



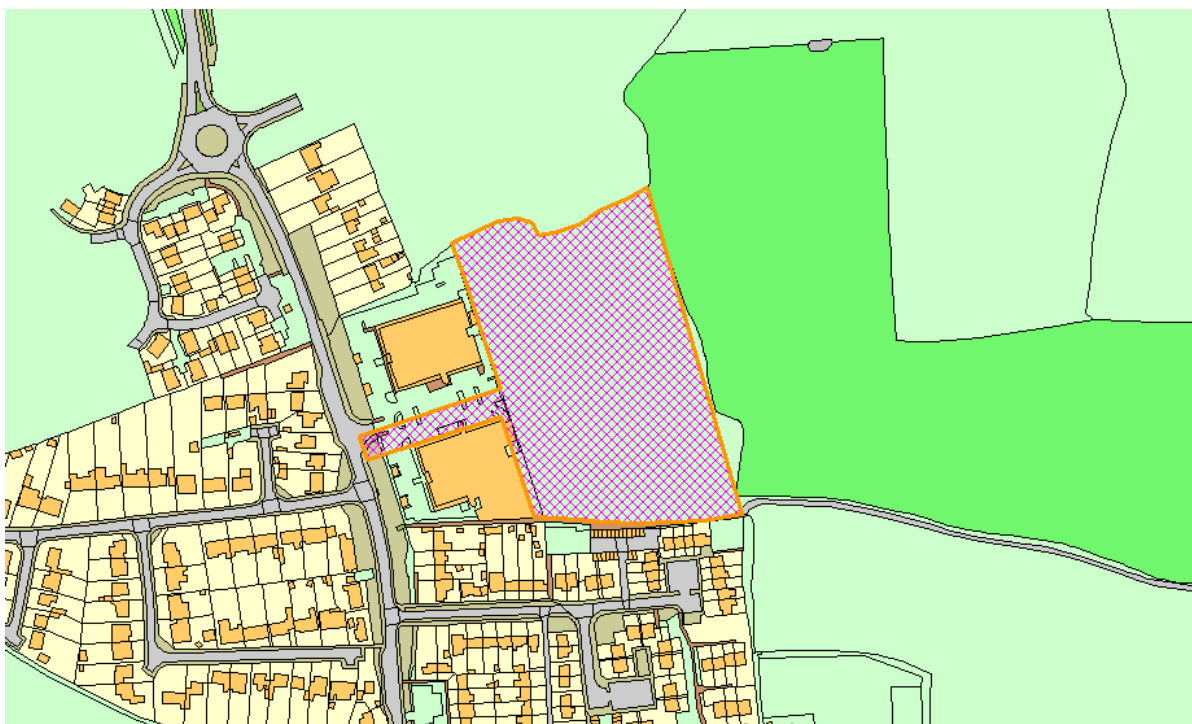
**ITEM NUMBER:** 8

**PLANNING COMMITTEE DATE:** 21 August 2024

**REFERENCE NUMBER:** UTT/24/0741/FUL

**LOCATION:** Land Known As 7 Acres Warish Hall Farm,  
Parsonage Road, Takeley

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 22 July 2024

**PROPOSAL:** S73 application to vary condition 28 (use class restriction) of UTT/22/2744/FUL (erection of 4 no. industrial/flexible employment (Use Class E) buildings with associated landscaping and parking) - vary permitted uses of approved commercial units to cover use class B8 (storage and distribution) for units 11 and 12

**APPLICANT:** Weston Homes

**AGENT:** Mr Jarrod Spencer

**EXPIRY DATE:** 18 June 2024

**EOT EXPIRY DATE:** 30 July 2024

**CASE OFFICER:** Mrs Rachel Beale

**NOTATION:** Outside Development Limits. Countryside Protection Zone, within 250m of Ancient Woodland (Priors Wood); Contaminated Land Historic Land Use; Within 6km of Stansted Airport; Within 2KM of SSSI; County and Local Wildlife site (Priors Wood).

