



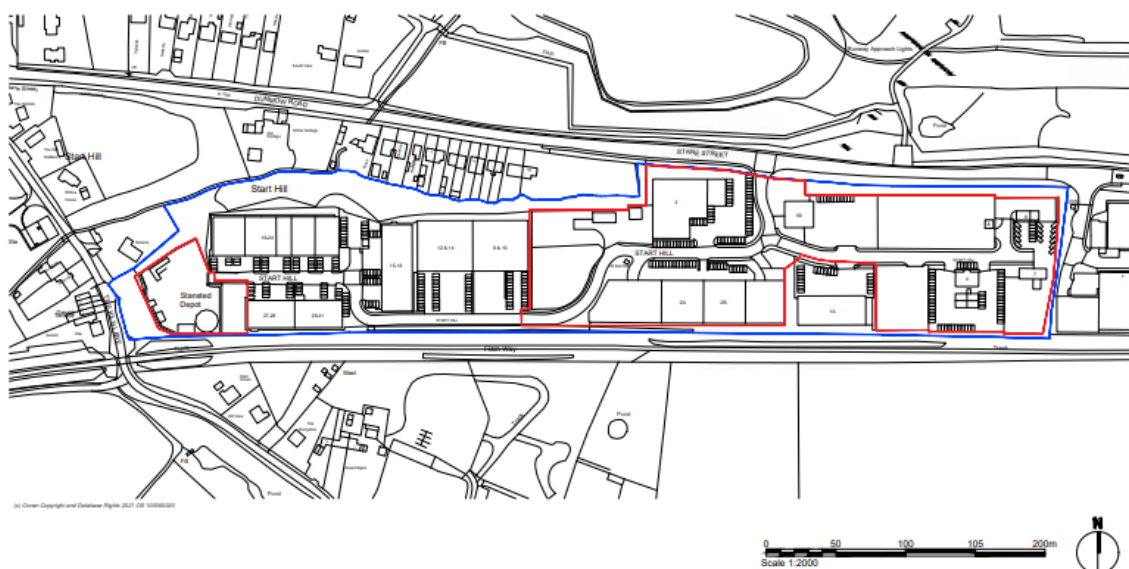
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/1470/OP

LOCATION: Stansted Distribution Centre, Start Hill, Great Hallingbury

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council

PROPOSAL: Outline planning application with all matters reserved for the demolition of units 1B, 2A, 2B, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works.

APPLICANT: Ropemaker Properties Limited

AGENT: Daniella Marrocco

EXPIRY DATE: 18TH September 2023

EOT Expiry Date 12th January 2024

CASE OFFICER: Mrs Madeleine Jones

NOTATION: Outside Development Limits. Stansted Airport Public Safety Zone. Tree Preservation Orders. Archaeological Site. Contaminated Land. Within 500m of SSSI. Within 6km of Stansted Airport. Stansted Airport within 57dB 16hr LEQ
Within 250m of Landfill site. Within 100m of Local Wildlife Site (Fritch Way) . The Site is in proximity of the Heritage Assets.

REASON THIS APPLICATION IS ON THE AGENDA: Major application

1. EXECUTIVE SUMMARY

1.1 The proposal is for outline permission for demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for predominantly Class B8 use with supporting Classes E(g) and B2 use, car parking, servicing yards, soft landscaping and other associated works. All matters are reserved. The description has been changed to remove the words flexible commercial uses and have been replaced with Class B8 use with supporting Classes E(g) and B2 uses.

1.2 The application site is located to the south of the B1256 at Start Hill Great Hallingbury and comprises an employment site (Stansted Distribution Centre)

- 1.3 In terms of principle the proposed development is in accordance with the policies within the NPPF paragraph 85, and Uttlesford Local Plan Policies AIR7 and E2
- 1.4 It is considered that the impacts of the development do not adversely, nor would they significantly and demonstrably outweigh the benefits of the proposal in the planning balance.
- 1.5 The proposal would not result in an increase in the numbers of people residing working or congregating on the site within the Public Protection Zones beyond the current level, or if greater, the number authorised by any extant planning permission and is therefore in accordance with the Government Policy Paper (2021): Control of development in airport public safety zones.

2. **RECOMMENDATION**

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

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

And

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

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The application site is located to the south of the B1256 at Start Hill Great Hallingbury and comprises an employment site (Stansted Distribution Centre). It is in close proximity to junction 8 of the M11.
- 3.2 The site is 3.74 Hectares and is rectangular in shape. The land levels of the site are higher than natural ground levels surrounding it.
- 3.3 There is an existing access serving the whole site onto the B1256.
- 3.4 Adjacent to the north of the site at the western end are residential properties. Adjacent to the east of the site are modern buildings for employment use approved in 2014. There are also residential properties to the northwest of the site.

3.5 Beyond the rear southern boundary is the Flich Way a County Wildlife Site and public right of way.

3.6 There are listed buildings close to the site.

3.7 To the north of the B1256 are bridleways 42 and 45 and part of the National Cycle Network route 16.

4. **PROPOSAL**

4.1 The proposal is for outline permission for demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for predominantly Class B8 use with supporting Classes E(g) and B2 use, car parking, servicing yards, soft landscaping and other associated works. All matters are reserved.

4.2 The Application Site will be divided into four development plots:

- Plot A – Maximum floor area of 1,620 sqm GEA. Suitable for up to 4 building which can be sub-divided, in Use Classes E(g)(iii), B2 and B8 with ancillary office accommodation.
- Plot B - Maximum floor area of 5,830 sqm GEA. Suitable for multiple building of various sizes (maximum 4,000 sqm GEA for single unit), in Use Class B8 with ancillary office accommodation.
- Plot C – Maximum floor area of 815 sqm GEA. Suitable for a small unit in Use Class B8 with ancillary office accommodation.
- Plot D – Maximum floor area of 4,935 sqm GEA. Suitable for single or multiple buildings in Use Class B8 with ancillary office accommodation.

4.3 The replacement buildings will comprise a maximum of 13,200 sqm GEA, providing a maximum of 21,173 sqm GEA commercial built floorspace in Use Classes E(g)(iii), B2 and B8 across the wider Stansted Distribution Centre site. Each new unit will have ancillary office space contained within the unit. No additional open storage space will be provided.

4.4 Proposed maximum buildings heights will comprise:

- Plot A – 10.5m
- Plot B – 12.5m
- Plot C – 10.5m
- Plot D – 13.5m

4.5 The table below shows the breakdown of the floorspace

	Existing (sqm GEA)	Proposed (sqm GEA)	Difference (sqm GEA)
Buildings	15,736	21,173	+5,437
Open Storage	9,282	0	-9,282
Total	25,018	21,173	-3,845

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

6. **RELEVANT SITE HISTORY**

6.1

Reference	Proposal	Decision
DUN/0293/71	Permanent permission for exiting office.	Approved with conditions
DUN/0401/72	Erection of storage building.	Approved with conditions
DUN/0441/70	Site for erection of storage building (Revoked 18-04-1973)	Approved with conditions
DUN/0508/65	Canteen additions	Refused
UTT/0004/97/AV	Erection of four internally illuminated signs and three flag poles.	Approved with conditions
UTT/0115/96/OP	Outline application for erection of warehousing/light industrial units. Construction of service road and regrading of land.	Refused
UTT/0018/97/FUL	Alteration to condition C.4.9. of UTT/0528/96/FUL relating to retention of hedge	Allowed at appeal
UTT/0119/07/CC	Change of use from Distribution Centre to a Highway Depot CC/UTT/07/07	Approved with conditions
UTT/0299/94/FUL	Change of use from warehousing to Class B1 Business (unit 2)	Approved with conditions
UTT/0342/12/FUL	Relocation of existing tyre store and erection of new portacabin (unit 1)	Approved with conditions
UTT/0474/09/FUL	Change of use from B1(C) offices to B1(A) offices and B8 storage & distribution (unit 14)	Approved with conditions
UTT/0527/96/FUL	Erection of 4 single-storey buildings for use as warehousing, vehicle distribution and servicing	Approved with conditions
UTT/0567/04/FUL	Removal of condition C.90F on planning application reference UTT/1515/03/FUL, B8 site, to allow 24 hour activity	Approved with conditions

UTT/0573/04/FUL	Variation of removal of condition C.90M to allow 24 hour activity on B8 site. (UTT/1641/02/FUL)	Approved conditions	with
UTT/0718/06/FUL	Change of use from vacant B1 use to car rental depot. Unit 18	Approved conditions	with
UTT/0759/99/FUL	Provision of mezzanine floor Unit 9-10	Approved conditions	with
UTT/0894/97/FUL	Erection of four units for vehicle renting including storage, preparation and valeting of rental vehicles	Approved conditions	with
UTT/1048/98/FUL	Erection of warehouse building and associated yard area	Approved conditions	with
UTT/1104/97/FUL	Formation of storage compound and erection of associated building	Approved conditions	with
UTT/1134/99/FUL	Erection of valet building	Approved conditions	with
UTT/1254/99/FUL	Erection of light industrial (Class B1 Business) building and associated car parking	Refused	
UTT/1426/04/FUL	Change of use in Warehouse development from B8 (Storage/Distribution) to B1 (Business Use/Light Industrial)	Approved conditions	with
UTT/1482/99/FUL	Installation of petrol tank and pump	Approved conditions	with
UTT/15/2891/FUL	Change of use from B1 to B2 (general industrial)	Approved conditions	with
UTT/1515/03/FUL	Erection of warehousing (use class B8)	Appeal withdrawn	
UTT/1534/03/FUL	Change of use to maintenance and repair of commercial motor vehicles (Class B2) Unit 2a	Approved conditions	with
UTT/1548/07/CC	Proposed erection of 9.32-metre-high Euro Dome building for the storage of salt, and single storey 24 x 9.6 metre porta cabin style offices and welfare facilities	Approved conditions	with
UTT/16/3468/FUL	Erection of a replacement wastewater treatment plant	Approved conditions	with
UTT/1641/02/FUL	Erection of building for B8 (warehouse) use.	Appeal withdrawn	

UTT/1821/03/FUL	Variation of condition C.90c attached to UTT/0528/96/FUL (limiting the land use and building hereby permitted)	Approved with conditions
UTT/2051/05/FUL	Proposed change of use from vacant BI use to car rental depot	Refuse
UTT/23/0597/SCO	Request for screening opinion for Outline planning permission for the redevelopment of parts of the existing industrial park. This will include the demolition of approximately 7,750sqm GEA built floorspace at Units 1b, 2a, 2b, 4, 6, 7 and 8 and redevelopment of 9,200sqm GEA of open storage. Overall, approximately 13,400sqm GEA flexible commercial floorspace in uses Class B2/B8/E(g)(i-iii) will be provided with associated car parking, servicing yards and soft landscaping.	Not EIA development
Other material decisions		
UTT/22/0434/OP Land North of Stansted Airport	Outline application for demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route and other associated works with matters of layout, scale, appearance and other landscaping reserved	Approved with conditions 9 th August 2023

UTT/22/0267/FUL Tilekiln Road	Creation of an open logistics facility with associated new access and ancillary office with amenity facilities	Refused
UTT/23/0950/PINS Tilekiln	62A/2023/0017 - Development of the site to create an open logistics facility with associated new access and ancillary office and amenity facilities	Refused
UTT/20/1098/FUL Adjacent to site	15 dwellings including 6 affordable.	Allowed at appeal

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** UTT/22/1743/PA: Demolition of Employment Units 2A, 2B, 3, 4, 6, 7, 8 and ancillary structures and erection of 8 replacement units to provide 17,815sqm replacement B2/B8/(E(g)(i-iii) employment floorspace, together with realignment of existing access road.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1** From a highway and transportation perspective the impact of the proposal is acceptable to the highway authority subject to conditions.

8.1.2 Previous comments.

The applicant has now undertaken a Stage 1 Road Safety Audit which has resulted in changes to the external highway works proposed. The designer's response to the auditors' recommendations has resulted in an informal pedestrian crossing facility to the west of the site access whereby there is no refuge for pedestrians as they attempt to cross 2 lanes of traffic and central hatching to access the bus stop. The 85th percentile speeds are above the signed speed limit, making this movement even less inviting.

