



ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 24 July 2024

REFERENCE NUMBER: UTT/23/3034/FUL

LOCATION: Lovecotes Farm
Chickney Road
Debden
Essex
CM22 6BH

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 11 June 2024

PROPOSAL: Demolition of an industrial unit. Proposed erection of 6 no. new industrial units under class use E(g)(iii).

APPLICANT: Mr A Gallagher

AGENT: Mr R Mayger (Sworders Ltd)

EXPIRY DATE: 31 January 2024

EOT EXPIRY DATE: 01 July 2024

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Setting of Listed Building (Lovecott Farmhouse – Grade II).
Protected Lane (Henham/Chickney – Chickney Road).
Within Archaeological Site.
Road Classification (Chickney Road – Class III).
Within 6km of Stansted Airport.
Gas Pipeline Buffers.

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Luck).

1. EXECUTIVE SUMMARY

- 1.1** The application was deferred from the planning committee of 26 June 2024 to request further clarifications from the Highway Authority, including (a) confirmation that they reviewed appropriate highway submissions regarding speed and volume of traffic; (b) clarification from Highways over the size of vehicles expected to this development; and (c) for a possible swept path analysis for articulated lorries. The Chair proposed deferral to request that further checks be undertaken on the Highway Authority's analysis of the size of vehicles (including articulated lorries), the number of vehicles used (for the highway impact on the highway network) and the speed survey to ensure that out of date data was not being used, together with the impact of the combination of two-way traffic flows. Overall, the deferral was proposed to ensure there are no highway safety issues.
- 1.2** This a full planning application for the demolition of an industrial unit and the erection of 6 no. new industrial units under class use E(g)(iii). Class

use E(g)(iii) contains uses which can be carried out in a residential area without detriment to its amenity; on this occasion, the uses are specified as industrial processes. The application does not propose any housing or affordable housing, retaining the employment use of the site.

- 1.3** The development site is located outside development limits within the countryside. As the proposals cannot be tested against an up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.
- 1.4** The planning balance under paragraph 11(d) of the NPPF would be in favour of the proposal. The proposed development would not materially harm the rural character and appearance of the area; it would preserve the setting and significance of a nearby listed building (designated heritage asset); it would preserve the fabric of the protected lane (non-designated heritage asset); it would safeguard the residential amenities of neighbouring occupiers; it would not compromise highway safety; and it would also be acceptable in terms of all other planning considerations as analysed in this report.
- 1.5** The benefits of the development would significantly and demonstrably outweigh the adverse effects, and thereby the application should be approved subject to conditions.

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) Conditions.

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site comprises a warehouse, several smaller structures, containers and a number of lorries/vans/lorries' bodies sited immediately to the rear of 2 no. industrial units on the north-western side of the highway, located outside development limits near Debden (between Woodend Green and Hamperden End). The site also sits immediately to the front and side of another large unit, sharing the vehicular access and drive. To the north of the site is a Grade II listed building in residential use (Lovecott Farmhouse or Lovecotes Farmhouse), as well as the access to the motocross site to the rear of that dwelling. To the south there are more residential properties. The overall area contains a distinct rural countryside character with open land across the road to the east, as well as a limited number of dwellings of varying architectural styles, sizes, ages and materials.

4. PROPOSAL

4.1 This a full planning application for the demolition of an industrial unit and the erection of 6 no. new industrial units under class use E(g)(iii). The application does not propose any housing or affordable housing units, retaining the employment use of the site.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- Heritage statement
- Noise impact assessment
- Planning statement
- Superseded ecological survey and assessment
- Transport assessment note
- UTT/23/0193/FUL – officer’s report
- Additional information
- Revised ecological survey and assessment
- Superseded additional – technical note
- Ownership certificate
- Correspondence about boundary between Highways officer and LPA Ref UTT/22/3299/FUL
- ECC ordinary watercourse maintenance guide
- Email from agent about highways revisions
- Revised technical note.

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**

Reference	Proposal	Decision
UTT/23/0193/FUL	Demolition of an industrial unit and erection of 7 no. new industrial units.	Refused (23.06.2023).

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 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. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 No formal pre-application discussion has been held with officers of Uttlesford District Council prior to the submission of this application. No statement of community involvement has been submitted prior to the submission of this application. However, comments submitted as

representations from neighbours were taken into account when assessing the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 No objections subject to conditions (see full response in Appendix 1).

8.2 The Health & Safety Executive (HSE)

8.2.1 Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case (see full response in Appendix 2).

