

**UTT/19/1219/FUL – GREAT DUNMOW**

MAJOR

**PROPOSAL:** A full application for refuse lorry depot, classic car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development

**LOCATION:** Land east of Braintree Road (B1256), Great Dunmow

**APPLICANT:** Mr David Wolfe

**AGENT:** Miss Philippa Robinson

**EXPIRY DATE:** 29 August 2019 – EOT 1 June 2020

**CASE OFFICER:** Mrs K Denmark

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**1. NOTATION**

- 1.1 Outside Development Limit  
Tree Preservation Order  
Flood Zone 1, 2 and 3

**2. DESCRIPTION OF SITE**

- 2.1 The application site is located on the eastern side of Great Dunmow, to the east of the B1256 (Braintree Road). The site is currently in agricultural use and lies to the east of the River Chelmer that runs along the eastern and northern boundaries of the site. To the south lies a waste treatment plant. The B1256 forms the western boundary of the site.
- 2.2 Footpath 55 runs along the northern side of the River Chelmer and now forms part of a long distance footpath known as the Saffron Trail. Footpath 56 runs along the eastern side of the River Chelmer and provides access to recreational land owned by Great Dunmow Town Council.
- 2.3 The site slopes gradually west to east towards the river. A large proportion of the site, in particular the eastern and northern sections lie within the Flood Zone. There is landscaping along the boundary of the river and the B1256. There is a woodland between the site and the adjacent sewage works.

**3. PROPOSAL**

- 3.1 The proposal relates to the erection of a refuse lorry depot, a building for classic car storage and restoration building, and flexible office space. The proposals also include a substantial area of open space, including a car park for public parking and a bridge over the River Chelmer to provide connectivity to the wider footpath network.
- 3.2 The refuse depot element of the scheme proposes two interlinked buildings. The scheme proposes a floor area of 550sqm for B1 offices and canteen building and 670sqm for B2 vehicle workshop building. The B1/canteen building is proposed to

be 6.6m in height and would be linked to the proposed vehicle workshop building which is proposed to be 9.9m in height.

- 3.3 The proposed depot would provide offices, canteen, meeting rooms, changing rooms, store rooms and plant rooms. 4 bays are proposed within the workshop for maintaining and repairing vehicles. It is proposed that the hours of operation would be 6am to 7pm Monday to Friday. Access would only be gained on Saturdays and Sundays by staff to collect vehicles for garden waste collections from Parish Council venues, but neither the workshop nor the offices would be open during this time.
- 3.4 The proposed depot would be served by 91 vehicle parking spaces, including 2 disabled spaces, plus 21 lorry parking spaces. Five powered two wheeler spaces are provided, as is an area of secure cycle parking.
- 3.5 The proposed depot site would be gated providing a secure compound from the remainder of the proposed development. Access to the site would be via the main roundabout proposed to serve the whole development. Initially, a secondary emergency access was proposed but this has now been removed from the scheme due to objections from the Highway Authority.
- 3.6 The central section of the site is proposed to be offices. This is proposed to be provided in the form of three double-span buildings. Building A (the central building) would have a maximum height of 6.5m and would appear as three interlinked buildings. The building would have a total span of approximately 45m. The depth of the building would be approximately 20.5m. Building B (the southern building) would have a ridge height of 6.5m, a span of approximately 18.5m and a depth of approximately 20.5m. Building C (the northern building) would have a ridge height of 6.3m, a span of approximately 19m and an overall length of approximately 31.2m.
- 3.7 The buildings are proposed to be constructed in a mixed pallet of brick, timber cladding, black weatherboarding and would have rooflights and large scale glazing elements. The roofs are proposed to be clad with red clay tiles. The car parking area indicated 68 car parking spaces, including 3 disabled spaces.
- 3.8 Overall, the proposed offices would provide 1770sqm of floorspace (860sqm, 350sqm and 560sqm). It is proposed that the floorspace would be a flexible space to enable adaptations for small to large businesses as well as the future needs of occupants. This element of the proposals is envisaged to provide 108 jobs. The operating hours are proposed to be 8am to 6pm Monday to Friday.
- 3.9 The northern section of the site is proposed to be a classic car storage and restoration business with two buildings. The larger building would have a ridge height of 7.3m with a smaller workshop area to the front. The overall dimensions of the building would be 58.4m by 32.1m. The building would contain 3 workshops, 3 drop off pods and provide storage for 22 vehicles in a high density parking area, and 28 vehicles in the centre section (double height) and 32 in area 3 (double height).
- 3.10 The second building is proposed to be a workshop building, measuring 17m by 23.3m with an additional section measuring approximately 6.5m by 13.5m providing offices, toilets and a breakout area. This building would have a ridge height of 5.8m, with the extra section having a ridge height of 4.8m.

- 3.11 The buildings are proposed to be constructed in red brickwork with a red clay tile roof, and black weatherboarding. It is proposed that this element of the site would be open 8.30am – 5.30pm Monday to Saturday. On Sundays the storage facility would be open between 10am to 4pm. It is envisaged that this element of the proposals would provide 7 jobs.
- 3.12 The proposed development would be served by way of a new roundabout junction. This would require the existing carriageway to be realigned. This access would serve all three elements of the proposals.
- 3.13 In addition to the built development it is proposed to plant new native woodlands and to provide a landscaped area of open space with a network of paths. As part of the proposals it is also proposed to provide a car parking area for 15 cars for members of the public to access the open space and the surrounding footpath network. A bridge is also proposed to provide access to Great Dunmow Town Council's land holdings on the opposite side of the River Chelmer.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal amounts to Schedule 2 development (Class 10. Infrastructure Projects – (a) Industrial Estate development projects) for the purposes of the Town and Country Planning (Environmental Impact Regulations) 2017. The proposals exceed 0.5ha, the site does not lie within or adjacent to a sensitive area. The application is accompanied by a range of reports that enable an assessment of the likely impacts of the proposal and they would not be significant for the purpose of the EIA definition. As such, the proposal is not EIA development.

#### **5. APPLICANT'S CASE**

- 5.1 The application is accompanied by the following documents:

- Air Quality Assessment
- Archaeological Assessment
- Contamination Report
- Design and Access Statement
- Flood Risk Assessment
- Landscape Strategy
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Transport Statement
- Travel Plan Framework
- Planning Statement

- 5.2 Summary points from the Planning Statement:

- The proposed development has been developed undertaking a significant amount of pre-application discussions which the Council planning officers, senior finance officers, representatives from Kier and Essex County Highways and Minerals and Waste officers.
- Public consultation with support from Great Dunmow Town Council and Friends of Flitch Way
- Lies within the countryside and therefore Policy S7 applies. Considered that the development is appropriate in its edge of settlement context, given

its close proximity to the strategic road network, location adjacent to existing infrastructure, and proximity to other industrial areas. The Council's need to relocate Dunmow Refuse Lorry Depot outside of the town centre is of great priority.

