



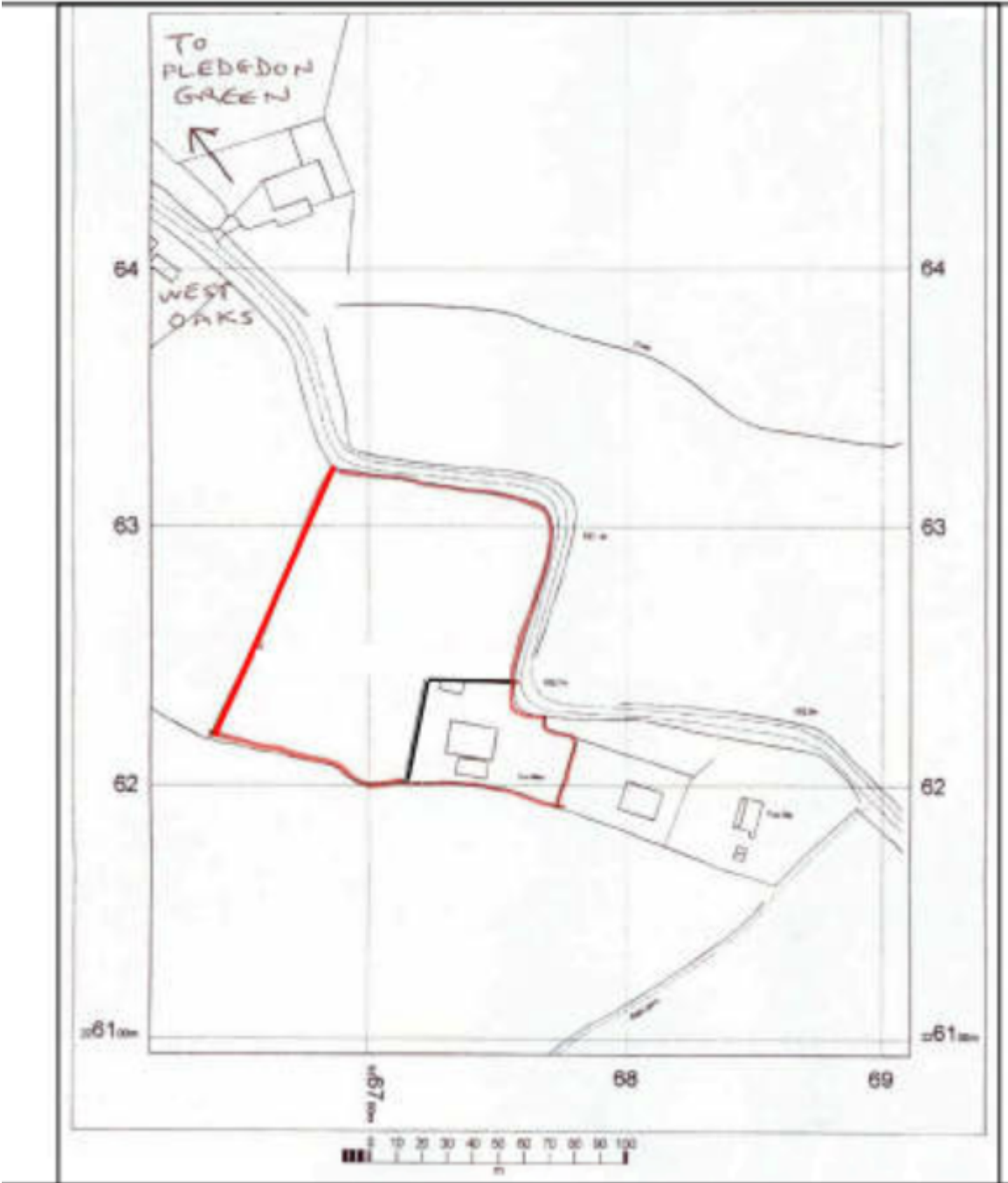
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 03 April 2024

REFERENCE NUMBER: UTT/23/2268/DFO

LOCATION: The Rise Brick End Broxton Essex CM6 2BJ

SITE LOCATION PLAN:



PROPOSAL: Details following outline application UTT/21/0247/OP (allowed on appeal reference APP/C1570/W/22/3300023) for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping - details of appearance and landscaping.

