



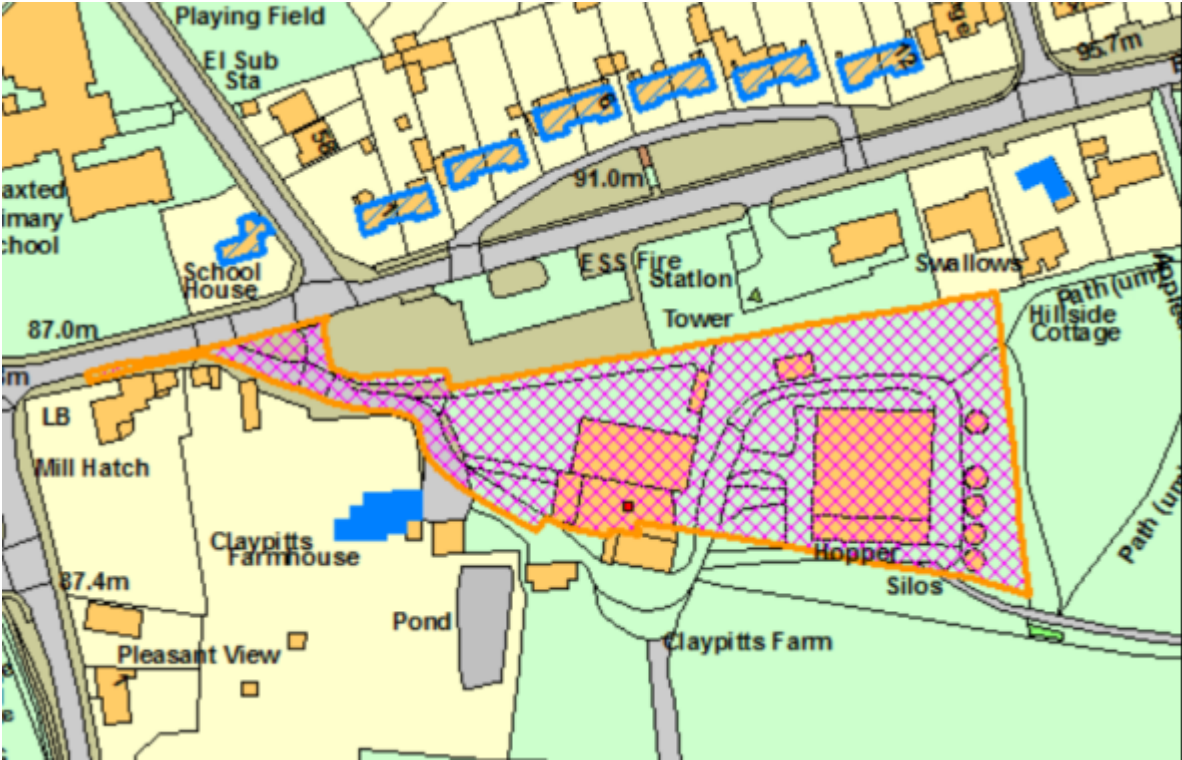
ITEM NUMBER: 14

PLANNING COMMITTEE DATE: 18 September 2024

REFERENCE NUMBER: UTT/24/1093/FUL

LOCATION: Claypits Farm
Bardfield Road
Thaxted
Essex
CM6 2LW

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 15 August 2024

PROPOSAL: S73 application to vary condition 6 (footway) of UTT/23/0526/FUL (Application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to Plot 1, provision of electricity sub-station, and alterations to access as previously consented under UTT/22/1020/FUL) - vary wording to "The development hereby approved shall not be occupied until the dropped kerb crossing point on the north side of Bardfield Road, as shown on drawing IT1431/SK/04 rev F, has been provided and made available for public use. REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

APPLICANT: Salacia Ltd

AGENT: Sworders

EXPIRY DATE: 24 July 2024

EOT Expiry Date 23 August 2024

CASE OFFICER: Timothy Cakebread

NOTATION: ULP: Partly within / partly outside development limits / partly within / partly outside Thaxted Conservation Area / general aerodrome directions / TPO on site.

