

Late List –Planning Committee 07/06/23

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.

Statutory consultees are listed below:

- Highway Authority**
- The Health & Safety Exec**
- Highways Agency**
- Local Flood Authority**
- Railway**
- Environment Agency**
- Historic England**
- Garden History Society**
- Natural England**
- Sport England**

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
6	UTT/23/0966/PINS	<p>Further Consultation Comments Received:</p> <p><u>Highway Authority</u> No objections, subject to conditions</p> <p><u>Highways England</u> No Objections</p> <p><u>UDC Environmental Health</u> Noise concerns raised, additional information required. Contamination assessment required Construction Management Plan required Conditions for air quality mitigation.</p> <p><u>Parish Council- Objection</u> The site is located within the Greenbelt, There are no special circumstances for this development, Increase in traffic and highway impact, Unsustainable location, Insufficient walking/ cycling routes into the village No provision for open space within the site, The biodiversity net gain condition should relate to Uttlesford, The Council 5 year housing supply may conflict with the levelling up plans, Unaware of any consultation exercise or public consultation, No community benefits.</p> <p>If minded to approve the application then conditions should be imposed to: Improve the foot path along the B1383 Improve foot path along Stoney Common top west Road Management company to be established and appropriate street lighting</p>



**National Highways Planning Response (NHPR 22-12)
Formal Recommendation to an Application for Planning Permission**

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

To: The Planning Inspectorate (FAO Leanne Palmer)
section62a@planninginspectorate.gov.uk

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

Reference: S62A/2023/0018

Location: Land East of Pines Hill, Stansted Mountfitchet, CM24 8EY

Proposal: Town and Country Planning Act 1990 (Section 62A Applications)
The development of up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill which is submitted in detail.

National Highways Ref: NH/23/00855

Referring to the consultation on a planning application dated 27th April 2023 referenced above, in the vicinity of the M11 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);~~
- ~~c) 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.

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.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningEE@nationalhighways.co.uk.

 Signature:	Date: 30/05/2023
Name: Mark Norman	Position: Spatial Planner
National Highways National Highways Woodlands Manton Lane Bedford MK41 7LW	

Your Ref: S62A/2023/0018
Our Ref: 51339
Date: 31st May 2023



Essex County Council

Paul Crick
Director for Highways
and Transportation

To: The Planning Inspectorate,
3rd Floor,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. **S62A/2023/0018**
Applicant **Luxus Homes Stoney Common Limited**
Site Location **Land East of Pines Hill Stansted Mountfitchet CM24 8EY**
Proposal **The development of up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill which is submitted in detail.**

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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 access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 89.5 metres to the north and 2.4 metres by 120 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. 2020-4056-008 (Proposed Site Access Visibility). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate inter-visibility between vehicles

using the access and those in the existing public highway in the interest of highway safety.

2. Prior to occupation of any dwelling, the provision of an access formed at right angles to B1383 Pines Hill, to include but not limited to: minimum 5.5 metre carriageway width in combination with appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site and two 2 metre wide footways around the radius kerbs. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway the interest of highway safety.
3. Prior to occupation of the development, the provision of a 2-metre footway along the entire site frontage and improvements to the existing footway thereafter to provide maximum achievable width between the north of the site frontage and The Old Bell Public House to include appropriate alterations to Stoney Common Road with the B1383 junction to regularise pedestrian access. For the avoidance of doubt, this shall include full depth reconstruction and surfacing. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior to occupation. **Reason:** In the interest of highway safety and accessibility.
4. Prior to occupation of the development, the shared pedestrian cycleway access onto Stoney Common Road shall be provided to an effective width of 3 metres and at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres, as measured from and along the nearside edge of the carriageway, with an appropriate dropped kerb provision either side of Stoney Common Road. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between pedestrians and cyclists using the access and those in the existing public highway in the interest of highway safety.
5. Prior to first occupation of the development, improvements to the passenger transport infrastructure at the northbound bus stop located adjacent to Sanders Close. The bus stop improvements to include (where appropriate) but not limited to; raised kerbs, hardstanding, flags, shelter, and any other related infrastructure as deemed necessary by the Highway Authority. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority, and shall be implemented prior

implemented prior to occupation. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport and to ensure vehicles using the proposed site access can enter and leave the site in a controlled manner.

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. **Reason:** In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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. Safe access into the site;
- ii. Vehicle routing;
- iii. The parking of vehicles of site operatives and visitors;
- iv. Loading and unloading of plant and materials;
- v. Storage of plant and materials used in constructing the development;
- vi. Wheel and underbody washing facilities.
- vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the 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.

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. It is noted that there are changes in levels within the site, and the junction gradient shall comply with guidance within Design Manual for Roads and Bridges.
- 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

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| | | <ul style="list-style-type: none">iv. 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.v. 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.vi. 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.vii. 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. |
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F Masne

pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou
Email: eirini.spyratou@essex.gov.uk

7	UTT/23/0950/PINS	Highways: No objections subject to mitigation and conditions.

Your Ref S62A/2023/0017
Our Ref:25802
Date:- 2 June 2023



CC: Essex Highways DM
Cllr Barker

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. S62A/2023/0017

Applicant FKY Limited

Site Location Land At Tilekiln Green Start Hill Great Hallingbury

Proposal Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

This S62A planning application was accompanied by a Transport Assessment Addendum Note dated March 2023 that pulls together all of the highways and transport information that culminated in the highway recommendation to Uttlesford District Council dated 17 January 2023 concerning a similar proposal for the creation of an open logistics facility with associated new access and ancillary office with amenity facilities, Uttlesford District Council Planning reference UTT/22/0267/FUL.

The Transport Assessment Addendum and appendices have been reviewed by the highway authority together with a site visit and internal consultations. The assessment of the application and Transport Assessment Addendum was undertaken with reference to the National Planning Policy Framework 2021 and paragraphs 110 – 112 in particular. The following matters were considered: highway access and safety; highway capacity; the opportunities for sustainable transport; and appropriate mitigation.

The application includes changes to the highway, in the form of a revised junction layout at Tile Kiln Green and the B1256. Both engineering and road safety reviews of the proposed changes have taken place and swept path analysis has been undertaken by the applicant for a 16.5 metre long articulated vehicle and a 18.75 metre long rigid HGV drawbar vehicle and trailer. As a result of the highway engineering and road safety reviews which took place during the consideration of planning application UTT/22/0267/FUL a number of revisions were made to the layout and highway authority is now satisfied that the highway layout contained in the Transport Assessment Addendum accompanying the above planning application can accommodate the traffic and HGVs generated by the proposal.

