

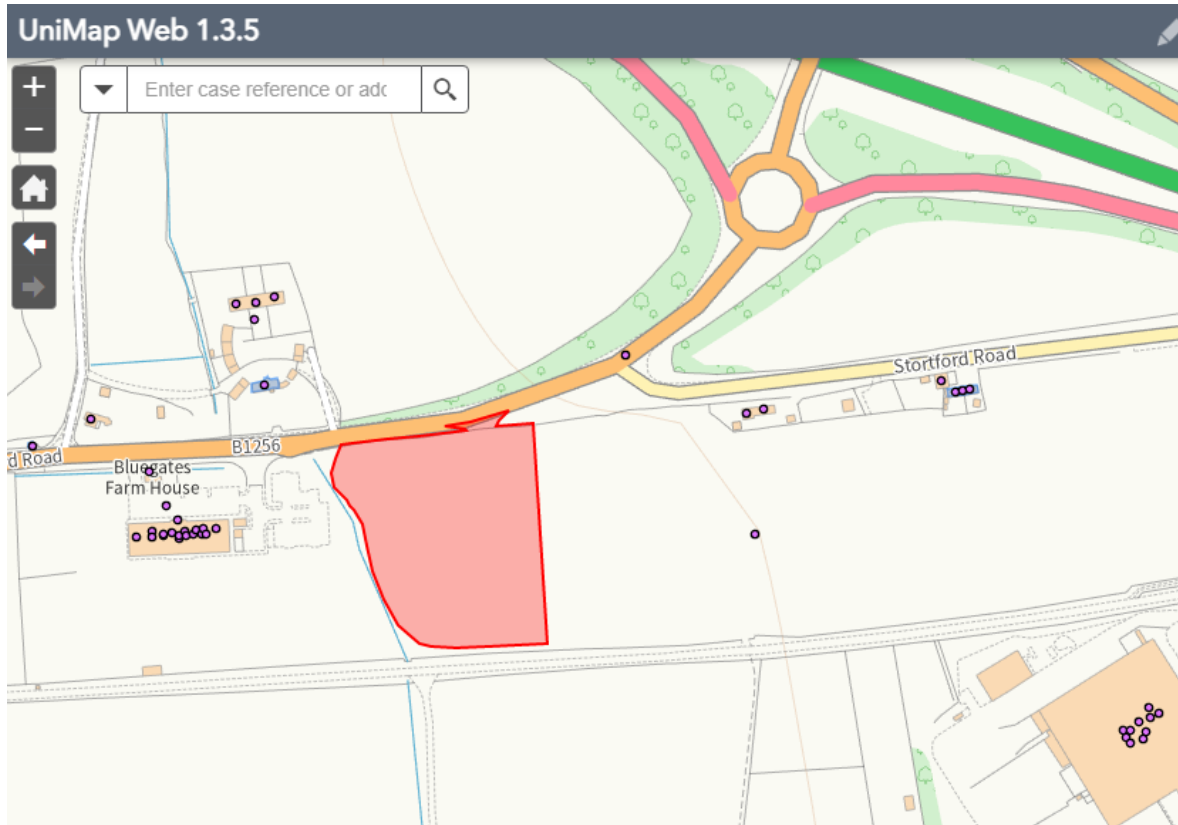
ITEM NUMBER: 10

PLANNING COMMITTEE 22 October 2025
DATE:

REFERENCE NUMBER: UTT/25/0539/FUL

LOCATION: Land to the South of Stortford Road
Little Canfield
Essex

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: September 2025

PROPOSAL: Proposed building for nursery (Use Class E(f)) and soft play area (Use Class E(d)) with associated swimming pool, café and versatile learning spaces designed specifically for families and children in the community.

APPLICANT: Ms R Trembath

AGENT: English Architectural Ltd (Mr M McGarr)

EXPIRY DATE: 02 July 2025

EOT EXPIRY DATE: 27 October 2025

CASE OFFICER: Mr Avgerinos Vlachos (Principal Planning Officer)

NOTATION: Outside Development Limits.
Setting of Listed Building (Strood Hall – Grade II).
New Roads to be Safeguarded (A120).
Within Flood Zones 2 and 3.
Road Classification (Stortford Road – B1256).
Within 500m of SSSI.
Within 6km of Stansted Airport.
Watercourse (Strood Hall Brook).
Within 100m of Local Wildlife Site (Flitch Way).
Within 20m of Flitch Way.
Public Right of Way (Bridleway – South).

REASON THIS APPLICATION IS ON THE AGENDA: Major application.

1. EXECUTIVE SUMMARY

- 1.1** This is a full planning application for a proposed building for nursery (Use Class E(f)) and soft play area (Use Class E(d)) with associated swimming pool, café and versatile learning spaces designed specifically for families and children in the community. The application does not propose housing or affordable housing.
- 1.2** Following pre-application advice (UTT/24/0771/PA), the proposal builds on the characteristics of the area, as the development would be placed in a suitable and accessible location, supporting economic growth and productivity and creating the conditions in which businesses can invest

near existing settlements. National policy affords significant weight on the need to support economic growth. The need for education and leisure facilities in the district is confirmed by recent evidence from the evidence base of the emerging Local Plan.

1.3 Although the proposal, by reason of its location, would cause some unavoidable countryside harm, this would be limited due to the limited contribution of the site to the rural character and appearance of the area and the appropriate design, scale and layout details of the proposal that respond to the rural character of the area and the Uttlesford District-Wide Design Code (2024). A landscaping condition is necessary to soften the scheme's impact on the character and appearance of the countryside, especially to the rear part of the site that adjoins the popular local wildlife site and bridleway of Flitch Way.

1.4 Notwithstanding comments from interested parties, the Highway Authority confirmed that the development would not compromise highway safety or the road network capacity and recommended conditions, including one for the final access arrangements and highway improvements to be agreed with the statutory consultee. These works shall include not just a safe vehicular access with appropriate gradient but also a pedestrian/cycle connection to the existing network. Also, flood risk would not be increased on the site or elsewhere and sustainable urban drainage systems (SUDS) would be delivered to ensure appropriate flood risk mitigation and pollution prevention to the nearby watercourse; the Local Flood Authority confirmed raised no objections. All other material considerations (e.g. ecology) were found equally acceptable, and consultees provided positive feedback.

1.5 Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the adverse impacts of the proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, in accordance with paragraph 11(d)(ii) of the NPPF.

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 open, undeveloped land used as arable field between the B1256 to the north and Flitch Way (bridleway/ designated wildlife site) to the south, located to the west of Great Dunmow. The site is greenfield and has a gradual slope downwards from east to west, draining onto an unnamed watercourse adjacent to its western boundary. This slope is evident from High Cross Lane at the eastern end of the field to which the application site is part. A small part of the site, near its south-western boundaries, is within Flood Zones 2 and 3. Flitch Way sits on elevated ground in comparison to the site with hedges and trees on its sides.

3.2 The site is immediately east of the Bluegates Farm commercial site (use classes E, B8). Across the road to the north-west are residential properties, including the Grade II listed Strood Hall fronting the road and its outbuildings (some of which are curtilage listed) and nos. 1-3 Strood Court to the back with a few more houses further west. Agricultural fields are across the road to the north behind the roadside hedges. The A120 is further north-east, 225 metres from the junction with Stortford Road, a few metres east of the site. To the east is further agricultural land with a few houses fronting Stortford Road, including listed cottages. To the south is more agricultural land with a small installation of ground mounted solar panels. Further south-east is the new Council depot and the Hales Farm complex.

4. PROPOSAL

4.1 This is a full planning application for a proposed building for nursery (Use Class E(f)) and soft play area (Use Class E(d)) with associated swimming pool, café and versatile learning spaces designed specifically for families and children in the community. The application does not propose housing or affordable housing.

4.2 The application includes the following documents:

- Application form
- Biodiversity checklist
- BNG metric
- BNG statement
- 3D plan (x4)
- Design and access statement
- Heritage statement
- Planning statement
- Preliminary ecological appraisal
- Superseded flood risk assessment and drainage strategy (x2)
- Revised flood risk assessment and drainage strategy
- Transport and visibility assessment
- Agent's response to comments
- Agent's response to SUDS comments
- Attachment 1 to agent's response to SUDS comments
- Attachment 2 to agent's response to SUDS comments

- Response to SUDS objection
- Additional response to SUDS objection
- Noise impact assessment
- Road safety audit stage 1.

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	Reference	Proposal	Decision
	UTT/24/0771/PA	Construction of building to house soft play/swimming pool for hire/nanny nursery/learning children's and mothers' areas. Creation of dog walking/exercise area.	Closed (21.06.2024).
	UTT/19/1166/OP	1. Detailed proposal for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all supporting infrastructure. 2. Outline proposal for up to 4.6ha of employment land comprising Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and/or B8) (with all matters reserved except for access).	Refused (22.01.2020) – Appeal withdrawn.
	UTT/17/2607/OP	1. Detailed application for Construction of a new Council Depot comprising vehicle workshop, office building, external storage, grounds maintenance storage, parking, landscaping, vehicular access and all supporting infrastructure.	Refused (11.06.2018).

	2. Outline proposals for up to 4.2ha of employment land comprising Business, General Industrial and Storage and Distribution uses (Use Class B1, B2 and/or B8) (with all matters reserved except for access).	
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7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 Paragraph 40 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 pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

7.2 Pre-application discussions (UTT/24/0771/PA) have been held with Council officers prior to the submission of the application. No statement of community involvement was submitted. The pre-application included feedback from the case officer, which can be summarised as follows:

The principle of development may be supported in a formal application subject to a convincing case for the need of the development and appropriate justification for the scale and massing of the main proposed building. It would be very difficult to establish such a need for the proposed dog walking/exercise area given the open countryside location of the proposal. The proposals should rely on evidence, ideally quantifiable.