- Proposal will contribute to a strong, responsive and competitive economy. Will create additional employment in the London-Stansted-Cambridge corridor. Will retain 98 jobs as part of the Council Depot element and create further jobs as part of the office and classic car restoration and storage business. Will provide 11% of the District's requirement for office space, equating to approximately 164 jobs in total.
- Will facilitate further sustainable growth. Site accessible by public transport and has good walking and cycling links to Great Dunmow and the surrounding areas.
- Proposal includes public parking and a new accessible path which will facilitate public access to green space owned and managed by Great Dunmow Town Council and the wider walking and cycling network.
- Design is modest in size and scale and has an agricultural appearance to complement the surrounding area.
- Developable area of the site is entirely situated within Flood Zone 1

## **6. RELEVANT SITE HISTORY**

6.1 None

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

S7: The Countryside

GEN1: Access

GEN2: Design

GEN3: Flood Protection

GEN4: Good Neighbourliness

GEN5: Light Pollution

GEN7: Nature Conservation

GEN8: Vehicle Parking Standards

E3: Access to workplaces

ENV2: Development affecting Listed Buildings

ENV5: Protection of Agricultural Land

ENV7: The Protection of the Natural Environment

ENV8: Other Landscape Elements of Importance for Nature Conservation

ENV11: Noise Generators

### **Supplementary Planning Documents/Guidance**

Essex County Council Parking Standards

### **National Policies**

NPPF 2018

Planning Practice Guidance

### **Other Material Considerations**

## Great Dunmow Neighbourhood Plan

DS1: TDA: Town Development Area  
LSC1: Landscape, Setting and Character  
LSC3: The Chelmer Valley  
NE2: Wildlife Corridors (Chelmer Valley Wildlife Corridor)  
GA1: Core Footpath and Bridleway Network  
GA2: Integrating Developments (Paths and Ways)  
GA3: Public Transport

## Waste Local Plan

Policy 2

### **8. GREAT DUNMOW TOWN COUNCIL COMMENTS**

8.1 Great Dunmow Town Council supports this application. Land East of B1256 is outside the Town Development Area of the Gt Dunmow Neighbourhood Plan (GDNP) and in a wildlife corridor, however there are exceptional circumstances by way of benefits to the town that outweigh the conflict with GDNP policies and harm to the countryside.

1) There is an urgent need to relocate the UDC refuse depot which is currently situated in an inappropriate location in the town centre, in New Street. Moving from this location will benefit the amenity of neighbouring residents and reduce congestion in the town centre.

2) UDC has for many years been looking for a suitable site and wishes to consolidate with its other depots in Saffron Walden and Newport to one new location. This site is suitable, being close to industrial estates and adjacent to a water treatment plant. It is our opinion that, with sufficient screening, the proposal will not create additional harm to the countryside setting. The site provides good accessibility to the local and strategic road networks and causes no harm to listed buildings or their setting.

3) UDC has identified an alternative site in Little Canfield UTT/18/2607/OP which is unacceptable due to unnecessary harm to the countryside and the setting of heritage assets and would create coalescence with Gt Dunmow. The Town Council strongly objected to the Lt Canfield application previously, and UDC refused it unanimously at planning committee.

4) The Town Council has a large area of public open space and a newly created woodland plantation of 13,000 trees to the rear of Langleys, Chelmsford Road. There is a need to facilitate general public access, a parking area and a footbridge over the River Chelmer, to greatly improve access and therefore benefit the local and wider community. The open space also consists of river walks, open meadow, links to the Saffron Trail and the Flitch Way linear country park. With enhanced public access, the Town Council open space could provide an alternative leisure destination to help relieve pressure of public footfall at Hatfield Forest, which has been identified as a problem by the National Trust.

5) The application provides light industrial units close to the existing industrial estates and main road access. The Town's industrial growth area was intended to be at Smiths Farm, but the Smiths Farm site has since been given consent for a housing development therefore this site would be a suitable alternative.

It is important to note that the Town Council's support for the site is based on the potential community benefits outweighing the harm to the countryside therefore the following should be secured by planning conditions and/or s106 agreement:

- A public footbridge over the River Chelmer, in the position indicated on the plan,
- A public vehicular entrance,
- a public parking area and
- appropriate screen planting.

Second response:

Should the Planning Authority be minded to approve this development, GDTC requests a financial contribution towards the local bus service, in accordance with the town's Neighbourhood Plan (GDNP) objective:

'Great Dunmow will be serviced by a comprehensive and usable public transport network, with routes operating regularly and frequently to a wide range of valued destinations.'

The GDNP Position GA-A states: 'Great Dunmow Town Council will continue to work with bus operators and other stakeholders to improve public transport services to and from Great Dunmow.'

Please refer to Essex Highways to ensure that an appropriate financial contribution is established, so that the housing development complies with GDNP Policy GA3: Public Transport – 'New developments should be integrated into the local bus network and appropriate public transport infrastructure and support for services will be sought where appropriate from developers to ensure this'.

The developer has liaised with Essex Highways regarding footpath enhancements from the bus stop to the development site. In addition to those enhancements, the developer has agreed to provide a footbridge across the River Chelmer, as shown on the developer's masterplan and FIG 6.3.5. Proposed Hard Landscape Plan, p35 of the Design and Access Statement (part 3).

Should the Planning Authority be minded to approve this development, GDTC requests that the Highways Authority provides a suitable specification for the footbridge, taking into account recommendations made in the Tim Moya Associates Ecological Report, October 2019 (Otter Scoping Assessment & Water Vole Survey).

A s106 legal agreement should include provision of

- public footpaths (leisure route)
- public car park – 20 car parking spaces located to have easy access to the adjacent open spaces and leading to a footbridge
- public footbridge across the River Chelmer, to ensure a safe pedestrian crossing to GDTC public open space and community woodland.

## **9. CONSULTATIONS**

### **Great Canfield Parish Council**

- 9.1 Great Canfield Parish Council fully supports this application, which in its opinion has significant benefits compared to the alternative site put forward in Little Canfield, UTT/19/1166/OP. Great Canfield Parish Council is of the view not only would the site avoid the issues of increased traffic through the villages and avoid compromising adjoining heritage assets, it would also bring significant new community benefits by enhancing the existing open space.

### **Lead Local Flood Authority**

- 9.2 Do not object subject to conditions.

### **Essex County Council – Education**

- 9.3 An additional 6.56 early years and childcare places would be required and a financial contribution of £114,288.32 would be required.

### **Environmental Health Officer**

- 9.4 The applicants have submitted Land Contamination, Air Quality and Noise Impact Assessments for the proposed development of the site. Overall, I have not identified any significant environmental factors that in my view would warrant a formal objection to the outline proposal.

This is a greenfield site that is currently vacant and unused, although it has been used for arable use in the past. There is a sewage treatment works to the south of the site, which has been identified as a potential off-site source of ground gas contamination. Ground gas has the potential to migrate off site, subject to geological conditions and other relevant factors. There is also an area of made ground on the site which could be a further potential source of contamination. In terms of potential receptors, as well as future users of the commercial premises there are also visitors to the proposed open space areas, together with the River Chelmer that flows along the eastern boundary of the site. The land contamination report has made recommendations for further intrusive investigations to be undertaken to identify and quantify any contamination risks that may be present. Therefore conditions will be required to be imposed on any consent.

A noise impact assessment has been submitted which has assessed the potential noise impacts from introducing the proposed commercial development at this location. Generally, it has identified negligible impacts from the proposed commercial operations on surrounding residential receptors. However, there is at least one dwelling at Dunmow Park which could be adversely affected by noise from the Refuse Lorry Depot, in particular from vehicle washing activities, and the report has made some recommendations in respect of possible mitigation measures. Therefore conditions will be required to be imposed on any consent.

In view of the scale of the development, the proximity to existing residential occupiers and the details set out in the Air Quality Impact Assessment, it is recommended that the construction works on the site be controlled through the submission of a Construction Management Plan (CMP) which should include detailed measures to control off-site environmental impacts, including noise and vibration and the control of fugitive dust emissions during all phases of the construction project.

The air quality impact assessment has identified negligible impacts as a result of future operations of the development. There may be some limited impacts in respect of dust from construction activities, and these can be controlled under the CMP.

### **Aerodrome Safeguarding**

- 9.5 The Safeguarding Authority for Stansted Airport has assessed the proposal and its potential to conflict aerodrome safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

### **Minerals and Waste**

- 9.6 Less than 5ha of the application area falls within a Mineral Safeguarding Area and therefore mineral safeguarding policy does not apply.

Having reviewed the odour impact assessment, the MWPA is satisfied with the scope of the assessment. Whilst the MWPA would have preferred the involvement of the operators of the safeguarded facility, Anglian Water, it is noted that the authors did attempt to contact Anglian Water and received no response.

