



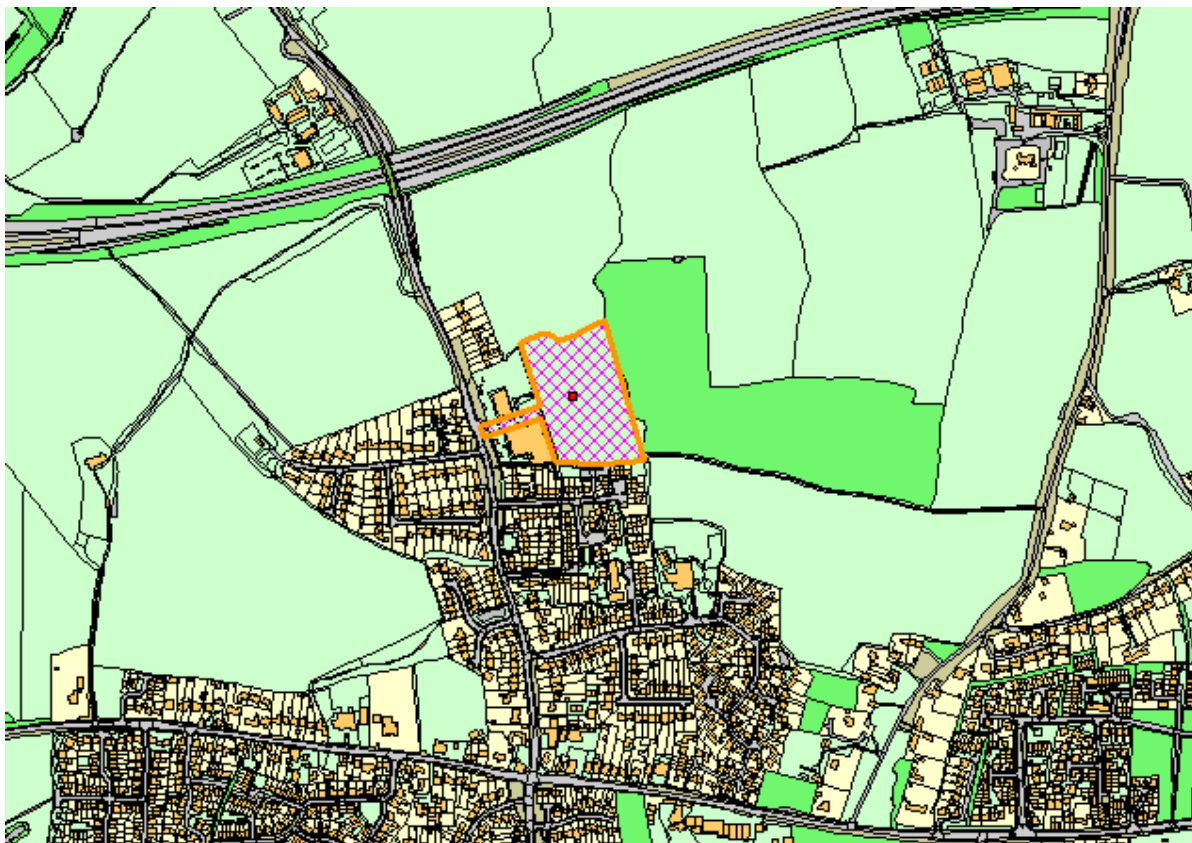
ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 8 March 2023

REFERENCE NUMBER: UTT/22/2744/FUL

LOCATION: Land Known As 7 Acres, Warish Hall Farm, Parsonage Road, Takeley

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: Feb 2023

PROPOSAL: **Erection of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.**

APPLICANT: **Weston Homes PLC**

AGENT: **Mr Jarrod Spencer**

EXPIRY DATE: **10 January 2023**

EOT Expiry Date

CASE OFFICER: **Laurence Ackrill**

NOTATION: **Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood); Contaminated Land Historic Land Use; Within 6km of Stansted Airport; Within 2KM of SSSI; County and Local Wildlife site (Priors Wood).**

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

1. EXECUTIVE SUMMARY

1.1 Full planning permission is sought for the construction of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.

1.2 The application site lies outside the defined settlement boundary limits and is thereby located within the countryside as designated by Policy S7 of the Adopted Local Plan. The site is located outside development limits and is also located within the Countryside Protection Zone (CPZ).

1.3 As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.

1.4 The application was reviewed at the Planning Committee meeting on 8th of February 2023. Members resolved to refuse the application . However,

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

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

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

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

1.6 The proposals would bring public benefits by the longer-term employment provision from the business park extension and the provision of a medical facility. Furthermore, weight has been given to biodiversity net gain, improvements to transport infrastructure and on-site energy generation from low-carbon sources. The development would provide social and economic benefits in terms of the construction of the buildings and the investment into the local economy. Thus, taken together, significant weight to the benefits of the development have been considered.

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

2. RECOMMENDATION

2.1

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

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

And

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

2.2 In the event that members choose to make a decision contrary to the officer recommendation (which is that the proposed development accords with the development plan overall), it will be necessary to consider the presumption in favour of sustainable development in the NPPF. This is because the proposals cannot be tested against a fully up-to-date Development Plan and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

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

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

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located to the north-east of Takeley and comprises predominantly agricultural land, known as '7 Acres'. The site area measures approximately 2.3ha and has a largely flat gradient.

3.2 There is commercial development immediately to the west of the site, with vehicular access onto Parsonage Road. This adjacent site is designated as a Key Employment Area within the Local Plan. To the east of the site is Ancient Woodland (Priors Wood), which is also designated an important woodland and county wildlife site within the Local Plan. South of this is residential development and a public right of way runs along the southern boundary of the site.

