

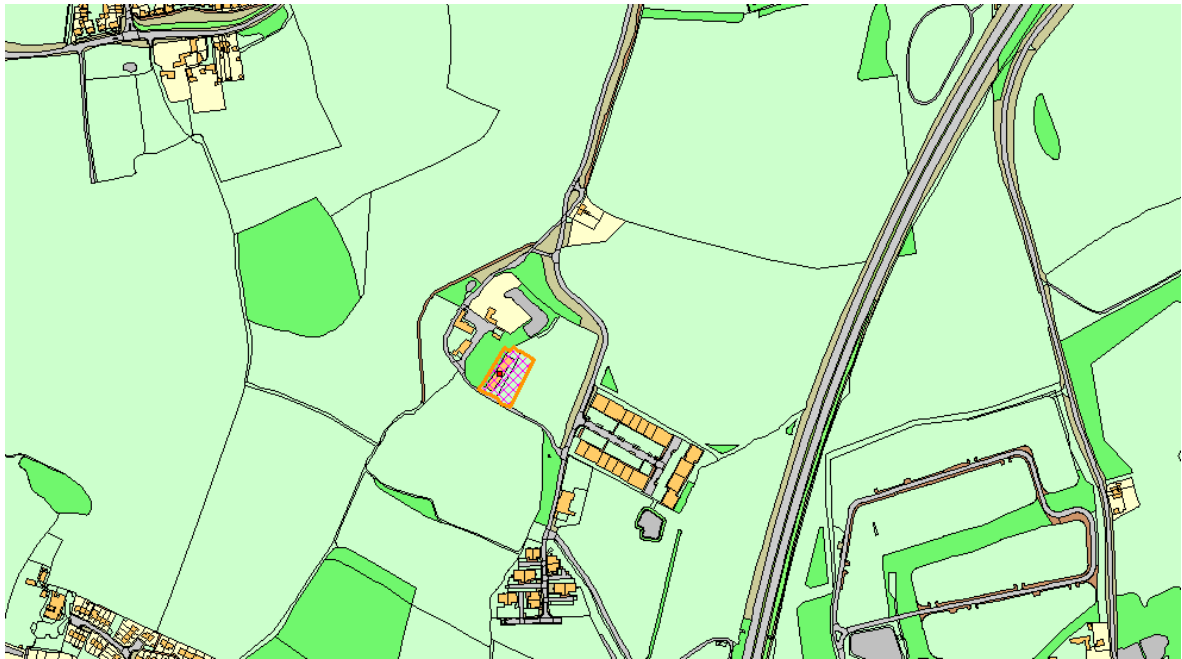
**ITEM NUMBER:** 9

**PLANNING COMMITTEE DATE:** 16 October 2024

**REFERENCE NUMBER:** UTT/23/3208/FUL

**LOCATION:** Formerly Known as The Canada Shed  
Parsonage Lane  
Stansted  
Essex  
CM24 8TY

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 14 March 2024**

**PROPOSAL:** Removal of lorry bodies and other paraphernalia. Replacement of existing building with 2 no. storage units (Use Class B8), with associated engineering operations to set new building into the ground.

**APPLICANT:** Hilton Properties Ltd

**AGENT:** Mr J Newton (Newton Associates Ltd)

**EXPIRY DATE:** 09 April 2024

**EOT EXPIRY DATE:** 21 October 2024

**CASE OFFICER:** Mr Avgerinos Vlachos

**NOTATION:** Outside Development Limits.  
Within Metropolitan Green Belt.  
Within Archaeological Site (Number 4562).  
Within 6km of Stansted Airport.  
Within 250m of Ancient Woodland (Parsonage Spring, Stansted).  
Within 250m of Local Wildlife Site (Parsonage Spring, Stansted).  
Public Right of Way (Bridleway – North).  
Road Classification (Parsonage Lane – Private Road).