APPLICANT: Amanda & Daren Bye

AGENT: Planning & Development Associates Ltd

EXPIRY DATE: 6 December 2023

EOT Expiry Date 05th April 2024

CASE OFFICER: Matt Kolaszewski

NOTATION:

REASON THIS APPLICATION IS ON THE AGENDA: Major Application

1. EXECUTIVE SUMMARY

- 1.1 The application is for reserved planning matters following outline planning permission being granted for “*the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping - details of appearance and landscaping.*”. Outline planning permission was allowed at Appeal in October 2022 subject to a schedule of conditions.
- 1.2 The site is in the Essex countryside, an area characterised by small irregular fields interspersed with commons, woods and a generally dispersed settlement pattern. It is between Brick End and Pledgdon Green and is comprised of existing commercial premises containing a corrugated and block work constructed workshops facing onto a large concrete hardstanding area and various smaller storage sheds and containers located within the site. The site includes a large open area, used previously for storage and car parking and serving as additional storage space under the current use.
- 1.3 The principle of the development has already been approved, and therefore the quantum of use is not for discussion nor is the flexibility in the use.
- 1.4 The considerations for these reserved matters application is in terms of appearance and landscaping.
- 1.5 The details submitted for the proposed development is considered to be acceptable and in accordance with the outline planning permission.

2. RECOMMENDATION

- 2.1

| |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| That the Strategic Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 18 of this report – A) Conditions |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The site is in the Essex countryside, an area characterised by small irregular fields interspersed with commons, woods and a generally dispersed settlement pattern. It is between Brick End and Pledgdon Green and is comprised of existing commercial premises containing a corrugated and block work constructed workshops facing onto a large concrete hardstanding area and various smaller storage sheds and

containers located within the site. The site includes a large open area, used previously for storage and car parking and serving as additional storage space under the current use. The current business, Shaw Building Group (SBG), on site is a joinery workshop and construction & facilities management company which has been trading locally for the past 14 years.

3.2 The site has been used as light industry for about 29 years. It started as a series of chicken sheds and expanded into larger units. The previous occupier of the site was Weld Air which serviced the airport and required HGV's (Heavy Goods Vehicles) on site with ad hoc storage around the boundary of the site.

3.3 The site is entered from a protected lane. The current boundary with the lane and surrounding fields is screened by an existing bund, created by the previous owner of the site around mature trees and hedges (blackthorn, Hawthorn, Elder, and Hazel)

4. PROPOSAL

4.1 The subject of this reserved planning matters application relates to the external appearance and landscaping of the site following outline application UTT/21/0247/OP (allowed on appeal reference APP/C1570/W/22/3300023) for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping - details of appearance and landscaping.

4.2 The development allowed at appeal is to remove the existing sheds and replace them with 3 new buildings, 2 of which will re-house the existing services of SBG and the 3rd will function as an office and administration building for SBG, as well as creating additional storage space for materials on site. In addition, on the adjacent brown field area, previously used for airport parking, the proposal is to create a Craft Hub (CH), where small business can locate and grow whilst servicing the local area and community. The hard standing area will be repaved with drainage, grasscrete and porous paving providing a sustainable surface water drainage system and defined, ordered parking areas.



4.3 In terms of appearance the craft hub will consist of a single ply membrane, timber cladding, glazing, timber doors and photovoltaics on the roof. The other buildings will be of a similar general appearance with a mixture of single ply membrane, sedum roof, corrugated black metal cladding, Kelley brick (Staffordshire blue) glazing, timber windows and doors and roller shutter style garage doors.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The proposal falls outside of 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs) and as such an EIA is not required.

6. **RELEVANT SITE HISTORY**

6.1 A search of Council's records indicates the following recorded planning history:

6.2 UTT/21/0247/OP (allowed on appeal reference APP/C1570/W/22/3300023) for the demolition of two existing buildings and erection of 3 new buildings, together with creation of a Craft Hub and re-formation of existing parking areas with associated landscaping

- details of appearance and landscaping.

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Local planning authorities are required to produce a Statement Community Involvement under Section 18 (Part 1) of the Planning and Compulsory Purchase Act (2004). The previous SCI was adopted in 9th March 2021 Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties and that good quality pre-application discussions enable better coordination between public and private resources, and improved results for the community.