9. PARISH COUNCIL COMMENTS

9.1 The Parish Council commented as follows:

- **Object:**
 - Previous refusal.
 - Contrary to local and national policies.
 - Harm to heritage assets/heritage.
 - Additional built form.
 - Noise impact to residential amenities.
 - Words 'likely' and 'at this time' should be highlighted for future implications.
 - Condition a noise assessment if machinery will be installed to prevent loss of residential amenity.
 - Cumulative noise impacts.
 - Previous agricultural use evolved to the current use without planning permission.
 - Previous application refused on inappropriate turning areas for lorries.
 - Highway safety concerns.
 - No pavements, impact on verges.
 - No public transport.
 - UTT/22/3299/FUL for 2 no. dwellings was refused highway safety grounds.
 - Concerns over parking provision.
 - Perhaps previously developed land.
 - Perhaps the principle of the redevelopment is acceptable.
 - Over-development.
 - No need for the development.
 - Inappropriate development to a rural area.
 - Inappropriate location for industrialisation.
 - No evidence of the types of industrial work.
 - Concerns over number of employees.
 - Condition should restrict automatic changes of use within Class Use E.

- Revisions did not resolve previous objections or objections from the previous application.
- Traffic increase.
- Outside development limits.
- Urbanisation and impact on the countryside character and appearance of the area.
- Advisory Place Services letter.
- Application called in.
- Essex Highways objected.
- The parish looks forward to hearing further on this application.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Landscape Officer/Arborist

10.2.1 No objections subject to conditions.

10.3 Place Services (Conservation and Heritage)

10.3.1 No objections subject to conditions.

10.4 Place Services (Ecology)

10.4.1 No objections subject to conditions.

10.5 Place Services (Archaeology)

10.5.1 No objections unconditionally.

10.6 Safeguarding Authority for Stansted Airport

10.6.1 No objections subject to conditions.

10.7 Cadent Gas Ltd

10.7.1 No objections.

10.8 Gigaclear Ltd

10.8.1 No objections.

10.9 National Gas Transmission Ltd

10.9.1 No objections.

10.10 UK Power Network (Operations) Ltd

10.10.1 No objections.

11. **REPRESENTATIONS**

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. A press notice has been released. Representations have been received.

11.2 **Support**

11.2.1 No third-party comments have been received in support of the application.

11.3 **Object**

- 11.3.1
- Previous scheme refused, reference UTT/23/0193/FUL.
 - Shared drive/access with workshop and business to the rear of the site.
 - Right of way across the application site.
 - No objection to the principle of the development.
 - Restricting the size of the vehicles using the site unacceptable.
 - Restricting operating hours unacceptable.
 - Restriction on vehicles and operating hours would not apply for neighbouring properties.
 - Initial objections remain.
 - One less unit makes no difference.
 - Unsustainable location.
 - Unacceptable principle of development.
 - Highway safety concerns.
 - Ecological concerns.
 - Noise and other disturbances.
 - No pavements / traffic increase.
 - Incongruous and disproportionately large development.
 - Cramped development.
 - Out of character appearance.
 - Over-development.
 - Harm to the character and appearance of the area.
 - Contrary to local and national policies.
 - Commercial properties not appropriate to rural setting.
 - Harm to heritage assets/heritage.
 - Insufficient parking provision.
 - Isolated location.
 - Loss of light and overshadowing.
 - Future viability at risk.
 - Outside development limits.
 - No need for the development.
 - Inappropriate development for a rural area.
 - Previous agricultural use evolved to the current use without planning permission.

- Untidy site should not be reason to approve.
- Previous objections by Conservation.
- Condition to restrict size of vehicles could not be enforced/policed.
- Revisions reduce height of two units.
- Revisions reduce impact on listed building.
- Revisions did not resolve objections.
- Class Use E(g)(iii) to get around comments from Environmental Health.
- Concerns over the deliverability of visibility splays (no ditches shown on drawings, third party land).
- Ditch not part of highway land.
- Plans from previous owner show the position of ditches and ponds.
- Agent agrees the width of the access is narrow.
- Currently heavy vehicles can enter and leave the site in a forward gear.
- The proposed development would limit the right of way through the site.
- Revised drawing doesn't show ditch.
- Not possible to get the 5.5 metres minimum width for the first 6 metres without going over third-party land.

