



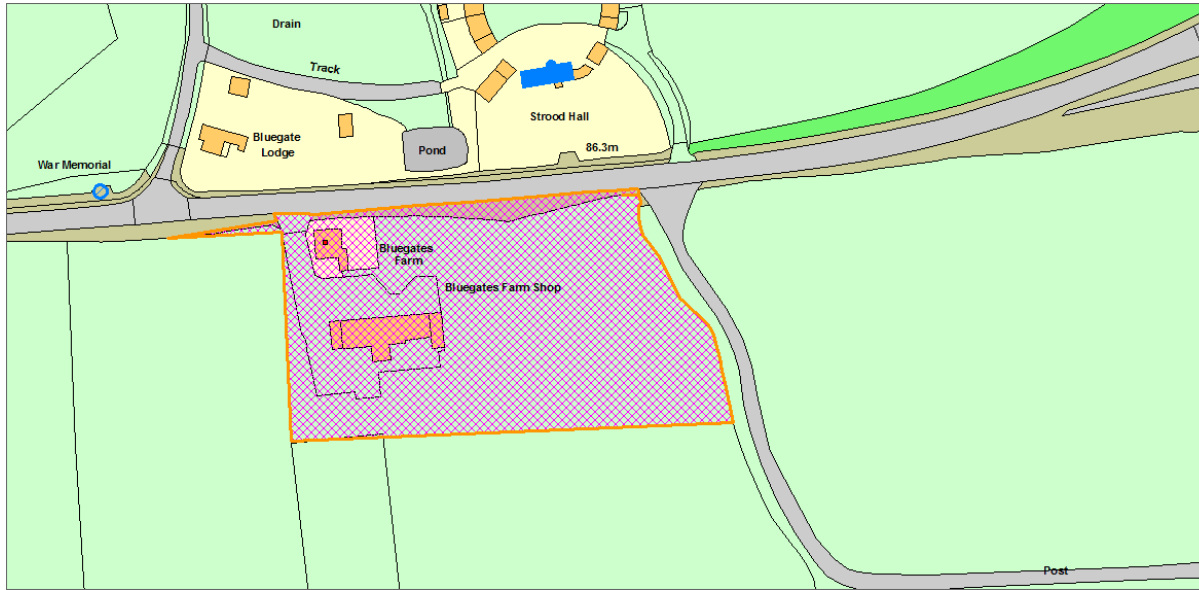
ITEM NUMBER: 15

**PLANNING COMMITTEE 05 April 2023
DATE:**

REFERENCE NUMBER: UTT/22/1752/FUL

LOCATION: Bluegates Farm, Stortford Road, Great Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 17/01/2022

PROPOSAL: Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

APPLICANT: Mr Peter Curran,

AGENT: Mr Paul Calder,

EXPIRY DATE: 31 August 2022

EOT Expiry Date: 13 January 2023

CASE OFFICER: Nathan Makwana

NOTATION: Outside Development Limits

REASON THIS APPLICATION IS ON THE AGENDA: Called in by Councillor Sutton

1. EXECUTIVE SUMMARY

1.1 This application is for the Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution). It follows a previous 2018 application, UTT/18/2478/FUL which was for the proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping. In order to facilitate the proposed change of use, the car park will be re configured so that larger vehicles including HGV's (heavy goods vehicles) can safely park at the site.

1.2 The application has been through various rounds of consultation with the Local Highways Authority who raise no objection, neither do Ecology nor Conservation.

2. RECOMMENDATION

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

- 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.

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site is located within an area of generally open countryside midway between the town of Great Dunmow and the village of Little Canfield. It is situated on the southern side of the Stortford Road (B1256) and in close proximity to the A120, a key infrastructure corridor through Essex. The site adjoins open fields to the east and west while to the north, on the opposite side of the road, lie residential properties. Flitch Way runs along the southern boundary of the site. There is existing mature vegetation along this boundary screening the site from views when pedestrians and cyclist travel along the Flitch Way.

3.2 The site measures 0.76 hectares and is broadly rectangular shaped. Access to the site is gained directly off the Stortford Road to the north.