**REASON THIS APPLICATION IS ON THE AGENDA:** Major application.

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## 1. **EXECUTIVE SUMMARY**

1.1 This a full planning application for the replacement of an existing building with 2 no. storage units (Use Class B8) on a single building, with associated engineering operations to set the new building into the ground. It also includes the removal of lorry bodies and other paraphernalia from the site. The application does not propose any housing.

1.2 The development site is located outside development limits within the Metropolitan Green Belt to the south of Stansted Mountfitchet. The proposal would meet exceptions (d) and (g) in paragraph 154 of the NPPF and would not be inappropriate development in the green belt nor would it harm the openness of the green belt. The proposal would also not harm the setting and significance of the nearby listed buildings and would

preserve the character and appearance of the area. The rest of the planning considerations would also be acceptable.

- 1.3 As the proposal cannot be tested against a fully up-to-date Development Plan, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. The planning balance under paragraph 11(d)(ii) of the NPPF is in favour of the proposal. 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 single storey commercial building currently occupied as four units, located outside development limits to the south of Stansted Mountfitchet. The site is part of the Metropolitan Green Belt. The existing building, which is proposed to be demolished, has a patchwork of timber boards under a grey corrugated iron roof. To the north-west of the site, there is a green area with tall trees on elevated grounds and further north-west a few converted dwellings on three Grade II listed buildings. To the south-east of the site, there is an open field and further south-east (across Parsonage Lane), there is M11 business link which is a business cluster of commercial units of utilitarian appearance and significant scale and presence. Parsonage Lane is a private road and splits onto two sections. There is public bridleway further north from the listed buildings. The overall area contains a rural character with various buildings of varying architectural styles, sizes, ages and materials.

## 4. **PROPOSAL**

- 4.1 This a full planning application for the replacement of an existing building with 2 no. storage units (Use Class B8) on a single building, with associated engineering operations to set the new building into the ground. It also includes the removal of lorry bodies and other paraphernalia from the site. The application does not propose any housing.
- 4.2 The application includes the following documents:
- Application form
  - Biodiversity checklist
  - Planning, design and access statement
  - SUDS checklist
  - Transport statement
  - Utilities statement

- Revised volume calculations
- Bat survey and assessment.

## 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/17/2703/OP	Outline application with all matters reserved except for access for the demolition of building and erection of 4 bungalows.	Appeal dismissed (30.08.2018).
UTT/0111/94/CL	Application for Certificate of Lawfulness of use for B1 (business) purposes.	Approved (22.04.1994).
UTT/0109/94/CL	Application for Certificate of Lawful Use for the manufacture, processing and ancillary storage and distribution of metal products.	Approved (22.04.1994).

## 7. **PRE-APPLICATION 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.

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

### 8.1 **Local Flood Authority**

8.1.1 No comments (see full response in **Appendix 1**).

### 8.2 **Environment Agency**

8.2.1 No comments (see full response in **Appendix 2**).

**9. TOWN COUNCIL COMMENTS**

**9.1** The following comments were received:

- **No objection** assuming the relevant ecology survey is undertaken.

**10. CONSULTEE RESPONSES**

**10.1 UDC Environmental Health**

**10.1.1** No objections subject to conditions.

**10.2 Place Services (Conservation and Heritage)**

**10.2.1** No objections unconditionally.

**10.3 Place Services (Ecology)**

**10.3.1** No objections subject to conditions.

**10.4 Affinity Water**

**10.4.1** No comments.

**10.5 Thames Water**

**10.5.1** No comments.

**10.6 Cadent Gas Ltd**

**10.6.1** No objections unconditionally.

**10.7 Gigaclear Ltd**

**10.7.1** No objections unconditionally.

**10.8 UK Power Networks Ltd**

**10.8.1** No objections unconditionally.

**11. REPRESENTATIONS**

**11.1** A site notice was displayed on site and notification letters were sent to nearby properties. The application was also advertised in the local press.