7.3 The local planning authority has consulted interested parties in the area and their comments were considered when determining the application.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

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

8.2 Local Flood Authority

8.2.1 No objections subject to conditions (see full response in **Appendix 2**).

8.3 Environment Agency

8.3.1 No objections without conditions (see full response in **Appendix 3**).

9. PARISH COUNCIL COMMENTS

9.1 **Comments from Little Canfield Parish Council:**

- **Object:**
 - Contrary to policies of the Local Plan.
 - Development out of scale to the surrounding buildings.
 - Intrusion into the countryside.
 - Loss of very good quality agricultural land.
 - Greenfield site.
 - Access does not show the slope of the road.
 - Highway safety concerns.
 - Associated and direct applications with this application.
 - UTT/17/2607/OP refused on the grounds of countryside impacts, heritage impacts, ecological impacts and the lack of a mechanism to secure infrastructure improvements.
 - UTT/19/1166/OP refused on the grounds of countryside and heritage impacts, impacts on residential amenity due to noise and fumes, and the lack of a mechanism to secure infrastructure improvements.
 - Appeal withdrawn for UTT/19/1166/OP.
 - UTT/23/0219/OP refused and appeal dismissed on the grounds of extending the amount of building in the countryside, eroding its rural character and significantly changing the appearance of this part of Stortford Road and High Cross Lane.

9.2

Comments on behalf of the Parish Council (Railton TPC Ltd):

- Review of the application's transport and highways information.
- Transport planning consultancy.
- Vulnerable main user group (adults accompanying children).
- Sustainable access from Great Dunmow and Takeley is poor.
- Walking or cycling with small children is more difficult.
- Using the bus is more difficult as buses are not always well adapted.
- Characteristics of users of the facility need to be considered when assessing the sustainable transport credentials.
- No residential areas within 800 metres.
- Longest acceptable walking distance is 1,000 metres.
- Little residential development within 2km of the site.
- Extremely poor accessibility on foot.
- Threatening and unpleasant road environment adds to the distance deterrence.
- Very poor access for pedestrians.
- Transport Statement demonstrates that B1256 is not conducive to cycling.
- Transport Statement fails to consider that most adults travelling to and from the facility would be accompanied by small children.
- On-road cycling on the B1256 would not be feasible.
- Although there is some provision for off-road cyclists to the east of the site, the presence of uncontrolled crossings on relatively high speed roads makes the route hazardous for adults with children.
- Poor cycle access.

- Closest bus stop 200 metres from the site.
- Poor pedestrian accessibility of bus stop.
- Bus services run hourly / not good level of service.
- Site has extremely poor accessibility on foot, poor accessibility by bicycle and poor accessibility by bus.
- Presence of HGVs.
- Contrary to paragraph 215 of the NPPF, and policy GEN1 of the Local Plan.
- Application proposes widening the B1256.
- Widening the road will harm trees located east of the Strood Hall access.
- No assessment of the impact on roadside hedges and trees.
- No assessment of visibility for Strood Hall once the works are in place.
- Needs to demonstrate that a safe and feasible vertical access design that properly ties in with both the B1256 and the site car park can be provided.
- The required gradient on the access road will represent a significant barrier to those with mobility impairments.
- Core Policy 10 of the emerging Local Plan proposes allocation of employment land (18 ha) north of the application site.
- Emerging Local Plan under examination – no certainty of the allocation.
- Development not promoted as a site to meet the needs of employment land.
- Car dependent.
- Employment allocation includes a 'mobility hub'.
- 'Mobility hub' will do nothing to improve the site's accessibility.

9.3

Comments from Great Canfield Parish Council:

- **Object:**
 - Application is in adjoining parish.
 - Unsustainable site.
 - Impact of additional traffic on single-track lanes through Great Canfield.
 - Increasing highway traffic on local village lanes as a result of developments, particularly for those travelling from the south and looking for shorter routes to access the A120 and
 - airport, is already an issue of concern for Great Canfield residents.
 - Irreversible damage to the verges and putting increased pressure on the local protected lanes.
 - Site is not within walking distance of residential properties, the bus routes are limited and should the development be approved users of the site will be totally reliant on cars to access.

10.

CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 UDC Conservation

10.2.1 No objections subject to condition.

10.3 Place Services (Ecology)

10.3.1 No objections subject to conditions and mandatory biodiversity net gain.

10.4 Place Services (Archaeology)

10.4.1 No objections subject to conditions.

10.5 Crime Prevention Officer (Essex Police)

10.5.1 No objections subject to condition.

10.6 Thames Water

10.6.1 No objection to surface water drainage subject to the developer following the sequential approach to disposal of surface water. No objections subject to condition for the proposed swimming pool and confirmation that the capacity of the wastewater network and sewage treatment works infrastructure.

10.7 Affinity Water

10.7.1 Pending consultation until 13/10.

11. REPRESENTATIONS

11.1 A site notice was displayed on site and notification letters were sent to nearby properties. The application has also been the subject of a press notice in a local newspaper and representations have been received.

11.2 Ward members' comments:

11.2.1 Cllr Bagnall provided the following comments:

- **Neutral:**
 - Cumulative impact on the highway network.
 - Loss of best and most versatile agricultural.

11.2.2 Cllr Criscione provided the following comments:

- **Support:**
 - Investment on young families and children in the district.
 - Site well located to serve existing and proposed homes in Dunmow, Takeley, Flitch Green and Little Dunmow.

- Commending the applicant's efforts to engage the community.
- Benefit of working families.
- Working families are most unlikely to submit supporting comments to planning applications.
- Verbal support for the scheme from members of the public.
- Road with great access and visibility.
- Ample parking proposed.
- Sympathetically designed to its surrounds and integrates well, unlike other schemes in the area.
- Similar to proposal supported in Little Dunmow.
- Often criticism about lack of infrastructure with new housing.
- Opportunity to improve the infrastructure deficit with negligible detrimental impacts.
- No interest in this application other than being a resident.
- Rarely commented on applications outside the patch.

11.3 Comments from members of the public:

11.3.1

- **Support**
 - Purpose-built facility for children (including with disabilities).
 - Beneficial and inclusive development.
 - Much needed specialist facility.
 - Dedicated hydrotherapy/swimming pool.
 - Serves the wider community.
 - Growing need for inclusive infrastructure.
 - Health, recreational and educational benefits.
 - Community integration and social benefits.
 - Next to Bluegates industrial park.
 - Similar design to Bluegates.
 - Additional planting necessary beside Flitch Way.
 - Suitable, ideal location.
 - High quality services with less need to travel.
 - Large employment land opposite the site in the emerging Local Plan.
 - Community need.
 - Preserves the surrounding area.
 - Value added to the area.
 - Significant number of developments in the area.
 - Safe and engaging facility.
 - Fosters a strong sense of community.
 - Open evening event in June.
 - New infrastructure.
 - Better an amenity facility than more housing.
 - Population increase locally.
 - Wheelchair accessible.
 - Flexible learning areas.
 - Asset for parents, carers and educators.
 - Enhanced wellbeing.
 - Lasting benefits.

11.3.2

- **Object**

- Intrusion into the countryside.
- Limited to little screening.
- Concerns with the scale.
- Open and undeveloped nature of the site.
- Harm to the open countryside character and appearance of the area.
- Concerns over the size of the carpark.
- Contrary to local and national policies.
- Loss of agricultural land.
- Highway safety concerns.
- Difference in ground levels between the site and the road.
- Photographs appended.
- Transport Hub in emerging Local Plan should be reassessed if this access is approved.
- Previous applications refused and appeals dismissed or withdrawn.
- UTT/23/0219/OP refused – potential legal action against the Council for potential inconsistency.
- Domestication of the site.
- Not infill development.
- Harms would outweigh benefits.
- UTT/17/2607/OP refused on the grounds of countryside, heritage and ecological impacts, and no mechanism to secure infrastructure improvements.
- UTT/19/1166/OP refused on the grounds of countryside and heritage impacts, impacts on residential amenity due to noise and fumes, and the lack of a mechanism to secure infrastructure improvements.
- Appeal withdrawn for UTT/19/1166/OP.
- Friends of the Flitch Way and Associated Woodlands includes volunteers for the benefit of the community and the environment.
- Flitch Way is a linear wildlife-rich trail.
- Flitch Way was former railway line and connects other habitats.
- Flitch Way is a multi-user, popular bridleway.
- Increasing development pressure / urbanisation pressures.
- Loss of greenspace / greenfield land.
- Impact on character and appearance of Flitch Way.
- APP/C1570/W/18/3213251 dismissed UTT/18/0318/OP.
- Visual effects for users of Flitch Way.
- Flitch Way is important refuge from growing urban centres.
- Conditions necessary if approved.
- Buffer zone to Flitch Way / requires fencing and lighting.
- Access to Flitch Way necessary.
- Visitor car parking for Flitch Way visitors.
- Dog bins necessary.
- Harm to Flitch Way.
- UTT/23/0219/OP 'open rolling field'.

- UTT/23/0219/OP refused and appeal dismissed on the grounds of extending the amount of building in the countryside, eroding its rural character and significantly changing the appearance of this part of Stortford Road and High Cross Lane.
- Ecological concerns.
- Traffic increase and congestion.
- Highway safety concerns.
- Damage to verges and road condition.
- Concerns over precedent.
- Noise and other disturbances.
- 3+ learning pools within 3-mile radius.
- Soft play in Dunmow.

11.3.3

- **Neutral**

- Site not attached to mains drainage.
- Health and safety concerns.
- Drainage and contamination concerns.
- Adjacent to flood zone and Flitch Way.
- Environmental damage.
- Water provision concerns / Affinity Water's response necessary.
- Incomplete application with insufficient information.

11.4

Comment

11.4.1

Land ownership issues and issues around the deliverability of a planning permission are not planning issues. These and other civil matters have not been taken into consideration for the purposes of this report.

12.

MATERIAL CONSIDERATIONS

12.1

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

12.2

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

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

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

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport, Quendon & 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 (2024).

