

Clive Theobald

Delegated Officer Report Recommendation – Refuse

Application number: UTT/21/0332/FUL

Proposal: Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities.

Site Address: Land At Tilekiln Green, Start Hill, Great Hallingbury, CM22 7TA,

Parish: Great Hallingbury

Ward: Broad Oak And The Hallingburys

Applicant: FKY Limited

Agent: Mr Richard Norman

Target Date: 20th May 2021

Expiry Date: 13th May 2021

Extension of Time Date: 27th May 2021

Plans:

Plan Ref	Version	Received
NC18.446-1VA01A		11th February 2021
NC18.446-P202 A		11th February 2021
PL_001 REV 6		11th February 2021
PL_002		11th February 2021
PL_003		11th February 2021
PL_004		11th February 2021

Planning Policies:

Policy	Local Plan	Local Plan Phase
NPPF3 - National Planning Policy Framework 3		
S8 - The Countryside Protection Zone	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

ENV3 - Open spaces and trees	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV7 - The protection of the natural environment designated sites	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV8 - Other landscape elements of importance for nature	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV11 - Noise generators	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV12 - Groundwater protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ECP - ECC Parking Standards (Design & Good Practice) September 2009		

Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/14/1822/AV	AC	08/08/2014	Erection of 7 no. fascia signs and 1 no. free standing sign
UTT/15/0379/AV	AC	25/03/2015	Replacement signage to fuel pumps on forecourt
UTT/16/2240/FUL	AC	10/10/2016	Demolition of the existing shop and forecourt and erection of replacement shop and forecourt. Formation of parking spaces and erection of two new jet wash bays. Alterations to existing vehicular access
UTT/17/2743/FUL	AC	24/01/2018	Redevelop an existing Petrol Filling Station by demolishing the existing forecourt and replace with new. The existing shop is to be retained.
UTT/17/3713/AV	AC	14/02/2018	Erection of 3 no. internally illuminated fascia signs and 4 no. internally illuminated Esso

			Signage Waves
UTT/18/0348/DOC	CF	11/04/2018	Application to discharge Conditions 2 (construction method statement) 3(construction method statement) 4(lighting) and 5(lighting) attached to UTT/17/2743/FUL dated 24 January 2018
UTT/19/1096/FUL	AC	17/07/2019	Installation of 1 no. New Jet Wash.
SWR/0159/63	UA	27/06/1963	Installation of 1000 gallon Kerosene Storage Tank and Pump
UTT/0259/79	AC	18/02/1980	Proposed new workshop canopy and pump island and 6000 gallon underground petroleum storage tank
SWR/0036/54	AC	08/06/1954	Development of land for garage workshop offices and installation of petrol pumps (Details approved 09-08-1955)
A/UTT/0368/75	AC	17/06/1975	Internally illuminated sign
UTT/0208/79	AC	19/04/1979	Proposed extension to form MOT testing bay
A/UTT/1138/81	AC	11/01/1982	Partial illumination to ingress canopy fascia
SWR/0093/57	UA	13/08/1957	Installation of petrol pump and tank erection of floodlight
UTT/0226/77	AC	23/05/1977	Display for sale of up to six cars on garage forecourt
SWR/0100/53	AC	25/09/1953	Proposed erection of two detached dwelling houses on land
SWR/0124/56	AC	28/09/1956	Stationing of caravan
SWR/0229/66	AC	17/11/1966	New pump islands and lighting
SWR/0332/69	AC	11/12/1969	Application for permission to display six cars for sale
SWR/005/72	AC	13/07/1972	Erection of illuminated box sign SWR/0292/72
A/UTT/1138/84	AC	14/11/1984	One freestanding gantry and 5 spreader units all internally illuminated
A/UTT/0624/80	AC	04/08/1980	Illuminated and non-illuminated canopy fascia signs. Illuminated shopfront sign and wall mounted Esso oval. Illuminated crossover signs
UTT/0164/85	AC	25/03/1985	Proposed installation of replacement cesspool and extension to car parking area.
UTT/1116/88/AV	AC	18/08/1988	Internally illuminated lighting unit over new pump
UTT/1498/98/FUL	AC	25/01/1999	Provision of replacement underground fuel storage tanks.
UTT/0453/89	AST	05/05/1989	Proposed above ground offset fills and associated works and alteration to existing access
UTT/0177/11/DOC	DC1	24/02/2011	Application to discharge conditions C.4.1 & C.5.1 of UTT/1206/10/FUL
UTT/2113/06/FUL	AC	22/02/2007	Change of use from agricultural land to Thames Water Operational land and erection of control panel, fencing and minor ancillary works including new access in association with sewer flood scheme

Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal
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Neighbour / Public Responses:

No. Neighbours Notified	No. Contributions Received
19	402

Note: Neighbour comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Consultee Responses:

Consultee Name	Date Comments Received	Nature of Consultation
Parish Council	16th March 2021	
UDC Landscaping	No Comments Received	Consultation Letter
Parish Council	1st March 2021	Parish Letter
Ward Members	No Comments Received	Ward Member Notification
Environment Agency	No Comments Received	Consultation Letter
Thames Water Utilities	1st March 2021	Consultation Letter
Education & Highways (ECC)	11th May 2021	Consultation Letter
Highways England	5th March 2021	Consultation Letter
ECC Ecology Advice	4th March 2021	Consultation Letter
Conservation Officer	25th March 2021	Consultation Letter
Cllr John Lodge	No Comments Received	Consultation Letter
Environmental Health	24th May 2021	Consultation Letter
BAA Aerodrome Safeguarding	1st March 2021	Consultation Letter
National Air Traffic Services	18th February 2021	Consultation Letter
Essex Rangers	No Comments Received	Consultation Letter
Essex County Council - Minerals And Waste	No Comments Received	Consultation Letter
Natural England	19th February 2021	Consultation Letter
Parish Council	9th March 2021	
East Herts District Council	3rd March 2021	Consultation Letter
Parish Council	11th March 2021	Parish Letter
National Trust East Of England Regional Office	6th May 2021	
Environmental Health	No Comments Received	Consultation Letter
Linda Howells Economic Development Officer	No Comments Received	Consultation Letter
Highways England	22nd April 2021	
Environment Agency	No Comments Received	Consultation Letter
Thames Water Utilities	2nd March 2021	

Note: Consultee comments (if any) can be viewed online at www.uttlesford.gov.uk/planning

Officer Report

NOTATION: Outside Development Limits / Within Countryside Protection Zone (CPZ) / Part Within Flood Zone 3 / Within 2km of SSSI / Within 20m of Flitch Way Buffer Zone (Local Wildlife Site) / Stansted Airport LEQ / General Aerodrome Restriction / affecting setting of Listed Building.