3.3 The site is not located within or adjacent to any conservation areas and there are no listed structures on or adjacent to the site. The site is located outside development limits and is also located within the Countryside Protection Zone.

4. PROPOSAL

4.1 Full planning permission is sought for the erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated

landscaping and parking. The proposed buildings would provide 3568sqm of flexible employment space, including a 581sqm building dedicated for use as a Medical Centre.

4.2 Access to the site would be through the adjoining employment site to the west, through an extended estate road, with on-site parking provision.

4.3 The development site would feature a 15m buffer zone to the Ancient Woodland of Prior's Wood and an outdoor amenity space for employees within the estate.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

- 6.1**
- UTT/21/1987/FUL - Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley – Refused – 20/12/2021. Appeal reference: APP/C1570/W/22/3291524 – Appeal Dismissed – 09/08/2022.
 - UTT/22/2134/FUL - Proposed change of use of land to create extension to the existing car park serving the Weston Group Business Hub and Weston Innovation Centre, including 124no. car parking spaces with associated access and landscaping. - Weston Business Centre Parsonage Road Takeley Bishops Stortford, CM22 6PU. – Approve with conditions – 13/10/2022.

Adjoining Sites

- 6.2**
- UTT/0761/01/OP - Erection of a two storey building for class B1 (business) - Factory Building On Part Of Zellweger Site - Former Neotronics Building Parsonage Road Takeley - Approve with Conditions – 11/10/2001.
 - UTT/17/1854/FUL - Demolition of Skyway House and erection of a two storey office building for use within Class B1a, provision and reconfiguration of car parking, and alterations to vehicular accesses -

Skyways House Parsonage Road Takeley - Approve with Conditions
– 17/01/2018.

- UTT/21/2488/OP - Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure - Land East Of Parsonage Road Takeley - Approve with Conditions – 09/11/2022.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. No prior discussion has taken place with the Local Planning Authority prior to the submission of this current application. However, the site formed part of a previous application where commercial and community uses were provided on the same parcel of land. As such, it can be considered that the following consultation events have been held by the applicants:

- UTT/20/2531/PA: Re-development of the following land parcels at Warish Hall Farm; Jacks - 2 Hectares Bull Field - 4 Hectares 7 Acres - 2.2 Hectares Initial proposal of up to 100 dwellings and 400 sqm of light industrial / commercial development.
- Distribution of leaflets to local residents, online public consultation, follow-up online public consultation, consolidation and application of public comments, notices erected around the site and a public exhibition.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority – No Objection.

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

8.2 Highways Agency – No Objection.

8.2.1 We have reviewed the technical information provided in support of this planning application and we conclude that this development will not have a severe impact upon the nearby A120.

8.3 Local Flood Authority – No Objection.

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

8.4 Natural England – No Objection.

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

9. Takeley Parish Council Comments - Object

9.1 Resolved to object on the following grounds:

- Harm caused to the CPZ and countryside.
- Harm to the adjacent Woodland.
- Concerns regarding design.
- Drainage issues.
- Highways impact and access concerns.

10. CONSULTEE RESPONSES

10.2 UDC Environmental Health – No Objection.

10.2.1 This service has reviewed this application and whilst there is no objection in principle, subject to a condition relating to a further noise assessment should be carried out to assess the likely impact of noise from plant, machinery and general noise from the use of the site.

10.2.2 No objection on grounds of contaminated land or air quality, which can be adequately dealt with by way of condition.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comments received.

10.4 Conservation Officer – No Objection.

10.4.1 It is considered that the proposals would result in no harm to the significance of any heritage assets

10.5 Archaeology Place Services – No Objection.

10.5.1 No objection, subject to conditions, including an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

10.6 ECC Infrastructure – No Objection.

10.6.1 No contributions are sought from commercial development.

10.7 Place Services (Ecology) – No Objection

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

10.8 Minerals and Waste Planning – No Objection.

10.8.1 Essex County Council in its capacity as the Minerals and Waste Planning Authority has no comment to make.

10.9 Aerodrome Safeguarding – No Objection.

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

10.10 NATS – No Objection.

10.10.1 NATS have no safeguarding objections to the proposal.

10.11 Thames Water – No Objection.

10.11.1 Thames Water have no objection to this application subject to the inclusion of informatives.

10.12 Woodland Trust – No Comments Received.

10.13 UDC Economic Development Manager – Support.

10.13.1 In 2016 The Council's Economic Development Team commissioned a report which highlighted the shortage of commercial land and premises across the district. In 2021 the Council's Local Plan Team commissioned the Employment Needs and Economic Development Study which similarly highlighted the shortage of commercial land and premises and also the unmet demand in the area surrounding the airport for industrial units. I would strongly support an increase in commercial / industrial units in the area surrounding the airport.

10.14 NHS Hertfordshire and West Essex – Support.

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

11. REPRESENTATIONS

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

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

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

11.2 Summary of Objections

- Impact on the countryside character and policy S7
- Impact on the Countryside Protection Zone and policy S8
- Impact upon highway congestion and highway safety
- Reduction of green spaces
- Impact on heritage assets
- Lack of infrastructure
- Loss of agricultural land
- Inaccurate info within transport survey
- Lack of parking
- Impact on drainage and flooding
- There is no need for employment space
- Impact on property values (Officer comment: this is a purely private matter and not a material planning consideration).