- 8.1.3** Our view is that a safe and suitable crossing facility with a refuge island across the B1256 to provide access to/from the eastbound bus stop for pedestrians is essential, we request that the applicant make the necessary changes to proposed highways layout (external) in order to provide this. We recognise that this may result in the southern footway no longer being able to be upgraded to a shared footway/cycleway – this would be acceptable to the highway authority, and may
- a) allow more carriageway width for a refuge island to be provided and b) allow a narrower refuge island to be provided (as it would not be expected to be used by cyclists)

- 8.1.4** I note that Active Travel England responded to your request for consultation and noted that a signalised crossing would be required

across the B1256. Our view is that a signalised crossing is not necessary at this location, notwithstanding our aims to enhance the cycle network. We feel it would be best for a signalised crossing (preferably Pegasus, if deliverable) to be located where bridleway 42 (Great Hallingbury 20) meets bridleway 45 (Great Hallingbury 20) further east from the site. This is partly due to land ownership constraints restricting access to bridleway 42 further west, but also because this already forms part of National Cycle Network route 16.

8.1.5 We feel unable to justify asking the applicant to provide this connection as a result of this development. However, we would be willing to look into this with the applicant if they were so inclined as to explore providing a crossing facility.

8.1.6 As we also discussed, if the highway safety issue can be resolved, we are likely to recommend approval with the following conditions/obligations:
Contribution towards bus service enhancements
Contribution towards Flitch Way enhancements
Provision of new bus stops, and enhancement of existing bus stops – e.g. shelters, real time passenger information
Workplace travel plan (with monitoring)
Highway works – including provision of adequate visibility splays

8.2 National Highways

8.2.1 No objection. The development proposals will not have a material impact on the operation of the Strategic Road Network.

8.3 Local Flood Authority

8.3.1 No objections subject to conditions.

8.3.2 As part of the consultation, we have reviewed the following submitted documents:

- Revised Preliminary Risk Assessment prepared by Waterman Infrastructure & Environment Ltd., dated May 2023 (ref.: WIE19874-101-R-1-3-1-PRA);
- Flood Risk Assessment and Drainage Strategy prepared by Fairhurst, dated May 2023 (ref.: 153589-FAH-ZZ-XX-RP-C-03-01). In addition, we have also revisited information relating to the ground conditions submitted under planning application UTT/14/0138/FUL for a site adjacent east to the site with a similar use.

8.3.3 The proposed development site's current use as an industrial estate of mixed business use (comprising open storage, service yards, car parking and waste disposal associated with these uses) could potentially contain sources of contamination that could be mobilised and impact on controlled waters (specifically groundwater in the underlying Chalk Principal Aquifer) as a result of the proposed redevelopment of the site.

8.3.4 We also note that, based on the above information, and our own review of public records, that the western part of the proposed development is underlain by a historic landfill (WRC reference 1500/0043). Whilst this is considered within the Preliminary Risk Assessment, there is uncertainty regarding the extent and composition of the deposited wastes within the landfill and further investigation will be required to provide confidence that the ground conditions at the site, with respect to potential contaminants that could be present a risk to receptors associated with the site, are fully understood.

8.3.5 The proposed drainage strategy of the development has been reviewed and is deemed acceptable.

8.4 Environment Agency

8.4.1 No objection

8.5 Natural England

8.5.1 No objection.

9. Great Hallingbury Parish Council

9.1 Strongly oppose this application.

9.1.1 The current architecture of this site was optimally designed as a low profile development for two reasons:

- 1) For safety reasons being it is within the Public Safety Zone, in the footprint of Uttlesford Local Plan 2005 Policy AIR7 risk Contours, in the unlikely event of an aircraft in difficulty or coming down in this zone the likelihood and risks are minimised to occupants and infrastructure.
- 2) This is commercial development in a predominantly rural residential hamlet. Therefore, the building designs, heights and layouts were minimised to keep the setting, noise, disturbance and dynamics of a commercial development secluded to prevent overpowering/overbearing to the residential community and its rural setting. The proposed redevelopment contravenes Uttlesford Local Plan policy AIR7, the proposed is not a low-density development.

9.1.2 Also, Policy S7, this doesn't protect or enhance the countryside. Policy GEN2 Section H, this will have an overbearing effect on neighbouring properties i.e Nonane, Thatched Cottage, Start Hill no 10 and associated residents.

9.1.3 Policy GEN4 good Neighbours, this redevelopment will increase HGV movements along the B1256 and neighbouring villages, where will these HGVS go if the M11 or A120 are blocked/closed, any additional HGV movements will have an accumulative impact on an already overloaded section of the B1256.

- 9.1.4** Policy ENV2 and NPPF section 199,200 Listed buildings, this development will greatly impact the special characteristics and settings of 11 Grade 2 listed assets, it will severely impact on thatched Cottage, also impair the settings of the Old Elm, Lewismead, Great Hallingbury End, Thremhall Priory.
- 9.1.5** There is a current restriction on the business use of Stanstead Distribution Centre, Mon- fri 8am – 6pm, Sat 8am- 1pm and no business hours on Sundays, please see UTT/15/2891/FUL conditional approval. There is no mention of business hours in this application.
- 9.1.6** Great Hallingbury Parish Council also has concerns as to how wastewater treatment and collection will be processed as the development is not on mains drainage, current outfall into streams and rivers have signs of intense pollution from the increase in waste outfall use. Verges are overgrown and pathways are poorly maintained on an unlit fast 40mph stretch of the B1256, footfall to this site will be limited to the use of the motorcar.
- 9.1.7** Cycleways are significant to users from bishops Stortford unless cyclists are willing to cycle round the M11 JCN 8 in the road, there is no pedestrian access from Bishops Stortford
We welcome the approval of the Stansted North Industrial Development with its first phase due to be complete in 2024, this is 1 mile from this application site, with this we feel there is not a need to increase current commercial building stock in this area.
- 9.1.8** Great Hallingbury Parish Council are extremely disappointed that meetings have been allowed to go on with the developer.
It is of utmost importance that this application is discussed from now on in the public domain. We feel that matters have not been fully addressed in the meeting summary which has led to a last-minute amendment to this planning application.
Some serious matters need to be addressed for example the 24/7 change of use.
- 9.1.9** This application was scheduled for a committee decision. It would appear that the case officer has been consulting with the developer.
Is this standard practice?

9.2 Takeley Parish Council

- 9.2.1** Takeley Parish Council has recently been informed by a ward councillor about the proposals for this commercial development which will to increase HGV use of the B1256 Dunmow Road though the Takeley Four Ashes junction. The Parish Council is concerned about HGV use on the Four Ashes junction and the heavily congested roads approaching the junction and along Parsonage Road in Takeley. As the Four Ashes junction is over capacity, there has been a stark increase in HGV traffic and there has been a recent rise in road traffic accidents in Takeley, both

on the B1256 and in Parsonage Road, we request that Essex Highways ensures that an assessment is made to consider any restrictions that might be put in place or any road safety measures that could potentially be funded by a s106 contribution.

10. CONSULTEE RESPONSES

10.1 Active Travel England

10.1.1 Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

10.1.2 This is Active Travel England's (ATE) second response to this application. ATE has considered the submitted road safety audit, designer's response and revised plans for the access and pedestrian crossings. We have been in consultation with the planning and highway authorities. It is recognised that the topography of the site and the lack of highway land or land in control of the applicant make links for cyclists from the development to the wider cycle network which consist of the Flitch Way to the South and bridleway 42 (Hallingbury) to the north difficult to achieve in the short term. Therefore, it is appropriate for a contribution to be secured to improve the Flitch Way and links to it. ATE has no objection to the application provided the following are secured: By condition:

- Prior to first beneficial occupation highway works shown in principle on drawing number 23036/002 REVC shall be provided, this includes relocated and enhanced bus stops, footways widened to a minimum width of 2m, and two uncontrolled crossings with refuge islands, minimum widths of 2.3m (western crossing) and 2m (eastern crossing). Reason: To ensure appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and to provide safe and suitable access for all users in accordance with NPPF 110a and b.

10.1.3 By S106 agreement

- Prior to first beneficial occupation the workplace travel plan based on the Framework Plan submitted with this application shall be submitted to and approved by the Local Planning Authority, it shall include the following in relation to active travel, minimum walking and cycling targets, obligations for monitoring, travel plan co-ordinator, sustainable travel information and incentives and a remedial measures for unmet targets. If any of the proposed initiatives cannot be delivered resources should be diverted to other sustainable and active travel infrastructure or initiatives Reason: to provide an increase in accessibility of the development and a choice of modes for employees through implementation of a travel plan in accordance with NPPF 113.

- A contribution to local improvements to the Flitch Way, to facilitate such improvements as new surfacing, signing, drainage connections and crossings in the vicinity of the site, and/or the feasibility and design of strategic links to Bishop Stortford. Reason: to improve off road walking and cycling links in the vicinity of the development thus giving priority first to pedestrian and cycle movements in neighbouring areas for employees and local users of the network in accordance with NPPF 112 a.

10.2 UDC Environmental Health

10.2.1 I refer to the amended application additional information dated 2 August and would like to make the following supplementary comments, which should be read in conjunction with the Environmental Health comments dated 27 June 23.

10.2.2 Noise and odours impacts:
It is noted from the Planning Statement that the proposed B2, B8 and E (g) unit facades are located 36m from residential properties to the north, 9m from residential properties to the west and 40m from residential properties to the south.

10.2.3 The current application is not accompanied by a noise impact assessment, but the planning statement makes reference to service yards being visually and acoustically screened (3.15) and reducing overlooking with inward orientation and layout, landscape buffer to the boundaries (3.21).

10.2.4 There are also references to mitigation of odours (5.59, 5.60 fume cupboards etc and 5.65 ventilation plant working hours) as well as contaminated land investigation and mitigation measures (5.75) and air quality.

10.2.5 Whilst the applicant seeks 24/7 hours use it is not known based on the submitted information if there would be significant adverse noise impacts on neighbours from industrial and commercial operations and activities particularly at night and outside typical working hours.

10.2.6 Whilst it is acknowledged that the proposed development seeks to replace an existing warehouse/distribution use it is not clear if the proposed development would significantly increase impacts on neighbours. It is expected that more detailed information on noise and odour impacts would be available at the Reserved Matters application stage.

10.2.7 They recommend that a suitably qualified and competent acoustic consultant forms part of the design team in readiness of the reserved matters application to ensure that the site layout and location of delivery yards, plant, extraction equipment and other noisy activities are carefully considered and a Good Acoustic Design is achieved to minimise impacts on neighbours.

10.2.8 In addition to the conditions recommended in the Environmental Health comments dated 27 June 23, they would advise that the following conditions are attached to any permission granted;

10.2.9 Illuminated Signs:

1) Details of any illuminated signs to be installed on the site, including the design and illuminance levels shall be submitted to and approved in writing by the Local Planning Authority prior to the signs being brought into use. The signs shall be installed in accordance with the approved details.

10.2.10 The illuminated signs shall comply with the Institution of Lighting Engineers Professional Lighting Guide 05, The brightness of Illuminated Advertisements.

10.2.11 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).

10.2.12 Industrial/Commercial Noise Impacts

Plant noise:

2) For each of the permitted commercial and industrial units hereby approved, prior to the installation of any plant, machinery or equipment the details of such shall be submitted to and approved in writing by the Local Planning Authority.

10.2.13 A noise impact assessment must also accompany the submission and include noise emissions from the equipment and mitigation measures to be incorporated. The sound levels shall be assessed in accordance with BS4142:2014+A1 2019 (Or latest equivalent version). The sound emitted must be measured (or calculated if measurement is not possible) at 1.0m from the facade of all residential premises to demonstrate that the sound emitted by the cumulative operation of all external building services plant and equipment hereby permitted does not exceed 5db below the background noise level at any time when the plant is operating. The noise survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

10.2.14 Any scheme of mitigation shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter. Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or recommence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures have been implemented. The plant and

equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

- 10.2.15** 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).
- 10.2.16** 3) Within 3 months from the hereby approved permission, to establish background noise levels in vicinity of the development a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest noise sensitive properties. This shall be undertaken by a suitably competent person.
- 10.2.17** The noise sensitive property locations shall be submitted for written approval by the Local Planning Authority. The noise survey results shall be submitted for written approval of the representative background noise levels for each of the noise sensitive receptors at the reserved matters application stage.
- 10.2.18** Background noise levels shall be established for the following periods:
- Daytime 0700 to 1900
 - Evening 1900 to 2300
 - Night 2300 to 0700
- 10.2.19** 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). Post completion noise survey
- 10.2.20** 4) Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment rated noise levels are predicted to be in excess of 5 dB(A) above background noise levels a noise mitigation scheme shall be implemented.
- 10.2.21** 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)
- 10.2.22** Hours Of Operation:
- 5) Prior to the first occupation any of the individual non-residential units hereby permitted, details of the hours of operation shall be submitted to and approved in writing by the Local Planning

Authority. The non-residential units shall thereafter be occupied solely in accordance with the approved details.