13.2 Uttlesford District Local Plan (2005)

- 13.2.1**
- | | |
|------|--|
| S7 | The Countryside |
| E3 | Access to Workplaces |
| E4 | Farm Diversification: Alternative use of Farmland |
| RS1 | Access to Retailing and Services |
| GEN1 | Access |
| GEN2 | Design |
| GEN3 | Flood Protection |
| GEN4 | Good Neighbourliness |
| GEN5 | Light Pollution |
| GEN6 | Infrastructure Provision to Support Development |
| GEN7 | Nature Conservation |
| GEN8 | Vehicle Parking Standards |
| ENV2 | Development Affecting Listed Buildings |
| ENV3 | Open Space and Trees |
| ENV4 | Ancient Monuments and Sites of Archaeological Importance |
| ENV5 | Protection of Agricultural Land |
| ENV7 | The Protection of the Natural Environment - Designated Sites |
| 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

13.3 Neighbourhood Plan

- 13.3.1** There is no 'made' Neighbourhood Plan for the area or one under preparation that should be afforded any weight.

13.4 Supplementary Planning Document or Guidance

- 13.4.1** Supplementary Planning Document – Uttlesford District-Wide Design Code (2024)
 Supplementary Planning Document – Developer's Contributions (2023)
 Essex Design Guide
 Uttlesford Interim Climate Change Planning Policy (2021)
 Essex County Council Developers' Guide to Infrastructure Contributions (2020)
 Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024)
 Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A Principle / Character and appearance (S7, E4, GEN1, GEN2, ENV3, ENV5, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - B Heritage impacts / Social inclusion / Climate change / Crime prevention (GEN2, ENV2, E3, RS1, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**
 - C Residential amenity (GEN2, E4, GEN4, GEN5, ENV10, ENV11, SPD Uttlesford District-Wide Design Code, Essex Design Guide, NPPF)**
 - D Access and parking (GEN1, GEN8, E4, parking standards, NPPF)**
 - E Ecology (GEN7, ENV7, ENV8, NPPF)**
 - F Contamination (ENV14, ENV12, ENV13, NPPF)**
 - G Archaeology (ENV4, NPPF)**
 - H Flood risk and drainage (GEN3, NPPF)**
 - I Planning obligations (GEN6, SPD Developer's Contributions, ECC's Developers' Guide to Infrastructure Contributions, NPPF)**
 - J Paragraph 11(d) and planning balance**

- 14.3** **A) Principle / Character and appearance**

14.3.1 Emerging Local Plan:

The emerging Uttlesford Local Plan 2021-2041 (eLP) is currently at examination stage. Hearing sessions for the examination of the eLP were held between 10 to 19 June 2025. The Examiners issued a Post Hearing Note on 06 August 2025, which has no suggestion that the eLP will be found unsound. The note addresses a few key issues needing some more consideration and consultation, after which the Inspectors will arrive at their formal conclusions on legal compliance and soundness. The note requires a few modifications (on top of those discussed at the hearings). Officers finalised a schedule of main modifications that went to public consultation on 15 September until 27 October 2025. As a result of the Post Hearing Note, the eLP as a whole should be afforded **moderate** weight.

14.3.2 Presumption in favour of sustainable development:

Policy E1 of the Local Plan refers to the distribution of employment land and plans positively for economic growth and employment opportunities. However, the employment land allocations are now out-of-date given that they were made in 2005 and have been built out. This policy is not applicable for the proposed development, but due to the limited scope for new employment uses within the 2005 allocations, new employment opportunities will need to be located outside the defined limits, including within the countryside.

14.3.3 Policy E4 of the Local Plan applies to the current application as it refers to farm diversification through the alternative use of farmland. It states that alternative uses for agricultural land will be permitted subject to four criteria. By virtue of paragraph 232 of the National Planning Policy Framework (NPPF), **moderate** weight can be attached to policy E4 of the Local Plan, as one of the criteria requires that the continued viability and function of the agricultural holding would not be harmed, whereas there is no such requirement in the NPPF, which is generally more permissive of such proposals. The application however provided some evidence for the continued viability of the existing agricultural unit¹.

14.3.4 Therefore, the Council must continue engaging, for commercial schemes, with the presumption in favour of sustainable development of paragraph 11(d) of the NPPF.

14.3.5 Background:

Pre-application discussions (UTT/24/0771/PA) have been held with the applicant (see paragraph 7.2 in this report). The key differences with the pre-app scheme include:

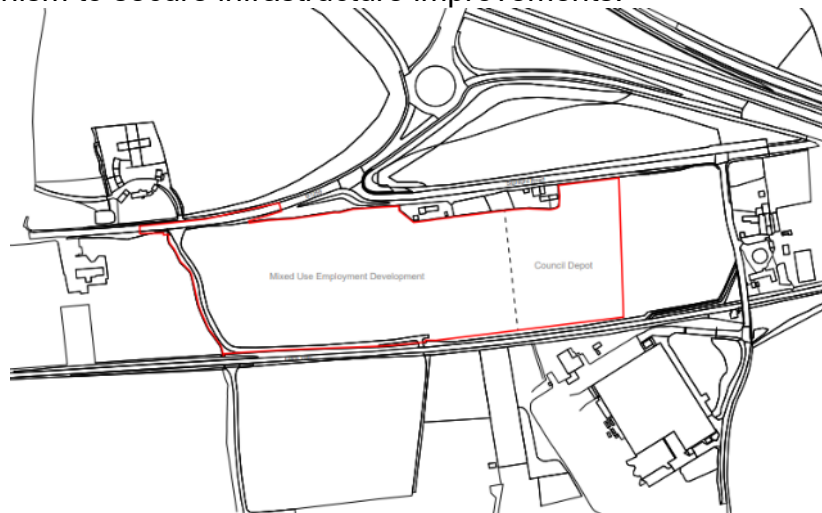
- the level of justification for the development, including practical details of what the proposed uses entail;
- significant reduction in the size of the site that previously covered most of the field (see 1st image);
- minor fenestration changes to the building (see 2nd image);

¹ Design and Access Statement, p.12; Planning Statement, p.10.

- omission of the dog exercise area and associated buildings;
- amended layout, with less parking spaces.



14.3.6 A hybrid application (UTT/19/1166/OP) for a new Council depot and up to 4.6 ha of employment land under use classes B1, B2, B8 (see drawings) was refused in January 2020 and the appeal was withdrawn in November 2020. The scheme was refused on countryside and heritage impacts, impacts on residential amenity from noise and fumes, and the lack of mechanism to secure infrastructure improvements.





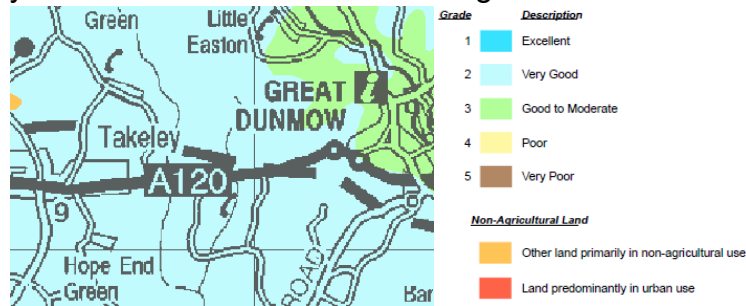
- 14.3.7** Before this, another hybrid application (UTT/17/2607/OP) for similar proposals (see drawing) was refused in June 2018 on countryside and heritage impacts, an insufficient buffer to the Flitch Way, and the lack of mechanism to secure infrastructure provision.



- 14.3.8** In comparison to the current application, circumstances have significantly changed as the merits of the above schemes are very different. The site is now considerably smaller, being only the western corner of the land, and the development now involves different uses, much less amount of built form, and more open space with the building being away from the boundaries, especially from Flitch Way to the south (unlike the refused schemes that had built form adjacent to all boundaries). In addition, the reasons for refusal have not been tested at appeal, and as such it is not clear if Inspectors would uphold them. Consequently, although material, UTT/19/1166/OP and UTT/17/2607/OP shall be afforded **limited** weight.

14.3.9 Agricultural land:

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 187(b) of the NPPF, this conflict would be afforded **limited** weight as there is plenty of BMV land in the locality. This policy conflict would not reasonably warrant a reason to refuse the scheme given that some development in the countryside is unavoidable due to the age of the Local Plan.



14.3.10 Rural economy and location:

The presumption in favour of sustainable development that lies at the heart of the NPPF includes an economic objective (paragraphs 8, 10). Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant** weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

14.3.11 Section 6 of the NPPF emphasises on a prosperous rural economy with paragraph 88 requiring that decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; (b) the development and diversification of agricultural and other land-based rural businesses; (c) sustainable leisure developments which respect the character of the countryside; and (d) the development of accessible local services and community facilities, such as meeting places and sports venues.

14.3.12 Turning to location, the transport consultant of the Parish Council asserts that *"the site has extremely poor accessibility on foot, poor accessibility by bicycle and poor accessibility by bus"*² and that *"The westbound bus stop is not only 200m from the site but the lack of a continuous footway between the bus stop and the site requires passengers to cross the B1256 twice"*³.

14.3.13 However, the nearest eastbound bus stop (War Memorial) is only a few metres to the west of the proposed access, directly opposite the site,

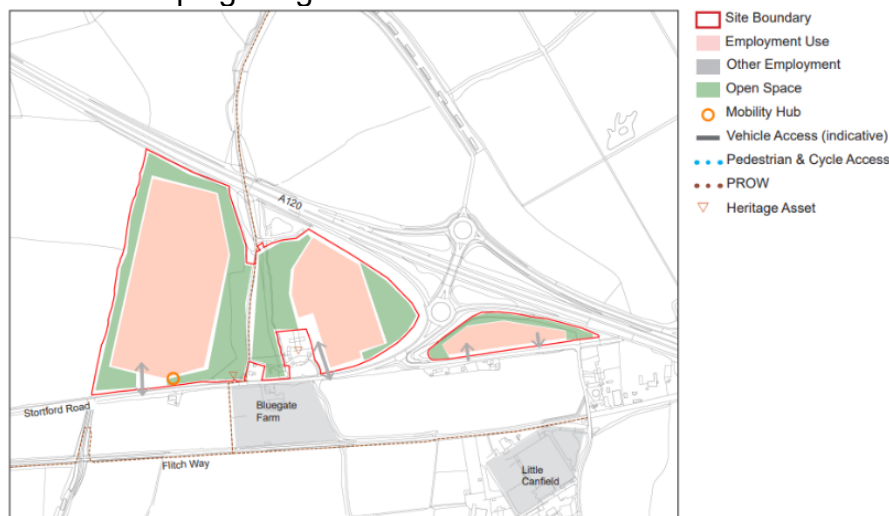
² Transport Objection on behalf of Little Canfield Parish Council, paragraph 2.23.