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However, since the S62A planning application was lodged with the Planning Inspectorate the Highway Authority is aware that from 31 May 2023 legislation has come into effect which allows the use of articulated vehicles (semi-trailer combinations) of up to 18.55 metres long, this is 2.05 metres longer than the 16.5 metre articulated vehicles previously allowed. There is a requirement however for new longer trailers to pass the turning circle test associated with the previous shorter trailers and it is apparent that this often requires new longer trailers to have a rear steering axle that will assist with the manoeuvrability of the 18.55 metre articulated HGV. The Highway Authority have drawn this matter to the attention of both the planning inspectorate and the highway consultant responsible for preparation of the Transport Assessment Addendum who will now carry out additional swept path analysis of an 18.55 metre long articulated vehicle over the coming days to provide assurance that the aforementioned highway layout remains appropriate to serve the development. But at present in the absence of that information the Highway Authority would recommend a condition is applied to any grant of planning consent limiting use of the site to a 16.5 metre articulated vehicle and 18.75 metre rigid drawbar vehicle and trailer.

The highway proposals include relocation of the junction to the west of the petrol filling station together with the realignment of the side road and widening of the right turn lane which are all considered beneficial to the future safe operation of the highway network.

It is noted that the site is located in close proximity to the strategic road network, thereby reducing the impact on the local roads network. National Highways have not objected to the planning application.

The traffic generation for the site has been based on the surveys from the current site operation in the environs of Stansted Airport. This shows that most of the movements in and out of the site will not be coincidental with the morning and afternoon peak traffic periods.

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. A condition should be put in place by the planning inspectorate to ensure that the permission is specific to the proposed land use and not a general B8 facility that could generate different levels of traffic.
2. As regards access to the site by Heavy Goods Vehicles a condition should be put in place by the planning inspectorate to limit access to the site to articulated vehicles up to a maximum length of 16.5 metre and drawbar vehicles and trailer combinations up to a maximum length of 18.75 metres. (On the basis that it has not yet been evidenced by vehicle swept path analysis that an 18.55 metre long articulated vehicle can access the site via the highway layout proposed on drawing number IT196/SK/01 REV K and IT1896/SK/1001.)
3. 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. Site access for construction,
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.

- VI. Routing strategy for construction vehicles
- 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.

4. **Access** Prior to occupation of the development, the access, and highway works shown in principle on drawing number IT196/SK/01 REV K shall be provided, including:

- (i) Clear to ground visibility splays shown on the plans from the access onto Tile Kiln Road, and from Tile Kiln Road on to the B1256 and the forward visibility from the M11 junction to the west to the right-hand turn lane onto Tile Kiln Road (as shown in principle in drawing number IT1896/SK/1001. Any signing within the splays to be relocated and vegetation to be removed. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
- (ii) Realignment of junction of Tile Kiln Road including ghosted right-hand turn lane junction.
- (iii) Provision of footways minimum width 2m.
- (iv) Provision of drop kerb crossing point to the east of the junction with Tile Kiln Road and a drop kerb crossing with island to the west.
- (v) Signing of the Low bridge.
- (vi) Landscaping of new verge and stopping up/removal of any redundant carriageway once works are completed to the satisfaction of the highway authority.

All necessary works including the safety audits any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense.

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.

5. **Gates:** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 20 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed 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.

6. **Car Parking:** The site shall not be occupied until such time as the vehicle parking area indicated on the approved plans including 107 car parking spaces of which 6 to be disabled, 20 EV car charging spaces and in addition 13 EV HGV charging spaces has been hard surfaced, sealed, marked out in parking bays and charging bays active. The

vehicle parking areas and associated turning areas 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:** Prior to occupation a minimum of 20 cycle and 7 motorcycle parking spaces as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and retained at all times.

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. **Traffic routing management scheme:** Prior to occupation signing to be provided within the site to direct all traffic to the north along Tilekiln Green and banning the right turn onto Tilekiln Green. The owner/operator of the site shall be required to enter into a Traffic Routeing Management Agreement to ensure HGVs use the agreed route to the strategic road network and that all staff and contractors are provided with this vehicle routing information. Compliance with the right turn ban to be monitored by CCTV on occupation of the development and the data to be retained for a 6 month period at any time and made available to the Local Planning Authority on request.

Reason: To ensure that drivers are aware of the appropriate route for vehicles to use avoiding the low bridge 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.

9. **Flitch Way Contribution:** Prior to commencement of the proposed development a financial contribution of £40,500 (index linked) to be provided to facilitate appropriate surfacing improvements and associated works.

Reason: To mitigate the increased use of the Flitch by employees and to improve the accessibility of the site by walking and cycling.

10. **Workplace Travel Plan:** Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. 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) 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
- (ii) 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.
- (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) 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.

		<p>A draft legal agreement has been submitted by the applicant to secure</p> <p>The Owner shall pay to the Council the Flitch Way Contribution prior to first Occupation of the Development.</p> <p>The Owner shall submit the Travel Plan to the Council prior to the first Occupation of the Development.</p> <p>The Owner shall pay to the Council the Travel Plan Monitoring Fee prior to the first Occupation of the Development.</p>
		<p>Environmental Health comments updated</p>

Environmental Health Consultee Comments for Planning

Application Number: UTT/23/0950/PINS

PROPOSAL: Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities

LOCATION: Land at Tilekiln Green, Stansted, Great Hallingbury.

Lead Consultee

Name: J Mann
Title: Senior Environmental Health Officer
Tel: x344
Email: jmann@uttlesford.gov.uk

Date: 26 May 2023

Comments;

Having considered the submitted details for the above application I have the following comments. Please note that on reviewing the application and noise assessment additional queries have arisen and we apologise for not requesting the additional information prior to these comments.

Noise:

The applicants have submitted a Sharps Acoustics Land at Tilekiln Green, Stansted Addendum note considering the effect of changes to site layout and noise screening, dated 7 March 23. It is said that the key difference is the area closest to eastern edge of the site (closest to the Old Elm) has been removed entirely from the design (Pg. 3. S2.1) . The report is said to consolidate all the submitted information (Pg. 3. S1.11)

The report has utilised previous noise monitoring data for the background and ambient noise at the site and noise sensitive receptors which was undertaken from 17 to 23 October 2019. The measurement positions were selected to be representative of the noise climate at residential receptor locations at The Old Elm, Brookside and Gerald Villa. Appendix A provides all details of the surveys with the location of the survey positions. It is noted that Brookside monitoring appears to be on the site itself adjacent to the existing pumping station which may not accurately reflect noise levels at Brookside, particularly to the rear of the property which is more shielded from the B1256 and there may also be a higher level on pumping station noise than Brookside experience.