Thaxted Neighbourhood Plan (TNP): Partly within / partly outside development limits / partly within / partly outside Thaxted Conservation Area / Housing Allocation TX HD5 (Claypits Farm Buildings

REASON THIS APPLICATION IS ON THE AGENDA: Major Planning Application

1. **EXECUTIVE SUMMARY**

- 1.1 This application is to vary conditions made under Section 73 of the Town and Country Planning Act 1990 (as amended) pursuant to application UTT/23/0526/FUL. The amendment seeks to vary condition 6 in respect of the delivery of the footway to the south side of Bardfield Road.
- 1.2 Outline planning application (Ref UTT/20/0614/OP) was originally refused by planning committee and allowed on appeal (Ref APP/C1570/W/21/3269464) in October 2021. A section 73 application (Ref UTT/23/0526/FUL) was approved in June 2023 in between the outline and Reserved Matters application to vary conditions 4 (approved plans) and 5 (vehicular access). The Reserved Matters application (Ref UTT/23/2601/DFO) was approved in April 2024. Pre-commencement conditions have been discharged, and works have commenced on site. The proposal was for the demolition of the existing buildings and the erection of 14 dwellings.
- 1.3 Amended plans were submitted during the course of the application to address concerns raised by the Highway Authority. There are no other changes to the proposed scheme within this application.

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 site lies on the south side of Bardfield Road to the rear of the Thaxted Fire Station on the south-east side of the town centre and comprises for the purposes of the land edged in red, a vacant farm building complex (which has now been demolished as part of site clearance works) consisting of 0.71 ha which is accessed from Bardfield Road by a private access road which also serves Claypits Farm (not forming part of the application site). The site rises gradually from its west (front) to east end consistent with the continuous gradual rise along Bardfield Road situated to the front which consists of a long line of established ribbon development which characterises the residential nature of this road.

- 3.2** A public footpath leads from Bardfield Road along the site access and then around the southern side of the site (Footpath No.104) where it connects with Footpath No.90 which comes from the south and which then continues eastwards along the southern boundary of the site before continuing eastwards along the edge of a field. Footpath No.105 has had a footpath diversion approved, to run along the site's southern boundary before continuing along the western and northern edge of the same field behind residential properties fronting onto Bardfield Road.
- 3.3** The topography of the site varies, rising up to 10m from west to east, with its lowest point at the vehicular access, and its highest point on the eastern edge of the site, formerly comprising the largest former farm buildings and silos. The land drops away from the northern boundary, so that the properties abutting the northern boundary are situated at a lower level than the site itself. Vehicular access is approved via the existing site entrance from Bardfield Road.
- 3.4** The northern part of the site (access) is located within the Thaxted Conservation Area and within the settlement boundary. The remainder of the site is outside of both designations. The tree at the entrance to the site is subject to a tree preservation order, and a public right of way runs along the southern boundary. The nearest listed building is the Grade II Claypit Farm House to the south west (list entry number: 1112967). The site is also an allocated site for residential development within Policy TX HD5 of the Thaxted Neighbourhood Plan (TNP).

4. PROPOSAL

- 4.1** This section 73 application is to vary condition 6 as follows:

Current wording of Condition 6

Prior to first occupation a footway of minimum width 1.5m shall be provided to link the western access with the existing footway on the southern side of Bardfield Road.

REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Proposed wording of Condition 6

The development hereby approved shall not be occupied until the tactile paving dropped kerb crossing points, as shown on drawing IT1431/SK/04 rev H, have been provided and made available for public use.

REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

4.2 The approved scheme therefore required provision of a 1.5m wide footway along the southern side of Bardfield Road, to connect to an existing footway. The new footway would be in close proximity to a flint wall owned by the neighbour at Mill Hatch, and result in the loss of a grass verge, beneath which are a number of underground utilities. The proposal addresses these concerns with an alternative scheme which reduces the extent of the new footway and instead provides a tactile paving dropped kerb crossing point on Bardfield Road.

4.3 The application originally proposed complete removal of the footway; however, the Highway Authority required a safe crossing point beyond the access splay. Amended plans were therefore submitted that include some loss of the grass verge to include a tactile paving crossing point.

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 The table below does not include the discharge of conditions.

Reference	Proposal	Decision
UTT/23/2601/DFO	Details following outline application UTT/20/0614/OP (allowed on Appeal APP/C1570/W/21/3269464 and as amended by UTT/22/1020/FUL and UTT/23/0526/FUL) for the erection of 14no. dwellings (alternative scheme to that approved under planning permission UTT/18/0750/OP) - Details of appearance, landscaping and scale	Approved
UTT/23/0526/FUL	Application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP	Approved