³ Transport Objection on behalf of Little Canfield Parish Council, paragraph 5.4.

offering a frequent bus service to Great Dunmow. The Highway Authority, three months after the objection from the Parish Council, recommended a condition for highway improvement works that includes new footway/ cycleway extensions and a crossing point near the access, as well as potential relocation of the existing eastbound bus stop. Therefore, the users of the commercial facility would safely access public transport, and the proposal would prioritise sustainable transport modes without over-relying on private cars. The location provides good accessibility to public transport, and the development would accord with paragraphs 109(d)-(e), 115(a) of the NPPF, and policy GEN1(e) of the Local Plan.

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

14.3.15 In addition, opposite the site, an 18-hectare allocation for an employment and mobility hub was included in the eLP as 'Land South of A120 & North of Stortford Road' (see image below)⁴. Given the ongoing examination of the eLP, there is no certainty it will be adopted or that this allocation would stay, but the Examiners' feedback so far and the modifications schedule show that this is a likely scenario that may in the future improve the accessibility of the area and affect its character and appearance. Although this alone would not make the location appropriate, the future policy direction is another indication of the location's suitability subject to the development's impact on the character and appearance of the area and soft landscaping mitigation measures.



⁴ See Core Policy 4 of the eLP and Appendix 3D of the Appendix 2-4 – Site Development Templates of the eLP (pp.33-35).

- 14.3.16** Therefore, the development would be placed in a suitable and accessible location, supporting economic growth and productivity and creating the conditions in which businesses can invest, expand and adapt near existing settlements. The proposal would accord with paragraphs 85, 88(a)-(d), 89, 109(d)-(e), 115(a) of the NPPF, and policies GEN1(e) and the 2nd part of policy S7 of the Local Plan; **significant** weight should be afforded to these economic benefits and the suitability of the location.
- 14.3.17** The 1st part of policy S7 of the Local Plan states that the countryside will be protected for its own sake, which is inconsistent with the NPPF provisions that do not set an overarching protection to the countryside; this part of policy S7 shall be afforded **negligible** weight in this report. The 2nd part of the same policy states that permission will only be given for development that needs to take place there, or is appropriate to a rural area, which is consistent with the NPPF's aim to support a prosperous rural economy in rural areas that may be beyond existing settlements and in locations that are not well served by public transport (see paragraphs 88 – 89 of the NPPF); therefore, the 2nd part of policy S7 of the Local Plan shall be afforded **significant** weight for commercial developments (the 3rd part of policy S7 is discussed in the 'Character and appearance' section below).
- 14.3.18** Nonetheless, policy GEN1(e) of the Local Plan encourages movement by means other than driving a car, which is consistent with the NPPF as the latter supports transport solutions that promote walking, cycling and public transport use (paragraph 109(e) of the NPPF) and seeks to ensure that sustainable transport modes are prioritised taking account of the vision of the site, the type of development and its location (paragraph 115(a) of the NPPF). Therefore, **significant** weight shall be afforded to policy GEN1(e) of the Local Plan.
- 14.3.19** Need:
The need for early years education facilities and commercial development in rural areas is **not** required to be justified by any policies of the Local Plan. For example, policy E4 of the Local Plan does not involve need. However, as explained in the previous sub-section, paragraph 89 of the NPPF refers to business and community needs in rural areas that may have to be found in less sustainable locations. Paragraph 100 of the NPPF states it is important that a sufficient choice of early years places is available to meet the needs of existing and new communities. LPAs should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: (a) give **great** weight to the need to create, expand or alter early years facilities through decisions on applications. The development would comply with paragraph 100(a) of the NPPF as shown below.
- 14.3.20** The applicant submitted an alternative sites study within a 5-mile radius from the site, which found a lack of appropriate alternatives and a lack of

available spaces for early years and childcare provision in Uttlesford⁵. Indicatively, recent evidence⁶ confirms the need for more early years education places in the district:

Since the Covid pandemic the demand for childcare has grown exponentially, and continues to increase. This growth in the need for childcare across Essex has been driven by the current economic climate and the need for both parents to be working. The childcare reforms announced in the spring 2023 budget has added an additional pressure to the demand for places. Evidence is suggesting that the growth in demand for child places will continue to increase, especially given the new funding that is being provided to parents over the next two years.

- 14.3.21** Recent evidence⁷ also confirms the need for more swimming pools in the district:

There is insufficient water space in the area (a current deficit of - 152m² which is almost equivalent to a 4-lane 20m pool). Existing stock will not be able to accommodate increased demand from projected population growth and housing development, and additional provision may be required.

- 14.3.22** Character and appearance:

The site is immediately east of the Bluegates Farm commercial site (use classes E, B8) comprising part of an arable field between the B1256 to the north and Flitch Way (bridleway/wildlife site) to the south. Across the road to the north-west are residential properties, including the Grade II listed Strood Hall fronting the road and its outbuildings (some of which are curtilage listed) and nos. 1-3 Strood Court to the back, with a few more houses further west. Agricultural fields are across the road to the north behind the roadside hedges. The A120 is further north-east, 225 metres from the junction with Stortford Road, a few metres east of the site. To the east is further agricultural land with a few houses fronting Stortford Road, including listed cottages. To the south is more agricultural land with a small installation of ground mounted solar panels. Further south-east is the new Council depot and the Hales Farm complex. The site has a gradual slope downwards from east to west, draining onto an unnamed watercourse adjacent to its western boundary.

- 14.3.23** The local character contains a rural feel with some views to the immediate landscape and a sense of openness due to the site's undeveloped nature (see 1st photograph). The site has been reduced in size in relation to the pre-app scheme with only the length necessary to fit the building and its carpark. The site is enclosed on three sides by build form (west) or natural barriers (north and south);, while remaining open to the east until the point the field reaches High Cross Lane. Turning to north and south directions,

⁵ Design and Access Statement, pp.5-8.

⁶ Uttlesford Infrastructure Delivery Plan – Report to Support the Uttlesford Local Plan Regulation 19 Consultation (July 2024), paragraph 3.73, p.34.

⁷ Uttlesford Leisure Facilities Evidence Base: Indoor & Built Facilities – Needs Assessment Final Report (May 2024).

mature trees and hedges adjoin the southern boundary along Flitch Way (see 2nd photograph) and the northern boundary on both sides of the B1256 (see 3rd photograph).



- 14.3.24** Turning to east and west, the views from the carpark of Bluegates Farm are enclosed within the field boundaries with a few houses present along Stortford Road and on the other side of the field opposite High Cross Lane (see 1st photograph). From High Cross Lane, views of the site are slightly obstructed by the topography (see 2nd photograph) falling to the unnamed watercourse on the western boundary. The topography however displays little variation in relief, resulting in a flatter terrain that allows clear views of Bluegates Farm from High Cross Lane. Therefore, due to its size, the proposed building will be visible from High Cross Lane, but it will be read against the background of an existing commercial facility, which would preserve the visual amenity of the receptors from High Cross Lane and from the start of Flitch Way near its junction with this road (see 3rd photograph).



- 14.3.25** Considering the above, the natural screening on the north/south site boundaries combined with the gentle topography on the east/west axis of the site against existing buildings, would visually distinguish the land from the rest of the agrarian landscape. Therefore, despite its open verdant qualities, the application site makes a **limited** contribution to the rural character and appearance of the area because it is more like an enclosed, undeveloped pocket of land rather than an intrinsic part of open countryside with a distinct visual amenity.
- 14.3.26** Nevertheless, the development will introduce built form and a carpark in the countryside, and therefore, due to its location, it cannot escape some level of countryside harm, in conflict with the 3rd part of policy S7 of the Local Plan, and paragraph 187(b) of the NPPF. To assess this level of countryside harm, the details of the proposal are reviewed against its nearby context.
- 14.3.27** The proposed building would have a footprint of 1,078 sqm with a ridge height of 9 metres and length of 42.2 metres. The commercial Bluegates

Farm building next door has a footprint of 1,288.5 sqm with a ridge height of 8.3 metres and a length of 62 metres (see UTT/22/1752/FUL); it was originally approved with a height of 9.3 metres under committee powers (see UTT/18/2478/FUL). The new Council depot further south-east has a footprint of 8,325.9 sqm. The front gable and the 'hidden' crown roof of the building help break up its massing and reduce its height. From High Cross Lane, the height of the building would also appear very similar to Bluegates Farm given the distance involved, the gentle topography and the background of existing built form. Therefore, the scale of the development would be compatible with the surrounding buildings (see streetscene drawing) and, in combination with the enclosed character of the land, would preserve and would not be prominent on the rural landscape.



14.3.28 Turning to design and layout, the building would have a traditional rectangular shape that complements its surroundings; instead of copying the utilitarian, unit-oriented appearance of Bluegates Farm, it would create a unified character that would serve its purpose as a family-friendly facility with a front gable that directs users to its entrance and adds visual interest. The layout would be appropriate for the intended users of the site as intra-site navigation for pedestrians and drivers would be easy and convenient. The size of the parking and turning spaces would be appropriate (see Section D). Refuse collection would take place within the site with refuse vehicles being able to enter and exit the site in a forward gear. The layout would provide soft landscaped areas to the front, rear and side of the development, which would minimise countryside impacts and preserve the character and appearance of Flitch Way.

14.3.29 Flitch Way was mentioned in many representations from the locals. It is a green corridor full of wildlife and a popular route that supports healthy lifestyles for residents of the urban areas that it connects. Flitch Way should remain as such, to be enjoyed by future generations. The scheme does not propose any footway connections to Flitch Way (to be secured via a landscaping condition, including safeguarding children). Views from Flitch Way onto the site are only glimpsed due to the mature trees and hedges positioned along the bridleway (see photographs). Flitch Way is also positioned on top of a sizeable earth bund with the greenery positioned over the bunds, not just in a single-line linear pattern, but as small wooded areas along Flitch Way. Therefore, subject to the soft landscaped area to the rear of the proposed building, the proposal would not interfere with Flitch Way, preserving its character and appearance due to the position, scale and distance of the development to the asset that would maintain the tranquil, rural environment of Flitch Way.