12. MATERIAL CONSIDERATIONS

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

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

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

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

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

(c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant

planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.5** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

- 13.2** National Planning Policy Framework (2021)

13.3 Uttlesford Local Plan 2005

- S7 – The Countryside
- S8 – The Countryside Protection Zone
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN5 – Light Pollution
- GEN6 – Infrastructure Provision
- GEN7 – Nature Conservation
- GEN8 – Vehicle Parking Standards
- E1 – Distribution of Employment Land
- E2 – Safeguarding Employment Land
- E3 – Access to Workplaces
- ENV2 – Development Affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- ENV4 – Ancient monuments and Sites of Archaeological Importance
Policy
- ENV5 – Protection of Agricultural Land
- ENV7 – Protection of the Natural Environment
- ENV8 – Other Landscape Elements of Importance

ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land

13.4 Supplementary Planning Document or Guidance

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

14. CONSIDERATIONS AND ASSESSMENT

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

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

14.3 A) Background

14.3.1 This application follows on from an application under reference UTT/21/1987/FUL that included this part of the site. That proposal involved a mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood; 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes. The application was refused permission for the following grounds:

1. The proposed form of the development is considered incompatible with the countryside setting, and that of existing built development in the locality of the site. The proposal would result in significant overdevelopment of the site, particularly to the eastern side of the site at Smiths Green Lane/ Warish Hall Lane, and Jacks Lane. The proposal would compromise the setting of the countryside, where rural

development should only take place where it needs to be in that location. Further, the proposal would adversely impact upon the Countryside Protection Zone, which places strict control on new development.

2. The proposal would have an adverse impact upon the setting of several designated and non-designated heritage assets, by way of its impacts upon the wider agrarian character adjacent to Takeley. In particular, to the north of the site is the scheduled monument of Warish Hall moated site and the remains of Takeley Priory (list entry number: 1007834). Sited within the Scheduled Monument is the Grade I listed Warish Hall and Moat Bridge (list entry number: 1169063). The application site is considered to positively contribute to the setting, experience, and appreciation of this highly sensitive heritage asset. Further, Smith's Green Lane is identified as 'Warrish Hall Road' and 'Warrish Hall Road 1.' in the Uttlesford Protected Lanes Assessment and due consideration much be given to the protection of this non-designated heritage asset (Ref: UTTLANE156 and UTTLANE166). The proposals would result in less than substantial harm to a number of designated and non-designated heritage assets, including the significance of the Protected Lane(s), situated in close proximity to the site, which would not be outweighed by any public benefits accruing from the proposed development.
3. The proposed development does not provide sufficient mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. In particular, the location and layout of the principal roadway serving the residential and commercial development does not provide a sufficient buffer afforded to Prior's Wood, to address the potential detrimental impacts associated with the siting of a large-scale housing development adjacent to its boundary.
4. The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development.

14.3.2 The proposal was subsequently dismissed at appeal, with the Planning Inspector concluding that the proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, that it would reduce the open character of the CPZ and would cause less than substantial harm to 11 no. designated heritage assets that would not be outweighed by the public benefits.

14.3.3 In order to overcome the concerns in respect of this refused / dismissed scheme the site area has been reduced, with this scheme now including only the '7 Acres' part of the site, involving the commercial extension to the business park. As such, the scheme is materially different to that of the previous proposal.

14.4 B) Principle of development

Provision of Employment Space

- 14.4.1** The 2021 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 14.4.2** Policies within Chapter 4 ‘Economic Activity’ of the Local Plan 2005, seek to ensure that provision is made for enough land to meet the structure plan requirement and enable the expansion of existing firms and the introduction of new employment; to ensure that a range of employment opportunities is available at key locations across the district and that alternative employment exists other than in the concentration on the airport at Stansted; to enable opportunities for local employment close to where people live, which may potentially reduce travel to work and to ensure that development is accessible to all.
- 14.4.3** The proposed development will provide 3 new units for flexible Class E purposes, totalling 3568 sqm (GIA). The proposal has been developed to meet the needs of various types and sizes of occupiers and will secure the development of this vacant site and contribute to the delivery of high-quality employment floorspace in Uttlesford.
- 14.4.4** The Council’s Economic Development Team have been consulted as part of the application and are supportive of the provision of such employment space in this location and do not consider that such provision would undermine the use of the existing Key Employment Area. As also noted by the Planning Inspector as part of the previous appeal *‘the longer-term employment provision from the business park extension are significant public benefits and attract significant weight.’* As such, the proposal would be in line with the overarching objectives of adopted policy in supporting economic growth in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

Healthcare Facilities

- 14.4.5** Of the total floor space provision, a 581sqm building dedicated for use as a new Medical Centre that would to serve existing and new patients, allowing for improved care and treatment. One of the overarching objectives of the Uttlesford Local Plan is ‘to improve the health of the community.’
- 14.4.6** A Medical Centre was included as part of the previous application and whilst the current application does not involve additional residential units, the need for the Medical Centre was not raised as a concern by the

Clinical Commissioning Group (CCG) who were consulted as part of that application, nor the Inspector who considered the 2022 appeal.

- 14.4.7** The Medical Centre would be offered to CCG for their use. At the time of writing the CCG was not able to confirm if a provider that would be willing to take up the space. However, they did advise that forecasted growth will significantly increase pressure on local health services. As such, it is not considered that the inclusion of the Medical Centre would undermine the delivery of health facilities within Takeley or the wider area. In addition, it is noted that this was not raised as a going concern by the CCG as part of the previous application, nor raised as an issue by the Planning Inspector as part of the appeal. Therefore, the delivery of the Medical Centre would be in accordance with the overarching objectives of the Local Plan in supporting improved healthcare facilities for the community and would be a significant benefit of the proposed development.

