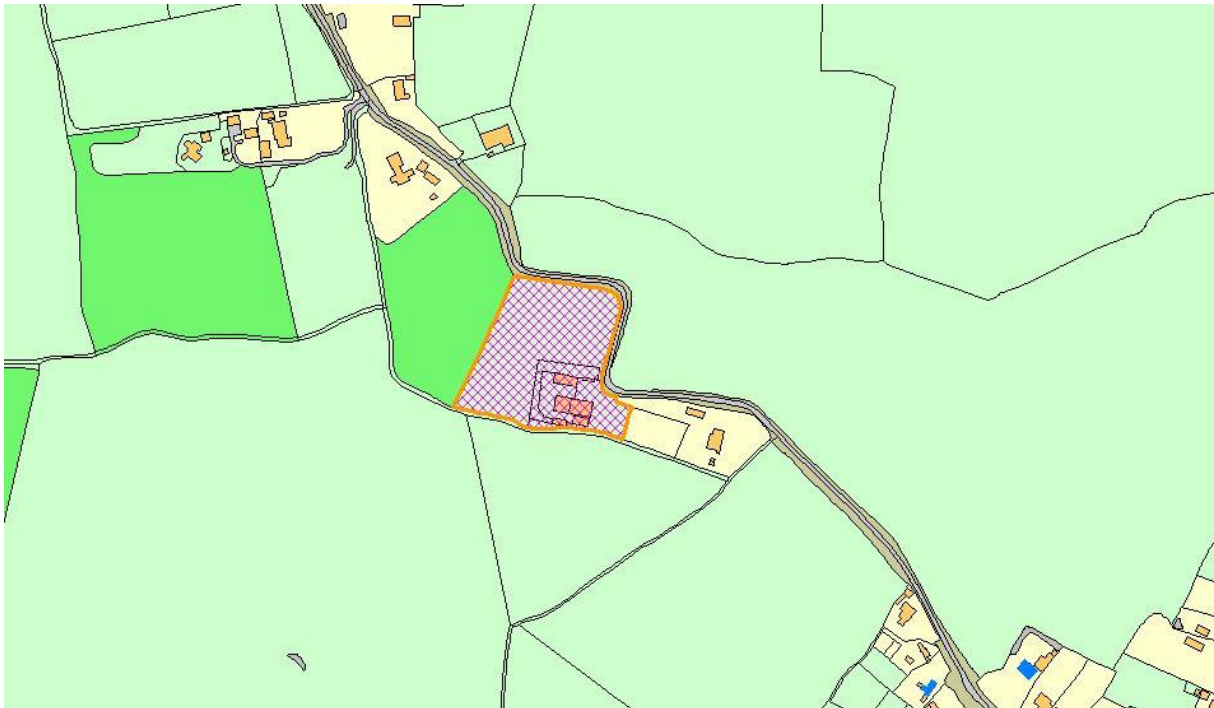


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/0247/OP

**LOCATION: The Rise Brick End
Broxted**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 29.11.2021

PROPOSAL: Outline application with all matters reserved except access, layout and scale for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping

APPLICANT: Amanda & Daren Bye

AGENT: Mr Alan Gunne-Jones

EXPIRY DATE: Extension of time agreed to 17.12.2021

CASE OFFICER: Rachel Beale

NOTATION: Outside Development Limits. Countryside Protection Zone. Protected Lane.

1. RECOMMENDATION: APPROVAL WITH CONDITIONS

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

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

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

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

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

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

- 4). Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features

- New planting
- Hard surfaces
- Boundary treatment

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

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S1 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2021.

- 5). Prior to commencement of development, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and heritage protection in accordance with Policies S7, ENV2 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition justification: To ensure that the resulting development does not prejudice the visual qualities of the area or the setting of nearby designated heritage assets.

- 6). 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.
 - VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not

brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 7). Prior to implementation, the developer to provide a scheme of passing places as shown in principle in submitted drawings IT2082/TA/003/A, IT2082/SK/010, IT2082/SK011, IT2082/SK/012. All necessary works including any relocation or provision of signage, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense.

