
- 11.1.12** We have worked extremely hard to build a business that is at the heart of the community and provides a place where children can encounter animals close up and get back to nature.
- 11.1.13** It provides employment to young people, it supports Duke of Edinburgh, provides work experience to Writtle Agricultural College and welcomes school groups.
- 11.1.14** It runs just at breakeven, and each part of the business supports the other. The camping is an integral part of this business and provides essential finance and we are extremely concerned that the location of the marquee will impact on the camping as once there are complaints about noise on the review sites then people will stop booking with us and we will lose this essential income stream upon which we are dependant. It would seem

very unfair if a new venture is given consent that may put an existing one out of business

- 11.1.15** I co-run a family-owned holiday let and glamping business around 350m from the proposed site of the marquee & other facilities outlined in the planning application. We share the concerns of Environmental Health about the noise impact of this proposal. We are also concerned about the scale of planned events which could involve up to 600 people.
- 11.1.16** Many of our guests book our holiday cottages & glamping site because of its rural location and six acres of private nature reserve. Whilst we do have the obvious noise impact of Stansted Airport nearby, the evenings are relatively quiet and we are worried that this could be impacted by events taking place in the marquee.
- 11.1.17** We understand that noise reduction and mitigation measures have been proposed, which is encouraging. However, like Environmental Health, we would need more concise details about exactly what and how effective these will be at ensuring the noise impact will not adversely affect our business.
- 11.1.18** Our current and future income depends heavily on the success of our holiday lets and glamping site, so we need as much reassurance as possible that the noise reduction and mitigation measures will be undertaken extremely effectively. We also need to be confident that any limits on noise will be very strictly adhered to going forward. Until reassurance and further details about the noise mitigation are forthcoming, we have no option but to object to the application as it stands

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

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

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

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

(c) any other material considerations.

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

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 6th December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2nd February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023)

13.2 Uttlesford District Plan 2005

S7 – The countryside Policy
S8 – countryside Protection zone
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV3 - Open Space and Trees, Policy
ENV14 - Contaminated Land
LC4- Provision of outdoor sport and recreational facilities beyond settlement boundaries

13.3 State name of relevant Neighbourhood Plan in this title

N/A

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Design, scale, impact on neighbours amenity**
 - C) Contamination**
 - D) Biodiversity**
 - E) Highway issues and Parking**
 - F) Flood Risk**
 - G) Impact on heritage assets**

14.3 A) Principle of development

14.3.1 The site is located outside of any development limits as defined within the Local Plan, but within the Countryside Protection Zone (CPZ) surrounding Stansted Airport. Local Plan Policy S8 relates to the CPZ and specifies that planning permission will only be granted for development that is required to take place there or is appropriate to a rural area and that there will be strict control on new development. In addition, if new buildings or uses would promote coalescence between the airport and existing development in the countryside or it would adversely affect the open characteristics of the zone, development will not be permitted.

14.3.2 Planning policy LC4 , however states the following developments will be permitted beyond Development Limits.

- a) Outdoor sports and recreational facilities, including associated buildings such as changing rooms and club- houses
- b) suitable recreational after use of mineral workings.

14.3.3 The NPPF, paragraph 97 also supports the provision of social, recreational, and cultural facilities.

14.3.4 Whilst the development would be contrary to the CPZ policies, the existing business has an outside bar area, an adventure golf course and a golf course and driving range. The proposed marquee would be a temporary fixture.

- 14.3.5** Paragraph 84 (c and d) of the NPPF states that planning policies should enable, amongst other things, “ the retention and development of accessible local services and community facilities , such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 14.3.6** The proposed application would significantly intensify the use of the site, however the existing business is facing significant financial pressures. Policy 85 of the NPPF encourages planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt.
- 14.3.7** The existing facility has an events space but its capacity is limited (currently the function room can seat up to 78 guests and 100 for non-seated after parties). There is no scope to expand this space further. Furthermore, the layout and access arrangements of the space make it unfavourable to prospective customers, due to access being through communal areas used by golfers and other facility users, which erodes the sense of exclusivity that prospective customers often look for when booking a venue of this nature.
- 14.3.8** The purpose of the marquee is to facilitate the diversification of the current facilities through expansion of the events space to cater to an identified demand for a facility of this scale in this location. This would ensure that the facility can continue operating and providing its core service, that being a golf facility which provides a community meeting space and promotes healthy and active lifestyles in accordance with Paragraph 96 of the NPPF, whilst also catering to demonstrable local demand for a large events venue.
- 14.3.9** A further benefit of the scheme would also be in the provision of employment and to aid local suppliers and function/wedding-oriented businesses, contributing to the vitality of the local community and ensuring the ongoing operation of the principal golf function of the site.
- 14.3.10** The proposal, however, has the potential to impact on neighbouring properties and businesses by way of noise, traffic and light pollution, this can be controlled by suitably worded conditions, see below. It should be noted, however that the site is close to Stansted airport and therefore already is blighted by the noise from aircraft.
- 14.3.11** It is considered that more weight should be given to policy LC4 as the scheme would support the continued provision of the outdoor sports and recreational facilities. Golf clubs are seasonal, and the marquee would offer a greater range of facilities to sustain the existence of the golf club. The proposed new development would allow the business to be more competitive with other sites and would be a good community facility. The proposal is on balance considered to be acceptable in principle

14.4 B) Design, scale, impact on neighbours amenity

- 14.4.1** 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
- 14.4.2** Policy GEN4 of the Adopted Local Plan states that development and uses, whether they involve the installation of plant or machinery, will not be permitted where:
- a) Noise or vibrations generated, or
 - b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants;
- Would cause material disturbance or nuisance to occupiers of surrounding properties.
- 14.4.3** Policy GEN5 states that development that includes a lighting scheme will not be permitted unless:
- A) The level of lighting and its period of use is the minimum necessary to achieve its purpose, and
 - B) Glare and light spillage from the site is minimised.
- These criteria can be achieved by appropriate conditions.
- 14.4.4** The site is close to residential properties and a camping site/farm.
- 14.4.5** The development has the potential to impact on neighbours, occupiers of surrounding properties by way of noise, smells, light, vibrations (during use and construction) and accordingly Environmental Health Officers have been consulted.
Subject to conditions, they have no objection to the proposal.
- 14.4.6** They have stated that the updated Noise Impact Assessment submitted shows that noise from the proposed development can be controlled adequately provided that suitable mitigation is installed. Any approval should include a condition to ensure the mitigation is installed as specified within the Noise Impact Assessment submitted with the application [Temple, 30th May 2023]
- 14.4.7** The development is considered to be sited sufficiently distant from any residential property to avoid any material adverse effect on residential amenity and the nearby farm/campsite. It is not considered that the intensification of the site would result in unacceptable traffic or noise issues over and above to that that already exists at the site, subject to compliance with suitably worded conditions.
- 14.4.8** The proposed materials and design of the proposed development reflect the advice in response to pre- application advice UTT/21/3590/PA

- 14.4.9** The marquees height is lower than the neighbouring clubhouse and would have a limited visual impact due to the landscaping screening proposed. The unit will have level access.
- 14.4.10** This development has the potential to cause noise and dust impacts on the existing surrounding properties.
- 14.4.11** In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on neighbours from obtrusive or spillover light, or glare.
- 14.4.12** Following pre-application advice, the proposed additional car parking has been relocated to the north of the existing clubhouse, meaning that the tree cover previously proposed to be removed is now retained, which means that the site is significantly screened to the west.
- 14.4.13** The site is located close to Stansted airport and therefore the proposal has the potential to conflict with aerodrome safeguarding criteria. The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and have no objections subject to conditions in respect of design details.
- 14.4.14** Subject to conditions the design and scale of the proposal is considered to be acceptable.

14.5 C) Contamination

- 14.5.1** The site is located on previously filled land and disturbance by the proposal may cause harm to relevant receptors, including human health and the ecological environment.
- 14.5.2** Environmental Health officers have been consulted and they advise a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination and if shown to be necessary , a Phase 2 Site Investigation This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building/use is occupied.
The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.
- 14.5.3** Subject to conditions, the proposal would comply with ULP policies GEN2, ENV12 and ENV14

14.6 D) Biodiversity

- 14.6.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 14.6.2** The application site is located within 100m of Local wildlife Site – Pennington Hall Meadows and Elsenham Hall fields
- 14.6.3** The applicant has submitted a ecological appraisal , a biodiversity checklist and a Great Crested Newt mitigation report.
- 14.6.4** Although the population class size assessment for GCN at the site is considered out of date, recent eDNA surveys have shown GCN are still present.
The applicant can therefore use licensing Policy 4 in this instance. The submission of a copy of a Natural England mitigation licence for Great Crested Newt should be secured by a condition of any consent.
- 14.6.5** The mitigation measures identified in the Ecological Appraisal (FPCR, November 2022) and Great Crested Newt – Mitigation Requirements (FPCR, July 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality
- 14.6.6** Biodiversity enhancements including the enhancement of rough grassland areas, creation of new pond habitat and creation of native scrub habitat are proposed.
- 14.6.7** The site is located within 1.8km of the end of the approaches of Stansted runway and therefore the proposal could conflict with safeguarding criteria especially in respect of bird strike. This can be controlled by a suitable worded condition
- 14.6.8** It is not considered, subject to conditions, that the proposal would have any material detrimental impact in respect of protected species, and complies with policy GEN7

14.7 E) Highway issues and Parking

- 14.7.1** Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

- 14.7.2** The proposal would create an additional 100 spaces beyond those already on site. They will be located to the north of the existing clubhouse on land previously used for a caravan park. The area is screened by existing trees.
- 14.7.3** A Transport Statement has been submitted with the application. An estimated 94 arrival trips are estimated during full attendance peak hours at the site. Where impact is expected, both at construction or operational stage, then mitigation measures should be put in place. At Section 6 of the submitted Transport Statement, a number of mitigation measures are proposed, with full details to be secured via a suitably worded condition. These comprise: a travel plan Carpark Management Strategy and a Construction Logistics Plan.
- 14.7.4** The proposal would result in significant additional traffic movements on the existing access road which is shared with Elsenham quarry site and a residential property to the west. There is also a public footpath that passes along the northern side of the site and bridle ways to the south of the site. The Highways Authority at Essex County Council has been consulted and raises no objections. Adequate parking provision for the additional use would be provided. The proposal would comply with ULP policies GEN1 and GEN8
- 14.8 F) Flood Risk**
- 14.8.1** The site is located within flood zone 1 which Planning Practice Guidance states that in this zone developers should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems.
The Council SUDs team have been consulted and have raised no objections. Therefore this application is unlikely to have an effect on drainage in the area and would comply with the aims of ULP policy GEN3
- 14.9 G) Impact on Heritage Assets (ULP Policy ENV2)**
- 14.9.1** 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.
- 14.9.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.

- 14.9.3** Golf World is located on former agricultural land and a number of Grade II listed buildings are located in the vicinity of the site including the following:
- Pennington Hall (List entry number 1230880) and Dovecote to East of Pennington Hall (List entry number 1230880) - to the north west of the site
 - Gardeners Cottage (List entry number 1171192) and Range of Thatched, Timber Framed Outbuildings and Barn to West of Gardeners Cottage (List entry number 1112339)
 - – to the west of the site
 - Elsenham Place (List entry number 1112337), Dovecot to South West of Elsenham Place (List entry number 1112338) and Barns to West of Elsenham Place Fronting Road (List entry number 1171188) – to the south west of the site
 - Elsenham Hall (List entry number 1112336) – to the south west of the site
 - The Grade I listed Church of St Mary the Virgin is also located to the south west
- 14.9.4** The early nineteenth century former landscaped parkland and formal pleasure gardens of Elsenham Hall have been identified as a historic designed landscape of Essex by the Essex Gardens Trust and thus may be considered a non-designated heritage asset. The development site is located on land to the north east of the former park.
- 14.9.5** The proposed marquee and support marquee with associated terrace, access provision and additional car parking will represent a sizeable increase in the built form and quantum of hard landscaping on the Golf World site. However, although the site forms part of the wider rural setting of the listed buildings, there is a high degree of physical separation and limited inter-visibility between the site and the designated heritage assets. Therefore, it makes a very limited contribution to their significance
- 14.9.6** Specialist conservation officers opinion is that the proposal will preserve the special interest of the listed buildings in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (NPPF, 2021) they do not consider there to be harm to the significance of the designated heritage assets arising from this development in their wider setting.
- 14.9.7** Essex Gardens Trust have raised concerns that the application would lead to intensification of use and growing urbanisation in a rural area which would be potentially harmful to the setting of the heritage assets. Were the application to be approved, there should be further screening by tree and hedge planting. New trees are proposed to the south and west of the marquee and hedging to the east.