DESCRIPTION OF SITE: The site lies at Start Hill (Tilekiln Green) and comprises an open tract of undeveloped undulating grassland (former field) comprising 5.13 ha (stated) which has a pronounced slope north to south and which is bordered on its north side by the B1256 Dunmow Road, on its south side by the Flitch Way (former railway line), on its east side by Bedlars Green Road (Tilekiln Green) and on its west/north-west side by the M11 and the Birchanger Interchange (Junctions 8/8a). A Thames Water sewerage pumping station is situated on the site's eastern boundary onto Bedlars Green Road. A tree belt exists along the site's northern boundary, whilst a further tree belt exists along the southern boundary with the Flitch Way, with recent tree planting having taken place in front. Great Hallingbury Brook runs along the south-western boundary of the site which in turn feeds into the River Stort further to the south.

A short line of dwellings face onto the site along the eastern side of Bedlars Green Road containing a grade II listed building (The Old Elm), an adjacent outbuilding which is currently being residentially converted and a further dwelling which is currently under construction, whilst a further short line of dwellings lie on the western side of the road to the immediate south of the pumping station before the Flitch Way. A petrol filling station stands onto the B1256 on its northern side opposite the junction with Bedlars Green Road adjacent to the north-east corner of the site.

PROPOSAL: This detailed proposal relates to the development of the site described as vacant in the application details to create an "open logistics facility with associated new access, parking areas and ancillary office and amenity facilities" whereby it is stated that the site will be in use as a 'just in time' transport distribution / transfer point whereby storage containers would be decanted from larger vehicles onto smaller ones through "demountable operations". It is stated that the existing lease on the applicant's current logistics facility at

Stansted Airport "North Side" expires in 2023 and that the new freeholders of that site have stated that it is not their intention to continue to make the site available for the applicant (Wren Kitchens) beyond this point.

A detailed site layout plan has been submitted which shows the proposed formation of expansive areas of concrete hardstanding apron for truck parking for up to 80 lorries extending NE-SW across the site and also the formation of an associated staff car parking area for 124 vehicles with adjacent stationing of portacabins, all of which would be served by a new vehicular access which would feed off a proposed realigned section of Bedlars Green Road (Tilekiln Green) from its junction with the B1256. Landscaped site perimeter banking is shown around the proposed facility, whilst internal banking dividing strips are shown for the various truck parking areas. Sound reducing fencing is shown for the front entrance area of the facility at its north-eastern end with the newly aligned highway.

A site section drawing has also been submitted with the application showing the change in levels across the site north-west to south-east and north-east to south-west with the proposed perimeter banking shown and also a highway realignment plan showing suggested landscaping treatment within the newly formed highway boundary areas for the realigned section of Bedlars Green Road (Tilekiln Green).

APPLICANT'S CASE: The application is accompanied by the following core documents to inform the application proposal:

- Planning Statement
- Economic Report
- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment
- Landscape and Visual Appraisal
- Heritage Assessment
- Ecological Assessment
- Archaeological Desk Based Assessment
- Noise Assessment
- Landscape Strategy
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The submitted planning statement concludes as follows with regard to the planning merits of the proposal:

- This Planning Statement accompanies the planning application for an open logistics facility on land at Tilekiln Green. It summarises the rationale and has considered the key principles of the development against policies set out within national policy and the statutory development plan.
- As demonstrated within this statement and accompanying technical documents and drawings, whilst the site is located within the CPZ (a designation established in a significantly out-of-date local plan), the proposal would otherwise deliver a policy-compliant scheme which would deliver significant benefits, most notably the delivery of 113 jobs, with a future potential expansion of a further c.85 jobs.
- The site is one which is uniquely suited to facilitating a logistic operation, with both specific site advantages, most notably excellent access to the strategic road network, sufficient size to facilitate an HGV logistic operation and locational advantages, with London being under 1hrs drive from the site.
- It is concluded that the proposed development embodies the principles of sustainable development promoted through the NPPF and complies with the objectives and requirements of the development plan. We respectfully submit that planning permission should be granted for the development.

RELEVANT SITE HISTORY: No relevant planning history, although an exploratory pre-application proposal meeting was held in 2016 between Council officers and an interested third party to consider the future use of the site for commercial/employment use in response to enquiries from potential firms about utilising the site for this purpose. The Council responded by saying that the principle of change of use of the site from greenfield to commercial use would be contrary to local and national policies due to its countryside location within the CPZ and therefore any proposal would need to demonstrate how the need for the proposed use would outweigh the harm it would have on the countryside (UTT/16/0956/PA).

POLICIES: S70 (2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,

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

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

A full list of policies taken into account whilst reviewing this application are listed above.

Other Material Considerations:

- Planning Policy Guidance
- Uttlesford Countryside Protection Zone Study (LUC, June 2016)
- Strategic Land Availability Assessment (SLAA) (2018)
- Parking Standards – Design and Good Practice (Essex County Council, Sept 2009)
- Uttlesford District Council Air Quality Technical Guidance
- Uttlesford District Council Interim Climate Change Planning Policy

APPRAISAL:

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

- 1) Principle of development having regard to locational sustainability, countryside protection (CPZ), flood risk / groundwater protection / economic considerations (NPPF, ULP Policies S8, GEN3 and ENV12);**
- 2) Highways and transportation (including access considerations) (NPPF and ULP Policy GEN1);**
- 3) Design (including aircraft safety) / commercial parking standards (NPPF and ULP Policies GEN2 and GEN8);**
- 4) Heritage protection (NPPF and ULP Policy ENV2);**
- 5) Impact on residential amenity - noise, light pollution and air quality (NPPF and ULP Policies GEN2, GEN4, GEN5, ENV11 & ENV13);**

- 6) **Impact on natural environment designated sites / biodiversity, including protected and priority species / trees (NPPF and ULP Policies ENV3, ENV7, ENV8 and GEN7).**

1) **Principle of development:**

General sustainability principles:

The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF 2019 as revised states that achieving sustainable development means that the planning system has three overarching objectives, namely economic, social and environmental, which are interdependent and which need to be pursued in mutually supported ways so that opportunities can be taken to secure net gains across each of the different objectives.