- 14.3.30** The landscaping proposals would preserve the existing soft landscaping features and introduce native plantings to the front, rear and side of the site. Further landscaping details have not been submitted at this stage, but the Council will secure an effective landscaping plan and strategy via a landscaping condition; this would minimise the scheme's impact on the countryside, especially to the rear that adjoins the popular wildlife site and bridleway of Flitch Way.
- 14.3.31** Considering the above, although the proposal, by reason of its location, would cause some countryside harm, this would be **limited** due to the limited contribution of the site to the rural character and appearance of the area and the appropriate design, scale and layout details of the proposal that respond to the rural character of the area and the Uttlesford District-Wide Design Code (2024). For this reason, the scheme's *conflict* with the 3rd part of policy S7 of the Local Plan and paragraph 187(b) of the NPPF shall attract **limited** weight, despite the consistency between these policies that on other occasions has justified up to significant weight to such a policy conflict. The proposal must be considered on its own merits.
- 14.3.32** The development would accord with policies GEN2, E4(a) of the Local Plan, and paragraph and 135 of the NPPF. The proposals would also comply with codes C1.1C, ID1.1C, ID1.4C and guidance B1.9G, B2.15G,

ID1.7G of the Uttlesford District-Wide Design Code (2024), which require, for example, that developments demonstrate an understanding of the key contextual features (such as landscape, boundary features and the typical forms of buildings); a relationship with the area's local character; and varied roof forms.

14.3.33

- Effective use of land:

Paragraph 124 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. The footprint of the building would be sizeable but proportionate to the size of the land, while respecting the building line and being away from the site's boundaries, including Flitch Way. The development also grabs the opportunity offered by the gentle local topography to soften its impact on the wider landscape and preserve visual amenities. As shown above, subject to a landscaping condition, the proposal would safeguard and improve the environment, and would therefore gain support from paragraph 124 of the NPPF.

14.3.34

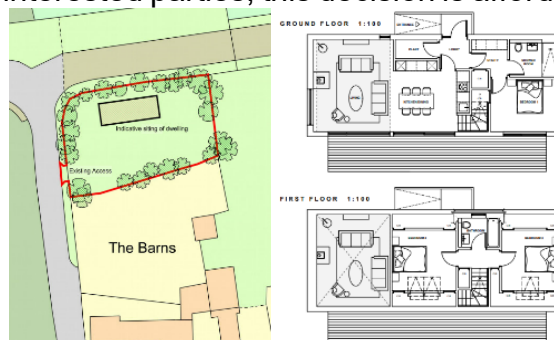
The development would make more efficient use of the land taking into account the identified need for other forms of development and the availability of land suitable for accommodating it, the scope to promote sustainable travel modes that limit future car use, and the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change, in accordance with paragraph 129(a) and 129(c)-(d) of the NPPF (see 'rural economy and location' and 'need' sections above).

14.3.35

Other material considerations:

- **UTT/23/0219/OP / APP/C1570/W/23/3329532** (appeal dismissed) – *Land at 'The Barns', Stortford Road, Little Canfield:*

The appeal scheme was for 1 dwelling on the corner of Stortford Road and High Cross Lane (see images), across the road from the agricultural field at the western end of which is the current application site. Each proposal should be considered on its own merits; the circumstances here were not the same as the application in hand given that the proposal was for residential development (not commercial) with a different combination of benefits, including a very small contribution to the need for new homes (paragraph 12), which did not outweigh the harm caused by eroding the rural character and significantly changing the appearance of this part of Stortford Road and High Cross Lane (paragraph 11). Notwithstanding the comments from interested parties, this decision is afforded **limited** weight.



14.3.36 • **UTT/18/0318/OP / APP/C1570/W/18/3213251** (appeal dismissed) –
Land West of Canfield Road, Takeley:

The appeal scheme was for up to 135 dwellings with public open space, on a sizeable site to the south of Flitch Way near Takeley and Smith's Green (see image). This site was found to be an important component in retaining separation of the urban centres to the north and between Takeley and the small rural settlements making up Great Canfield to the south (paragraph 23). Flitch Way was found to be a clear and defensible boundary to the settlements of Takeley and Priors Green that should not be breached for conventional residential development (paragraph 29), while the appeal scheme was found to extend the urban character of Takeley through to Hope End, harming the area's character (paragraph 30). Circumstances were therefore very different, and this decision should be afforded **limited** weight.



14.3.37 Conclusion on principle:

The planning balance under paragraph 11(d) of the NPPF would favour the principle of the development (see Section J).

14.4 **B) Heritage impacts / Social inclusion / Climate change / Crime prevention**

14.4.1 Heritage impacts:

The nearest heritage asset is Strood Hall (Grade II listed since 1984) which is an early 19th-century house with red brick and grey slate roof, located 53.2 metres from the site at the closest corner. Two former outbuildings associated with Strood Hall are curtilage listed (as identified by Place Services Conservation in UTT/24/1642/HHF). Another Grade II listed building (Cottage West of Junction with Highcross Lane) is located some 254 metres to the east of the site.

14.4.2 The in-house Conservation officer raised **no objections** on heritage grounds subject to a condition for the materials. The proposal, by reason of its position, scale and design, would preserve the setting of the above

listed and curtilage listed buildings, without causing ‘less than substantial harm’ to the significance of the assets, in compliance with policy ENV2 of the Local Plan, and paragraphs 213 and 215 of the NPPF. This concurs with the application where it states that “*the significance of the listed building will be retained and preserved by the proposed development, no harm is identified*”⁸. Paragraph 215 of the NPPF is not engaged here as the heritage balance is not necessary given the no-harm position. The application of policies in the NPPF (i.e. paragraphs 213, 215) that protect areas or assets of particular importance (i.e. the listed and curtilage listed buildings) would **not** provide a strong reason for refusing the development proposed, as per paragraph 11(d)(i) of the NPPF.

14.4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision-maker shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The LPA has complied with this duty.

14.4.4 Social inclusion:
Policies RS1, E3 and GEN2(c) of the Local Plan require high standards of accessibility and social inclusion in workplaces and employment uses where there is public access. These policies are fully compatible with paragraph 135 of the NPPF, which amongst other things, requires that planning decisions should ensure developments (f) create places that are safe, inclusive and accessible.

14.4.5 The proposal involves accessible facilities to all, such as a pool, changing rooms, bathrooms, lift, event rooms and parking spaces⁹. A condition would be necessary for the above accessibility features to be demonstrated on the floor plan drawings to ensure compliance with the above policies. The condition will also ensure that both the users and employees of the facility would benefit from the highest standards of accessibility and social inclusion regardless of potential disabilities, age or other factors. For example, the position of the lift is not currently shown on the floor plans, but would be necessary for wheelchair users.

14.4.6 Climate change:
The development aspires to introduce sustainability measures, including energy and water efficiency measures to ensure compliance with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy and section 14 of the NPPF. The proposed¹⁰ solar panels, rainwater harvesting features and electric car charging points would be supported by these policies. However, no solar panels are shown on the submitted elevation or roof plan drawings.

14.4.7 Crime prevention:

⁸ Heritage Statement, p.6.

⁹ Planning Statement, pp.1, 3-4, 6.

¹⁰ Design and Access Statement, p.15.

The Essex Police – Designing Out Crime Office recommended access control measures on the reception desk of the facility, windows and doors of good security standard, the installation of CCTV cameras and intruder alarm system, and appropriate lighting to deter potential criminals. The accreditation condition recommended by the consultee would not meet the tests of paragraph 57 of the NPPF, but the landscaping condition would ensure appropriate fencing and hedging would be provided on the site boundaries (not just to deter potential third parties entering the site but also to safeguard children by staying within the premises). Another condition for an external lighting scheme would also be appropriate to deter potential criminals, and ensure the place is safe where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience, in accordance with paragraph 135(f) of the NPPF.

14.5 C) Residential amenity

14.5.1 The development would preserve the amenity spaces of residential properties in the area.

14.5.2 In terms of noise, odours, vibrations, dust, light pollution and other disturbances, Environmental Health raised **no objections** subject to conditions. The conditions refer to a construction and demolition method statement (CDMS), external lighting, and an acoustic assessment and scheme of noise mitigation. The suggested operating hours shall also be conditioned to safeguard residential amenities in the area.

14.5.3 Environmental Health reported that the Noise Impact Assessment (NIA) confirms that vehicle movements and noise from children playing will not exceed background noise at the nearest sensitive receptors in Strood Hall and other dwellings. The NIA was undertaken between 12:00 hours on Tuesday 25th June 2024 and collection on the 12:00 hours on Thursday 27th June 2024. However, the suggested operational hours of the facility and its associated mechanical plant are wider than usual, as they include Saturdays/Sundays. For future assessments (of the plant noise) a longer measurement period would be necessary, including a Sunday when background noise is typically lower. The NIA does not include a British Standard 4142:2014 + A1 2019 assessment of the plant noise, as plant and external vent details are yet to be confirmed. With this in mind, the condition for the acoustic assessment and scheme of noise mitigation would be necessary and meet the tests of paragraph 57 of the NPPF.

14.5.4 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the development would not materially affect the residential amenity of neighbouring occupiers in terms of overshadowing, overlooking (actual or perceived) and overbearing effects. The scale of the proposed building and its distance to the nearest residential properties would be sufficient to ensure the living conditions of their occupants will remain as today.

- 14.5.5** Overall, the proposal would safeguard residential amenities of existing and future occupants and would comply with policies E4(b), GEN2, GEN4, GEN5, ENV10, ENV11, the SPD Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.

14.6 D) Access and parking

- 14.6.1** From a highway and transportation perspective and notwithstanding the concerns raised by interested parties, following review of the submitted information, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety and network capacity, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (February 2011), policy GEN1 of the Local Plan, and paragraphs 116 and 115(b) of the NPPF. The conditions refer to a construction management plan (CMP), access arrangements and highway works, the provision of parking/turning areas and cycle parking, and the surface treatment of the access (which fails to meet the tests of paragraph 57 of the NPPF).