7.2 No further community involvement has been undertaken.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 EEC Highways – No objection

8.1.1 Initial concerns were raised about the site access and how this would work and it was requested that the applicant revert back to the access exactly as was approved at outline stage. Following discussions between ECC Highways and the applicant the plans were amended as requested.

8.1.2 Consequently, we offer no objection to this planning application.

8.2 Anglian Water – No comment

8.2.1 Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

8.3 NATS Safeguarding

8.3.1 The proposed development has been examined from a technical

safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

8.3.2

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.

8.3.3

This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

8.3.4

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

8.3.5

BAA Safeguarding

8.3.6

The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict with aerodrome Safeguarding criteria. We have no objection subject to the following Condition(s):

- No development to take place until an aviation perspective Glint and Glare Assessment for the proposed solar PV is provided to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: Flight Safety – To prevent dangerous levels of glint and glare being emitted towards aviation receptors.

- In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

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

- During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

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

- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

Informatives:

8.3.7

- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see:

<https://www.caa.co.uk/Commercialindustry/Airspace/Event-and-obstacle-notification/Crane-notification/>

- No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.

- The use of radio frequency (RF) emitting devices in this location has the potential to interfere with Stansted Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by Stansted Airport prior to energisation.

Reason: Flight safety – In the interests of maintaining the integrity of CNS equipment critical to aviation operations.

8.4 Environmental Health

8.4.1 Thank you for consulting me on this application. Further to my investigations I have requested the below conditions in addition to those attached at outline application stage.

8.4.2 A construction method statement is required to ensure compliance with the Uttlesford Code of Development Practice to minimise loss of amenity to neighbours during construction. The below condition is recommended to protect the amenity of existing residential properties close to the site:

8.4.3 No development shall take place, including any works of demolition, 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.

8.4.4

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

8.4.5

This development has the potential to cause noise and dust impacts on the existing surrounding residential properties. The below condition is recommended to protect the amenity of existing residential properties close to the site:

8.4.6

Construction/Demolition Management Plan

8.4.7

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b) No dust emissions should leave the boundary of the site

- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

8.4.8

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

8.4.9

8.4.10 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.

8.4.11

Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.

8.5 ECC Ecology - No Objection

8.5.1 We have reviewed the submitted documents, including the revised Bird Management Plan (Morgan & Stuckey, August 2023) and submitted landscaping plans to the likely impacts of development on designated sites, protected species 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. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. Mitigation and enhancement measures were secured by conditions at the outline application stage UTT/21/0247/OP (allowed on appeal reference APP/C1570/W/22/3300023) including a Biodiversity Enhancement Strategy and a lighting design scheme for biodiversity. These conditions have now been recommended for discharge in full. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC

Act 2006.

9. PARISH COUNCIL COMMENTS

9.1 BROXTED PARISH COUNCIL - Objection

9.1.1 The Parish Council wishes to bring the following to the attention of Uttlesford District Council as local planning authority:

1. Lack of information and detail in the present application. For example the height of the buildings is only indirectly indicated but appears to exceed 7m. Various reports and assessments which were required under the outline appeal decision are absent – for details we refer you to Dr Rutterford's letter of 2 October 2023
2. Non-compliance with Local Plan policy GEN7 – Nature conservation Under the above policy, unless the need for the development outweighs the importance of wildlife features which would be harmed by it, the development will not be permitted. In relation to 21/0247/OP you received detailed comments from Mr W O'Connor in his letter dated 10 March 2021 and Dr Rutterford's letter of 2 October 2023 on 23/2268 provides analysis of the damaging effect of the plans as now put forward, on bats and biodiversity in particular.
3. Access and highways issues - Access was not a reserved matter and was included in the application 21/0247 OP. It was therefore decided by the planning inspector on appeal regarding 21/0247/OP. Essex Highways has pointed out in their email to you dated 20 September 2023 that in these plans the access is not in the approved position and does not comply with the inspector's (or Essex Highways') conditions. We refer you for details to the email you received from Highways on 20 September 2023 which points this out.