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## **1. EXECUTIVE SUMMARY**

**1.1** This Section 73 Application seeks to amend the wording of Condition 28 of the abovementioned Planning Permission, in order to vary the permitted uses for the approved commercial units, to cover Use Class B8 (Storage and Distribution) for units 11 & 12 only in order to accommodate an existing established business currently based within the District at Great Dunmow.

**1.2** Condition 28 states: *Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the use of the premises shall be restricted to any industrial processes (Use Class E(g); and/or Use Class E(e) purposes only and shall not be used for any other purpose including any purpose within Class E of within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may*

*replace it), unless approval is obtained to a variation of this condition through the submission of a planning application. No more than 600m<sup>2</sup> of floorspace shall be allocated to Class E(e) as part of the development.*

- 1.3 A Section 96a Application has been submitted (Ref. No. UTT/24/0651/NMA) to amend the initial wording of the description of the development to the following “*Erection of 4 no. industrial/flexible employment buildings with associated landscaping and parking*” which was approved

## 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 is located to the north-east of Takeley and comprises predominantly agricultural land, known as ‘7 Acres’. The site area measures approximately 2.3ha and has a largely flat gradient.
- 3.2 There is commercial development immediately to the west of the site, with vehicular access onto Parsonage Road. This adjacent site is designated as a Employment Land to be safeguarded within the Local Plan. To the east of the site is Ancient Woodland (Priors Wood), which is also designated an important woodland and county wildlife site within the Local Plan. South of this is residential development and a public right of way runs along the southern boundary of the site.
- 3.3 The site is not located within or adjacent to any conservation areas and there are no listed structures on or adjacent to the site. The site is located outside development limits and is also located within the Countryside Protection Zone.

## 4. **PROPOSAL**

- 4.1 Access to the site would be through the adjoining employment site to the west, through an extended estate road, off Parsonage Road.
- 4.2 The proposal is to change the use of units 11 and 12 to cover use class B8. The rest of the application remains as approved.

## 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

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

**6. RELEVANT SITE HISTORY**

**6.1**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/21/1987/FUL	Mixed use development including: revised access to/from Parsonage Road between Weston Group Business Centre and Innovation Centre buildings leading to: light industrial/flexible employment units (c.3568sqm) including health care medical facility/flexible employment building (Use Class E); 126 dwellings on Bulls Field, south of Prior's Wood: 24 dwellings west of and with access from Smiths Green Lane; 38 dwellings on land north of Jacks Lane, east of Smiths Green Lane including associated landscaping, woodland extension, public open space, pedestrian and cycle routes - Land At Warish Hall Farm Smiths Green, Takeley	– Refused – 20/12/2021. Appeal reference: APP/C1570/W/22 /3291524 – Appeal Dismissed – 09/08/2022.
UTT/22/2134/FUL	Proposed change of use of land to create extension to the existing car park serving the Weston Group Business Hub and Weston Innovation Centre, including 124no. car parking spaces with associated access and landscaping. - Weston Business Centre Parsonage Road Takeley Bishops Stortford, CM22 6PU.	Approve with conditions – 13/10/2022.

UTT/22/2744/FUL	Erection of 4 no. industrial/flexible employment (Use Class E) buildings (3568 sq metres) with associated landscaping and parking.	Approved with conditions
UTT/23/1738/NMA	Non-material amendment to UTT/22/2744/FUL - amend the approved drawings and the wording of condition 8 (external materials)	Approved
UTT/23/1655/DOC	Application to discharge condition 3 (Construction Environmental Management Plan) attached to UTT/22/2744/FUL.	Discharged
UTT/23/1656/DOC	Application to discharge condition 4 (Construction Environmental Management Plan:Biodiversity) attached to UTT/22/2744/FUL	Discharged
UTT/23/1657/DOC	Application to discharge condition 10 (offsite flooding) attached to UTT/22/2744/FUL.	Discharged
UTT/23/1660/DOC	Application to discharge condition 26 (Glint and Glare Assessment) attached to UTT/22/2744/FUL.	Discharged
UTT/23/1664/DOC	Application to discharge condition 7 (energy statement) attached to UTT/22/2744/FUL.	Discharged
UTT/23/2110/DOC	Application to discharge condition 8 (materials) attached to UTT/22/2744/FUL.	Discharged
UTT/23/2258/DOC	Application to discharge condition 17 (Sustainable	Discharged