Paragraph 11 of the NPPF states that for decision taking this means approving development that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless d i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or d ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts unless material considerations indicate otherwise. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision taking.

Principle – Countryside Protection (CPZ) / NPPF Environmental Objective:

The site lies outside development limits and is therefore within the countryside for the purposes of the LPA's adopted Local Plan (2005) representing as it does a "greenfield" site. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things... b) recognising the

intrinsic character and beauty of the countryside. It should be noted, however, that the site is not a designated site for the purposes of statutory classification within the NPPF.

The adopted Uttlesford Local Plan (2005) identifies a Countryside Protection Zone (CPZ) which seeks to maintain a local belt of countryside around Stansted Airport that will not be eroded by coalescing developments. Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or b) it would adversely affect the open characteristics of the zone.

In 2016, Uttlesford District Council commissioned LUC to undertake an assessment of the Countryside Protection Zone (CPZ) around the airport (“Uttlesford Countryside Protection Zone Study”). The overall aim of the study was to assess the extent to which the land within the CPZ is meeting its purposes as set out in Policy S8 whereby this would enable the LPA to make informed decisions should it decide to amend the CPZ through the new Local Plan process. To this extent, as the brief noted, the study was similar to a Green Belt assessment, although acknowledging the criteria for assessment is different, whilst it was also accepted that national policy does not specifically make reference to CPZs. That said, the study commented that there are similarities between the purposes of the CPZ and those of Green Belts and other strategic planning policies, such as strategic gaps or green wedges, adding that guidance can be drawn from previous assessments of these policies. Indeed, paragraph 2.23 of the study remarks that; *“There are also similarities between the purposes of the CPZ, which promotes the open characteristics of the zone, and Paragraph 79 of the NPPF, which states that ‘the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.’ In this way, the CPZ could be described as a ‘mini Green Belt’ (now paragraph 133 of the NPPF).*

The LUC study defined relevant assessment criteria framework based upon the purposes of the CPZ, these being; Purpose 1: To protect the open characteristics of the CPZ, Purpose 2: To restrict the spread of development from the airport, Purpose 3: To protect the rural character of the countryside (including settlements) around the airport and Purpose 4: To prevent changes to the rural settlement pattern of the area by restricting coalescence.

In consideration of whether a land parcel met Purpose 1 of the assessment, the assessment considered the following:

“Whether a land parcel within the zone retained an ‘open’ character or whether it has already been affected by any built development, including airport-related development, where parcels which had already been compromised by development were considered to make a weaker contribution to Purpose 1 than those parcels where the CPZ is more open in character”.

In consideration of whether a land parcel met Purpose 2, the assessment considered the following:

“That only strong and defensible boundary features such as motorways, dual carriageways, railway tracks could be considered to be significant in relation to purpose 2 (insofar as these features can restrict the spread of development from the airport; thereby limiting the role of the CPZ beyond)”.

In consideration of whether a land parcel met Purpose 3, the assessment considered the following:

“This purpose assesses another key characteristic of ‘countryside’, its rural nature, i.e. natural, semi-natural or farmed land free from urbanising influences such as airport-related development. The relative ‘rural-ness’ of the countryside can be assessed by comparing the characteristics of the parcel against the area’s key rural landscape characteristics”, adding that “The criterion therefore focuses on the extent to which the rural characteristics of the CPZ have been compromised by the urbanising influence of the airport”.

In consideration of whether a land parcel met Purpose 4, the assessment considered the following:

“The criteria used to assess this purpose considered whether land in the CPZ retains a rural settlement pattern and whether development would cause coalescence between the airport and neighbouring settlements”.

The application site the subject of the current full application falls within Parcel 1 - Tile Kiln Green. With regard to the description characteristics for Parcel 1 (To protect the open characteristics of the CPZ), it is stated that;

“Development along the northern boundary of the parcel compromises the sense of openness. The M11 and the road network associated with the Junction 8 runs along the western boundary. Airport related development is concentrated around Start Hill off the Dunmow Road (Stansted Distribution Centre) immediately outside the northern boundary of the parcel”.

With regard to Parcel 2 (To restrict the spread of development from the airport), it is stated that;

“There are strong barrier features to the north and west of the parcel such as the M11 and the A120 which have the potential to prevent the outward spread of development from the airport into the countryside. These major roads reduce the role of the parcel in performing this purpose. Conversely, the downgrading of the Dunmow Road following the construction of the new A120 has provided opportunities for development to occur along the road. Airport development at Start Hill, (Stansted Distribution Centre) to the south of Dunmow Road is just outside the CPZ. The CPZ therefore plays a strong role in preventing further development”.

With regard to Parcel 3 (To protect the rural character of the countryside (including settlements) around the airport), it is stated that;

“Urbanising development such as the busy road network to the north and west of the parcel (including the M11 junction with the A120 and the Dunmow Road) and the commercial premises at the Stansted Distribution Centre (just north of the parcel) detract from the countryside character of the parcel. The audible intrusion of the M11 reduces the tranquillity of the parcel”.

With regard to Parcel 4 (To prevent changes to the rural settlement pattern of the area by restricting coalescence), it is stated that;

“The parcel plays a limited role in preventing the merging between the airport and neighbouring settlement. Airport related development at Start Hill has coalesced with the hamlet of Tilekiln Green only separated by a former railway line (Fritch Way). The historic village of Great Hallingbury, the historic park and garden of Hallingbury Park and the hamlet of Bedlar’s Green, all lie outside the southern boundary of the parcel”.

It is stated as a footnote to Parcel 4 that consideration should be given to the rationalising of the boundary in the north west of Parcel 1 around the M11 to the outside of Junction 8.