9.1.2

No scheme of passing places has been submitted. In his written decision on the appeal, the planning inspector noted that five passing places would be provided along the proposed route to The Rise from

Brick End. This was an important factor in the inspector's reasoning in relation to highways issues. However this detailed application does not include any information or plan for these passing places. This is of very great concern to local residents who know this (Protected) lane well. Great emphasis was placed in the outline application and appeal on a scheme which was said, even prior to the initial application in 2021, to have been agreed already with Essex Highways officers. It is therefore odd that full details at this stage are absent and it is impossible to comment meaningfully on Highways matters without them.

9.1.3

4. Surface water drainage and flooding - There is no information showing how the increased risks of flooding on the protected lane, caused by the development, would be minimised, or how surface water draining off the site would be controlled. The large areas of car-parking and the loss of grassed areas offering surface water drainage will increase the amount of water leaving the development site and draining onto the lane. As the planning authority is aware from its own flooding surveys, this stretch of this protected lane is flooded repeatedly over the winter in particular, and surface water persists for long periods after heavy rain at any time of year. For some years this has been leading to damage to vehicles and the condition of the lane. With extra vehicle movements acknowledged to be associated with this site and surface water draining into the lane from this site instead of being absorbed into the ground, this can only get worse. This is also an issue of great concern to local residents who use the lane as walkers, cyclist and horse-riders.

9.1.4

Conclusion:

The parish council objects to the proposal as submitted. Because of a lack of detailed information it is unable to comment fully on, for example, design, the effect on neighbours (as the height of buildings is not specified) or the effect of the passing places.

10.1

10.1.1 **Additional Letter from Broxted Parish Council**

I am a specialist in biodiversity and ecology and I am a practicing ecological consultant with over 15 years' experience. I am a full member of the Chartered Institute for Ecology and Environmental Management and a Chartered Ecologist. The conditions should not be discharged, and planning refused, for the following reasons.

10.1.2

10.1.3 The single bat survey undertaken in September 2020 identified barbastelle *Barbastella barbastellus*, one of the rarest bat species in the UK (see Excerpt 1 below from Wray et al 2010), using the hedgerows at the site. No further bat surveys have been conducted so a precautionary approach should be taken assuming the boundaries of the site are regularly used by barbastelle. This would be safe to assume given a 100% hit rate for the species during the survey effort (even though that survey effort was conducted during a sub-optimal period).

10.1.4 Barbastelle are known to be a light sensitive species and are negatively affected by artificial lighting, see Excerpt 2 and 3 below from the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT) (ILP, 2023).

10.1.5 The guidance from the ILP states that foraging and commuting habitat for barbastelle are an example of a 'Key Habitat' (Excerpt 4). It then goes on to say that illuminance onto a 'Key Habitat' feature is likely to have a significant effect on the bats using it, and that an absence of artificial illumination on the feature is often the only acceptable solution (Excerpt

10.2 5). Finally, the guidance states that where complete darkness on a feature of buffer is required it may be appropriate to consider this to be where illuminance is at or below 0.2 lux on the horizontal plane or at or below 0.4 lux on the vertical plane (Excerpt 6).

I raise the following points with regard to this application;

- 1) The Biodiversity Enhancement Strategy by Brindle and Green (22 September 2023) states that 1 lux was the target for the lighting strategy. There is no justification for this value and, as evidenced above, this is not appropriate for this location. It is not clear whether Brindle and Green refer to 1 lux on the horizontal or vertical plane.
- 2) The Lighting Plan produced by The Lighting Bee clearly shows the illuminance exceeding 0.2 lux on the horizontal plane for 'Key Habitat' features for barbastelle (Excerpt 7).
- 3) The Lighting Plan is an external lighting plan only. The proposed glazing on the buildings is at height and directly facing the hedgerows. Therefore, impacts from internal lighting may be significantly higher and the plan is insufficient to assess potential

10.2.1 impacts. The impacts from the internal lighting should be modelled and assessed using the vertical plane. This is because bats do not fly on the ground – they fly at height, along hedgerows, and directly adjacent to the glazing proposed on these buildings (Excerpt 8).