	Transport Measures) attached to UTT/22/2744/FUL	
UTT/23/2412/DOC	Application to discharge condition 12 (north/south path) and 21 (extended footpath details) attached to UTT/22/2744/FUL.	Discharged in part
UTT/23/2863/DOC	Application to discharge condition 9 (Biodiversity Compensation and Enhancement Scheme) attached to UTT/22/2744/FUL	Discharged
UTT/23/2864/DOC	Application to discharge condition 19 (Landscape and Ecological Management Plan) attached to UTT/22/2744/FUL	Discharged
UTT/24/0007/DOC	Application to discharge condition 20 (lighting) attached to UTT/22/2744/FUL	Refused
UTT/24/0429/DOC	Application to discharge condition 24 (landscape bird strike) attached to UTT/22/2744/FUL	Discharged
UTT/24/0445/DOC	Application to discharge condition 20 (Lighting Design Scheme) attached to UTT/22/2744/FUL	Discharged
UTT/24/0651/NMA	Non Material Amendment to UTT/22/2744/FUL - Amendment to description of development to "Erection of 4no. industrial/flexible employment buildings with associated landscaping and parking"	Approved
UTT/24/0980/DOC	Application to discharges condition 12 (north/south path details), 21 (extended footpath details) and 30 (extended footpath details) of UTT/22/2744/FUL	Pending

UTT/24/1181/DOC	Application to discharge condition 23 (Noise survey) attached to UTT/22/2744/FUL	Pending
Adjoining sites		
UTT/0761/01/OP	Erection of a two storey building for class B1 (business) - Factory Building On Part Of Zellweger Site - Former Neotronics Building Parsonage Road Takeley	Approve with Conditions – 11/10/2001.
UTT/17/1854/FUL	Demolition of Skyway House and erection of a two storey office building for use within Class B1a, provision and reconfiguration of car parking, and alterations to vehicular accesses - Page 88 Skyways House Parsonage Road Takeley	- Approve with Conditions – 17/01/2018.
UTT/21/2488/OP	Outline planning application with all matters reserved except access for up to 88 dwellings (including affordable housing and self/custom-build plots), as well as public open space, children's play area, landscape infrastructure including a buffer to Priors Wood Ancient Woodland and all other associated infrastructure - Land East Of Parsonage Road Takeley	Approve with Conditions – 09/11/2022.

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

7.1 N/A



## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority**

**8.1.1** The proposed variation to condition 28 may result in more HGV traffic to the site (and HGV traffic forming a greater proportion of vehicle movements) however, the impact on the highway network would be negated by the reduction in vehicle trips overall. As only 2 of the 12 units are proposed to allow Class B8 use, this further reduces the potential impact of the change. As such, we have no objection.

### **8.2 National Highways**

**8.2.1** No objection. We have completed our review of the details and information provided. The proposed change (Use Class E to B8) of the Condition 28, there will be some increases in the HGV trips number. However, that increase would be compensated by the reduction in other LGV trips as noted in the supporting Transport Assessment (dated 18 March 2024). In relation to the traffic impact from the Use Class change, there is unlikely to have any severe effect on the Strategic Road Network.

### **8.3 Local Flood Authority**

**8.3.1** Following receipt of the email dated 3rd April 2024, the LLFA does not have any additional comments to make on this S73 application. We recommend that the same conditions requested by us for UTT/22/2744/FUL, are applied to this application.

### **8.4 Manchester Airport Group**

**8.4.1** We have no aerodrome safeguarding objections to this change of use.

## **9. PARISH COUNCIL COMMENTS**

**9.1** The Parish Council strongly objects to the application for change of use for the following reasons:

- 1) The developer gave great weight in its application to providing local employment opportunities in Takeley and a change to warehousing would greatly reduce the amount of employment available.
- 2) The transport statement and drawings do not consider the impact on the access to Parsonage Road and instead only show the immediate parking area behind the existing Weston Homes buildings. The swept path analysis at Appendix C does not show the footpaths within and surrounding the car parking area. The foot and cycle paths are not shown within the development and along the access to the main entrance at Parsonage Road. The swept path analysis shows that the vehicles would require all footpath space provided and this would have a safety impact on pedestrians and cyclists accessing the other units and the new medical facility.