In terms of overall findings, Table 4.1 of the study lists Parcel 1 – Tile Kiln Green (to include the application site) with a rating given against each of the CPZ purposes and the assessed level of harm to the CPZ that would result were the parcel to be released from the Zone whereby Purpose 1 Rating was assessed as ‘Medium’, Purpose 2 Rating was assessed as ‘Medium’, Purpose 3 Rating was assessed as ‘Medium’ and Purpose 4 Rating was assessed as ‘Low’, given an overall summary of harm as ‘Moderate’.

As previously referenced, a preliminary enquiry was received by the LPA in 2016 seeking informal planning advice as to the likelihood of planning permission being granted for the proposed use of the site the subject of the current planning application for commercial/ employment use, albeit that the exact use of the site had not then been established and only a “red line” site location had been submitted. The Council’s advice letter set out the existing constraints of the site and the impacts of any such intended use on these constraints, making reference to the CPZ and Policy S8 of the adopted Local Plan and also to other salient issues including flood risk, ecology and heritage. In its response, the LPA stated that;

“It is considered that the change of use of the land to a commercial enterprise would result in a significant intensification in the built form within the immediate area that would in turn alter the character of the surrounding locality. In my view, this would most likely have an urbanising effect that would be out of context with the existing pattern of development and harmful to the setting and character of the countryside and could even promote coalescence between the airport and existing development. The development of the site for commercial usage is one of which is not appropriate for a rural area and as such not in accordance with Policy S7 and potentially S8. For this reason as we discussed within our meeting, that if the principle of establishing the site for a commercial use is to be supported by officers, appropriate justification is critical to demonstrate that special reasons exist in why the development needs to be there. Some reasons were discussed within our meeting; however these would need to be backed up with evidence and facts if a formal application is to be submitted in the near future”.

The response went onto say that;

“In addition, any new proposal should aim of securing sustainable development as it is a golden thread running through the Framework. Paragraph 14 sets out a presumption in favour of sustainable development and paragraph 7 provides a definition for planning purposes. This identifies three mutually dependent strands; an economic role, a social role

and an environmental role. The Council is required to favourably consider applications for sustainable development, as set out in the NPPF. I am in doubt that the site and the proposal would be of a sustainable development, however you would also need to demonstrate why you consider the proposal to be sustainable”.

In terms of the current planning application submitted for an open logistics centre at the site (UTT/21/0332/FUL), the Council’s Landscape Officer has studied the submitted Landscape and Visual Assessment (LVIA) and has provided the following landscaping comments for his formal consultation response (received 20 May 2021);

“The proposal site constitutes an integral part of the designated Countryside Protection Zone (CPZ). The proposed development would significantly erode the integrity of the CPZ and result in a sense of coalescence with the airport development. The proposed mitigation measures would not eliminate this sense. The proposal site is some 5ha in extent consisting of unmanaged field grassland, woodland, and scrubland. The site gently slopes NE to SW with a fall of some 10m to the SW. Parts of the site are visible in selected views taken from the B1256; Bedlars Green Road, and public footpaths to the south of the site. The section of the former railway line (The Flitch Way), which runs alongside the south of the site, is not a public right of way at this point. The landscape value of the site is intrinsic to the maintenance of the function and integrity of the CPZ. The development proposed would have a significant impact on the existing character of the site. The cumulative effect of the highway infrastructure proposed; the nature of the new buildings; and external lighting, would have a detrimentally impact on the CPZ”.

The proposed development would involve the creation of very extensive areas of hardstanding aprons for the parking of commercial fleet vehicles, together with an ancillary hardstanding apron area for the parking of employee cars and also the creation of perimeter banking which, it is considered by reason of its nature and degree of magnitude, would have a significantly damaging effect on the current open and undeveloped characteristics of the site whereby its openness would be fundamentally lost, would fail to protect the particular rural character of the site by introducing a significant man-made urban form and would by its nature and scale introduce significant change to the existing rural settlement pattern and causing a sense of coalescence between the M11/A120 interchange and the remainder of Start Hill to the east and Tilekiln Green in terms of the physical and visual roles that the site currently serves as a buffer in preventing such coalescence.

Whilst it is acknowledged that the site would be screened around its perimeter by continuous landscaped earth bunding and that the site cannot readily be seen from the adjacent M11 motorway, it is considered nonetheless that the erosion of the CPZ at this important buffer location through the introduction of the proposed development is not acceptable in environmental terms. The proposal would therefore be contrary to Policy S8 of the Uttlesford Local Plan (adopted 2005).

Uttlesford District Council is in the process of preparing its new Local Plan to replace its ageing Local Plan and is starting to undertake its new 2021 “Call for Sites” as part of this process. The 2015 and 2018 “Call for Sites” as part of the Strategic Land Availability Assessment (SLAA) exercise carried out to inform the previous and now withdrawn replacement Local Plan have now also been withdrawn, although it is of note to say that the site the subject of the current application was considered to be unsuitable for commercial development under that previous land availability review process as it would not contribute to sustainable patterns of sustainable development, notwithstanding that the site for this purpose was regarded as being both achievable and available.

In light of the extent of environmental harm to the Countryside Protection Zone (CPZ) which would be caused by the proposed development as identified for this report, it is considered that the environmental objective of the NPPF is not met.

Principle - Economic considerations - NPPF / Economic objective

Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, adding that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business need and wider opportunities for investment”*, whilst paragraph 82 states that *“Planning policies and decisions should recognise and address the specific locational requirement of different sectors”*, including for storage and distribution operations at a variety of scales and in suitable accessible locations. Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas.

Paragraph 106 of the NPPF states (with particular reference to the current application proposal) that *“Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals*

for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use". Chapter 4 of the adopted Uttlesford Local Plan (2005) sets out the opportunities for economic growth within the district whereby the LPA's objectives include enabling the expansion of existing firms and the introduction of new employment.

It is noted from the submitted planning statement that the applicant requires a comprehensive depot network that supports the on-time delivery and efficiency of its existing distribution operations whereby new locations for its operations are increasingly being determined by the applicant's move to a high-tech and low carbon electric urban fleet of vehicles to meet with environmental regulations in the future, particularly with regard to servicing urban conurbations such as London, where mileage limitations for electric vehicles are a material consideration.