	(approved at appeal APP/C1570/W/21/3269464) - alterations to Plot 1, provision of electricity sub-station	
UTT/22/1020/FUL	Section 73A Retrospective application to vary vehicular access on UTT/20/0614/OP	Approved
UTT/20/0614/OP	Outline application for demolition of existing buildings and erection of 14 no. dwellings with all matters reserved except access and layout (alternative scheme to that approved under planning permission UTT/18/0750/OP)	Refused Allowed on appeal
UTT/18/070/OP	Outline application for demolition of existing buildings and erection of up to 15 dwellings with all matters reserved except access and layout	Approved with conditions
UTT/19/2718/NMA	Non Material Amendment to UTT/18/0750/OP - Insertion of a condition to list approved plan numbers	Approved
UTT/0526/88	Change of use of existing barn and farmyard to form Builder and Undertakers yard and complex with extension to form store Chapel of Rest and garaging	Approved with conditions
UTT/0845/01/LB	Demolition of part of barn & refurbishment of remaining structure & single storey extension	Approved with conditions
UTT/0843/01/FUL	Change of use to offices, research and development workshops, meeting area and supporting accommodation	Approved with conditions
UTT/0022/94/FUL	Change of use of corn storage barn to storage of calcium chloride	Approved with conditions.
UTT/0103/98/FUL	Change of use of builder's yard and undertaker's buildings to B1 light industrial/office use	Approved with conditions
UTT/0262/97/FUL	Retrospective application for the change of use of corn storage barn to storage of calcium chloride	Approved with conditions

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 No pre-application advice was sought by the applicant prior to the submission of this full planning application, although informal discussions were held (without prejudice) with Officers and Members during the course of the recent reserved matters application.

7.2 No other community consultation has taken place.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority – No objection**

8.1.1 The Highway Authority does not object to the change of the wording to reflect the new footway arrangements, however, we propose amending condition 6 as per paragraph 4.1 above (see full response in Appendix 1).

9. **PARISH COUNCIL COMMENTS**

9.1 Thaxted Parish Council have reviewed both the original and amended proposal. They have no additional comments to the amended proposal and are in support of the proposal.

10. **CONSULTEE RESPONSES**

10.1 **Places Services Conservation and Heritage – No objection**

10.1.1 Having reviewed the revised information I am satisfied that the current proposal with regards to the crossing point for the new development will result in a smaller degree of loss to the grass verge than I had interpreted from the application drawings. With regards to the introduction of tactile paving, I understand the requirement for this and agree that it should match that used on the nearby existing crossing point on Bardfield Road to avoid a proliferation of different surface materials in this part of the Conservation Area. On this basis, I am satisfied that the current application to vary condition 6 will preserve the character and appearance of the Thaxted Conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with no harm to its significance in terms of the NPPF.

11. **REPRESENTATIONS**

11.1 Site notice/s were displayed on site and notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Two responses were received from the immediate neighbour. The original proposal is supported, and the second response considers the revised consultation response from ECC Conservation is not correct (as per the above the Conservation Officer has changed her position following further dialog with her).

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 Feb 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 19 July 2022)

Saffron Walden Neighbourhood Plan (made 11 October 2022)

Ashdon Neighbourhood Plan (made 6 December 2022)

Great & Little Chesterford Neighbourhood Plan (made 2 February 2023)

- 12.4.2** The Council currently has a Regulation 19 consultation open until 3rd October 2024 for the emerging Local Plan which will replace the 2005 Local Plan when adopted (forecast at the end of 2025). This document currently has no weight in determining planning applications, however the evidence base to support this document can be used for guidance.

13. POLICY

13.1 National Policies

- 13.1.1** National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

S7 – The countryside

GEN1- Access

GEN2 - Design

GEN3 - Flood Protection

GEN4 - Good Neighbourliness

GEN7 - Nature Conservation

GEN8 - Vehicle Parking Standards

H9 - Affordable Housing,

H10 - Housing Mix

ENV1 - Design of Development within Conservation Areas

ENV2 - Development affecting Listed Buildings

ENV14 - Contaminated Land

13.3 Thaxted Neighbourhood Plan

TX LSC1 - Protection of the countryside and rural setting of Thaxted

TX LSC2 – Protection and enhancement of the Landscape

TX LSC3 – Wildlife Habitats and landscape features

TX HD5 - Claypits Farm Buildings

TX HD1 - Scale and Location of New Development

TX IFS3 – Footpaths

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space
homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
UDC 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 development**
B) Access
C) Heritage & Design

14.3 **A) Principle of development**

14.3.1 The principle of the development has been established under planning application UTT/20/0614/OP which was allowed on appeal. The site is also an allocated site (Policy TX HD5) within the TNP.

14.3.2 The application is for the determination of whether the alterations to the footway to the south side of Bardfield Road as part of Condition 6 at the entrance to the site may be altered and agreed within this current application under Section 73 of the Town and Country Planning Act (1990).