10.2.2 As a consequence, the proposed development will negatively impact on one of the rarest bat species in the UK, and may affect the conservation status of the species. This is a species that is protected under the Habitat Regulations (2010). Public authorities have a requirement to comply with the statutory Biodiversity Duty (S.40 of the NERC Act, 2006), this duty was recently strengthened through the Environment Act (2021). In May 2023 UK Government guidance on the newly strengthened Biodiversity Duty highlighted a requirement for public authorities to review policies and processes to ensure impacts to biodiversity are minimised and gains for wildlife secured where possible. As part of the duty, Government guidance highlights that artificial lighting should be designed to minimise effects on nature.

10.2.3 There is an absence of any appropriate data, or impact assessment, for the species provided with the application. As a reminder; Government Circular 05/2006 (ODPM, 2005) states that ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision’. It is unfortunately in this case that this has not happened yet. It may be that it would be possible, with the correct information, to rule out this constraint. This is the reason why it is important to establish a proper baseline in advance of making planning decisions. Now a poorly conceived scheme has been granted outline permission and when the detail is presented it is clear that there is a significant risk of impact to biodiversity. In order to avoid these impacts it would be necessary significantly alter the layout and building design.

10.2.4 Finally, the proposals have not considered all potential lighting impacts from internal lighting and therefore the overall impacts on barbastelle may be even greater. Habitats Condition 15 of the Appeal Decision states that ‘all biodiversity mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Brindle and Green, November 2020).’ Section 6.5 of the Ecological Impacts Assessment states that ‘A Biodiversity Impact Assessment should be compiled to assess whether a biodiversity net gain can be achieved with the current design plans. At present design plans are at a high level, as such the calculations cannot be undertaken until the extent of impacts are

determined.’

10.2.5

Therefore, in considering the appeal, the Inspector saw fit to ensure that a biodiversity net gain assessment is submitted, and that this assessment should use calculations with an appropriate metric. A review of the proposed landscape plan indicates that a biodiversity net gain cannot be achieved with the current proposals. Section 5.3 of the Ecological Impact Assessment states that at least 50% of the site comprises semi-improved grassland (likely ‘other neutral grassland’ in moderate condition). This will be replaced by buildings and largely non-native planting within the site, both habitats of very low distinctiveness. The buildings have sedum roofs but these are of very little ecological value and would not replace the value of the grassland (in the Biodiversity Metric 4.0 the grassland would be classified as medium distinctiveness and the sedum roofs as low distinctiveness). The current layout cannot achieve a net gain in biodiversity given all the grassland lost and its replacement being made with sedum roofs of low biodiversity value. In order to achieve the required gains, the layout would need to alter substantially, so the proposed scheme should not be permitted.

For the above reasons, this planning application is inadequate and should be refused permission.

11. REPRESENTATIONS

11.1 The application was formally consulted to the public by displaying a site notice, sending letters to adjoining and adjacent occupiers and placing an advert in the local paper. A representation was received raising the following issues:

- The site is in a CPZ. This proposals erodes the Countryside.
- There is no need for the development.
- The site is located on a protected lane plus impact on nearby listed buildings
- Directly under Stansted Flight path
- Buildings are too high
- Proposed landscaping is inadequate
- Layout is dangerous particularly the location of the sliding entrance gate.

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)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

13.2.1 The relevant policies associated to the application proposals are as follows:

ULP Policy S7 – The Countryside

ULP Policy S8 – Countryside Protection Zone

ULP Policy GEN1 – Access

ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy ENV9 – Historic Landscapes

13.3 Supplementary Planning Document or Guidance

- 13.3.1** Essex County Council Parking Standards (2009)
Essex Design Guide
Uttlesford District Council Parking Standards (February 2013)
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- A. Design/Appearance**
- B. Heritage**
- C. Landscaping & Nature Conservation**
- D. Highways**

14.2 A. Design/Appearance

14.2.1 The principle of the proposed development has already been addressed and approved as part of the outline planning permission UTT/21/0247/OP. This application purely focuses on the detailed design in relation to the external appearance and landscaping.

14.3.2 In terms of design policy, good design is central to the objectives of both National and local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development. This is reflected in Policy GEN2 of the adopted Local Plan.

14.3.3 Local Plan Policy GEN2 states;

“Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;

b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;

c) It provides an environment, which meets the reasonable needs of all potential users.

d) It helps to reduce the potential for crime;

e) It helps to minimise water and energy consumption;

- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) It helps to reduce waste production and encourages recycling and reuse.*
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.”*

14.3.4 The outline consent provided set parameters such as, landscaping and building heights. The parameters have been set to mitigate the scheme and provide certainty to the quantum and scale of development. The setting of parameters would also ensure that the basic design principle of the schemes accord with policy.