3.3 The site falls outside a defined settlement or any other designation for the purposes of local planning policy.

4. PROPOSAL

4.1 Planning permission is sought for the change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution).

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/18/2478/FUL - Proposed demolition of existing residential property and office building and replacement with 1no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping – Approved with Conditions on 18.04.2019

6.2 UTT/20/2498/NMA - Non-Material Amendment to UTT/18/2478/FUL - to add plans condition listing plan numbers 960.002.03, 960.201.01, 960.202.02, 960.203.00, 960.204.01, 960.205.01, 960.206.00, 960.207.00, 960.208.01 and 960.209.00 – Approved on 05.11.2020

6.3 UTT/22/0198/NMA – Non-Material amendments to UTT/18/2478/FUL- amend position of building and add fire escape personnel doors to southern elevation – Approved on 25.01.2022

7. PREAPPLICATION ADVICE

7.1 No pre-application advice has been sought for this planning application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 ECC Highway Authority

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

9. PARISH COUNCIL COMMENTS

9.1 No comments received.

10. CONSULTEE RESPONSES

10.1 ECC Place Services (Ecology)

10.1.1 No objection to this application. Do not consider there are likely to be any additional impacts to ecology from the proposed change of use. Biodiversity enhancements have also been secured by design.

10.2 ECC Place Services (Buildings and Conservation)

10.2.1 No objection to this application.

The building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).

It is understood that this application seeks consent for the change of use only and that no external changes are proposed, raise no objection to this application.

10.3 UDC Environmental Health

10.3.1 The Environmental Protection Team have no objections to the proposed change of use.

11. REPRESENTATIONS

11.1 This application has been publicised by Site notices and local press adverts. In addition, 79 notifications letters were sent to nearby properties.

11.2 No representations have been received.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 The Development Plan

12.3.1 Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

- 13.2.1** S7 – The Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN4 – Good Neighbourliness
 - GEN5 – Light Pollution
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - E3 – Access to Workplaces
 - ENV2 – Development Affecting Listed Buildings
 - ENV10 – Noise Sensitive Developments
 - ENV12 – Groundwater Protection
 - ENV14 – Contaminated Land

13.3 Supplementary Planning Document or Guidance

- 13.3.1** 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:

- 14.1.1** **A) The Principle of Development**

- B) Design and impact on neighbour’s amenity and character and setting of adjacent Listed Buildings**
- C) Highways and Access**
- D) Ecology**
- E) Planning Obligations**

- 14.2** **A) The Principle of Development**

- 14.2.1** The application site is located outside both of the development limits of Little Canfield and Great Dunmow and is therefore located within the open countryside and is therefore located within the Countryside where policy S7 applies.

- 14.2.2** This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are

special reasons why the development in the form proposed needs to be there.

14.2.3 This is a successor application to UTT/18/2478/FUL which was for the Proposed demolition of existing residential property and office building and replacement with 1 no. office building, 2 no. cycle stores and 1 no. bin store, with associated hard and soft landscaping.

14.2.4 In determining the application, the then officer report determined that in view that most of the existing site is brownfield, and that the Council has a shortage of commercial accommodation, the harm caused to the countryside setting and limited harm to the setting of the nearby Listed Buildings, on balance, the benefits are considered to outweigh the harm and therefore the principle of the development of this site for office use purposes is acceptable subject to the proposal complying with all other relevant Development Plan policies.

14.2.5 Planning consent UTT/18/2478/FUL has been implemented. This proposal seeks merely to change the use from its previous B1 (now Class E) use to a mixed Class E and B8 (Storage and Distribution). According to the Planning Statement, “the proposed change of use would provide for the continued and improved economic use of the site. Since the grant of planning permission for office use in 2018, and the recent Covid-19 pandemic, working habits have significantly changed and office-based businesses have shifted to increased working from home while internet-based businesses have significantly increased. Such businesses tend to require a smaller but increased storage provision for their equipment and goods.”

14.2.6 It goes on to state that the applicant has therefore experienced a significant reduction in the need for/interest in the approved office space and seeks to provide a mixed use for office and storage purposes in response to the recent change in working practices. The site benefits from a previously approved B1 (Class E) use and now seeks to expand this to Class E and B8 (storage and distribution).