- 14.6.2** The development would involve use classes E(d) ‘other sports facilities’ (previously D2) and E(f) ‘creche/childcare’ (previously D1), and therefore should meet the following standards for cycle parking, car parking and electric vehicle chargers:

- Essex County Council Parking Standards (2009):

Use	Vehicle	Cycle	PTW	Disabled
Min/Max/Advised	Maximum	Minimum	Minimum	Minimum
Cinema	1 space per 5 seats	10 spaces plus 1 space per 10 vehicle space	1 space, + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	200 vehicle bays or less = 3 bays or 6% of total capacity, whichever is greater, Over 200 vehicle bays = 4 bays plus 4% of total capacity
D2 – other uses	1 space per 20 sqm	10 spaces plus 1 space per 10 vehicle space		
Team sports (outdoor sports pitches)	20 spaces per pitch plus 1 space per 10 spectator seats	10 spaces plus 1 space per 10 vehicle space		
Swimming Pools, Gyms, Sports Halls	1 space per 10 sqm of public area	10 spaces plus 1 space per 10 vehicle space		
Golf Clubs	3 spaces per hole	Individual merit		
Other Sports facilities	Individual merit	Individual merit		
Crèche, Child care	1 space per full time equivalent staff + drop off/pick up facilities	1 space per 4 staff plus 1 space per 10 child places	100 car spaces)	1 bay or 5% of total capacity, whichever is greater

- Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024):

Development Type	Short-Stay / Visitor	Long-Stay / Resident / Employee
E(d) Gyms, sports halls Other sports facilities	Greatest of 1 space per 50m ² or 1 space per 30 seats/capacity	1 space per 4 employees
E(e): Provision of medical or health services such as medical centres	1 space per 50m ²	1 space per 4 employees
Crèche, childcare	1 space per 10 child places	1 space per 4 employees
E(f) Day care centre	To be provided based on likely need and requirement identified by developer, in collaboration with local planning authority. Short stay spaces to be provided near to building entrances.	1 space per 4 employees

Development Type	Vehicle	PTW	Disabled
Gyms, sports halls	1 space per 20m ² of public area	100 car spaces	200 vehicle bays or fewer: 3 bays or 6% of total capacity, whichever is greater
E(d) Other sports facilities	Individual merit		Over 200 vehicle bays: 4 bays plus 4% of total capacity
E(e): Provision of medical or health services such as medical centres	0.75 space per full time equivalent staff member + 2 spaces per consulting room		Dependent on actual development, on individual merit, although expected to be significantly higher than business or recreational development requirements
Crèche, childcare	0.75 space per full time equivalent staff member + drop off/pick up facilities		1 bay or 5% of total capacity, whichever is greater
E(f) Day care centre			

Type of Development	Electric Vehicle Parking Standard	Charge Spec.
E(b) Commercial, Business and Service – Food retail	15% of total spaces to have active EV charge point, plus a further 35% of total to have passive charging provision	22kW
E(c)(i, ii, iii) Commercial, Business and Service – Financial and professional services		22kW
E(d), E(e), E(f), E(g)(i, ii, iii) Commercial, Business and Service		22kW

14.6.3 The application proposes 63 car parking spaces (see Revised Block Plan) and 27 cycle spaces that would satisfy the above standards based on the individual merits of the proposal that includes event rooms for social events, such as parties, educational classes, community and business meetings (see Planning Statement). The proposal includes 4 disabled spaces of inappropriate dimensions and would require another 3 disabled spaces for a total of 7 disabled spaces; the landscaping condition shall include a clause for the final parking layout to be submitted to and approved by the Council, with all disabled spaces measuring 6.7 by 4.1 metres each. Charging points should be 15% of the total car spaces, which translates into 11 electric vehicle charging points; this shall also be conditioned.

14.6.4 The development would therefore comply with the Essex County Council Parking Standards (2009), the Parking Guidance – Part 1: Parking Standards Design and Good Practice (2024), and policy GEN8 of the Local Plan.

14.7 E) Ecology

14.7.1 Place Services Ecology, following review of the submitted information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures and mandatory biodiversity net gain. The development would comply with paragraphs 44, 187(d) and 193 of the NPPF, and policies GEN7, ENV7, ENV8 of the Local Plan. The conditions refer to action as per the appraisal recommendations, a biodiversity enhancement strategy, a wildlife sensitive lighting scheme, and a habitat management and monitoring plan (HMMP). This provides certainty for the Council of the likely impacts on designated sites,

protected, priority and threatened species and habitats with appropriate mitigation measures secured.

14.7.2 Biodiversity Net Gain (BNG):

BNG is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990; paragraph 13 of Schedule 7A states that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority, and (b) the LPA has approved the plan.

14.7.3 The Application form confirmed that BNG applies for this development. Place Services Ecology, following review of the information, confirmed that sufficient information for BNG has been provided at application stage. The consultee highlighted that a Biodiversity Gain Plan should be submitted prior to commencement of the development (post-decision) and provided comments about the proposals for post-intervention values, stating that an HMMP should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: modified grassland, native hedgerow with trees – associated with bank or ditch and species-rich native hedgerow. The applicant is advised to carefully consider the Planning Practice Guidance before applying to discharge the Biodiversity Gain Plan.

14.8 **F) Contamination**

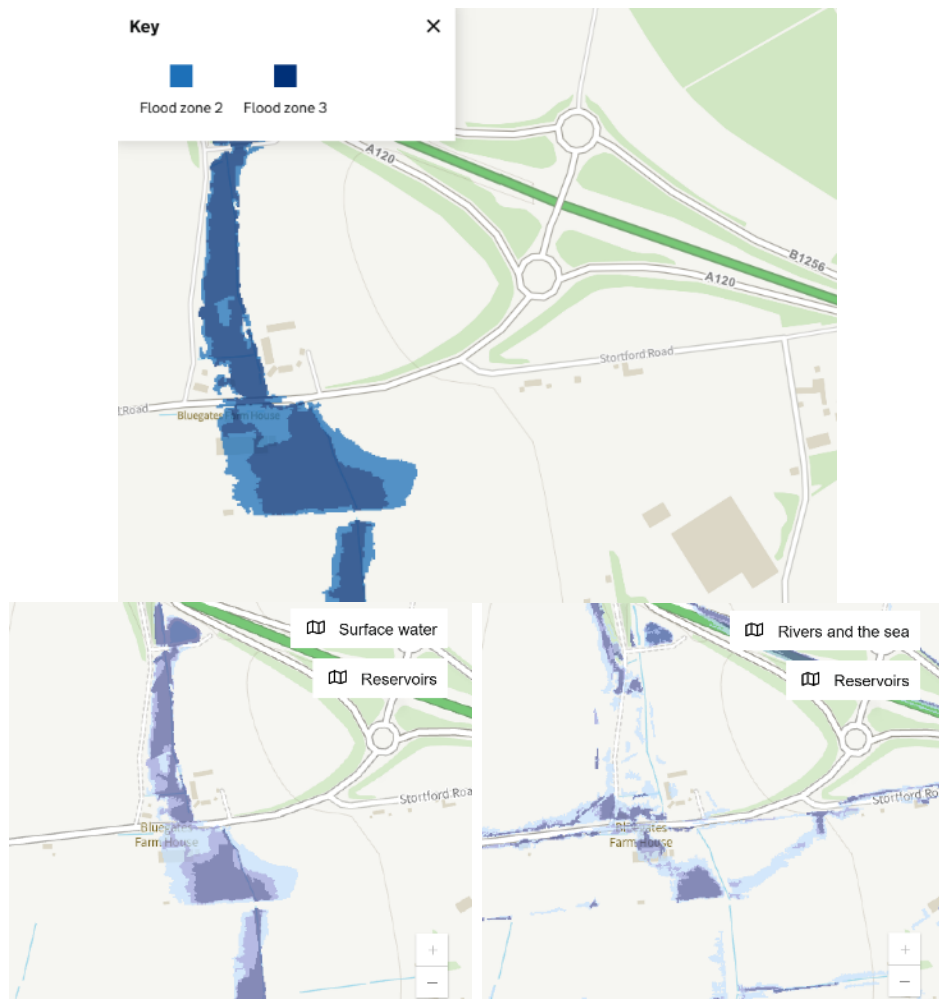
14.8.1 Environmental Health raised **no objections** subject to a condition for the protection of human health and the environment. The development would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to a watching brief for potential land contamination.

14.9 **G) Archaeology**

14.9.1 Place Services Archaeology raised **no objections** subject to conditions to secure potential archaeological remains. The Historic Environment Record identifies the site as being within an area of potentially sensitive prehistoric and Roman archaeological deposits. The development would comply with policy ENV4 of the Local Plan, and paragraphs 205(b), 218 of the NPPF. The conditions refer to archaeological trial trenching and excavation.

14.10 **H) Flood risk and drainage**

14.10.1 The following images show flood zones 2 and 3 (1st image), as well as the extent of yearly chance of flooding from rivers (fluvial flooding, 2nd image) and from surface water (pluvial flooding, 3rd image):



- 14.10.2** A small part of the proposed building would fall within Flood Zone 2. The Flood Risk Assessment (FRA) submitted noted that *“Surface Water runoff from the development will discharge to the existing Environment Agency watercourse at a controlled rate of 1.2 l/s via an orifice flow control and the runoff attenuated on site. Attenuation will be provided within a detention basin and swale”*¹¹ and concluded that *“the risk of flooding to the site has been adequately considered and therefore development of the site, in accordance with the recommendations outlined in this report, does not pose an unacceptable flood risk either to occupants of the site or to others off site”*¹².
- 14.10.3** The application acknowledges that *“The water discharging to the watercourse must be cleansed and therefore treatment processes are introduced through the drainage network. These should be in accordance with Chapter 26 of the Ciria SuDS Manual C753, where the hazard of low to medium is mitigated with the various SuDS components to equal or exceed the hazard indices. [...] It is proposed all impermeable areas are to drain through a conveyance swale before entering a detention basin downstream”*. The above from the Revised FRA was required by the

¹¹ Revised Flood Risk Assessment, paragraph 12.4.