14.3.5 The parameter plans limited and showed extend of the proposed development including the layout, defined heights and maximum height limits, vehicular access point and the extent of landscaping.

14.3.6 The outline application DAS set out the main principles of elevational design, the treatment of public realm and the orientation of buildings. The Reserved Matters submission sets out the design details of each of the three buildings. In terms of appearance the craft hub will consist of a single ply membrane, timber cladding, glazing, timber doors and photovoltaics on the roof. The other buildings will be of a similar general appearance with a mixture of single ply membrane, sedum roof, corrugated black metal cladding, Kelley brick (Staffordshire blue) glazing, timber windows and doors and roller shutter style garage doors.

14.3.7 The buildings themselves will be rectangular rather than square in accordance with the Essex Design Guide. The buildings are designed with windows on the gable ends to provide light and visual interest as you enter the site and Craft Hub area. A coherent pattern of windows and door openings are proposed, reflecting the simple, traditional agricultural forms and framing character of the local and wider area. High level glazing proposed to all units to ensure the workspaces will have a significant amount of natural light, reducing reliance of artificial lighting during the day.

14.3.8 In addition the high level windows are more suited to a working space where the walls will be used for shelving and housing equipment and keep the spaces secure and reflect the character country side farm buildings, in accordance with the Essex Design Guide. The roofs are designed to over hang the walls, to provide shading during the summer months (reducing passive solar gain) and allowing the sun to enter

during the winter months (benefiting from passive solar gain). The units will be subdivided by the expression of the timber framing vertical posts, which are doubled at the end of each unit to create a zone to locate the surface water down pipe. This provides a natural visual division between the units and breaks down and sale and rhythm of the elevations. The buildings approved at Outline stage were 6.8m high (SBG-1) and the other two buildings were slightly higher at 7.5m high. The reserved matters drawings show the buildings at these same heights.

14.3.9

The appearance of the buildings is therefore considered to be compatible with the scale, form, layout, appearance and materials of surrounding buildings in accordance with local plan policies.

14.3.10 **Accessibility;**

14.3.11 The Design Code submitted with the outline application lists various features that the scheme would adopt to comply with Part M Building Regulations. A lot of the detailing of this would be assessed separately by Building Control, in terms of internal layout. However, as part of the wider development new cycle footpaths are to be created which would need to be DDA compliant. 5% disabled car parking bays have been provided as well as cycle stands to allow for alternative means of transport. The layout of the car parks is in close proximity to the specific office/main entrance to the buildings. 2m wide footpaths and 3.5m wide footpath/cycle paths are proposed through the site. The scheme would comply with Policies GEN1 and GEN2 of the Local Plan.

14.3.12 **Crime Prevention & Personal & Aviation Safety;**

14.3.13 Part of Local Plan Policy GEN2 seeks “c) *It provides an environment, which meets the reasonable needs of all potential users.*” Also “d) *It helps to reduce the potential for crime*” amongst other things.

14.3.14 The new buildings, landscaping and boundary will have improved security that will deter crime in the local area. There have recently been break-ins in the area, encouraged by the unsightly nature of the buildings and boundaries. The entrance is redesigned to be more secure and to better reflect the character of the countryside and the high quality work of the SBG. A new secure gate will be provided with solid walls either side with traditional render panelling and capped and coined in red brick. The new proposed boundaries and the roof to the SBG management block would replace the current metal/ plywood construction with natural vegetation that would give greater protection from overlooking, provide more security and encourage biodiversity. New indigenous planting and vegetation is proposed to better screen the site complementing and continuing existing Blackthorn along the site’s boundary. The new planting will add to the existing mature trees

and bushes around the boundary and replace any existing damaged vegetation. See tree report and landscape design details.

14.3.15 The above designing out crime tools are acceptable and in accordance with Local Plan Policy GEN2 and the NPPF.

14.4 B. Heritage

14.4.1 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. Part 16 of the NPPF addresses the conservation and enhancement of the historical environment. The Framework seeks to protect the heritage assets and seeks justification for any harm.