- 10.2.23** 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).
- 10.2.24** Road Traffic Noise Impact:
6) No development shall take place until a scheme for protecting the existing noise sensitive premises from noise from road traffic changes resulting from the development, including increases in road traffic, changes to road layouts, roundabouts and new road crossings has been submitted to and approved in writing by the local planning authority.
- 10.2.25** The approved development shall not be brought into use until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.
- 10.2.26** 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).
- 10.2.27** Industrial/Commercial Operational Noise:
7) No development shall take place before a noise impact assessment and noise mitigation scheme for noise from all non-residential uses hereby approved (including industrial, commercial and manufacturing processes, mobile plant and equipment, loading and unloading of goods and materials and any other noise source associated with the use hereby permitted) has been submitted to, and approved in writing by the Local Planning Authority.
- 10.2.28** The approved scheme shall be implemented before the use/operation commences and be thereafter operated in accordance with the approved details.
- 10.2.29** 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).
- 10.2.30** Service Yard Management:
8) Prior to the commencement of development, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the service

yards. Thereafter the approved plan shall be implemented at all times.

- 10.2.31** 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).
- 10.2.32** Odour/Fumes Industrial/Commercial:
9) Prior to first occupation a scheme detailing all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with that uses/plot hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the use commencing and retained thereafter.
- 10.2.33** 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)
- 10.2.34** **Previous comments;**
- 10.2.35** Contaminated Land:
The site has been used for industrial purposes with infilled land etc. It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. The applicant has submitted a Preliminary Risk Assessment Report WIE19874-101-R-1-3-1-PRA dated May 2023 and this service is in agreement with the findings and recommendations for further intrusive investigations in section 8.
- 10.2.36** I would recommend that the following conditions are attached to any planning consent granted for the outline application as proposed:
- A Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.
 - Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
 - Prior to occupation the effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

10.2.37 Noise:

To prevent noise from associated plant and equipment causing a disturbance to nearby residents, the following condition is requested:

Noise arising from the operation of any plant/mechanical equipment (including air conditioning, fans, ducting and external openings associated with the use hereby permitted) shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of the latest version of BS4142

10.2.38 Odours:

The final proposal may include commercial kitchens and units that require fume extraction which could lead to odour complaints from nearby residents if not mitigated adequately, therefore this service recommends the following condition:

- Prior to installation, details of any equipment required for the extraction of fumes and/or odours shall be submitted to and approved by the local planning authority in writing prior to installation. The details submitted shall include specifications of all fans, odour control and outlet height and location, acoustic performance, and a maintenance schedule. Thereafter the equipment shall be implemented in accordance with the approved details.

10.2.39 Air Quality:

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

10.2.40 Construction Impacts:

This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

10.2.41 External Lighting:

It is essential to ensure that any external lighting is properly designed and installed to avoid any adverse impacts on residential neighbours from obtrusive/spill-over light, or glare. The following condition is therefore recommended to secure this:

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

10.3 UDC Landscape Officer/Arborist

10.3.1 The proposed development would necessitate the removal of some 33 trees and 6 groups of trees, together with the pruning of others including mature oak trees. The trees shown to be removed are assessed as being of low value, and the pruning works sustainable.

10.3.2 The proposed Landscape Framework Strategy is considered appropriate. The development would have negligible impact on the wider landscape.

10.3.3 Any planning permission should be subject to conditions including the submission for approval of fully detailed soft and hard landscaping, existing ground levels and proposed slab levels, external lighting, details of boundary enclosure walls/fencing, protective measures for existing vegetation to be retained.

10.4 Place Services (Conservation and Heritage)

10.4.1 A formal heritage assessment has not been provided; however brief reference is made to the local designated heritage sites within the Planning Statement. To satisfy the requirements of Section 16 paragraph 189 of the NPPF, a Heritage Statement should be provided that adequately assesses the significance of the existing heritage assets, and how the proposed development will affect them.

10.4.2 It is understood that the site is currently in use for industrial/ commercial purposes however further details are required to show an understanding of the area and context mentioned in 2.10 of the Planning Statement. A plan to show the maximum proposed building heights has been provided, but no contextual images to show the massing (to scale) as seen from Dunmow Road is provided for review.

10.4.3 The proposed scale of the Plot D block does not reflect the existing scale of the units in that section of the site, which is in proximity of The Thatched Cottage (refer to Section 3.0 for listing details).

10.4.4 The Landscape and Visual Impact assessment is a useful study however it would be beneficial for a similar study to be carried out with a focus on the heritage assets, and to confirm how the proposed development will be screened behind the existing vegetation as noted in 5.32 of the Planning

Statement. Vegetation screening should be considered throughout the course of the year as the seasons change. The application makes several references to minimal impact to surrounding buildings, however there is little evidence to justify these statements.

10.4.5 Further details are required to allow review of the character, massing, scale and design. Proposals should be illustrated in context to show the actual impact the proposed massing would have on the low density housing that surrounds the site, with a particular focus on the designated heritage assets outlined in Section 3.0.

10.4.6 Based on the existing use of the site and principles set out within the Outline Planning application, UDC Heritage and Conservation supports the principle of the proposal, subject to further details being provided on the character, scale, massing, and design of the proposed units indicated on the masterplan.

10.4.7 If consent is to be granted, please find enclosed an adjusted condition for attachment with regard to heritage and conservation. Prior to or concurrent with the submission of the Reserved Matters application for the development, a design assessment that details the scale, layout, and massing of the proposal within context of the surrounding designated and non-designated heritage assets should be provided.

10.4.8 Reason:
To clarify the impact of the proposed development on the Flich Way and designated heritage assets within proximity of the site.

10.5 Place Services (Ecology)

10.5.1 Recommended Approval subject to attached conditions.

10.5.2 We have reviewed the submitted documents, including the countersigned Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate from Natural England dated 5th December 2023, Biodiversity Validation Checklist, Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023), Biodiversity Net Gain Assessment Report (Applied Ecology Ltd., June 2023), Biodiversity Metric Calculation Tool, Arboricultural Implications Report (SJA Trees, May 2023) Existing Site Plan, drawing no. PL002 (PRC, February 2023) and Indicative Masterplan, drawing no. PL007 Rev A (PRC, February 2023) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. We are now satisfied that there is sufficient ecological information available for determination of this application.

10.5.3 The mitigation measures identified in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and

enhance protected and Priority species particularly those recorded in the locality.

10.5.4 An Impact Assessment & Conservation Payment Certificate Countersigned by Natural England has been submitted for the application site. This gives the LPA certainty that the proposed application will be accepted onto Natural England's District Level Licensing (DLL) scheme in Essex. The submission of a copy of the DLL Licence issued by Natural England should be secured by a condition of any consent concurrent with reserved matters.

10.5.5 The Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) states that the vegetated northern and southern boundaries of the site could be valuable for commuting and foraging bats. This is particularly important at this site given the southern boundary is adjacent the Flitch Way Local Wildlife Site (LoWS) and Local Nature Reserve (LNR) and is close to and connected to Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and local records include light adverse species such as long-eared bats, *Barbastelle* and *Myotis* sp. To avoid impacting light sensitive nocturnal animals such as bats, the applicant is advised that any new external lighting will need to be installed in line with the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). This lighting scheme should be secured by a condition of any consent concurrent with reserved matters.

10.5.6 In summary:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700K. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'

10.5.7 Given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity should be secured by a condition of any consent concurrent with reserved matters.

10.5.8 It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. Achieving a

measurable net gain in biodiversity using the DEFRA Biodiversity Metric is not yet mandatory for planning applications. However, it is recommended that additional tree planting occurs at the site or is secured offsite. A finalised Biodiversity Net Gain Design Stage Report should be secured by a condition of any consent concurrent with reserved matters, detailing how a measurable net gain in biodiversity will be achieved at the site using the DEFRA Biodiversity Metric 4.0, or any successor

10.5.9 We support the proposed reasonable biodiversity enhancements including the installation of integrated bird and bat boxes and the use of wildlife friendly planting onsite, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

10.5.10 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013

10.5.11 They recommend approval subject to conditions.

10.6 Crime Prevention Officer

10.6.1 UDC Local Plan Policy GEN2 - Design (d) states" It helps reduce the potential for crime". Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the detailed lighting plan, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Commercial award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring that risk commensurate security is built into each property and the development as a whole

10.7 MAG Aerodrome Safeguarding

10.7.1 No objections subject to conditions

10.8 NATS safeguarding

10.8.1 No objection in principle to this outline planning application but would like to be kept informed as the development matures and final building designs become available. We operate a number of pieces of equipment at Stansted Airport some of which, namely the Secondary Surveillance Radar and Instrument Landing System in this case, have the potential to

be degraded by the construction of the wrong sort of building at this location

10.9 UDC Economic Development

10.9.1 This application is supported from an Economic Development perspective. The Employment Needs and Economic Development Evidence 2021 highlighted that small industrial units, <10,000 sq.m, are in high demand in Uttlesford with demand outstripping supply. The size of the units will appeal to micro and small businesses which make up the majority of our business community

10.9.2 3rd November 2023
The Employment needs and economic development evidence (November 2021) commissioned for the new Local Plan identified a lack of industrial supply in the district with a 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. According to local agents the demand is acute within a 10 mile radius of the Airport.

10.9.3 There is demand for industrial space in a range of small, medium and large size bands across the District including from established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand. Demand exists for smaller rural premises across the district and around the smaller towns and villages

10.9.4 The report identifies a strong need for small industrial units. This need is not satisfied by the units proposed on the Northside development which are on a larger scale.

10.9.5 The Economic Baseline study (2022) conducted as part of the North Essex Economic Board's 5 year economic strategy noted that the third highest grossing sector in Uttlesford was Transportation and Storage with a value of £222m pa. The sector has the highest levels of employment across all sectors with 19.6% of total employment (Employment needs and economic development evidence for the new local plan).

10.10 Essex Bridleways Association

10.10.1 I am the Uttlesford area representative of Essex Bridleways Association and the secretary of Flitch Way Action Group, registered charities dedicated to developing and preserving safe off-road routes for horse riders, walkers and cyclists. The Flitch Way Action Group is working to reconnect the separated sections of the Flitch Way through Dunmow and to create safe off road routes from the severed end of the Flitch Way at Start Hill into Bishop's Stortford. The Flitch Way is a designated local wildlife site and nature reserve: a haven for flora and fauna and a valued resource for people to enjoy the peace and tranquillity of the Essex countryside. Linking the severed sections will deliver a safe sustainable

route of over 15 miles both for leisure and for walking and cycling to school and work.

- 10.10.2** I object to this application. The Flitch Way borders the southern boundary of the site. The site is visible from the Flitch Way. To make this application acceptable I ask that the width of the buffer zone and landscaping between the site and the Flitch Way and any access to the Flitch Way from the site be agreed with the Essex Country Park Rangers who manage the Flitch Way.
- 10.10.3** The applicant's Framework Travel Plan prioritises cycling and pedestrian travel stating that "most of Bishop's Stortford, Birchanger, Stansted Airport, Takeley are all within cycling distance of the site" and that local roads are safe for cyclists to ride. It is true that the Flitch Way provides a safe sustainable route from Takeley to the site. However, there is no safe direct route from Bishop's Stortford. The B1256 (the old A120) is the "main" local road. It is not a pleasant road to cycle: too fast, too narrow. It's very unusual to see anyone on a bicycle. It merges with the A120 on the M11 Junction 8 roundabout west of the site. This roundabout is neither walkable nor cyclable and consequently there is at present no possibility of walking or cycling to and from the site via the direct route from Stortford. The Travel Plan suggests an indirect mostly off -road route into Stortford via Birchanger. Realistically working people travelling to and from Bishop's Stortford need a direct route to and from the site. There is potential for a safe direct off-road route from the end of the Flitch Way which currently terminates at Start Hill, a short distance west of the application site, via rights of way and field tracks and the tunnel under the M11 south of Junction 8. Funds are needed to create the route and to construct a ramp and small bridge where the Flitch Way currently ends. If this application is allowed, I ask for permission to be given conditional upon the requirement that: within 6 months of work commencing on the site or within 6 months of the grant of permission whichever is soonest,
- 10.10.4** The applicant contributes a sum (the amount to be agreed with ECC and UDC) to the costs of creating a safe route from Start Hill to Bishop's Stortford for all non-motorised users so as to make the site accessible on foot and bicycle not just from Takeley but also from Stortford.
- 10.10.5** The applicant provides a buffer zone of a minimum of 20 metres and preferably more between the Flitch Way and the site, to be landscaped as advised by Essex Country Park Rangers.
- 10.10.6** The applicant contributes to the cost of maintaining the surface of the Flitch Way.
- 10.10.7** The applicant provides visitor parking provision for people wishing to use the Flitch Way.
- 10.11 Friends of Flitch Way**

- 10.11.1** I am writing on behalf of the Friends of the Flitch Way and Associated Woodlands. Our volunteers work for the benefit of the community to conserve, protect and improve the physical and natural environment of the Flitch Way and other sites throughout Essex under the guidance of Essex County Council (ECC) Park Rangers and Public Rights of Way teams.
- 10.11.2** The Flitch Way is a linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, Honeysuckle and David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree).
- 10.11.3** The Flitch Way provides an easily accessible multi-user path, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about the wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site reference Ufd196 and has recently been designated a Local Nature Reserve by English Nature see <https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1481633&SiteName=flitch&countyCode=&responsiblePerson=&&SeaArea=&IFCAArea=>.
- 10.11.4** It carries a bridleway along most of its length and is a popular and much loved greenway with over 70 access points, giving walkers, cyclists and equestrians access to the beautiful countryside of north west Essex. Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last few years there have been applications to build around 6,000 houses or commercial development across 30 sites directly adjacent to the Flitch Way. To give you some context, the Flitch Way forms the southern boundary of the proposed site. In our opinion planning should be refused, as not enough consideration has been taken of the impact it would have on the character and appearance of the Flitch Way, wildflowers and wildlife. I could find no acknowledgement of the Local Nature Reserve designation in the application nor the importance of the Flitch Way to the green infrastructure of Uttlesford. Greenspaces in Uttlesford are in high demand and should be protected for the health and well-being of residents. The proposed development site as seen from the Flitch Way, would have an impact with some of the buildings exceeding heights of 10m directly adjacent to the Flitch Way.
- 10.11.5** I would draw your attention to two recent Planning Appeals. The first was to build 1500 houses on Land North and South of the Flitch Way in

Braintree District, reference APP/Z1510/W/18/3197293. On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."