- 3) The transport report does not take account of the 400 HGV movements permitted along Parsonage Road for Elsenham Quarry.
- 4) There is no swept path analysis to show how the vehicles will enter and exit Parsonage Road or how they will negotiate tight turns at the Four Ashes junction.
- 5) There would be a conflict with pedestrians on the walk-to-school route and new pedestrian crossing to be constructed on Parsonage Road opposite to Chestnut Way.
- 6) We have significant concerns for pedestrian and vehicular safety by allowing larger vehicles to access this site and for road users on the local roads. There would be a conflict with users of the new health facility within the development, with future uses as a GP surgery or clinic.
- 7) We also note the concerns of the ECC Development and Flood Risk Officer regarding the impact of additional chemicals to be transported and stored on the premises.

**9.2 OFFICER COMMENTS:**

**9.3** All concerns are addressed within the appraisal.

**10. CONSULTEE RESPONSES**

**10.1 Place Services (Archaeology) – No Objection**

**10.1.1** The Historic Environment Record shows that proposed development lies within an area where archaeological evaluation has already occurred and no archaeological deposits were recorded. No further work is required. Therefore, no archaeological recommendations are being made on this application.

**10.2 UDC Environmental Health – No Objection**

**10.2.1** Recommend same conditions from original approval.

**10.3 UDC Conservation – No Objection**

**10.3.1** The proposals for the 7 Acres site put forward in the approved application UTT/22/2744/FUL were as per those submitted as part of UTT/21/1987/FUL. The advice previously provided by this office was that the proposals would result in no harm to the significance of any heritage assets. Therefore, I have no concerns arising from the proposed change of use.

**10.4 Place Services (Ecology) – No Objection**

**10.4.1** Recommend approval subject to conditions.

**10.5 Crime Prevention Officer – No Objection**

**10.5.1** Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide, ensuring that risk commensurate security is built into each property and the development as a whole benefitting both the resident and wider community.

**10.6 Thames Water – No Objection.**

**10.6.1** No objection

**10.7 Aerodrome Safeguarding (MAG) – No Objection**

**10.7.1** We have no aerodrome safeguarding objections to this change of use.

**10.8 NATS Safeguarding – No Objection**

**10.8.1** 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.

**10.9 UDC Urban Design Officer**

**10.9.1** The revisions appear to be an improvement on the previous iteration, primarily addressing the layout and massing of the northern portion of the site.

**11. REPRESENTATIONS**

**11.1** The application was notified by sending letters to adjoining occupiers, displaying site notices and placing an advertisement in the local paper.

**11.2** No representations have been received.

**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) 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** Uttlesford District Local Plan (adopted 2005)  
Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Thaxted Neighbourhood Plan (made February 2019)  
Felsted Neighbourhood Plan (made February 2020)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
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 (2023)

### **13.2 Uttlesford District Local Plan 2005**

- S7 – The Countryside
- GEN2 – Design
- GEN3 – Flood Protection
- GEN4 – Good Neighbourliness
- GEN6 – Infrastructure Provision

- GEN8 – Vehicle Parking Standards
- ENV10 – Noise Sensitive Developments
- ENV14 – Contaminated Land

### **13.3 Supplementary Planning Document or Guidance**

Essex County Council Parking Standards (2009)  
 Supplementary Planning Document – Developer’s contributions  
 Essex Design Guide  
 Uttlesford Interim Climate Change Policy (2021)  
 Uttlesford Design Code 2024

## **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Principle of revising of condition 28**
  - B) Access, Parking and Highway Safety**
  - C) Noise and pollution**

### **14.3 A) Principle of revising of condition 28**

**14.3.1** This application seeks to change the wording of condition 28 to the vary permitted uses of approved commercial units to include use class B8 (storage and distribution) for units 11 and 12.

