



UTTLESFORD DISTRICT COUNCIL

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Dated:26 May 2021

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/21/0332/FUL
Applicant: FKY Limited

Uttlesford District Council **Refuses Permission** for:

Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities. at Land At Tilekiln Green Start Hill Great Hallingbury CM22 7TA

The refused plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
NC18.446-1VA01A	Location Plan	11/02/2021
NC18.446-P202 A	Landscape Details	11/02/2021
PL_001 REV 6	Block Plan	11/02/2021
PL_002	Other	11/02/2021
PL_003	Location Plan	11/02/2021
PL_004	Landscape Details	11/02/2021

Permission is refused for the following reasons:

- 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.

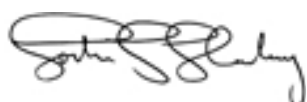
It is not clear from the submitted report as to the exact height of the proposed acoustic fencing and clarification is sought on this. Further, the applicant should provide further iterations of the undertaken noise modelling to include an increase in height and replacement of the palisade fencing with 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.

In determining this application, the Local Planning Authority had regard to the following Development Plan 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		



Gordon Glenday
Assistant Director Planning

Notes:

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.