**11.2 Support**

**11.2.1** No comments of support were received.

**11.3 Object**

**11.3.1** No comments of objection were received.

**11.4 Comment**

**11.4.1** 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 that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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	S6	Metropolitan Green Belt
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV5	Protection of Agricultural Land
	ENV8	Other Landscape Elements of Importance for Nature Conservation
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land
	E3	Access to Workplaces
	RS1	Access to Retailing and Services

**13.3 Neighbourhood Plan**

13.3.1 There is not 'made' Neighbourhood Plan for the area.

**13.4 Supplementary Planning Document or Guidance**

13.4.1 Essex County Council Parking Standards (2009)  
 Supplementary Planning Document – Uttlesford District-Wide Design Code (July 2024)  
 Essex Design Guide  
 Uttlesford Interim Climate Change Planning 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 / Green belt (S6, ENV5, NPPF)**
  - B) Character and appearance / Heritage impacts / Climate change / Accessibility (GEN2, ENV2, ENV3, E3, RS1, SPD Uttlesford District-Wide Design Code, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**
  - C) Residential amenity (GEN2, GEN4, GEN5, ENV11, Essex Design Guide, NPPF)**
  - D) Access and parking (GEN1, GEN8, parking standards, NPPF)**
  - E) Ecology (GEN7, ENV8, NPPF)**
  - F) Contamination (ENV14, ENV12, ENV13, NPPF)**
  - G) Archaeology (ENV4, NPPF)**
  - H) Flood risk and drainage (GEN3, NPPF)**
  - I) Other matters**

**14.3 A) Principle of development / Green belt (S6, ENV5, NPPF)**

**14.3.1** Green belt policy:

**14.3.2** Policy S6 of the Local Plan (2005) states that infilling, limited development or re-development compatible with the character of the settlement and its setting will be permitted within specific villages, which are excluded from the green belt. The policy does not relate to developments, such as this proposal, which lie outside of the settlement boundaries. Therefore, policy S6 of the Local Plan is not relevant here, other than to confirm that the boundaries of the metropolitan green belt within Uttlesford are defined on the Proposals Map.

**14.3.3** The relevant policy is therefore contained within the NPPF, which attaches great importance to green belts that aim to prevent urban sprawl by keeping land permanently open and serve five purposes, including checking the unrestricted sprawl of large built-up areas and preventing towns merging into one another. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances and 'substantial weight' should be given to any harm to the green belt. However, despite the construction of new buildings being inappropriate in the green belts, there are exceptions to this.

**14.3.4** Whether inappropriate development:

The proposal would include the construction of a new building in replacement of the existing building on the site. The application asserts that the proposal would not be inappropriate development in the green belt by virtue of the exception in paragraph 154(d) of the NPPF<sup>1</sup>. However, given the planning merits of the application, the exception in paragraph 154(g) of the NPPF may also apply. Both exceptions will be assessed below.

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<sup>1</sup> Planning, Design and Access Statement, paragraph 5.4.

- 14.3.5** Exception (d) refers to the replacement of a building, provided the new building is in the same use and not material larger than the one it replaces. The new building will be in the same use as the existing one (B8 use) as the latter benefits from two lawful development certificates<sup>2</sup> that confirmed its use as B1 and B8 since the decision notices refer specifically to storage and distribution of various products.
- 14.3.6** There is no definition in the Local Plan or the NPPF as to what constitutes ‘materially larger’; the leading authority for this is the *Heath & Hampstead Society* case<sup>3</sup>, where it was held that the exercise was primarily an objective judgement by reference to size. Which physical dimension is most relevant for the purpose of assessing the relative size of the existing and replacement building will depend on the circumstances of the particular case and therefore planning judgement is required. This judgement is more than a purely mathematical exercise of comparing numerical figures but the emphasis is on relative size, not relative visual impact. The general intention is that the new building should be similar in scale to that which it replaces. A small increase may be significant or insignificant in planning terms, depending on such matters as design, massing and disposition on the site. The qualification provides the necessary flexibility to allow planning judgment and common sense to play a part, and it is not a precise formula. However, that flexibility does not justify stretching the word ‘materially’ to produce a different, much broader test.
- 14.3.7** The proposed replacement building would be 24% larger in volume than the existing building and 2.2% smaller in footprint, gaining an additional storey by raising the roof height. Although larger in numerical terms, it is clear from the drawings that the proposed building would not have a markedly higher ridge or eaves in comparison to the existing building as a result of the 35-degree roof pitch, the hipped roof form and the engineering works that set the new building 1 metre into the ground. The relationship between these elements of the proposed building’s form, as well as the presence of two hipped wings for the entrances to the units, together with its slightly decreased footprint, would result in a similar bulk and massing to the existing building.
- 14.3.8** Taking account of the factors relevant to an objective assessment of size, the proposed building would **not** be materially larger than the existing building to be replaced. Therefore, it would meet the exception in paragraph 154(d) of the NPPF.
- 14.3.9** Turning to exception (g), this allows the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or

