

# Agenda Item 6



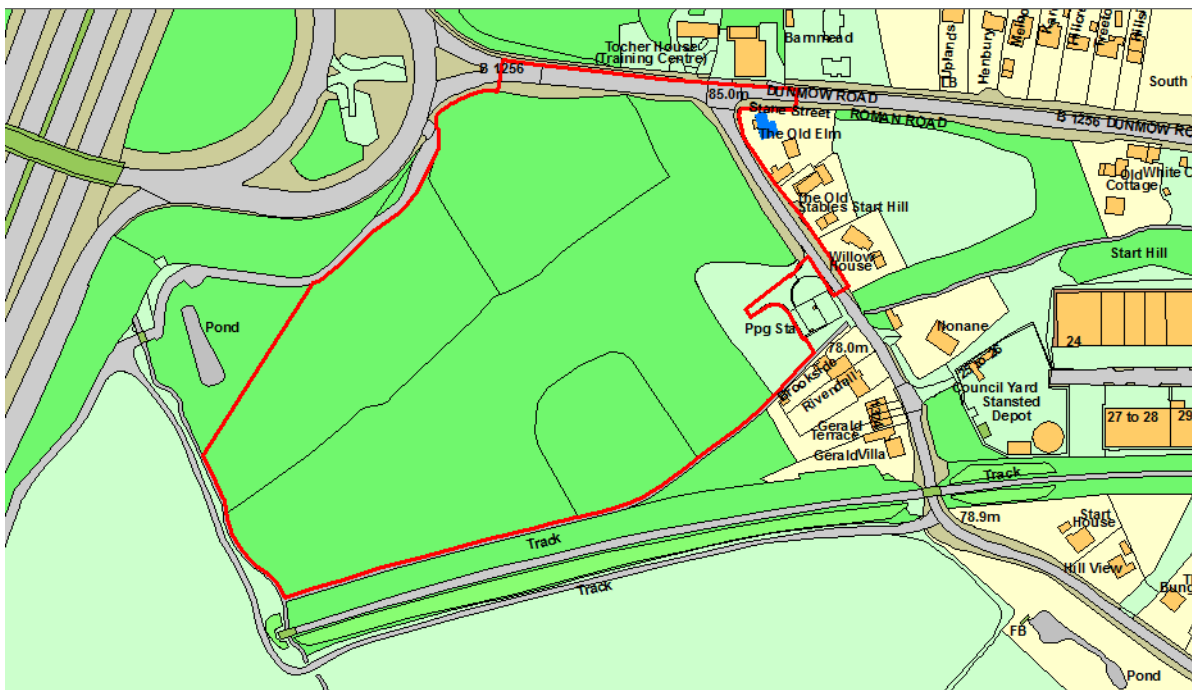
**ITEM NUMBER:** 6

**PLANNING COMMITTEE DATE:** 8 February 2023

**REFERENCE NUMBER:** UTT/22/0267/FUL

**LOCATION:** Land At Tilekiln Green  
Start Hill  
Great Hallingbury

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 26.01.2023

**PROPOSAL:** Development of site to create an open logistics facility with associated new access and ancillary office with amenity facilities

**APPLICANT:** FKY Limited

**AGENT:** Mr Richard Norman

**EXPIRY DATE:** 22 June 2022

**EOT Expiry Date** 14 February 2023

**CASE OFFICER:** Mrs Madeleine Jones

**NOTATION:** Outside Development Limits. Countryside Protection Zone (CPZ). Part within Flood Zone 3. Within 2km of SSSI. Within 20m of Flitch Way (Local Wildlife site). Within 6km Stansted Airport. Adjacent to Listed Building.

**REASON THIS APPLICATION IS ON THE AGENDA:** Major Application

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## **1. EXECUTIVE SUMMARY**

- 1.1** The application is for an open logistics facility where storage containers are decanted from larger vehicles onto smaller ones, to be located within the Countryside Protection Zone in Great Hallingbury.
- 1.2** The application site covers an area of 5.12 hectares of which 3.02 hectares is proposed to be developed. The remainder (around edge of site) will remain as woodland or areas of open land where new tree planting is proposed. The open logistics facility will comprise mainly an area of hardstanding for heavy goods vehicles (maximum 80) and lorries and cars (107 spaces)
- 1.3** This application follows a similar previous application UTT/21/0332/FUL which was refused on 2.05.2021 for 9 reasons including countryside harm, highways conflict, harm to heritage assets, potential harm to aerodrome safety and amenity harm.
- 1.4** Highways England and ECC Highways now have no objections to the proposals. Additional information has been submitted to overcome other

reasons of refusal. Notwithstanding the proposal remains contrary to the aims of Uttlesford Local Plan Policy S8 and Uttlesford Local Plan Policy ENV2. This is a matter that has been considered in the planning balance