14.2.7 Subject to all other material considerations assessed below, the proposal accords with ULP Policies S7 and E3 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.3 B) Design and impact on neighbouring amenity and character and setting of adjacent Listed Buildings

14.3.1 Policy GEN2 states that development will not be permitted unless its design is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.3.2 Policy ENV2 states: that development will not be permitted if it would adversely affect the setting of a listed building. A Heritage Statement has been submitted with the application.

14.3.3 As the proposal is simply for the change of use, there are no proposed external changes to the building and no impact on the appearance of this part of Stortford Road to the setting of any adjacent listed buildings.

14.3.4 The applicant has indicated that the proposed change of use is required to enable storage of goods in conjunction with the formerly consented office use. Internally the building would comprise of 7 modestly sized units ranging in size from 152 – 182sq metres.

Notwithstanding, the proposed B8 use of the site will involve the need to re – configure the existing car park so that it is capable of accommodating larger vehicles should this be required.

14.3.5 In view of the separation distances from neighbouring properties the proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact to neighbour's amenity. Conditions that were previously required to control the opening/closing times of the building to minimise the impact of the development on the neighbour's amenity are to be re – imposed. As the nature of B8 uses can involve storage it is considered appropriate to impose a planning condition that would prohibit any external storage at this site. It is considered that the proposal would not result in any material detrimental impact on neighbour's amenity over and above than that that already exists to such an extent to warrant refusal of the scheme

14.3.6 The Conservation Officer has been consulted on the scheme and states that the building affected by this application is a modern building recently consented under UTT/18/2478/FUL and the subsequent non-material amendment applications. Across the road, to the north of the site is the Grade II listed building Strood Hall (list entry number: 1087908).

14.3.7 It is understood that this application seeks consent for the change of use only and that no external changes are proposed, therefore they do not consider there to be any additional impact and thus they raise no objection to this application.

14.3.8 Policy GEN4 states that development and uses will not be permitted where noise and light would cause material disturbance or nuisance to occupiers of surrounding properties. Policy GEN5 states that development that includes a lighting scheme will not be permitted unless: The level of lighting and its period of use is the minimum necessary to achieve its purposes and glare and light spillage from the site is minimised.

14.3.9 It is not considered that the proposal would result in extra noise over and above that that already exists. The applicant has indicated that plant and machinery will not be used at this site, and it is considered appropriate to include a planning condition to prohibit this, in the interests of residential amenity. In terms of hours of operation, the

applicant does not seek any additional hours to that which has already been consented in planning permission UTT/18/2478/FUL; therefore, the same conditions will be re – imposed on this application.

14.3.10 Policy E3 requires that development that would result in the provision of jobs will be required to include the highest standards of accessibility and inclusion for all people regardless of disability, age, or gender. The retains level access to the principal floors and disabled bays adjacent to the side of the southern side of the building.

14.3.11 The proposal is therefore considered to accord with ULP Policies GEN2, GEN5, E3, ENV2 and GEN4 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.4 C) Highways and Access

14.4.1 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.

14.4.2 ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location.

14.4.3 The parking standards do not change from the previous application in so far as that the office building is 2322 sqm. The parking standards require a maximum of 77 parking spaces of which four should be disabled spaces. The proposal includes 73 parking spaces and 4 disability spaces and will also provide 34 cycle spaces. This remains unchanged from the previous planning application.

14.4.4 The internal parking layout within the site will be altered so that it can accommodate larger vehicles. It has also been demonstrated that larger vehicles can safely access and depart from the site without detriment to highway safety. The application has therefore been amended to the satisfaction of the Highways Authority.

14.4.5 The proposals seek to provide access to the site as per that consented under the extant planning permission (i.e. via a ghosted-right turn lane arrangement) suitable for use by vehicles up to a maximum HGV. This access arrangement has been submitted for Technical Approval (S278) permission through the extant scheme, and minor modifications have been made to the layout as part of that process, however, they do not fundamentally change the planned access arrangements.