Reason: In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 8). Prior to occupation of the development, the access, turning and vehicle parking provision as shown in principle on submitted drawings IT2082/TA/002 and autotrack swept paths shall be provided, including a clear to ground visibility splays with dimensions of 2.4 metres by 31 metres to the north and 2.4m by 45m to the east directions, as measured from and along the nearside edge of the carriageway. The turning, parking and access with associated vehicular visibility splays shall always retained free of any obstruction thereafter.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 9). Prior to occupation, signing to be provided within the site to direct all traffic to the east. All businesses within the site be required to sign a Traffic Routeing Management Agreement to ensure HGVs use the agreed routing to the east and south as shown on drawing number IT2082/TA/004 and that deliveries are provided with this information.

Reason: To ensure that businesses are aware of the appropriate route for vehicles to use in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 10). Prior to occupation, the cycle parking facilities as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and always retained.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and the adopted Uttlesford Local Plan 2005 - Policy GEN1.

- 11). Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall include the offer and provision of a sustainable transport link (for example a minibus) for employees to Stansted Airport bus and coach station, the plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.

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

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

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Rainwater harvesting should be utilised wherever possible in line with the preliminary design.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

- 13). No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoil's 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. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

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

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021.

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.

- 15). 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. This condition is in accordance with the Uttlesford Local Plan Policy GEN3 (adopted 2005) and the National Planning Policy Framework 2021

- 16). Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (Hybrid Ecology, April 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with the adopted Uttlesford Local Plan (2005) - Policy GEN7.

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

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

- 18). Concurrent with reserved matters, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Brindle and Green, November 2020), 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 implement the Reasonable Avoidance Measures recommended for amphibians and mammals and to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the adopted Uttlesford Local Plan (2005).

- 19). Concurrent with reserved matters, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Ecological Impact Assessment (Brindle and Green, November 2020). The content of the Biodiversity and Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures.
 - b) detailed designs to achieve stated objectives.
 - c) locations of proposed enhancement measures by appropriate maps and plans.
 - d) persons responsible for implementing the enhancement measures.
 - e) details of initial aftercare and long-term maintenance.
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

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

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

Reason: To allow the 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 Policy GEN7 of the adopted Uttlesford Local Plan (2005).

- 21). No development shall take place until an aviation perspective Glint and Glare assessment is provided to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport. The assessment will need to demonstrate that there will be no ocular hazard to pilots using Stansted.

Reason: the site is located on the approach to Runway 22 and the large areas of metallic roofs and glazing have the potential present a hazard to flight. Condition in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005).

- 22). No development to take place until a detailed lighting scheme (with specifications) is provided to the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: The site is located just 2.7km northeast from the 22 threshold at STN, it is imperative that any exterior lights do not confuse or distract pilots using Stansted Airport. This condition in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005).

2. DESCRIPTION OF THE SITE:

- 2.1 The site is in the Essex countryside, an area characterised by small irregular fields interspersed with commons, woods and a generally dispersed settlement pattern. It is between Brick End and Pledgdon Green and is comprised of existing commercial premises containing a corrugated and block work constructed workshops facing onto a large concrete hardstanding area and various smaller storage sheds and containers located within the site. The site includes a large open area, used previously for storage and car parking and serving as additional storage space under the current use. The current business, Shaw Building Group (SBG), on site is a joinery workshop and construction & facilities management company which has been trading locally for the past 14 years.
- 2.2 The site has been used as light industry for about 27 years. It started as a series of chicken sheds and expanded into larger units. The previous occupier of the site was Weld Air which serviced the airport and required HGV's (Heavy Goods Vehicles) on site with ad hoc storage around the boundary of the site.
- 2.3 The site is entered from a protected lane. The current boundary with the lane and surrounding fields is screened by an existing bund, created by the previous owner of the site around mature trees and hedges (blackthorn, Hawthorn, Elder, and Hazel) and allowed by the planning department.

3. PROPOSALS

- 3.1 The proposal is to remove the existing unsightly sheds and replace them with 3 new buildings, 2 of which will re-house the existing services of SBG and the 3rd will function as an office and administration building for SBG, as well as creating additional storage space for materials on site. In addition, on the adjacent brown field area, previously used for airport parking, the proposal is to create a Craft Hub (CH), where small business can locate and grow whilst servicing the local area and community. The hard standing area will be repaved with drainage, grasscrete and porous paving providing a sustainable surface water drainage system and defined, ordered parking areas.