Having considered the odour contours in light of the intended configuration of the proposed development, provided that the case officer at Uttlesford District Council accepts that there would be no adverse impacts on the safeguarded Water Recycling Centre as a result of the proposed development, the MWPA has no further comment to make in respect of this application.

### **Environment Agency**

- 9.7 No objection.

### **ECC Archaeology**

- 9.8 The Historic Environment Record shows that the proposed development lies within an area of known archaeological deposits. The north and western area comprises part of a former deer park on the eastern edge of Great Dunmow, named 'The Park'. This is recorded on the HER as being of post medieval date, however, there is the potential that it could be significantly earlier. The other known deposits largely comprise cropmarks interpreted as a potential Roman field system with the potential of settlement within the vicinity.

Require a condition requiring an archaeological programme of trial trenching followed by open area excavation.

### **Crime Prevention Officer**

- 9.9 The mix of classic car storage, offices and refuse vehicle yard share similar security risks but also each has its own site specific risks, therefore careful consideration to security measures will need to be given to ensure that this development does not generate crime. A notable risk is the 'Leisure Route' that enters the development bisecting a ditch unnecessarily into the heart of the development. This same route as the entrance alongside the River Chelmer seems to have parking space(s) which could be utilised by thieves making use of the Leisure Route. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and other security measures.

### **Highways England**

- 9.10 Offer no objection.

### **Anglian Water**



- 9.11 The foul drainage from this development is in the catchment of Great Dunmow Water Recycling Centre that will have available capacity for these flows. The sewerage system has available capacity for used water flows. The preferred method of surface water disposal would be to a sustainable drainage systems (SuDS) with connection to sewer seen as the last option.

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream.

### **Ecology**

- 9.12 We are satisfied that the Reptile Survey Report Mitigation Strategy and Aerial Tree Bat Inspection provides certainty for the LPA of the likely impacts on bats in trees and reptiles. We have reviewed the Otter Scoping Assessment and Water Vole Survey relating to the likely impacts of development on designated sites, protected and Priority species and habitats. We are satisfied that sufficient ecological information is currently available for determination. Recommend conditions.

### **Economic Development Officer**

- 9.13 The development of the land east of Braintree Road (B1256) Dunmow to provide storage and flexible office space is in line with the Council's strategic objective of supporting sustainable business growth. The current and forecast supply of commercial workspace in the Great Dunmow area provides at best only a short term relief from tightness in supply of commercial property.

Two independent reports concerned with the supply of commercial workspace across Uttlesford including Great Dunmow highlight the importance of adding commercial capacity into the local market as a matter of priority.

#### Project Delivery Advice Report, June 2016, BE Group

Current options to relieve the tightness in the industrial market in Great Dunmow are the development of the Great Dunmow Estates project, or by relying on the stock out of town, closer to the Stansted Airport (eg Vision Stansted). Neither option is ideal for those seeking space in Great Dunmow.

There have been assurances from Mantle Estates that the commercial component of the Great Dunmow Estate project will proceed speculatively in a reasonably short period of time. At this stage, this probably remains the most likely option to develop commercial space in Great Dunmow in the shortest timeframe. Regular monitoring and engagement with the proponents by Council is recommended to ensure that the project is being moved forward. Council may be able to act in a facilitator role to help the proponent proceed with the project.

### **Landscape Officer**

- 9.14 The proposed development would have a significant detrimental impact on the bucolic character of the site and its relationship with the broader landscape. The site consists of two relatively large open fields set between the River Chelmer and the B1256. Overall the site slopes gently down to the river. The public footpath network affords views across the site, in particular from the 'Saffron Trail' (PF66) which runs to the north of the site; and from PF67 which follows the valley bottom on the east side of the river. The open fields of the proposal site maintain the broad appreciation of the river valley setting. Similarly, views across the site and

valley can be taken from the Braintree Road. The open countryside east of the B1256 significantly contributes to the historic setting of Dunmow Park to the west. Landscape mitigation by the planting of tree belts and hedging cannot address the impact of the proposed development on the existing open nature of the site and its contribution to the wider landscape. The proposed development would constitute a significant and detrimental visual intrusion into the open countryside.

### **Conservation Officer**

- 9.15 In terms of Built Heritage, the proposed development site is within the immediate context of the Grade II listed building of Dunmow Park. This is a well documented heritage asset within a characterful landscape.

The submitted archaeological desk-based assessment refers in section 2.3 to 'Designated Heritage Assets', it states '*the surrounding landscape and the setting of this heritage asset may need to be considered at a later date. However, whilst the site is located within the former estate boundary, it is separated from the house by the B1256 and there is no direct line of sight between the listed building and the site.*'

In the first instance 'setting' cannot be considered after the event as the above statement implies, impact upon heritage is a material consideration at application stage, this application would impact upon setting which is considered material.

The proposed development site as referred to in the submitted report historically formed part of Dunmow Park, although this curtilage has been severed by a highway route, affording physical separation and an adjusted context; the current agricultural land is open in nature and this key element of context is a positive contributor to setting.

Development of this spread and scale with urban features such as external lighting, associated car parking, signage, etc, will have a negative impact upon the rural setting of the listed building and its environs.

It is not clear from the submission how the findings of the archaeology assessment or built heritage assessment have been considered in terms of layout which is a deficiency of the submission; in conjunction with the listed building, there are other monuments identified through the Essex Historic Environment Record. Their setting will also change to the detriment of their significance.

Certainly, specialist advice and engagement with the County Archaeologist is strongly advised given the impacts identified to other built structures within the site which are of significance.

Having concluded my assessment, I advise the proposals will be incongruous within the open setting of Dunmow Park. For the purposes of planning, the level of harm is considered less than substantial. As such the local planning authority should weigh this harm against any public benefits of the proposal.

### **ECC Highways**

- 9.16 This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with site visits and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2019 and in

particular paragraphs 108 – 109, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The position of the site is such that the use of sustainable transport is likely to be limited, however the impact on the highway has been assessed at the local junctions and is acceptable. The site will be accessed by a roundabout which has been subject to a stage 1 safety audit. A footway cycle link is to be provided to the nearest bus stops and residential area on Braintree Road.

For clarity the highway authority does intend to adopt the proposed leisure route and footbridge into the public right of way network.

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

## **10. REPRESENTATIONS**

10.1 This application has been advertised and 25 letters of representation have been received raising the following points in support of the application:

- Waste trucks need to be resited from town centre
- Good road links
- Away from residential properties
- Provides much needed access to greenspace for local people
- New bridge should be included in s106
- Car park needs to be accessible at all times
- Will enhance the area and potentially allow expansion to an area of unused land that's trapped between town and the A120 route
- Will assist in shielding properties from noise from A120
- Good site for depot but site regularly floods in winter
- Paths should be multi-user to allow access to all vulnerable road users (horse riders, cyclists and walkers)
- Would like a link to the Flitch Way to be funded
- Welcome the potential new link route that could be created to Great Dunmow town centre
- Bridge should be to bridleway standard
- Paths should be all weather
- Car parking facilities should include horse boxes too
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10.2 The following points have been made in objection to the proposal (3 letters from same address – comments suggest these may actually relate to UTT/19/1166/OP. Clarification was sought from the authors and no response received):

- Increased traffic
- Damage to Flitch Way
- Smells and noise
- Impacts on school children using roads
- Already congestion at Takeley Four Ashes
  
- Object to road layout only – concerns about increased road noise to my property, Dunmow Park
- Noise report fails to adequately assess impacts

- Example of increasing urbanisation with pollution from traffic, noise, air and light
- Junction is accident blackspot
- Location divides countryside from town – will encourage further urban encroachment
- Whilst understand need to relocate depot was not aware a classic car dealership, offices and car park sustainable requirements for residents of Dunmow
- Provision of depot does not need to sacrifice quality of life for residents here, nor character of open countryside
- Already access to footpaths and Flich Way

### 10.3 Letter from Councillors of Great Dunmow

Unanimously support. Even though the development is outside the Town Development Area and is in a wildlife corridor all the Councillors consider that it is important to move the UDC Refuse Depot away from the current, inappropriate location in the centre of Dunmow and agree that the land east of Stortford Road is the best location both for ease of access for the refuse lorries and for the residents of south Uttlesford. The site is close to existing industrial estates and to the Water Treatment Plant and the application includes commitments to providing biodiverse planting to screen the facility, a public car park and footbridge over the River Chelmer and will open up additional open space that can be enjoyed by the local residents.