- 1.5 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.
- 1.6 Wren kitchens are an existing employer in Uttlesford and if approved this application would result in a major employer staying in the district. They have actively been looking for a suitable site in the district for the last three years. There is a shortage of suitable commercial employment land in the district.
- 1.7 It is concluded on balance, that the proposed development subject to conditions, that the benefits of granting planning permission would significantly and demonstrably outweigh the identified impacts of the proposed development.

2. **RECOMMENDATION**

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site lies 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 Fritch Way (former railway line), on its east side by Bedears 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 Fritch 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
- 3.2 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 has been converted for residential use 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 Flich 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.

#### **4. PROPOSAL**

**4.1** The proposal is for the creation of an open logistics facility with associated new access and ancillary office with amenity facilities.

**4.2** The site will be used as a transfer point where by storage containers would be decanted from larger vehicles onto smaller one through demountable operations which will in turn transport these containers to local markets

**4.3** Other on-site facilities will include parking for drivers and porters and two small portacabin office/amenity facilities.

**4.4** There would be a maximum potential for parking of 80 Heavy goods Vehicles and parking spaces for 107 cars to include 6 disabled parking spaces.

**4.5** To the north-eastern boundary 1.8m palisade fencing is proposed, and to the south-eastern side of the site where the car parking is situated, acoustic close boarded fencing is proposed.

**4.6** In order to facilitate the movement of Heavy goods vehicles, it is proposed to realign the northern part of Tilekiln Green Road and widen the Ba1256 to the south.

**4.7** A new access will then be created onto the realigned Tilekiln Green Road to form the main access to the site.

There would be extensive new planting of trees, including woodland to the east of the site, either side of the proposed access onto Tilekiln Green road.

**4.8** The application is supported by the following documents:

- Acoustics Report
- Air Quality Assessment
- Archaeological Desk Based Assessment
- Biodiversity Checklist
- Bird Strike Hazard Management Plan
- Design and Access Statement
- Ecological Assessment
- Economic Report
- External Lighting Strategy
- Flood Risk Assessment
- Heritage Impact Assessment

- Landscape and Visual Appraisal
- Planning Statement
- Solar Photovoltaic Glint and Glare Study
- Suds checklist
- Transport Assessment

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

**5.1** The proposed 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**

| <b>Reference</b> | <b>Proposal</b>   | <b>Decision</b>    |
|------------------|---|--------------------|
| UTT/2113/06/FUL  | 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  | AC                 |
| UTT/21/0332/FUL  | Development of the site to create an open logistics facility with associated new access, parking areas and ancillary office and amenity facilities.   | Refused            |
| UTT/22/0434/FUL  | Outline application for demolition of existing structures and redevelopment of 61.86Ha to provide 195,100sqm commercial / employment development predominantly within Class B8 with Classes E(g), B2 and supporting food retail/ food/beverage/nursery uses within Classes E (a), E(b) and E(f) and associated access/highway works, substation, strategic landscaping and cycle route with matters of layout, scale, appearance and other landscaping reserved | Pending            |
| UTT/20/1098/FUL  | 15 dwellings and 6 affordable.  | Allowed at appeal. |

## **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1** No relevant pre-planning history, although an exploratory preapplication 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).

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

### **8.1 Highway Authority**

- 8.1.1** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112,
- 8.1.2** The following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures. The application includes changes to the highway, in the form of a revised junction layout at Tile Green and the B1256
- 8.1.3** Internal consultation has taken place between highways officer, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken.
- 8.1.4** Following the various reviews, a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.
- 8.1.5** The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened, and junction straightened up.
- 8.1.6** These changes would remove current points of conflict on the highway. It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the

morning and afternoon peak period so will not affect the highway when least capacity is available.