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<sup>2</sup> UTT/0109/94/CL and UTT/0111/94/CL.

<sup>3</sup> R (Heath & Hampstead Society) v. Camden LBC & Vlachos [2008] 3 All E.R. 80 (CA), [2007] 2 P. & C.R. 19.

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

**14.3.10** The second limb of the above exception does not apply as the scheme does not involve (affordable) housing. However, as the lawful use of the existing building was established in the 1990s (see paragraph 14.3.3), the site comprises previously developed land, which would satisfy the first test of exception (g) and require to test the first limb of the exception, namely the 'greater impact on the openness of the green belt'.

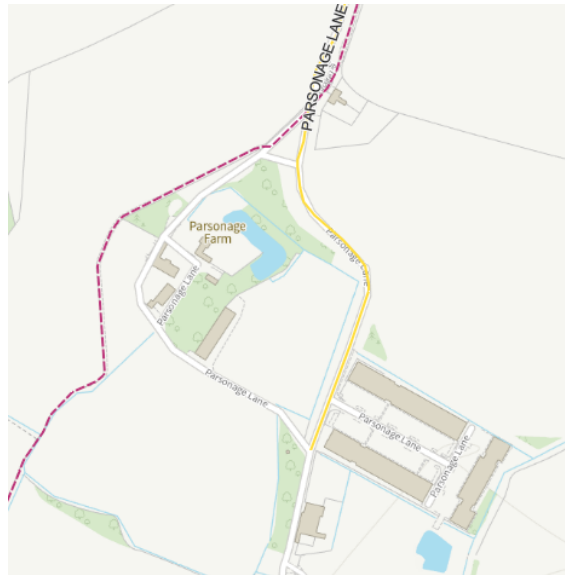
**14.3.11** The Planning Practice Guidance<sup>4</sup> sets out that assessing the impact of a proposal on the openness of the green belt requires a judgment based on the circumstances of the case. An assessment of openness is capable of having both spatial and visual aspects. The duration of the development and its remediability; and the degree of activity likely to be generated (such as traffic generation) are also relevant considerations that may need to be considered for this assessment.

**14.3.12** Notwithstanding the increase in volume, the proposed building would not occupy more land than that currently occupied by the existing building, and as such, the spatial (physical) aspect of the green belt's openness would be satisfied. This assessment would not need to take into account the removal of the lorry bodies and other paraphernalia present on the site because there is no evidence before the Council that such elements can be considered 'buildings' as per the legal definition. In addition, the proposal would assist in safeguarding the countryside from encroachment as it would be confined to a slightly reduced footprint on the same position as the existing building, serving another purpose of the green belt.

**14.3.13** Visually, the effect of the development would be shaped by a more complex combination of factors. The site is partly open as it contains part of an agricultural field to the east and adjoins another open field to the south (across Parsonage Lane). However, the other part of the site contains the existing building and is enclosed to the north-west by a green area with tall trees on elevated grounds. Further to the north-west there is a group of dwellings, most of which are of 2-storey height and much higher than the existing or proposed building. At some distance from the site, to the south-east, sits the M11 business link that can be accessed through a private road (Parsonage Lane); it contains a number of commercial units (B1, B8 uses) of significant size and footprint (see image). In this context, the application site makes a limited contribution on the openness of the green belt.

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<sup>4</sup> Paragraph: 001 Reference ID: 64-001-20190722.