### 10.4 A letter of objection has been received from Uttlesford District Council Facilities Management Service and Hales Farm raising the following points:

- Contrary to Policy S7
- Policy EMP4 in the Regulation 19 Local Plan should be given increasing weight now the emerging Local Plan has been submitted for independent examination
- Inspector's concerns regarding local plan do not relate to Policy EMP4 or our client's site to south of B1256, Little Canfield
- Our client's site will deliver employment associated with 10,000 new dwellings to be located to the north
- Our client's site has been assessed and considered appropriate for inclusion in the emerging Local Plan
- Site has a 'relatively high sensitivity to change'
- Site is recognised as being 'entirely critical to the landscape, setting and character of Great Dunmow' in the Great Dunmow Neighbourhood Plan
- Contrary to Policy LSC3 of the Neighbourhood Plan
- Does not protect or enhance the character of the part of the countryside within which it is set (Policy S7)
- Does not preserve or enhance the landscape significance, or better reveal cultural and heritage links (eLP Policy C1)
- Does not enhance and protect the setting of the Chelmer Valley as identified in GDNP Policy LSC3
- Does not enhance and protect the setting of the Chelmer Valley, including the GHQ Line pillboxes (GDNP Policy LSC3)
- Adversely affects the character of the open spaces in the Chelmer Valley as identified in GDNP Policy LSC3
- Does not respect the positive features of the approaches to Great Dunmow from the east which are identified as including the setting of the Chelmer,

the open landscape of the Chelmer; and the slope rising to the Grade II listed Dunmow Park (immediately west of the site) (GDNP Policy LSC1)

- LVIA submitted with application identifies major adverse landscape and visual harm
- Landscaping will not mitigate the harm
- Loss of integrity to the Chelmer Valley will be permanent
- Application justifies its need on basis of relocating refuse depot – this site is not supported by the Council
- Not a deliverable site for a new Council depot
- Application does not include any assessment of the site’s contribution to the heritage significance of Dunmow Park
- Less than substantial harm to a heritage asset should be weighed against the public benefits – public benefits are questionable as development is not needed

## 11. APPRAISAL

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

- A Principle (S7, E1, ENV5; NPPF; GDNP DS1, LSC1, LSC2, LSC3)
- B Impacts on heritage assets (ENV2, ENV4; NPPF)
- C Design and amenity (GEN2, GEN4, GEN5, ENV11; NPPF)
- D Ecology (GEN7, ENV7, ENV8; NPPF)
- E Access and parking (GEN1, GEN8; NPPF; GDNP GA1, GA2, GA3)
- F Flood risk and water resource protection (GEN3; NPPF)
- G Site amenity issues (ENV14; WLP Policy 2; NPPF)
- H Infrastructure (GEN6; NPPF)

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

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

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

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

(c) any other material considerations.

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

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

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

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

11.4 **Explanatory Note:**

**Whilst the application relates, in part, to the provision of a refuse lorry depot, as noted above a letter of objection to the proposals has been received from Uttlesford District Council Facilities Management Service and Hales Farm. The Uttlesford District Council section that has objected to the proposals is the department responsible for the running of the refuse lorry depots currently in existence in the district. In light of the objection the officer has taken the view that any potential benefits arising from this element of the proposals is no longer appropriate to be considered in the planning balance.**

**A Principle**

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

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

11.7 The Great Dunmow Neighbourhood Plan refers to the special landscape qualities on the various approaches to Great Dunmow. Making reference to paragraph 17

of the now superseded 2012 NPPF, the policies around landscape character have derived from the requirement for development to “contribute to protecting and enhancing our natural, built and historic environment”. This is now contained in paragraph 8 of the 2019 NPPF as being the environmental objective of sustainable development. The compliance of the Great Dunmow Neighbourhood Plan policies with the NPPF is therefore such that they should be given significant weight.

- 11.8 Great Dunmow Neighbourhood Plan (GDNP) Policy DS1 directs development towards the town development area and seeks to protect the rural setting of Great Dunmow. GDNP Policy LSC1 relates to landscape, setting and character. Developments are required to be visually attractive, informed by the defining characteristics of its location character areas, and respect the key positive features of the approaches to Great Dunmow. These policies are in line with the NPPF and have been found sound and are therefore up-to-date and carry full weight.
- 11.9 Policy LSC3 relates to the Chelmer Valley where this site sits. Development is required to enhance and protect the floodplain and setting of the Chelmer Valley, including the GHQ Line pillboxes. The policy states that *‘planning permission will be refused for proposals that adversely affect the character, the floodplain function and associated open spaces in the Chelmer Valley.’* Exceptions relate to essential utility works or development related to or compatible with the open space and recreational uses of the valley, subject to a clear demonstration that the benefits outweigh the harm. This policy is locally led, in line with the NPPF and therefore up-to-date and carries full weight.
- 11.10 The proposals relate to the erection of three separate elements of built form in the valley as it slopes down to the River Chelmer. The southernmost element relates to a refuse depot, the design of which has been agreed with officers associated with the operation of the facility. Notwithstanding this, as stated above, an objection from Uttlesford District Council Facilities Management Service has been received. As this is the department responsible for the operation of any refuse lorry depot the potential benefits of the proposals must be assessed in the light of the objection.
- 11.11 The central section of the site proposes three buildings to be used for Class B1 offices. The northernmost part of the site proposes a classic car storage and restoration depot. Also included in the application is a proposal for a small car park and a bridge over the River Chelmer to enable access to wider areas of open space and the local footpath network.
- 11.12 The application site sits on land that forms the bottom of the valley and the valley side and is part of an area with wide ranging views across the countryside. These views are particularly notable from the public rights of way network, in particular from Bumpsted Hill and from parts of the Saffron Trail. These views also incorporate the setting of Dunmow Park, a Grade II Listed Building. It has been established that the site was formerly part of the grounds to this heritage asset.
- 11.13 In line with GDNP Policy LSC1 the application is accompanied by a Landscape and Visual Impact Assessment. This sets out the impacts of the proposals on the landscape.
- 11.14 This report identifies the visual receptors as being users of the local footpath network, in particular the Saffron Trail and along the high ground at Bumpsted Hill,

the footpath along the southern boundary of the site, also occupiers of some of the upper floors of Oakroyd House, plus drivers using the B1256.

11.15 The landscape effects are described as being:

- A high magnitude of change in the short term leading to a major adverse impact in respect of the domed grassland slope rising to Dunmow Park
- Negligible change to the River Chelmer Floodplain
- No change to the banks of the river or ditch in the site and minor to moderate benefits arising from the increased recreational access
- A negligible change to the woodland around the northern Pillbox and changes to habitats and management being minor beneficial
- A low/negligible adverse impact in the medium to long term on the rural approach to Dunmow.