The accompanying Economic Report sets out a detailed analysis which identifies a current unsatisfied requirement of at least 35 ha for land for distribution purposes within Uttlesford District, a higher figure than identified within paragraph 4.10 of the Council's adopted Local Plan and demonstrates that the site at Tilekiln Green falls within the area of search for which demand for transport and storage is currently unmet. It identifies that a number of characteristics which it considers unique to the site provide "*a highly attractive location for the siting of an open logistics facility*", namely accessibility, proximity to market, land availability, suitable scale, labour accessibility and neighbouring uses.

The applicant's comments that it is required to relocate from Stansted Airport "North Side" by 2023 due to lease implications and the consequential loss of staff employment that this would result in are duly noted. It is accepted in this respect that the applicant's selected alternative logistics facility location at Tilekiln Green would be a highly appropriate location strategically and operationally for it given the site's immediate access onto the M11 and the A120, including an improved access arrangement as proposed.

However, this selected location has to be carefully weighed against the environmental harm which would be caused by the resulting development. Whilst the submitted LVIA and the proposed mitigating landscaping measures to help screen the development have been noted, it is considered that the economic benefits of advantages of developing the site commercially do not outweigh the significant harms which would result as set out above, including the LPA's Landscaping Officer's response to inform the assessment.

Principle – Flood Risk / Groundwater Protection:

The NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, whether existing or future, and that where development is necessary in such areas that the development should be made safe for its lifetime without increasing flood risk elsewhere, adding that a sequential risk-based assessment should be applied to the location of development taking into account the current and future impacts of climate change.

Policy GEN3 of the adopted Local Plan seeks to direct new development away from areas at risk of flooding, including functional floodplains. It adds that developments that exceptionally need to be located within floodplains will be permitted subject to the outcome of a flood risk assessment (FRA), adding that commercial, industrial and new residential development will generally not be permitted within areas of the floodplain located beyond settlement boundaries. It further adds that development outside flood risk areas must not increase the risk of flooding through surface water run-off whereby a FRA will be required to demonstrate this and that Sustainable Drainage Systems (SuDS) should also be considered as an appropriate flood mitigation measure in the first instance. The LPA's "Interim Climate Change Planning Policy" document expands on this mitigation requirement.

In terms of flood risk, a small part of the lowest end of the application site running along the adjacent river tributary is zoned as Flood Zone 3 thereby representing the highest risk of flooding, although the greater majority of the site is zoned as Flood Zone 1, i.e. the lowest risk of flooding. The application is accompanied by a Flood Risk Assessment and proposed drainage strategy (Intermodal Transportation) which has assessed the flood risk implications of the proposed development. The report states that the site is not predicted to be subject to fluvial (river based) or coastal flooding for a 1 in 1000 year or more frequent storm event given its mainly Flood Zone 1 status and that no development is proposed within the smaller perimeter area which is within Flood Zone 3 along the site's south-western edge. The site is confirmed as not being within a Groundwater Source Protection Zone.

It is stated in the submitted FRA that a certain amount of ground remodelling is proposed to create flatter vehicle parking areas with steeper banks around their edges to effectively terrace the site whereby the site currently has a typical gradient of between 1:20 and 1:30 from north-west to south-east with an AOD difference of 11.5 metres from north-east to south-west. It is further stated that the proposed developable area within the site is about 3.1ha, with the impermeable areas measured to be 2.09 ha, which represents just over two thirds of the development area, with other areas generally being given over to earthworks

required to achieve level hard standings. In terms of flood risk mitigation, it is stated that with the proposed terracing incorporated within the development site that the south western part of the site would have its levels raised and therefore the surface flood risk would be considered to be suitably ameliorated. Given that only a very small percentage area of the site is classed as being within Flood Zone 3, the FRA concludes that the site would be at very low risk of future flooding and that it can be asserted in planning policy terms that the site would be compliant with national policy and local policies in terms of its location from a flood risk perspective to meet the site sequential test.

The Local Lead Flood Authority (LLFA) have been consulted on the application proposal who have inspected the submitted FRA and drainage strategy with associated documents and are satisfied from the information submitted that the development would not pose a flood risk either at the site itself or to the immediate surrounding area subject to suitable SuDS conditions, including the submission to the LPA of a detailed surface water drainage scheme for the site based upon sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. On this basis, the development would not be contrary to the requirements of the NPPF or Policies ENV12 and GEN3 of the adopted Local Plan where it is considered that the sequential flood risk test has been met.

Principle - conclusion on Principle of Development:

It is considered for this section of the report that the significant level of environmental harm which it is considered would result from the proposal in light of the aforementioned Countryside Protection Zone objections identified would, as an adverse effect, outweigh in the planning balance the economic and operational benefits put forward by the applicant in terms of the site's advantageous location adjacent to the M11/A120 corridor whereby there would be a conflict between the environmental and economic objectives of the NPPF in seeking to achieving sustainable development across the three defined objectives, which are inter-dependent and which need to be pursued in mutually supportive ways to achieve net gains.

2) Highways and transportation (including access considerations)

Paragraph 108 of the NPPF states in relation to the consideration of development proposals that (a) *“appropriate opportunities to promote sustainable transport modes should be considered given the type of development and its location, that (b) “safe and suitable access*

to the site can be achieved for all users” and (c) “that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”

Paragraph 109 goes on to say that development proposals should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. ULP Policy GEN1 of the adopted Local Plan states that development proposals by their site location, nature, design and layout must be capable of carrying traffic generated safely and not prejudice highway safety for all road users.

The proposed development would involve the westwards realignment of Bedlar’s Green Road (Tilekiln Green), which is a Class 3 highway, at its junction with the B1256 Dunmow Road from which the new vehicular access for the open logistics centre would be formed along with associated highway safety audit works. The new realigned section of road would then meet the existing road alignment southwards of the existing pumping station. Highways England have been consulted on the application given the potential strategic highways impact of the proposed development in transportation terms on the M11/A120 Birchanger interchange, as have ECC Highways on the highway engineering and safety implications of the proposed development.

Highways England have yet to provide their formal highways response, stating that they need a longer consultation period to review the highway impacts of the proposal and any mitigation required based upon the transport assessment and other technical information submitted with the application and also further information requested from the applicant to enable a highways assessment to be made to ensure that the strategic road network would continue to perform in accordance with the requirements of the Highways Act 1980. As such, they have requested that planning permission is not granted before 27 August 2021 to allow sufficient time for these matters to be addressed.