		<p>In section 3.3 the report notes that the existing noise climate at Noise Sensitive Receptors (NSR) is relatively high with noise from the M11, Stansted airport and existing roads.</p> <p>The report then models site activity noise and Section 4.1 says the modelling is based on the following noise sources;</p> <ul style="list-style-type: none"> • HGV and other vehicle movements on the access roads. • HGV manoeuvring, loading and unloading in the open yards. • Vehicular activity (not HGVs) in the car park area. <p>The report then uses SoundPLAN to model the noise impacts during the day and at night. The sound reduction afforded by the proposed noise mitigation in the form of a 2.4m acoustic fence is incorporated into the noise model. In section 4.5 a 3 dB character correction is added for loading/unloading as that is said to be just noticeable but there are no character corrections for tonal or impulsive noise. It is not clear from the report whether this 3 dB character correction related to intermittency or some other character feature. It may be appropriate to reassess the acoustic feature correction to ensure that it complies fully with the methodology in BS4142 because additional character corrections may be needed. For example, reversing beepers typically have a distinctive tone that attracts a listeners attention and no character correction appears to have been applied for tonal noise.</p> <p>The predicted noise levels exceed the Uttlesford Noise Assessment Technical Guidance (NATG) criteria of a BS4142 rating level of 5dBA (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. From Appendix C data (pg 55),</p> <ul style="list-style-type: none"> • at Brookside this level is predicted to be exceeded at 0400 hrs, 0500 hrs and 0600 hrs. • at Gerald Villa this level is predicted to be exceeded at 0500 hrs • at The Old Elm this level is predicted to be exceeded at 0400 hrs and 0500 hrs • at The Old Stables this level is predicted to be exceeded at 0400 hrs, 0500hrs and 0600 hrs • Willow house is predicted to meet the NATG criteria. <p>Predicted noise levels are not given for Building E and New A1 and new A2 which appear to be the worse affected properties based on the predicted noise contours shown in figure D1 (day) and Figure D2 (night) and are also directly opposite the site entrance road where there will be a gap in the noise barrier for vehicles to enter and depart. I am not sure if the entrance gates to the site are intended to act as noise barriers but in any event they will be open to allow access and egress. Noise sensitive receptors Building E and new A1 in Figure D2 (nighttime site noise) both appear to be in the 45 to 50 dBA noise contour at First floor level, yet a figure of 39.5 dBA is shown on the SoundPLAN model for NSR E which is lower, presumably this is the predicted noise level at the north façade rather than the east façade of the property</p>
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which directly faces the site entrance. There is no justification given for why the north façade has been selected.

The report concludes that the development will bring about no adverse noise impacts at nearby properties. It says this conclusion is drawn using a robust set of assumptions in relation to site activity levels and including all noise sources. The assessment concludes that the development will be below Lowest Observed Adverse Effect Level (LOAEL) at all times which is described in the Noise Policy Statement for England (NPSE) as "noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly..."

However full details of the noise sources relied upon in the noise model that informs the BS4142 assessment are not provided within the report. There is a lack of detail regarding the description of each of the noise sources, hours of operation, mode of operation, and location. There is no information on how the source data used in the model was derived. Was it measured at the existing site? What plant and equipment were measured? How long was the noise source operating for? Is there any repair, cleaning, and maintenance of vehicles at the site? Will there be reversing beepers? In the car parking area has noise from car doors slamming, vehicle charging, and people noise been included? It is therefore not clear how the report author has obtained the noise rating levels stated. Section 12 of BS4142 clearly sets out the information to be reported in an assessment and the missing details should be provided.

The report has also not modelled noise impacts based upon LA max noise levels from any of the sources and it is not clear if the proposed noise mitigation will achieve appropriate internal LAmax noise levels at night at the existing properties (with windows open).

The report has considered the change in road traffic noise levels from the realignment of the road and the highest change in road noise was reported as an increase of 1 dB at The Old Elm at night which is considered minor adverse. The road noise modelling is shown in Appendix C (page 45 onwards). However, I note that there is some discussion of a possible condition ensuring that site traffic would not be allowed to turn right exiting the site or to travel to the site through the village. It is not clear whether the noise modelling has taken this possibility into account or if impacts might be greater than predicted for properties between the site and the roundabout.

I would recommend that the applicant is requested to provide further information to clarify the site noise source data used to generate the noise model and the information required in section 12 of BS4142 prior to the planning hearing. This information would assist greatly in verifying that the report is a robust and reliable assessment of the predicted noise impacts from the proposed development.

		<p>I would also suggest that the road traffic noise impacts from no right turn exit and no site traffic through the village (no left turn entrance) are also considered and modelled.</p> <p>Finally, it would be helpful to calculate the noise impacts from the site during each hour period (and 15 min period at night) at receptors E and new A1 which appear to be on a higher noise contour for site noise and are not detailed in new Appendix C.</p> <p>Once this additional information is received there should be much greater clarity about whether the site noise predictions are reasonable and there would be no significant noise impact from the development as the report concludes.</p> <p>Based on the submitted information there is a high level of uncertainty as to whether the noise rating levels predicted are robust and reliable.</p> <p>It may be that the applicant submitted some of this information in earlier documents that were not provided with this application and if so they should be resubmitted.</p> <p>If the inspector is minded to grant the application, without the additional information requested, I would advise that the following conditions are attached. It should be noted that once permission is granted it may not be possible for these conditions to be complied with if the noise assessment has been based upon noise modelling from noise source data that is not representative of all the noise sources that will operate at the site.</p> <ol style="list-style-type: none"><p><u>1. Plant and operational noise</u></p><p>The rating level of noise at noise sensitive receptors emitted from cumulative vehicle, plant, equipment and operational noise shall not exceed the levels provided in Appendix C: Predicted noise levels (Table C1, C2, C3, C4 and C5, electronic pages 55 to 57) of the report prepared by Sharps Acoustics, titled: Land at Tilekiln Green, Stansted. Addendum note considering the effect of changes to site layout and noise screening, dated 7 March 2023.</p><p>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).</p><p><u>2. Post completion condition</u></p><p>Within 6 months of the site becoming operational, a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, in accordance with BS4142 and a report submitted to and approved in writing by the Local Planning Authority. The report shall provide information on the measured (or calculated if measurement is not possible) sound emitted from the site at 1.0m from the facade of the following residential receptors: The Old Elm, Brookside, Gerald Villa, The Old Station, Willow House. The noise survey must include reference to measured background noise levels at monitoring locations</p>
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and times agreed by the Local Planning Authority. Where cumulative operational noise, and plant rated noise levels are found to be more than the minimum background noise levels, a detailed noise mitigation scheme shall be submitted to the Local Planning Authority for written approval. Any scheme of mitigation shall be implemented within 3 months of the date of written approval in full accordance with the approved details, and it shall be retained in accordance with those details thereafter.

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).

3. Fencing specification & mitigation

Before the development hereby permitted is first brought into use, a scheme detailing all noise mitigation measures, shall be submitted to, and approved in writing by, the local planning authority. The scheme shall provide full details of the acoustic fencing to include, design, location, mass, acoustic properties, lifespan, guarantee and maintenance requirements. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and maintained at all times thereafter.