Development Limits

- 14.4.8** The application site is located outside of the development limits and in the countryside. Uttlesford Local Plan policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 14.4.9** Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.
- 14.4.10** A review of policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.
- 14.4.11** Although outside the 'development limits' of Takeley as designated by the Local Plan, the new built form would be constructed towards the north-eastern edge of the settlement and adjoining an existing 'Key Employment Area', therefore the proposals provide a logical relationship with the existing settlement and employment uses. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

Countryside Protection Zone

- 14.4.12** The site is also located within the Countryside Protection Zone for which Uttlesford Local Plan Policy S8 applies. Policy S8 states that in the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following apply:
- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside
 - b) It would adversely affect the open characteristics of the zone.
- 14.4.13** Policy S8 is more restrictive than the balancing of harm against benefits approach of the NPPF, noting that the NPPF at paragraph 170 advises that decisions should recognise the intrinsic character and beauty of the countryside and that the 'protection' afforded to the CPZ in Policy S8 is not the same as the Framework's 'recognition'.
- 14.4.14** The application site is currently agricultural land with planting around the boundaries and they therefore contribute to the character and appearance of the countryside around the airport and the Countryside Protection Zone as a whole. However, it does adjoin development in Takeley and Priors Wood and the A120 creates a barrier between the proposed development and Stansted Airport.
- 14.4.15** As noted above, a material consideration is the appeal decision, as highlighted within planning history section of this report (APP/C1570/W/22/3291524), which relates to development at the site being within the Countryside Protection Zone.
- 14.4.16** The Planning Inspector as part of that appeal noted that *'7 Acres has planting around the boundaries... While the appeal site contributes to the character and appearance of the countryside to the south of the airport, and the CPZ as a whole, it is separated from the airport by the A120 dual-carriageway and sits in close proximity to development in Takeley, Smiths Green and Little Canfield. (Para 30).*
- 14.4.17** Furthermore, at para 32, the Inspector considered that *'in terms of coalescence with the airport, I acknowledge that the proposal would further increase built development between the airport and Takeley, in a location where the gap between the airport and surrounding development is less than in other areas of the CPZ. However, the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.'*
- 14.4.18** *'While the factors set out above would serve to reduce the impact, the proposal would nevertheless result in an adverse effect on the open characteristics of the CPZ in conflict with LP Policy S8.'* (Para 33).

- 14.4.19** Given the proposal in relation to the 7 Acres has not changed significantly since the previous application, it is considered that the proposal would result in in harm to the character and appearance of the countryside around the airport and the CPZ, however, that harm would be limited. The proposal therefore fails to accord with Uttlesford Local Plan policy S8.

Loss of Agricultural Land

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

relation to the site; neither was it highlighted as a concern by the Planning Inspector when the appeal was determined. Accordingly, the loss of the agricultural land in this location is afforded very limited weight and is not considered to give rise to significant conflict with policy ENV5 or paragraph 174b of the Framework.

Policy Position

- 14.4.26** As the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 is fully engaged along with the "tilted balance" in favour of the proposals.
- 14.4.27** Paragraph 11 requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 14.4.28** The introduction of built form in this location would result in some harm to the openness and character of the rural area and therefore would be contrary to the aims of policy S7 and S8. However, as noted by the Planning Inspector as part of the previous appeal relating to the site, *7 Acres 7 Acres 'is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.'* In addition, given *'the open countryside between the airport and the A120, along with Priors Wood would prevent the proposal resulting in coalescence between the airport and existing development.'* Therefore, the proposal would not be considered to result in significant coalescence between the airport and existing development in the surrounding countryside.
- 14.4.29** As the proposals cannot be tested against a fully up-to-date Development Plan and that policies ENV5, S7 & S8 are not fully consistent with the NPPF, conflict with such policies should be given moderate weight. The proposal would outweigh the harm identified in relation to rural restraint set out in ULP Policies S7 and S8. Therefore, in balancing planning merits, it is considered that the social and economic benefits would outweigh the environmental harm identified within this report and, therefore, when reviewed against the aforementioned policies, the proposal is, on balance, considered to be acceptable in principle.

14.5 C) Countryside Impact

- 14.5.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 14.5.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.5.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.5.4** The application site lies within the character area known as the 'Broxted Farmland Plateau' which lies between the upper Chelmer and upper Stort River Valleys and stretches from Henham and Ugley Greens eastwards to Molehill Green and the rural fringe to the west of Great Dunmow.
- 14.5.5** The area is characterised by gently undulating farmland on glacial till plateau, dissected by River Roding. The assessment describes the key characteristics for the landscape area as being the open nature of the skyline of higher areas of plateau is visually sensitive, with new development potentially visible within expansive views across the plateau. There are also several important wildlife habitats within the area. which are sensitive to changes in land management. Overall, this character area has moderate to high sensitivity to change. The assessment also highlights that any new development should respond to the historic settlement pattern, especially scale and density, and that the use of materials, and especially colour, should be appropriate to the local landscape character and that such development should be well integrated with the surrounding landscape.
- 14.5.6** As noted by the Planning Inspector's comments in relation to the site as part of the previous appeal, *'the site which comprises 7 Acres... is enclosed by mature boundary planting and existing development. This sense of enclosure means that these areas of the appeal site are largely separate from the wider landscape and the LVIA identified visual receptors. Accordingly, I consider the proposal would have minimal effect in terms of landscape character and visual impact in respect of these areas.'* (Para 22).
- 14.5.7** Given that the proposed scheme has not changed significantly in relation to the proposed development on the site of 7 Acres, and that the Planning Inspector of the previous appeal considered the impact on this part of the site to be 'minimal', no further concerns are raised in relation to the proposal regarding the visual impact and effect on the wider landscape character area.