The previous planning permission required a travel plan and contribution which the Highway Authority acknowledge as has been paid on

implementation. The Highway Authority require a revised travel plan and contribution in respect of this current proposal.

14.4.6 The Highways Authority do not object to the proposal subject to, conditions and an amended travel plan. The proposal accords with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.5 D) Ecology

14.5.1 Policy GEN7 of the Local plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and /or compensate for the potential impacts of development must be secured. As the proposal would involve the demolition of a building, there is the potential for the development to have an impact on protected species.

14.5.2 The Ecology Officer has reviewed the above application and does not consider there are likely to be any additional impacts to ecology from the proposed change of use. We therefore have no objection to this application. Biodiversity enhancements have also been secured by design.

14.5.3 The proposal therefore complies with ULP Policy GEN7 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

14.6 E) Planning Obligations

14.6.1 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.

14.6.2 A sum of **£6,383.00** to be paid to the Local Highways Authority to include a travel plan monitoring fee.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have

due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The subject building has planning consent for Class E use. The proposed change of use to Class E and B8 use is considered to be acceptable in principle subject to restrictions on external storage and the use of plant and machinery.

16.2 No external alterations are required to the existing building in order to facilitate the change of use.

16.3 The access is considered to be acceptable and capable of accommodating the vehicular movements associated with the proposals. Sufficient vehicular parking would be provided to meet the needs of the proposed use. The proposal subject to conditions would comply with policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

16.4 It is not considered that the proposal would have any material detrimental impact in respect of protected species and complies with policy GEN7.

16.5 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.

16.6 It is therefore recommended that the application be approved subject to the suggested conditions and section 106 agreement as per below.

17. S106 / CONDITIONS

17.1 S106 HEADS OF TERMS

- 17.2**
- (i) Travel Plan monitoring Fee £6,383.00.
 - (ii) Pay Monitoring Costs
 - (iii) Pay 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: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3** Prior to occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate intervisibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 4** Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 5** Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority and shall be implemented prior to occupation.

REASON: In the interests of pedestrian safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 6** The use hereby consented shall not commence until the Developer has submitted and obtained written approval of an amended Travel Plan to UTT/18/2478/FUL from Essex County Council as Highway Authority. The amended Travel Plan shall be implemented on first occupation of the development and shall be adhered to thereafter.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** The use hereby consented shall not commence until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

REASON: To ensure that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 7** Cycle parking shall be provided in accordance with the EPOA (Essex Planning Officers Association) Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with ULP Policies GEN1

and GEN8 of the Uttlesford Local Plan 2005 (Adopted) and the NPPF 2021.

- 8.** No vehicles associated with passengers using Stansted Airport shall be parked on the site for more than 24 hours in any period of 14 days.

REASON: To ensure car parking spaces are provided solely to serve the office use on the site. furthermore, it is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with ULP policy (adopted 2005) T3 and the NPPF 2021.

- 9.** No lights within the building hereby permitted shall be illuminated between the hours of 21.00 hrs and 06.00hrs.

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).

- 10.** The development hereby permitted shall not operate before 06.00 am or after 21.00 Monday - Saturday or before 10.00 am or after 18.00 hours on Sunday.

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) and the NPPF 2021.

- 11.** The use hereby permitted shall not involve the installation or use of plant or machinery.

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) and the NPPF 2021.

- 12.** The development hereby consented shall not involve any external storage.

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) and the NPPF 2021.

Appendix 1 – Essex County Council Highways Comments (Recent Comments)

Your Ref: UTT/221752/FUL
Our Ref: 32984
Date: 10th November 2022



CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

SUPERSEDES PREVIOUS RECOMMENDATION DATED 17TH AUGUST 2022

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

1. Prior to occupation of the development, the provision of an access formed at right angles to B1256 Stortford Road, as shown in principle on DWG no. 181820-002 Rev C (dated 03/07/2018), with 2 two metre wide footways, a ghost island to current design standards and clear to ground visibility splays with dimensions of 2.4 metres by 177 metres to the east and 2.4 metres by 158 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway, in the interests of highway safety.
2. Prior to occupation of the development, improvements to the passenger transport infrastructure at the bus stops located adjacent the proposal site on both sides of B1256 Stortford Road shall be provided, to include raised kerbs, hardstanding, flags, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in the interest of accessibility.