10.11.6 A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25:

- "24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge. 25. I accept it is not an open countryside feature along its entire length, and in places there is development close to the northern edge, but it is an important refuge from the growing urban centres and provides easily accessible countryside experiences and access to important features such as Hatfield Forest."

10.11.7 For these reasons the Friends of the Flitch Way are objecting. If, however, the planning is successful, we ask for the following to be taken into account to lessen the damage and make a positive contribution to the local community, especially given the emphasis on cycling and sustainability mentioned in the application:

1. Buffer zone alongside the Flitch Way - The preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. Currently the Design and Access Statement includes a buffer zone of varying depths. Any buffer zone should be landscaped sensitively and be attuned to the specific habitat of this section of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to maintain good light access to maintain as diverse a range

of wildlife as possible. Any planting schemes should be agreed with Essex Country Park Rangers.

2. Pedestrian, cyclist and equestrian access - Any access on to the Flitch Way to support sustainable travel should be agreed with ECC park rangers and be accessible to non-motorised users.
3. The Travel Plan dated May 2023, included with the planning application indicates that both Bishops Stortford and Takeley are within cycling distance of the site. The Flitch Way currently terminates at Start Hill and is not connected to Bishops Stortford by a safe direct cycle route. Only Takeley can be accessed by a traffic free route. A safe route connecting the Flitch Way to Bishops Stortford could be created using the tunnel or bridge to cross the M11 to the south of the present site and this is under investigation.
4. Flitch Way Visitor Car Parking - The Flitch Way is popular with many local residents across Uttlesford. If planning is approved we would also like to see visitor car parking included within the development so people, particularly vulnerable users such as children, inexperienced cyclists and mobility users, can enjoy the Flitch Way safely.
5. There is the potential for a new access path to be created to the south of the site providing the Flitch Way Park Rangers are in agreement.
6. S106 Contribution to the establishment of a non-motorised multi-user path into Bishops Stortford from the Flitch Way (payable on completion of the first phase) and a contribution to the ongoing maintenance of the Flitch Way.

10.11.8 Having commented previously on behalf of Flitch Way Action Group I wish to add comments in my capacity as Uttlesford Area Representative of Essex Bridleways Association, a registered charity dedicated to the preservation and development of bridleways in Essex. I object to this application in its current form for failing to acknowledge and provide for the safety of horse riders. The Flitch Way bridleway passing to the south of the site is a valuable resource for horse riders, providing many miles of safe off-road riding on an all-weather surface. It also connects via Great Hallingbury Bridleway 45 and Bridleway 42 with rights of way north of the B1256. There are proposals in recent planning documents to improve "Footpath 42" and "Footpath 43" for cyclists and pedestrians. "Footpath 42" is not a footpath. It is a bridleway. So far as I can tell "Footpath 43" doesn't exist. Is this a reference to Bridleway 45: the bridleway that links the Flitch Way to the B1256? There has been no acknowledgement in any of the planning documents of the necessity either to accommodate horse riders in any proposed crossing of the B1256 or of the importance of ensuring that any improvement to these rights of way meets the requirements as to width, surface materials etc of equestrians. It is regrettable (and arguably discriminatory given that most horse riders are female), that the impact on horse riders in planning applications that are

likely to adversely affect them is almost always disregarded by applicants and their advisers. It is vital that the safety of horse riders should not be compromised by any "improvements" to the rights of way and any crossing of the B1256. The crossing should ideally be a Pegasus crossing. If that cannot be achieved the crossing should at least be suitable for ALL users: walkers, horse riders and cyclists. I ask that there should be horse and rider warning signs on the B1256 approaches to the crossing to alert road users to the need to slow down and look out for riders and that any changes to the surface of the Bridleways 45 and 42 comply with BHS guidance i.e. not tarmac.

10.12 Cycle Stortford

10.12.1 I am one of the Coordinators of Cycle Stortford, a community group dedicated to developing safe active travel routes for cyclists (and horse riders, walkers, and users of mobility vehicles) in and around Bishop's Stortford. One of our key initial objectives is to achieve a direct connection for cyclists and other users from the severed western end of the Flich Way at Start Hill into Bishop's Stortford. Providing this link will deliver a safe sustainable route of over 15 miles, for leisure and journeys for school and work in Bishop's Stortford.

10.12.2 Cycle Stortford is seeking to embed this route into the East Hertfordshire LCWIP, the development process for which is now underway. We understand that Uttlesford DC and Essex CC are also investigating initiatives to enhance the connectivity and amenity value of The Flich Way. Cycle Stortford contends that the new 'commercial units' at the site will generate journeys to work between Bishop's Stortford and the site, and customer demand for similar journeys.

10.12.3 The applicant's Framework Travel Plan seeks to prioritise cycling and pedestrian travel in line with local government policy by stating that "most of Bishop's Stortford, Birchanger, Stansted Airport, Takeley are all within cycling distance of the site" and that local roads are safe for cyclists to ride.

10.12.4 This is true for the Flich Way from Takeley to the site, but there is currently no safe direct route from Bishop's Stortford. The B1256 (the old A120) is the "main" local road for access to the site, and from Bishop's Stortford to reach this road requires navigation of the M11 Junction 8 roundabout west of the site. This roundabout is unsafe for cyclists and pedestrians, and consequently there is at present no possibility of walking or cycling to and from the site via this direct route from Stortford. The Travel Plan also proposes the indirect, mostly off -road, route into Stortford via Birchanger.

10.12.5 Although part of Sustrans NCR16, this route is narrow, unsurfaced, and unlit, and there is no safe provision for cyclists between Birchanger and Bishop's Stortford. Realistically, working people or customers travelling to and from Bishop's Stortford will not use this route.

10.12.6 Therefore, Cycle Stortford is advocating a direct route to and from the site. There is potential for a safe off-road route from the current end of the Flitch Way at Start Hill, a short distance west of the application site, via rights of way and field tracks, and the existing tunnel under the M11 south of Junction 8. Upgraded footpaths and existing cycle paths will provide links into the centre of Bishop's Stortford. Funds are needed to install the route infrastructure, including a ramp and small bridge where the Flitch Way currently ends.

10.12.7 If this application is allowed, we ask for planning permission to be conditional upon the requirement that (within 6 months of work commencing on the site or within 6 months of the grant of permission, whichever is soonest) the Applicant contributes a sum (the amount to be agreed with ECC and UDC) to the costs of creating a safe route as outlined above from Start Hill to Bishop's Stortford. This route should be suitable for all non-motorised users, so as to make the site accessible on foot and bicycle not just from Takeley but also from Bishop's Stortford. Following consultation, we understand that Sustrans also support this proposal as a missing link in their National Cycle Route network.

10.13 Thames Water

10.13.1 As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://protecteu.mimecast.com/s/tnRSCQWnzT60KxtxN41Y?domain=thameswater.co.uk> Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. The application indicates that surface water will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

10.14 HSE

10.14.1 This application does not fall within any HSE consultation zones.

10.15 Cadent Gas

14.15.1 We have no objection to this proposal from a planning perspective,

10.16 UK Power Networks

10.16.1 Should the excavations affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact UK Power Networks

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and notifications letters were sent to 183 nearby properties.

11.2 Support

11.2.1 No representations have been received in support of the application.

11.3 Object (including a representation from Great Hallingbury Neighbours Association) summary of issues raised.

- 11.3.1**
- Noise and pollution
 - Impact on listed building character and setting
 - Overpowering development
 - Would be totally out of keeping with this rural area
 - Overdevelopment
 - Unacceptable business hours
 - Cycle routes are extremely muddy and unpassable during the winter with no lighting and overgrown in the summer
 - Highway safety- No pedestrian crossing, no street lighting and pathways are overgrown. Excessive traffic
 - Buses run at a frequency of 1 an hour in each direction, these are frequently cancelled in winter conditions and can't be relied upon. Bus stops are just a post with no shelters available.
 - Impact on aircraft safety
 - Increase in occupants within the Public Safety zone.
 - The current risk contour areas are utilised with mainly car parking, car rental and vehicle storage
 - Unacceptable increase of HGV's
 - Overbearing impact on residential dwellings
 - Inadequate drainage
 - Inadequate water and sewage supplies
 - Overshadowing and lack of light
 - Several trees have been removed from outside of the Audi garage
 - Impact on biodiversity – Flitch way and Hatfield Forest
 - Workers from the site park in Tilekiln Lane leaving their cars on the road verge
 - Contrary to CPZ policy

11.3.2 The Pochins site is adjacent to Tilekiln Green Lane. The Pochins site entrance was stopped up in 2005. This must be retained, to keep the buffer between residential properties and the distribution centre

11.3.3 Should the application be approved a construction management plan should be in place. Many of the developments in the area are working 7 days a week and all hours. This is not acceptable as local residents deserve some respite from noise and dust.

11.3.4 The Flitch Way is not suitable as regular commuting route, nor should it be allowed to develop into one. It is a recreational area and wildlife corridor.

12. MATERIAL CONSIDERATIONS

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

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

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

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Ashdon Neighbourhood Plan (made 6th December 2022)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)

Great and Little Chesterford Neighbourhood Plan (made 2nd February 2023)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made 19 July 2022)
Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023)

13.2 Uttlesford District Plan 2005

S3 – Other settlements Boundaries
GEN1- Access Policy
GEN2 – Design Policy
GEN3 -Flood Protection Policy
GEN4 - Good Neighbourliness Policy
GEN5 –Light Pollution Policy
GEN6 - Infrastructure Provision Policy
GEN7 - Nature Conservation Policy
GEN8 - Vehicle Parking Standards Policy
ENV2 - Development affecting Listed Buildings Policy
ENV3 - Open Space and Trees, Policy
ENV4 - Ancient monuments and Sites of Archaeological Importance Policy
ENV10 -Noise Sensitive Development, Policy
ENV13 - Exposure to Poor Air Quality Policy
ENV14 - Contaminated Land
AIR7 – Public Safety Zones
Start Hill Local Policy 1

13.3 State name of relevant Neighbourhood Plan in this title

N/A

13.4 Supplementary Planning Document or Guidance

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

The Town and Country Planning (Safeguarded Aerodromes, technical sites and military explosives storage areas) direction 2002 updated 22nd December 2016.

Control of Development in airport public safety zones updated 8 th October 2021.

Uttlesford Employment Needs September 2023

Flightpath to the future a strategic framework for the aviation sector 2022

Aviation Policy Framework 2013

Control of Development in Airport Public Safety zones DfT circular 01/2010

14. CONSIDERATIONS AND ASSESSMENT

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

- A) Principle of development**
- B) Design of the proposals and the impact on neighbour's amenity**
- C) Heritage and Archaeology**
- D) Biodiversity**
- E) Highways – parking and access**
- F) Contamination**
- G) Flooding and drainage**
- H) Climate change**

14.2 A) Principle of development

14.2.1 The site lies within an existing industrial estate which is safeguarded as employment land within the local plan under policy E2. A need to secure the long term viability of this employment site is supported.

