



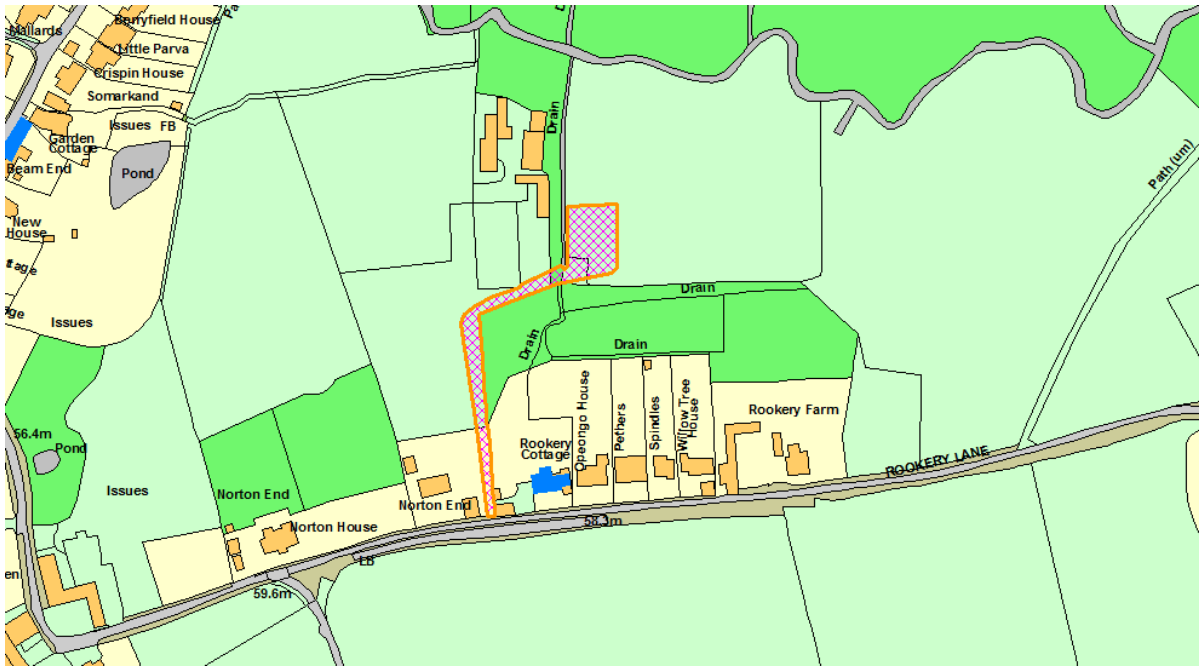
ITEM NUMBER: 17

PLANNING COMMITTEE DATE: 7 June 2023

REFERENCE NUMBER: UTT/23/0036/FUL

LOCATION: Land At Norton End, Rookery Lane, Wendens Ambo

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 5/5/2023

PROPOSAL: Agricultural storage building.

APPLICANT: Mr And Mrs N Lovett

AGENT: Acorus Rural Property Services (Ms L Gregory)

EXPIRY DATE: 15 March 2023

EOT Expiry Date: 9 June 2023

CASE OFFICER: Chris Tyler

NOTATION: Outside Development Limits,
Flood Zone 2 and 3,
Listed Building to the south of the site,

REASON THIS APPLICATION IS ON THE AGENDA: Called in if recommended for approval.

1. EXECUTIVE SUMMARY

- 1.1** This application seeks planning permission for the erection of an agricultural storage building. The building will be associated with the current agricultural use of the site and as such the principle of development is considered acceptable.
- 1.2** The location, scale and appearance of the proposed agricultural building is considered appropriate and will not have a harmful impact to the character of the site or surrounding area. The proposed access and parking provisions are acceptable. The proposed development accords with ULP Policies, S7, GEN1, GEN2, GEN3 and the NPPF.
- 1.3** The proposal as submitted is considered to accord with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

2. RECOMMENDATION

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

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site relates to agricultural land located to the north of Rookery Lane in the village of Wendens Ambo.

3.2 The site is accessed via the existing access to Rookery Lane, which is shared with the neighbouring car mechanic unit, however a further access to the agricultural unit is included to the east of the site. There are currently no buildings on the agricultural site

4. PROPOSAL

4.1 This application seeks planning permission for the erection of an agricultural storage building. The building will have a footprint of 12.1m by 18.1m, a ridge height of 4.5m and overall ridge height of 6.3m. The external materials include sheet cladded walls on a brick plinth, under a fibre cement roof.