14.9.8 The proposal would comply with the aims of ULP Policy ENV2

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 Recommendation: Conditional Approval

17. CONDITIONS

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

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

- 2 The marquee use hereby permitted shall be discontinued and the marquee removed on or before five years from the date of this permission

REASON: The application is for a temporary period only. The temporary permission is considered necessary due to the materials of the proposed building hereby permitted, which are considered unsuitable for permanent permission in accordance with ULP policy GEN2

- 3 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR, November 2022) and Great Crested Newt Mitigation Requirements (FPCR, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve 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 Uttlesford Local Plan Policy GEN7

- 4 Prior to commencement action required: submission of a copy of Natural England mitigation licence for great crested newt
Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:
a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998 and in accordance with Uttlesford Local Plan Policy GEN7

- 5 Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal

(FPCR, November 2022), and shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 6 The public's rights and ease of passage over public footpath number 39 (Henham 25) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan Policy GEN1

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. vehicle routing,
- b. the parking of vehicles of site operatives and visitors,
- c. loading and unloading of plant and materials,
- d. storage of plant and materials used in constructing the development,
- e. wheel and underbody washing facilities.

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

- 8 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of

the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 1.58 l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. All relevant permissions to discharge from the site into any outfall should be demonstrated, including ownership boundaries.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40/% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Due to the sites historic use for landfill, where landfill strata or made ground is present, the SuDS features must be lined with an impermeable membrane. Please state this within the FRA and illustrate this within the engineering drawings.
- Detailed engineering drawings of each component of the drainage scheme.
- Review, and provide an explanation for, the surcharging in the system for a 1-year storm event.
- A final drainage plan which details exceedance and conveyance routes, FFL's and ground levels, and location and sizing of any drainage features.
- Ensure all CL's and IL's shown on the drainage plan match the modelling.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site in accordance with Uttlesford Local Plan Policy ENV12

9

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The

scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed, including reference to the landfill strata in accordance with Uttlesford Local Plan Policy ENV12

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with Uttlesford Local Plan Policy ENV12

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Uttlesford Local Plan Policy ENV12

- 12 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and Ecology Response letter from FPCR dated 1st February 2024 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 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) in accordance with Uttlesford Local Plan Policy GEN7

- 13 Prior to commencement action required: submission of a copy of Natural England mitigation licence for great crested newt “Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998 in accordance with Uttlesford Local Plan Policy GEN7

- 14 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of “biodiversity protection zones”. c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection measures of surrounding Priority habitats. d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To conserve 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) in accordance with Uttlesford Local Plan Policy GEN7

- 15 Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (FPCR, November 2022), and shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant); d) persons responsible for implementing the enhancement measures; and e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Uttlesford Local Plan Policy GEN7

- 16 Prior to beneficial use, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

- 17 No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with Uttlesford Local Plan Policy ENV14

- 18 No development shall commence on site until a scheme for protecting the occupants of the nearest residential properties from noise from music noise emanating from the proposed development has been submitted to and been approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the proposed development is first used or occupied and the approved measures shall thereafter be retained in effective working order.

REASON: These details are required due to insufficient information being contained within this submission and in order to safeguard the amenity of occupant in accordance with Uttlesford Local Plan Policies GEN2 and GEN4

- 19 The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-

existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area

Generally in accordance with Uttlesford Local Plan Policies GEN2 and GEN4

20

Construction/Demolition Management Plan

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by
- b. licensed waste contractors
- c. No dust emissions should leave the boundary of the site
- d. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- e. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

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

21

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).

22

The aerodrome safeguarding authority for Stansted Airport must be consulted on any further detail design submissions.

REASON: To ensure that the development will not compromise the flight safety of aircraft using Stansted Airport.

23

The existing Bird Hazard Management Plan shall be implemented with the agreed addendum as approved, and shall remain in force for the life of the site. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted

Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN . In accordance with Uttlesford Local Plan Policy GEN2

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

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

- 25 Contamination
No development approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

- 26 The marquee soundproof linings, directional speakers and any other mitigation specified shall be installed in accordance with the specifications recommended within the Noise Impact Assessment submitted with the application [Temple, 30th May 2023].

REASON: In order to protect the amenity nearby receptors in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

27 The specific sound level of the plant/equipment hereby approved, (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noisesensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

REASON: To safeguard the amenities of the adjoining premises and the area generally. In accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

28 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.
The approved Statement shall be adhered to throughout the construction period.

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

29 **Construction/Demolition Management Plan**
The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b. No dust emissions should leave the boundary of the site
- c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

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

30 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).



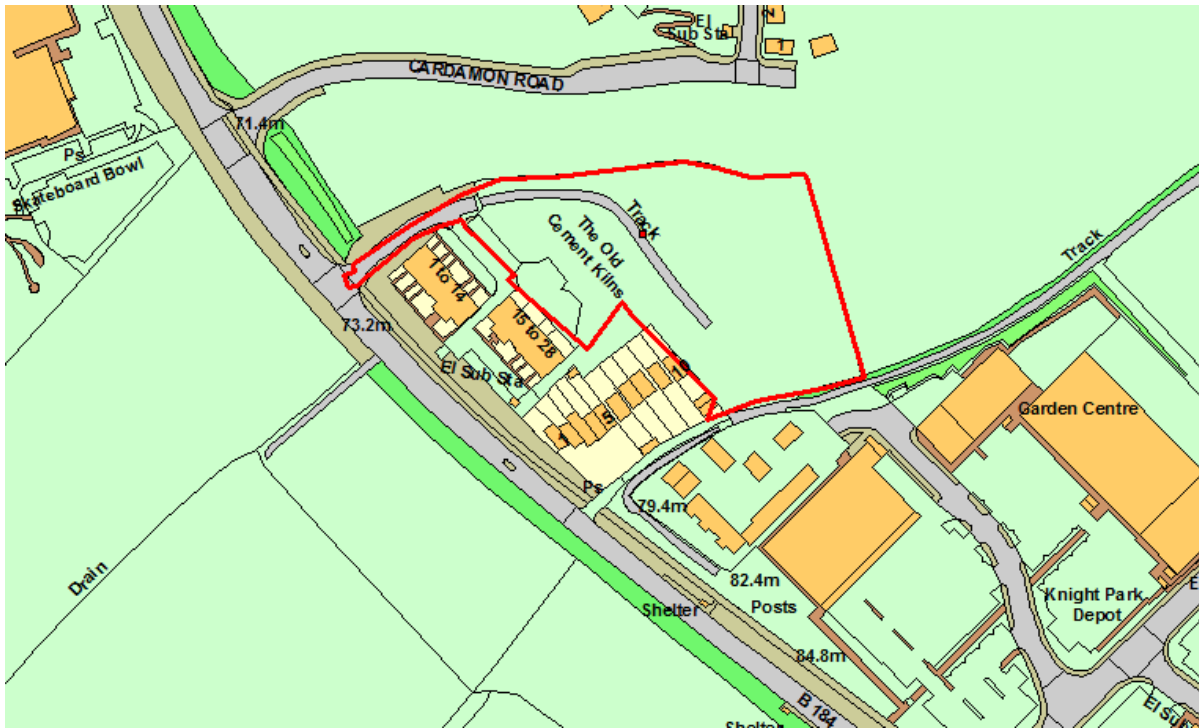
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/3147/FUL

LOCATION: Land Behind The Old Cement Works
Thaxted Road, Saffron Walden,

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 13 Feb 2024

PROPOSAL: S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL (Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO) in order for revised plans to be considered and removal of condition 8 (roof details).

APPLICANT: Mr William Mallet (Amherst Homes)

AGENT: Mr Ruaridh Wainwright-Harrower (BRD Tech Ltd)

EXPIRY DATE: 15 March 2024

EOT Expiry Date: N/A

CASE OFFICER: Chris Tyler

NOTATION: Within Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. EXECUTIVE SUMMARY

- 1.1** S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL in order for revised plans to be considered and removal of condition 8 (roof details). The variation of these conditions enables the change in ground levels to Plot 19 in order to construct the dwelling at a level which is consistent with the rest of the site.
- 1.2** The change in ground levels to Plot 19 will not result in a harmful impact to appearance or character of the site or surrounding area.
- 1.3** The alterations to the layout of plot 19 and mitigation measures ensures to the proposal will not have a harmful impact to the private amenity of neighbouring properties.
- 1.4** As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

2. RECOMMENDATION

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

- A) Completion of a s106 Obligation Agreement
- 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.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site is located off Thaxted Road, Saffron Walden. It comprises an area of open land, previously used as a cement works, lime kiln and scrapyard, to the rear of existing residential development at The Kilns and Tiptoft Lane.

3.2 The site is currently under construction for the residential development of 35 dwellings.

4. PROPOSAL

4.1 This application seeks to vary condition 2 (approved plans) of UTT/20/0864/FUL in order for revised plans to be considered and removal of condition 8 (roof details). The variation of these conditions enables the change in ground levels to Plot 19 in order to construct the dwelling at a level which is consistent with the rest of the site.

4.2 Approved condition 2 includes:

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

901416.30 Rev G; 901416.31 Rev A; 901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C; 901416.01; 901416.02; 901416.03; 901416.04; 901416.05; 901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11; 901416.12; 901416.13; 901416.14; 901416.15 Rev A; 901416 Rev A; 901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21; 901416.22; 901416.23; 901416.24; 901416.25; **901416.26 Rev A**; 901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C; 901416.40.

Proposed condition 2:

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

901416.30 Rev G; 901416.31 Rev A; 901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C 901416.01; 901416.02; 901416.03; 901416.04; 901416.05; 901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11; 901416.12; 901416.13;901416.14; 901416.15 Rev A; 901416 Rev A; 901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21; 901416.22; 901416.23; 901416.24; 901416.25; **BRD/22/029/010 D**; 901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C; 901416.40.

4.3 Existing condition 8 to be removed:

The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. 90416.26 Rev A

4.4 In order to construct Plot 19 at a level which is consistent with the rest of the site it is proposed set its FFL at 80.550. In order to protect No10 from overlooking, the first floor accommodation has been re-planned to move the bathroom into the centre of the building and rotate the 3rd bedroom so that it occupies all of the rear elevation. The existing large 1st floor window on the rear elevation is to be fixed closed and glazed with obscured glass below 1.7m above finished floor level.

4.5 The original small window in the rear elevation is to be omitted but expressed as a blind window with the brickwork set back in its place In order to maintain a satisfactory standard of natural ventilation and provide a secondary means of escape as required by the Building Regulations, an additional window has been provided in the side elevation, overlooking the parking area behind the undercroft.

4.6 Additionally, to provide additional ventilation and daylighting 2No Velux roof-lights have been added to the roof slope over and light-wells formed into the room below.