14.6 D) Design & Neighbouring Amenity

Design

- 14.6.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at Paragraph 124 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in policy GEN2 of the adopted Local Plan.
- 14.6.2** The proposed development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties the proposal would not result in any material overlooking, overshadowing or overbearing impact.
- 14.6.3** The buildings would be 2no. commercial storeys, ranging from 7.75m to 9.32m in height, which will facilitate a variety of potential tenants and meet the servicing needs.
- 14.6.4** The units are laid out logically and functionally, with clearly demarcated entrances, delivery and service areas and separate, safe pedestrian approaches, with areas for soft landscaping. The employment units would be finished predominantly in profiled metal cladding, whilst the medical centre would be largely finished in brick, the final details of which would be secured by way of condition.
- 14.6.5** The proposal also involves the creation of an outdoor amenity space for employees within the estate southern part of the site. The amenity area will be spacious and a predominantly green landscaped area that would provide both benefits to the scheme in terms of its visual appearance and also to the well-being of employees, along with a 15m buffer being maintained between the edge of the development and the Ancient Woodland.
- 14.6.6** Overall, the proposed development would have a high quality multi-functional employment space, providing an appropriate extension to the existing employment site to the west of the site. The proposals are therefore considered to be consistent with the provisions of Policies GEN2 of the adopted Uttlesford Local Plan 2005.

Neighbouring Amenity

- 14.6.7** The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.
- 14.6.8** As noted above, the proposal would be up to two storeys in scale, ranging from 7.75m to 9.32m in height. The proposed site would be located due

north of the closest neighbouring residential development, where there would be a substantial soft-landscaped buffer between the sites that would adequately off-set any potential adverse impacts in terms of daylight / sunlight or appearing overbearing or resulting in loss of outlook. The closest building to the residential units to the south would be over 25m away from the medical centre building.

14.6.9 The proposed commercial buildings would be separated from the closest residential properties to the north, approved as part of application UTT/21/2488/OP, by at least 10m to the common boundary between the 2 sites and would also be screened by east by existing strong planting that borders the two sites.

14.6.10 In terms of noise, the Council's Environmental Health Team have been consulted as part of the application and consider that a further noise assessment would be required to be carried out to assess the likely impact of noise from plant, machinery and general noise from the use of the site, to determine the likely noise impact of the proposal, whether the proposals are acceptable and what level of noise from plant and machinery would be acceptable. The Environmental Health Team consider that this could be adequately restricted by way of condition and relevant assessments provided prior to the occupation of the units.

14.6.11 The hours of use of the site would be restricted by way of condition to reasonable times, similar to those approved in relation to the existing employment area that adjoins the site, to ensure that the use of the site would not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

14.6.12 Given the generous spacings between the proposed buildings within the development to that of the closest neighbouring residential developments and the restrictions on potential noise emanating from the site by conditions, the proposal would have an acceptable impact upon the residential amenity of neighbouring occupiers. As such, the proposal would comply with Policies GEN2 and GEN4 of the Local Plan.

14.7 E) Heritage impacts and Archaeology

14.7.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.7.2 There are no designated or scheduled heritage assets within or immediately adjacent to the proposed development site that would be impacted upon. It is noted that a reason for refusal as part of the previous application involving the site included the harm caused setting of several designated and non-designated heritage assets. However, this was in

relation to a separate parcel of land that is not included within this application. The ECC Historic Environment Team have been consulted as part of the application and have confirmed that the proposals would result in no harm to the significance of any heritage assets. As such, the proposal overcomes the previous reason for refusal in relation to harm to heritage assets and the proposal would therefore comply with policy ENV2 of the Local Plan.

- 14.7.3** In terms of archaeology, policy ENV4 of the adopted local plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.
- 14.7.4** The site is not located within or adjacent to an archaeological site. However, the ECC Place Services Archaeology Team note that the Historic Environment Record has identified that the proposed development lies within an area where there are extensive known archaeological deposits and as such the site has high potential for further deposits to be identified.
- 14.7.5** As such, subject to the imposition of conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation, the proposal would comply with policy ENV4 of the Local Plan.

14.8 F) Access and Parking

Access

- 14.8.1** Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.
- 14.8.2** Policy GEN8 also states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in Supplementary Planning Guidance "Vehicle Parking Standards". This states a maximum of 1 space per 35m². Moreover, the ECC also provides maximum vehicle parking standards in relation to office use development, of 1 space per 30m².
- 14.8.3** The primary access serving the site is from Parsonage Road to the west. In order to facilitate this access, the existing Weston Homes car park is to be modified, so that vehicles are afforded access to the proposed site.

- 14.8.4** The ECC Highways Authority have been consulted as part of the application and advise that the impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA (Microprocessor Optimised Vehicle Actuation) which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.
- 14.8.5** Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.
- 14.8.6** Moreover, the National Highways Team have also been consulted as part of the application and have advised that, due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.
- 14.8.7** Overall, the proposed development would have an acceptable impact upon highway safety and parking pressure within the locality of the site and therefore in accordance with the aforementioned policies, subject to conditions and a S106 agreement securing planning obligations.

14.9 G) Nature Conservation & Trees

Nature Conservation

- 14.9.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.9.2** The application site itself is not subject of any statutory nature conservation designation being largely used for agriculture. However, the site is adjacent to Prior's Wood Local Wildlife Site (LoWS) which comprises Priority habitat Lowland Mixed Deciduous Woodland and is also an Ancient Woodland, an irreplaceable habitat.
- 14.9.3** The site is also within the 10.4km evidenced Zone of Influence for recreational impacts at Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR). However, given the proposal does not involve the provision of residential units, Natural England considers that the proposed development will not have likely significant

effects on statutorily protected sites and has no objection to the proposed development.