¹² Revised Flood Risk Assessment, paragraph 12.10.

statutory consultee on two of their initial objections. Once appropriate information was provided, the issue was resolved.

14.10.4 Following receipt of additional technical data required by the statutory consultee, the Local Flood Authority (Essex County Council) raised **no objections** subject to conditions and the development would comply with policies GEN3, GEN6 of the Local Plan and paragraphs 181, 170 of the NPPF. The conditions refer to flood risk mitigation measures included in the Revised FRA, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution, maintenance plan and arrangements, and yearly logs of maintenance.

14.10.5 The Environment Agency raised **no objections** without conditions but advised that an environmental permit may be required and recommended the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to reduce potential flood damage.

14.10.6 For surface water drainage, Thames Water raised **no objections** subject to the developer following the sequential approach to the disposal of surface water and informed the developer that discharge to a public sewer would require prior approval from Thames Water Developer Services. A Groundwater Risk Management Permit from Thames Water may be required for discharging groundwater into a public sewer. Thames Water raised no objection for the wastewater network and sewage treatment works infrastructure capacity and recommended conditions for the proposed swimming pool. Affinity Water raised **no objections**.

14.11 I) Planning obligations

14.11.1 Paragraph 57 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

14.11.2 A planning obligation would **not** be necessary on this occasion because that the proposed SUDS features and the highway improvement works recommended by the statutory consultees can be imposed as conditions, in accordance with the Supplementary Planning Document – Developer's Contributions (March 2023), the Essex County Council's Developers' Guide to Infrastructure Contributions, policy GEN1, GEN3, GEN6 of the Local Plan, and the NPPF.

14.12 J) Paragraph 11(d) and planning balance

14.12.1 Areas or assets of particular importance:

The application of policies in the NPPF that protect areas or assets of particular importance¹³ would **not** provide a strong reason for refusing the development proposed as per paragraph 11(d)(i) of the NPPF. Therefore, the planning balance in paragraph 11(d)(ii) of the NPPF is applied below.

14.12.2 Planning balance:

The public benefits of the scheme would include:

- Economic benefits – **significant** weight.
- Suitable and accessible rural location – **significant** weight.
- Boosting sufficient choice of early years places – **great** weight.
- Making efficient use of land – **moderate** weight.
- Provision of accessible facilities – **limited** weight.
- Ecological enhancements and mandatory BNG – **limited** weight.

14.12.3 The proposal would help create the conditions in which businesses can invest, expand and adapt and the NPPF commands **significant** weight to be placed on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development. The NPPF aims to support a prosperous rural economy through enabling all types of business in rural areas, the diversification of agricultural businesses, as well as leisure developments and the development of accessible local services.

14.12.4 Achieving the above economic objectives of national policy in a suitable and accessible rural location while promoting and prioritising sustainable transport without relying solely on private cars is a public benefit by itself that should be afforded **significant** weight considering section 9 of the NPPF. The application would also promote a more effective use of land in meeting the need for other (commercial and nursery) uses, while safeguarding and improving the environment as supported by the NPPF; this public benefit shall therefore be afforded **moderate** weight to express the alternative use of the agricultural land.

14.12.5 The proposal would also boost the available choice of early years places in the district to meet the needs of existing and new communities; the NPPF commands LPAs to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education by giving **great** weight to the need to create early years facilities through decisions on applications. Therefore, this public benefit shall be afforded the above weight here.

14.12.6 The accessibility measures to be incorporated in the design of the building are supported by the NPPF; this public benefit shall be attributed **limited** weight and secured via condition. The renewable energy measures included in the submitted statements have not been shown on the drawings, and as such shall be considered indicative at this stage; in any case these would not be enough on their own to swing the officer's recommendation in favour of the scheme.

¹³ See footnote 7 of the NPPF.

- 14.12.7** The proposal would offer ecological enhancements and at least 10% biodiversity net gain; these matters would only attract **limited** weight given they comprise legal requirements.
- 14.12.8** The adverse impacts of the development would include:
- Harm to the countryside character and appearance of the area – **limited** weight.
 - Loss of 'Very Good' quality agricultural land – **limited** weight.
- 14.12.9** Although the proposal, by reason of its location, would cause some countryside harm, this would be **limited** due to the limited contribution of the site to the rural character and appearance of the area and the appropriate design, scale and layout details of the proposal. Notwithstanding comments from interested parties indicating otherwise, this harm would not be enough to outweigh the above public benefits.
- 14.12.10** The loss of prime arable land would indeed be an adverse impact of the development but one that would not reasonably justify a reason for refusal within a district that had employment allocations made in 2005 when the Local Plan was adopted. For this reason and given that prime agricultural fields are plentiful in the locality, this harm cannot be afforded anything more than **limited** weight for this decision.
- 14.12.11** 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 proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The scheme would be sustainable development for which paragraph 11(d)(ii) of the NPPF indicates a presumption in favour.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant

protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

- 16.1** The planning balance would favour the development. 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 proposals would **not** significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, in accordance with paragraph 11(d)(ii) of the NPPF.
- 16.2** It is therefore recommended that the application be approved subject to conditions.

17. CONDITIONS

- 1** The development hereby permitted must be begun no later than the expiration of two 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 may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).

REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024.

- 4** (a) Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI) to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the local planning authority.

(b) Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the approved Written Scheme of Investigation (WSI) shall be completed.

(c) Following completion of the archaeological investigation and within six (6) months from that completion, a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To preserve potential archaeological remains, in accordance with the adopted Uttlesford Local Plan Policy ENV4, and the National Planning Policy Framework (2024).

- 5** Prior to commencement of the development hereby approved, an acoustic assessment for all noise-generating fixed plant/machinery and a scheme of noise mitigation, both in line with the methodology of British Standard 4142:2014+A1:2019, shall be submitted to and approved in writing by the local planning authority.

The acoustic assessment and the scheme of noise mitigation shall ensure that:

a) at any time the plant/machinery rating level calculated according to British Standard 4142:2014+A1:2019 shall not exceed the measured typical day and night-time LA90 background levels at the nearest noise sensitive receptor, and additionally,

b) that the measured or calculated plant/machinery specific noise level (i.e. in the absence of any rating penalties) does not exceed 5dBA below the typical day and night-time LA90 levels (subject to a lower specific noise level requirement of 30dBA) at the nearest noise sensitive receptor.

Thereafter, once approved, the scheme of noise mitigation shall be implemented in full prior to occupation of the development hereby approved and shall be maintained as such at all times and replaced in whole or in part as often as is required to ensure compliance with points (a) and (b) above.

REASON: To safeguard residential amenities in the area, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2024).

- 6** Prior to commencement of the development hereby approved, a Construction and Demolition Method Statement (CDMS) shall be submitted to and approved in writing by the local planning authority. The CDMS shall specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means. The approved CDMS shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities in the area, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2024).

- 7** Prior to commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
- I. Safe access into the site;
 - II. Vehicle routing;
 - III. The parking of vehicles of site operatives and visitors;
 - IV. Loading and unloading of plant and materials;
 - V. Storage of plant and materials used in constructing the development;
 - VI. Wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 8** Prior to commencement of the development hereby approved, a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution, shall be submitted to and approved in writing by the local planning authority.

Thereafter, the scheme shall be implemented during construction as approved.

REASON: To prevent flooding on site or elsewhere and to prevent polluted water being allowed to leave the site, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024).

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

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, and to ensure the development is visually attractive, in accordance with policies S7, GEN2, ENV2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 10** 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) means of enclosure of the land (boundary treatments including photographs);
- b) existing trees, hedges or other soft features to be retained;
- c) proposed trees, hedges or other soft features to be planted, including specifications of species, sizes, planting centres, number and percentage mix;
- d) existing and proposed hard surfacing and other hard landscaping features and materials (including photographs);
- e) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- f) management and maintenance details;
- g) existing and proposed ground levels;
- h) final parking layout for private vehicles and bicycles with bays and disabled bays of appropriate size and turning areas of appropriate size (the scheme would require 3 no. additional disabled spaces of dimensions 6.7 by 4.1 metres each, to a total of 7 no. disabled parking spaces).

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.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage assets, to prevent crime, to secure appropriate parking and turning areas, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, GEN8, ENV2, ENV3, E4, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2024).

- 11** Prior to slab level, a scheme of accessibility measures with appropriate drawings (for the interior and exterior of the building hereby approved) shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme of accessibility measures shall be implemented as approved before the development is first used and shall be retained as such at all times.

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 (2024).

- 12** Notwithstanding the details shown on the drawing Indicative Site Access/Offsite Improvements (reference number 259/2024/011 P2) and prior to occupation of the development hereby approved, the access arrangements and highway works shall be submitted to and approved in writing by the local planning authority.

The access arrangements and highway works shall include (but not be limited to) the following:

i. A Traffic Regulation Order (TRO) for the reduction of the speed limit to 50mph on Stortford Road, from the A120 roundabout to a point west of the site access (details to be agreed in association with the technical approval for the highway works). The associated signing and lining shall be implemented by the developer as part of the highway works.

ii. Provision of ghost right turn lane and central shared pedestrian cycle refuge island.

iii. Provision of clear to ground level visibility splays from proposed access with dimensions of 2.4 metres by 112 metres to the east and 2.4 metres by 156 metres to the west, including tangential splay. Such vehicular visibility splays shall be provided before the road access is first used by vehicular traffic and shall be retained free of any obstruction at all times.

iv. A bellmouth access with minimum 6-metre carriageway in combination with appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site, appropriate gradient, with a 3.5-

metre shared use pedestrian way/cycleway on the western side and a 2 metres footway on the western side to connect to the existing footway provision on the southern side of Stortford Road.

v. Relocation of the existing eastbound bus stop, if required, to location to be agreed.

vi. Regrading of banks and/or provision of supporting structure, as deemed necessary by the Highway Authority.

vii. Relocation of existing traffic signs outside of all visibility splays along and onto Stortford Road.

viii. Carriageway resurfacing of the full extent of the highway works.

The access arrangements and highway works shall be fully implemented as approved prior to first beneficial use of the access and shall be retained as such for the life of the development hereby approved.