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
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UTT/23/0414/FUL	Application to vary conditions 2 and 8 (plans) attached to UTT/20/0864/FUL (approved at appeal ref APP/C1570/W/20/3264407) - changes to plot 19.	Refused- The design of plot 19 and use of obscure glazing and shut fixed windows provides an unacceptable living environment, which will not meet the reasonable needs of occupiers of the dwelling. This is in conflict with ULP Policy GEN2 and paragraph 130 (F) of the NPPF.
UTT/23/0114/FUL	Variation of condition 14 attached to UTT/20/0864/FUL allowed on appeal - in order to exclude Plots 22-23, 24-26 and 33-34 from the need to comply with Building Regulation M4(2)	Approved, subject to S106
UTT/20/0864/FUL	Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO	Refused, allowed at appeal
UTT/17/3038/DFO	Details following outline approval UTT/16/1444/OP for 35 no. dwellings comprising 21 market homes and 14 affordable homes. Details of appearance, landscaping, layout and scale.	Approved
UTT/16/1444/OP	Outline application, with all matters reserved except for access, for a residential development of up to 49 dwellings. Previously approved under UTT/13/1937/OP	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 The proposed amendments will not impact the highway network, as such, the highway authority have no comments to make.

8.2 Local lead Flood Authority

8.2.1 We consider that the proposed changes have no implications for site drainage (a FFL of 80.550 for plot 19 was shown on drainage plan E4160/510/A submitted with UTT/22/2574/DOC), therefore we do not wish to comment on UTT/23/3147/FUL in this instance.

8.3 Environment Agency

8.3.1 No comments.

9. SAFFRON WALDEN TOWN COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 Essex Police

10.1.1 No objections.

10.2 National Air Traffic Safeguarding

10.2.1 No safeguarding objections.

10.3 ECC Ecology

10.3.1 No objection, we note that revisions to approved plans include the internal alteration, such as room layout, and relocation of proposed windows, as well as the proposal of roof light windows on the top first floor bedroom, at Plot 19. These revisions are minor and will have no effect on the risks to ecology due to development at the site.

10.4 UDC Housing Officer

10.4.1 Housing Services have no objection to the proposed variations.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 76 notifications letters were sent to nearby properties. The notification was also published in the local press.

11.2 Support

11.2.1 N/A

11.3 Object

11.3.1 N/A

11.4 Comment

11.4.1 N/A

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

12.3.1 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 (2023)

13.2 Uttlesford District Plan 2005

S1 – Development Limits for the Main Urban Areas
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN4 – Good Neighbourliness
GEN5 – Light Pollution
GEN6 – Infrastructure Provision to Support Development
GEN7 – Nature Conservation
GEN8 – Vehicle Parking Standards
E2 – Safeguarding Employment Land
ENV8 – Other Landscape Elements of Importance for Nature Conservation
ENV12 – Protection of Water Resources
ENV13 – Exposure to Poor Air Quality
ENV14 – Contaminated Land
H1 – Housing Development
H3 – New Houses within Development Limits
H9 – Affordable Housing
H10 – Housing Mix
SW6 – Safeguarding of Existing Employment Areas

13.3 Saffron Walden Neighbourhood Plan (made 11 October 2022)

13.3.1 SW3- Design

13.4 Supplementary Planning Document or Guidance

13.4.1 Essex Design Guide

14. CONSIDERATIONS AND ASSESSMENT

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

14.2 **A) Design and Appearance**
B) Amenity

14.3 **A) Design and Appearance**

- 14.3.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted unless is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
- 14.3.2** Paragraph 135 (b) of the NPPF advises planning decision should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 14.3.2** Paragraph 135 (f) of the NPPF advises planning decisions should ensure development create places that are safe, inclusive and accessible and which promote health and well- being, with a high standard of amenity for existing future users.
- 14.3.4** Policy SW3 of the Saffron Walden Neighbourhood Plan states development in Saffron Walden must contribute positively to the Parish's sense of place through a design-led approach underpinned by good design principles.
- 14.3.5** In regard to the design and appearance of Plot 19, although the proposal includes a material change to the original planning approval the overall appearance of the dwelling will not result in any significant alterations. The proposed revision to the development includes changes to the ground level of Plot 19, introduction of rear roof lights, the window to bedroom 3 will include obscure glazing and will be fixed shut. One of the rear existing windows will be omitted, however a new side window is proposed to provide ventilation and a means of escape for bedroom 3.
- 14.3.6** The proposed changes to plot 19 are not considered to be out of character with the existing approval scheme, as such it is considered the design and appearance of proposed revisions are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.
- 14.4 B) Amenity**
- 14.4.1** ULP Policy GEN2 considers the design of development and advises development will not be permitted if it results in an adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy.
- 14.4.2** Paragraph 135 (f) of the NPPF advises planning decision should ensure developments include a high standard of amenity for existing and future users.
- 14.4.3** Policy SW3 of the Saffron Walden Neighbourhood Plan considers the impact to the amenity including overlooking as overlooking both for existing neighbours and future residents.
- 14.4.4** The proposed includes changes to the ground levels of Plot 19 from 80.200 to 80.550 and reconfiguration of the internal layout. The positioning of the Plot 19 will not be any closer to 10 Tiptoft Lane, as

allowed at appeal. The changes to the site level are required to construct Plot 19 at a level which is consistent with the rest of the site.

- 14.4.5** The revision will result in the first-floor windows plot 19 being at higher level and therefore the layout of the dwelling as originally approved may potentially result in an increase in overlooking to the neighbouring property of 10 Tiptoft Lane. In order to mitigate this harm, the proposal including changing the inside first floor layout, moving the bathroom to the centre of the property and revisions to the first-floor rear windows.
- 14.4.6** Although it may not be desirable for the rear windows to be obscurely glazed and fixed shut, the additional side window will provide ventilation and an outlook for the future occupiers of Plot 19. Whereas without these measures the proposal would likely have a harmful impact to the amenity of neighbouring property.
- 14.4.7** Although the proposed changes to the ground levels will have a material change to the approved development, with the mitigation measures proposed the development ensure the proposals will not have an adverse effect on the private amenity area of neighbouring properties from overlooking or loss of privacy.
- 14.4.8** As such it is considered proposed revisions in regard to amenity are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF.

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 variation of condition 2 and removal of condition 8 is considered acceptable. The change in ground levels to Plot 19 will not result in a harmful impact to appearance or character of the site or surrounding area.

16.2 The alterations to the layout of Plot 19 and mitigation measures ensures to the proposal will not have a harmful impact to the private amenity of neighbouring properties.

16.3 As such it is considered the revision to the design of the approved scheme are acceptable and in accordance with ULP Policy GEN2, SWNP-SW3 and the NPPF

17. S106/ CONDITIONS

17.1 S106 HEAD OF TERMS

17.2 A S106 – deed of variation will be required to transfer the previous S106 planning obligations to this new planning permission, the heads of terms include:

- I. Affordable Housing,
- II. Education Contribution,
- III. Health Services Contribution,
- IV. Pay the Council's reasonable legal costs
- V. Pay the monitoring fee

17.3 CONDITIONS

1 The development to which this permission relates to shall begin by the 12th July 2024, in compliance with the expiration of 3 years from the decision date of allowed appeal APP/C1570/W/20/3264407.

REASON: To comply with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

2 Condition Varied

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

901416.30 Rev G; 901416.31 Rev A; 901416.32; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C 901416.01; 901416.02; 901416.03; 901416.04; 901416.05; 901416.06; 901416.07; 901416.08; 901416.09; 901416.10; 901416.11; 901416.12; 901416.13;901416.14; 901416.15 Rev A; 901416 Rev A; 901416.17 Rev A; 901416.18; 901416 Rev A; 901416.20; 901416.21; 901416.22; 901416.23; 901416.24; 901416.25; **BRD/22/029/010 D**; 901416.30 Rev G; 901416.31 Rev A; 901416.32 Rev A; 901416.33 Rev C; 901416.34 Rev C; 901416.35 Rev C; 901416.40.

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

- 3 The development hereby approved shall be carried out in accordance with the landscaping details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All landscape works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

- 4 The dwellings in the proposed development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans (90416.30 Rev G), has been hard surfaced, sealed and marked out in parking bays. 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: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 5 The cycle parking facilities as shown in principle on drawing number 90416.33 Rev C are to be provided prior to the first occupation of the dwellings which they serve, they shall be secure, convenient, covered and retained thereafter.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

- 6 The development hereby approved shall be carried out in accordance with the biodiversity enhancement strategy details submitted and approved under discharge of conditions application UTT/22/1454/DOC.

All works shall be carried out 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 Natural Environment and Rural Communities Act' 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 7 Each dwelling hereby permitted must not be occupied until such time as its associated vehicle parking area has been developed and provided in accordance with Drawing No. 90416.30 Rev G.

REASON: in the interests of highway safety and that appropriate parking is provided and in accordance with ULP Policy GEN1.

8 Condition to be removed

The eaves and ridge heights of the permitted dwellings relative to each other and to existing buildings must be constructed as shown on the following drawings:

- Drawing No. 90416.40
- Drawing No. BRD/22/029/010-A

REASON: To clarify the height and visual relationship between existing and permitted buildings, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9 The development hereby approved shall be carried out in accordance with the drainage details submitted and approved under discharge of conditions application UTT/22/2574/DOC.

The drainage scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To prevent flooding by ensuring a satisfactory drainage scheme and in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 10 A minimum of a single electric vehicle charging point shall be installed at each of the houses. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF.

- 11** The development hereby approved shall be carried out in accordance with the contamination assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 12** The development hereby approved shall be carried out in accordance with the contamination remediation assessment submitted and approved under discharge of conditions application UTT/22/1449/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13** Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

REASON: To protect human health and the environment and in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 14** Excluding Plots 22-23, 24-26 and 33-34, The dwellings hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition”.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

- 15** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

REASON: in the interests of sustainable transport provisions in accordance with ULP Policy GEN1.

- 16** The development hereby approved shall be carried out in accordance with the construction method statement submitted and approved under discharge of conditions application UTT/22/1832/DOC, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the construction of the development is in the interests of highway safety and control of environmental impacts in accordance with ULP Policies GEN1 and GEN4.

- 17** The rear facing first floor windows of plot 19 and serving bedroom 3, as demonstrated on approved plan BRD/22/029/101-D shall include fixed shut and obscure glazing to the lower casement section.

This section of the window shall include obscure glazing with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard.

The obscure glazing and fixed shutting shall be retained thereafter in this window unless otherwise agreed in writing by the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

APPENDIX 1- HIGHWAY AUTHORITY

Subject: [External] >> (11096) UTT/23/3147/FUL - Land Behind The Old Cement Works Thaxted Road - highways consultation response

UTT/23/3147/FUL | S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL (Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO) in order for revised plans to be considered and removal of condition 8 (roof details). | Land Behind The Old Cement Works Thaxted Road Saffron Walden Essex

Good afternoon,

Thank you for consulting us on the above application. The proposed amendments will not impact the highway network, as such, the highway authority have no comments to make.

Kind regards,

Rachel McKeown
Strategic Development Engineer

APPENDIX 2- LEAD LOCAL FLOOD AUTHORITY

Thank you for consulting the SuDS team on UTT/23/3147/FUL - S73 application to vary condition 2 (approved plans) of UTT/20/0864/FUL (Erection of 35 Dwellinghouses (Revised scheme to that approved under UTT/16/1444/OP and UTT/17/3038/DFO) in order for revised plans to be considered and removal of condition 8 (roof details).

We consider that the proposed changes have no implications for site drainage (a FFL of 80.550 for plot 19 was shown on drainage plan E4160/510/A submitted with UTT/22/2574/DOC), therefore we do not wish to comment on UTT/23/3147/FUL in this instance.