11.16 In terms of visual effects the report's findings on the magnitude of change are as follows:

- A major adverse impact in the short term with a moderate adverse impact long term on users of Footpath 66 (Saffron Trail)
- Footpath 66 at Bumpsted Hill will have a high magnitude of change leaving to a major adverse impact short term until screen planting and woodland establishes and a minor neutral in the long term with woodland replacing some grassland
- Drivers on the B1256 would have a high magnitude of change leading to a major adverse impact in the short term with a moderate adverse impact long term.
- Footpath 67 (south of the site) would have a high magnitude of change leading to a major adverse impact short to medium term until planting is established
- Oakroyd House would have a medium magnitude of change leading to a moderate adverse impact short to medium term until screen planting establishes then negligible once planting established
- Drivers on B1256 to south of site would have a high magnitude of change leading to a major adverse impact in the short term and moderate adverse impact long term. Similar impacts would be the result for drivers travelling south and at the Braintree Road junction, users of Ford Farm and the allotments.

11.17 The objection letter from JB Planning Associates (on behalf of Uttlesford District Council Facilities Management Service and Hales Farm) is accompanied by an appraisal of the LVIA prepared by Michelle Bolger, a landscape consultant. This identifies that the landscape has a high value, something not identified in the applicant's LVIA. This is contrary to the methodology set out in the Landscape Institute/Institute of Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment.

11.18 This assessment of the landscape character around Great Dunmow, as set out in the GDNP and the Town Design Statement also identify the high quality of the landscape of this valley stating it is a key positive feature and worthy of protection. For example:

- It is entirely critical to the landscape, setting and character of Great Dunmow



- The Chelmer Valley is integral to the life and identity of the town, as well as forming an important part of the District's floodplains
- Of primary interest is the agricultural landscape to the north of the town, the Chelmer Valley, and the rural approach from the east
- The identity and character of Great Dunmow is heavily influenced by its landscape, setting and character, and these aspects are to be retained as a priority
- It is listed as a key positive feature to the south eastern approach to the town

- 11.19 The Council's Landscape Officer has also reviewed the LVIA submitted with the application and visited the site. They identify that the site significantly contributes to the historic setting of Dunmow Park. They are of the opinion that the proposals would constitute a significant and detrimental visual intrusion into the open countryside. The landscape mitigation of planting tree belts and hedging would not address the impact of the proposed development on the existing open nature of the site and its contribution to the wider landscape.
- 11.20 It is noted that the application is supported by many making representations in respect of this application, although these are generally a comparison between this site and the Council's application site located near Hales Farm in Little Canfield and from residents affected by the latter proposal. Local residents to this site object to the proposals on the basis of the impacts of the proposals.
- 11.21 It is noted that the application is supported by the Councillors of Great Dunmow and Great Dunmow Town Council on the basis that the proposals would bring benefits to the town. These are primarily the bridge to enable access to their landlocked holdings to the east of the river and the car park to enable greater ease of access to the footpath network.
- 11.22 Whilst these benefits are noted, together with the support for the proposals, these need to be weighed against the harm to the character of the area, the area that is specifically identified as being important to the town in their own Neighbourhood Plan.
- 11.23 The extensive spread of the proposed new development, together with the proposed car parking areas would introduce significant urban elements in this visually important landscape that is assessed as being of high value. This would be detrimental to the character of the area. As such, the development proposals relate to a form of development that does not need to take place in the open countryside. The scale and approach to the development is one that is not necessarily appropriate to a rural area (discussed further under Design). The development proposals do not protect or enhance the character of the countryside within which it is set and there are no special reasons why the development in the form proposed needs to be there. This would be contrary to ULP Policy S7, paragraphs 8 and 170 of the NPPF.
- 11.24 Policy LSC3 requires development proposals to enhance and protect the floodplain and setting of the Chelmer Valley. Exceptions for development proposals for essential utility works and other development related or compatible with the open space and recreational uses of the valley can be made, subject to a clear demonstration of benefits outweighing the harm.
- 11.25 As stated above, the introduction of significant areas of new built form and car parking, urbanising the valley floor are not considered to be related to or

compatible with the open space and recreational uses of the valley. Whilst the proposal offers minimal benefits, such as the bridge and car park to enable access to landlocked Town Council holdings, these benefits do not outweigh the significant harm arising from the urbanisation of the valley floor. Many representations put significant weight on the benefits of relocating the Council's depot from the town centre, and other sites in the District. However, the department responsible for the running of these facilities is an objector to the scheme and as such no weight can be given to this element of the scheme. As such, the proposals are contrary to Policies LSC1 and LSC3.

- 11.26 The proposals would result in additional employment opportunities. Whilst there is some doubt about the refuse depot element of the scheme, if this were to come forward, notwithstanding the objection from the department responsible for running such facility, then this would not create additional employment opportunities. This would redistribute existing employment from the Council's existing sites. Therefore, as it stands, this element of the proposals cannot be given any weight in terms of benefits.
- 11.27 The remaining development would provide additional employment opportunities. The proposed classic car storage and restoration business is indicated as providing 7 employment opportunities. The proposed offices have the potential to provide an additional 108 corporate jobs.
- 11.28 The Council's Economic Development Officer has reviewed the proposals and states that the proposals would be in line with the Council's strategic objective of supporting sustainable business growth. Two reports, the Commercial Workspace Study (June 2015, BE Group) and the Project Delivery Advice Report (June 2016 BE Group) both identify that there is a current shortfall in floorspace requirements resulting in out-commuting. There is a shortage of industrial space and workplace stock is tightly held meaning a lack of marketing. This shortfall is constraining economic growth in the Uttlesford District.
- 11.29 The reports identify a high demand for offices in the region of 150-500sqm, with occupiers looking for more than 200sqm increasingly wanting self-contained premises, ie their own front door, toilets, reception, utilities, etc. There is also an increase in demand for short term lets and serviced offices are increasing in popularity.
- 11.30 Great Dunmow is identified as being attractive to industry due to its connections. The reports both refer to the scheme by Mantle Estates on the Smith's Farm site that had the benefit of planning permission. However, this scheme has not been forthcoming and the outline consent has now lapsed. Therefore, it is recognised that there is a requirement for additional employment floorspace within the district and Great Dunmow.
- 11.31 The proposed B1 office units are for flexible floorspace and therefore of the type of commercial development that is required in the district. This element of the proposals can be given significant weight. The classic car restoration business is a personal element of the scheme relating to the applicant. There is no identified need for such a facility and the employment opportunities would be minimal. Therefore, like the refuse depot, this element of the proposals would carry no or minimal weight.
- 11.32 The proposal would result in the loss of 8.6ha of grade 3 agricultural land, the type of land that Policy ENV5 seeks to protect. This policy is consistent with the NPPF

and I give the policy full weight. However, it must be acknowledged that there are limited brownfield sites within the district and the majority of the district's agricultural land is grade 2 or 3. It is acknowledged that grade 3 agricultural land is the lower quality in the Uttlesford District, but it is still classified as Best and Most Versatile Agricultural Land.

- 11.33 As discussed above, these proposals bring benefits of varying scales. Overall, in respect of the loss of agricultural land, it is considered that the benefits would be sufficient to outweigh the harm. In addition, such proposals would be in accordance with the requirements of the NPPF to give significant weight to be placed on the need to support economic growth and productivity. It would also support the aspiration of sustainable growth and expansion of all types of business in rural areas. Paragraph 84 of the NPPF recognises that in order to meet the needs of business growth that sites may need to be found adjacent to or beyond existing settlements.