11.4 Neutral

- 11.4.1**
- Issues with the noise impact assessment.
 - Untidy site should not be reason to approve.
 - Restricting the size of the vehicles using the site unacceptable.
 - Restricting operating hours unacceptable.
 - Restriction on vehicles and operating hours would not apply for neighbouring properties.
 - Concerns over solitary bee hives proposed.
 - Issues with refuse bins locations.

11.5 Call in request

- 11.5.1** Cllr Luck wrote:
- Call-In request if recommended for approval:
 - Change character of local area
 - Outside development limits
 - Increased traffic with no speed limit in place
 - Impact on Grade II listed building not considered.
 - Urbanisation in a rural area
 - The application suggests restricting the size of vehicles using the access to a maximum of 7.5 tonnes which will be in violation of existing rights of way for a neighbouring property.

11.6 Comment

- 11.6.1** All material planning considerations raised by interested parties have been thoroughly reviewed when considering this application. Land ownership issues, right of way issues and issues around the deliverability

of a planning permission are civil matters beyond planning and must not be considered when determining the application.

12. MATERIAL CONSIDERATIONS

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

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

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

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

12.4 The Development Plan

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

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (December 2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S7	The countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood protection
	GEN4	Good neighbourliness
	GEN5	Light pollution
	GEN7	Nature conservation
	GEN8	Vehicle parking standards
	E3	Access to workplaces
	RS1	Access to retailing and services
	ENV2	Development affecting listed building
	ENV3	Open space and trees
	ENV4	Ancient monuments and sites of archaeological importance
	ENV9	Historic landscapes
	ENV11	Noise generators
	ENV12	Protection of water resources
	ENV13	Exposure to poor air quality
	ENV14	Contaminated land

13.3 Neighbourhood Plan

13.3.1 There is no 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Essex County Council Parking Standards (2009)
Uttlesford Interim Climate Change Policy (2021).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of development / character and appearance (S7, E3, RS1, GEN2, NPPF)
 - B) Heritage impacts (ENV2, ENV9, NPPF)
 - C) Residential amenity (GEN2, GEN4, GEN5, ENV11, NPPF)
 - D) Access and parking (GEN1, GEN8, parking standards, NPPF)
 - E) Ecology (GEN7, ENV8, NPPF)
 - F) Contamination (ENV14, ENV13, ENV12, NPPF)
 - G) Archaeology (ENV4, NPPF)
 - H) Flood risk and drainage (GEN3, NPPF)
 - I) Other matters
 - J) Planning balance

14.3 A) Principle of development / character and appearance (S7, E3, RS1, GEN2, NPPF)

14.3.1 Economic benefits:

The presumption in favour of sustainable development that lies at the heart of the National Planning Policy Framework (NPPF) includes an economic objective (paragraphs 8, 10). Paragraph 85 of the NPPF states that planning 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.

14.3.2 Section 6 of the NPPF emphasises on a prosperous rural economy with paragraph 88 of the NPPF requiring that planning decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful buildings; and (b) the development and diversification of agricultural and other land-based rural businesses.

14.3.3 Notwithstanding the comments received in relation to the sustainability credentials of the location, the lack of footpaths and public transport, paragraph 89 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

14.3.4 The proposed development to replace an older industrial unit with 6 no. units under class use E(g)(iii) that refers to industrial processes that can be carried out in a residential area without detriment to its amenity would support economic growth and productivity and create the conditions in which businesses can invest, expand and adapt, using previously developed land. The proposal would accord with paragraphs 85, 88(a)-(b) and 89 of the NPPF and significant weight should be afforded to these economic benefits.

14.3.5 Character and appearance (countryside):

The local character contains a distinct rural feel and countryside setting with views to the wider landscape. The development will introduce some additional built form in the countryside¹. However, the additional footprint

¹ Total existing footprint of unit to be demolished = 260.0 sqm.
Proposed footprint of units 1-3 = 226.4 sqm.
Proposed footprint of unit 4 = 39.1 sqm.
Proposed footprint of units 4-5 = 83.8 sqm.

would be limited and contained within the application site that comprises previously developed land and is surrounded by existing buildings. Notwithstanding representations indicating otherwise, the proposed buildings would resemble agricultural Dutch barns, which would be in keeping with the rural area in contrast to the existing industrial unit on site that detracts from the character and appearance of the area due to its condition, inappropriate materials and age. The proposed layout would not be cramped and the number of units proposed would not lead to overdevelopment of the site. The proposal, by reason of its amended scale, design and layout, would enhance the character and appearance of the countryside, in compliance with policies S7 and GEN2(a)-(b) of the Local Plan, and paragraph 180(b) of the NPPF.