Kind regards,

Gemma

Gemma Parson
Development and Flood Risk Officer
Environment Climate Action | Sustainable Drainage Team

APPENDIX 3- ENVIRONMENT AGENCY



Uttlesford District Council
Development Control
Council Offices London Road
Saffron Walden
Essex
CB11 4ER

Our ref: AE/2023/129090/01-L01
Your ref: UTT/23/3147/FUL
Date: 10 January 2024

Dear Sir/Madam

S73 APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) OF UTT/20/0864/FUL (ERECTION OF 35 DWELLINGHOUSES (REVISED SCHEME TO THAT APPROVED UNDER UTT/16/1444/OP AND UTT/17/3038/DFO)) IN ORDER FOR REVISED PLANS TO BE CONSIDERED AND REMOVAL OF CONDITION 8 (ROOF DETAILS).

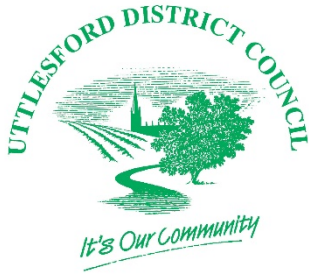
LAND BEHIND THE OLD CEMENT WORKS, THAXTED ROAD, SAFFRON WALDEN, ESSEX.

Thank you for your consultation dated 18 December 2023. We have no comment to make on this application at this time.

Yours faithfully

**Mr Giles Ward
Planning Officer**

Direct e-mail planning.eastanglia@environment-agency.gov.uk



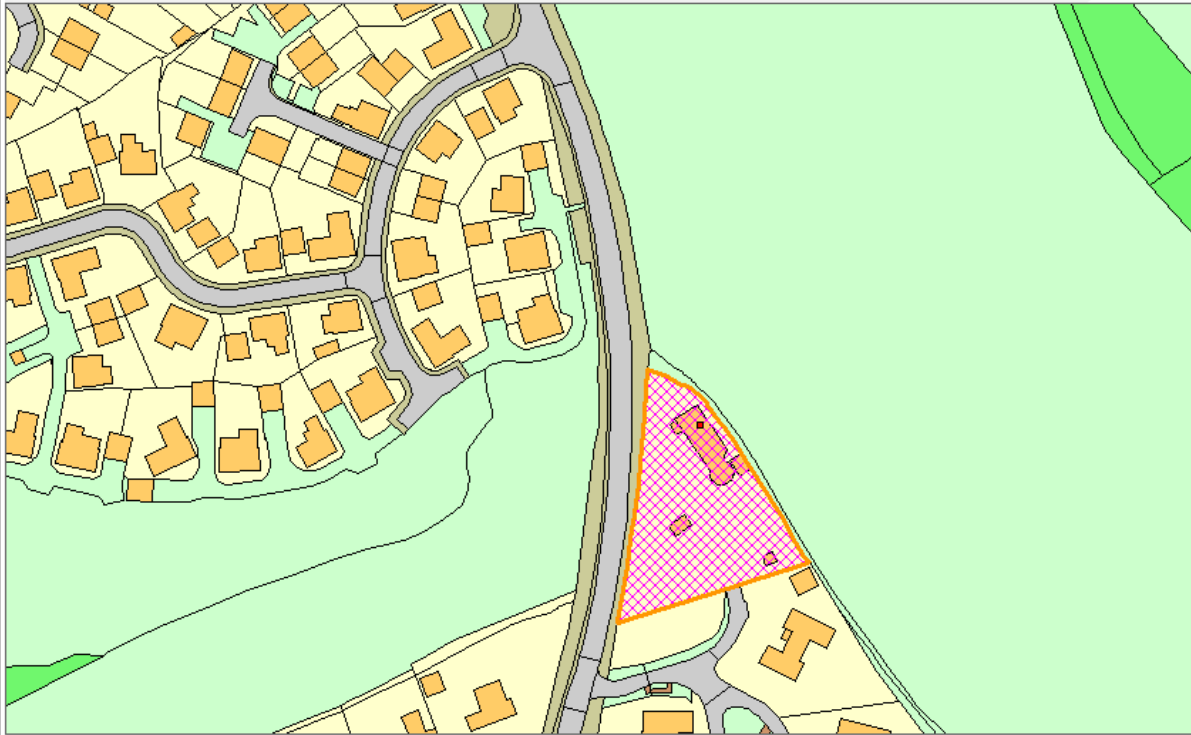
ITEM NUMBER: 14

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/3189/HHF

LOCATION: Tower House, St Edmunds Lane, Great Dunmow
Essex

LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19 February 2024

PROPOSAL: Proposed detached oak framed cartlodge

APPLICANT: Mr & Mrs Davey

AGENT: Mr Kevin Turner

EXPIRY 15 February 2024

DATE:

EOT EXPIRY N/A

DATE:

CASE Jonathan Pavey-Smith

OFFICER:

NOTATION: Outside Development Limits
Grade II Listed Building
TPO Tree Type: Field Maple
TPO Tree Type: Oak
TPO Tree Type: Weeping Willow
TPO Tree Type: Plum
TPO Tree Type: Sycamore
TPO Tree Type: Pear

REASON THIS APPLICATION IS ON THE AGENDA: Councillor's application

1. EXECUTIVE SUMMARY

1.1 Planning permission is sought for a three-bay cart lodge. The cart lodge will be positioned towards the rear of the existing site. The cart lodge is in the grounds of a Grade II listed building Tower House.

1.2 Place services have objected on grounds of '*the scale and footprint of the proposed three bay cart lodge will make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House*'

- 1.3 Planning officers have taken the previous consent for a two-bay cart lodge into account (under UTT/20/3101/HHF). This cart lodge was smaller in footprint (two-bay) and lower in height by 0.3m.
- 1.4 Due to the location of the cart lodge, there is no demonstrable impact to neighbouring residential amenity, any impact on the surrounding TPO's, ecology or impact on parking.

2. **RECOMMENDATION**

<p>That the Strategic Director of Planning be authorised to REFUSE permission A) REFUSAL REASON – see section 17</p>
--

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located at Tower House, St. Edmunds Lane, Great Dunmow, Essex. It contains a Grade II Listed Tower Windmill and Mill House built in 1822 with a domed cap and red brick two-storey house (List Entry: 1087891)
- 3.2 The property has an existing vehicular access onto St. Edmunds Lane forming a driveway arrangement and an access, serving the frontage to the site, to the existing dwelling associated with the location.
- 3.3 The site is adjacent to a new housing development on St. Edmunds Lane. The site is within the rural countryside neighbouring fields and agricultural land.

4. **PROPOSAL**

- 4.1 The proposal is seeking to introduce a three-bay open structure cartlodge on a concrete floor, with oak posts and brackets under a pitched pantile roof. The car port will be positioned towards the rear of the existing site. The carport is proposed to be 4.7m in height. The car port will be 6m in length and 9m in width.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/20/3101/HHF	Proposed garage and car port.	Approved
UTT/18/3161/FUL	Proposed erection of new detached one and a half storey dwelling with detached garaging and associated landscaping works.	Refuse
UTT/17/3603/HHF	Reinstatement of vehicular access	Approved
UTT/0199/85/LB -	Proposed rear porch extension	Approved
UTT/0198/85 -	Proposed rear porch extension	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No Pre-App advice given.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

No Objections.

9. PARISH COUNCIL

9.1 No Comments Received.

10. CONSULTEE RESPONSES

10.1 Built Heritage Advice: Objection

10.2 Built Heritage Advice pertaining is as follows: Tower House is a Grade II listed red brick former windmill with domed cap and associated two storey house constructed in 1822. The two buildings were linked in the twentieth century and now form a single dwelling (List entry number 1087891). The significance of the listed building derives primarily from its age, rarity and architectural interest as an early nineteenth century windmill with mill house.

10.2.1 I would have no concerns about the introduction of a traditional two bay timber framed and weatherboarded cart lodge in the proposed location which would be duly ancillary and subservient to the listed building, in line with the previously approved scheme (application reference UTT/20/3101/HHF). The scale and footprint of the proposed three bay cart lodge will, however, make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House which contribute to its significance as a focal point.

10.2.2 In my opinion, the current proposal will fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 through inappropriate development in its setting. With regards to the National Planning Policy Framework (NPPF, December 2023) there would be a low level of less than substantial harm to significance, making paragraph 208 relevant. I would suggest the proposal is revised to reflect the scale and footprint of the previously approved scheme.

11. REPRESENTATIONS

11.1 3 notifications letters were sent to nearby properties.

11.2 No Comments have been received from any neighbouring properties.

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

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

- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

- 12.3.1** 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 February 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

- 13.2.1** Policy S7 – Development Outside development limits
- Policy GEN2 – Design Policy
- Policy H8 – Extensions
- Policy GEN8 – Parking Provision
- Policy GEN7 – Nature Conservation
- Policy ENV2- Listed Building

13.3 Great Dunmow Neighbourhood Plan (made December 2016)

-Policy: LSC1: Landscape, Setting and Character

- 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) Principle of development**
- B) Impact on the Listed Building**
- C) Neighbouring amenity**
- D) Parking**
- E) Impact on Tree Preservation Orders.**
- F) Ecology**

14.3 A) Principle of development

14.3.1 The Local Plan identifies the site to be outside of the Dunmow settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development's design and scale conform and respects the immediate character and setting.

14.4 B) Impact on the Listed Building

14.4.1 Built Heritage Advice pertaining is as follows:

14.4.2 *Tower House is a Grade II listed red brick former windmill with domed cap and associated two storey house constructed in 1822. The two buildings were linked in the twentieth century and now form a single dwelling (List entry number 1087891). The significance of the listed building derives primarily from its age, rarity and architectural interest as an early nineteenth century windmill with mill house.*

14.4.3 *I would have no concerns about the introduction of a traditional two bay timber framed and weatherboarded cartlodge in the proposed location which would be duly ancillary and subservient to the listed building, in line with the previously approved scheme (application reference UTT/20/3101/HHF). The scale and footprint of the proposed three bay cartlodge will, however, make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House which contribute to its significance as a focal point.*

14.4.4 *In my opinion, the current proposal will fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 through inappropriate*

development in its setting. With regards to the National Planning Policy Framework (NPPF, December 2023) there would be a low level of less than substantial harm to significance, making paragraph 208 relevant. I would suggest the proposal is revised to reflect the scale and footprint of the previously approved scheme.

14.4.5 Planning officers have taken the previous consent for a two bay cartlodge into account, nonetheless this application is larger in height and footprint and would therefore compete with the listed building for visual prominence detracting from its setting.

14.4.6 Overall, the proposal fails to be in accordance with ULP Policy ENV2 and would lead to harm to the listed building without any public benefit.

14.5 C) Neighbouring Amenity

14.5.1 Local Plan Policies GEN2 And H8 state that development should not have materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.5.2 Due to nature of the proposal, the cart lodge would not result in harm to the adjacent neighbour based on the separation of distance of 1m from the wall of the side boundary wall of the adjacent property (No1 Tower View Drive). It is considered that the proposed would not result in any material detrimental overlooking, overshadowing, overbearing or reduce the amount of sunlight into the neighbouring dwelling, therefore would not adversely impact on neighbour's amenity.

14.5.3 Therefore, the proposal accords with Uttlesford Local Plan Policy GEN2, H8, GEN4 and the SPD Home Extensions, and the Essex Design Guide.

14.6 D) Parking

14.6.1 Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in supplementary planning guidance which provides standards and further details.

14.6.2 The access will remain unaltered and therefore will be not impacted by the implementation of the cart lodge to the rear of the host dwelling. The sizes of the parking spaces afforded to the dwelling as a result of the three-bay car port will not comply with the adopted Uttlesford Parking

Standards. However, when considered in the context of the number of existing parking available onsite, it is considered the site has sufficient parking to the front of the dwelling to accommodate the host dwelling.

14.6.3 Overall, the proposal is acceptable in terms of access and parking, and accords with ULP Policies GEN8, GEN1, parking standards, and the NPPF.