4.2 The proposed building will include a three bay design, with one enclosed bay for the secure storage of machinery and equipment and two bays for the storage of hay and undercover shelter for sheep during lambing or when in need of medical attention.

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

Reference	Proposal	Decision
UTT/20/1230/AG	Proposed steel frame agricultural barn.	Refused 23/6/2020
UTT/18/3520/FUL (adjacent site)	Section 73A retrospective application for the erection of a building	Approved 15/4/2019
UTT/18/3235/CLE (adjacent site)	Use of land and buildings for the sale, servicing, repair and re-building of motor vehicles and the storage of parts and motor vehicles.	Approved 16/1/2019

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority- 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.

9. PARISH COUNCIL COMMENTS

9.1 Wendens Ambo Parish Council has been approached by a number of residents with concerns over this development. As the application has already been called in, we ask that the following are considered during the review:

1. That the size of the building is commensurate with the intended use, the proposed plan seems to exceed the size required. There is also a discrepancy between the application and the plan.
2. There are concerns about the long term usage of the building and residents would like to see guarantees or covenants to ensure that the building is genuinely for agricultural use and is not subsequently used for more industrial purposes.

10. CONSULTEE RESPONSES

10.1 Heritage Officer - No objections

10.1.1 It is proposed to erect a three-bay agricultural building which is largely open sided, an agricultural building such as this is not an unexpected structure within the countryside. Given the distance between the site and the listed building, the proposed erection of an agricultural building would have a limited impact upon the setting of the nearby heritage asset. As such, I do not consider the proposals to result in harm to the significance of the listed building.

10.2 Stansted Airport Aerodrome Safeguarding - No objection

10.2.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection to this development.

10.3 UDC Environmental Health - No objection

10.3.1 This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. No objection subject to a construction management plan.

11. REPRESENTATIONS

11.1 A Site notice has been displayed on site and 8 notifications letters were sent to nearby properties. The application also been the subject of a press advertisement.

11.2 Support

11.2.1 N/A

11.3 Object

11.3.1 3 letters of objection have been received; comments include:

- Inaccuracies in the application
- Insufficient screening from the building,
- Close to the watercourse,
- Pollution risks from vehicles,
- Encroachment of the vehicle repair business to the site,
- Concerns raised the site will be used for the vehicle business,
- Biodiversity impact,
- The scale of the building is too large,
- Conditions should be used to control the use of the building,
- The site has never required a building before,
- The building could be seen from the dwellings along Rookery Lane

11.4. Neither objecting to nor supporting

11.4.1 1 letter has been received with the following comments :-

- The application site is larger than it needs to be,
- The location plan should be amended to not include the area around the building.

11.5 Comment

11.5.1 The application is for an agricultural building to be used on agricultural land.

The applicant advises the building would not be used as part of the car mechanic business, as per the neighbouring site.

Separate planning permission will be required to use the building as part of the car mechanic business.

Revised Planning Statement provided (13/2/2023) confirming the correct size of the proposed building, these will be factored into the below appraisal.

All material planning matters will be considered in the following report.

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford District Plan 2005

Policy S7 – The countryside Policy
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN7 - Nature Conservation Policy
ENV11 -Noise Generators
ENV14 - Contaminated Land

13.3 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of development**
 - B) Character, Appearance and Heritage**
 - C) Flood Risk and drainage**
 - D) Access**
 - E) Amenity**
 - F) Ecology and Biodiversity**
 - G) Contamination**

14.3 A) Principle of development

14.3.1 The site is located outside development limits in the countryside (ULP Policy S7) as defined in the Uttlesford Local Plan, which states that the countryside will be protected for its own sake, planning permission will only be given if the development protects or enhances the particular character of the part of countryside within it is set or there are special reasons why the development in the form proposed need to be there and if the proposal is appropriate to the rural area

14.3.2 The NPPF supports a prosperous rural economy and advises decisions should enable sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

14.3.3 The proposed building will serve the existing agricultural use of the site and will mainly be used for the storage of hay bales and agricultural

machinery and equipment. As such it is considered there is a need for the proposed building on this particular site and its proposed agricultural use is appropriate to the rural area and consistent with the existing farm enterprises and provides commodities to the farming business. As such the principle of the proposed building is not contrary to the aims of ULP Policy S7 and the NPPF.