14.3.6 The Landscape officer confirmed the above findings and reported that the impact of the development to the countryside character and appearance of the area and the wider landscape would be acceptable. The Landscape officer raised **no objections** subject to conditions, in compliance with policies S7 and GEN2(a)-(b) of the Local Plan, and paragraph 180(b) of the NPPF. The conditions refer to landscaping details and external lighting details (see also Section C).

14.3.7 Materials and landscaping details shall be conditioned to ensure a visually attractive development in accordance with paragraph 135 of the NPPF. A condition would also be necessary for the demolition and removal of all structures (including containers) from the application site prior to occupation of the proposed units to preserve or enhance the character and appearance of the site and area.

14.3.8 Accessibility and social inclusion:
Policies RS1, E3 and GEN2(c) of the Local Plan require high standards of accessibility and social inclusion in workplaces and employment uses where there is public access. These policies are fully compatible with paragraph 135 of the NPPF, which amongst other things, requires that planning decisions should ensure that developments (f) create places that are safe, inclusive and accessible. A condition would be necessary for accessibility measures and/or drawings to demonstrate compliance with the above policies.

14.3.9 Conclusion:
The principle of the (re)development is acceptable (see planning balance in Section J) subject to other material planning considerations, such as the heritage impacts of the development (see Section B).

14.4 B) Heritage impacts (ENV2, ENV9, NPPF)

14.4.1 Background:
A previous application under reference UTT/23/0193/FUL was refused on the grounds of heritage harm, residential amenity issues (noise), and

highway safety concerns (see paragraph 6.1). The key differences with the previously refused scheme include:

- Reduction in numbers by 1 no. unit.
- Reduction in scale:
 - Footprint reduced to 226.4 sqm (units 1-3) from 237.2 sqm
 - Footprint reduced to 83.8 sqm (units 5-6) from 117.3 sqm (then units 6-7)
 - Ridge heights reduced (and then reduced further in the revisions submitted as part of the application, see heritage impacts below).
- Changes in design:
 - Omission of rooflights on unit 6 (elevation F)
 - Reduced glazing (due to reduced scale and heights)
- Introduction of landscape buffer with native hedges and trees (north elevation).
- Omission of external lighting.

14.4.2 Heritage impacts:

Place Services Built Heritage (Conservation) initially raised concerns for the scheme and suggested that the mezzanines within units 5 and 6 are omitted and the roof is lowered to overcome the introduction of further built form of scale within the immediate setting of a listed building².

14.4.3 Conservation reported that the above revisions removed the adverse effects of the development on the setting of the above heritage asset. Therefore, notwithstanding any representations indicating otherwise, the proposal would preserve the special interest and significance of the listed building, without causing 'less than substantial harm'. The proposal would comply with paragraph 208 of the NPPF, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policy ENV2 of the Local Plan. Reason for refusal 1 in UTT/23/0193/FUL has been addressed.

14.4.4 Place Services Conservation raised **no objections** subject to conditions to preserve the setting and significance of the above designated heritage asset. The heritage balancing exercise is not necessary as no heritage harm has been concluded and there is no clear reason to refuse the development as per paragraph 11(d)(i) of the NPPF.

14.4.5 The conditions refer to materials and landscaping details. The condition that requires samples of the materials is not necessary for the planning permission to be granted as per paragraph 56 of the NPPF, as it would be covered by the photographs required by the standard condition for materials.

14.4.6 Turning to non-designated heritage assets, the Landscape officer raised **no objections** subject to conditions, confirming no harm to the fabric and character of the protected lane (Chickney Road), in compliance with

² Lovcott Farmhouse, also known as Lovcotes Farmhouse (Grade II listed – List Entry Number: 1112406).

paragraph 209 of the NPPF, and policy ENV9 of the Local Plan. The conditions are acknowledged in Sections A and C.