14.7.1 E) Impact on Tree Preservation Orders.

14.7.2 The site is characterised by its rural and countryside aesthetic and greenery in the form of trees surrounding the curtilage of the site. The development will not result in the removal or impact of the TPO trees within the site, nor the existing soft landscaping and hedging.

14.7.3 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF

14.8 F) Ecology

14.8.1 ULP Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife, geological features or protected species. Furthermore, the NPPF requires development protects and enhances biodiversity and geodiversity.

14.8.2 A completed biodiversity questionnaire has been submitted as part of the application which has not identified any potential issues or triggered the requirement for specialist surveys. No additional concerns have been highlighted during assessment of the application to suggest the proposed extension would have a harmful impact on priority or protected species, habitats, or biodiversity. As such it is considered that the proposal accords with the criteria of the above policies.

14.8.3 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have

due regard to the advancement of equality in the exercise of its powers including planning powers.

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

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

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16.1 CONCLUSION

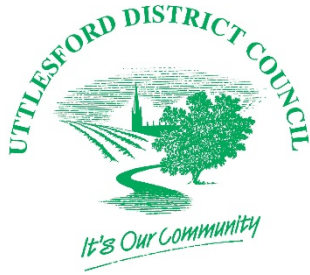
16.2 Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.

16.3 There are no public benefits associated with the cartlodge. It is concluded that the 'less than significant' harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

17.1 Reason for Refusal

1. The proposed cartlodge with associated landscaping shall adversely impact the setting of the heritage assets. The scale and footprint of the proposed three bay cartlodge will be unduly visually prominent in the setting of the listed building. The proposals would fail to preserve the

special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. The proposal is therefore contrary to Policy ENV2 of the Uttlesford Local Plan 2005.



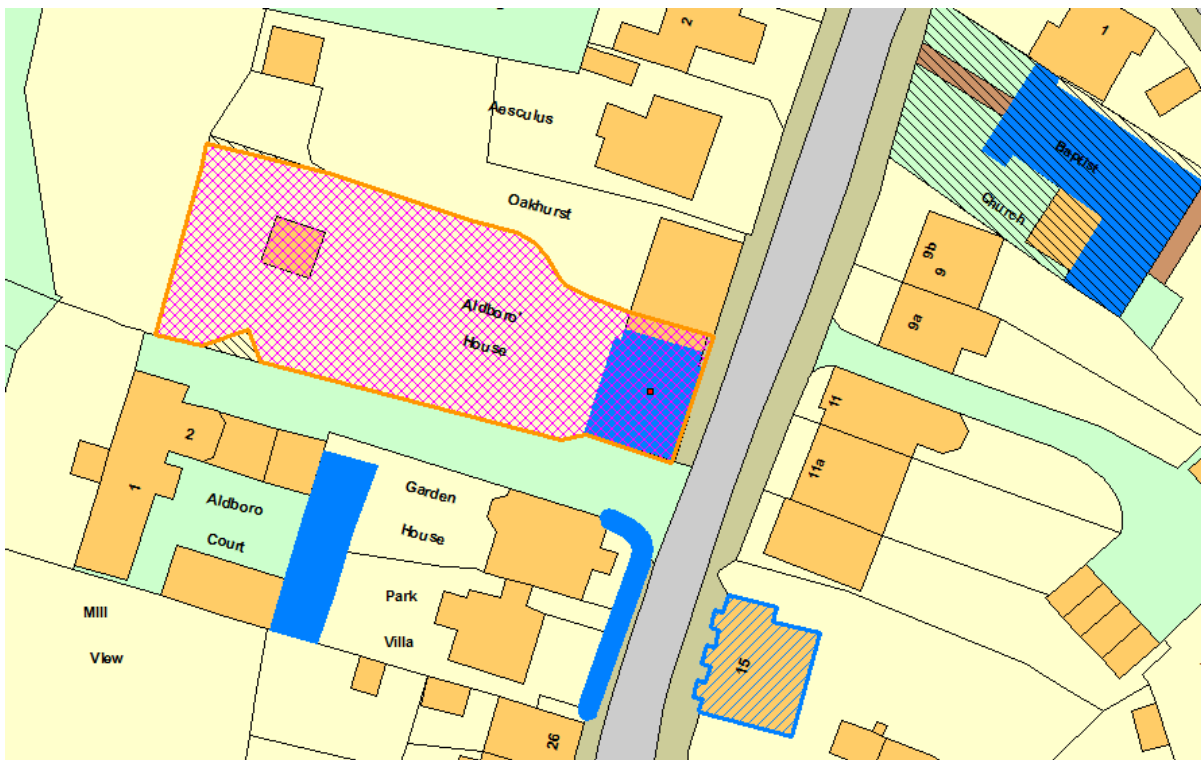
ITEM NUMBER: 15

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/2867/HHF

LOCATION: Aldboro House, Park Street, Thaxted

LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 19 February 2024

PROPOSAL: Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows. Extend existing garage by one bay and convert two bays to an Annexe. Add a pair of gates on the site boundary.

APPLICANT: Mr and Mrs Charles Beer

AGENT: Mrs Rachel Moses

EXPIRY DATE: 10 January 2024

EOT EXPIRY DATE: N/A

CASE OFFICER: Jonathan Pavey-Smith

NOTATION: Inside Development Limits
Grade II Listed Building
TPO Tree Oak
Thaxted Conservation Area

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor Foley.

1. EXECUTIVE SUMMARY

- 1.1** Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar. The house is located in the Thaxted Conservation Area.
- 1.2** Following an amendment omitting the partition within the utility room and the study, Place Services supports the planning application with suggested conditions.
- 1.3** The gate has been removed through the course of the application. The surrounding hedgerow will be retained as part of the scheme. There will be three parking spaces within the site.
- 1.4** The annex will be used by a family member and conditioned to be kept within the same planning unit as the existing dwelling.
- 1.5** Ecology have issued a holding objection regarding the need for a bat survey.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 16 of this report -

- A) Conditions
- B) Subject to removal of ecology holding objection

3. SITE LOCATION AND DESCRIPTION:

- 3.1** Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233).
- 3.2** A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983.

3.3 The house is located in the Thaxted Conservation Area.

4. **PROPOSAL**

4.1 Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows. Extend existing garage by one bay and convert two bays to an Annexe.

4.2 The Annexe extension will be by 3m in with by 5m in length. The Annexe will be for a family member.

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 Non-Relevant

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

7.1 Pre-App advice given for Internal alterations, replacement fenestration on the front and rear of the side extension, two new dormers for the attic bedroom (under ref UTT/23/0799/PA).

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 No Comments.

9. **PARISH COUNCIL**

9.1 Thaxted Parish Council: Resolved to Object on the ground that parking would be restrictive to access and dangerous to swept path analysis to show how a vehicle would turn to exit, being that it would be dangerous to reverse out onto a main road.

10. CONSULTEE RESPONSES

10.1 Place Services: Support scheme subject to conditions following amendments submitted on the 15 January removing the partition within the utility room.

10.2 Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233). A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983 (and has been dated to 1988). The house is located in the Thaxted Conservation Area. This application follows an application for pre-application advice to which I provided a response in a letter dated 30th the October 2023 (UTT/23/0799/PA).

10.3 External alterations

I am able to support the proposed replacement sash window to the street elevation of the twentieth century extension. The replacement window should be timber and finished to match the windows of the main house. Details of the window can be agreed by a suitable condition.

10.4 The extension reads as a clearly separate phase of building from the historic core and on this basis I would be able to support a modestly sized conservation (flush fitting) rooflight or pair of rooflights to the rear roof slope of the modern extension. However, in my opinion the proposed rooflights are unduly large, rivalling the height of the rear windows of the main house and I would request these are reduced in size to reduce their prominence. I am also able to support the proposed replacement timber doors and windows to the rear of the extension subject to details which can be agreed by a suitable condition, and the re-organisation of the steps. With regards to a proposal to change the external paint colour of the listed building, I was unable to find details of the proposed paint or a specified colour. As previously advised, a vapour permeable silicate or mineral paint should be used and a traditional colour employed that is in keeping with the character and appearance of the Conservation Area. These details could be agreed by a suitable condition.

10.5 Internal Alterations

Following the revised plans on the 15 Jan 2024, 2303/PD/01 B with the omission of the partition within the utility room the proposal can be supported.

- 10.6** I would have no concerns about the addition of a new door within the corridor as this will not obscure the legibility of the corridor as part of the historic plan form. I am able to support the proposed single bay extension to the garage which, although enlarging the footprint of the outbuilding, will retain its ancillary character in relation to the host listed building. I am also able to support the proposed addition of a pair of electrically operated traditional timber gates to the entrance to the rear drive/garage area.
- 10.7** In conclusion, I am able to support the revised application subject to conditions.
- 10.8** Ecology: Holding objection due to insufficient ecological information on European Protected Species (bats).
- 10.9** We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable. We recommend that a Preliminary Roost Assessment is conducted, this inspection for bats can be undertaken at any time of the year and should be conducted by a suitably qualified ecologist following standard methodologies.

11. REPRESENTATIONS

- 11.1** 9 notifications letters were sent to nearby properties.
- 11.2** There have been objections raised from four properties.
- 11.2.1** The concerns raised have been summarised below:
- 11.2.2** Parking: If planning permission is granted for the garage to be converted to an annexe, one of the two remains car parking spaces will be lost. In addition, any parking associated with the "annexe" will add an additional, but unprovided for, requirement for parking, particularly if it were to be a Granny Annexe (carers etc) or Airbnb (renters vehicles).
- 11.2.3** The deeds are clear that the drive which is used to access the garage of Aldboro House, and used by 5 other properties must have no parking or obstruction on it, thus any additional parking must be on Park Street

where parking is often very congested. Unfortunately work on Aldboro House has already caused aggravation associated with tradespeople's vehicles parked on the drive, and on Park Street, restricting access from the drive onto the road, in addition skips parked on the drive have caused obstruction. It is impossible to understand how any work on the garage could be carried out without causing similar problems.

11.2.4 Hedges.

The application to UTT/23/2867/HHF states that hedges will not be cut down. At present there are tall hedges to the south (where the planned extension would be built) and east which would completely obstruct any windows which are planned to be inserted in the garage. At present these hedges obstruct all of the garage except its roof, thus acting as an effective screen to the garage in important views from Aldboro House

11.2.5 Gates.

The plans include electrically operated gates to the south extent of the shared access area to the garages of Aldboro House and Oakhurst. These obstruct our access to the rear of our garden, our folly and the garage and is included in the green hatched area (shown in our deeds) of shared access that prevents any parking or obstruction to allow free access to the garage associated with Oakhurst

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 The Development Plan

- 12.3.1** 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 February 2020)
- Great Dunmow Neighbourhood Plan (made December 2016)
- Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
- Thaxted Neighbourhood Plan (made February 2019)
- Stebbing Neighbourhood Plan (made July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

- 13.2.1** Policy S3 – Development Inside development limits
- Policy GEN2 – Design Policy
- Policy H8 – Extensions
- Policy GEN8 – Parking Provision
- Policy GEN7 – Nature Conservation
- Policy ENV2- Listed Building

13.3 Thaxted Neighbourhood Plan 2017-2033

- 13.3.1** Policy TX HC1 – Heritage and Development:
 - 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) Principle of the Development**
B) Whether the proposal would adversely impact the character and setting of the Listed Building
C) Neighbouring Amenity
D) Impact on Parking and access
E) Removal of the Hedgerow
F) Impact on Ecology
- 14.3** **A) Principle of the Development**
- 14.3.1** The property is situated within the development limits of Thaxted, where Policy S3 states development compatible with the settlements character and countryside setting will be permitted.
- 14.3.2** The proposed changes to the side boundary and the existing garage are not considered to have a detrimental impact towards the host dwelling or detract from the character of the locality due to their small-scale design, and scale. The materials will be secured via a condition in order to protect the adjacent Listed Building and the Conservation area.
- 14.4** **B) Whether the proposal would adversely impact the character and setting of the Listed Building**
- 14.4.1** According to ULP Policy ENV2, development affecting a listed building should be in keeping with its scale, fabric, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.
- 14.4.2** Following the revised plans on the 15 Jan 2024, Rev Number 2303/PD/01 B which includes the omission of the partition within the utility room the proposal can be supported. This is subject to the conditions relating to the rooflights details and sample of external materials.
- 14.4.3** Place services has been re-consulted and supports the application following the omission of the partition within the utility room.
- 14.5** **C) Neighbouring Amenity**

14.5.1 Local Plan Policies GEN2 And H8 state that development should not have materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.5.2 The physical changes to the garage would not result in harm to the adjacent neighbours Oakhurst or No2 Aldboro House based on the separation of distance. It is considered that the proposed would not result in any material detrimental overlooking, overshadowing, overbearing or reduce the amount of sunlight into the neighbouring dwelling, therefore would not adversely impact on neighbour's amenity.