14.4.2 Immediately to the west of the site is Bury Lodge which is a Grade II Listed Building.

14.4.3 The principle of development in Zone 5 has been approved at outline planning stage, whereby it was concluded that the proposed development would result in **less than substantial and at the low end of the scale** due to separation distances between the heritage assets and the site it was concluded that the resultant harm to these assets to be.

14.4.4 It was noted by the Conservation Officer at the time that the proposed development, through its scale and massing, would detract from the wider rural setting and character of the heritage assets. But it was understood that the application is Outline with details of scale and appearance reserved, recommended that the heights should be minimised where possible and robust mitigation measures employed within any details following application. However, the outline planning permission has secured height parameters for the proposed development site wide and Unit 2 falls within the approved upper end of the height restriction in this zone as discussed above in paragraph 4.8 and 14.3.20. In consideration of the set off distance from the rear elevation of Unit 2 and the rear perimeter fence this ranges from 36-55m, the distance from the rear elevation of the Unit 2 to the Bury Lodge side of the bunding ranges 48-55m. The proposed landscape and noise mitigation to mitigate the development and to protect the amenities of the occupiers of Bury Lodge no objection was raised by the Conservation Officer on this application.

14.4.5 In conclusion the reserved matters details in this respect are acceptable and in accordance with Policy ENV2 of the Adopted Local Plan and the NPPF.

14.5 C. Landscape & Nature Conservation

14.5.1 Policy GEN2 of the Local Plan applies a general requirement that

development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.5.2** Paragraph 180 of the NPPF seeks to protect the natural environment. It seeks to protect and enhance valued landscapes, sites of biodiversity, minimising impacts on and providing net gains for biodiversity amongst other things.
- 14.5.3** Paragraph 181 of the NPPF also emphasises the importance of promoting the conservation, restoration and enhancement of habitats.
- 14.5.4** Paragraph 180 (d) of the NPPF goes onto state that “*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*”
- 14.5.5** The DAS has highlighted that the landscaping would aim to achieve the following objectives which has fed into the parameters plan.
- 14.5.6** The proposed design has been developed to encourage native species, intensifying the existing hedgerow and buffer planting and providing native wild flower species within the development to encourage bio diversity and an attractive habitat within the site for bees, insects and butterflies and for the users of the development to enjoy. To further encourage bio diversity the proposed buildings will have sedum roofs with a sedum blanket which will also help reduce service water run off.
- 14.5.7** The boundary of the site will be planted with native scrub consisting of bramble, holly, hawthorn, blackthorn and hazel bushes together with field maple, elder and guelder rose. This new additional planting will reinforce and intensify the native species already growing and provide a natural barrier around the site to the surrounding fields and roads. The buffer planting will also provide a natural defensive barrier around the site, protecting the site from unwanted intrusion and providing effective and protective cover for native animal species within. As well as providing robust habitat for native species the buffer planting will also improve the overall biodiversity of the site.
- 14.5.8** The landscaping within the site is a mixture of mixed scrub and flowering lawn mix N14. There are proposed seating areas within the site that are surrounded by mixed scrub featuring dwarf phormium surfer, anemanthele lessoniana, lanandula x intermedia ‘grosso’ lavender and step gigantic evergreen grass. This will provide a pleasant back drop to the seating areas and complement the natural scrub areas around the boundary. In addition the landscaping within the site will have flowering lawn areas which are a nature scape N14 mix, consisting of a mix of 12 native wildflower species and 6 species

of native grass. These lawn areas will be kept long, to encourage bees, insects and butterflies in the main but be cut short around the benches proposed for seating. These same N14 mix will be planted at the entrance area.

14.5.9

The central area of the craft hub will also be interspersed with ornamental silver birch trees, native species, to provide focal points and compliment the higher shrubs and trees of the boundary. These will be smaller, slower growing trees to the central area, providing attractive natural scenery to the parking areas. The majority of the surfaced areas within the site will be paved with grasscrete, allowing grass and wild flower to grow through, although this will be regularly mowed to allow clear and easy access through the site. The variety of native species included within the mixed, natural scrub and buffer planting presents a species rich biodiversity value and good natural habitat for native animals and insects.