14.5 C) Residential amenity (GEN2, GEN4, GEN5, ENV11, NPPF)

- 14.5.1** The proposal would not reduce the amenity space (gardens) for any of the neighbouring residential properties.
- 14.5.2** In terms of noise, odours, dust, vibrations, light pollution and other disturbances, following review of the submitted Noise Impact Assessment, Environmental Health raised **no objections** subject to conditions to safeguard residential amenities. Notwithstanding any comments indicating otherwise, Environmental Health reported that the Noise Impact Assessment (NIA) submitted followed the methodology and guidance from British Standard 4142:2014 but the noise assessment was not possible as no fixed mechanical plant was proposed at this stage; however, the NIA provides proposed limits for the sound power level of any proposed plant in the future. The conditions refer to a noise mitigation scheme, operating hours and external lighting details. The condition recommended for the control of nuisances during construction works shall be used as an informative (as it would fail to comply with paragraph 56 of the NPPF) and replaced by a condition for a construction method statement to safeguard the residential amenity of neighbouring occupiers. Reason for refusal 2 in UTT/23/0193/FUL has been addressed.
- 14.5.3** Notwithstanding the comments indicating concerns over the use of potential planning conditions to limit the size of vehicles and restrict operating hours, it should be clarified that such restrictions would only apply to the proposed development, not any other adjacent owners or occupants. In any case, a condition to limit the size of vehicles using the drive/access has not been recommended by the Highway Authority, and as such, it is not considered necessary on this occasion. On other hand, a condition to restrict operating hours would be necessary for the new industrial units, to safeguard the residential amenities of neighbouring occupiers. Finally, it should be noted that rights of way and other legal matters cannot be considered as part of the planning process, as they are not planning considerations.
- 14.5.4** Due to the scale, design and position of the proposed buildings in relation to the neighbouring dwellings, and after applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, no material overshadowing, overlooking (actual or perceived) and overbearing effects would be considered. It is noted that some neighbours commented on the potential loss of light and overshadowing, however following careful consideration, the detailed drawings of the scheme do not substantiate such adverse impacts.
- 14.5.5** Overall, the proposal would accord with policies GEN2(i), GEN4, GEN5, ENV11 of the Local Plan, and paragraph 135(f) of the NPPF.

14.6 D) Access and parking (GEN1, GEN8, parking standards, NPPF)

14.6.1 From a highway and transportation perspective, following review of the revised drawings and additional information to show appropriate visibility splays on highway land (or land under the applicant's control, excluding the existing ditch) and to slightly amend the application site (red line) to include the necessary improvements to the access, the Highway Authority withdrawn their initial objection and raised **no objections** subject to conditions in the interests of highway safety.

14.6.2 Comments from nearby residents raised concerns over the deliverability of the proposed visibility splays due to the presence of ditches and ponds around the access that may comprise land outside the applicant's control. To resolve this, the applicant submitted additional information, including a Revised Technical Note with a Revised Proposed Block Plan (reference 738 / 2-01 PH) and a drawing showing visibility splays on a topographical diagram (reference 1007.0009-0004 Rev P02). Following review of this new information, the Highway Authority maintained its position of no-objections of 06 March 2024 with the drawing reference number amended in the second condition.

14.6.3 The development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 115 and 114(b) of the NPPF. The conditions refer to the dimensions of the (improved) access, visibility splays, inward opening gates, the surface treatment of the access, and the provision of parking and turning areas (as agreed as part of the landscaping condition).

14.6.4 The Essex County Council Parking Standards (2009) require 1 no. parking space per 50 sqm of floor space and 2 no. disabled parking spaces. The total floor space proposed (including the mezzanines) is 466.4 sqm, and as such, the total parking spaces requirement would be 9 no. parking spaces, plus 2 no. disabled spaces. The proposed parking arrangements would include 12 no. parking spaces (including disabled spaces), and as such, the number of parking spaces would be acceptable.

14.6.5 Turning to the dimensions of the proposed parking spaces, although the Revised Site Plan shows some of them to be close or below the minimum acceptable bay size (5m x 2.5m), there is ample space on site to accommodate the required parking spaces of appropriate dimensions, and the parking layout shall be conditioned as part of the landscaping condition to ensure the parking arrangements would meet the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.

14.7 E) Ecology (GEN7, ENV8, NPPF)

14.7.1 Place Services Ecology, following the submission of an updated ecological survey and assessment, raised **no objections** subject to

conditions to secure ecological mitigation and enhancement measures. The development would comply with paragraphs 43, 180(d) and 186 of the NPPF, and policies GEN7, ENV8 of the Local Plan. The conditions refer to action in accordance with the appraisal recommendations, a Great Crested Newt method statement, a biodiversity enhancement layout, and a wildlife sensitive lighting scheme.