- 14.3.14** The development would be visible from a few viewpoints along the public bridleway to the west and north-west (the closest of which is roughly 88 metres away), as well as from some distant viewpoints to the east through limited gaps to the roadside tree/hedge cover. The development would not increase the visible spread of built form across the site and would not bring the new building any closer to the distant views of the existing building. Nearby buildings, sizeable trees and the local topography would mitigate the impact of the proposal on the visual aspect of the openness of the green belt.
- 14.3.15** Further mitigation would be provided by:
- additional soft landscaping that would reduce the glimpsed exposures of the additional volume of the building (given the distance of those views); a landscaping condition could secure this.
  - replacing the grey corrugated iron roof of the existing building with clay tiles and black timber weatherboarding; a condition on materials would secure this. This would replace the modern utilitarian structure that detracts from the visual openness of the green belt with a structure that would appear as a traditional agricultural building that would blend much better into the rural landscape.
- 14.3.16** The development would be permanent in nature as the existing building but day-to-day comings and goings would not exceed the ones associated with the lawful uses of the existing building (B1, B8), as the proposal would only involve a B8 use. In addition, the engineering operations to set the new building 1 metre into the ground would preserve the openness of the green belt and would not conflict with its purposes, meaning that these operations are not inappropriate in the green belt, in accordance with paragraph 155 of the NPPF.
- 14.3.17** Consequently, the proposal would not have a greater impact on the openness of the Green Belt than the existing development. Therefore, it would meet the exception in paragraph 154(g) of the NPPF.

**14.3.18** Considering the above, the proposal would meet exceptions (d) and (g) in paragraph 154 of the NPPF and would **not** be inappropriate development in the green belt nor would it harm the openness of the green belt.

**14.3.19** Economic benefits:

**14.3.20** The proposal would support economic growth and productivity and create the conditions in which businesses can invest, expand and adapt, using previously developed land. It would also offer a small contribution towards the local economy during construction via potential employment for local builders and suppliers of materials, in accordance with paragraphs 88(a)-(b) and 89 of the NPPF. **Significant** weight should be afforded to these benefits as per paragraph 85 of the NPPF.

**14.3.21** Agricultural land:

**14.3.22** The south-eastern part of the site comprises Grade 2 ('Very Good' quality) agricultural land, being part of the district's best and most versatile agricultural land (BMV). The loss of BMV land would conflict with policy ENV5 of the Local Plan. Notwithstanding that policy ENV5 is consistent with paragraph 180(b) of the NPPF, this conflict would be afforded **limited** weight as there is plenty of BMV land in the locality.



**14.3.23** Other material considerations:

**14.3.24** The following decisions have informed the above assessment in relation to the impacts of the proposal on the green belt:

- **APP/Y3615/W/23/3331768**  
(Three Acre Barn, Effingham)
- **APP/X1925/W/21/3273701**  
(Land south of Heath Lane, Codicote)
- **UTT/18/2837/OP / APP/C1570/W/19/3234129**  
(Land at Latchmore Bank, Little Hallingbury)
- **APP/M3645/W/23/3332900**  
(Ridgeway, Hollow Lane, Dormansland)
- **UTT/22/2475/FUL / APP/C1570/D/23/3316209**  
(Treetops, Little Hallingbury)
- **UTT/20/2949/FUL / APP/C1570/W/21/3268974**  
(Former Stable Yard/Paddock, Adjacent to Toad Hall, New Barn Lane, Little Hallingbury)
- **UTT/19/1896/OP / APP/C1570/W/19/3241822**  
(Land between Green Corners and Silver Birch dwellings, Latchmore Bank, Little Hallingbury)
- **UTT/18/2837/OP / APP/C1570/W/19/3234129**  
(Land at Latchmore Bank, Little Hallingbury)