ECC Highways have since provided their own formal highways response (10/05/2021) who have objected to the proposal on highway and transportation grounds as the applicant has not demonstrated to the satisfaction of the Highway Authority that the impact on the local highway network caused by the proposal would be acceptable in terms of highway safety and capacity, namely (1) that as far as can be determined from the submitted plans the proposed road layout at Tilekiln Green and the B1256 could lead to unacceptable conflict in the highway, 2) that the applicant has not demonstrated that a general use for B8 for which

the permission would be granted would not lead to queuing at the junction of the B1256 and Tilekiln Road to the detriment of highway safety and 3) that the applicant has not clearly demonstrated that the layout of the development would adequately accommodate the use on the site and would not lead to parking or manoeuvring on the highway to the detriment of highway safety.

Clearly, it would have been highly advantageous had Highways England been in a position to have submitted their formal consultation response for this detailed planning application submission sooner so that their formal views at a strategic highways level were known and made publicly available. However, it will be seen that their response is not anticipated for some time given their requested holding response and it is considered for the purpose of this delegated report that there are sufficient and cogent highway reasons for refusal as cited in ECC Highways' Recommendation of Refusal to refuse the application as it stands. Accordingly, it is considered that the proposal would be contrary to NPPF advice relating to highway and transportation and ULP Policy GEN1 a), GEN1 b) and GEN1 c) of the adopted Local Plan.

3) Design / commercial parking standards

The design and layout of the proposed open logistics facility as shown on the submitted site layout has been determined by the functional and operational use to which the site would be put whereby it is stated that it has been designed for efficient "just in time" commercial operations. No permanent buildings are shown proposed for the site whereby two temporary office portacabins are shown to be provided for on-site staff use.

ECC Highways have stated in their consultation response dated 10 May 2021 that the car parking bays shown for the proposed car parking area appear to be at 4.8m x 2.3m which would be below the minimum size of 5m x 2.5m to be used in exceptional circumstances and not the preferred bay size of 5.5m x 2.9m. As such, the proposal would be contrary to Policy GEN8 of the adopted Local Plan as the proposed parking arrangements would fail to meet adopted vehicle parking standards appropriate for the location as required by the adopted document "Parking Standards – Design and Good Practice (September 2009)".

Proposed banking is shown for the perimeter of the truck and staff parking areas where this is shown at a banking gradient of 1:3. No design objections are raised per se to the introduction of the banking as a physical means of enclosure to help define and screen the

proposed development, notwithstanding the objections in principle which are raised to the development under ULP Policy S8 as detailed above.

MAG / Stansted Airport have objected to the proposed scheme on aviation safety grounds given the site's location close to the end of the airport runway as (1) the submitted landscaping scheme for the proposed development through the inclusion of supplementary woodland and tree planting would increase the availability of this habitat at this location that would be attractive to hazardous species of birds, 2) as the design of the submitted lighting scheme needs to be very carefully scrutinised and that further lighting details are required before a decision can be made as to whether the lighting scheme would be acceptable and 3) as a Glint and Glare Assessment from an aviation perspective is required to be submitted to cover both the artificial lighting scheme and the potential hazard from parked vehicles.

In the absence of appropriate / additional report information available at the time of the writing of this report, the proposal as submitted would be unacceptable in terms of design relating to aviation safety and is therefore contrary to Policy GEN2 of the adopted Local Plan.

4) Heritage protection

S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 states that "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interests which it possesses".

The Old Elm is a c16 timber framed Grade II listed building of two storeys with red tiled roof which stands at the junction of Tilekiln Road and Dunmow Road. It is accepted that the setting and rural character of this heritage asset has already been compromised by adjacent developments, namely the petrol filling station positioned to the immediate north, by modern linear housing development along the B1256 corridor and to a wider extent the M11 to the west where this gradual erosion of its primacy within its setting has been emphasised by Place Services (Heritage) in their consultation response dated 25 March 2021.

Screening is intended for the proposed adjacent logistics facility which would help to reduce its presence and in turn its visual impact on this heritage asset. However, as contended by

Place Services, the proposal would nonetheless fail to preserve the special interest of the listed building contrary to S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 through inappropriate development within its setting whereby due consideration has also to be had to the “surrounding landscape” and “land use”, including environmental factors and general nuisances ("The setting of Heritage Assets", Historic England), whereby the proposal would cause less than substantial harm under paragraph 196 of the NPPF. Accordingly, the proposal would be contrary to Policy ENV2 of the Council’s adopted plan in terms of the proposal’s impact on the setting of this listed building.

5) Impact on residential amenity - noise, light pollution and air quality

Due consideration has to be had as to the impacts of this proposed large commercial operation on local residential amenity in terms of potential noise, light pollution and air quality reduction by reason of its particular use as an open air logistics facility involving a high number of lorry movements both at the site itself and on the immediate road network and also in terms of other nuisance factors such as morning start-ups of diesel engines (unless electric vehicles were all to be used - see above) and general disturbance normally associated with such operations.

The submitted Noise Assessment has been reviewed by the Council’s Environmental Health Officer who has stated that insufficient details have been submitted in the report to show how noise emanating from the development would be sufficiently attenuated at the site in terms of the type of boundary acoustic/palisade screening to be implemented whereby further noise modelling is required to show that the noise generated by the development by the boundary specification screening selected would result in a significant reduction in the BS4142 outcome to align closer with the UDC recommended BS4142 limit.

In terms of air quality, it is stated in the EHO’s response that UDC Air Quality Technical Guidance requires that an air quality assessment is necessary for proposals that would significantly alter the traffic composition in an area (e.g. by more than 25 HDV’s AADT), including during the construction phase, and that therefore an AQ assessment is required to be provided in conformance with section 4 of the above guidance for the operational phase and construction phase as required. However, an air quality assessment has not been submitted with the application.

In terms of lighting, it is stated in the EHO’s response that a lighting assessment is required to determine the impact of proposed operational and security lighting at the site. The

assessment should include details of the location, height, type and direction of light sources and intensity of illumination and demonstrate compliance with Table 3 of the Institute of Lighting Professional Guidance note for the reduction of obtrusive light. However, a lighting report has not been submitted with the application.