14.8 F) Contamination (ENV14, ENV13, ENV12, NPPF)

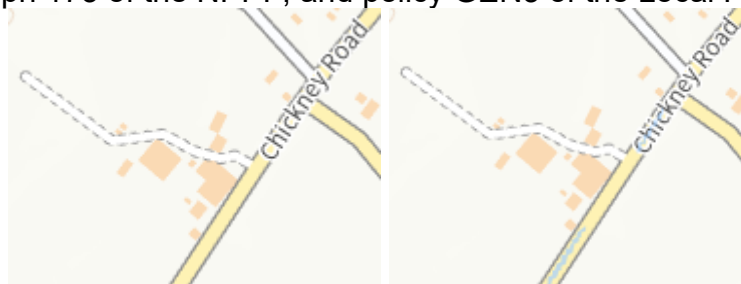
14.8.1 Environmental Health raised **no objections** subject to conditions to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The conditions refer to land contamination (Phase 1 Desk Study, Phase 2 Site Investigation, Phase 3 Remediation Scheme, etc.) and electric vehicle car chargers. The application proposes 8 no. charging points, in accordance with policy 14 of the adopted Interim Climate Change Planning Policy, and paragraph 116(e) of the NPPF.

14.9 G) Archaeology (ENV4, NPPF)

14.9.1 Place Services Archaeology reported that the proposed development lies immediately adjacent to a moated site set around the Lovecotes Farmhouse and historic mapping identifies the moat extending around farmhouse and located outside the development area. Based on the location of the moat the development is unlikely to impact on the historic asset. Place Services Archaeology raised **no objections** unconditionally in the interests of potential archaeological remains. The development would comply with policy ENV4 of the Local Plan, and the NPPF.

14.10 H) Flood risk and drainage (GEN3, NPPF)

14.10.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (as the Lead Local Flood Authority, LLFA) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Other matters

- 14.11.1** The Safeguarding Authority for Stansted Airport raised **no objections** subject to conditions to secure flight safety. The conditions refer to no upward light spill, the prevention of birds being attracted to the site, non-reflective materials, and construction management measures.
- 14.11.2** The Health & Safety executive did **not** advise against the application on safety grounds.
- 14.11.3** Cadent Gas Ltd, Gigaclear Ltd, National Gas Transmission Plc, National Grid Electricity Transmission Plc and the UK Power Networks (Operations) Ltd raised **no objections** unconditionally.

14.12 J) Planning balance

- 14.12.1** The planning balance in paragraph 11 of the NPPF tilts in favour of the scheme. The benefits include:
- Economic benefits – significant weight.
 - Enhanced character and appearance of the site – limited weight.
 - Ecological enhancements and net gains – limited weight.
- 14.12.2** The proposed development to replace an older industrial unit with 6 no. units under class use E(g)(iii) for industrial processes would support economic growth and productivity in the rural economy and create the conditions in which businesses can invest, expand and adapt, using previously developed land. Paragraph 85 of the NPPF directs that such benefits should be afforded significant weight. The proposal also gains support from paragraphs 88(a)-(b) and 89 of the NPPF.
- 14.12.3** The development will introduce some built form in the countryside but the additional footprint would be limited and contained within the existing application site. The proposed buildings would resemble agricultural Dutch barns, which would be in keeping with the rural area in contrast to the existing industrial unit that detracts from the character and appearance of the area due to its condition, materials and age. Therefore, the proposal would enhance the character and appearance of the site and not adversely impact the countryside. However, this positive effect would be localised only given the enclosed nature of the site, and as such, this public benefit should be afforded limited weight.
- 14.12.4** The proposal would offer ecological and biodiversity enhancements and net gains; these matters would only attract limited weight.
- 14.12.5** On the other hand, no adverse impacts would be expected from the proposed development.
- 14.12.6** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable

development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

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 planning balance found that the adverse impacts of the proposed scheme would **not** significantly and demonstrably outweigh the benefits and that the proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.2 It is therefore recommended that the application be approved subject to the planning conditions specified in section 17 of this report.

17. CONDITIONS

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

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

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

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

- 3 (a) Prior to commencement of the development hereby approved, a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination shall be submitted to and approved in writing by the Local Planning Authority. This report shall adhere to British Standard 10175:2011.

(b) If shown to be necessary by the Phase 1 Desk Study and prior to occupation of the development hereby approved, a Phase 2 Site Investigation adhering to British Standard 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority.

(c) If shown to be necessary by the Phase 2 Site Investigation and prior to occupation of the development hereby approved, a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to mitigate any risks to human health, groundwater, and the wider environment. Thereafter, the detailed measures/works approved as part of the Phase 3 remediation scheme shall be completed in full before any permitted building is occupied.