14.5.3 Therefore, the proposal accords with Uttlesford Local Plan Policy GEN2, H8, GEN4 and the SPD Home Extensions, and the Essex Design Guide.

14.6 D) Impact on Parking and Access

14.6.1 Uttlesford Local Plan Policy GEN8 advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, while the Uttlesford Local residential Parking Standards 2013 provides further guidance and good practice.

14.6.2 It has been confirmed by the applicant that the gate has been removed from the scheme. Aldboro House currently has two parking spaces to the north of the garage and two spaces within the existing garage. This will be decreased to one space, leaving three off road car parking spaces. This is deemed to be sufficient level of parking for one dwelling. It should be noted that the annex is proposed to be used for a family member, the proposed annex will be within the same planning unit as the existing dwelling. This has been conditioned as part of the approval.

14.6.3 Therefore, the proposal accords with Uttlesford Local Plan Policy GEN8 and the Uttlesford Local residential Parking Standards 2013.

14.7. E) Removal of the Hedgerow

14.7.1 The applicant has stated that no hedgerows will be removed as part of the scheme. It is also noted that the annex is sufficient from any of the surrounding TPO Trees to the rear of the garden to have any impact.

14.8 F) Impact on Ecology

14.8.1 ULP 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.

14.8.2 Ecology have issued a holding objection regarding the need for a bat survey. Ecology note that the building contains features that are associated with a bat roost being present. These features include the loft void and roof tiles. At the time of writing the report, the applicant has stated they will commission a Preliminary Roost Assessment. It is considered that given the annex is of modern construction, subject to the lifting of the holding objection the proposed development would not give rise to risk to bats. Therefore, the proposed development complies with policy GEN7.

15.1 ADDITIONAL DUTIES

15.1.1 Public Sector Equalities Duties

15.1.2 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.

15.1.3 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.

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

15.1.5 Human Rights

15.1.6 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.

16.1 Conclusion

16.2 The proposal accords with Uttlesford Local Plan Policies S3, GEN2, ENV1, ENV2, Section 66(1), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy TX HD1 of the Thaxted Neighbourhood Plan and National Planning Policy Framework (2023).

17.1 CONDITIONS

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

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

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

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

3. Prior to their first use on site, samples of the materials to be used on the external finishes (including those for the garage extension, doors, windows, rooflights, gates, paint specification and colour) to be used on the external finishes shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

4. The annexe hereby permitted must remain in ancillary use in connection with the use of 'Aldboro House', as a single-family dwellinghouse as such.

REASON: The use of this annexe separate to the main dwelling house would require planning permission as it is likely to affect the residential amenities of neighbours, in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.



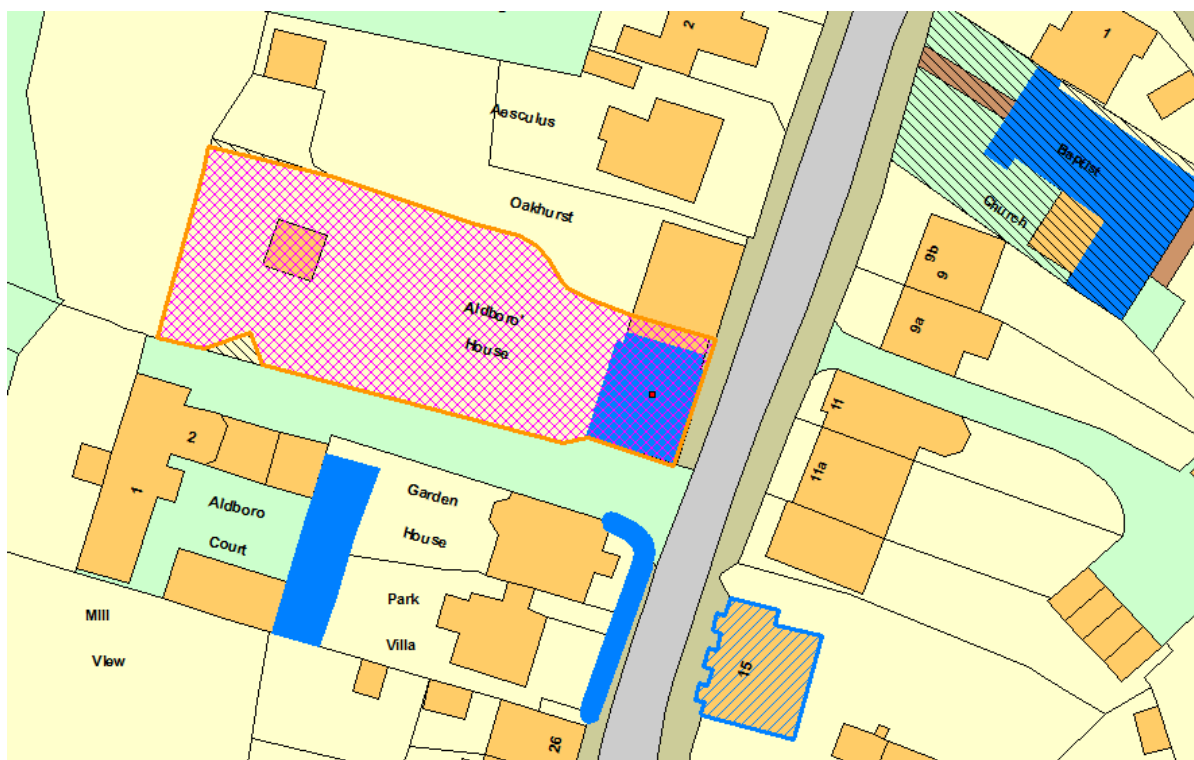
ITEM NUMBER: 16

PLANNING COMMITTEE DATE: 6 March 2024

REFERENCE NUMBER: UTT/23/2868/LB

LOCATION: Aldboro House, Park Street, Thaxted

LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 19 February 2024

PROPOSAL: Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows.

APPLICANT: Mr and Mrs Charles Beer

AGENT: Mrs Rachel Moses

EXPIRY DATE: 10 January 2024

EOT EXPIRY DATE: N/A

CASE OFFICER: Jonathan Pavey-Smith

NOTATION: Inside Development Limits
Grade II Listed Building
TPO Tree Oak
Thaxted Conservation Area

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor Foley.

1. EXECUTIVE SUMMARY

1.1 Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar. The house is located in the Thaxted Conservation Area.

1.2 Listed building consent is sought for '*Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows.*

1.3 Place services objected initial on regards to the proposed sub-division of the existing kitchen within the historic core of the house to create a study

and utility room. Division of this room (although reversible) would reduce the ability to understand the historic plan form.

- 1.4 Following an amendment omitting the partition within the utility room and the study Place Services supports the planning application with suggested conditions.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 16 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233).

- 3.2 A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983.

- 3.3 The house is located in the Thaxted Conservation Area.

4. **PROPOSAL**

- 4.1 Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows.

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 Non-Relevant

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Pre-App advice given for Internal alterations, replacement fenestration on the front and rear of the side extension, two new dormers for the attic bedroom (under ref UTT/23/0799/PA).

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 No Comments.

9. PARISH COUNCIL

9.1 Thaxted Parish Council: Resolved to Object on the ground that parking would be restrictive to access and dangerous to swept path analysis to show how a vehicle would turn to exit, being that it would be dangerous to reverse out onto a main road.

10. CONSULTEE RESPONSES

10.1 **Place Services:** Support scheme subject to conditions following amendments submitted on the 15 January removing the partition within the utility room.

10.2 *Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233). A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983 (and has been dated to 1988). The house is located in the Thaxted Conservation Area. This application follows an application for pre-application advice to which I provided a response in a letter dated 30th the October 2023 (UTT/23/0799/PA).*

10.3 *External alterations*
I am able to support the proposed replacement sash window to the street elevation of the twentieth century extension. The replacement window

should be timber and finished to match the windows of the main house. Details of the window can be agreed by a suitable condition.

10.4 *The extension reads as a clearly separate phase of building from the historic core and on this basis I would be able to support a modestly sized conservation (flush fitting) rooflight or pair of rooflights to the rear roof slope of the modern extension. However, in my opinion the proposed rooflights are unduly large, rivalling the height of the rear windows of the main house and I would request these are reduced in size to reduce their prominence. I am also able to support the proposed replacement timber doors and windows to the rear of the extension subject to details which can be agreed by a suitable condition, and the re-organisation of the steps. With regards to a proposal to change the external paint colour of the listed building, I was unable to find details of the proposed paint or a specified colour. As previously advised, a vapour permeable silicate or mineral paint should be used and a traditional colour employed that is in keeping with the character and appearance of the Conservation Area. These details could be agreed by a suitable condition.*

10.5 *Internal Alterations*
Following the revised plans on the 15 Jan 2024, 2303/PD/01 B with the omission of the partition within the utility room the proposal can be supported.

10.6 *I would have no concerns about the addition of a new door within the corridor as this will not obscure the legibility of the corridor as part of the historic plan form. I am able to support the proposed single bay extension to the garage which, although enlarging the footprint of the outbuilding, will retain its ancillary character in relation to the host listed building. I am also able to support the proposed addition of a pair of electrically operated traditional timber gates to the entrance to the rear drive/garage area.*

10.7 *In conclusion, I am able to support the revised application subject to conditions.*

11. REPRESENTATIONS

11.1 9 notifications letters were sent to nearby properties.

11.2 No Comments have been received from any neighbouring properties.

12. MATERIAL CONSIDERATIONS

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

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
 - b) any local finance considerations, so far as material to the application, and
 - c) any other material considerations.

12.3 The Development Plan

- 12.3.1** 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 February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1 Policy ENV2- Listed Building

13.3 Thaxted Neighbourhood Plan 2017-2033

13.3.1 Policy TX HC1 – Heritage and Development:

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) Development affecting a Listed Building (ENV2, NPPF)

14.2.1 Whether the proposal would adversely impact the character and setting of the Listed Building (ULP Policy ENV2)

14.2.2 In considering whether to grant listed building consent, the local planning authority shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Sections 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990), NPPF and ULP Policy ENV2.

14.2.3 S16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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”.

14.2.4 According to ULP Policy ENV2, development affecting a listed building should be in keeping with its scale, fabric, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

14.2.5 Following the revised plans on the 15 Jan 2024, Rev Number 2303/PD/01 B which includes the omission of the partition within the utility room the

proposal can be supported. This is subject to the conditions relating to the rooflights details and sample of external materials.

14.2.6 Place services has been re-consulted and supports the application following the omission of the partition within the utility room.

15.1 CONCLUSION

15.2 The proposed work is acceptable and will not harm the significance of the listed building thus complying with the NPPF and ULP Policy ENV2.