- **APP/B3030/D/19/3241277**  
(Hall Close, Main Street, Hoveringham)
- **APP/X0415/C/22/3293635**  
(Land at Rosewood Farm, Watchet Lane, Little Kingshill, Great Missenden)
- **APP/P1940/W/21/3277747**  
(3 Grove Cottages, Bedmond Road, Pimlico)
- **APP/V4250/W/22/3294257**  
(1 Samuels Fold, Pendlebury Lane, Haigh)
- **APP/Y3940/W/23/3327611**  
(Former Sewage Works, Upper South Wraxall, Wiltshire)

**14.4 B) Character and appearance / Heritage impacts / Climate change / Accessibility (GEN2, ENV2, ENV3, E3, RS1, SPD Uttlesford District-Wide Design Code, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**

**14.4.1** Character and appearance:

**14.4.2** The following revisions were received:

- Changes in application site:
  - Red line included the private road until it meet the public highway (Forest Hall Road).
- Scale changes:
  - Reduced height
  - Reduced roof pitch (from 40 to 35 degrees).
- Changes in openings:
  - More sizeable entrance doors.

**14.4.3** The local character contains a distinct rural feel with views to the wider landscape and an intrinsic sense of openness due to the green belt nature of the land. The presence of built form in the area is sporadic and mostly the outcome of re-development of former farm complexes, including the residential conversion of period buildings to the north-west of the site and the replacement of other agricultural buildings with utilitarian commercial units in the M11 business link to the south-east.

**14.4.4** In terms of appearance and design, the proposed building would be of a traditional agricultural-style design with traditional materials (clay tiles, black timber weatherboarding) that would be in keeping with the local vernacular and blend in well in the rural landscape, especially in comparison to the incongruous grey roof of the existing building that consists of corrugated metal sheets. The pitched roof of the new building would not be visually dissimilar to that of the Grade II listed buildings to the north-west of the site. The proposed hipped wings for the entrances to the units would help break up the bulk and massing of the building by adding visual interest to what would otherwise be a uniform and monotonous elevation.

**14.4.5** Turning to scale and layout, the proposed building would not occupy the whole width of the plot and be restricted at the same position as the

existing building. The rest of the land would remain open (with a condition necessary for this purpose), and as such, the site would not have a cramped layout. The additional volume of the roof would be proportionate to the size of the building, being much lower than the ridge heights of most of the neighbouring dwellings to the north-west (see Revised Proposed Elevations). The building would not be much higher than the existing one and its size would be lower than expected for a 2-storey building due to the 35-degree roof pitch, the hipped roof form and wings and the engineering operations that would set it 1 metre into the ground.

**14.4.6** Landscaping measures would further mitigate the visual presence of the new building in the area and enhance the rather dull appearance of the site.

**14.4.7** In conclusion, the proposal would preserve the character and appearance of the area. It would therefore accord with the SPD Uttlesford District-Wide Design Code (July 2024) and with policy GEN2 of the Local Plan which requires development to be compatible in scale, form and layout to surrounding buildings. It would also comply with paragraph 135(c) of the NPPF which requires development to be sympathetic to local character, including the surrounding built environment and landscape setting.

**14.4.8** Heritage impacts:

**14.4.9** Place Services Built Heritage (Conservation) reported the site is located to the south-east of three listed buildings<sup>5</sup> and that the existing building to be replaced is failing.

**14.4.10** Place Services Conservation raised **no objections**, as the proposal would preserve the setting and significance of the above listed buildings. 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. The heritage balancing exercise would not be necessary on this occasion, as there is no heritage harm and there is no clear reason to refuse the application under paragraph 11(d)(i) of the NPPF.

**14.4.11** Accessibility and social inclusion:

**14.4.12** 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, as it is not clear whether the building would be accessible at upper floor level, for example, by wheelchair users.

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<sup>5</sup> Parsonage Farmhouse (Grade II listed).

Barn to west of Parsonage Farmhouse (Grade II listed).

Granary to the west of Parsonage Farmhouse north of barn (Grade II listed).

**14.4.13** Climate change:

**14.4.14** Energy and water efficiency measures would be necessary, to ensure compliance with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF. The matter will not be conditioned as it will be picked up at the Building Regs stage.