14.5.10

Overall, the landscape details are acceptable and in accordance with Local Plan Policies AIR6, GEN7 and GEN2 and the NPPF in this respect.

14.6 Amenity

14.6.1

The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Local Plan Policy ENV11 states *“Noise generating development will not be permitted if it would be liable to affect adversely the reasonable occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.”* Paragraph 185 of the NPPF highlights that; *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life 65 ;

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

Paragraph 191 of the NPPF also seeks to protect the natural environment and discusses amongst other things protecting against noise pollution.

14.6.2 The site is fairly isolated from its immediate residential neighbours to the east and north-west. The closest building is 90m to the east. The new development will have a similar use to the existing buildings but will have better acoustic insulation and ventilation thus improving the amenity to the neighbours. The lane is already screened from the site and this will be retained, improved and managed which will enhance the setting of the lane and surrounding county side, preserving and enhancing the open and natural appearance of the CPZ and immediate countryside. In addition the potential for flooding and ponding on the lane will be reduced as sustainable drainage systems will be incorporated into the landscaping.

14.6.3 Environmental Health have raised no objections to the scheme subject to conditions. The development therefore is in accordance with Local Plan Policies GEN2, GEN4, and ENV11 of the adopted Local Plan and in accordance with the NPPF.

14.7 D. Highways

14.7.1 NPPF Paragraph 114 states;

“In assessing sites that may be allocated for development in plans, or 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;

(b) safe and suitable access to the site can be achieved for all users;

(c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code [48](#); and

(d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

14.7.2 The NPPF goes on to state in Paragraph 115 *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* Paragraph 116 seeks to give priority to pedestrian and cycle movement, creating safe spaces, efficiency of emergency vehicles and enabling charging of plug-in and other ultra-low emission vehicles in safe, accessible and

convenient locations. The wider development was approved at outline whereby the highway impacts of the have been assessed and mitigated with a series of conditions and a complex S106 Agreement.

14.7.3 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network, that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and encourage movement by means other than a vehicle.

14.7.4 The outline planning consent granted approval for the main access into the site. Initially the reserved matters sought to change the approved arrangements. However following discussion with ECC Highways the applicant has reverted back to the already approved access arrangements.

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. PLANNING BALANCE AND CONCLUSION

- 16.1.1** The principle of the development of this site has been agreed under outline planning permission UTT/21/0247/OP subject to detailed conditions and a S106 Agreement.
- 16.1.2** The submitted design of the development for 3 units is compatible with its surroundings, providing suitable amenity spaces, meeting Secure by Design, Part M of the Building Regulations. Therefore, in accordance with Local Plan Policy GEN2.
- 16.1.3** The layout of the proposed landscaping is acceptable according with the Design Code and the DAS. No objections have been raised by the Landscape Officer. Therefore, the application is in accordance with Local Plan Policy GEN7 and S7 in terms of landscaping. Overall, the scheme is acceptable and in accordance with national and local policies subject to conditions and Section 106 Agreement, and accords with the agreed outline consent parameters, conditions and Section 106 Agreement.

17. CONDITIONS

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

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

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

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

3. No development shall take place, including any works of demolition, 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 interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

4. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors
 - b. No dust emissions should leave the boundary of the site
 - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
 - d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

5. No development to take place until an aviation perspective Glint and Glare Assessment for the proposed solar PV is provided to the LPA in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight Safety – To prevent dangerous levels of glint and glare being emitted towards aviation receptors.

6. In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

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

7. During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

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

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-

enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport.

9. The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

REASON: To ensure that the appearance of the development is satisfactory in accordance with Local Policy GEN2 Uttlesford Local Plan Adopted (2005) and the National Planning Policy Guidance.

10. Prior to commencement of the development hereby approved, measure of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance to comply with Policies ENV13 and GEN2, of the Uttlesford District Council Local Plan as Adopted (2005), the National Planning Policy Guidance, as well as Uttlesford District Council's Interim Climate Change Policy document (2021) and the Uttlesford Climate Change Strategy 2021-2030.

Informatives:

1 The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercialindustry/Airspace/Event-and-obstacle-notification/Crane-notification/>

2 No lighting directly beneath the roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.

3. The use of radio frequency (RF) emitting devices in this location has the potential to interfere with Stansted Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by Stansted Airport prior to energisation.