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

- 11.34 Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 193 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 196) must be carried out. Paragraph 213 of the Framework requires a nuanced approach. In light of this, while I consider that Policy ENV2 is broadly consistent with the Framework, I consider that moderate weight should be given to policy ENV2.
- 11.35 The site lies to the east of Dunmow Park, a Grade II listed building. Whilst the buildings at Dunmow Park are largely screened by mature planting, there are views within the landscape on the public right of way network whereby they can be appreciated. In addition, the Landscape Officer, the Conservation Officer and the County Archaeologist have all identified that the site was formerly part of the Dunmow Park complex, having been severed by the construction of what is now the B1256. Therefore, there is a historic connection to the heritage assets that needs to be considered.
- 11.36 The Conservation Officer has viewed the site and the documents accompanying the application. It is noted that the archaeological desk-based assessment refers to the setting of the heritage asset may need to be considered at a later date. This is totally the incorrect approach as applications need to be determined on the basis of the impacts that they will have to enable the balancing exercise set out in paragraph 196 of the NPPF to be carried out.
- 11.37 The Conservation officer is of the view that the proposed spread and scale of development with its urban features such as external lighting, associated car parking and signage will have a negative impact upon the rural setting of the listed building and its environs. This would appear incongruous and result in less than substantial harm to the setting of the heritage assets.
- 11.38 As discussed above, the proposals would bring a range of benefits in terms of additional employment, some neutral, some minimal and some having significant weight. On that basis it is considered overall that any benefits would have moderate weight.

- 11.39 There are other benefits that would also need to be considered in the round. The proposals also offer additional access to the existing public rights of way network and include a small element of additional open space. This could help to alleviate some of the pressure on Hatfield Forest. The National Trust and Natural England are currently consulting on a mitigation strategy to deal with the pressures on the Forest. One element that could reduce pressures is the creation of a Significant Area of Natural Greenspace (a SANG). This proposal doesn't actually create a SANG, but does provide easier access to the existing network. Neither organisation has commented on this application. Likewise, the ecologist has also not identified the proposals as being beneficial to Hatfield Forest. The ecology team at Place Services are also heavily involved in the development of the proposed SAMMS.
- 11.40 It is noted that Great Dunmow Town Council support the proposals on the basis that they would provide an access point to their currently landlocked holdings on the eastern side of the river. Some representations also support the proposals, with comments relating to connections to the Flitch Way and the town centre. On the basis that the proposals are only providing easier access to existing facilities, along with a small area of additional footpaths, these benefits would carry minimal weight.
- 11.41 It should be noted that the Crime Prevention Officer has identified concerns regarding these elements of the proposals due to their location in the heart of the development. There is concern that the route and car park could be used for anti-social activities or utilised by thieves making use of the leisure route. In order to reduce such activities additional lighting may be required, which would in turn increase the visual impacts of the proposals on the countryside. This increase in visual harm would compound the harm arising from the proposals in respect of Policies S7, LSC1 and LSC3. They would also increase the impacts on the setting of the heritage assets.
- 11.42 On balance, it is therefore considered that the proposals offer minimal benefits to be weighed against the less than substantial harm to heritage assets. These impacts have not been adequately assessed in the planning submissions and, on the basis of the analysis from the Conservation Officer and the Landscape Officer, it is considered that these benefits are not sufficient to outweigh the harm.

## **C Design and amenity**

- 11.43 Policy GEN2 seeks to ensure development is appropriate to its area and does not result in adverse impacts on residential amenity. This policy is generally consistent with the NPPF and has moderate weight. Policy GEN4 seeks to protect existing properties from disturbance and nuisance. This policy is consistent with the NPPF and has significant weight. Policy GEN5 seeks to prevent light pollution and this policy is also consistent with the NPPF and has significant weight. Policy ENV11 seeks to protect existing development from noise generators arising from development proposal. This policy is consistent with the NPPF, although the latter enables areas to be identified and protected as tranquil areas prized for their recreational and amenity value. This policy has moderate weight.
- 11.44 Paragraph 180 of the NPPF seeks to ensure that development is appropriate for its location taking into account various factors such as pollution, living conditions and the natural environment. Consideration needs to be given to:

- Noise impacts on health and quality of life
- Protection of tranquil areas prized for their recreational and amenity value
- Limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation

- 11.45 The proposal relates to a range of size and style of buildings. The refuse depot buildings are proposed to be 9.9m for the workshop building, reducing to 6.6m for the ancillary office/canteen building. The design is considered appropriate to the rural area being black weatherboarded buildings with a brick plinth. The roofs would be clad with metal composite coverings. In addition, the size and scale of the buildings is similar to small scale agricultural buildings.
- 11.46 Similar design approaches have been taken in respect of the proposed offices and the classic car restoration business. These would have ridge heights of around 6.5m for the office buildings, and 7.3m for the classic car buildings. However, unlike the depot buildings, these do not respect the scale and characteristics of converted farm buildings in quite the same way due to their extensive spans and their clustering. In addition, it is proposed to use a mixture of boarding and red brick, further emphasising the appearance of the buildings in the countryside location.
- 11.47 The location of the car parking at the front of the site results in the buildings being on the lower section of the site. However, this does not alleviate the significant urban impact of the development overall on this prominent rural site on the valley side.
- 11.48 The proposed development would, by its very nature, introduce elements of nuisance in the form of noise, dust and light pollution. The proposals have been considered by the Environmental Health Officer who raises no objections subject to conditions.
- 11.49 Light pollution is also a potential nuisance in respect of the proposed development, particularly given the fact that this is a rural location and inherently dark by its very nature. Lighting can impact on residential amenity, but also given the proximity of the site to the River Chelmer, it could also impact on protected species, notably bats. The Council's Environmental Health Officer and the County Ecologist have both recommended conditions requiring lighting schemes to be submitted and approved.
- 11.50 However, the Conservation Officer has also raised concerns regarding lighting and the impacts on the setting of the heritage assets. Given the concerns of the police in respect of the potential for the site to be used in relation to crime, there is likely to be an expectation that lighting would need to be quite intrusive in order to minimise crime risk. This would be inappropriate in terms of landscape harm and impacts on ecology. Therefore, it is possible that a proposed lighting scheme could not be developed to accommodate all the requirements of the site without resulting in detrimental harm, contrary to Policy GEN5.

## **D Ecology**

- 11.51 Policy GEN7 relates to nature conservation and seeks to protect habitats and protected species. This policy is partially consistent with the NPPF but the NPPF strengthens the requirements, including the requirement for biodiversity enhancements. As such the policy has limited weight.

- 11.52 Policy ENV7 seeks to protect designated areas of nature conservation, such as SSSIs, National Nature Reserves and Local Wildlife Sites. Policy ENV8 seeks to protect other features important for nature, such as hedgerows. These policies are partially consistent with the NPPF with the NPPF setting out a hierarchy which is different to the policy approach. As such these policies have limited weight.
- 11.53 GDNP Policy NE2 relates to wildlife corridors and the policy seeks to promote the enhancement of these corridors. The site falls within the Chelmer Valley Wildlife Corridor identified in the policy. This policy is in line with the NPPF principle of securing “net gains” for biodiversity and therefore has significant weight.
- 11.54 In terms of biodiversity net gains, the proposals seeks to introduce new landscaped open space. This could, if approached in the correct way, improve biodiversity and care would need to be taken that habitats for existing protected species are not adversely affected. The County Ecologist does not object to the proposals, subject to conditions.
- 11.55 In terms of ecological impacts, the proposed development is accompanied by a Preliminary Ecological Appraisal and additional surveys that have been undertaken in respect of otters and water voles. These have been assessed by the County Ecologist. Mitigation measures are identified within the appraisal including the use of buffer zones and sensitive working practices.
- 11.56 In terms of impacts on designated areas of nature conservation, there are no direct impacts. The Town Council make reference to the potential for the proposals to reduce pressure on Hatfield Forest. However, the proposals themselves do not great a significant area of natural green space, although it is acknowledged that they would introduce car parking nearer to the existing public right of way network in the area. Any benefits arising from the proposals in this regard would be minimal and carry little weight.
- 11.57 The proposals would largely retain the existing ecological features within and adjacent to the site. Some removal of vegetation would be undertaken to provide the bridge crossing over the ditch system and the River Chelmer. However, the benefits of achieving pedestrian access to the Town Council’s land holdings would outweigh any potential harm.
- 11.58 Therefore, subject to appropriate conditions, the proposals would comply with Policies GEN7, ENV7 and ENV8, as well as GDNP Policy NE2.