14.4 **B) Access**

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

14.4.2 Policy TX IFS3 of the TNP states that proposals should consider the impact of development on local footpaths and the opportunities to provide appropriate footpath access.

- 14.4.3** Paragraph 114 (b) of the NPPF states that development should ensure that *'safe and suitable access to the site can be achieved for all users'*, whilst Paragraph 116 (c) states that development should *'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.'*
- 14.4.4** At present there is an existing footpath that runs along the northern side of Bardfield Road and there are no footpaths on the southern side at this location.
- 14.4.5** This proposal seeks to make changes to the delivery of the new footpath on the southern side of Bardfield Road. This proposes to reduce the extent of the new footway and instead provides a tactile paving dropped kerb crossing point to enable safe crossing from the site to the existing footpath on the northern side of Bardfield Road.
- 14.4.6** The proposal is supported by a Technical Note which makes the point that pedestrians are most likely to head north from the application site, and therefore, the desire line will be to cross the road, rather than walk west towards the Dunmow Road junction. All town centre services and facilities are located to the north of the site, with the exception of the Tennis Club and a Bed and Breakfast located to the south. Any pedestrians wishing to head south down Dunmow Road can safely cross back over Bardfield Road to the existing footway, but it is expected that such movements will be few and far between, and not a significant inconvenience.
- 14.4.7** The proposed crossing point lies outside of the red line boundary, so the proposed condition wording is proposed as a Grampian condition to prevent occupation of the development until the crossing point is provided and completed.
- 14.4.8** This revised proposal is supported by ECC Highways and the immediate neighbour to the site at Mill Hatch. This is acceptable to against local and national polices and guidance.

14.5 C) Heritage & Design

- 14.5.1** Policy ENV 2 of the Local Plan seeks to protect the historical significance, preserve and enhance the setting of heritage assets.
- 14.5.2** The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment,

and developments which may have an effect upon it. The NPPF defines significance as ‘the value of a heritage asset to this and future generations because of its heritage interest’. Such interest may be archaeological, architectural, artistic or historic.

14.5.3 Paragraphs 200, 205 and 206 of the NPPF state: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, the significance, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.*

14.5.4 The northern part of the site (access) is located within the Thaxted Conservation Area (2012), while the rest of the site is outside of this designation. There is no mention of the site within the document other than the tree located at the entrance of the site being designated as an important tree (this is retained within the wider site redevelopment). Figure 1 below is an extract from the Thaxted Conservation Area which demonstrates the above designations. The flint wall as part of Mill Hatch is not of significance to be mentioned within the document.

14.5.5



Figure 1 – Extract of Figure 4, Area 2 within the Thaxted Conservation Area Appraisal.

- 14.5.6** The nearest listed building is the Grade II Claypit Farm House to the south west (dark blue on Figure 1) and the Primary School Building opposite the site is a locally listed building (orange shading). The proposed works are not visible to the Grade II listed Claypits Farm House to the southwest.
- 14.5.7** As with the consented scheme, the proposal does have the potential to impact onto the setting of the heritage assets. Place Services (Conservation) have provided several responses to both the original and revised proposal. They consider that the current proposal with the crossing point for the new development will result in a smaller degree of loss to the grass verge than previously interpreted from the application drawings. With regards to the introduction of tactile paving, they understand the requirement for this and agree that it should match that used on the nearby existing crossing point on Bardfield Road to avoid a proliferation of different surface materials in this part of the Conservation Area. Overall, this proposed variation will significantly reduce the loss of grass verge along the south side of Bardfield Road, adjacent to a flint wall.
- 14.5.8** In summary they are happy that the proposal to vary condition 6 will preserve the character and appearance of the Thaxted Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with no harm to its significance in terms of the NPPF.

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 proposed amendment is minor in nature (has the support of all consultees) and is considered to be acceptable and in accordance with Local and Neighbourhood Policy.

16.1.1 [As a S73 decision results in a new permission, all relevant conditions from the original permission must be re-stated. Varied condition 6 becomes condition 3 below].

17. CONDITIONS

1 The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 216498 DWG 001 Rev A, 216498 DWG 102, 219345 PL 00 100, and IT1431/SK/04/Rev H.

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

2 Prior to first occupation, the eastern access shall be provided as shown in principle on drawing number IT143/SK/04 Rev H with a minimum width of 5.5m and associated visibility splays of 2.4m by 43m in both directions. The visibility splays for both the eastern and western accesses and the access road as shown in principle on the drawing, shall be provided

before the first use by vehicular traffic associated with the development and retained free of any obstructions at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 3** The development hereby approved shall not be occupied until the tactile paving dropped kerb crossing points, as shown on drawing IT1431/SK/04 rev H, have been provided and made available for public use.

REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Prior to first occupation the surface treatment of the diverted Public Footpath No 105 shall be agreed with the Highway Authority and then implemented as agreed.

- 4** REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
The number of vehicle and cycle parking spaces shall be in accordance with those standards set down within Essex County Council's Parking Standards Design and Good Practice, September 2009 and Uttlesford Local Residential Parking Standards February 2013 and shall be provided prior to first occupation of the development.

- 5** REASON: To ensure that appropriate parking for vehicles and cyclists are provided in the interests of highway safety and efficiency in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005)
Prior to occupation the dwellings shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

- 6** REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

Prior to first occupation of the development hereby approved, the surface water drainage scheme for the site shall be implemented as approved under UTT/24/0057/DOC unless otherwise agreed in writing by the Local Planning Authority).

- 7 The development shall be carried out in accordance with the surface water maintenance arrangements approved under UTT/23/2883/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site in accordance with the NPPF and Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

- 8 The approved development shall be in accordance with details in HERTS & ESSEX SITE INVESTIGATION Phase II ENVIRONMENTAL REPORT REVISION A , Report No. 14387 submitted under UTT/23/1018/DOC, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 9 The approved development shall be in accordance with details in HERTS & ESSEX SITE INVESTIGATION Land Gas Investigation ref : CSG/17153 submitted under UTT/23/1018/DOC, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178

and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 10** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of the water environment (particularly the Secondary (undifferentiated) aquifer, SPZ3 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted)2005.

- 11** Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality. (in accordance with Policies GEN2, ENV12 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 12** The development shall be carried out in accordance with the approved Construction Method Statement submitted under UTT/23/1678/DOC, unless otherwise agreed in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON: The development has the potential to cause noise and dust impacts on surrounding residential properties in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 13** The approved development shall be in accordance with requirements of the bat mitigation licence, from Natural England reference 2022-62502-EPS-MIT (valid from 17/04/2023 - 30/04/2033) and the Work Schedule dated 14th April 2023, submitted under UTT/23/1018/DOC.

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 and s17 Crime & Disorder Act 1998 in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 14** The development shall be carried out in accordance with the approved Biodiversity Mitigation and Enhancement Plan submitted under UTT/23/1678/DOC, unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. 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.

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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 15** The development shall be carried out in accordance with the approved lighting design scheme submitted under UTT/23/1678/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- 16** All plant, machinery and equipment installed or operated in connection with the sub station implementation of this permission shall be specified and designed, enclosed or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014.

REASON: In the interests of neighbouring amenity

Appendix 1 – Highways

From: Eirini Spyratou - Strategic Development Engineer <Eirini.Spyratou@essex.gov.uk>

Sent: Tuesday, July 16, 2024 12:20 PM

To: Tim Cakebread <TCakebread@uttlesford.gov.uk>

Cc: Transport Development Admin Assistant <transport.develop@essex.gov.uk>; Eirini Spyratou - Strategic Development Engineer <Eirini.Spyratou@essex.gov.uk>

Subject: [External] >> UTT/24/1093/FUL - (18548-4B)

UTT/24/1093/FUL|S73 application to vary condition 6 (footway) of UTT/23/0526/FUL (Application to vary conditions 4 (approved plans) and 5 (vehicular access) attached to UTT/20/0614/OP (approved at appeal APP/C1570/W/21/3269464) - alterations to Plot 1, provision of electricity sub-station, and alterations to access as previously consented under UTT/22/1020/FUL) - vary wording to "The development hereby approved shall not be occupied until the dropped kerb crossing point on the north side of Bardfield Road, as shown on drawing IT1431/SK/04 rev F, has been provided and made available for public use. REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)"|Claypits Farm Bardfield Road Thaxted Essex CM6 2LW

Dear Tim,

Thank you for sending the details for the above application.

The Highway Authority does not object to the change of the wording to reflect to the new footway arrangements, however, we propose the wording below instead:

The development shall not be occupied until an appropriate dropped kerb pedestrian crossing, as shown in principle on drawing IT1431/SK/04 rev H, has been provided. For the avoidance of doubt localised adjustments to the footway section shown may be required for appropriate delivery of the scheme. REASON: To increase the accessibility for pedestrians in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

Kind regards

Eirini Spyratou | Strategic Development Officer