**14.3.2** The units already have permission for any industrial processes under use Class E(g); and/or Use Class E(e). Use class E(g) E(g) relates to uses which can be carried out in a residential area without detriment to its amenity and include: E(g)(i) Offices to carry out any operational or administrative functions; E(g)(ii) Research and development of products or processes, and; E(g)(iii) Industrial processes. E(e) relates to the provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner).

**14.3.3** Use class B8 covers storage or distribution including open air storage.

**14.3.4** The principle of varying the condition to include use class B8 is considered acceptable as it does not fundamentally change the development originally permitted. Use class B8 does not significantly steer away from the uses already granted. The size of the approved units would be unchanged at 1000sqm. Notwithstanding, permission to vary to the condition does depend on the proposed use being acceptable in terms of the impact it would have on other material considerations including potential impact on nearby residents and the local highway network.

### **14.4 B) Access, Parking and Highway Safety**

**14.4.1** Essex County Council parking standards for B8 use require maximum vehicle spaces :1 space per 150m<sup>2</sup> and minimum cycle spaces:1 per

100m2 for staff and 1 per 400 m2 for visitors. The proposal would meet these standards.

- 14.4.2** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight.
- 14.4.3** A Transport Assessment accompanies the application and ECC highways officers and National Highways have been consulted.
- 14.4.4** The change of use to two of the units may result in more HGV traffic to the site and HGV traffic forming in a greater proportion of vehicle movements however, the impact on the highway network would be negated by the reduction in vehicle trips overall. As only 2 of the units are proposed to allow for B8 use, this further reduces the impact of the change. ECC officers have no objection to the proposal.
- 14.4.5** National Highways officers also have no objections. They state that The proposed change (Use Class E to B8) of the Condition 28, there will be some increases in the HGV trips number. However, that increase would be compensated by the reduction in other LGV trips as noted in the supporting Transport Assessment (dated 18 March 2024). In relation to the traffic impact from the Use Class change, there is unlikely to have any severe effect on the Strategic Road Network.
- 14.4.6** Whilst the proposal would impact on the access to Parsonage Road it is not considered sufficient to refuse the proposal. Due to the scale of the development the use of HGV using the site would have limited impact.
- 14.4.7** Notwithstanding the Parish Council's comments it is considered that the proposal would comply with UDC Policies GEN1 and GEN8.

#### **14.5 C) Noise and Pollution**

- 14.5.1** Environmental Health Officers have been consulted and they have confirmed that they have no objections to the proposed variation of condition 28. Whilst they do have some concerns regarding change in noise levels, conditions 22 and 23 of the planning permission relate to plant noise and therefore the discharge of these conditions should reflect the changes proposed.
- 14.5.2** Therefore, subject to condition, the proposed development is considered to accord with Policy ENV10 of the Uttlesford Local Plan (2005).
- 14.5.3** Initially, ECC Suds raised concerns with potential increase to pollution from the intensification of use by articulated lorries and potential storing of hazardous materials.

- 14.5.4** The applicant provided additional information to SUDS, stating that as set out in the transport note submitted with the application, the change of use would actually be likely to reduce the overall likely trips generated by the development and that the variation of the condition would only relate to 1no. building (2no. units (11 and 12)) rather than the whole scheme, and therefore the impacts would be negligible in this regard. The proposal is also not for the storage of any chemicals or hazardous fuels etc which nonetheless would require a separate application to the relevant authorities.
- 14.5.5** Following this clarification, ECC SUDs confirmed they therefore had no additional comments to make and that they recommended the same conditions on UTT/22/2744/FUL, are applied to this application.

## **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 proposal largely retains the site as previously approved, with the only change relating to the use of units 11 and 12.
- 16.2 The proposal would not have a detrimental impact in terms of noise and pollution. The conditions on the existing permission remaining relevant and have been carried over to this application.
- 16.3 The proposed development would cause no harm in relation to highway safety and appropriate parking provision has been incorporated into the scheme that will meet the needs of future occupiers.
- 16.4 The proposals comply with the guidance and standards as set out within the Uttlesford District Council's Adopted Local Plan (2005), relevant supplementary planning documents and the National Planning Policy Framework..