**14.5 C) Residential amenity (GEN2, GEN4, GEN5, ENV11, Essex Design Guide, NPPF)**

**14.5.1** In terms of noise, odour, dust, vibration, light pollution and other disturbances, Environmental Health raised **no objections** subject to conditions to safeguard residential amenities (see also Section F). The conditions refer to a construction method statement or construction management plan and external lighting details. Another condition to restrict operating hours would also be necessary to safeguard residential amenities (following the suggested operating hours from the applicant).

**14.5.2** In terms of the amenity of neighbouring occupiers, due to the scale, design and position of the building 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.

**14.5.3** Overall, the proposal would accord with policies GEN2, GEN4, GEN5, ENV11 of the Local Plan, the Essex Design Guide, and the NPPF.

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

**14.6.1** From a highway and transportation perspective, the Highway Authority was not consulted given the distance of the proposal to the public highway and the fact that the existing access to the highway is a bell-mouth junction that can accommodate heavy vehicles. Highway safety would not be compromised. The movements associated with the use of the proposed building would not present any risks to the use of the existing access that would require improvements to it and would be easily accommodated in the surrounding road network. 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.

**14.6.2** The Essex County Council Parking Standards (2009) require 1 no. space per 150 sqm (requirement is for 8 parking spaces for a gross internal area of 1,130 sqm). Parking standards would also require 1 no. cycle space per 500 sqm for staff plus 1 no. cycle space per 1,000 sqm for visitors (requirement for 3 no. cycle spaces) and 2 no. disabled parking spaces. The Revised Site Plan shows 8 no. parking spaces of appropriate dimensions (5.5 by 2.9 metres) with the disabled spaces being included. Therefore, as there is ample parking space to accommodate the above standards, the parking layout shall be conditioned to be finalised as part



of the landscaping scheme. The proposal 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 review of the additional information submitted, raised **no objections** subject to conditions to secure biodiversity 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 Natural England licence for bats, a Great Crested Newt method statement and a wildlife sensitive lighting scheme.

#### **14.7.2** Biodiversity Net Gain:

**14.7.3** Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. All major development, as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable BNG, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. However, the exemptions need not to be examined here given that the BNG duty for major schemes came into effect on 12 February 2024, which was after the validation date of this application.

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

**14.8.1** Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to potential land contamination.

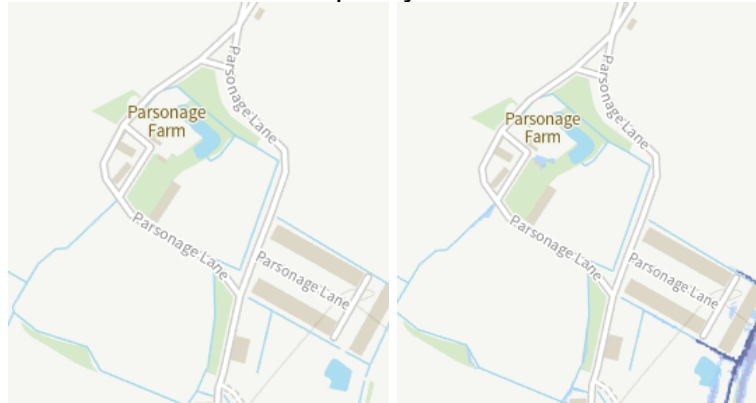
#### **14.9 G) Archaeology (ENV4, NPPF)**

**14.9.1** Due to the nature of the proposal as a replacement building on the same position as the existing building, there shall be no disturbance to any potential archaeological remains and no need to consult with Place Services Archaeology. The development would comply with policy ENV4 of the Local Plan, and the NPPF. No conditions would be necessary for archaeological preservation purposes.

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

**14.10.1** Footnote 59 in paragraph 173 of the NPPF does require a site-specific Flood Risk Assessment (FRA) as the site falls within Flood Zone 1 only, the site is less than 1 hectare and the land is not subject to other sources of flooding and the development would not introduce a more vulnerable use. Essex County Council (as the Lead Local Flood Authority, LLFA) and

the Environment Agency have been consulted but **refrained** from commenting. The proposal would not increase flood risk on site or elsewhere and would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). Affinity Water and Thames Water did not raise any concerns over water management or infrastructure capacity issues.