The Council's EHO advises that until the assessment information requested in relating to noise impact, air quality and lighting has been provided that UDC Environmental Health are not in a position to make a fully informed judgement regarding the environmental impacts and effects of the proposal upon residential amenity whereby such clarity is considered justified in the interests of the protection of local residents.

The proposal is therefore contrary to Policies ENV11, ENV13, GEN2, GEN4 and GEN5 of the adopted Local Plan relating to potential impacts on residential amenity.

6) Impact on natural environment designated sites / biodiversity, including protected and priority species / trees

The NPPF advises at paragraph 175 that due consideration should be given to the protection of the natural environment when determining planning applications and that planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for. Paragraph 177 adds that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

An Ecological Assessment accompanies the application (Ecology Solutions) which has identified the level of natural habitats at the site and within the site margins and which contains details of the various surveys which have been conducted to establish the presence or absence of protected or priority species. A walk-over survey as part of a Phase 1 Habitat Survey conducted of the site in April 2020 established that the greater majority of the site is set to species poor grassland and ruderal vegetation which is of negligible nature conservation interest.

The assessment report states that there was no evidence of bat roosting within trees at the site, no evidence of dormice activity or of otter or water voles, albeit that the latter were found off-site, and no evidence of hedgehog activity. Suitable habitat for common reptiles

was found to be present within the site margins, and low populations of Common Lizard and Slow Worm were recorded within the site. The site is considered suitable for amphibians in the form of Great Crested Newts whereby ponds lie within 500m of the site. However, as no amphibians were recorded during the reptile surveys, Great Crested Newts are considered to be absent from the site. The Ecological Assessment therefore concludes that there is no overriding ecological reasons on the basis of the current evidence as to why the site could not be developed for its intended purpose.

Both Natural England and Place Services (Ecology) have been consulted on the application proposal whereby neither of these statutory consultees have raised any ecology objections based upon the information submitted whereby Natural England have commented that the proposal would not have significant adverse impacts on statutory protected nature conservation sites. Place Services have commented in their response dated 25 March 2021 that they note that the Fritch Way Local Wildlife Site is situated less than 10m to the south of the site and that it is noted that as a precaution it has been recommended within the Ecological Assessment accompanying the application that a CEMP be produced to ensure that potentially indirect adverse effects are avoided. In this respect, it should be noted that the proposed site layout plan shows the outside edge of the proposed perimeter banking to the parking areas for the logistics facility as being approximately 15m from the outside edge of the Fritch Way with existing woodland margins being retained, which is considered reasonable, albeit that a distance of 20m would be preferred.

Place Services are satisfied that there is sufficient ecological information available for determination, which provides certainty for the LPA of the likely impacts of the development on protected and priority species and their habitats and that with appropriate mitigation measures secured, which would be conditioned, that the development can be made acceptable. No ecology objections are therefore raised on this basis in accordance with the NPPF or under Policies ENV7, ENV8 and GEN7 of the adopted Local Plan.

It is noted that a cluster of existing trees within the proposed parking and banking zone are proposed to be removed to facilitate parking and circulation. However, existing trees and woodland outside of this zone are proposed to be retained and will provide a buffer to the north-east down to the south and south-east corner of the site. Additional tree and shrub planting would be undertaken to help augment the existing landscape margins and connect to the existing on-site woodlands.

No tree objections have been received to the proposal from the Council's Landscape Officer and therefore no objections are raised under Policy ENV3 of the adopted Local Plan.

Conclusion

The application is unacceptable in principle as the proposed development would have a significant impact on the character and appearance of the Countryside Protection Zone at this undeveloped location leading as it would to the urbanisation of an existing large open space which currently serves as an important development buffer between the M11 motorway and the remainder of Start Hill. Furthermore, the proposed access arrangements would not be acceptable to the local Highway Authority as the applicant has failed to demonstrate that the impact on the local highway network which would be caused by the proposal would be acceptable in terms of highway safety and capacity. The proposal would also be unacceptable in terms of heritage protection, design relating to aircraft safety, commercial parking standards and residential amenity protection.

As such, the proposal would be contrary to the NPPF and Policies S8, ENV2, ENV11, ENV13, GEN1, GEN2, GEN4, GEN5 and GEN8 of the Uttlesford Local Plan (adopted 2005) whereby the identified environmental harms which would be caused (adverse impacts) and also highway objections raised would outweigh the locational and economic benefits of the proposal put forward by the applicant meaning that there would not be a presumption in favour of sustainable development in the planning balance across the "three objectives" to be pursued in mutually supportive ways to achieve net gains when the NPPF (the Framework) is considered as a whole..

RECOMMEND: REFUSAL

Reasons for Refusal

1 The site lies outside development limits within an area designated as a Countryside Protection Zone (CPZ) within the Uttlesford Local Plan (adopted 2005). Policy S8 of the adopted local plan states that planning permission will only be granted for development within the CPZ that is required to be there or is appropriate to a rural area, adding that there will be strict control on new development. In particular, the policy states that development will not be permitted if either a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or b) it would adversely affect the open characteristics of the zone.

The site constitutes an integral part of the Countryside Protection Zone (CPZ) falling within CPZ Parcel 1 (Tilekiln Green) for the purposes of evaluation for the 'Uttlesford Countryside Protection Zone Study' (LUC, 2016) whereby the landscape value of the site is considered intrinsic to the maintenance of the function and integrity of the Countryside Protection Zone. The proposed development by reason of its nature and magnitude would have a significant adverse impact on the existing open character and appearance of the site by filling an open gap, whilst the cumulative effect of the site infrastructure proposed with any associated external lighting would significantly erode the integrity of the zone generally. Furthermore, the development by reason of the site's location would result in a sense of coalescence with the airport development whereby the mitigation measures proposed would not eliminate this sense.

The proposed development would therefore be contrary to Policy S8 of the Uttlesford Local Plan (adopted 2005).

2 As far as can be determined from the submitted plans the proposed road layout of Tilekiln Green and the B1256 could lead to an unacceptable conflict in the highway to the detriment of highway safety. In particular:

1.1. Whilst there is a 15m straight section back from the junction to be provided, it is in combination with a centre line radius that appears to be less than 44m given this junction is likely to be used extensively by articulated vehicles. Additional clarification is therefore required regarding the approach angle of the cab at the stop line on the B1256 to ensure that vehicles will not be encroaching over the centre line and footway and not be at an angle where visibility will be difficult to achieve.