#### **8.1.7**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions – see appendix 1:

### **8.2 National Highways**

**8.2.1** No objection. Our review of the revised Transport Assessment shows that the level of trip generation is broadly the same as per the previously reviewed submission from January 2021. Our review of the earlier Transport Assessment raised some points that were then resolved through the provision of additional information, following which we removed our holding objection. Given that the trips haven't increased, and the developed area appears to be slightly less than in the previous application, we believe that there is no reason to object to this proposal.

### **8.3 Local Flood Authority**

**8.3.1** Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object.

### **8.4 Environment Agency**

**8.4.1** No objections to the proposed development.

### **8.5 Natural England**

**8.5.1** No objection.  
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

## **9. Parish Council comments.**

### **9.1 Little Hallingbury Parish Council**

**9.1.2** Strongly object to this planning application.

The proposal for a large logistics hub operating 24/7 adjacent to residential housing in Tilekiln Green, Great Hallingbury is detrimental to the locality and would significantly increase traffic.

A proportion of the additional traffic would travel through the villages of Great Hallingbury and Little Hallingbury, along narrow rural lanes, without pavement for the large part, with pinch points which are not wide enough for two vehicles to pass. This would cause significant noise and pollution issues for residents; safety issues for motorists, cyclists, farm traffic and



pedestrians alike; as well as verge and carriageway erosion leading to potholes.

- 9.1.3** Little Hallingbury is already a cut through to the M11 and suffers from a high volume of speeding traffic and accidents along the A1060. With all the increased traffic, particularly HGV's, that will be going to and from the proposed site additional strain will be put on the main road through our village. The narrow lanes of Little Hallingbury are already suffering verge erosion and recent diversions through these lanes have added significantly to this and proved that they are not suitable for increased volumes of traffic, which will only exacerbate the problem.

Tilekiln Green, Great Hallingbury is entirely the wrong place for a large 24/7 logistics hub and the village, and its surrounds should not be allowed to be blighted by such.

## **9.2 Great Hallingbury Parish Council**

- 9.2.1** Strongly object to the above planning application for the following reasons:

The current infrastructure could not support the increased traffic this development would bring. The junction at Start Hill with the B1256, and its close proximity to the M11 roundabout (Junction 8) already sees much traffic build up from the roundabout and back along Stane Street. This means drivers often divert through the village. The speed and weight of traffic means our roads and verges suffer much erosion, and an increase in traffic would exacerbate the situation.

- 9.2.2** It will also have a huge impact at the other end of the village with the junction of Church Road and the A 1060 and, as travellers deviate their journeys, it will inevitably send more traffic past Howe Green House School (currently under concern because of speeding traffic issues), across Woodside Green and down New Barn Lane, again in an attempt to circumvent the traffic build up that would transpire should this application go ahead.

## **9.3 Takeley Parish Council**

- 9.3.1** Takeley Parish Council strongly objects to this proposal for the following reasons:

- 1) Conflict with Policies S7 and S8.

The Countryside Protection Zone was established by Uttlesford District Council following the report by Sir Graham Eyre QC in 1984. ('Airport Inquiries' 1981-83). The Council developed the CPZ planning policy to limit the physical size of the airport and to maintain an area of open countryside around the airport, reinforcing normal planning controls on development within the countryside. The Uttlesford Local Plan (adopted 1995) made reference to the CPZ as follows:

**9.3.2** The priority within this zone is to maintain a local belt of countryside around the airport that will not be eroded by coalescing developments.

The CPZ boundaries have not changed since it was designated, except around Elsenham where the boundaries were modified to reflect Local Plan housing allocations. The main developments within the CPZ in the last 20 years have been the construction of the A120 through the area, the extension of the Elsenham Jam Factory (a long-established Local Plan designation to allow expansion, treated as an exception to the CPZ to support the rural economy) and some minor changes in the Takeley area. This policy was last reviewed in 2016 with no boundary changes recommended.

The principles and objectives of the policy remain valid today. The site for this proposal lies in Parcel 1 Tilekiln Green. The landscape is open and land use includes large arable fields with a small, wooded area around the motorway junction.

**9.3.3** Development around the northern edge of this parcel will severely compromise the openness of this area and will introduce a greater sense of unnecessary industrialisation. This area within the CPZ contains the characteristics of the countryside with very limited urbanising elements.

**9.3.4** 2) GEN1 - Traffic congestion  
At junction 8 there is often traffic tailing back along the B1256 at peak times. The application by Wren Kitchens indicates that there will be upwards of 500 vehicle movements a day. Given that this will involve a significant number of heavy vehicle movements it will only exacerbate the traffic problems.