**17. CONDITIONS**

The previous application UTT/22/2744/FUL had a s106 attached however, there is no need for a deed of variation as Para 17 provides a Section 73 clause relating to the new permission. Section 1.32 (within the definitions) states that the permission shall mean the planning permission granted by UDC pursuant to the planning application and any subsequent planning permission for the Development granted pursuant to Section73 of the Act.

- 17.1 Below is a list of suggested conditions if Members are mindful of approving this reserve matters application in accordance with the officer's recommendation.

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

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

- 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. The development shall be constructed in accordance with the approved Construction Environmental Management Plan (CEMP) as submitted and discharged under application UTT/23/1655/DOC.



REASON: In the interests of the amenity of surrounding locality residential/business premises and highway safety in accordance with Policies GEN1, GEN2, GEN4 & ENV13 of the Uttlesford Local Plan (adopted 2005).

4. The development shall be constructed in accordance with the approved Construction Environmental Management Plan (CEMP: Biodiversity) as submitted and discharged under application UTT/23/1656/DOC.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

5. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Update and Walkover (Ecology Solutions, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

6. If the development hereby approved does not commence within 18 months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated in line with CIEEM advice on lifespan of ecological reports and surveys (April 2019).

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

7. The development shall be constructed in accordance with the approved Energy Statement as submitted and discharged under application UTT/23/1664/DOC.

REASON: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources to comply with the Uttlesford Interim Climate Change Policy (2021).

8. The development shall be constructed in accordance with the approved external materials as submitted and discharged under application UTT/23/2110/DOC.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

9. The development shall be constructed in accordance with the approved Biodiversity Compensation and Enhancement Strategy as submitted and discharged under application UTT/23/2863/DOC.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

10. The development shall be constructed in accordance with the approved scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works as submitted and discharged under application UTT/23/1657/DOC.

REASON: To ensure flood risk is not increased elsewhere by development, in accordance with ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

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

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the NPPF and ULP Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

12. The development shall be constructed in accordance with the approved north/south footpath details as submitted and discharged under application UTT/24/0980/DOC.

REASON: To enable future or existing development to be linked to the pedestrian cycle network in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policies DM9 & DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

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

REASON: To protect human health and the environment, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

14. During construction, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools of water should occur; earthworks should only be carried out on a 'just in time' basis, and not left bare for significant periods; measures should be taken to 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.

15. The development shall not be occupied until such time as their associated vehicle parking area indicated on the approved plan (excluding the overflow car parking identified on drawing WH202.WST.P2.ZZ.DR.PL.10.06) has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. The requirements of this condition 15 shall not apply to the overflow car parking shown on drawing WH202.WST.P2.ZZ.DR.PL.10.06 which shall be subject to condition 29.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

16. Development shall not be occupied until such time as secure, covered, convenient cycle parking has been provided in accordance with the Essex Parking Standards, such parking shall be connected to the proposed cycleways by cycleway connections.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

17. The development shall be constructed in accordance with the approved details of measures to maximise the use of low-emission transport modes as submitted and discharged under application UTT/23/2258/DOC.

REASON: To minimise any adverse effects on air quality, in accordance with Policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

18. Prior to occupation of the development, the access as shown in principle on submitted drawing 2007045-SK-11 A shall be provided, including a footway, a footway/cycleway and clear to ground visibility splays with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter. A crossing of the access road and an uncontrolled crossing point of Parsonage Road and shall be provided as part of the access works.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

19. The development shall be constructed in accordance with the approved Landscape and Ecological Management Plan (LEMP) as submitted and discharged under application UTT/23/2864/DOC.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework.