14.4 B) Character, Appearance and Heritage

- 14.4.1** Policy GEN2 seeks to ensure that development will be of an appropriate design and mitigates any potential harm. The Core Principles of the NPPF confirm that planning should recognise 'the intrinsic character and beauty of the countryside' and the impact of development on the countryside is an accepted and material consideration
- 14.4.2** The guidance set out in Paragraph 130 of the NPPF stipulates that the proposed development should respond to the local character, reflect the identity of its surroundings, optimise the potential of the site to accommodate development and is visually attractive as a result of good architecture and appropriate landscaping. In addition, local policies require that new developments should sustain and enhance the rural environment and to respect the wider landscape setting of the site.
- 14.4.3** The site is located within a rural area that actively contributes to the significant to the rural quality and character of the area, however it is noted there are a number of commercial buildings located to the north west of the application site. The proposed building would be sited to the south west corner of the agricultural field and to the south of the existing commercial buildings.
- 14.4.4** The siting of the building will at this location will still ensure it contributes to the existing cluster of buildings and does not result in a standalone building that could have an encroachment impact to the openness of the site and surrounding area.
- 14.4.5** The building would incorporate detailing which would be commensurate with local building design whilst it would be compatible in terms of size and building form. The location of the building would be screened from the north, south and west of the site due to the existing buildings and existing vegetation and trees. It is noted concerns have been raised by neighbouring occupiers that the building will be readily visible from the gardens of the dwellings to the south of the site.
- 14.4.6** The proposed siting of the building is 43m from the rear boundary of Opeongo House and there may be a possibility that it could be partially viewed, especially in the winter months. It is considered the possible partial view of the building from the gardens of the neighbouring dwellings, would not be such of a significance that would result in a harmful impact to the visual amenity of the site.

14.4.7 The proposed building is of a modern agricultural design and would remain very much rural due to its rectangular shape and design. The overall size, scale and proportions of the proposed building is acceptable in that it would not be excessive in terms of its massing and bulk within the site. It would neither result in a detrimental impact to the existing street scene or the surrounding locality and therefore accords with ULP Policy GEN2. The proposed development as a whole would not result in a detrimental impact to the intrinsic character and beauty of this part of the countryside within which it is set.

14.4.8 It is noted that the Grade II listed buildings at Rookery Cottage, Beam End and Blythburgh House are located nearby, to the south and west respectively. Nevertheless, it is considered that the proposed subject building would not have a material impact on their setting. No objections or further recommendation have been raised by the Council's Heritage Consultant. In drawing this conclusion, regard has been had to the Council's statutory duty under S66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990.

14.4.9 Therefore, it is considered that the proposal accords with ULP Policies S7, GEN2, ENV2 and the National Planning Policy Framework (2021).

14.5 C) Flood Risk and drainage

14.5.1 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The location of the building will be partly within flood zones 3, 2 and 1. With the access to the site within flood zone1, as such a Flood Risk assessment has been submitted with the application

14.5.2 Planning Guidance advises that a sequential test is normally required for proposed development in flood zone 2 or 3. However a number of developments types do not require a sequential test, this include less vulnerable and minor development, and this includes land and buildings used for agriculture. Flood risk vulnerability classification does not oppose development of less vulnerable development in flood 2 or 3.

14.5.3 The NPPF describes the Sequential Test, stating that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Nevertheless, the proposed building could be accommodated elsewhere within the site, however there are no other areas within the site at a lower risk of flooding that would be appropriate in terms of rural visual encroachment. It is therefore clear that there are no reasonably available, appropriate sites in areas with a lower probability of flooding, such that the proposal passes the Sequential Test.

14.5.4 The Environment Agency and Lead Local Flood Authority have been consulted as part of the application assessment, no objections or further

recommendations have been made. Should flooding occur then an escape route is available through the front of the building and along the access track to Rookery Lane, all of which is Flood Zone 1. Surface water will be piped to the ditch to the south of the building. It is concluded that there are no other flood risk implications, and the proposal accords with the above policies.

14.6 D) Access

14.6.1 Local Plan Policy GEN1 seeks sustainable modes of transport which is reflected within the NPPF. Local Plan Policy GEN1 advised development will only be permitted if it meets the following criteria:

- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
- b) The traffic generated by the development must be capable of being accommodated on the surrounding transport networks.
- c) The design of the site must not compromise road safety and must take account of the needs of other users of their highway.
- d) It must be designed to meet the needs of people with disabilities.
- e) The development encourages movement by other means other than driving a car.