1.2. Confirmation that the gradient at the junction will meet requirements of DMRB is required.

1.3. The road has a 7.5 tonne weight limit (accept for access). No measures have been shown to ensure that large vehicles do not turn right out of the site and contravene the ban.

1.4. A pedestrian crossing of the B1256 is shown to the west of the site entrance. Some aspects of this were raised in the safety audit, including conflict with a private access. The highway authority would want the conflict understood at this planning stage to ensure it is deliverable, so a swept path analysis should be undertaken. The desire line of the crossing is to the east of Tilekiln Green and so would be preferable if it were relocated to the east.

1.5. As identified in the safety audit, high PSV and HFS will be required by the highway authority on the approaches to the access.

1.6. The forward visibility splay to the repositioned directional sign should be shown on the plan.

The proposal as it stands is therefore contrary to the NPPF and Policy GEN1 a), GEN1 b) and GEN1 c) of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity.

3 The applicant has not demonstrated that a general use for B8 for which this permission would be granted would not lead to queuing at the junction of the B1256 and Tilekiln Road to the detriment of highway safety.

2.1. The highway authority is satisfied with the trip generation and distribution shown for this site. However, the permission will be for a general B8 use. A sensitivity test for a general B8 distribution site should be undertaken to ensure that there is no detrimental queuing on the B1256.

The proposal as it stands is therefore contrary to the NPPF and Policy GEN1 a), GEN1 b) and GEN1 c) of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity.

4 The applicant has not clearly demonstrated that the layout of the development will adequately accommodate the use on the site and will not lead to parking or manoeuvring on the highway to the detriment of highway safety.

In particular:

3.1. The parking bay sizes appear to be 4.8m by 2.3m. This is below the minimum size of 5m by 2.5m to be used in exceptional circumstances and not the preferred bay size of 5.5m by 2.9m.

3.2. It is not clear from the submitted plans how large HGVs will be able to turn within the site when there are other HGV vehicles parked.

3.3. The space for the cycle parking is limited. Fewer better designed cycle parking spaces would make them more attractive to users.

The proposal is therefore contrary to the NPPF Policy GEN1 a), GEN1 b) and GEN1 c) and Policy GEN8 of the Uttlesford Local Plan (adopted 2005) relating to highway safety and capacity and ECC adopted parking standards.

5 The proposed development would effectively enclose the Grade II listed building known as The Old Elm whereby the setting and rural character of this heritage asset has previously been compromised by modern development where the proposal site currently positively contributes to its setting by the presence of established mature trees and its undeveloped nature which preserves the heritage asset. In this context, Historic England's publication, "The Setting of Heritage Assets" identifies that the experience of the asset includes "surrounding landscape" and "land use", including environmental factors and general nuisance. Whilst screening is proposed for the development, it cannot be guaranteed to remain in perpetuity.

In the circumstances, the proposal would fail to preserve the special interest of the listed building contrary to S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1991 through inappropriate development in its setting whereby it would accordingly be contrary to Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and where the proposal would cause less than substantial harm under paragraph 196 of the NPPF.

6 The design of the proposed development by reason of the submitted landscaping scheme (potential for bird strike), a currently unacceptable lighting scheme and the absence of a submitted Glint and Glare Assessment would result in the proposed development having the potential to conflict with aerodrome Safeguarding criteria relating to the safety of flight for aircraft using Stansted Airport. The proposal is therefore contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) relating to appropriate and acceptable design.

7 National and local planning policy makes it clear that where existing residential premises are already exposed to high levels of noise, any future new development should avoid increase in the noise burden experienced by residents. The BS4142 assessment outcomes indicate a range from -25 to +2dB at noise sensitive receptors in the vicinity of the site. UDC technical guidance on noise recommends a BS4142 outcome of -5dB. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent and it is understood that acoustic fencing is proposed around the perimeter of the south of the site, with further palisade fencing proposed at other areas.

It is not clear from the submitted report as to the exact height of the proposed acoustic fencing and clarification is sought on this. Further, the applicant should provide further iterations of the undertaken noise modelling to include an increase in height and replacement of the palisade fencing with acoustic fencing to establish if this would result in any significant reduction in the BS4142 outcome to align closer with the Uttlesford District Council recommended BS4142 limit. As it currently stands, therefore, the proposal is contrary to the NPPF and ULP Policies ENV11, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to noise.

8 Uttlesford District Council Air Quality Technical Guidance requires that an air quality assessment is necessary for proposals that would significantly alter the traffic composition in an area (e.g. by more than 25 HDV's AADT), including during the construction phase. Therefore, an AQ assessment should be provided by the applicant in conformance with section 4 of the above guidance for the operational phase and construction phase as required. As it currently stands, therefore, the proposal is contrary to the NPPF and Policies ENV13, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to air quality.

9 A lighting assessment will be required to determine the impact of proposed operational and security lighting at the site. The assessment should include details of the location, height, type and direction of light sources and intensity of illumination and demonstrate compliance with Table 3 of the Institute of Lighting Professional Guidance note for the reduction of obtrusive light. Therefore, until this requested assessment information has been provided, the Local Planning Authority is not in a position to make a fully informed judgement regarding the environmental impact and effect of the proposal relating to lighting.

The proposal is therefore contrary to the NPPF and Policies GEN2, GEN4 and GEN5 of the Uttlesford Local Plan (adopted 2005) relating to potential impacts on residential amenity relating to lighting.

Informative(s):-

1 Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an ENFORCEMENT NOTICE, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an ENFORCEMENT NOTICE is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to REFUSE planning permission for a HOUSEHOLDER (HHF) application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a MINOR COMMERCIAL application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an ADVERTISEMENT, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (for those not specifically mentioned above).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

- 2 The local planning authority has taken into account all the relevant material planning considerations, has considered the possibility of negotiating revised plans or imposing conditions. However, the proposed development is considered unacceptable in principle and in matters of detail as cited in the LPA's decision notice.

Authorising Officer and date:

Nigel Brown
26 May 2021