4. ENVIRONMENTAL IMPACT ASSESSMENT

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

5. APPLICANTS CASE

5.1 The application is accompanied by a detailed Design & Access Statement which refers to the planning history of the site, and how design principles have informed the current scheme.

5.2 To inform Members of the concept behind the proposal, the following section of the statement is extracted:

5.3 *“The proposal is to remove the existing unsightly sheds and replace them with 3 new buildings, 2 of which will re-house the existing services of SBG and the 3rd will function as an office and administration building for SBG, as well as creating additional storage space for materials on site. In addition, on the adjacent brown field area, previously used for airport parking, the proposal is to create a Craft Hub (CH), where small business can locate and grow whilst servicing the local area and community.*

The existing buildings on site are an eyesore and do not blend well with the surrounding environment. In addition, they are not well insulated and surrounded by concrete landscaping with no drainage. The new buildings will be designed with sympathetic materials and updated construction methods being well insulated, reducing noise emissions and improve the overall energy usage and consumption of the site, as well as providing a much better level of employment space and security. This would preserve and enhance the amenity to the neighbours and the setting of the listed land and surrounding countryside.

Travel to and from the site will not be increased when compared to the current use and the proposals will encourage movement by means other than driving a car. The parking and landscaping would be improved to encourage biodiversity and sustainable drainage.

There has been considerable residential growth in Takeley, Elsenham and Stanstead, all within 5 miles of the site (easy cycling distance) but little commercial development which has resulted in the increase of population needing to travel to existing commercial areas in larger towns such as Bishops Stortford, Harlow, Chelmsford, as well as commuting to London. The proposed Craft Hub would not only give potential employment opportunities but also will provide space to small craft industries that can serve the increasing population, reducing the need to travel and benefiting the local economy.”.

6. RELEVANT SITE HISTORY

UTT/1010/12/FUL - Erection of extension to existing workshop - Refused and appealed.

APP/C1570/A/12/2183989 - Allowed on 15/02/2012.

UTT/1791/02/FUL - Extension to workshop to provide new offices and welfare facilities - Approved with Conditions on 21/03/2003

UTT/0375/02/FUL - Extension to workshop to create new offices and welfare facility – Refused 24/06/2002

UTT/1147/90 - Change of use from redundant poultry house to craft workshop - assembly and storage light industrial use - Approved with Conditions 10/09/1990.

7. CONSULTATION RESPONSES:

7.1 Broxted Parish Council

The parish council does not see this development as sustainable or acceptable under local and national planning policies. The effect on the protected lane past the site is particularly concerning. The development is likely to have an adverse effect on highway safety, the environment and local amenity. Any benefits of allowing the development are in the council's view outweighed by its adverse effects on the quality of life and safety of local residents, neighbours and road users. The parish council therefore objects to this proposal.

The parish council has been contacted by many residents, including neighbours of the proposed development and others who are likely to be directly affected by it, with full details of their concerns. We ask you also to note the large numbers of objections and comments already submitted to you by local residents about these plans.

Material considerations

The Parish Council wishes to bring the following to the attention of Uttlesford District Council as local planning authority:

1.The application is not acceptable under the existing (2005) approved Local Plan in relation to the "quality of life" issues below:

1.GEN1 – Access.

The access to the main road network is not capable of safely carrying the traffic generated by the development. This is clear from the detailed comments supplied to you by local residents and evidence of accidents which have occurred in the past two years (GEN1 (a)).

The design of the site compromises road safety by using access onto a single-track lane which has "Protected Lane" status. The site access is near two blind bends. There have been accidents on the lane in normal times (e.g., Monday 15 March 2021) and when the lane was used as a diversion in 2019 (GEN1 (c)).

The applicant's proposal to prevent traffic approaching the site from the north is unlikely to succeed in preventing an increase in traffic from that direction. The applicant acknowledges that the development will create additional traffic movements which he quantifies as 62 journeys twice a day, from the south. Even such an increase would conflict with the needs of cyclists, pedestrians and horse riders using the lane (GEN1 (c)). It is suspected that the development would generate more journeys than estimated by the applicant.

1.2 GEN2 – Design

The design does not seem to meet all the criteria specified. For example:

The height of the buildings is not compatible with the surrounding buildings, which are residential houses. At least one building is described as 7m high (GEN2 (a)).