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).

Land contamination:

The Council has 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. The following condition is therefore, recommended.

1. If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use. Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

		<p><u>Reason</u></p> <p>To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with Policy GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).</p> <p><u>Air Quality.</u></p> <p>The air quality assessment completed by Fichtner, 21 January 2022, reference S3349-0030-0001SMN and the addendum report 16 March 2023 shows that the impact of the development on air quality during the construction phase is negligible once appropriate mitigation measures are taken. The highest risk category for the proposed development is 'high risk', for dust soiling effects from trackout. Therefore, in accordance with IAQM guidance general mitigation measures should be applied at this risk rating for the site. These measures are included in Appendix C of the report. A Construction Environmental Management Plan (CEMP) condition is recommended in the Construction Noise and Dust section below.</p> <p>The air quality assessment found that impacts to air quality during the operational phase will be negligible. Section 5 of UDC's Air Quality Technical Guidance requires that Type 1 mitigation measures listed in Guidance are appropriate for the Proposed Development. The following conditions are recommended.</p> <p>1. Electric vehicle charging points (EVCP) shall be provided for 20% of the car parking spaces and passive provision shall be made available for the remaining 80% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. The location of the EVCP spaces and charging points, and a specification for passive provision shall be submitted to and approved in writing by the local planning authority before the permitted development is first brought into use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the parking spaces being brought into use and thereafter retained permanently to serve the vehicles of site users, staff and visitors.</p> <p>Reason: To protect local air quality and residential amenity of neighbouring occupiers of the development.</p> <p>2. Development shall not commence until a travel pack, setting out public transport options, and promoting routes for cycling and walking, to be made available to staff and visitors, has been submitted to the Local Planning Authority and approved in writing. The approved travel pack shall be fully implemented and maintained thereafter.</p>
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Reason: To protect local air quality and residential amenity of neighbouring occupiers of the development.

Construction Noise & Dust

In view of the scale of the development as proposed, it is recommended that the following Construction Environmental Management Plan condition is attached to any consent granted to ensure that construction impacts on nearby residential occupiers are suitably controlled and mitigated:

1. 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.

The CEMP shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.

All works shall be carried out in accordance with the approved CEMP thereafter.

		<p>REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).</p> <p><u>External Lighting</u></p> <p>In view of the rural location of the site, it is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive or spill over light, or glare.</p> <p>The guidance used and criteria set out in the lighting strategy submitted with the application are acceptable. An Isolux contour map shows that lux levels will be below 1 lux at the nearest sensitive receptors. The light locations and specifications have been submitted. Subject to the development being progressed in line with these plans, there should be no significant adverse impact to nearby receptors caused by external lighting at the site.</p> <p>The following condition is therefore recommended to secure this:</p> <ol style="list-style-type: none"> 1. External lighting on the site, including the lighting unit, any supporting structure and mitigation measures shall be installed fully in accordance with the submitted Kelly Taylor and Associates External Lighting Strategy Report dated 12.10.21 Issue No. US/10398/LSR – 01 and Plans reference 10398 ext 01 and 02. <p>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).</p>
		<p>Cllr Reeves: Strongly opposes the application .(Full details will be sent to PINS) Summary; This site is not needed for employment. It is not required for the upcoming Local Plan need. Omission of material fact. Priority Habitat – Deciduous Woodland: Felling Licence conditions haven't been complied with Felling Licence is not valid.</p>

		<p>The baseline for the required Biodiversity Net Gain (BNG) calculations should be based on the situation before August 2019.</p> <p>The wood and the trees, and the diverse ecology that it used to contain, were much loved by the local community. It must be clarified. (See NPPF 179 to 182). This matter of the Priority Habitat – Deciduous Woodland is a significant weighted disbenefit to the application.</p> <p>Despite ECC Highways' report (for UTT/22/0434/FUL – I haven't seen their report for this later application), excessive huge HGV vehicles for this domestic rural area, with consequent safety and economic disbenefits (road blockages etc);</p> <ul style="list-style-type: none"> - The narrow road and low bridge downhill towards Great Hallingbury (in the event of breakdowns etc. - A terrifying proposal for 24hr 365 days-a-year operation in the linear village environment; - The ecological surveys were not carried out before the site was cynically stripped bare; - Overwhelming local opposition; - and in the CPZ (Countryside Protection Zone). <p>In summary, this application should be rejected since the harms out-way the benefits in the planning balance. Particularly the small employment benefit, and no evaluation of the status: 'Priority Habitat – Deciduous Woodland'.</p> <p>Should you approve, then you must please include the condition of restricting the hours of operation to 7am to 7pm, except Saturdays 7am till 1300 and none on Sundays. (Not a problem at Northside). Please treat our residents as humans with a life.</p>
		<p>Cllr Wilson: (Full details will be sent to PINS)</p> <p>As a ward councillor for All Saints Ward, Bishop's Stortford (East Herts District Council) and a Bishop's Stortford Town Councillor for Parsonage Ward in that town, I am concerned with the level of traffic congestion in the town. As each major development has been accepted on the basis that it will not have a severe detrimental effect on the levels of traffic in the town, the cumulative effect of present and future congestion has become severe but this has not been acknowledged despite the provision of S32 of the NPPF.</p> <p>The transport report accompanying this application details levels of traffic at Stansted Airport but not at Bishop's Stortford. This application, if approved, will inevitably add to congestion in the town and this should be considered in light of the already congested urban area.</p> <p>This development is also proposed in the CPZ in Uttlesford which is a well-established and welltested policy going back decades with the aim of preserving the countryside around the airport. An</p>

		HGV-heavy logistics sight will do nothing to preserve this important area. In addition, this development is within sight of listed buildings and this will not be a fitting development to be in such an area
		<p>5 more representations have been received (Full details will be sent to PINS)</p> <p>Summary of comments:</p> <p>Concerns raised: noise, air and light pollution</p> <p>Increased traffic and heavy goods trucks</p> <p>Congestion</p> <p>Inadequate infrastructure</p> <p>Road safety</p> <p>Unsuitable for commercial development in residential area of green fields and wildlife</p> <p>It will not create any extra jobs for the area as their current workforce will just be relocated about 1 mile from their current location.</p> <p>It will encourage the lorries to use Church Rd. which is both unsuitable and illegal.</p> <p>This is a green field site which was designated as a buffer from airport expansion.</p> <p>They no longer have to move from their current site as it has ceased to be regarded as within the airport. Other sites would be available both in East Herts. and at junction 7a at Harlow</p> <p>Diesel and oil pollutants are likely to be washed into the stream</p> <p>There are very few safe pedestrian facilities in the area , accidents are more likely to occur if they start using Church Rd.</p> <p>Living in Great Hallingbury, we are already inundated with vehicles using our village as a cut through to the M11.</p> <p>Countryside Protection Zone</p> <p>Development will make it hazardous for other users</p> <p>Impact on wildlife</p> <p>This development will provide nothing positive for the area and will degrade its nature and the quality of life and mental health of its residents. It is relocating from another local industrial site, bringing the existing employees and their cars and their commutes with them on a 24/7 basis.</p> <p>Development will result in accidents</p>
		Birchanger Parish Council