14.2.2 The policy E2 seeks to protect the site from market pressures to ensure that there continues to be employment opportunities locally across Uttlesford. The proposed use is for employment use and therefore complies with policy E2.

14.2.3 The site also falls under Uttlesford Local Plan Policy Start Hill Policy 1. This relates to the existing Stansted distribution Centre. This land is allocated in order to provide scope for employment uses falling mainly within Class B1 light industrial, offices or research and development facilities and class B8, warehousing. It further states that landscaping will be required to protect the amenity of the neighbouring residential properties. Access to the site should be gained through the existing estate. The policy states that the site (the application site) is proposed as an employment site for uses falling within classes B1 and B8.

14.2.4 Paragraph 85 of the NPPF states that Planning Policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business

needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

14.2.5 Paragraph 87 of the NPPF states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data driven, creative or high technology industries and for storage and distribution operations at a variety of scales and in suitably accessible locations.

14.2.6 Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed, beautiful new buildings.

14.2.7 Part of the application site falls under Uttlesford Local Plan Policy AIR7 which states:

- Aircraft can take off from and land on Stansted's single runway in either direction. At each runway threshold the Department of the Environment, Transport and the Regions maintains a Public Safety Zone. The policy in relation to the Zones is set out in the Department for Transport Circular 1/2002. Two risk contours are shown on the proposals maps based on forecasts about the numbers and types of aircraft movements in 2015. The 1:100,000 contour reflects the zone where the theoretical risk of an individual residing permanently being killed by an aircraft is greater than 1:100,000. Within the 1:10,000 contour this theoretical risk is increased and very few uses involving a very low density of people coming and going within it will be accepted.
- The site already has employment use throughout the site. Local Policy advice is that this site should be retained as a key employment site suitable for Business Uses in Class E, B2 and B8 and employment-generating sui generis uses.

14.2.8 Part of the site is located within the Public Safety Zone of Stansted Airport. These are end of runway areas. Development within PSZs is restricted so as to control the number of people on the ground at risk of death or injury should an aircraft accident occur during take off or landing.

14.2.9 The Government policy paper control of development in airport public safety zones 2021 states that Local planning authorities need to carry out risk assessments in determining the use of land for sites within PSZs unless they are following either the:

- general presumption Or
- development permissible within PSZs guidance

14.2.10 It will normally be necessary for local authorities to consider whether the granting of an individual planning application would lead to an increase in the number of people living, working or congregating in the PSZs unless

following the specific guidance There should be a general presumption against:

- new or replacement development within PSZs
- changes of use of existing buildings, within PSZs

14.2.11 In particular, this should not permit:

- new or replacement dwelling houses or non-residential development
- mobile homes
- caravan sites
- other residential buildings

14.2.12 Exceptions to this general presumption are set out in development permissible within PSZs guidance.

14.2.13 Development Permissible within PSZ

14.2.14 Two types of exceptions to the general presumption may be permitted within those parts of PSZs outside any PSRZ.

14.2.15 First, it is not considered necessary to refuse permission on PSZs grounds for when it is either:

- an extension or alteration to a dwelling which is for the purpose of enlarging or improving the living accommodation for the benefit of the people living in it, such people forming a single household, or which is for the purpose of a 'granny annex'
- an extension or alteration to a property (not being a single dwelling or other residential building) that could not reasonably be expected to increase the number of people working or congregating in or at the property beyond the current level or, if greater, the number authorised by any extant planning permission
- a change of use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission. (This is considered to be fundamental)

14.2.16 Second, certain forms of new or replacement development which involve a low density of people living, working or congregating may be acceptable within a PSZ. Examples of these might include.

1. Long stay and employee car parking (where the minimum stay is expected to be in excess of 6 hours).
2. Open storage and certain types of warehouse development. 'Traditional' warehousing and storage use, in which a very small

number of people are likely to be present within a sizeable site, is acceptable. But more intensive uses, such as distribution centres, sorting depots and retail warehouses, which would be likely to entail significant numbers of people being present on a site, should not be permitted. In granting consent for a warehouse, a local planning authority should seek to attach conditions that would prevent the future intensification of the use of the site and limit the number of employees present.

3. Development of a kind likely to introduce very few or no people on to a site on a regular basis. Examples might include unmanned structures, engineering operations, buildings housing plant or machinery, agricultural buildings and operations, buildings and structures in domestic curtilage incidental to the principal dwelling and buildings for storage purposes ancillary to existing industrial development.
4. A public open space, in cases where there is a reasonable expectation of low-intensity use, such as car boot sales. Attractions such as children's playgrounds should not be established in such locations. Nor should playing fields or sports grounds be established within PSZs, as these are likely to attract significant numbers of people on a regular basis.

14.2.17 Having regard to the Department of Transport guidance on PSZs, the focus is more on only permitting development where there is a reasonable expectation of low intensity use or where uses will not entail significant numbers of people being on the site.

14.2.18 Taking the above into account, the application description "Outline planning application for the demolition of units 1b, 2a, 2b, 3, 4, 6, 7, 8 and structures at Pontins Yard, and redevelopment for flexible commercial uses with realignment of internal access road, car parking, servicing yards, soft landscaping and other associated works. All matters reserved." has been revised to remove the words "flexible commercial uses"

14.2.19 Units 5 and 6 of Plot B, unit 7 of Plot C and part of Unit 8 of plot D are located within the 1:100,000 Public Safety Zone, risk contour. Parts of Plot B and Plot C are located within the 1:10,000 contour.

14.2.20 The proposed warehouse use as proposed are of a low density use and have low employment occupancy. Where possible the ancillary office accommodation included within each industrial unit has been designed to site outside of the risk contours to reduce density further.

14.2.21 The proposed uses would now fall under the criteria of 2 and 3 of the above.

- 14.2.22** The site is in the location in close proximity to Stansted airport, M11/J8 and A120 is very important for the district. It is a key high quality employment site in the district.
- 14.2.23** The Uttlesford Employment Needs update states that there is a lack of industrial supply in Uttlesford and more generally within 10 miles of Bishops Stortford with a 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. Within a 10-mile radius of the Airport, agents report significant requirements. There is demand for industrial space in a range of small, medium and large size bands across the district including from established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand. The report identifies a strong need for small industrial units. This need is not satisfied by the units proposed on the Northside development which are on a larger scale This scheme is designed for a completely different market.
- 14.2.24** The Economic Baseline study (2022) conducted as part of the North Essex Economic Board's 5-year economic strategy noted that the third highest grossing sector in Uttlesford was Transportation and Storage with a value of £222m pa. The sector has the highest levels of employment across all sectors with 19.6% of total employment (Employment needs and economic development evidence for the new local plan). The acting Economic Development Manager states that the application is supported from an economic Development perspective.
The Employment Needs and Economic Development Evidence 2021 highlighted that small industrial units, <10,000 sq ft, are in high demand in Uttlesford with demand outstripping supply.
The size of the units will appeal to micro and small businesses which make up the majority of Uttlesford business community.
- 14.2.25** Against this is the government advice in relation to development within the Public Safety Zone.
- 14.2.26** Government advice is that certain forms of new or replacement development which include a low density of people living, working or congregating may be acceptable within a PSZ.
- 14.2.27** The principal feature of the general policy in relation to buildings and land within any PSRZ is that people should not be expected to live or have their workplaces within such areas. Consequently, very few uses will be acceptable within this zone
- 14.2.28** At pre- application stage it was suggested that the design of the site is that perhaps storage, car parking (not airport parking) uses are within the Public Protection zones and the other buildings with more intense use/occupation are outside the protection zones.

- 14.2.29** It is considered a positive direction to redistribute the intensity of the use of the site from the inner zone to the outer zone, having regard to the Governments guidance. The CAA do not advise on how many people are appropriate to work at this location. It is, however, vital that the levels of people living, working or congregating on the site is restricted. This can be achieved by a suitable condition that creates a ceiling of people permitted in the Public Protection Zone and how the numbers of people within the zone are controlled.
- 14.2.30** No built floorspace is proposed within the 1:10,000 risk contour, which is an improvement over existing where units 2b and 1b are located in the highest risk contour.
- 14.2.31** Previously the numbers of people on the site have been controlled by the use of conditions. Planning application: UTT/0528/96/FUL has condition C90B attached which states: The maximum number of people living, working or congregating on the site edged in red on drawing p201 dates May 1996 shall not exceed 35 at any time. There shall not be more than 120 people living or working or congregating at any time on the land edged red and blue on the same drawing,
- 14.2.32** The 120 people refers to the number of people employed at the site as 120. This figure was agreed with the Civil Aviation Authority at that time. The site covers the areas inside and outside the Public Protection Zone (but not the area to the west of the site which was the builders yard). (Planning application UTT/0039/90)
The following other past approved applications on the site had conditions attached that restricted numbers of people on the site:
- UTT/0299/94/FUL (Unit 2) The maximum number of persons to be employed in the unit shall not exceed 21. This permission shall not authorise any increase in the total number of employees working or congregating on the site as edged red and blue.
 - UTT/0474/09/FUL; (Unit 14) no restriction on numbers.
 - UTT/0718/06/FUL: (Unit 18) no restriction on numbers
 - UTT/0894/97/FUL (Phase 2) maximum number 120.
 - Utt1134/99/FUL (Spellbrook Mercedes) restricts use by a person or company other than the operator of the site.
 - UTT/1254/99/FUL (Eurodrome building) No restrictions on numbers
 - UTT/15/2891/FUL: (Units 27-28) no restrictions on numbers
 - UTT/1534/03/FUL (Unit 2a) The maximum number of persons in the unit shall not exceed 15 in total.
 - UTT/1821/03/FUL (Unit 3) The maximum number of people shall not exceed 35 at any time. There shall not be more than 120 people on the site known as Stansted distribution site.

- 14.2.33** It is understood that no such records are kept for all of the users currently on site, but taking into account previous conditions the number within the Public Protection Zone should be capped at 120.
- 14.2.34** The reserved matters application should provide details of monitoring and control of people accessing the site, record keeping of numbers of people within the site at any one time and details of entry and exit every date. The scheme should also set out measures to limit congregation within any one particular area of the site. The proposal should also mean that all of the details of the above should be able to be supplied to the Council on request for any given period. This can be achieved by condition.
- 14.2.35** Within the area of proposed Plot B located within the PSZ, both the Audi Garage and existing Units 2A and 2B (as shown on PL002) are included. The Audi garage was restricted to the number of people on site as 35. Units 2A and 2B would have 28 people working there, and therefore within that Plot B area located in the PSZ there are currently the potential for 63 people working in the PSZ . The proposal is proposing 60 people within plot B which is therefore a reduction on existing. The indicative plan shows the ancillary office space of the buildings to be kept at minimum size.
- 14.2.36** The proposal would not result in an increase in the numbers of people residing working or congregating on the site within the Public Protection Zones beyond the current level, or if greater, the number authorised by any extant planning permission and is therefore in accordance with the Government Policy Paper (2021): Control of development in airport Public Safety Zones.
- 14.2.37** Subject to conditions, the proposal is considered to be acceptable in principle.

14.3 B) Design of the proposals and the impact on neighbour's amenity

- 14.3.1** Policy GEN2 sets out the design criteria for new development. In addition, Section 12 of the NPPF sets out the national policy for achieving well designed places and the need to achieve good design
- 14.3.2** All matters for the current application are reserved, access, layout, materials, and landscaping cannot therefore be properly assessed at this outline stage.
- 14.3.3** The application is supported with an indicative masterplan and a proposed heights plan.
- 14.3.4** Policy GEN2 of the local plan seeks amongst other things that any development should be compatible with the surrounding area, reduce crime, energy reduction, protecting the environment and amenity. The design shall be compatible with the scale, form, layout, appearance of surrounding buildings

- 14.3.5** The development will not be permitted if it would 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. The distance between Unit 3 and the residential neighbour adjacent to Plot A is 9.7m at its closest point. The residential property is orientated north-west/south-east, so the side of the property faces the western boundary of the Site. The rear of the proposed buildings in Plot A will be located to the side of the residential property, rather than the front or rear and would not have any windows, so this is considered to be an acceptable relationship in terms of privacy and overlooking. There is also a significant existing landscape buffer separating the two buildings and proposed native planting, which helps to reduce any sense of overbearing.
- 14.3.6** The distance between Unit 5 and 10 Start Hill is 29.4m at its closest point. The office accommodation will be located on the western facade and no windows will be located on the northern facade this can be controlled by condition.
- 14.3.7** The proposals have the potential to impact on neighbours' amenity and impact on heritage assets.
- 14.3.8** Whilst overlooking can be controlled by suitable conditions, Plot B has the potential to be dominant and overbearing in relation to the houses to the south eastern side of Dunmow Road. Plot D does not reflect the existing scale of the units in that section of the site. The buildings recently built to the west of the site are on lower ground this needs to be taken into account when assessing the impact of the proposals.
- 14.3.9** The blank facade of the building types there is the potential for overbearing and visual dominance of the industrial units in close proximity to residential properties. Although a maximum height plan has been submitted, this does not sufficiently describe the three-dimensional reality of the proposals and their potential impact on neighbouring properties
- 14.3.10** The planning statement submitted states that the proposed units are located 36m from residential properties to the north, 9m from residential properties to the west and 40m from residential properties to the south. The land levels are also vastly different to surrounding adjacent properties, and therefore the impacts cannot be accurately assessed at this outline stage. Specialist design advice is that a visual Impact Assessment that third party verified views in a number of locations should be included at reserved matters stage to be able to sufficiently determine the impact of the proposals. This can be secured by an appropriately worded condition.
- 14.3.11** In view of the site's location in relation to Stansted Airport the development has the potential to impact on aircraft and air safety.