20. The development shall be constructed in accordance with the approved lighting design scheme as submitted and discharged under application UTT/24/0007/DOC.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy GEN7 of the Adopted Local Plan and the National Planning Policy Framework. And to protect the amenities of the occupiers of adjoining properties in accordance with ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

21. Prior to the first occupation of the 'Medical Centre', the proposed details for the extended footpath, as shown on drawing WH202.WST.P2.ZZ.DR.PL10.00 Rev A shall be submitted to, and approved in writing by, the local planning authority. The 'Medical Centre' shall not be occupied unless it has been carried out in accordance with the approved details and retained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF

22. Noise from plant and equipment including extract ventilation shall be limited to 10 dB(A) below the background noise level measured and

expressed as a LA90,15minutes from the boundary of the nearest residential property. This shall include any penalties for noise characteristics such as tone, intermittency, etc. The noise of all vehicles and equipment required for the operation proposed industrial site shall not exceed a rating level above the daytime and evening background noise level when measured be in accordance with BS4142: 2014 when measured at any boundary of the nearest sensitive receptor.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with ULP Policy GEN4.

23. In order to establish background noise level a representative survey shall be undertaken in accordance with BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties. This shall be undertaken by a suitably competent person.

Prior to operation a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the proposed or actual plant and equipment noise levels are predicted to be in excess of 10 dB(A) above background noise levels a noise mitigation scheme shall be implemented.

REASON: To ensure the development does not have any harmful impact to the surrounding residential properties with regards to noise and disturbance in accordance with GEN4 of the Uttlesford Local Plan (adopted 2005).

24. The development shall be constructed in accordance with the approved scheme for the treatment of the proposed development site including the timescale for the planting of trees and/or shrubs and appropriate hard landscaping as submitted and discharged under application UTT/24/0429/DOC.

REASON: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy GEN2 of the Uttlesford Local Plan 2005 and Flight Safety.

25. 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. Flat plate LED luminaires that are downward focused are requested.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport. The proposed development is 2600 meters from the airfield boundary. Due to the proximity of the

airfield visual circuit (night) the LED technology has very little upward dispersal of light and the light emitted is more directional (downwards).

26. The development shall be constructed in accordance with the approved Glint & Glare assessment as submitted and discharged under application UTT/23/1660/DOC.

REASON: Flight safety - to prevent ocular hazard and distraction to pilots using STN and in accordance with Policy GEN5 of the Adopted Local Plan and the National Planning Policy Framework.

27. The use of the buildings hereby permitted shall not be operated before 07:00 hours or after 21:00 hours Monday to Sunday, including Bank Holidays.

REASON: In order to protect the amenity of adjacent neighbours in accordance with ULP policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

28. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the use of the premises shall be restricted to any industrial processes (Use Class E(g); and/or Use Class E(e) purposes only and shall not be used for any other purpose including any purpose within Class E of within the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any equivalent class in any order that may replace it), unless approval is obtained to a variation of this condition through the submission of a planning application. No more than 600m<sup>2</sup> of floorspace shall be allocated to Class E(e) as part of the development.

REASON: In order to protect employment floorspace, given the employment demand in the district and to enable the Local Planning Authority to properly consider and control the uses to protect the amenity of nearby residents.

29. The overflow car parking identified on drawing WH202.WST.P2.ZZ.DR.PL.10.06 shall not be used for any purpose other than the parking of vehicles that are related to the use of the adjacent Weston Group Business Hub and/or Weston Innovation Centre buildings and any extension to, or replacement of, those buildings, unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

30. Prior to the first occupation of the 'Medical Centre', the proposed details for the extended footpath, as shown on drawing WH202.WST.P2.ZZ.DR.PL10.00 Rev A, shall be submitted to, and approved in writing by, the local planning authority. The details shall include improvements to the PRoW 48\_40 being made to adoptable ECC Highways Standards. The 'Medical Centre' shall not be occupied unless it has been carried out in accordance with the approved details and retained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: To provide a shorter pedestrian/cycle route to local amenities in the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011, Policy GEN1 of the Adopted Local Plan and the NPPF.

31. Within 6 months of a decision being issued on application UTT/22/2744/FUL, 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 Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

32. Within 6 months of a decision being issued on application UTT/22/2744/FUL, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (T4 Ecology, March 2020) shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:
- a) detailed designs or product descriptions for biodiversity enhancements; and
  - b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (as amended), in accordance with Policy GEN7 of the Local Plan (2005).