**9.3.5** Other comments.

The introduction of a significant industrial site in this at this location with the consequential increase in noise, light pollution and vehicle emissions suggests that this will severely impact on the local residents.

It is interesting to note that some 20 years ago an application to use 3 existing bedrooms for bed and breakfast purposes was rejected by UDC as well as on appeal. (UTT/1148/01/FUL). Among the reasons for refusal given by UDC at the time were: 'The proposal fails to comply with the above policy (Policy S4 of the adopted District Plan) as it would give rise to additional traffic travelling through the surrounding countryside and parking at the site both during the day and night. This traffic and the noise and disturbance associated with the parking would be an alien feature in the rural area which would harm the character of the Countryside Protection Zone. This proposal fails to comply with the above policy (DC14 of the adopted District Plan) as it would give rise to a level of traffic and noise associated with the parking and turning of vehicle, both during

the day and night, would harm the general living conditions of occupiers and general living conditions of neighbours.’

Takeley Parish Council supports the objections made by Great Hallingbury Parish Council. In conclusion we contend that this proposal is not appropriate for this site as it will have an adverse impact on the openness and character of the local countryside and would lead to an unnecessary addition of built form and further urbanisation of this area.

#### **9.4 Great Hallingbury Parish Council 27 (additional comments June 2022)**

##### **9.4.1** As the Customer Care and Social Value Manager for Sisk, who are the main contractor on the M11 Junction 8 (including A120 West) on behalf of Essex County Council points out:

‘The area around Junction 8 of the M11 is increasingly congested and lacking capacity at peak times. Planned developments in the north of Bishop’s Stortford and local growth planned in East Herts and Uttlesford will lead to an increasing amount of traffic using the junction in the years ahead as London Stansted Airport continues to grow.’

The planning Department or those making decisions should be aware of this and take this into account when granting permission for any future planning applications especially with planning application UTT/22/0267/FUL Land at Tilekiln Green, Start Hill (Creation of an open logistics facility with associated new access and ancillary office with amenity facilities).

## **10. CONSULTEE RESPONSES**

### **10.1 Place Services - Archaeology**

#### **10.1.1** Recommendation Archaeological evaluation and excavation.

The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development.

#### **10.1.2** A Desk Based Assessment was undertaken on the area of the proposed development is comprehensive and identifies the archaeological potential as high for Romano-British and post-medieval remains, a moderate

potential for prehistoric and moderate to high for medieval remains. However, following ongoing excavations in the adjacent field evidence of early medieval activity as well as a probable insitu tile kiln have been identified. This application site would therefore also have a high potential for below ground remains of early medieval/ medieval date. The proposed development is situated therefore within an area of known archaeological potential and any preserved archaeological remains will be impacted by the proposed development. Therefore, a phased condition for archaeological evaluation and excavation is recommended.

An archaeological brief will be produced by this office detailing the archaeological work required. A recognised professional team of archaeologists should undertake the works.

## **10.2 UDC Environmental Health**

**10.2.1** 9<sup>th</sup> May 2022 This service has reviewed the details and information provided. The site is located close to Stansted Airport and the M11 motorway and therefore is subject to relatively high levels of existing transportation noise. There are no objections in principle to this development subject to the following comments and proposed conditions.

### **10.2.2 Noise**

In making this response the Noise Assessment report submitted by Sharps Acoustics dated 21 January 2022 in support of this application has been reviewed. This is an update of a previously submitted report dated January 2021 to evaluate the potential noise mitigation measures to achieve acceptable noise levels at the existing noise sensitive dwellings.

**10.2.3** The report notes that the proposed layout of the site, as shown in Figure B1 in Appendix B, has changed and that the key difference from a noise perspective is that the area closest to eastern edge of the site (where the nearest noise sensitive dwelling is located) has been removed entirely from the design.

**10.2.4** The noise model has been re-run with the most up to date vehicle flow numbers and noise source data and the new site layout and predicted rating noise levels for three of the closest noise sensitive receptors and shows that BS4142 assessment outcomes indicate a range from -25 to +2dB. Whilst all predicted rating levels would be below the background level at all times of day and night they are above the desired target of 5dB below background, as given in the Councils technical guidance on noise, between the hours of 04.00 – 06.00 when the background levels are lower and the key impacts from the development's traffic movements are likely to be during night-time periods with a peak hour at around 05:00. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent.