3. Prior to occupation of the development, 2 metre wide footways shall be provided from the site access to the proposed bus stops to the east and west of the site with a suitable pedestrian crossing facility of B1256 Stortford Road. Details to be agreed with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interests of pedestrian safety and accessibility.
4. The land to the north east of the site, fronting B1256, as shown in pink on DWG no. 181820-002 Rev C, shall be dedicated to the Highway Authority, to allow the Highway Authority to provide a 2 metre footway if / when required. The developer to undertake no work on the land that will inhibit the provision of a future footway. Land to be provided at no cost to the highway authority. **Reason:** To provide connectivity for all in the interests of highway safety.
5. Prior to occupation of the proposed development, the Developer shall provide for written approval a Travel Plan including payment of a £6,383 Travel Plan Monitoring fee to ECC. The approved Travel Plan to be implemented on first occupation of the development. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.
6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times. **Reason:** To ensure that on appropriate parking is provided.
7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. **Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity
8. 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 and shall provide for the following all clear of the highway:
 - i. vehicle routing,
 - ii. the parking of vehicles of site operatives and visitors,
 - iii. loading and unloading of plant and materials,
 - iv. storage of plant and materials used in constructing the development,
 - v. wheel and underbody washing facilities.**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Details of a suitable construction access and all traffic management shall be submitted to and approved in writing by the Highway Authority prior to commencement of the development.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. 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.
- v. 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.
- vi. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- vii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- viii. The developer to meet the full cost of compensation claims associated with any new or altered highway as part of the proposed development, including provision of a Bond.
- ix. 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 footpath no. 41 (Little Canfield) 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.

Note:

Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



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pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
Email: sophie.currey@essex.gov.uk

Appendix 2 (Initial Highway Comments)

Your Ref: UTT/22/1752/FUL
Our Ref: 32984
Date: 17th August 2022



Essex County Council

Paul Crick
Director for Highways
and Transportation

CC: (by email) *DM, SMO2, Chelmsford
Cllr Susan Barker*

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/1752/FUL
Applicant Mr Peter Curran
Site Location Bluegates Farm Stortford Road Great Dunmow
Proposal Change of Use from B1 to mixed use comprising Class E (former B1) and B8 (storage and distribution)

This application concerns the area of subject to planning permission UTT/18/2478/FUL, for which a series of highway improvements were required to provide safe and suitable access to the development. No information is provided within the submission regarding these aspects and associated access arrangements, and therefore it is unclear if these works will be carried out, and/or if these are appropriate for the proposal;

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

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

Additional information would be required for the Highway Authority to further consider the application, to ensure safe and suitable access to the site for all highway users is provided;

- a. A plan demonstrating the full extent of the required visibility splays from the proposed site access onto B1256 can be achieved in either direction, with the highway boundary and red line overlaid.
- b. Swept path analysis demonstrating the largest vehicle to enter and exit the site, to demonstrate that the access arrangement is sufficient.
- c. Requirement for a ghost right turn lane.
- d. A stage 1 Road Safety Audit, including designers' comments, of the proposed scheme.
- e. Appropriate provision for pedestrians from development site to connect to existing footway network along B1256, and connection to bus stops.

2. Insufficient information is provided within the application to determine if adequate parking and turning area for all vehicles associated with the development is to be provided. Lack of adequate parking and turning could lead to parking and vehicles adversely manoeuvring on the B1256 (secondary distributor).

Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

Informative:

- i. To obtain a copy of the highway boundary, please email – Highway.Status@essexhighways.org
- ii. It should be noted that highway boundary plans are given with the proviso that where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. It is advised that further clarification in this regard is sought where the boundary could be affected by the presence of an historic ditch as this may be crucial when determining available land for highway works, visibility, and the placement of boundary features such as fences, walls, or hedges.
- iii. Essex Highways have the capacity to carry out an independent stage one road safety audit on any proposed scheme. For further information, contact - roadsafety.audit@essexhighways.org



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pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Telephone: 03330 133058
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