		<p>Dear Sirs</p> <p>Here is the response from Birchanger Parish Council to the planning application lodged by FKY Ltd concerning land at Tilekiln Green, Start Hill, Great Hallingbury CM22 7TA, reference S62A/2023/0017.</p> <p>The impact on the rural village of Great Hallingbury of this proposed distribution centre would be devastating, not just to the neighbouring properties but to the whole village. The site is a CPZ (Countryside Protection Zone) area not an industrial area, and a Distribution centre would devastate the character of the surrounding area and destroy the habitat for local wildlife. Much of the proposed site has already been destroyed by the over felling of the protected woodland and filling in of ponds in August 2019.</p> <p>The increase in traffic movements to around 500 a day will cause excessive emissions. The 24 hour operation will also create unacceptable levels of noise, air and light pollution.</p> <p>The proposed widening and repositioning of the entrance to Tilekiln Green placing it nearer the M11 junction will do nothing to alleviate the inevitable extra holdups to traffic going eastbound onto the B1256 from the M11. The is will also generate longer queues waiting to enter the junction westbound from the B1256 which will be caused by the excessive amount of traffic, both HGVs, vans and cars, turning into Tilekiln Green to enter the site. This junction on the M11 is already over capacity and holdups are suffered on a daily basis. The impact will be widespread and felt by Birchanger residents trying to get onto junction 8 of the M11 plus those from Bishops Stortford and traffic entering/exiting the service area.</p> <p>Furthermore, traffic exiting the site and turning right will drive through rural lanes which in some places have no footpaths. This will be extremely dangerous for pedestrians and other road users.</p> <p>Birchanger Lane has been used as a rat run by Wren Kitchens vehicles to avoid the holdups/ tailbacks on the A120 bypass, Bishops Stortford, when travelling to their present site at Stansted Airport. On at least one occasion the Wren's vehicle could not have been delivering within the village as it had no body, just a chassis cab, which obviously indicated rat running.</p> <p>Birchanger Parish Council fully support Great Hallingbury Parish Council and all the residents who have raised objections to this totally inappropriate proposed development</p> <p>Yours sincerely,</p>
8	UTT/23/0902/PINS	<p>Sections 13.10.4 & 13.10.5 of the officer report to be removed and replaced by the following:</p> <p>The ECC Place Services Ecology Team have raised an objection as part of the corresponding full application (UTT/22/3126/FUL), due to the lack of information provided regarding proposed upgrades along the restricted</p>

		<p>Byway to the north of the site (48/25). The Ecology Team would provide written advice of their findings and conclusions directly to PINS.</p> <p>The following correspondence to be included:</p> <p>ECC Place Services Conservation:</p>
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Place Services
Essex County Council
County Hall, Chelmsford
Essex, CM1 1QH
T: 0333 013 6840
www.placeservices.co.uk



FAO:
Planning Department,
Uttlesford District Council

Ref: UTT/23/0902/PINS
Date: 18/05/2023

HISTORIC BUILDINGS AND CONSERVATION ADVICE

Dear Sir / Madam,

RE: Land at Warish Hall Farm, North of Jacks Lane, Smiths Green, Takeley, Essex

Built Heritage Advice pertaining to Consultation on S62A/2023/0016 – Full planning application for Erection of 40 no. dwellings, including open space landscaping and associated infrastructure.

This application is identical to application UTT/22/3126/FUL which is pending consideration. My colleague Thomas Muston provided built heritage advice regarding the application submitted in 2022 in a letter dated 5th January 2023, which I include below and with which I confirm I am in agreement:

The application site is an area of agricultural land to the northeast of Smiths Green. This application follows on from the recently refused application UTT/21/1987/FUL which was Dismissed at appeal (Ref: APP/C1570/W/22/3291524). The proposed development within the application site, also known as Jacks, is identical to the previously refused application. The proposal has the potential to adversely impact the setting of several designated and non-designated heritage assets including:

- *Hollow Elm Cottage, Grade II listed (list entry number: 111220),*
- *Cheerups Cottage, Grade II listed (list entry number: 1112207) and*
- *The Protected Lane, 'Warrish Hall Road' (non-designated heritage asset).*

As established by the Inspector within the recent appeal (APP/C1570/W/22/3291524) the application site, Jacks, is included within the setting of Hollow Elm Cottage. Historic cartography shows the building, Hollow Elm Cottage, in an isolated agrarian setting which has been subject to a little degree of change over time. The grain of the surrounding landscape and tranquillity makes a positive contribution to its setting. The proposed development of 40 dwellings to the east of Hollow Elm Cottage will have an adverse effect on the setting of Hollow Elm and how its significance is experienced, appreciated and understood. The environment around the asset will be intrusively altered with prominent development bring noise and diurnal changes which will urbanise this location. The level of harm to the significance of the heritage asset will be less than substantial and at the low end of the scale.

Place Services is a traded service of Essex County Council



With regards to The Setting of Heritage Assets (GPA Note 3) Guidance from Historic England, I do not consider the proposals to result in harm to the significance of Cheerups Cottage or the Protected Lane, 'Warrish Hall Road'.

To conclude, the proposals are considered to fail to preserve the special interest of the listed building, Hollow Elm Cottage, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm would be less than substantial and at the low end of the spectrum with regards to the NPPF (2021), Paragraph 202 being relevant.

Were permission to be granted, I request a condition is attached securing a schedule of the types and colour of the external materials to be used (including windows and doors).

Yours sincerely,



Caroline Sones BA (Hons) DMS MA MSc IHBC
Historic Environment Team
Place Services

Note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter

The following correspondence to be included from corresponding full application UTT/22/3126/FUL:
Design Officer Comments.

Building for a Healthy Life - Uttlesford Assessment Tool

Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley

UTT/22/3126/FUL

8/3/2023

08/03/23 - Revision A

06/01/23 - First issue

No objection raised. Revisions have been undertaken to address majority of previously outlined concerns.