(d) Prior to occupation of the development hereby approved, a validation report shall be submitted to and approved in writing by the local planning authority to show the effectiveness of any remediation scheme. The validation report shall include photographs, material transport tickets and validation sampling. Any such validation should include effective responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 4 Prior to commencement of the development hereby approved, a Great Crested Newt Method Statement shall be submitted to and approved in

writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to any works above slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to ensure the development is visually attractive, in accordance with policies S7, GEN2, ENV2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, and the National Planning Policy Framework (2023).

- 6** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details;
- h) final parking and turning layout for vehicles with bays of appropriate size and appropriately sized turning areas.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the

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

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, ENV2, the Essex Design Guide, the Essex County Council Parking Standards (2009), and the National Planning Policy Framework (2023).

- 7** Prior to any works above slab level, a Biodiversity Enhancement Layout, in accordance with the recommendations of the Ecological Survey and Assessment (Essex Mammal Surveys, January 2024), shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Layout shall include:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations for biodiversity enhancements on appropriate drawings.

Thereafter, the enhancement measures shall be implemented in accordance with the approved details prior to occupation of the development hereby approved and shall be retained in that manner thereafter.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 8** Prior to any works above slab level, a Construction Method Statement (CMS) shall be 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. Thereafter, the approved CMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved, fully wired and connected electric vehicle charging points shall be provided on site as shown on the approved drawings. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The scheme 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.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 11** Prior to occupation of the development hereby approved, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge. Thereafter, the access shall be

retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 12** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with clear to ground visibility splays as shown on the drawing with reference number 1007.0009-0004 Rev P02. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic connected to the development hereby approved and shall be retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 13** Prior to occupation of the development hereby approved, the vehicle parking and turning areas shall be provided as approved in section (h) of condition 6 above. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used for any purpose other than the parking of vehicles that are related to the development hereby approved unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 14** Prior to occupation of the development hereby approved, a scheme of accessibility measures with appropriate drawings shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme of accessibility measures shall be implemented prior to the occupation of any of the industrial units hereby approved.

REASON: To provide an environment which meets the reasonable needs of all potential users, to ensure the highest standards of accessibility to all and social inclusion, in accordance with policies GEN2(c), E3 and RS1 of

the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2023).

- 15** Prior to first beneficial use of the development hereby approved, the existing structures, containers and hard surfaces on and within the application site shall be completely demolished and/or removed and all the debris shall be permanently removed from the site by an appropriate contractor.

REASON: To preserve the character and appearance of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 16** Prior to first use of any fixed mechanical plant/equipment, a detailed noise mitigation scheme (NMS) shall be submitted to and approved in writing by the Local Planning Authority.

The NMS shall be designed, specified and constructed so as to demonstrate that the noise from fixed mechanical plant/equipment associated with the development shall meet specifications as detailed in the Noise Impact Assessment (carried out by dB Consultation Ltd, dated 24th November 2023, document reference: dBC 10714), which includes mitigation measures.

Thereafter, the approved NMS shall be fully implemented prior to first use of any fixed mechanical plant/equipment within or outside the units hereby approved and shall be retained as such at all times unless otherwise agreed in writing by the local planning authority. The NMS shall be replaced in whole or in part as and when required to ensure compliance with the appropriate noise levels as shown in the above Noise Impact Assessment.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 17** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, 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. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 18** Notwithstanding the provisions 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, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 19** Before, during and after the construction period (including demolition and excavation), no dust/smoke clouds nor pools/ponds of water shall occur or be created on, near or above the site and no airborne debris shall be created on or blown from the site from waste materials during or after the construction period, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 20** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no reflective materials (such as solar panels) other than clear or obscure glass shall be added to the building without the express consent in writing by the local planning authority.

REASON: In the interests of flight safety, in accordance with the adopted Uttlesford Local Plan Policy GEN5, and the National Planning Policy Framework (2023).