## **E Access and parking**

- 11.59 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Policy GEN8 seeks to ensure development proposals comply with adopted parking standards. The current standards relevant to the proposals are the Essex Parking Standards, adopted in 2009. These relate to maximum parking standards for commercial development. The policy is generally consistent with the NPPF and has moderate weight.
- 11.60 GDNP Policy GA1 requires enhancements to the existing public right of way network. Policy GA2 requires developments to be well-integrated with the surrounding footpath and bridleway network. Policy GA3 requires developments to be integrated into the local bus network and appropriate infrastructure and

support for services will be secured where appropriate. These policies are in line with the NPPF aims of promoting alternative means of transport and improving accessibility. These policies have full weight.

- 11.61 The proposals have been revised during the course of the application to relate to only one point of access into the site via a roundabout junction with the B1256. A new footpath is proposed to be constructed along the western side of the carriageway, linking into the public right of way network to connect to the Braintree Road (B1008). The public right of way (18\_66) is proposed to be upgraded to an all-weather cycleway/footway and this would provide a connection to the public transport network.
- 11.62 The application is accompanied by a Transport Assessment that assesses the potential for users of the site to access the facilities by means other than the private car. It is noted that the bus services include a school bus service (508) and the 313/313A service which is likely to be axed in the near future. The latter service is 4 buses a day (2 on Saturdays). However, the nearby bus stop would still be serviced by the 133 hourly service operating between London Stansted Airport-Takeley-Great Dunmow-Little Dunmow-Felsted-Braintree and Colchester.
- 11.63 The table below sets out the trip rates in respect of the proposed development.

**Likely Level of Traffic Attracted by the Proposed Development**

Use	Area	AM Peak Hour		PM Peak Hour		12 Hour	
		Arrivals	Departs	Arrivals	Departs	Arrivals	Departs
Business Park	1770 sqm	26	5	3	20	101	104
Vehicle Repair Garage	449 sqm	5	3	2	4	44	45
Bin Lorry Depot (TRICS)	1220 sqm	7	3	2	6	40	40
Bin Lorry Depot (User specific)	1220 sqm	17	5	2	14	117	119
Total Two Way*		61		45		530	

\* Two way traffic includes business park, vehicle repair garage and bin lorry depot (user specific)

- 11.64 The report references the fact that the bin lorry depot would be displacing existing vehicle trips to the existing depot in the town centre. However, it should also be noted that the bin lorry depot would also include the relocation of the sites in Newport and Saffron Walden. As such, the vehicular movements associated with those depots would now be concentrated in Great Dunmow.
- 11.65 The Transport Assessment concludes that there is sufficient capacity within the existing road network and at the junctions in order to accommodate the additional vehicular movements arising from the proposals. This has been assessed by the Highways Officer who confirms that, subject to conditions, there are no objections to the proposals.
- 11.66 Accompanying the Transport Assessment is a Travel Plan for the proposed development. This sets out how targets for reducing the use of the private car

would be achieved. Subject to a condition securing the implementation of the Travel Plan, and its subsequent monitoring, this is in accordance with Policy GEN1.

- 11.67 As stated above, it is proposed to connect the site to the public transport network as part of the means of improving accessibility to the site. This also includes the upgrading of an existing public right of way. It is also proposed to create a new footpath (leisure route) into the proposed development. In addition, it is proposed to construct a bridge over the River Chelmer. This would form part of the new leisure route which would be served by a new public car park. This would enable easier access to the existing public right of way network. These proposals are acceptable to the highway authority, and it is confirmed that it is proposed to adopt the leisure route into the public right of way network. As such, it is considered that the proposals comply with Policies GEN1, GDNP GA1, GA2 and GA3.
- 11.68 The parking provision for the development is set out on the plans. Three separate parking areas are proposed, in addition to the public car park for those accessing the leisure route and public right of way network. It should be noted that parking standards for commercial developments are minimum standards based on the floor area of the proposed uses.
- 11.69 The three different proposed uses therefore have different parking requirements. The proposed offices would require a minimum of 59 car parking spaces, 27 cycle spaces, 3 powered two wheeler spaces, and 3 disabled parking bays. The requirement for the proposed car restoration business and the refuse depot have been calculated on the basis of a "Motor Vehicle Service Station". This would require a minimum of 49 spaces, 1 cycle space per 4 staff, 3 powered two wheeler spaces and 3 disabled bays.
- 11.70 The proposed depot is shown to have 91 car parking bays and 21 refuse vehicle bays. The Council currently has 14 refuse vehicles and a number of other vehicles that would be required to be parked overnight on the premises. The size of the spaces provided are sufficient to serve the Council's fleet of vehicles. The number of spaces provided is sufficient to enable the fleet to grow taking into account the housing requirements for the district.
- 11.71 The proposed B1 business units are shown to have 68 car parking spaces, and the proposed classic car restoration and storage business would have 19 spaces. This obviously does not include the storage spaces within the proposed buildings.
- 11.72 The Highways Officer has considered the proposals and, taking into account the proposals to improve the accessibility to the public transport network, the improvements to the public right of way network, and the travel plan, raise no objections to the proposals. As such they comply with Policy GEN8.

## **F Flood Risk and Water Resource Protection**

- 11.73 Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.
- 11.74 The site falls within three categories of flood risk – Zones 1, 2 and 3. Zone 3 is at the greatest risk of flooding, followed by Zone 2. Zone 1 is classified as having a low risk of flooding. The proposed built form is largely located within Flood Zone



1, with some car parking spaces and areas of hard standing falling partially within Flood Zone 2.

- 11.75 The Technical Guidance to the NPPF sets out in Table 3 the levels of flood risk and the categories of development that are appropriate to the various zones. The development types the subject of this application fall within the category of “less vulnerable”. This type of development is permissible in flood zones 1, 2 and 3a. Development is not permitted in flood zone 3b, the functional floodplain.
- 11.76 The application is accompanied by a Flood Risk Assessment. This sets out the range of the development proposals, and the fact that around 1.82ha would become impermeable compared to the current situation. The ground in the site is relatively impermeable due to soil conditions and therefore it is proposed to drain into the existing ditch system with flow control devices in place to limit the discharge rates to the 1 in 1 year greenfield runoff rates in the 1 in 100 year +40% climate change event.
- 11.77 The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF.

## **G Site amenity issues**

- 11.78 Policy ENV14 relates to development of contaminated land. This policy is consistent with the NPPF and therefore has significant weight. The application is accompanied by a Land Contamination Assessment. This identifies the most likely sources of contamination as being the sewage works by way of ground gas. This report has been considered by the Environmental Health Officer who raises no significant concerns regarding contamination, subject to conditions.
- 11.79 Policy 2 of the Essex and Southend-on-Sea Waste Local Plan seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Policy 2 defines Waste Consultation Areas as extending up to 400m from Water Recycling Centres. The majority of the application site is within a Waste Consultation Area associated with the Dunmow Water Recycling Centre (sewage works). The policy is in line with the NPPF and therefore carries significant weight.
- 11.80 Additional information has been submitted by the applicant to demonstrate that the proposed development will not impact on the operation of the existing Water Recycling Centre. However, there is little commentary on the impacts of the existing facility on the proposed development. NPPF Para 182 states that ‘Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.’
- 11.81 The likely impact on the proposed development would be in relation to odour from the existing Water Recycling Centre. Appendix 3 of the additional information contains an email chain from the applicant to the operators of the Recycling Centre requesting if there have been an odour complaints from the existing industrial estates in Great Dunmow. The response is that there have been none since the new methods of operation have been in place. This information is noted but there has been no bespoke monitoring data provided to demonstrate that a

quantitative assessment has been made of the potential for odour from the safeguarded site to impact on the newly proposed development.