16.1 CONDITIONS

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

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

- 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 their first use on site, samples of the materials to be used on the external finishes (including those for the garage extension, doors, windows, rooflights, gates, paint specification and colour) to be used on the external finishes shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

4. Prior to their installation additional drawings that show details of proposed new rooflights, timber windows, doors and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

Addendum List–Planning Committee 06/03/2024

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	UTT REF ADDRESS	Comment
6	UTT/23/0878/DFO	<p>Additional comments by neighbouring occupiers were received:</p> <ul style="list-style-type: none"> • Support: <ul style="list-style-type: none"> ○ Demand for housing in the area. ○ Variety of housing styles. ○ Appealing landscaping. ○ Developer taken on board the comments in the revised drawings. • Object: <ul style="list-style-type: none"> ○ No connection to the sewage system. ○ Essex Police have requested more details. ○ Concerns over protected species and biodiversity. ○ Inappropriate design and density. ○ Insufficient parking provision. ○ Lack of services and facilities locally. ○ Traffic increase. ○ The previous decision for the outline permission was flawed. ○ Affordable homes should be offered to local first-time buyers. ○ Out of character. ○ Government bill to stop building on prime agricultural land. ○ Harm to the wellbeing of residents. ○ Over-development. ○ Urbanisation effects. ○ Comparatively large housing estate for the size of the village. ○ Suburban character. ○ Harm to the rural setting of listed buildings. ○ Loss of ancient verge. ○ Harm to the rural character and appearance of the area. ○ Area of outstanding natural beauty. ○ Reconsider outline planning permission. ○ Proposed footpath not appropriate for buggies or wheelchairs. ○ Concerns over foul water management. ○ Previous objections remain. ○ Concerns about security of neighbouring properties.

		<p>The Parish Council provided the following additional comments:</p> <ul style="list-style-type: none"> • Neutral: <ul style="list-style-type: none"> ○ Debden Parish Council's comments on the original Application (UTT/20/0264/OP) are pertinent to the amended one (UTT/23/0878/DFO) and we would like them to be taken into account on the revised Application. Some points have been addressed – some have not. ○ More details on the pedestrian crossing would be helpful.
		<p>The Parish Council provided additional comments on 01 March 2024:</p> <ul style="list-style-type: none"> • Debden Parish Council would like our concerns raised at the November UDC planning Committee hearing to be dealt with. • The Applicant - Ford Homes, have very recently been in touch on the 27th Feb. and indicated they have reviewed the minutes of the UDC planning committee meeting of 7th Feb. and decided to contact DPC. • A meeting has yet to be arranged between DPC and the applicant and at our meeting on 28th Feb. 2024 we agreed to correspond with Ford Homes, to set up an initial meeting with the parish council to be followed by a village meeting where questions could be asked by the public. • DPC feel it would be a missed opportunity for the whole village if the appeal was to be granted without some interaction. <p>COMMENTS FROM CASE OFFICER: The application has been appealed against non-determination; this means that the power to decide the application is no longer with the planning committee (Uttlesford District Council) but rather with the Planning Inspectorate on behalf of the Secretary of State. The planning committee will only decide on its meeting the way forward on how Members wish to see officer's defend or not defend the appeal. Members should know that interactions in the form of discussions with the third party are outside the scope of the appeal process. The Inspector will have to decide the appeal on its planning merits and will not engage the parish council in any discussions. However, any representations will be considered by the Inspector.</p>
7	UTT/23/2187/DFO	<p>Section 18 Recommend Approval Subject to the following conditions;</p> <ol style="list-style-type: none"> 1. Prior to the installation of the EV Charging points, sprinklers tanks and cycle storage on each of the commercial units details of their security and management shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be the development shall be implemented as approved in writing. <p>Reason: In the interest of safety and security of the design of the scheme and the wider area, in accordance with Local Plan Policy GEN2 (adopted 2005)</p>

		<p>2. The perimeter fencing and associated gates shall be of closed welded mesh, powder coated dark green and of a continuous height of 2.4m as approved.</p> <p>Reason: In the interest of safety and security of the design of the scheme and the wider area, in accordance with Local Plan Policy GEN2 (adopted 2005)</p> <p>3. The development permitted by this planning permission shall be carried out and maintained in accordance with the approved Drainage and SuDS Strategy, ref 078027-CUR-OO-XX-RP-C-921000 and the following mitigation measures detailed within the Strategy:</p> <ul style="list-style-type: none"> • Limiting the discharge from the site to 105l/s • 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. <p>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.</p> <p>Reason</p> <ul style="list-style-type: none"> • 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. <p>4. Prior to occupation of the development, cycle routes to units 1, 2 and 3 as shown on drawing no. VD22808-VEC-HGN-FA1-SK-CH-0014 Rev A shall be implemented in accordance with the approved plan.</p> <p>Reason: to ensure safe and suitable access for cyclists, also to ensure the efficiency and safe functioning of the highways network This is in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan and the NPPF.</p> <p>5. Prior to occupation of the development or implementation of any Traffic Regulation Order banning cycling on the airport highway network, whichever is earlier, the shared pedestrian and cycle route as shown on drawing no. VD22808-VEC-HGH-CYC-SK-CH-0003 Rev C shall be implemented in accordance with the approved plan.</p>
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		<p>Reason: in the interests of reducing the need to travel by car, promoting sustainable development and transport, and ensuring an appropriate walking and cycling network, also to ensure the efficiency and safe functioning of the highways network This is in accordance with Policy GEN1 and GEN2 of the Uttlesford Local Plan and the NPPF.</p> <p>6. No development shall commence until details of the cycle parking, having a minimum number of 76 spaces (distributed as: unit 1, 28 spaces; unit 2, 28 spaces; and unit 3, 20 spaces) as shown in principle in drawing number VD22808 VEC-HGN-FA1-SK-CH-0014 Rev A have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle parking provision shall be secure and covered. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.</p> <p>Reason: To ensure the cycle parking will conform to design guidance in LTN 1/20 and give priority to pedestrians and cyclists in accordance with NPPF paragraph 116. Also in accordance with Local Plan Policy GEN1, GEN2 and GEN8 (adopted 2005).</p> <p>7. Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any above ground works. As a minimum, the facilities shall comprise 1 shower per 10 cycle spaces and 1 locker per cycle space. The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>Reason: To ensure appropriate facilities are provided and give priority to pedestrians and cyclists in accordance with NPPF paragraph 116. Also in accordance with Local Plan Policy GEN1, GEN2 and GEN8 (adopted 2005).</p> <p>8. The cycle route hereby approved shall have a smooth, sealed and bound surface and appropriate lighting.</p> <p>Reason: To ensure the cycleway/footway will conform to design guidance in LTN 1/20 and give priority to pedestrians and cyclists in accordance with NPPF paragraph 116. Also in accordance with Local Plan Policy GEN1, and GEN2 (adopted 2005).NB: Details of the required surfacing and lighting are not included on the latest drawing.</p>
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		<p>9. The submitted Landscape Maintenance Plan (June 2023) shall be updated and where ‘footpaths’ are cited in the text these are replaced with ‘footways and shared use footway/cycleways’.</p> <p>Reason: To ensure the plan reflects the latest changes and provide certainty that the footway/cycleways will be retained free from vegetation. Also in accordance with Local Plan Policy GEN1, and GEN2 (adopted 2005).</p> <p>10. Remediation Strategy - No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing, by the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> o all previous uses; o potential contaminants associated with those uses; o a conceptual model of the site indicating sources, pathways and receptors; o potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. <p>Reason: To ensure that the development does not contribute to, and is not put at, unacceptable risk from adversely affected unacceptable levels of water pollution in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework. Preliminary Risk Assessment (PRA) prepared by WSP will suffice (1).</p>
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		<p>14. Unexpected Contamination - If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 174, 183, and 184 of the National Planning Policy Framework.</p>
8	UTT/23/2964/OP	<p>If approved the conditions recommended by the Suds officers would need to be secured.</p> <p>ECC CONSULTATION RESPONSE 23.2.24 Essex County Council Development and Flood Risk Environment and Climate Action, C426 County Hall Chelmsford Essex CM1 1QH</p> <p>Our Ref: SUDS-007186 Your Ref: UTT/23/2964/OP</p> <p>Dear Ms Jones,</p> <p>Consultation Response – UTT/23/2964/OP - Highwood Farm Stortford Road Great Dunmow Essex CM6 1SJ</p> <p>Thank you for your email received on 20th February 2024 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.</p> <p>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.</p>

	<p>In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:</p> <ul style="list-style-type: none"> • 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. <p>Lead Local Flood Authority position: Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:</p> <p>Condition 1 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:</p> <ul style="list-style-type: none"> • Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753 • Limiting discharge rates to 2.6l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated. • Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change. • Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. • Final modelling and calculations for all areas of the drainage system. • The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. • Detailed engineering drawings of each component of the drainage scheme. • A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. • An updated drainage strategy incorporating all the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.
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		<p>The scheme shall subsequently be implemented prior to occupation.</p> <p>Reason</p> <ul style="list-style-type: none"> • To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. • To ensure the effective operation of SuDS features over the lifetime of the development. • To provide mitigation of any environmental harm which may be caused to the local water environment • Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. <p>Condition 2</p> <p>Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.</p> <p>Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.</p> <p>Reason</p> <p>To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.</p> <p>Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.</p> <p>Condition 3</p> <p>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.</p> <p>Reason</p>
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		<p>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.</p> <p>We also have the following advisory comments:</p> <ul style="list-style-type: none"> • The detailed consideration of features such as swales will be conditioned. • 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 <p>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.</p> <p>Summary of Flood Risk Responsibilities for your Council</p> <p>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.</p> <ul style="list-style-type: none"> • 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); <ul style="list-style-type: none"> • Sustainability of the development. <p>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.</p> <p>Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.</p>
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		<p>INFORMATIVES:</p> <ul style="list-style-type: none"> • 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. <p>Yours sincerely,</p> <p>Anna Murphy Development and Flood Risk Officer Team: Development and Flood Risk Service: Waste & Environment Essex County Council Internet: www.essex.gov.uk Email: suds@essex.gov.uk</p> <p>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.</p>
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		<ul style="list-style-type: none"> • Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements) <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> • Flood recovery measures (including flood proofing and other building level resistance and resilience measures) <p>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.</p> <p>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.</p> <p>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.</p> <p>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'.</p> <ul style="list-style-type: none"> • Sustainability of the development <p>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.</p>
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		<p>Agents request: I would refer you to para 11 of the appeal decision</p> <p>11. "Overall, I consider that the proposed development would cause less than substantial harm to the setting of Highwood Farmhouse. The harm to the setting of the listed barn would be negligible." We would respectfully ask for officers to assess the planning balance again before forming their final opinion, if the committee are provided incorrect information an application for costs may be sought as this would be unreasonable behaviour.</p>
		<p>GREAT DUNMOW TOWN COUNCIL Foakes House 47 Stortford Road Great Dunmow Essex CM61DJ</p> <p>Monday, 05 December 2022</p> <p>REF: UTT/22/3013/OP - Highwood Farm, Stortford Road, Great Dunmow, CM6 ISJ</p> <p>Dear Sirs,</p> <p>Great Dunmow Town Council's Planning Committee Chairman and Vice Chairman met on 2nd December 2022 to consider this application and wishes to object. 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.</p> <p>Regards,</p>