The proposal has the potential to interfere with safety critical parameters that fall under seven headings:

- Obstacles - the protection of an aerodrome's safeguarded surfaces from infringement by any structures that may be either temporary or permanent including cranes. The heights of new development that we should be consulted on are shown on the map. The height includes any roof- mounted plant or masts.
- CNS - the protection of an aerodrome's Air Traffic Control, communication systems, navigational aids and surveillance systems. These vital systems are protected by the height limitations, but we also check the materials of new development and the activity to ensure that any electro-magnetic interference doesn't occur.
- Lighting - The protection from developments or activities that could confuse or distract pilots (including lighting) flying to or from the aerodrome or operating in the area. The height of lighting masts might also be an issue.
- Glint & Glare – to prevent distraction or ocular damage to pilots or air traffic controllers. All sorts of development can cause sun reflections that have the potential to cause an intolerable effect.
- Wildlife Management - the protection from developments or activities in the vicinity that have the potential to attract or increase the numbers of certain species, particularly birds, that are hazardous to aircraft. Any development involving: water bodies e.g. lakes, ponds, reservoirs, surface water drainage schemes, ditches; landscaping; biodiversity schemes; waste management; solar PV; tree-planting; wetlands; and large flat roofs, need to be sent to MAG for review. The bird hazard area is a circle of 13km radius from the aerodrome boundary. Any developments that have the potential to increase the number of birds in or transiting through the area = net increase in Birdstrike risk.
- Renewables – preventing interference by wind, solar or biomass installations. All these types of development have the potential to cause a hazard to aviation.
- Thermal Plumes – exhaust plumes from gas purging, flues, chimneys, or cooling towers may cause turbulence or air pockets that would be hazardous to aircraft.

14.3.11 It is essential that the proposal does not introduce additional risk, hazards or any potential to threaten the integrity of safe operations at Stansted Airport. The period of demolition / construction works will also present acute risks that we need to be carefully managed.

14.3.13 For this reason, it is important to have checks to determine whether or not new development presents such a risk and what, if any, mitigation needs to be put into place. This can be achieved by suitably worded conditions.

14.3.14 The proposed use of the site is a mix of B8 use with supporting classes E(g) and B2 use, car parking and service yards. These uses have the potential to cause some loss of amenity due to noise, fumes or smells.

The current application is not accompanied by a noise impact assessment.

- 14.3.15** Whilst the application seeks 24/7 hours it is not known based on the submitted information if there would be significant adverse noise impact on neighbours from industrial and commercial operations and activities particularly at night and outside typical working hours.
- 14.3.16** Suitably worded conditions in relation to, lighting, hours of opening, service yard management and odour and fumes are needed to minimise impacts on neighbours. The original planning consents for Stansted Distribution Centre a(UTT/0039/90, UTT/0527/96/FUL and UTT/0894/97) do not restrict opening hours via planning conditions. A service Yard Management Plan and noise Assessment and Mitigation Scheme secured via a planning condition will be used to control external noise and disturbance in accordance with Uttlesford Local Plan policy GEN4.
- 14.3.17** Subject to conditions, it is unlikely that significant loss of residential amenity would result due to noise, fumes or smells and the development can be designed so as not to result in and detrimental material to loss of residential amenity due to overlooking, overshadowing or overbearing impacts.
- 14.3.18** The indicative plans show that the proposed office space of each space is to be kept at minimum size.
- 14.3.19** Representations and consultee responses requested links to the Flitch Way to the site and also possible carparking for the Flitch Way to be provided on site.
- 14.3.20** A site visit was made to investigate the potential to meet these aims, however due to significant changes in land levels, tree preservation orders land ownership issues and also to prevent an increase in numbers within the Public Protection Zone that it was not feasible. Improvements to the Flitch Way are however, to be secured by a S106 agreement.
- 14.3.21** As access, appearance, layout, landscaping and scale are reserved matters a full assessment of the potential impacts cannot be made at this time.
- 14.3.22** Notwithstanding this, the indicative layout shows that the proposed development could be accommodated on site without giving rise to residential amenity issues in respect of overlooking or overshadowing subject to suitable conditions.

14.4 C) Heritage and Archaeology

- 14.4.1** Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under Paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out. Policy ENV2 is broadly consistent with the Framework and should be given moderate weight.
- 14.4.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.4.3** There are a number of listed buildings in the proximity of the site. A plan to show the maximum proposed building heights has been provided, but no contextual images to show the massing (to scale) as seen from Dunmow Road is provided for review. The proposed scale of the Plot D block does not reflect the existing scale of the units in that section of the site, which is in proximity of The Thatched Cottage.
- 14.4.4** A material consideration is that in 2014 a planning application (UTT/14/0138/FUL) for 6 no. employment units was approved to the east of the site, (immediately opposite The Thatched Cottage. It is considered that the proposed development would have no greater impact on the setting of the Thatched Cottage than that caused by the Mead Way Industrial Park. Additionally, a planning application (UTT/20/1098/FUL) was allowed at appeal for 15 dwellings between the site and the listed buildings to the north west of the site. These are now under construction.
- 14.4.5** The application makes several references to minimal impact to surrounding buildings, however there is little evidence to justify these statements. As such, further details are required to allow review of the character, massing, scale and design.
Proposals should be illustrated in context to show the actual impact the proposed massing would have on the low-density housing that surrounds the site, with a particular focus on the designated heritage assets. Vegetation screening should also be considered throughout the course of the year as the seasons change. This can be secured by a suitably worded condition.
- 14.4.6** Specialist heritage advice is that they support the principle of the proposal subject to conditions.
- 14.4.7** Subject to conditions, these proposals are not considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF
- 14.5 D) Biodiversity**
- 14.5.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the

development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 14.5.2** The site is located adjacent to the Flitch Way which is a Local Wildlife site and Local Nature Reserve and close to Hatfield Forest a SSSI.
- 14.5.3** A Great Crested Newt district Level Licensing impact Assessment and Conservation Payment Certificate has been submitted and signed by Natural England. Additionally, a Biodiversity Net Gains report, an Arboricultural Implications Report, a Preliminary Ecological appraisal and Landscape and Visual Impact assessments have been submitted.
- 14.5.4** The Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) states that the vegetated northern and southern boundaries of the site could be valuable for commuting and foraging bats. This is particularly important at this site given the southern boundary is adjacent the Flitch Way Local Wildlife Site (LoWS) and Local Nature Reserve (LNR) and is close to and connected to Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) and local records include light adverse species such as long-eared bats, *Barbastelle* and *Myotis* sp.
- 14.5.5** To avoid impacting light sensitive nocturnal animals such as bats any new external lighting will need to:
- be as low as possible as required to fulfil the lighting need.
 - Warm-White lights should be used preferably at <2700k. This is necessary as lighting which emits an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
 - Wall lighting should be located as low in height as possible and use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
 - • Movement sensors and timers could be used to minimise the amount of 'lit time'.
- 14.5.6** Additionally given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity can be secured by a condition of any consent concurrent with reserved matters.
- 14.5.7** It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. The proposed development would necessitate the removal of some 33 trees and 6 groups of trees together with the pruning of others including mature oak

trees. These trees are assessed as being of low value and the pruning works sustainable.

- 14.5.8** As the site is close to Stansted Airport, full details of landscaping scheme needed to be submitted with application to include planting plans, including specifications of species, sizes, planting centres, number and percentage mix. Permanent water shouldn't be retained. Planting schemes should limit plants with berries that attract birds to avoid bird strike. These can be controlled by a suitable condition.
- 14.5.9** With regards to the Flitch Way the Friends of Flitch Way have been consulted and improvements to the Flitch Way are to be secured by a s106 agreement.
- 14.5.10** The existing landscape buffer is retained as existing, the depth of the landscape buffer from the northern edge of footpath to the distribution centre varies and typically ranges from 12-17m and is well screened with existing vegetation and bunds. The demolition of Units 2A and 2B and realignment of internal access road creates a larger buffer between buildings and the Flitch Way compared to existing at the southwestern corner of the site.
- 14.5.11** Indicative Units 3 and 4 are to be built on an area of existing hardstanding occupied by storage buildings. Units 1 and 2 are replacing existing buildings and are also shown on land occupied by storage buildings and in an area of existing hardstanding
- 14.5.12** The indicative Unit 8 is set back from the southern boundary with the soft landscaping increased along the boundary from approximately 1m on the western edge of plot D to 3m approx. at the eastern corner of the southern boundary
- 14.5.13** The mitigation measures identified in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.
- 14.5.14** No trees subject to a Preservation Order will be removed. Specialist Landscape advice is that the development would have negligible impact on the wider landscape.
- 14.5.15** Given the site is in close proximity to Flitch Way LoWS and LNR as well as Priority woodland habitat, it is recommended that methods to protect these designated sites and habitats during the construction phase from impacts such as pollution, dust and impacts within the Root Protection Area are outlined in a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity). This CEMP: Biodiversity should be secured by a condition of any consent concurrent with reserved matters.

It is also noted that the Biodiversity Metric Calculation Tool does not satisfy the trading rules given the loss of trees onsite. Achieving a measurable net gain in biodiversity using the DEFRA Biodiversity Metric is not yet mandatory for planning applications. However, it is recommended that additional tree planting occurs at the site or is secured offsite. A finalised Biodiversity Net Gain Design Stage Report should be secured by a condition of any consent concurrent with reserved matters, detailing how a measurable net gain in biodiversity will be achieved at the site using the DEFRA Biodiversity Metric 4.0, or any successor. We support the proposed reasonable biodiversity enhancements including the installation of integrated bird and bat boxes and the use of wildlife friendly planting onsite, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent concurrent with reserved matters.

14.5.16 Specialist ecological advice is that the proposal is acceptable subject to conditions. It is not considered (subject to conditions) that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.

14.6 E) Highways – parking and access

14.6.1 As the application is for outline with access listed as a reserved matter a full assessment of the potential impacts cannot be made at this time.

14.6.2 Policy GEN1 seeks to ensure that development is only permitted if the access is appropriate, traffic generation does not have a detrimental impact on the surrounding road network, it is designed to meet the needs of people with disabilities and it encourages sustainable modes of transport.

14.6.3 The applicant has considered the active travel links to and from the site and identified where connections could be made to the local walking and cycling network and improvements made to bus stops. The travel plan is comprehensive and lists a number of initiatives designed to promote active and sustainable travel

14.6.4 An Uttlesford District Cycling Action Plan was published in March 2018. The aims of the plan are to:

- 'Identify how cycling levels can be increased in the District;
 - Prioritise funding for new cycling schemes in Uttlesford;
 - Create a usable, high-quality cycle network that connects residential areas with key employment locations, railway stations and town centres; and
 - Create opportunities to increase recreational cycling in Uttlesford'
- There are no schemes directly related to this site in the Cycle Action

Plan (CAP), but there is potential to link the site to Bridleway 42 Great Hallingbury which lies directly north of the B1256 opposite the site. This forms part of National Cycle Network (NCN) Route 16 and links to some of the proposals for improvements around Stansted Airport. The Flitch Way, which lies immediately south of the application site, is also identified within the plan and is a former railway line and designated as a Linear Country Park and Local Nature Reserve. Public Right of Way bridleway 44 (Great Hallingbury) runs along it, this route also forms part of NCN Route 16 between Braintree and Bishops Stortford, and there are local ambitions to make the route to Bishops Stortford more direct. Uttlesford District Council (UDC) has started the consultation process for an LCWIP but it has not yet been published.