Its visual and environmental impact would be significant, as it seems the development would overshadow the lane itself and be taller than neighbouring houses. There is no information on how this impact would be reduced as required by the Local Plan (GEN2 (b)).

It would have a materially adverse effect on the occupation and enjoyment of residential properties, because of a loss of privacy and daylight and its likely overbearing impact and/or overshadowing (GEN2 (h) and (i)).

Since it does not appear to meet all the criteria, it should not be permitted under Policy GEN2.

1.3 GEN4 – Good neighbourliness

The application is for commercial and/or industrial use. It is understood that several buildings would be let to companies or individuals but that the terms of the leases and the nature of those businesses cannot yet be known.

Under GEN4, uses which generate noise or vibrations, smell, dust, and other pollutants will not be permitted if these would cause material disturbance or nuisance to occupiers of surrounding properties. Since the site is surrounded by residential properties, there is a significant risk that any such use will cause disturbance or nuisance. Without knowing what type of tenants will be offered leases, the LPA cannot be sure that these types of uses will be prevented.

1.4 GEN7 – Nature conservation

Under the above policy, unless the need for the development outweighs the importance of wildlife features which would be harmed by it, the development will not be permitted. Please refer to the comments relating to this application submitted by Mr W O'Connor in his letter dated 10 March 2021 for a detailed analysis of the likely harm to wildlife including protected species. In particular he concludes, as an expert in the field, that there would be a 58% net loss of biodiversity as a result of the development.

1.5 GEN8 – Vehicle Parking Standards

Unless the number, design and layout of vehicle parking places proposed is appropriate for the location, development will not be permitted under this policy. The aim of discouraging parking and thereby car use, set out at paragraph 3.18 of the policy, does not seem likely to be achieved by providing more than 70 parking spaces for 7 buildings. This is likely to cause traffic congestion on a lane which cannot accommodate any additional traffic, which has inadequate passing places and where there is no public transport.

It is understood that many of the applicant's business clients travel from London, and it seems unlikely that many will be local and/or encouraged to use alternatives to a car. We welcome the applicant's plans to meet client and provide minibuss transport to the site. However, this does not remove local concerns that providing parking spaces on this scale will attract illegal parking relating to the airport. The Local Plan provides that the level of parking on new developments should not create problems (with parking) where they do not presently exist.

2.The development does not appear to comply with other aspects of local planning policy as follows:

2.1 Policy ENV3 – open spaces and trees

The natural environment is to be protected for its own sake, particularly for its biodiversity, but also for its cultural and visual qualities. This development risks:

- Changing the character of a rural lane which has Protected Lane status, by overshadowing it with tall buildings.
- Affecting the view from surrounding lanes adversely
- Reducing the attractive rural and agricultural visual and cultural environment which is currently part of the experience of travelling along the lane. This is especially true for cyclists, walkers, and riders.

It does not safeguard the character of the historic settlement of Pledgdon Green and Broxton, since it would more than double the size of an existing small commercial development and add tall buildings between two-storey houses. Many houses in Pledgdon Green and along Brick End Road are very old and/or listed buildings.

The development would be in an area subject to high levels of noise from aircraft, and tenants using office space or workshops on the site would be affected by this.

The open space which is now around the existing buildings seems to be intended for use as parking spaces in the applicant's plans. Policy ENV3 makes it clear that even if a patch of open space is untidy, its existence may be important, and the policy promises that "smaller spaces of importance will be protected where development would be inappropriate."

2.2 Policy ENV7 – local areas of nature conservation significance

It appears from Mr O'Connor's analysis (referred to at 1.4 above) that wildlife habitats are very likely to be affected. Under the above policy, development proposals will not be permitted unless the need for the development outweighs the local significance of the site to the biodiversity of the District. It seems unlikely that the loss of habitats would be outweighed by the need for the development. See 2.4 and 2.5 below.

2.3 Policy ENV8 – other landscape elements of importance for nature conservation

Developments which may adversely affect landscape elements including semi-natural grasslands and hedgerows will only be permitted under certain conditions, such as where the need for the development outweighs the need to retain the elements for their importance to wild fauna and flora.

Mr O'Connor's submission explains how and why the proposed development would affect landscape elements and how these are important to local flora and fauna.

2.4 General policy S7 – The countryside

This site is in the countryside which is to be protected for its own sake under this policy. Permission will only be given for development that needs to take place there or is appropriate for a rural area.