14.9.4 The ECC Place Services Ecology Team have been consulted as part of the application and support the proposed reasonable biodiversity compensation and enhancement measures including the planting of a native hedgerow on the western boundary, installation of bird and bat boxes as well as new tree and shrub planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

14.9.5 It is noted that The Woodland Trust have been consulted as part of the application but have not provided any comments. Nevertheless, it is noted that objections were raised by the Trust in relation to previous application involving the site. As part of the objection to the proposed development, a request was made for there to be a buffer zone of at least 50m between the Woodland and the proposed development. However, Standing Advice issued by Natural England and The Forestry Commission recommends that a buffer zone of at least 15 metres from the boundary of the woodland should be provided in all cases. Whilst paragraph 180(c) of the NPPF makes clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy, the Council's ecology advice from Place Services raised no issues as regards impacts on Prior's Wood in respect of any resulting loss or deterioration.

14.9.6 As part of the previous application involving the site, it is noted that there was a reason for refusal as part of that application relating to the lack of mitigation in terms of its impacts upon the adjacent Ancient Woodland at Priors Wood. However, this element was assessed by the Planning Inspector as part of the subsequent appeal, who considered that as *'there would be no incursion into the root protection area and no harm to trees would result.'*

14.9.7 The Inspector then went on to state that they were *'content from the submitted written evidence and what I heard at the Inquiry, that neither the proposed road or cycleway within the buffer or proposed housing in the vicinity, would lead to indirect effects on the ancient woodland as identified in the Standing Advice, given the proposed measures set out in the Prior's Wood Management Plan.'* Whilst a Management Plan has not been provided as part of this application, the proposed road and cycleway as referred to above do not form part of this application. There would be a footpath within the 15m buffer zone. However, this would only comprise a narrow gravel path. In any case, the proposal would be subject to the submission of a landscape and ecological management plan to ensure there would be no adverse effects upon the Ancient Woodland.

14.9.8 Given the above, refusal of the application on the grounds of harm caused to the Ancient Woodland could not be sustained as there would be no

conflict with Policy ENV8 or the Standing Advice issued by Natural England and The Forestry Commission, therefore the proposal is acceptable in this regard.

Trees

14.9.9 No individual trees, tree groups, or woodland will require removal to implement the proposed development. Approximately 80m of hedgerow H5, a low quality (Category C) that is dominated by blackthorn, will require removal to allow the proposed development to be implemented. However, it is noted that the same hedgerow was proposed to be removed as part of the previous application at the site and that the ECC Place Services Ecology Team noted that such losses would be mitigated by proposed new tree and hedge planting, as shown on the submitted Landscape Masterplan. The finer details of which would be secured by way of condition.

14.9.10 Overall, it is considered that the proposal would not have any material detrimental impact in respect of protected species, subject to condition and s106 obligations accords with ULP policies GEN7 & ENV8.

14.10 H) Climate Change

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

14.10.2 The applicant has submitted an Energy and Sustainability Statement which highlights that the proposal has adopted a 'fabric First' approach to maximise the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems.

14.10.3 The statement demonstrates that the applicant would be committed to meeting the requirements of Part G of building regulations, as well as installing a number of renewable energy measures such as through the use of PV Panels. However, the full extent of the sustainable measures would become clearer prior to the fit out of the proposal. As such, a condition relating to the installation of sustainable energy measures is to be attached.

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

14.11 I) Contamination

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

14.11.2 The applicant has provided a The Phase 1 investigation that does not identify any pollutant linkages. No remediation of the site is expected to be required to make the site suitable for use. The Council's Environmental Health Officer has been consulted on the application and notes that there is no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Therefore, a condition is to be attached to ensure that if any land contamination identified, the site shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

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

14.12 J) Flooding

14.12.1 The NPPF states that inappropriate development in areas of high-risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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

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

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

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

14.13 K) Air Quality

14.13.1 The site is not located within a poor air quality zone. However, an air quality assessment has been provided. The Council's Environmental Health Officer has been consulted as part of the application and raises no objection to the proposed development in this regard, subject to the imposition of a condition relating to the submission of a mitigation scheme to ensure dust from demolition and construction is controlled in accordance with IAQM's Guidance.

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

14.14 L) Planning Obligations

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

- A financial contribution of £280,000 towards improvements to enhanced bus services.
- A financial contribution of £50,000 (index linked) to fund design and implementation of improvements to the signalised junction of the B1256/B183.
- A financial contribution of £6,132 (plus the relevant sustainable travel indexation) for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.
- Healthcare Facility Land Option to CCG.

15 ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

15.5 Human Rights

15.6 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

16 Planning Balance and Conclusion

16.1 Paragraph 11 of the NPPF requires the decision maker to grant planning permission unless having undertaken a balancing exercise there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

16.2 In respect to addressing the benefits of the development, the proposal for a large-scale employment use and the employment opportunities that would be created as a consequence carries significant weight and the socioeconomic benefits which carry moderate weight.

16.3 The proposal would provide a new medical centre to serve existing and new patients, allowing for improved care and treatment, as well as education and training. It would not undermine the delivery of health facilities within Takeley and the wider district, and the benefits of the healthcare facilities proposed would also carry significant weight.

16.4 The development would provide economic and social benefits in terms of the construction of the development.

16.5 Turning to the adverse impacts of development, the negative environmental effect of the development would be limited and localised landscape character and visual effects on the character and appearance of the countryside arising from the built form. This would have a minimal effect in terms of landscape character and visual impact. However, it would result in a minor adverse effect on the open characteristics of the CPZ.

16.6 Therefore, and taken together, weight to the minor adverse impacts have been considered in respect of development and the conflict with development plan policies. The benefits of granting planning permission would significantly and demonstrably outweigh the identified adverse impacts of development. In the circumstances, the proposal would represent sustainable development in accordance with the NPPF.

16.7 Overall, the proposals are in conformity with relevant local and national planning policies and the scheme results in a positive and sustainable form of development that is of planning merit.