Completed by Jack Bennett (UDC Principal Urban Design Officer)

Uttlesford Local Plan 2005 GEN2 Design

Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance [Building for a Healthy Life, UDC Interim Climate Change Policy, and The Essex Design Guide, Accessible Homes and Playspace SPD] and other Supplementary Planning Documents'.

a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
c) It provides an environment, which meets the reasonable needs of all potential users;
d) It helps to reduce the potential for crime;
e) It helps to minimise water and energy consumption;
f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan;
g) It helps to reduce waste production and encourages recycling and reuse;
h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures;
i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

Rev. -	Rev. A	Rev. B
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a	g	
a	a	
g	g	
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Officer Comments below (as required):

Revised layout addresses this point.
LAP provided.
Revised layout addresses this point.
Air source heat pumps and photovoltaic (solar) panels strongly encouraged. If airport safety cited as reason for not providing PVs, then a clearly worded objection from BAA Aerodrome Safety must be provided otherwise this is not a valid reason. Current position is that a glint and glare assessment must be provided, this does not in itself negate PVs.
Generally addressed.
No reference to an approach over and above the standard approach to refuse, that would reduce waste production or encourage recycling and reuse beyond the baseline.
More detail required.
More detail required.

Building for a Healthy Life assessment

Natural connections (walking, cycling, landscape, desire lines etc)
Walking, cycling, and public transport (accessibility, proximity to existing bus stops, cycling routes etc)
Facilities and services (mixed uses, education, play facilities etc)
Homes for everyone (mix, affordable integration, consideration of older people etc)
Making the most of what's there (understanding site context, heritage, landscape, ecology etc)
A memorable character (identity, distinctiveness, local character, materials, detailing etc)
Well defined streets and spaces (active frontages, edges etc)
Easy to find your way around (wayfinding, legible places, easy to get lost?)
Healthy streets (speed limits, pedestrian/cycle crossing etc)
Cycle and car parking (variety, provision, detailing, landscaping etc)
Green and blue infrastructure (open spaces, ecology, SUDs, street trees etc)
Back of pavement, front of home (front gardens, boundary treatments etc)

Rev. -	Rev. A	Rev. B
a	g	
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Further comments

Provision good overall, could be improved with connection to the public right of way at the southern corner of the site around plot JG38 to follow the natural desire line and again ideally at plot JG01.
LAP provided.
Open space much improved from previous iteration.
The house designs shown meet the criteria of:
A. Having a distinct identity, and not 'copy and pasted' from standard housetypes used across the country.
B. Reference local styles, materials, forms, details. Quality local examples have been studied and used to inspire new and contemporary designs.
Revised layout addresses this point.
Applicant to confirm cycle parking provided one space per bedroom.
Revised layout addresses this point.
Revised information addresses this point.

		ECC SuDS Officer Comments.
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Essex County Council
**Development and Flood Risk
Environment and Climate Action,**
C426 County Hall
Chelmsford
Essex CM1 1QH



Laurence Ackrill
Uttlesford District Council
Planning Services

Date: 16th March 2023
Our Ref: SUDS-006443
Your Ref: UTT/22/3126/FUL

Dear Sir/Madam,

**Consultation Response –UTT/22/3126/FUL– Land At Warish Hall Farm, North Of
Jacks Lane, Smiths Green Lane, Takeley**

Thank you for your re-consultation email received on 13/03/2023 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 **do not object** to the granting of planning permission based on the following:

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods

		<p>found in chapter 25.3 of The CIRIA SuDS Manual C753. If a full infiltration scheme is not viable, then a hybrid approach may be suitable.</p> <ul style="list-style-type: none"> • Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. • Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. • Final modelling and calculations for all areas of the drainage system. • The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. The sub-base depth of the permeable paving should be minimum 300mm. • Detailed engineering drawings of each component of the drainage scheme. • A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features. • An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy. <p>The scheme shall subsequently be implemented prior to occupation.</p> <p>Reason</p> <ul style="list-style-type: none"> • To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. • To ensure the effective operation of SuDS features over the lifetime of the development. • To provide mitigation of any environmental harm which may be caused to the local water environment • Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. <p>Condition 2</p> <p>No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.</p> <p>Reason</p> <p>The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.</p> <p>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</p>
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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.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

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 applications 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)

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration.

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,

Gemma Parson, Development and Flood Risk Officer

Team: Green Infrastructure and Sustainable Drainage

Service: Climate Action and Mitigation

Essex County Council

Internet: www.essex.gov.uk

Email: suds@essex.gov.uk

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

		<p>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.</p> <p>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.</p> <p>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'.</p> <ul style="list-style-type: none">• <u>Sustainability of the development</u> <p>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.</p>
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		Place Services Ecology Officer Comments:
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31st May 2023

Laurence Ackrill
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Uttlesford District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: UTT/22/3126/FUL

Location: Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley

Proposal: Erection of 40 no. dwellings, including open space landscaping and associated infrastructure

Dear Laurence,

Thank you for re-consulting Place Services on the above application.

Holding objection due to insufficient ecological information

Summary

Further to our comments on 24th May 2023, it has been brought to our attention that this application may require upgrades along the restricted Byway to the north of the site. From aerial photography, this currently appears to be lined with vegetation on both sides and is currently unsurfaced and so may be used by protected species such as bats and Badger. The Director for Highways and Transportation at Essex County Council has stated that the Byway is currently unsuitable to be used by proposed residents to access amenities from the application site. Since then it has been suggested it would need to be resurfaced and lit to be acceptable to be used as a main pedestrian link.

The Ecological Assessment (Ecology Solutions, October 2021), Ecology Update and Walkover Survey (Ecology Solutions, September 2022), Bat Survey Report (Ecology Solutions, November 2021), Arboricultural Impact Assessment (Barton Hyett Associates, November 2022) and Arboricultural Impact Assessment (Addendum) (Barton Hyett Associates, February 2023) did not assess these impacts along the Byway and so we are now not satisfied that there is sufficient ecological information available for determination of this application. It is recommended that an update or addendum is submitted assessing the ecological impacts by the proposed upgrades. It is also recommended that the proposals are discussed with an Arboricultural consultant.



If any further surveys are recommended within the updated ecological assessment, which is likely to at least include bat activity surveys, the details of the results of these surveys and any additional mitigation and enhancement measures, will be required prior to determination.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact me with any queries.

Yours sincerely

Ella Gibbs ACIEEM BSc (Hons)
Senior Ecological Consultant
Place Services at Essex County Council
placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Uttlesford District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

		ECC Highways Officer Comments:
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Your Ref: S62A/2023/0016

Our Ref: 48518
Date: 2nd June 2023



CC: 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
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. S62A/2023/0016

Applicant Weston Homes

Site Location Land At Warish Hall Farm North Of Jacks Lane Smiths Green Lane Takeley

Proposal Erection of 40 no. dwellings, including open space landscaping and associated infrastructure

This S62A planning application involves one of the land parcels which formed part of planning application UTT/21/1987 for a wider area of land which was refused by Uttlesford District Council and subsequently dismissed by the Planning Inspectorate following an appeal.