There seem to be no special reasons why this development, in the form proposed, needs to be there, and nothing to suggest it will enhance the character of the part of the countryside within which it is set. Unfortunately, an element which might have helped to meet this requirement, a "green roof", has been removed from the proposal.

There is a small undeveloped commercial site in Brick End, Broxton which already has planning permission, so it is not clear why commercial buildings need to be constructed at The Rise.

2.5 General Policy S8 – the Countryside Protection Zone

In this Zone, planning permission will only be granted for development that is required to be there or which is appropriate to a rural area. Please see comments at 2.4 above.

There is concern that allowing a commercial development with 72 parking places will encourage businesses related to the airport to take up the tenancies. This has the potential for an urbanising influence on the open countryside around the site, as well as creating a risk of the use of parking spaces by air passengers. The purpose of the CPZ is to prevent airport-related activity filtering into surrounding villages and reducing the distinction between airport and countryside.

3. The National Planning Policy Framework (NPPF): Sustainability:

We note and are glad to hear about the applicant's plans to promote sustainable transport by running a minibus to collect visitors to the premises from a railway station. However, it is still likely that nearly all journeys to the site will be by car or van, taking account of delivery vehicles and employees travelling to the site on a daily basis. On other similar commercial and industrial sites in the district the increased traffic has proved to be a constant problem on narrow country lanes (for example in the neighbouring parish of Great Easton and Tilty at Cherry Street).

Problems with safe and suitable access to the site have been described by many residents in their comments on this proposal and we endorse these concerns.

It does not seem that the significant impact on highway safety can be cost-effectively mitigated to an acceptable degree, as required by the NPPF. Adding hard surfaces to the existing informal passing places in the lane would make the damage to the verges permanent. The lane has blind bends and the access from the north, past Pledgdon Green itself, is acknowledged by the applicant to be completely unsuitable.

Priority should be given first to pedestrian and cycle movements. The development will create conflict between different types of road user. The protected lane is not suited to any increase in the volume of traffic, but the applicant acknowledges that the increase in business and carparking spaces – from two buildings to seven buildings - will result in more vehicle journeys along UTTLANE98.

Overall, it cannot be said that this is a sustainable development.

7.2 Henham Parish Council

The site is located on the protected lane UTTLANE98. This lane is single carriageway with no passing points. It is very dangerous with poor viability. The lane is frequented by pedestrians and horses from the local area and any increase in vehicular movement would increase the risk of danger to individuals and livestock.

The location is totally unsuitable for a venture of this type. The only access is via the lane by car and so is unsustainable.

The detrimental effect of increased vehicle movements to the site on the lane, environment and the increased hazard to pedestrians makes the site un-viable and so the application should be refused.

We trust Officers will support the objection of the Parish Council and local residents and refuse the application.

7.3 ECC Highways

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

7.4 ECC SUDS

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.

7.5 ECC Ecology

No objection subject to biodiversity mitigation and enhancement measures.

7.6 MAG Aerodrome Safeguarding

The Safeguarding Authority for Stansted Airport (STN) has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. This proposal does give rise to concern and therefore we request conditions are applied if permission is granted.

7.7 **UDC Landscape Officer**

I'm happy with the passing bay treatment, although I'd rather not see any channel drains installed. A soft edge to the carriageway is important to retain and certainly no kerbing.

8. **REPRESENTATIONS**

Several representations were received from residents, a third of which were in support, and the following observations have been made:

- Unsuitable access road
- Inappropriate in rural area
- Might lead to shops
- Impact on protected lane
- Increase danger to road users
- Increase flooding
- Too big
- Ecological impacts
- Good employment opportunities
- Rural employment opportunities
- Well designed
- Replaces existing development

9. **POLICIES**

9.1 **National Policies**

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance

9.2 **Uttlesford District Local Plan 2005**

ULP Policy S7 – The Countryside
ULP Policy S8 – Countryside Protection Zone
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy ENV9 – Historic Landscapes

9.4 **Other Material Considerations**

Essex Design Guide
Essex County Council Parking Standards – “Design and Good Practice”
(September 2009)
Uttlesford District Council Parking Standards (February 2013)
Uttlesford District Council Interim Climate Change Planning Policy (February 2021)