For the avoidance of doubt, the kerb line on the southern side of Stortford Road, east of the access, shall require alterations. All access arrangements and highway works shall be provided entirely at the developer's expense.

REASON: To ensure that safe and appropriate access is provided in the interest of highway safety and to connect the site with the existing infrastructure, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

13 Prior to occupation of the development hereby approved, the following flood mitigation measures included in the approved Revised Flood Risk Assessment shall be implemented:

- Limiting the discharge from the site to 1.2 litres/second.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100-year storm event inclusive of 40% climate change.

Thereafter, the flood risk mitigation measures shall be implemented prior to occupation of the development hereby approved and remain as such at all times.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024).

- 14** Prior to occupation of the development hereby approved, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and approved in writing by the Local Planning Authority.

If any part of the site will be maintainable by a maintenance company, details of long-term funding arrangements should be provided to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved.

REASON: To prevent flooding on site or elsewhere and to ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure flood risk mitigation, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024). Failure to provide the above information prior to occupation of the development may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 15** Notwithstanding the details shown on the Revised Block Plan (reference number 886/23/004 C) and prior to occupation of the development hereby approved, the vehicle parking and turning areas shall be provided as approved in condition 10(h) in this permission. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants and/or customers of the development hereby approved.

REASON: To ensure that appropriate parking and turning is provided within the site in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 16** Prior to occupation of the development hereby approved, cycle parking shall be provided in accordance with the Essex Planning Officers' Association (EPOA) parking standards. Thereafter, the cycle parking facilities shall be secure, convenient, covered and shall be retained as such at all times.

REASON: To ensure appropriate cycle/powered two wheeler parking is provided in the interest of highway safety and amenity, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2024).

- 17** Prior to occupation of the development hereby approved, eleven (11) fully wired and connected electric vehicle charging points (or 15% of the total

provision of car parking) shall be provided on site. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality and to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, in accordance with paragraphs 117(e), 187(e), 199 the National Planning Policy Framework (2024).

- 18** 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 (including lighting contours), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented for the lifetime of the development.

REASON: To safeguard residential amenities, to preserve the character and appearance of the area, and to prevent crime or the fear of crime, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, GEN4, and the National Planning Policy Framework (2024).

- 19** The opening hours of the premises shall be as stated below:
Monday to Friday: 09.00am – 18.00pm
Saturday: 09.00am – 18.00pm.
Sundays and Bank Holidays: 09.00am – 18.00pm.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2024).

- 20** The swimming pool hereby approved, shall be emptied overnight and in dry periods. The discharge rate of the pool shall be controlled so as not to exceed a flow rate of 5 litres/second into the public sewer network.

REASON: To prevent flooding on site or elsewhere, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024).

- 21** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority (including a remediation strategy and validation report) 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 (2024).

22

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 yearly logs must be available for inspection upon request by the Local Planning Authority.

REASON: To prevent flooding on site or elsewhere and to ensure the sustainable urban drainage systems are maintained for the lifetime of the development as outlined in the approved maintenance plan so that they continue to function as intended to ensure flood risk mitigation, in accordance with policy GEN3 of the adopted Uttlesford Local Plan (2005), and the National Planning Policy Framework (2024).

APPENDIX 1 – ESSEX HIGHWAYS (HIGHWAY AUTHORITY)

Your Ref: UTT/25/0539/FUL
Date: 22nd July 2025



CC: (by email) *DM, SMO2, Chelmsford*
PROW, Chelmsford
Cllr Susan Barker

Director for Highways
and Transportation

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

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No.	UTT/25/0539/FUL
Site Location	Land To The South Of Stortford Road Little Canfield Essex
Proposal	Proposed nursery, soft play area, swimming pool, cafe and versatile learning spaces designed specifically for families and children in the community.

SUPERSEDES PREVIOUS RECOMMENDATION DATED 20TH MAY 2025

The Highway Authority has assessed the application and submitted information, including subsequent revisions. The assessment of the application was undertaken with reference to the National Planning Policy Framework 2024. The following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. ECC accept the principle of the proposal, therefore;

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. safe access to the site,
 - ii. vehicle routing,
 - iii. the parking of vehicles of site operatives and visitors,
 - iv. loading and unloading of plant and materials,
 - v. storage of plant and materials used in constructing the development,
 - vi. wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.
2. Prior to the first use of the development site, the access arrangements and highway works, as shown in principle on drawing no. 259/2024/011 REV. P2 (dated – 20/06/2025), shall be fully implemented and retained as such for the life of the

development. All details to be agreed with the Highway Authority, and the access arrangement and highway works are to include, but not limited to the following:

- i. A Traffic Regulation Order (TRO) for the reduction of the speed limit to 50mph on Stortford Road, from the A120 roundabout to a point west of the site access. Details to be agreed in association with the technical approval for the highway works. The associated signing and lining to be implemented by the developer as part of the highway works.
- ii. Provision of ghost right turn lane and central shared pedestrian cycle refuge island,
- iii. Provision of clear to ground level visibility splays from proposed access with dimensions of 2.4m by 112 metres to the east and 2.4m by 156 metres to the west, including tangential splay. Such vehicular visibility splays shall be provided before the road access is first used by vehicular traffic and retained free of any obstruction at all times.
- iv. A bellmouth access with minimum 6 metre carriageway in combination with appropriate junction radii to accommodate the swept path of all vehicles regularly accessing the site, appropriate gradient, with a 3.5m shared use ped/cycleway on the western side and a 2 metres footway on the western side to connect to the existing footway provision on the southern side of Stortford Road,
- v. Relocation of the existing eastbound bus stop, if required, with location to be agreed.
- vi. Regrading of banks and/or provision of supporting structure, as deemed necessary,
- vii. Relocation of existing traffic signs outside of all visibility splays along and onto Stortford Road,
- viii. Carriageway resurfacing of the full extent of the highway works.

For the avoidance of doubt, the kerbline on the southern side of Stortford Road, east of the access, as shown on the plan, will require alterations.

Details of the scheme to be submitted to, agreed and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and designed to accord with the highway standards. The scheme to be fully implemented by the developer as part of the highway works, prior to first beneficial use of the access. All works will be provided entirely at the developers expense.

Reason: To ensure that safe and appropriate access is provided, in the interests of highway safety.

3. No dwelling shall be occupied until the associated parking and turning area indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form for the life of the development.

Reason: To ensure that on appropriate parking is provided.

4. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

5. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Uttlesford Local Plan Policy GEN1 and the NPPF 2024.

NOTE:

- a. To be clear, for the avoidance of doubt, the highway works will require further alterations to ensure the works are in accordance with the required highway standards including alterations to the ghost island arrangement, particularly the kerb line on the southern side of Stortford Road, east of the access. All works must be designed and undertaken in accordance with the current highway standards.
- b. To facilitate the implementation of the access arrangement including ghost island right turn lane, the speed limit of Stortford Road will be require a reduction to 50mph as part of the proposal.

Informative:

- i. The junction gradient shall comply with guidance within Design Manual for Roads and Bridges.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- iii. Details of a suitable construction access and all traffic management shall be submitted to and approved in writing by the Highway Authority prior to commencement of the development.
- iv. There shall be no discharge of surface water onto the Highway.
- v. The granting of planning permission does not absolve the developer of any amendments required by the Highway Authority under the detailed design highway process; especially any that may compromise highway safety.
- vi. Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- vii. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- viii. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.

- ix. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- x. The developer to meet the full cost of compensation claims associated with any new or altered highway as part of the proposed development, including provision of a Bond.
- xi. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public bridleway no. 39 (Little Canfield), known as the Flitch Way, shall be maintained free and unobstructed at all times.
- xii. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the [Essex Climate Action Commission](#) proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the [Essex Developers' Group Climate Charter \[2022\]](#) and to view the advice contained in the [Essex Design Guide](#). Climate Action [Advice guides](#) for residents, businesses and schools are also available.



pp. Director for Highways and Transportation
Enquiries to Sophie Currey
Email: sophie.currey@essex.gov.uk

APPENDIX 2 – LEAD LOCAL FLOOD AUTHORITY (ESSEX COUNTY COUNCIL)

Essex County Council
Development and Flood Risk
Environment and Climate Action,
C426 County Hall
Chelmsford
Essex CM1 1QH



Avgerinos Vlachos
Uttlesford District Council
Planning Services

Date: 19th May 2025
Our Ref: SUDS-008141
Your Ref: UTT/25/0539/FUL

Dear Sir/Madam,

Consultation Response - UTT/25/0539/FUL - Land To The South Of Stortford Road Little Canfield Essex

Thank you for your email received on 16/05/2025 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we **do not object** to the granting of planning permission based on the following:

Condition 1

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (dated 16th May 2025) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 1.2l/s.
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 40% climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently

in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective treatment of surface water runoff to prevent pollution.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 167 and paragraph 174 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

Condition 4

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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. Planning applications with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures
Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk).

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Yours sincerely,

Anna Murphy
Development and Flood Risk Officer
Team: Green Infrastructure and Sustainable Drainage
Service: Climate Action and Mitigation
Essex County Council

Internet: www.essex.gov.uk
Email: suds@essex.gov.uk

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

APPENDIX 3 – ENVIRONMENT AGENCY



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

Our ref: AE/2025/130445/01-L01
Your ref: UTT/25/0539/FUL
Date: 06 May 2025

Dear Sir/Madam

**PROPOSED NURSERY, SOFT PLAY AREA, SWIMMING POOL, CAFE AND
VERSATILE LEARNING SPACES DESIGNED SPECIFICALLY FOR FAMILIES
AND CHILDREN IN THE COMMUNITY**

LAND TO THE SOUTH OF STORTFORD ROAD LITTLE CANFIELD ESSEX

Thank you for your consultation dated 03 April 2025. We have reviewed the documents as submitted and we have no objection to this application. Please see further comments on Flood Risk and the requirement for An Environmental Permit.

Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activity which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities> environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Additional advice

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686>

Yours faithfully

Mr Giles Ward
Planning Officer

Direct e-mail planning.eastanglia@environment-agency.gov.uk

End

2