A planning application comparable to this Section 62a planning application has also been submitted to Uttlesford District Council, planning reference UTT/22/3126/FUL. A highway response to this planning application dated 11 February 2023 raised concerns regarding the lack of pedestrian facilities on Smiths Green and reliance on public rights of way to access local services and facilities, which in their current formed were deemed unsuitable for everyday use by new residents. Additionally, the application failed to demonstrate that appropriate opportunities to promote public transport can be or have been taken up, given the type of development or location.

The S62A planning application is supported by a Transport Assessment that has been reviewed by the highway authority. It does not unfortunately deal directly with the issues previously raised by the highway authority but from subsequent discussions with the applicants consultants and having regard to the content of the Planning Statement and Draft S106 it is acknowledged that mitigation in the form of works to Jacks Lane and a contribution Sustainable Transport is required and is capable of being secured in conjunction with this planning application.

The Transport Assessment is somewhat contradictory as regards the layout of the estate road. This has been brought to the attention of the applicants' consultant who are aware that the layout submitted as shown on General Arrangement drawing

WH202.WST.P1.ZZ.DR.PL.10.01 does not confirm to the requirements of the Essex Design Guide and on that basis would remain private and not be adopted by the Highway Authority.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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. access for construction
 - II. the parking of vehicles of site operatives and visitors,
 - III. loading and unloading of plant and materials,
 - IV. storage of plant and materials used in constructing the development,
 - V. wheel and underbody washing facilities.
 - VI. Routing strategy for construction vehicles
 - VII. Protection of any public rights of way within or adjacent to the site
 - VIII. 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-SK37 Revision A shall be provided, with all details being agreed with the Local Planning Authority, and to include but not be limited to the following:
 - The provision of a suitable bellmouth access with appropriate radii to accommodate the swept path of vehicles regularly using the site access.
 - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green. Such vehicular visibility splays shall retained free of any obstruction at all times thereafter.
 - Clear to ground visibility splays with dimensions of 2.4 metres by 43 metres to both the north and south along Smiths Green at its junction with the shared use cycleway. Such vehicular visibility splays shall retained free of any obstruction at all times thereafter.

		<p>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.</p> <p>3. Sustainable Transport Contribution: Prior to any occupation, payment of a financial contribution of £112,000 (indexed linked) shall be paid to fund improvements to enhance bus services between the development and local centres including Bishops Stortford , local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site and/or local bus infrastructure and/or the design and implementation of a cycle route between Takeley and Stansted Airport.</p> <p>Reason: to improve the accessibility of the of the development by bus and cycle in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011</p> <p>4. Jacks Lane: Prior to construction, the submission of details relating to the improvement of Jacks Lane (restricted byway 48/25) from Burgattes Road to the point where it joins the proposed footway/cycleway link forming part of the residential estate shown on drawing General Arrangement drawing WH202.WST.P1.ZZ.DR.PL.10.01 to make it suitable for regular all weather use by pedestrians, cyclists and people with mobility impairment shall be approved by the Local Planning Authority. Such scheme shall include but not be limited to full depth construction, surfacing, lighting, drainage, signage, ditch crossing and measures to prevent use by motor vehicles. The scheme shall be subject to appropriate ecological assessment and mitigation and maintenance plan. No construction of any dwelling shall take place until the approved scheme is delivered and approved maintenance plan is in place.</p> <p>Reason to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.</p> <p>5. Permeability: Prior to occupation the shared use foot/cycleway link shown on drawing General Arrangement drawing WH202.WST.P1.ZZ.DR.PL.10.01 shall be provided to a width of 3.5 metres between the above mentions Jacks Lane improvement scheme and Smiths Green.</p> <p>Reason to ensure safe and suitable access to key facilities for pedestrians and cyclists in accordance with policy DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.</p> <p>6. Vehicular Parking: Development shall not be occupied until such time as their associated vehicle parking areas indicated on the approved plans, have 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.</p> <p>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.</p>
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7. **Cycle Parking:** 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.

8. **Travel Packs:** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable transport in accordance with Policy DM9 and DM10 of the Development Management Policies as 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 and the National Planning Policy Framework.

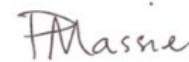
Informatives:

- (i) Any signal equipment, lighting, 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 commuted sum to cover the cost of future maintenance. Such commuted sum to be provided prior to the issue of the works licence associated with the Section 278 Agreement for the relevant works.
- (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
- (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 layout of the residential estate road is not suitable for adoption by the Highway Authority.
- (vii) 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 Matthew Bradley
Email: matthew.bradley@essex.gov.uk