**10.2.5** 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 modelling assessment has been based on the provision of a “2.4m close boarded sound retardant fence” as detailed in drawing no PL1001 in Appendix B of the report. Further to this, iterations of the noise model could be done to include an increase in height and type of acoustic barrier to establish if this would result in any significant reduction in the BS4142 outcome to align closer with the UDC recommended limit. However, it is noted that a higher barrier was previously considered which would have resulted a further reduction in noise levels but was considered unacceptable due to its adverse visual impact and that strict adherence to the desired 5dB below background requirement may not be required, if it can be demonstrated that all reasonable steps have been taken to mitigate the noise generated from the site.

**10.2.6** The location and specification of any acoustic barrier should be agreed in writing by the Local Planning Authority and secured by an appropriate condition.

**10.2.7** Furthermore, in view of the scale of the development as proposed, it is recommended that a Construction Environmental Management Plan is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated.

**10.2.7** Air Quality

This service is satisfied with the submitted Air Quality Assessment by Fichtner dated 21 January 2022 which concludes that the development will not have a significant impact on local air quality.

The report proposes dust mitigation measures in Appendix C (which could be incorporated into the CEMP) and operational mitigations in Section 8 which should form part of this permission, if granted, including the provision of a travel plan.

**10.2.8** External Lighting

In making this response the External Lighting Strategy undertaken by FKY Limited ref US/10398/LSR - 01 dated 12.10.20 has been reviewed.

The proposed lighting scheme is given and detailed on drawing KTA Drawing Number: 10398-EXT-01 dated ‘April 2021.

This service is satisfied that should the external lighting be designed and installed in accordance with the submitted details the proposal is acceptable.

**10.2.9** Additional comments (10<sup>th</sup> November 2022)

The parking bays nearest to Brookside are EV parking bays, EVs are quieter than combustion engine vehicles, so the vehicle noise should be reduced as a consequence. A 2.4-metre-high close boarded sound retardant fence is also proposed to surround the car park and EV charge points nearest to Brookside to further reduce any impact.

There are no details of what charge points are proposed and what noise impact could be expected from them. It is not apparent that this potential noise source was included in the acoustic assessment. Therefore, the developer should provide these details (and any other plant not previously considered) in consultation with the acoustic consultant. A BS4142:2014 assessment should be completed to confirm what the worst-case noise impact could be on nearby noise sensitive receptors.

A condition has been recommended to ensure light pollution is minimised. An air quality assessment has also been completed; this shows there will not be a significant impact. Impacts during construction will be mitigated, details of how will be incorporated into a CEMP.

No comment can be provided in relation to whether the proximity of the oil tank and charge points is safe or not. It would be expected this would be investigated by the district Network Operator at the detailed design stage for the installation of the electrical supply, to ensure that any electrical supply installed posed no safety risk to future users

### **10.3 UDC Landscape Officer/Arborist**

**10.3.1** The proposal site is within the Countryside Protection Zone (CPZ). The main objectives and requirements of the CPZ remains valid: to maintain a local belt of open countryside around the airport which will not be eroded by coalescing development. Policy 8 of the Local Plan states: The area and boundaries of the Countryside Protection Zone around Stansted Airport are defined on the Proposals Map. In the Countryside Protection Zone planning permission will only be granted for development that is required to be there or is appropriate to a rural area. There will be strict control on new development. In particular, development will not be permitted if either of the following apply:

- a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside.
- b) It would adversely affect the open characteristics of the zone.

**10.3.2** The CPZ was revisited in a report (dated June 2016) commissioned by UDC from Land Use Consultants Ltd (LUC). The application site under consideration falls within Parcel 1 of the study area. The LUC report cemented the view that the whole of Parcel 1, including the current application site should be retained within the CPZ designation.

**10.3.3** The proposed development would have a significant detrimental visual impact on the open rural character on a substantial area of the zone.

The revised planting scheme (Dwg no. C18-446.P204 rev B) provides extensive new woodland buffer areas with an appropriate planting density and native species mixture. The additional proposed planting of common hornbeam hedging to the frontage with Tile Kiln Road is again considered appropriate to achieve additional screening.