	<p>James Sheehy Town Clerk</p> <p>Great Dunmow Town Council</p> <p>Great Dunmow Town Council Foakes House 47 Stortford Road Great Dunmow Essex CM6 1DG</p> <p>201h March 2023</p> <p>Ref: APPEAL REF 22/00063/REF - Highwood Farm. Stortford Road. Great Dunmow.</p> <p>Dear Sirs</p> <p>Great Dunmow Town Council are writing this letter to object to the appeal, application reference UTT/22/0391/OP, outline application with all matters reserved except for access for a residential development comprising 14 no. self builds dwellings together with access from and improvements to Buttleys Lane.</p> <p>Great Dunmow Town Council believes that the nature of the proposed access is access is inadequate and potentially unsafe. Great Dunmow Town Council has previously commissioned a report on the traffic on the B1256 (attached, points 2.02, 2.03, 3.01, 3.02, 3.04, 3.05, and 3.09 apply) which indicates that the road will be at least 170% capacity by 2030. Whilst this is a B road it serves as a main access road for Great Dunmow and is also the main access road for lorries travelling from south of the district to Saffron Walden. The access to the B1256 from</p>
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		<p>Buttleys Lane is left in, left out and is close to the roundabout providing access to the A120 eastbound, so whilst the number of dwellings in the proposed development is not high, the additional traffic will have a disproportionate effect on the useability and accessibility of the B1256, with risk of increased congestion on the roundabout. Access to the proposed development is along an unmade up section of Buttleys Lane that is not suitable for the additional traffic.</p> <p>The proposed application is outside of development limits defined in the Great Dunmow Neighbourhood Plan, has poor pedestrian access and would have a significantly adverse effect on the Flitch Way Public Park, which is a conservation area, therefore the proposed development is considered contrary to Policy ENV2 of the Uttlesford Local Plan and Policy DS I of Great Dunmow Neighbourhood Plan, which seeks to preserve our rural setting.</p> <p>Kind regards Great Dunmow Town Council</p>
		<p>Conservation Officer</p> <p>I would be happy to defend this at appeal but I think it is important to be clear that the Inspector previously identified less than substantial harm to the setting of Highwood Farmhouse (NB they should have said less than substantial harm to its significance rather than setting!) and it was this harm only (and not to the listed barn) that they used in weighing harm versus public benefits (para 39 of the Appeal Decision Notice). On this basis, I was careful to only name the listed farmhouse in the concluding paragraph of my advice:</p> <p><i>In conclusion, I remain unable to support the proposed scheme in principle. In my opinion, the proposed development of dwellings will fail to preserve the special interest of the listed farmhouse, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework (December 2023) the level of harm to significance is considered less than substantial (at the middle part of the scale) making paragraphs 205, 206 and 208 relevant .</i></p>
9	UTT/23/1718/FUL	None
10	UTT/23/0654/FUL	<p>PLACE SERVICES revised ecology Comments</p> <p>15th February 2024</p>

		<p>Madeline Jones Uttlesford District Council London Road Saffron Walden CB11 4ER By email only</p> <p>Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.</p> <p>Application: UTT/23/0654/FUL Location: Golf World Stansted Ltd Hall Road Elsenham Essex CM22 6FL Proposal: Erection of temporary marquee, with associated catering facilities, toilets and services, and 80 dedicated parking spaces, plus 20 overflow spaces, drop-off bay and service area vehicle turning head</p> <p>Dear Madeleine, Thank you for re-consulting Place Services on the above application.</p> <p>Recommended Approval subject to attached conditions X</p> <p>Summary Following on from our comments dated 3rd January 2024, we have reviewed the Ecology Response letter from FPCR dated 1st February 2024, relating to the likely impacts of the proposed drainage strategy (see Drainage Layout, drawing no. PC3576-RHD-DE-SW-DR-D- 0500 Rev P05 (Royal Haskoning DHV, October 2023)) on grassland, woodland and the banks of a ditch, habitats that could be used by protected species such as bats, Great Crested Newt, Otter, reptiles and Water Vole. This area was not covered by The Ecological Appraisal (FPCR, November 2022).</p> <p>We are now satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p>
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		<p>The applicant has looked into the Great Crested Newt (GCN) District Level Licensing (DLL) option for the site but has found it is not feasible at this time and they are opting for the</p> <p>traditional licensing route instead. Although the population class size assessment for GCN at the site is considered out of date, recent eDNA surveys have shown GCN are still present. The LPA therefore have enough certainty of impacts and that appropriate mitigation can be provided. The applicant can therefore use licensing Policy 4 in this instance. The submission of a copy of a Natural England mitigation licence for Great Crested Newt should be secured by a condition of any consent.</p> <p>The mitigation measures identified in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and Ecology Response letter from FPCR dated 1st February 2024 should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.</p> <p>We recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the northern and western boundaries and around the existing pond. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:</p> <ul style="list-style-type: none"> • Do not provide excessive lighting. Use only the minimum amount of light needed for safety; • All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used; • LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability; • A warm white light source (2700Kelvin or lower) should be adopted to reduce blue light component; • Light sources should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012);
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	<ul style="list-style-type: none"> • Column heights should be carefully considered to minimise light spill and glare visibility. This should be balanced with the potential for increased numbers of columns and upward light reflectance as with bollards; • Only luminaires with a negligible or zero Upward Light Ratio, and with good optical control, should be considered - See ILP GN01; • Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt; • Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow; • Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely. <p>A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced to detail how surrounding retained habitats, including Priority habitats, will be protected during the construction phase of the development. This CEMP: Biodiversity should be secured by a condition of any consent. We support the proposed reasonable biodiversity enhancements including the enhancement of rough grassland areas, creation of new pond habitat and creation of native scrub habitat,</p> <p>which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.</p> <p>Recommended conditions</p> <p>1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS “All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (FPCR, November 2022), Great Crested Newt – Mitigation Requirements (FPCR, July 2023) and</p>
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		<p>Ecology Response letter from FPCR dated 1st February 2024 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>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.”</p> <p>Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).</p> <p>2. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT</p> <p>“Any works which will impact the breeding or resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:</p> <p>a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or</p> <p>b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or</p> <p>c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”</p> <p>Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.</p> <p>3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY</p> <p>“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.</p> <p>The CEMP (Biodiversity) shall include the following.</p> <p>a) Risk assessment of potentially damaging construction activities.</p> <p>b) Identification of “biodiversity protection zones”.</p>
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		<p>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 protection measures of surrounding Priority habitats.</p> <p>d) The location and timing of sensitive works to avoid harm to biodiversity features.</p> <p>e) The times during construction when specialist ecologists need to be present on site to oversee works.</p> <p>f) Responsible persons and lines of communication.</p> <p>g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.</p> <p>h) Use of protective fences, exclusion barriers and warning signs.</p> <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority” Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).</p> <p>4. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY “Prior to any works above slab level, a Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (FPCR, November 2022), and shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:</p> <p>a) Purpose and conservation objectives for the proposed enhancement measures;</p> <p>b) detailed designs or product descriptions to achieve stated objectives;</p> <p>c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);</p> <p>d) persons responsible for implementing the enhancement measures; and</p> <p>e) details of initial aftercare and long-term maintenance (where relevant).</p> <p>The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.” Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).</p> <p>5. PRIOR TO BENEFICIAL USE: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME</p>
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		<p>“Prior to beneficial use, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <p>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</p> <p>b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</p> <p>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 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).</p> <p>Please contact us with any queries. Yours sincerely, Ella Gibbs ACIEEM BSc (Hons) Senior Ecological Consultant placeservicesecology@essex.gov.uk Place Services provide ecological advice on behalf of Uttlesford District Council Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.</p>
		<p>Environmental Health Officer: Additional comments</p> <p>The farm and campsite were considered in the noise assessment, although the distance used was 115-200m rather than 60m. If some of the campsite is closer, then there would be a slightly larger impact on it from music, the car park and plant than considered in the assessment. The noise assessment showed that the music noise from the marques would be below the typical background level, so wouldn't be that noticeable, but I suspect that it could be possible for music noise to be audible in certain conditions later in the evening when background levels are lower. There would also be noise from car doors and engines and general hubbub from people leaving and going to their cars, which it is not possible to control.</p> <p>The plant noise has been assessed and also requires mitigation, for which they have recommended a screen.</p>

I think that, although the assessment shows there will not be much impact, the reality is that it will be hard to avoid some residual noise impact from the development on the campsite in the evening. If the development is given permission to go ahead, it might be prudent to recommend a restriction on the hours of use, or the number of events allowed? I believe the current function room hours are midnight on Fridays and Saturdays, 9 pm Monday to Thursday, and until 8 pm on Sundays, so a condition could restrict the marque to the same hours.

We could also recommend a condition to hold them to the noise limit they have specified in table 10 of the noise assessment to ensure the noise is not higher than expected, although this will be difficult to control once the development is there.

i.e. Music noise in the marque shall not exceed the levels set out below:

Table 10 Noise limits (with mitigation)

		Noise Limit Leq, 15min (dB) at Octave band centre frequency (Hz)							
Locations	Period	63	125	250	500	1000	2000	4000	8000
Inside Marquee at dancefloor edge	Daytime (07:00-23:00)	85	99	110	109	112	113	112	107
	Night-time (23:00-01:00)	84	98	108	107	110	108	108	105
	Daytime (07:00-23:00)	59	63	71	88	81	81	81	76

		Noise Limit Leq, 15min (dB) at Octave band centre frequency (Hz)							
Locations	Period	63	125	250	500	1000	2000	4000	8000
Inside Marquee at boundary	Night-time (23:00-01:00)	58	62	69	76	79	76	77	74

It might be getting into the realms of licensing and conditions they would put on, but we could also ask for the below:

Times for Putting Refuse and Bottles etc

		<p>The placing of refuse - such as bottles - into receptacles outside the premises shall only take place between the hours of 8.00am and 7.00pm.</p> <p>Boundary Noise Patrol</p> <p>(i) Periodic observation of the noise level and the likelihood that it will cause disturbance shall be undertaken throughout the entertainment period by a member of staff at the boundary at reasonable and regular intervals and logged. This log must be made available for inspection by an Authorised Officer.</p> <p>(ii) The log book must set out: time and date of observation; observer; observation of noise level i.e. either A: satisfactory level of noise unlikely to cause disturbance, or B: unsatisfactory level of noise likely to cause disturbance; and if the level of noise is unsatisfactory, the action taken to resolve situation.</p> <p>No Use of External Speakers</p> <p>No music or speech shall be relayed via external speakers</p>
11	UTT/23/3147/FUL	NONE
12	UTT/23/3189/HHF	NONE
13	UTT/23/2867/HHF	<p>Comment: We note that the most recent plan is unchanged except for the removal of electric gates. The principal objections we have raised remain, namely:</p> <p>1) Parking. There has been loss of one garage space, and there is no provision made for additional parking associated with the change of use of the building. Parking is already very constrained in the neighbourhood (see previous comments). The original application stated that parking would "not be affected".</p> <p>2) Omission of existing tall hedges on block plans (including most recent) also incorrectly stated as "will not be affected" on original application. These hedges are fundamental to obscuring this building in the significant views of the listed (2*)Thaxted Windmill and listed (2)Folly from the listed (2) Aldboro House . (please see attached photo sent to case officer)</p> <p>In addition we share the concerns of another near neighbour who commented that there appears</p>

		<p>to be no provision in this application for the connection of sewage from the proposed WC in the annex. Sewage outflow from neighbouring properties is precarious.</p> <p>Please find attached photo of the garden of Aldboro House, showing the garage of Aldboro house, and how it is at present obscured by a tall hedge. This hedge appears to have been missed off plans submitted with UTT/23/2867/HHF.</p> <p>We feel it is important in the inter-relationship between the three listed buildings shown, namely Thaxted Windmill, Aldboro House itself and the Folly in the garden of Oakhurst. This view is all within the Conservation Area. We are very grateful for your consideration.</p>
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		 <p>1/3 extension to building will also impact on views</p> <p>Existing tall hedge omitted from all plans, obscuring garage in views of Thaxted Windmill (listed 2*) and Folly (listed 2) from Aldboro House (listed 2). It is impossible to contend that this hedge would not have to be removed. In addition this is a conservation area.</p>
14	UTT/23/2868/LB	None

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 summarised

Late items from **STATUTORY CONSULTEES** are reproduced in full.