- 11.82 In order to address potential odour issues, it is possible that a design solution could be established, such as mechanical ventilation of the proposed buildings. Such information has not been included in the application, but could be secured by way of condition if planning permission were to be granted.

## **H Infrastructure**

- 11.83 Policy GEN6 seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.
- 11.84 In terms of the mitigation required as a result of the proposed development, these mainly relate to highway issues. The Highway Authority has identified the requirement for a financial contribution towards monitoring of the Staff Travel Plan. In addition, works are required to upgrade an existing off-site footpath, the provision of a new off road footpath/cycleway, including the provision of dropped kerb crossing points.
- 11.85 It is noted that the Education Authority has requested a financial contribution towards Early Years and Childcare Provision. The requirement for such contributions is now being proposed to be removed from commercial developments. In any event, the officer is of the opinion that this financial contribution would not comply with the CIL Regulations.

## **I Other material considerations**

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

## **12. PLANNING BALANCE**

<b>Policy</b>	<b>Proposals in accordance with policy?</b>	<b>Policy compliance with NPPF</b>	<b>Weight</b>
S7	Proposals do not comply with Policy S7	Partially compliant	Moderate
E1	Site not designated in adopted Local Plan	Consistent but required allocations to be reviewed	Limited
ENV5	Proposals do not comply with Policy ENV5	Consistent	Significant
ENV2	Proposals would result in harm to the setting of listed buildings	Broadly compliant but NPPF requires a balancing exercise	Moderate
ENV4	Proposals could result in harm to archaeological deposits without mitigation	Broadly compliant but NPPF requires a balancing exercise	Moderate
GEN2	Proposals do not comply with Policy GEN2	Generally consistent	Moderate

GEN4	Proposals would comply with Policy GEN4 with appropriate mitigation	Consistent	Significant
GEN5	Proposals would comply with Policy GEN5 with appropriate mitigation	Consistent	Significant
ENV11	Proposals would comply with Policy ENV11 with appropriate mitigation	Consistent although the NPPF allows designation of tranquil areas	Moderate
GEN7	Proposals would comply with Policy GEN7 with appropriate mitigation	Partially consistent	Moderate
ENV7	Proposals would comply with Policy ENV7 with appropriate mitigation	Partially consistent	Limited
ENV8	Proposals would comply with Policy ENV8 with appropriate mitigation	Partially consistent	Limited
GEN1	Proposals would comply with Policy GEN1 with appropriate mitigation	Generally consistent	Moderate
GEN8	Proposals comply with Policy GEN8	Generally consistent	Moderate
GEN3	Proposals comply with Policy GEN3 with appropriate mitigation	Partly consistent	Limited
ENV14	Proposals comply with Policy ENV14 with appropriate mitigation	Consistent	Significant
GEN6	Proposals comply with Policy GEN6 subject to the completion of a satisfactory s106 Legal Obligation	Generally consistent	Full

## 12.2 Other Policies

GDNP DS1	Proposals do not comply with Policy DS1	Consistent	Significant
GDNP LSC1	Proposals do not comply with Policy LSC1	Consistent	Significant
GDNP LSC3	Proposals do not comply with Policy LSC3	Consistent	Significant
GDNP NE2	Proposals would comply with Policy NE2 with appropriate mitigation	Consistent	Significant
GDNP GA1	Proposals would comply with Policy GA1 with appropriate mitigation	Consistent	Significant
GDNP GA2	Proposals would comply with Policy GA2 with appropriate mitigation	Consistent	Significant

GDNP GA3	Proposals would comply with Policy GA3 with appropriate mitigation	Consistent	Significant
Essex & Southend-on-Sea Waste Local Plan Policy 2	Proposals would comply with WLP Policy 2 with appropriate mitigation	Consistent	Significant

- 12.3 The proposals do not comply with the requirements of Policies S7, ENV2 and GEN2 which seek, inter alia, to protect the character of the area and the setting of listed buildings. In addition, the proposals do not comply with the requirements of Great Dunmow Neighbourhood Plan Policies DS1, LSC1, LCS2 and LSC3. However, the NPPF requires planning applications for sustainable development to be favourably considered and the benefits of the proposals need to be weighed against the harm identified.
- 12.4 The proposals would result in harm to the character and appearance of the countryside with the introduction of significant areas of built form, out of scale and keeping with the character of the rural area. Mitigation measures such as additional planting are proposed. However, these measures are not sufficient in their own right to make the proposals acceptable and in accordance with Policies S7, GEN2 and ENV2. Likewise, they are not sufficient to make the proposals acceptable and in accordance with GDNP Policies DS1, LSC1, LSC2 and LSC3.
- 12.5 Notwithstanding this, the proposals would result in the creation of additional employment opportunities, meeting an identified need. This need is exacerbated by the loss of the planning permission for employment land on a site in Great Dunmow following the lapse of the outline planning permission. In addition, the proposals provide the potential to relocate the Council's refuse depot to a site, reducing the impact on the Great Dunmow Conservation Area and listed buildings. There could also be potential benefits to Newport Conservation Area. However, these benefits are considered neutral at best given the objection to the proposals from the Council. There are no or very limited employment opportunities arising from the relocation of the depots to the site, other than expected growth associated with the growth of the district. Therefore, the benefits of the proposals need to be weighed against the harm.
- 12.6 The proposed development would result in less than substantial harm to the setting of Dunmow Park, and the historical relationship between this site and the buildings, severed by the construction of the road now designated as the B1256. This less than substantial harm needs to be weighed against the benefits of the proposal. Benefits of the proposal include the provision of a footbridge over the River Chelmer and the provision of a public car park to enable easier access to the holdings of Great Dunmow Town Council and the wider public right of way network. However, these elements have also been identified by the Crime Prevention Officer as having potential for increased crime. The remainder of the proposals are predicted to generate approximately 115 new employment opportunities. These benefits carry significant weight and, on balance, would outweigh the harm to the setting of the listed building.
- 12.7 The support of the Great Dunmow Town Council to the proposals are noted, in particular in respect of the proposed new footbridge to enable easier access to

their land holdings. However, the benefit of the bridge is not sufficient to outweigh the harm arising from the scale of the proposed development on this sensitive landscape setting. This sensitive landscape setting is identified in the made Neighbourhood Plan and the policies contained within that plan carry significant weight given their conformity with the NPPF. Insufficient justification has been given to demonstrate why the level of harm arising from the proposals would outweigh the benefits of the proposed footbridge. The additional benefits supported by the Town Council are the relocation of the depot from the town centre. However, given the objection from the department responsible for the facility this element of the proposals cannot be given any weight.

## **RECOMMENDATION – REFUSAL**

### **Refusal Reasons**

1. The proposed development due to its size and scale of built form would result in the urbanisation of this sensitive rural location, identified in the Great Dunmow Neighbourhood Plan as being of special merit. The scale of the development is of a type that does not need to take place in this location and the merits of the proposals are not sufficient to outweigh the significant harm that would arise. As such the proposals are contrary to Uttlesford Local Plan Policies S7 and GEN2 (adopted 2005), Great Dunmow Neighbourhood Plan Policies DS1, LSC1, LSC2 and LSC3 (made 2016) and the NPPF which seeks to delivery sustainable development. These proposals would result in significant environmental harm that would outweigh any social and economic benefits when assessed against the policies in the Framework as a whole.
2. The proposals fail to provide a mechanism to deliver infrastructure improvements required in respect of the proposed development. In the absence of any legal agreement to address the requirements to carry out improvements to highway infrastructure and for the monitoring of a Staff Travel Plan, the application fails to fully mitigate the impacts of the development contrary to Policies GEN1 and GEN6 of the Uttlesford Local Plan 2005, and Policies GA2 and GA3 of the Great Dunmow Neighbourhood Plan (made 2016).

UTT/19/1219/FUL



Organisation: Uttlesford District Council

Department: Planning

Date: 21 APRIL 2020