10. CONSIDERATION AND ASSESSMENT:

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

- A. Principle of development (S7, S8, GEN1, GEN3, GEN7, NPPF)
- B. Whether proposed access arrangements would be acceptable (GEN1, NPPF)
- C. Design in terms of Layout and Scale (GEN2, GEN8, NPPF)
- D. Ecological Impacts (GEN7, NPPF).
- E. Impact on Protected Lane (ENV9)

A Principle of development (S7, S8, GEN1, GEN3, GEN7, NPPF)

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan unless material considerations indicate otherwise. The planning policies contained within the National Planning Policy Framework 2021 (the NPPF) are also a material planning consideration, particularly where the policies in the Adopted Development Plan are out of date, whereby the revised NPPF provides the statutory guidance for determining planning applications at a national level. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in January 2005 and is therefore now over 16 years old and pre-dates both the original NPPF (2012) and the latest version (2021). A Neighbourhood Plan does not currently exist for Broxted.

10.2 The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.

10.3 Paragraph 11d) of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out of date, the LPA should grant planning permission unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development (see Footnote 7); 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.

Countryside protection:

10.4 Paragraph 170 of the NPPF seeks to protect and enhance 'valued landscapes' in a 'manner commensurate with their statutory status or identified quality in the development plan' whereby the Framework requires recognition to be given to the intrinsic character and beauty of the countryside. ULP Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that

there will be strict controls on new building. Policy S7 also states that 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 there are special reasons why the development in the form proposed needs to be there. Policy S7 has been found, however, to be partially consistent with the provisions of the NPPF following an independent policy review of the adopted local plan against the NPPF (Ann Skippers). Policy S7, however, is still a saved local plan policy and carries moderate weight.

- 10.5 The site is not covered by any statutory or local landscape designation or identified within the development plan for its landscape quality. Therefore, the site is not a 'valued landscape' in the context of the Framework and its location means that it is generally representative of the wider countryside in the area.
- 10.6 It is recognised that the proposal would have some environmental impacts as it would introduce built form into the countryside, however the site comprises previously developed and undeveloped land that features an expanse of hard standing, several buildings and unused open land. The site is well screened from the street scene and this screening would be retained as part of the proposals. The contained nature of the site ensures the immediate countryside character would be protected and as the site is not considered to significantly contribute to the character of the wider settlement, its development is not considered to have a detrimental impact.
- 10.7 The Adopted Local Plan also places the site within the Countryside Protection Zone. Policy S8 has a similar countryside constraint approach to Policy S7, but states specifically that development will not be permitted if (a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or (b) would adversely affect the open characteristics of the zone. It cannot be said that the development would promote airport coalescence given the location of the site and due to the site being very well screened and partially previously developed it is considered there would be no adverse effect on the open characteristics of the zone.
- 10.8 As such, it is considered that the environmental objectives of the NPPF (2021) is met in terms of assessing wider environmental impacts.

Economic contribution:

- 10.9 Paragraph 84 of the NPPF encourages supporting a prosperous rural economy and states planning policies and decisions should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" Paragraph 85 then goes on to say that decisions should recognise that sites to meet local and community needs in rural areas may have to be found beyond existing settlements and in locations that are not well served by public transport. It also states that the use of previously developed land should be encouraged.
- 10.10 The proposed development would provide much needed employment uses within the district, ensure the improvement and longevity of an existing and established local business and provide positive opportunity for new local businesses to locate and grow in a suitable setting. The proposal would

create a number of opportunities for local residents in terms of jobs and provide quality commercial development in a rural area.

- 10.11 As such, it is considered that the economic objective of the NPPF is met.

Flood risk:

- 10.12 The application is accompanied by a Flood Risk Assessment, (March 2021), a SUDS Report (March 2021) and Percolation Test Report (March 2021). The submitted reports have been examined by the Lead Local Drainage Authority who have not objected in their revised comments dated 16.03.2021 subject to conditions. No drainage objections are therefore raised on this basis under the relevant provisions of the NPPF and ULP Policy GEN3.

Accessibility to local services:

- 10.13 Paragraph 110 of the NPPF states that in assessing 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, whilst paragraph 113 advises that all developments that will generate significant amounts of movement should be required to provide a travel plan. Paragraph 105 does acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be considered in decision-making.