**10.3.4** My previous comments of 20<sup>th</sup> June 2022 remain, however, the planting proposals would provide a level of mitigation. In the CPZ planning permission will only be granted for development that is required to be there or is appropriate to a rural area.

**10.3.5** Additional comments (27<sup>th</sup> October)

**10.3.6** The proposed common hornbeam trees along the TileKiln Green Road are considered appropriate

#### **10.4 Place Services (Conservation and Heritage)**

**10.4.1** The application site forms the immediate setting of Grade II listed The Elm (List UID: 1101606), a sixteenth century timber-framed building of special architectural interest. The inherent setting of the listed building comprised a dispersed settlement of farmsteads within vast rural landscape, which is attributable to its character.

Regrettably, the wider setting of the listed building has been impinged upon by the introduction of M11 in the 1960s and later developments following the closure of the railway line through Dunmow significantly altered its immediate setting. A number of earlier buildings in the vicinity, which formed a historic built environment centring The Elm, have also been lost. Within such a context, the proposed development would further encroach upon the remaining open surrounding of the listed building to exacerbate the harm and it would be subsumed by modern developments all around.

Severing this last link between the building and its original setting would be a negative change. It is important to note that where the significance of a heritage asset has been compromised in the past by unsympathetic development, consideration still needs to be given to whether additional change will further detract from the significance of the asset in order to accord with NPPF policies<sup>1</sup>. Proposed development, including 2.4m tall extensive timber boarded boundary fence, would form an incongruous backdrop in the views of The Elm from Dunmow Road and adversely affect the views out of the asset towards the south and west.

Therefore, having special regard to the desirability of preserving the setting of The Elm, I am unable to support the application. The proposal, in my opinion, would lead to low level of 'less than substantial harm' to the

significance of the listed building by unsympathetically encroaching upon the last remaining section of its original setting, therefore subject to Paragraph 202 of the NPPF. Whilst the scale of harm may low, great weight should be given to the asset's conservation (Paragraph 199) and clear and convincing justification is required under Paragraph 200.

## **10.5 Place Services (Ecology)**

**10.5.1** No objection subject to securing biodiversity mitigation and enhancement measures.

**10.5.2** Summary:

We have reviewed the Ecological Assessment (Ecology Solutions, January 2022), Bird Hazard Management Plan (Ecology Solutions, February 2022), External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) and Landscape proposals, drawing no. NC18.446-P204 Rev b (Nigel Cowlin Landscape Assessment & Design, June 2022) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

**10.5.3** The mitigation measures identified in the Ecological Assessment (Ecology Solutions, January 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly mobile mammal species, bats, nesting birds and invertebrates.

In addition to the above, protective measures to be used during the development of the site should be detailed within a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) and secured by a condition of any consent. This should include the protection of the Flich Way LNR, LoWS and Country Park, as well as the protection of the adjacent streams and Water Vole within them. The CEMP: Biodiversity will also detail the proposed removal of Variegated Yellow Archangel from the site.

Given the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)) and suitable terrestrial habitats are present in close proximity to the site, it is considered possible that GCN will be present. GCN should therefore be considered as part of this planning application, however, due to the habitats to be impacted by



the proposed development, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage, including storage of materials. This precautionary method statement can be included within the CEMP: Biodiversity and should be secured by a condition of any consent.

- 10.5.4** We are generally satisfied with the proposed mitigation strategy for reptiles on site, given the limited suitable habitat and low number of reptiles seen during the survey. We do not consider there to be sufficient detail in relation to how reptiles will be protected during the construction phase from entering site. A finalised reptile mitigation strategy should be supplied, giving these further details.

This should be secured by a condition of any consent.

In relation to the lighting strategy, given the use of LEDs on site, it is not considered the External Lighting Spill Level Plot, drawing no. 10398-EXT-02 (KTA, April 2021) accurately reflects the true lighting spill as LEDs generally do not give off spill behind the lamp. If the lighting spill plan submitted is accurate, then light spill on the existing woodland and proposed woodland, tree and shrub planting will need to be reduced to below 1 lux to be considered acceptable, for example by the use of shields.

- 10.5.5** A finalised lighting strategy displaying the revised light spill following the comments above should be secured by a condition of any consent.

We support the proposed reasonable biodiversity enhancements including the installation of bat boxes, bird boxes, log piles, hibernaculum and insect boxes as well as new native planting, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. The new native planting (including new woodland, tree and shrub planting) should be managed to benefit wildlife. It is recommended that the management of these new and the retained habitats are outlined in a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to conditions based on BS42020:2013.