#### **14.11 I) Other matters**

**14.11.1** Cadent Gas Ltd, Gigaclear Ltd and the UK Power Networks Ltd raised **no objections** unconditionally. The applicant should be mindful of the information attached to the consultation responses of these consultees.

#### **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 in paragraph 11 of the NPPF tilts in favour of the principle of the scheme. The benefits include:

- Economic benefits – significant weight.
- Use of previously developed land – substantial weight.

**16.2** The proposal would support economic growth and productivity and create the conditions in which businesses can invest, expand and adapt and would also offer a small contribution towards the local economy during construction. **Significant** weight should be afforded to these benefits as per paragraph 85 of the NPPF. The use of previously developed land would also be afforded **substantial** weight given the support from paragraph 124(c) of the NPPF.

**16.3** Paragraphs 152 and 153 of the NPPF state that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the green belt. The proposal would **not** be inappropriate development in the green belt and would not harm its openness. Very special circumstances need not to be applied on this occasion given the absence of harm to the green belt.

**16.4** On the other hand, the adverse impacts of the proposed development include:

- Loss of BMV agricultural land – limited weight.

**16.5** The loss of BMV land shall be afforded weight given that is plentiful in the locality.

**16.6** 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.

## **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** Prior to commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the local planning authority:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
  - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve 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).

- 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, birds, and other protected and Priority mobile species 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 openness of the green belt, 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 GEN2, ENV2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), 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 including photographs);
- c) hard surfacing and other hard landscape features and materials (including photographs);
- 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 layout for private vehicles with bays of appropriate size (including a drawing showing vehicle parking spaces, covered cycle spaces and disabled spaces and an appropriate turning area).

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 openness of the green belt, 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 GEN2, GEN4, ENV2, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 7** Prior to any works above slab level, 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 first beneficial use of the development 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).

- 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 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, 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).

- 10** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for each unit. 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).

- 11** 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).

- 12** Prior to first beneficial use of the development hereby approved, the existing building, structures, hard surfaces and other paraphernalia (such as lorry bodies) shall be completely demolished/removed and all the debris from the demolitions 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 GEN2, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 13** Storage of any items associated with the use of the building hereby approved shall be confined within the approved building and the rest of the application site shall remain clear unless otherwise agreed in writing by the local planning authority.

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

- 14** The opening hours of the premises shall be as stated below:  
Monday to Friday: 08.00am – 17.30pm  
Saturday: 08.00am – 13.00pm.  
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).

- 15** 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).

- 16** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey and Assessment report (Babec Ltd., August 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).



## APPENDIX 1 – LOCAL FLOOD AUTHORITY

-----Original Message-----

From: Suds <suds.mail@essex.gov.uk>

Sent: Friday, January 19, 2024 1:46 PM

To: Planning <planning@uttlesford.gov.uk>

Subject: [External] >> RE: Planning Application Consultation - N UTT/23/3208/FUL (SUDS-007267)

Good morning,

Thank you for consulting us on the above application, having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk and there is little opportunity to deliver new SuDS features, therefore we do not wish to provide formal comment on this application.

However, if you have specific concerns, please do not hesitate to contact us.

Many thanks,

Anna Murphy (she/her)

Development and Flood Risk Officer

Climate Adaptation and Mitigation, Climate, Environment & Customer Services

<https://protect-eu.mimecast.com/s/7ke1Cqx7BszP60fZra9m?domain=essex.gov.uk>

## APPENDIX 2 – ENVIRONMENT AGENCY

From: EastAnglia, Planning <[REDACTED]>  
Sent: Tuesday, March 5, 2024 4:16 PM  
[REDACTED]  
Subject: [External] >> RE: Consultation response - UTT/23/3208/FUL

Good Afternoon,

This application was screened out as we believe it does not have any constraints relevant to us to comment on.

Regards  
Giles