- 14.6.5** The National Planning Policy Framework (NPPF) states:
114. In assessing... specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and]
 - b) safe and suitable access to the site can be achieved for all users;
 - c) 116. ...applications for development should:
 - d) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
 - e) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and]
 - f) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...;
 - g) be designed to enable charging of plug in and other ultra low emission vehicles in safe and convenient locations.
- 14.6.6** Meetings and discussions have been held with Active Travel England and ECC Highways, Friends of the Flitch Way with the Planning officer and also with a member from Essex Bridleways Association to consider improvements and possible connections to the site and take into representation comments including Cycle Stortford. Due to the topography of the site (significant changes in land levels, ditches) and lack of highway land or land in the control of the applicant make links for cyclists from the development to the wider cycle network which consist of the Flitch way to the south and bridleway 42 to the north difficult to achieve in the short term. Links through the site to the Flitch Way may also encourage more people to enter the Public Safety Zone against Government guidance policy.
- 14.6.7** Active Travel England stated that a signalled crossing would be required across the B1256, however, ECC highways have informed that a safe and suitable crossing facility with a refuge island across the B1256 to provide access to/from the eastbound bus stop for pedestrians is essential. Their view is that a signalised crossing is not necessary at this location, notwithstanding their aims to enhance the cycle network. They advise that it would be best for a signalised crossing (preferably Pegasus, if

deliverable) to be located where bridleway 42 (Great Hallingbury 20) meets bridleway 45 (Great Hallingbury 20) further east from the site. This is partly due to land ownership constraints restricting access to bridleway 42 further west, but also because this already forms part of National Cycle Network route 16. It is considered to be justified asking the applicant to provide the signalled crossing as a result of this development.

14.6.8 As a result of those meetings, several obligations have been secured should the application be approved i:e Financial contributions towards improving sustainable transport links to the site, bus service enhancements, contributions to Flitch Way enhancements (to facilitate such improvements as new surfacing, signing, drainage connections and crossings in the vicinity of the site and/or the feasibility and design of strategic links to bishops Stortford), the provision of new bus stops and the enhancement of existing bus stops, the provision of an electric car club vehicle and provision of a cycle hire hub with a minimum 6 electric cycles available for all users of the development, workplace travel plans and highway works.

14.6.9 Uttlesford Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking standards proposed is appropriate for the location, as set out in the supplementary Planning guidance.

The Council has adopted both Essex County Council's Parking Standards – Design and Good Practice (September 2009) The parking standards for the uses proposed are maximum standards. Indicative plans show parking in compliance with these standards can be achieved.

14.6.10 The applicant should adhere to guidance in the Essex Design Guide and the Local Plan Policy GEN8 – Vehicle Parking Standards. Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface

14.6.11 Highways England have stated that they have no objection and that the development proposals will not have a material impact on the operation of the Strategic Road Network

14.6.12 ECC Highways also state that from a highway and transportation perspective the impact of the proposal is acceptable subject to conditions and s106 terms.

14.6.13 Active Travel England also have no objections to the proposal subject to conditions and s106 agreement.

14.6.14 The proposal subject to conditions and s106 agreement would comply with the aims of Uttlesford Local Plan Policies GEN1 and GEN8.

14.7 F) Contamination

14.7.1 The site has been used for industrial purposes with infilled land. It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. If approved this can be achieved by a suitably worded condition in accordance with Uttlesford Local Plan Policy ENV14.

14.8 G) Flooding and drainage

14.8.1 The application is supported by a Flood Risk Assessment, and this identifies that the site lies with Flood Zone1 indicating a low probability of flooding.

14.8.2 Appropriate treatment would be incorporated into the surface water drainage system to ensure that the quality of water discharged is acceptable. This would be achieved through the incorporation of a treatment train of SuDS including rain gardens, trees and permeable paving. If required proprietary treatment systems would be incorporated, this would be confirmed at the detailed design stage.

14.8.3 It is considered that the proposed development is generally at a low risk of flooding, flood risk can be managed appropriately, and the development would not increase the risk of flooding elsewhere. Surface water runoff would be managed appropriately through the incorporation of SuDS. It is considered that the information provided within this report satisfies the requirements of the NPPF, and local policy.

14.8.4 The Lead Local Flood Authority have no objections to the proposal subject to conditions.

14.8.5 Subject to conditions the proposal would comply with relevant policies.

14.9 H) Climate Change

14.9.1 The Council have adopted an Interim Climate Change Planning Policy. The Design and Access Statement states that the proposed development will take a holistic approach to the integration on of sustainable design from inception with the aspiration for the development to achieve a reduction in carbon emissions from the Building Regulations standards, as well as aspiring to achieve BREEAM 'Excellent' and EPC A ratings.

14.9.2 It further states that the design will aspire to incorporate the following sustainable features.

- a) Finely tuned building fabric to improve the reduction of energy loss, high efficiency fittings to reduce energy demand and the inclusion of renewable energy technologies to achieve a reduction in carbon dioxide emissions from the Building Regulation Standards.
- b) Where possible materials will be specified with an A rating in the Green Specification Guide and will be modular and standardised building elements to reduce waste.

- c) Water conservation achieved through low use fittings and sanitaryware.
- d) Surface water drainage achieved using SuDS (Sustainable Drainage Systems) techniques while avoiding external attenuation ponds or open water features due to proximity to the airport.
- e) Minimal environmental impact including noise and air quality, through the design of the layout and building fabric.
- f) Measures to minimise the generation of waste through construction and maximise re-use or recycling, by providing adequate room for waste treatment.
- g) Inclusion of a Travel Plan, cycle parking and shower facilities, as well as connectivity to the footway network to encourage the use of non-car modes of transport.
- h) Enhanced biodiversity value through increased areas of tree planting and areas of soft landscape following an ecology survey.
- i) Promotion of green travel through the inclusion of cyclist facilities, electric car fast charging points, car sharing spaces and improved pedestrian links.

14.9.3 An Energy Strategy will form part of the future Reserved matters application (RMA) documentation, stating what opportunities have been considered and incorporated to provide renewable energy infrastructure as an integral part of the development.

14.9.4 The Transport Assessment states that 20% active and 80% passive electric charging spaces will be provided.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

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

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation;

- A) The proposal is acceptable in principle
- B) The design is a matter to be assessed at reserved matters stage
- C) Subject to conditions, these proposals are not considered contrary to Policy ENV2 of the adopted Uttlesford Local Plan 2005 and the NPPF
- D) It is not considered (subject to conditions) that the proposal would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP Policy GEN7.
- E) The proposal subject to conditions and s106 agreement would comply with the aims of Uttlesford Local Plan Policies GEN1 and GEN8.
- F) It is imperative to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. This can be achieved by condition.
- G) The application is supported by a Flood Risk Assessment, and this identifies that the site lies with Flood Zone1 indicating a low probability of flooding. Subject to conditions the proposal would comply with relevant policies.
- H) This will be assessed at reserved matters stage.

17. S106 / CONDITIONS

17.1 Heads of Terms:

- Financial contribution towards sustainable transport £25,000 (for the purposes of improving sustainable transport links to the site. The contribution may be put towards a feasibility study and/or design and/or implementation of some or all of a cycle route link between the site and Bishops Stortford; and/or improvements to the Flitch Way and/or National Cycle Route 16; and/or to improve the frequency, quality and/or geographical cover of bus routes serving the site; and/or towards cycling and walking improvements in the vicinity of the site identified in the Uttlesford Local Walking and Cycling Infrastructure Plan
- Provision of new bus stops and enhancement of existing bus stops £43,380.
- Workforce travel plan with monitoring £6,760 index linked.

- Car club contribution £43,335
- Cycle hire hub £69,000
- Travel vouchers £5,700
- A contribution to local improvements to the flitch Way
- Real time passenger information display at eastbound stop £10,845.09 index linked.
- Real time passenger information display at westbound stop £10,845.09 index linked.
- New west bound shelter £8,700.23

17.2 Conditions:

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

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

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

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

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

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

- 4 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule. (excluding indicative height plan)

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

the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 5 Details of designing out crime and any required security measures to protect the users of the site shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of the above ground works. Thereafter the development shall be implemented in accordance with the approved details.

REASON: In the interest of safety and security of the scheme and the wider area in accordance with Local Plan policy GEN2 (adopted 2005)

- 6 Parking details for each plot shall be in accordance with Essex Parking standards.

REASON: In the interest of the development and highway and pedestrian safety, in accordance with Local Plan (adopted 2005) policies GEN and GEN8 and the Essex parking Standards (2009) and the NPPF.

- 7 Prior to the commencement of development, a phasing plan shall be submitted to and approved in writing by the Local Planning authority. The Phasing Plan shall include details of the separate and severable phases or sub phases of development. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.

REASON: In the interest of the design and implementation of the development and relevant infrastructure in accordance with the Local plan (adopted 2005) Policy as a whole and the NPPF.

- 8 Heritage:
Prior to or concurrent with the submission of the Reserved Matters application for the development, a design assessment that details the scale, layout, and massing of the proposal within context of the surrounding designated and non-designated heritage assets should be provided.

REASON: To clarify the impact of the proposed development on the Flich Way and designated heritage assets within proximity of the site in accordance with Uttlesford Local Plan (adopted 2005) Policy ENV2.

- 9 SUDS
No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme should include but not be limited to:

- 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 found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates from all plots to not exceeding 2.5l/s/ha for 1in1yr storm events, 6.6l/s/ha for 1in30yr events and 9.2l/s/ha for 1in100yr rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- 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, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON:

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

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. This is in accordance with policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF

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

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

- 12 The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

REASON: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. This is in accordance with policy GEN3 of the Uttlesford Local Plan (adopted 2005) and the NPPF

- 13 As shown on plan PL05, With the exception of Plots A and Plot B the heights of the proposed buildings shall be a maximum of 13.5m on plot D and 10.5m on Plot C unless otherwise agreed in writing with the Local Planning Authority

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2

- 14 Concurrent with the submission of reserved matters verified views at viewpoints to be agreed shall be submitted and agreed in writing to demonstrate that the development would not have an overbearing impact on nearby residential properties or result in any material detrimental impact by way of overlooking or overshadowing.

REASON: To protect the amenities of neighbours in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2

- 15 Prior to the above ground level construction of any phase the materials to be used in the construction of the external surfaces of that phase/plot shall be submitted to and approved in writing by the Local Planning authority and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning authority

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

- 16 Landscaping:
Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:

- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure
- c) car parking layout
- d) vehicle and pedestrian access and circulation areas
- e) hard surfacing, other hard landscape features and materials

- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife, provided this does not conflict with airport safety
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details
- l) L) external lighting

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 17 No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree or shrub be topped or lopped other than in accordance with the approved plans and particulars, without the written

approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree or shrub is removed, uprooted or destroyed or dies, another tree or shrub shall be planted at the same place and that tree or shrub shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 18 Prior to commencement of the development tree protection measures for the existing trees to remain on the site shall be submitted to and approved in writing by the Local Planning authority. The development shall be implemented using the approved protection measures. Subsequently, the approved measures shall not be changed without the prior written consent of the Local Planning Authority

REASON: the use of such pre- commencement condition is required to ensure the protection of the existing trees that bound the site during the construction of the development in accordance with Uttlesford Local Plan policies GEN2, GEN7 and ENV£ of the Uttlesford Local Plan (adopted 2005)

- 19 The erection of fencing for the protection of any retained tree shrub or hedge shall be undertaken in accordance with details approved in writing by the local planning authority to comply with the recommendation of British Standard 5837:2005 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No fires shall be lit within 20 metres of the retained trees and shrubs.

In this condition "retained tree or shrub' means an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.

REASON: To protect the existing trees, shrubs and hedgerows in the interest of visual amenity in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

- 20 Slab Levels:

Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building(s) hereby permitted and any changes in level proposed, together with the proposed floor levels within the building(s), shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and to minimise the visual impact of the development in the street scene in accordance with policy GEN 2 of the Uttlesford Local Plan (adopted 2005)

21 Environmental Health

Contamination:

A Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

- Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment, and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

22 Prior to occupation the effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

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

REASON: To ensure that the proposed development does not cause harm to human health, the water environment and other receptors in accordance with policy GEN 2, ENV12 and ENV14 or the adopted Uttlesford Local Plan (2005)

24

Air Quality:

Electrical vehicle charging points (EVCP) shall be provided for 20% of the proposed car parking spaces and passive provision shall be made available for at least 25% of the spaces in the development, so that the spaces are capable of being readily converted to electric vehicle charging points. Further provision is required subject to availability of power supply and the consideration of new technologies.