14.5.2 Access to the site is from Rookery Lane, however it is acknowledged that the agricultural land also includes access to the east of the site. Although the proposal includes the introduction of a new agricultural building this will not necessarily result in an intensification of use of the site. The Highway Authority has been consulted and advise that from a highway and transportation perspective the impact of the proposal is acceptable.

14.5.3 As the proposal will not change the current use of the site, result in an intensification of use or introduce a new access to the site the proposal is considered to be acceptable and accords with ULP Policy GEN1 and the NPPF.

14.6 E) Amenity

14.6.1 ULP Policy ENV11 considers noise impact from development and advises development will not be permitted unless the proposal will not adversely impact the reasonable occupation of existing noise sensitive development nearby. This is also consistent with aims ULP Policy GEN4.

14.6.2 The Council's Environmental Health Service has been consulted, the construction of the building has the potential to cause noise and dust impacts on the existing surrounding residential properties and it is recommended a construction management condition should be imposed. In terms of the use of the site, the proposed building will not change the existing use of the site or result in an intensification of use.

14.6.3 ULP Policy GEN5 advises development will not be permitted if the scheme results in glare and light spillage from the site. It is not considered the nearest residential development will be impacted by any harmful light pollution however a planning condition is included for the submission and approval of any external lighting.

14.7 F) Ecology and Biodiversity

14.7.1 Policy GEN7 and Paragraph 179 of the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. The application includes a biodiversity checklist, triggering no consultations with the Ecology Officer. Taking into account the submitted Biodiversity Validation Checklist and the observations made during the officer's site visit, it is considered unlikely that the development would have significant adverse effects on any protected species or valuable habitats. It is therefore concluded that the proposal accords with the above policy.

14.8 G) Contamination

14.8.1 ULP Policy ENV14 considers the impact of contamination of the site and its impact to the proposed development. The application site may have the potential risk of contamination and therefore the UDC Environmental Health Officer has been consulted. No objections have been made however the use of a condition should be used in the event if contamination is found during the construction of the development. As such it is considered the development will not result in any harmful impact due to contamination risks and the proposal accords with ULP Policy ENV14.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The location, scale and appearance of the proposed agricultural building is considered appropriate. The proposed access and parking provisions are acceptable. The development accords with ULP Policies, S7, GEN1, GEN2, GEN3 and the NPPF.

16.2 The proposal would not be harmful to protected/priority in accordance with ULP Policy GEN7 and the NPPF.

16.3 Due consideration has been made to the potential impact from noise and disturbance to neighbouring properties, subject to conditions the proposal is considered acceptable.

16.4 The applicant has been consulted on all 'pre-commencement' conditions, in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

16.5 The proposal accords with the development plan and the NPPF and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

17. CONDITIONS

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

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

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

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried

out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies .

- 3** Prior to the commencement of the development hereby approved a Construction Method Statement shall be submitted and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) the parking of vehicles of site operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the control of noise from construction including the hours of working
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) Hours of operation, construction.

REASON: To safeguard residential amenities and to control environmental impacts in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2021).

- 4** Prior to slab level details of all hard and soft landscaping (including planting to the south of the agricultural building, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

REASON: The use of this pre commencement condition is required to ensure compatibility with the character of the area in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005)

- 5** No additional fixed lighting other than approved in this planning application shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Uttlesford Planning Authority. The details shall ensure the lighting is designed in such a way to minimise any potential impacts to

neighbouring properties Additional lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To minimise any potential impacts to neighbouring properties from light pollution and its compatibility with the character of the rural area in accordance with Policies GEN4, GEN5 and S7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 6** The public's rights and ease of passage over public bridleway no. 52_11, (Wendens Ambo) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy DM11 Public Rights of Way contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Local Plan Policy GEN1

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with ULP Policy GEN1.

APPENDIX 1- HIGHWAYS AUTHORITY

Your Ref: UTT/23/0036/FUL
Our Ref: 33830
Date: 30th March 2023



CC: (by email) *DM, SMO2, Chelmsford
Cllr Paul Gadd*

Paul Crick
Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/0036/FUL
Applicant Mr And Mrs N Lovett
Site Location Land At Norton End Rookery Lane Wendens Ambo Essex
Proposal Agricultural storage building.

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

1. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway
- iii. There shall be no discharge of surface water onto the Highway.

- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway
- 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