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

17. S106/ CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- i. Financial contribution towards improvements to enhanced bus services.
 - ii. Financial contribution to fund design and implementation of improvements to the signalised junction of the B1256/B183.
 - iii. Financial contribution for the monitoring of a Workplace Travel Plan, to cover a 5-year period from first occupation.
 - iv. Healthcare Facility Land Option to CCG.
 - v. Monitoring cost.
 - vi. Payment of the council's reasonable legal costs.

17.3 Conditions

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

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

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

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

- 3** Prior to the commencement of any works a mitigation scheme in accordance with the IAQM's Guidance on the assessment of dust from demolition and construction must be submitted to and approved in writing by the Local Planning Authority to ensure that any detrimental impact to air quality during the development phase is controlled. Thereafter, the development shall not be carried out other than in accordance with the approved mitigation scheme, which shall be implemented before any part of the development is occupied.

REASON: To minimise any adverse effects on air quality, in accordance with Policies GEN4 & ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4** Prior to the commencement of any works, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include impacts upon adjacent Local Wildlife Sites, Priority habitat and ancient woodland.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- 5** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Update and Walkover (Ecology Solutions, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 6** If the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

- 7** Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.

REASON: To protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 8** No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching has been secured in

accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 9** A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 11** The applicant shall submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: To ensure the appropriate investigation of archaeological remains, in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 12** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. Routing strategy for construction vehicles
- vi. Protection of any public rights of way within or adjacent to the site
- vii. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 13** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures

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

- 14** No development in connection with the construction of the development hereby approved shall take place until an Energy Statement has been submitted to and approved in writing by the Planning Authority, including full details of the proposed energy efficiency measures and renewable technologies to be incorporated into the development. The development shall not be occupied unless it has been carried out in accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and be fully operational before first occupation of the units.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

- 15** No development above slab level shall commence until the external materials of construction for the development have been submitted to and approved in

writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 16** Prior to the commencement of any works above slab level, a Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed compensation and enhancement measures by appropriate maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the compensation and enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

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

- 17** Prior to the commencement of the development, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure flood risk is not increased elsewhere by development, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 18** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 20** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the adjacent development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter.

REASON: To enable future or existing development to be linked to the pedestrian cycle network in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policies DM9 & DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 21** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 22** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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

- 23** During demolition & construction robust measures must be taken to control dust and smoke clouds.

REASON: Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers.

- 24** During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to prevent scavenging of any detritus.

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

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

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management

Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 26** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 27** The development hereby approved shall not be occupied until such time as their associated cycle parking indicated on the approved plans, have been provided.

REASON: To ensure appropriate bicycle parking is provided in accordance with policy DM1 AND DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 28** Prior to the first occupation of the development, details of measures to maximise the use of low-emission transport modes (e.g. secure covered storage for an electric vehicle charge point) must be submitted to and approved in writing by the local planning authority. The measures must be installed in accordance with the approved details prior to occupation.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 29** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

- 30** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

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

- 31** A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

- 32** Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. The noise of all vehicles and equipment required for the operation proposed industrial site shall not exceed a rating level above the daytime and evening background noise level when measured be in accordance with BS4142: 2014 when measured at any boundary of the nearest sensitive receptor.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

- 33** In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with GEN4 of the Uttlesford Local Plan (adopted 2005).

- 34** Prior to the first occupation of the development, a scheme for the treatment of the proposed development site including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005.

- 35** In perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. The Obligations and Undertaking set out in the submitted BHMP are appropriate for this development in this location and should address any issues with breeding gulls on the roof spaces. For consistency and avoidance of doubt, sections

9.3 and 9.4 should mention all roof spaces, not just portacabin roofs, and any review of the management plan should be in conjunction with STN.

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

- 36** No landscaping development to take place until the species details of the planting proposals for shrubs, trees and hedgerows are submitted to the Local Planning Authority for approval in consultation with the safeguarding authority for Stansted Airport.

REASON: Flight safety – Birdstrike avoidance; the planting has the potential to attract and support arboreal and flocking bird species, depending on the species and varieties to be planted.

- 37** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. Flat plate LED luminaires that are downward focused are requested.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport. The proposed development is 2600 meters from the airfield boundary. Due to the proximity of the airfield visual circuit (night) the LED technology has very little upward dispersal of light and the light emitted is more directional (downwards).

- 38** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be added to the building without the express consent of the local planning authority. If solar pv is added, a full Glint & Glare assessment will be necessary.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN and in accordance with Policy GEN5 of the Adopted Local Plan and the National Planning Policy Framework.

- 39** The use of the buildings hereby permitted shall not be operated before 07:00 hours or after 21:00 hours Monday to Sunday, including Bank Holidays.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 40** Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the use of the premises shall be restricted to any industrial processes (Use Class E(g); and/or Use Class

E(e) purposes only and shall not be used for any other purpose including any purpose within Class E of within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may replace it), unless approval is obtained to a variation of this condition through the submission of a planning application. No more than 600m² of floorspace shall be allocated to Class E(e) as part of the development.

REASON: In order to protect employment floorspace, given the employment demand in the district and to enable the Local Planning Authority to properly consider and control the uses to protect the amenity of nearby residents.

Appendix 1 –Statutory Consultee Reponses

Your Ref: UTT/22/2744/FUL
Our Ref:HT/TPD /SD/KW/48518/4B
Date:- 23/12/2022



CC: Essex Highways DM
Cllr Susan Barker
Travel Plan Team

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/2744/FUL
Applicant Weston Homes PLC
Site Location Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley
Proposal Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking

Note

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

The transport assessment relied heavily on the previous application and transport assessment and assessed the site in conjunction with a separate application (Jacks Lane). While this has been noted as possible cumulative impact it has not been assumed that this will be approved. It should be noted any future applications in this area should use the most up to date traffic data and not rely on growing pre-covid data.