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 any of the commercial units are first brought to use. The EVCP shall thereafter be constructed and marked out and the charging points installed prior to any of the residential units being brought into use and thereafter retained permanently to serve the vehicles of occupiers.

REASON: to protect local air quality and amenity of existing neighbouring and future occupiers of the development. This is in accordance with policies GEN1 and ENV13 of the Uttlesford Local Plan (adopted 2005)

25

Construction Impacts:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved Statement shall be adhered to throughout the construction period.

REASON: In the interest of the amenity of surrounding local residential/business premises in accordance with policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005)

26

External Lighting:

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

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

27 Environmental Agency /Environmental Health

Piling using penetrative methods shall not be carried out other than with the written consent of the you the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the proposed development does not harm groundwater resources in line with the Environment Agency's approach to groundwater protection. There is some uncertainty around land contamination and waste deposited at the site, so there is concern piling or other penetrative construction methods/installations could disturb underlying contamination resulting in the pollution of the underlying aquifers. A foundation works risk assessment will be required prepared with reference to the guidance presented in Piling into Contaminated Sites (Environment Agency, 2002) available at the following website: [ARCHIVED CONTENT] (nationalarchives.gov.uk) and in accordance with policies ENV14 and ENV12 of the adopted Uttlesford Local Plan (2005)

28 Details of any illuminated signs to be installed on the site, including the design and illuminance levels shall be submitted to and approved in writing by the Local Planning Authority prior to the signs being brought into use. The signs shall be installed in accordance with the approved details.

The illuminated signs shall comply, where possible, with the Institution of Lighting Engineers Professional Lighting Guide 05, The brightness of Illuminated Advertisements.

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).

29 Industrial/Commercial Noise Impacts

Plant noise:

For each of the permitted commercial and industrial units hereby approved, prior to the installation of any plant, machinery or equipment the details of such shall be submitted to and approved in writing by the Local Planning Authority.

A noise impact assessment must also accompany the submission and include noise emissions from the equipment and mitigation measures to be incorporated. The sound levels shall be assessed in accordance with BS4142:2014+A1 2019 (Or latest equivalent version). The sound emitted must be measured (or calculated if measurement is not possible) at 1.0m from the facade of all residential premises to demonstrate that the sound emitted by the cumulative operation of all external building services plant and equipment hereby permitted does not exceed 5db below the background noise level at any time when the plant is operating. The noise

survey must include reference to measured background noise level at monitoring locations and times agreed by the Local Planning Authority. Measurement parameters must include the LA90, LAeq, LA Max and frequency analysis.

Any scheme of mitigation shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures have been implemented. The plant and equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

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).

- 30 Prior to commencement of development, to establish background noise levels in vicinity of the development a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest noise sensitive properties. This shall be undertaken by a suitably competent person.

The noise sensitive property locations shall be submitted for written approval by the Local Planning Authority. The noise survey results shall be submitted for written approval of the representative background noise levels for each of the noise sensitive receptors at the reserved matters application stage.

Background noise levels shall be established for the following periods:

- Daytime 0700 to 1900
- Evening 1900 to 2300
- Night 2300 to 0700

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).

- 31 Post completion noise survey:
Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment rated noise levels are predicted to be in

excess of 5 dB(A) above background noise levels a noise mitigation scheme shall be implemented.

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

- 32 Hours Of Operation:
Prior to the first occupation any of the individual non-residential units hereby permitted, details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The non-residential units shall thereafter be occupied solely in accordance with the approved details.

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)

- 33 Road Traffic Noise Impact:
No development shall take place until a scheme for protecting the existing noise sensitive premises from noise from road traffic changes resulting from the development, including increases in road traffic, changes to road layouts, roundabouts and new road crossings has been submitted to and approved in writing by the local planning authority.
The approved development shall not be brought into use until the scheme has been implemented in accordance with the approved details, and shown to be effective, 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)

- 34 Service Yard Management:
Prior to the commencement of development, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such a management plan shall identify measures to control noise emanating from the service yards. Thereafter the approved plan shall be implemented at all times.

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).

- 35 Odour/Fumes Industrial/Commercial:
Prior to first occupation a scheme detailing all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with that uses/plot hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the use commencing and retained 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)

36

Highways

Construction Management Plan:

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 cover all areas of the site identifying differences in operation as necessary and shall be adhered to throughout the construction period.

The Plan shall provide for:

- a) vehicle routing,
- b) the parking of vehicles of site operatives and visitors,
- c) loading and unloading of plant and materials,
- d) storage of plant and materials used in constructing the development,
- e) wheel and underbody washing facilities,
- f) protection of public rights of way within the vicinity of the site
- g) 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's expense where caused by developer.
- h) the management of construction to ensure no detrimental impact to aviation operations to include as a minimum:
 - i) Measures to control dust and smoke
 - j) Bird mitigation to ensure no birds hazardous to aviation are attracted to the site during construction.
 - k) Temporary lighting arrangements to ensure no confusion with aviation lighting
 - l) The use of radio frequency emitting devices and the process for consultation with Stansted Airport prior to usage
- m) Control foreign Object Debris (including any tarpaulins)
- n) Stacking of materials and equipment (to avoid physical safeguarding surface breaches and wildlife control
- o) The process for consulting Stansted Airport prior to the use of any tall equipment in line with CAA CAP 1096
- p) the process for consulting Stansted Airport prior to any gas venting

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 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005) and to ensure that construction and construction equipment does not breach aerodrome safety, in accordance

with Uttlesford Local Plan Policy GEN2 Government Guidance policy paper Control of Development in Airport Public Safety Zones 2021.

37

Access:

Prior to occupation of the development, the junction at its centre line shall be provided with a visibility splay with dimensions of 4.5m by 126m to the west and 4.5m by 122m to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to occupation and retained free of obstruction above 600mm at all times.

REASON: To provide adequate inter-visibility between vehicles using the junction 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 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

38

Highway works:

Prior to occupation, the following highway works will be provided entirely at the developer's expense:

- a) Provision of an uncontrolled pedestrian crossing to the west of the site access, between the two bus stops, as shown indicatively on Milestone drawing no. 23036/002 Rev C, to include dropped kerbs, tactile paving, minimum 2.4m wide refuge island and lighting
- b) Provision of 2m wide footways along the site frontage to the westbound bus stop, and between footpath 43 (Great Hallingbury 20) and the eastbound bus stop, as shown indicatively on Milestone drawing no. 23036/002 Rev C
- c) Any ancillary works associated with the installation of bus infrastructure

REASON: In the interests of highway safety, reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

39

Prior to first beneficial occupation highway works shown in principle on drawing number 23036/002 REVC shall be provided, this includes relocated and enhanced bus stops, footways widened to a minimum width of 2m, and two uncontrolled crossings with refuge islands, minimum widths of 2.3m (western crossing) and 2m (eastern crossing).

REASON: To ensure appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and to provide safe and suitable

access for all users in accordance with NPPF and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

40 Bus infrastructure

Prior to occupation of the development, the provision of the following bus infrastructure entirely at the developer's expense:

a) Improvements at eastbound stop (known as Spellbrook Motors opp.)

- i. Removal of existing pole and flag
- ii. New Essex standard shelter to be installed.
- iii. Flag, timetable and clearway plate to be attached to shelter.
- iv. Bus stop clearway markings on carriageway

b) New westbound stop (name to be confirmed)

- i. New Essex standard shelter to be installed.
- ii. Raised kerbs to be installed.
- iii. Flag, timetable and clearway plate to be attached to shelter.
- iv. Bus stop clearway markings on carriageway

c) Real time passenger information

- i. 28" in-shelter display at eastbound stop
- ii. 28" in-shelter display at westbound stop

REASON: in the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and policy GEN 1 of the Uttlesford Local Plan (adopted 2005)

41 No part of the development hereby approved shall be brought into use unless and until A Travel Plan has been approved in writing by the Local Planning Authority who shall consult with Essex County Council and National Highways as Highways Authorities.

The Travel Plan shall be in line with prevailing policy and best practice and shall as a minimum include:

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms and review
- The penalties to be applied in the event that targets are not met
- The mechanisms and methods of mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel plan following monitoring and reviews

REASON: To ensure the efficiency and safe functioning of the highways network. This is in accordance with policy GEN1 and GEN2 of the adopted Uttlesford Local Plan (2005) and the NPPF

42 Aerodrome Safeguarding

No development to take place, including any ground works, until detailed assessments relating to aerodrome safeguarding have been submitted to and approved in writing by the Local Planning Authority in consultation with Stansted Airport to determine the following as a minimum:

- Potential to obscure aviation lighting
- Impacts upon Obstacle Limitation Surfaces (precise heights of buildings and ground levels required)
- Bird mitigation to ensure no birds hazardous to aviation are attracted to the site during the operational phase;
- The prohibition of standing water
- Glint and glare impacts upon aviation receptors
- Detailed and quantitative wind turbulence impacts of the development upon aviation receptors where necessary
- Impact on CNS equipment

REASON: To ensure that development does not breach aerodrome safety. In accordance with Uttlesford Local Plan policy GEN2

43 Where necessary, no development to take place until an Instrument Flight Procedure Assessment of the development and any associated tall equipment used during the construction of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Stansted Airport. The Instrument Flight Procedure Assessment is to be undertaken by a CAA approved Procedure Design Organisation (APDO).

REASON: To ensure no infringement upon protected safety surfaces at Stansted Airport in accordance with Uttlesford Local Plan (adopted 2005) Policy GEN2 and Government guidance paper The Town and Country Planning (safeguarded aerodromes (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated 2016)

44 Ecology:

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all

activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 45 Prior to commencement concurrent with reserved matters action required Any works which will impact the resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”

REASON: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 46 Concurrent with reserved matters prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include protection of the Flitch Way Local Wildlife Site and Local Nature Reserve as well as surrounding Priority woodland habitat and retained trees.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

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

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) also in accordance with Uttlesford Local Plan (adopted 2005) policies GEN2 and GEN7 and the NPPF

- 47 Concurrent with the submission of reserved matters and prior to commencement of the development a final Biodiversity Net Gain Design Stage Report shall be submitted to and approved in writing by the Local Planning Authority which provides a measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. It is recommended that additional tree planting occurs at the site or is secured offsite.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site.
- A commitment to measures in line with the mitigation hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
- Details of the implementation measures and management of proposals.
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

REASON: In order to demonstrate measurable net gains and allow the Local planning authority to discharge its duties under the NPPF 2023 and in accordance with Uttlesford Local Plan (adopted 2005) Policies GEN 2 and GEN7

- 48 Concurrent with reserved matters prior to any works above slab level a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal (Applied Ecology Ltd., May 2023), shall be submitted to and approved in writing by the local planning authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans
- d) (where relevant);
- e) persons responsible for implementing the enhancement measures; and
- f) details of initial aftercare and long-term maintenance (where relevant).
- g) The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

49 Concurrent with reserved matters and prior to occupation a lighting design strategy for biodiversity” in accordance with GN: 08/23 (ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan (adopted 2005) Policies GEN 2 and GEN7

50 **Public Safety**

The maximum number of people living, working or congregating within and outside the public protection zones of the site edged in red, (excluding the area to the west which was previously the builders yard) shall not exceed 120 at any one time.

The estate manager shall keep a register of employees and visitors, within the site at any one time, to be provided to the Local planning authority on request at any given time period.

REASON: In the interest of public safety as the site is located in close proximity to Stansted Airport in accordance with Uttlesford District Council adopted plan (2005) Policy AIR7

- 51 The maximum number of people living, working or congregating within the Public Protections Zones shall not exceed the numbers below.
Across the plots within the Public Protection Zone (shown within Plan PI004) this should be split as follows:
- Plot B Maximum 60 people
 - Plot c and existing building 1A maximum 35 people
 - Plot D maximum 35 people

The estate/site manager shall monitor and control the people accessing the site, record keeping of numbers of people within the site at any one time and details of entry and exit every date. A register of employees and visitors to each plot, on a daily basis shall also be kept.all of the details of the above should be able to be supplied to the Local planning authority on request at any given time period.

REASON: In the interest of public safety in accordance with Uttlesford district council policy in accordance with Uttlesford District Council adopted plan (2005) Policy AIR7 and government Guidance paper : Control of Development in Airport Public Safety Zones 2021

- 52 No windows shall be inserted in the elevations (or shall be obscured glazed) to the north western elevation of any buildings in plot B that would result in overlooking of the residential properties to the north east of the plot.

No windows shall be inserted in the northern elevation of the buildings facing the residential building noname (or the windows shall be fixed shut/omitted /obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority). Glazing of that obscuration level shall thereafter be retained in that/those window(s).

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Uttlesford Local Plan Policy GEN2