- 21** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 22** The opening/operating hours of the premises hereby approved shall be restricted as stated below:
- Monday to Saturday: 09.00am – 17.00pm.
- Sundays and Bank Holidays: Closed.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 23** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, January 2024). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 24** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway. Thereafter, the gates shall be retained as such in perpetuity.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 25** No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

From: Eirini Spyratou - Strategic Development Officer

Sent: Tuesday, June 4, 2024 4:53 PM

To: Avgerinos Vlachos

Cc: Eirini Spyratou - Strategic Development Officer

Subject: [External] >> UTT/23/3034/FUL Final

UTT/23/3034/FUL|Demolition of an industrial unit. Proposed erection of 6 no. new industrial units under class use E(g)(iii).|Lovecotes Farm Chickney Road Debden Essex CM22 6BH

Dear Avgerinos,

Following up from the updated information submitted by the applicant, our recommendation dated 6th March 2024 still stands with the only amendment being the visibility splay plan to be updated to the latest drawing 1007.0009-0004 Rev P02.

Kind regards

Eirini Spyratou | Strategic Development Officer



SAFER / GREENER / HEALTHIER

Your Ref: UTT/23/3034/FUL
Our Ref: 55234
Date: 6th March 2024



Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/3034/FUL
Applicant Mr A Gallagher
Site Location Lovecotes Farm Chickney Road Debden Essex CM22 6BH
Proposal Demolition of an industrial unit. Proposed erection of 6 no. new industrial units under class use E(g)(iii).

This recommendation supersedes previous recommendation issued 9th February 2024

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

1. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge **Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
2. Prior to occupation of the development, the access shall be provided with a clear to ground visibility splays as shown on DWG no. 1007.0009-0002 Rev P01. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. **Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.
3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the carriageway. **Reason:** To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
4. No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary. **Reason:** To avoid displacement of loose material onto the highway in the interests of highway safety.

5. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

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

Informative:

- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- v. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.



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

APPENDIX 2 – THE HEALTH & SAFETY EXECUTIVE

Uttlesford District Council
Council Offices, London Road
Saffron Walden
Essex
CB11 4ER



Advice : HSL-231206154027-45 DO NOT ADVISE AGAINST

Your Ref: UTT/23/3034/FUL

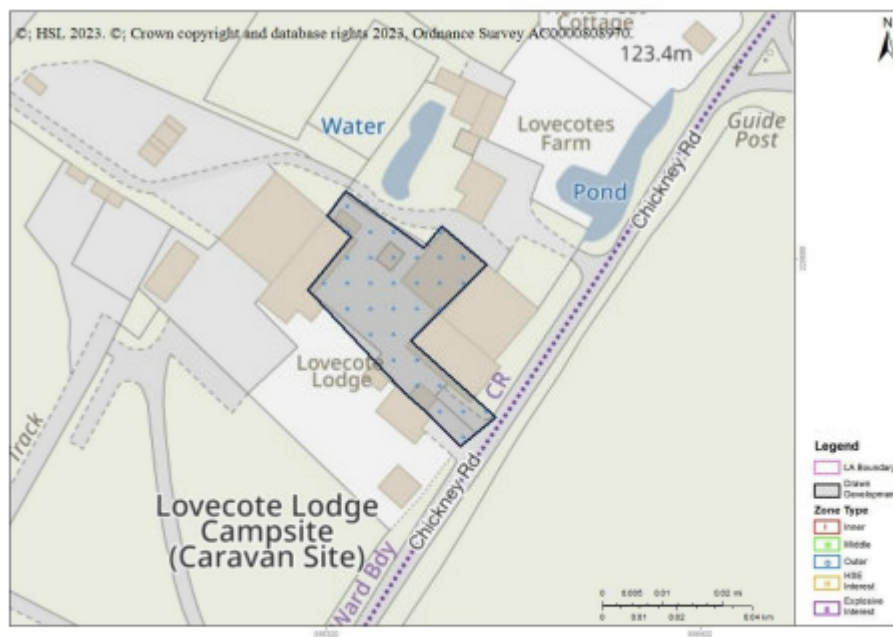
Development Name: Lovecotes Farm

Comments:

Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Uttlesford District.

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.



Breakdown:

HSL-231206154027-45 Date enquiry completed :06 December 2023 (556319,229786)

Workplaces : Do Not Advise Against

Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any individual workplace building (that lie partly or wholly within a consultation distance)? No

Are there 3 or more occupied storeys in any workplace building (that lie partly or wholly within a consultation distance)? No



Pipelines

- 12983_2746 Cadent Gas Ltd

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

This advice report has been generated using information supplied by Lynn Rusling at Uttlesford District on 06 December 2023.

HSL-231206154027-45 Date enquiry completed :06 December 2023 (556319,229786)

Note that any changes in the information concerning this development would require it to be re-submitted.