- 10.14 The site is in Broxted which contains no local services or amenities except for a public house. The larger settlements of Thaxted and Great Dunmow are 5 and 7 miles respectively from the site, both of which contain several services including shops, primary and secondary schools, and doctors. The site is located just over 3 miles from Elsenham which contains a train station. The applicant states that employees of the existing business on the site cycle to and from here. The site is within walking distance of a bus stop however this would mean pedestrians would be walking down an unlit country lane.

- 10.15 The submission includes a travel plan which will encourage car sharing and proposes the provision of a hopper minibus to link to Stansted Airport and the train and bus station there, to be secured by condition.

B Whether means of access would be satisfactory / sustainable transport measures (GEN1, NPPF)

- 10.16 The site is located on an unclassified road to the northwest of Brick End; the road is narrow with limited places for passing. The site has an existing use and a previous use as a metal fabricating works which is likely to have attracted HGVs. The road currently carries very low numbers of vehicles, and this proposal is forecast to generate traffic of approximately 67 vehicles in the am peak and 65 in the pm peak, this traffic would be generally travel in the same direction to the site in the morning and away from it in the evening. The application states that the nature of the development is unlikely to generate HGV movements, however an estimate based on TRICS (a database based on surveys of developments of different land use classes in different location types) a has been undertaken, this estimates a possible 6 HGV movements a day for this quantum of land, this is likely to be a robust estimate.

- 10.17 As part of the submission the applicant has proposed a number of passing places. The highway authority visited the site with Essex Highways engineers to assess the locations of the proposed passing places and the deliverability. They have confirmed that they are satisfied that the passing places can be delivered within the highway and would be of benefit in allowing vehicles to pass each other safely.
- 10.18 It is recognised the road to the north is not suitable for HGVs and no mitigation is provided, therefore signing will be required within the site to direct all traffic south, and can be secured by condition. The development will also have a travel plan which will encourage car sharing and proposes the provision of a hopper minibus to link to Stansted Airport and the train and bus station there. The access to the site is being improved to provide adequate visibility and turning for vehicles.
- 10.19 It is therefore considered that, from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

C Layout and scale (GEN2, GEN8. NPPF)

- 10.20 Paragraph 130 of the NPPF states that all new developments should “optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development” and be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping”. Policy GEN2 of the adopted Local Plan states that development will only be permitted if its design meets the design criteria contained within the policy and has regard to Supplementary Design Guidance.
- 10.21 This outline application is for the consideration of layout and scale only, and not the individual design of the buildings.
- 10.22 The layout of the development maximises the usable space on the site and provides sufficient space for parking and manoeuvring of vehicles within the site. The Craft Hub buildings are organised in a traditional courtyard form referencing the Essex farm typology. The proposed development leaves sufficient gaps between the buildings to ensure they do not appear squashed into the site. The proposed scale is considered appropriate for the nature of the development and, taking the existing development into consideration, would not appear overly dominant within the site and its surrounding context.
- 10.23 The proposed development by reason of its layout and scale would not give rise to any significant residential amenity issues in terms of overbearing effect, loss of privacy, overshadowing or loss of light for neighbouring dwellings.
- 10.24 It is considered that the scale and layout of the development as shown would be acceptable and no objections are raised under Policy GEN2 of the adopted Local Plan in this regard whereby it is considered that the scheme would align with the requirements of the NPPF.

D Ecological impacts (GEN7, NPPF)

10.25 A detailed Ecological Impact Assessment was submitted as part of the proposals. ECC Place Services have advised in their consultation response that they are satisfied that there is sufficient ecological information available for determination of the application, adding that with appropriate mitigation measures secured that the development can be made acceptable.

10.26 No ecology objections are therefore raised under Policy GEN7 of the adopted Local Plan subject to the recommended conditions.

E Impact on the Protected Lane (ENV9)

10.27 The Landscape Officer has been consulted on the proposals and, following amendments and clarification by the applicant, has confirmed that he does not object to the proposals and that the protected lane would not be harmed. No objections are therefore raised under Policy ENV7 of the adopted Local Plan subject to the conditions.

PLANNING BALANCE

10.28 It is considered when taking the Framework as a whole that the benefits of the proposal, where mitigation has been offered to make the development acceptable, are considered not to outweigh the harm from the development in the countryside. The tilted balance in favour of the proposal, including a presumption in favour of sustainable development, is therefore engaged.

11. EQUALITIES

11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.