The impact on the Four Ashes Junction was assessed, and part of the mitigation is to improve the junction by upgrading it with MOVA which will provide additional capacity as the signals will respond to changes in queues allowing more traffic through on the busiest arms. This is the same mitigation required from the approved development Land West of Parsonage Road and work is being carried out to develop this scheme. A proportionate contribution is required from this site to upgrade the poles and cables and signal heads to support the implementation of MOVA.

Contributions are also required support local bus services and ensure there are good local links to the site, and to the design and implementation of a cycle route between Takeley and Stansted Airport. These contributions will be pooled with other contributions from local developments. These works will support the workplace travel plan.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for;
 - I. the parking of vehicles of site operatives and visitors,
 - II. loading and unloading of plant and materials,
 - III. storage of plant and materials used in constructing the development,
 - IV. wheel and underbody washing facilities.
 - V. Routing strategy for construction vehicles
 - VI. Protection of any public rights of way within or adjacent to the site
 - VII. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. **Access:** Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
3. **Sustainable Transport Contribution:** Prior to any occupation, payment of a financial contribution of £280,000 (indexed from the date of this recommendation) shall be paid to fund improvements to enhance bus services between the development, Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site. In addition funding will contribute to the design and implementation of a cycle route between Takeley and Stansted Airport. **Reason:** to improve the accessibility of the of the development by bus in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011
4. **B1256/B183 Junction:** Prior to any occupation payment of a financial contribution of £50,000 (indexed from the date of this recommendation) shall be paid to fund design and implementation of improvements to the signalised junction of the B1256/B183 (known as the Four Ashes) including any necessary enhancement, refurbishment or renewal of equipment and signing and lining including that required to provide prioritisation for cyclists at the junction as appropriate, contribution may be used to fund work already carried out or funded, at the time of payment, by the highway authority at

this junction. **Reason:** to mitigate against impact of the development on signalised junction by helping increase capacity and providing facilities for cyclists.

5. **Permeability:** The path running north/south immediately east of the commercial building shall extend right up to the northern boundary of the site and seek to link to any path that is part of the a development immediately to the north of the site for the use of pedestrians and cyclists. The Owners and/or Developer shall not cause there to be any legal or physical barriers to impede the passage of pedestrians or cyclists along the footpath or footway/cycleway either at the boundaries of the of the Land or at any point on the Land within the ownership of the Owners and/or Developer. The developer shall submit details to the planning authority on a plan for approval prior to development and implement the approved scheme thereafter. **Reason:** To enable future or existing development to be linked to the pedestrian cycle network without any further permissions or payment and so as to prevent the creation of ransom strips at the point where the paths meet the site boundary.
6. **Vehicular Parking:** Development shall not be occupied until such time as their associated vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. **Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
7. **Cycle Parking:** Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
8. **Workplace Travel Plan:** Prior to first occupation of the proposed commercial development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Informatives:

- (i) Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway

Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction. To be provided prior to the issue of the works licence.

- (ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- (vi) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way 40 (Takeley) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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



pp. Director for Highways and Transportation
Enquiries to Katherine Wilkinson
Internet: www.essex.gov.uk



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

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

To: Uttlesford District Council FAO, Laurence Ackrill

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

Council's Reference: UTT/22/2744/FUL **National Highways Ref:** 96941

Location: Land Known as 7 Acres Warish Hall Farm Parsonage Road, Takeley

Proposal: Erection of 4 no. industrial/flexible employment (Use Class E) buildings (c.3568sqm) associated landscaping and parking.

Referring to the consultation on a planning application dated 06 December 2022, referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

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

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

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

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

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

Signature: S. H.	Date: 22 December 2022
Name: Shamsul Hoque	Position: Assistant Spatial Planner
National Highways Woodlands Manton Lane Bedford MK41 7LW	

Annex A National Highway's assessment of the proposed development

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

This response represents our formal recommendations with regard UTT/22/2744/FUL and has been prepared by Shamsul Hoque.

We have completed our review of the details and information provided. The current proposals under planning application UTT/22/2744/FUL now comprise only the employment component of the proposed development, from an earlier application (21/1987/FUL) on this site. There are slight differences in the quantity of employment floor space assessed previously and with the current proposal. The impact of the employment floor space would have been considered to have fallen below the threshold at which National Highways would require junction capacity assessments at nearby SRN junctions.

Due to the scale and nature of the proposed development, there is unlikely to have any severe effect on the Strategic Road Network.

National Highways raises no objections.

Date: 03 November 2022
Our ref: 410169
Your ref: UTT/22/2744/FUL



planning@uttlesford.gov.uk

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking
Location: Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your consultation on the above dated 13 October 2022 which was received by Natural England on 13 October 2022

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

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

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

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

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

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

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

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

Yours faithfully

Teena Lawrence
Consultations Team

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



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 25th January 2023
Our Ref: SUDS-006323
Your Ref: UTT/22/2744/FUL

Dear Laurence Ackrill,

Consultation Response – UTT/22/2744/FUL– Land Known As 7 Acres Warish Hall Farm Parsonage Road Takeley

Thank you for your email received on 16/01/2023 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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

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

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

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Job number: 2951 dated 08/09/22) and the following mitigation measures detailed within the FRA:

- Infiltration testing in line with BRE 365.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Condition 3

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

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

We also have the following advisory comments:

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

- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures [Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/flood-risk-assessments-climate-change-allowances)

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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

Summary of Flood Risk Responsibilities for your Council

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

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

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

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

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Georgie Tuttle, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

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Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- **Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)**

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.