		<p>Comments of objection raised by Takeley Parish Council as follows:</p> <p>Dear Sirs</p> <p>Takeley Parish Council strongly objects to the application S62A/2023/0016 Warish Hall Farm, Smiths Green Lane, Takeley due to its unsustainable location, unacceptable harm to the setting of heritage assets and inappropriate development within the Countryside Protection Zone.</p> <p>This application site is one parcel of the wider application Land at Warish Hall Farm which was dismissed at appeal in August 2022. The Parish Council were a Rule 6 party at the appeal at significant cost to the parish and individual residents who raised funds for this purpose. The proposal is of great interest to the community therefore, we request that a hearing date is set to give the residents an opportunity to attend and give their views in person.</p> <p>The Parish Council is currently working with Essex County Council Place Services on the public consultation of a draft Conservation Area Appraisal for Smiths Green, which includes Smiths Green Lane and part of Jacks Lane, adjacent to the application site. The proposal would have a negative impact on the setting of the sensitive, historic area of Takeley.</p> <p>We appreciate that the District Council's housing supply is just under the 5yhls, however the population in Takeley has increased significantly in recent years. We consider that the harm from this proposal would significantly outweigh the benefits.</p> <p>Objections to conflicts with local and national policies are as follows:</p> <ol style="list-style-type: none"> 1) The development conflicts with UDC Policies S7 - The Countryside, ENV5 – Protection of Agricultural Land, S8 – Countryside Protection Zone and NPPF paragraph 174, which states that, 'Planning policies and decisions should contribute to and enhance the natural and local environment by... (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;' <p>This development has a suburban character and does nothing to recognise the intrinsic character and beauty of the countryside. In the Land at Warish Hall appeal, the inspector said of Policy S7 – The Countryside, that it is 'broadly consistent with NPPF paragraphs 130 and 174b'. 'Consequently, having concluded that there would be significant landscape character and visual impact harm arising from the proposal without special</p>
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		<p>reasons being demonstrated as to why the development in the form proposed needs to be there, I give moderate weight to this conflict with the last strand of Policy S7, given it is not fully consistent with the NPPF’.</p> <p>2) The conflict with Policy S8 was also given S8 ‘moderate weight’ in the appeal decision. The inspector ‘identified 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, would reduce the open character of the CPZ’.</p> <p>In our view, the development conflicts with both parts of Policy S8, ‘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.’</p> <p>Land at Warish Hall Appeal Decision paragraph 104 All development within the CPZ erodes the gap which maintains the longstanding concept of ‘an airport in the countryside’. This development would merge a rural settlement in Smiths Green and Jacks Lane with the suburban settlement of Priors Green, affecting the open characteristic of the buffer zone surrounding the airport.</p> <p>3) We note that the application has also been submitted to UDC for consideration and there is insufficient information on the harm to the natural environment and wildlife, with a potential breach of Policy GEN7 – Nature Conservation, which states, ‘Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.’ The Parish Council is concerned that wildlife harms will not be fully mitigated and works to the adjacent drainage ditch along Jacks Lane would necessitate significant tree and hedge felling, as advised by the landowner on our recent enquiries regarding surface flooding along the byway. There are also concerns over light pollution from the development and its impact on wildlife.</p> <p>4) There would be harm to the setting of an ancient monument, at Warish Hall, and to the setting of Grade 2 listed Hollow Elm. The development conflicts with Policies ENV2 and ENV4, in that ‘Development affecting a listed building should be in keeping with its scale, character and surroundings... development proposals that adversely affect the setting... of a listed building will not be permitted.’ Furthermore, the site is adjacent to the emerging Smiths Green Conservation Area and would impact significantly on its setting, removing the agrarian character and removing the important gap between a suburban development at Priors Green and the historic rural hamlet of Smiths Green would harm the setting of Smiths Green.</p> <p>5) The site is unsustainable; the proposal conflicts with GEN1 – Access, and the NPPF paragraph 112 on sustainable transport because residents would be reliant on the use of the private car. Walking and cycling</p>
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		<p>opportunities to access to amenities at Priors Green would be limited to an unlit bridleway. Pavements could not be introduced on the byway or on Smiths Green Lane (also known as Warish Hall Road), which is a high-grade Protected Lane. Within the site, there is a standalone footpath but there are no pavements on either side of the road through the development. We note Essex Highways comments to the planning application under consideration by Uttlesford District Council and we agree with their recommendation for refusal.</p> <p>6) Increased traffic and the widening the farm entrance to form the access the development could impact the special verge which has Village Green status. Increased traffic on the single-track Smiths Green Lane would cause constant and irreparable damage to the protected lane, in conflict with ENV9 – Historic Landscapes. The policy states that, ‘proposals likely to harm significant local historic landscapes... and protected lanes... will not be permitted unless the need for the development outweighs the historic significance of the site.’</p> <p>7) Takeley has grown significantly since the 2011 Census and currently has 2,000 homes mostly located along the Dunmow Road, Parsonage Road and at Priors Green. Projections from approved development and housing sites approved since May 20226 will result in a growth of 86% in a 16-year period. Infrastructure is already strained therefore careful consideration should be given to appropriate and sustainable locations for future housing development in Takeley. Although there is a shortfall in the district’s housing supply, this position has improved, with the most recently reported data at 4.89 years Housing Land Supply.</p> <p>Further information on the Smiths Green Conservation Area appraisal and boundary will be shared with PINS ahead of the consultation deadline. The Parish Council respectfully requests that our objections are considered and permission is refused.</p>
9	UTT/22/2900/OP	None
10	UTT/22/3094/FUL	None
11	UTT/22/1578/OP	<p>Further consultation responses received:</p> <p><u>ECC- Planning and Development</u> A developer contribution of £41,961.00 for early years and child care School transport contributions of £26,881.20 Library contribution of £2,489.60</p> <p><u>ECC Archaeology</u> No objections or further recommendations</p>

12	UTT/22/1706/FUL	None
13	UTT/23/0526/FUL	<p>Changes to Conditions:</p> <ul style="list-style-type: none"> • Condition 2 should be to the 28 October 2024 (3 years from the allowed appeal Inspectors Decision) • Condition 4 should include all the approved drawings (216498 DWG 001 Rev A, 216498 DWG 102, 9382-D-AIA, 219345 PL 00 100, and IT1431/SK/04/Rev D), not just the amended one. (To be in line with the allowed appeal Inspectors Decision). • Condition 6 is a repeat of Condition 7 requires to be deleted. (To be in line with the Inspectors Decision wording). • Condition 20– Deletion of <i>'No development approved by this planning permission shall take place until a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority.</i> (To be in line with the Inspectors Decision wording).
14	UTT/23/0638/FUL	Nothing to report.
15	UTT/22/3020/FUL	Nothing to report.
16	UTT/22/0863/FUL	<p>Additional condition included:</p> <p>Any music associated with the events venue (Unit 2) shall not shall not played outside. REASON: In order to safeguard the amenities of local residents in accordance with Uttlesford Local Plan Policies GEN2 and GEN4.</p> <p>Further consultation response received:</p> <p><u>Highway Authority</u> Initial objection removed, recommended conditions include; Provision of visibility splays, Landscaping compliance conditions,</p>

		Closing of the previously used access, Keeping the public right of way unobstructed
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Your Ref: UTT/22/0863/FUL
Our Ref: 53160
Date: 26th May 2023



cc: *DM, SMO2, Chelmsford*
PROW, 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
Essex CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/22/0863/FUL
Applicant Mr & Mrs R Duke A Duke & Son
Site Location New Farm Arkesden Road Wendens Ambo
Proposal Change of use of former farm buildings from Use Class E to suis generis short-term lets and events venue with associated building works

SUPERSEDES PREVIOUS RECOMMENDATION DATED 23RD AUGUST 2022

Having regard to the permitted use of the site and the additional work undertaken by the applicant, which demonstrates visibility splays are to be provided from the access in accordance with the recorded 85th percentile speed of vehicles using B1039 and parking is clear of the public bridleway, the Highway Authority comments are as follows;

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 access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 193.1 metres to the north and 2.4 metres by 167.5 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
2. Any boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay. **Reason:** To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

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3. Prior to occupation of the development, the existing access to the north-east of the site shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing. **Reason:** To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

4. The public's rights and ease of passage over public bridleway no. 24 (Elmdon) 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.

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.


Note:

The site has permission under UTT/0667/03/REN, for the change of use from agricultural to B1 industrial, of which UTT/21/1304/CLE, certified the lawful use of the site and confirmation of Use Class E.

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. There shall be no discharge of surface water onto the Highway.
- iii. 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.
- iv. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.
- v. 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 bridleway no. 24 (Elmdon) 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

		<p>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.</p> <p style="text-align: center;"></p> <p style="text-align: center;">..... pp Director for Highways and Transportation Enquiries to: Sophie Currey Telephone: 03330 133 058 Email: sophie.currey@essex.gov.uk</p>
17	UTT/23/0036/FUL	None

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarised

Late items from **STATUTORY CONSULTEES** are reproduced in full.