**10.6** **ECC Minerals and Waste**

- 10.6.1** No comment

**10.7** **NATS Safeguarding**

**10.7.1** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## **10.8 Flitch Way Action Group**

**10.8.1** I am the Uttlesford area representative of Essex Bridleways Association and the secretary of the Flitch Way Action Group, registered charities dedicated to developing and preserving safe off-road routes for horse riders, walkers and cyclists. The Flitch Way Action Group is working to reconnect the separated sections of the Flitch Way through Dunmow and to create a safe off-road link from the severed end of the Flitch Way at Start Hill into Bishops Stortford. This project is a key part of the Great Dunmow Neighbourhood Plan. It is supported by Uttlesford District Council, Essex County Council and national walking cycling and equestrian organisations.

**10.8.2** Sections of the new bridleway through Dunmow are already complete and others are enshrined in the planning documents for future developments. The Flitch Way is a designated local wildlife site and nature reserve: a haven for flora and fauna and a much valued resource for people to enjoy the peace and tranquillity of the Essex countryside. Linking the severed sections will provide a safe and sustainable option both for leisure and for walking or cycling to school and work.

**10.8.3** I object to this application. The proposed site currently has a rural aspect in keeping with the Flitch Way on its southern boundary and the fields beyond. The site is visible from the Flitch Way. A lorry park with heavy goods vehicles coming and going, loading and unloading, the associated air and noise pollution; engine noise, reversing alarms, would be incongruous and entirely out of character with the surroundings.

**10.8.4** Access to the Flitch Way is via Bedlars Green Road aka Tilekiln Green, a narrow country road. Horse riders, walkers and cyclists use Tilekiln Green to get onto the Flitch Way and via the Flitch Way to enter Hatfield Forest. It will pose a real danger to life for vulnerable road users to be confronted with large HGVs on such a narrow road.

**10.8.5** The Transport Assessment states that the site is within cycling distance of Bishops Stortford and that the site is connected to Braintree via the Flitch Way. Neither of these statements is true. To make them so would require reconnecting the Flitch Way through Dunmow and the creation of a new route from the Flitch Way where it terminates at the southwest end of the application site into Stortford. There is potential for a route into Stortford across the fields and via the tunnel under the M11 south of Junction 8. If this application is allowed, I would ask for permission to be given conditional upon a requirement that the applicant contribute to the costs of creating this safe route for all non-motorised users. This would

go some way to compensating local people for the increase in lorry traffic, pollution , noise etc and would also mean that the site could be accessed on foot and bicycle not just from Takeley but also from Stortford and from Dunmow and Braintree.

- 10.8.6** If this planning application is successful, I ask that There be no access to the site from the south.

All vehicles leaving the site to turn left towards the B1256. All vehicles entering the site do so via a right turn from the B1256 That the applicant provide a buffer zone of a minimum of 20 metres and preferably more between the Flitch Way and the site, to be landscaped as advised by Essex Country Park Rangers that the site include visitor parking provision for people wishing to use the Flitch Way.

## **10.9 Thames Water**

### **10.9.1 Waste Comments**

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this. To discuss the proposed development in more detail, the applicant should contact Developer Services - <https://www.thameswater.co.uk/developers>

- 10.9.2** Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

- 10.9.3** The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

- 10.9.4** Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

- 10.9.5** The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that any occupied premises should be located at least 20m away from the pumping station as highlighted as best practice in our Codes for Adoption. The amenity of those that will occupy new development must be a consideration to be taken into account in determining the application as set out in the National planning Policy Framework (NPPF) 2019 at paragraphs 170 and 180. Given the close proximity of the proposed development to the pumping station we

consider that it is likely that amenity will be impacted and therefore object. Not with standing this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that the following informative is attached to the planning permission: “The proposed development is located within 20m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Codes for Adoption (<https://www.thameswater.co.uk/developers/larger-scale-developments/sewers-and-wastewater/adopting-asewer>). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.”

## **10.10 MAG Aerodrome Safeguarding officer**

**10.10.1** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no objection subject to conditions.

## **10.11 National Trust**

**10.11.1** The National Trust own and manage Tilekiln Green, a historic green that sits to the south of the proposed site. The Trust also own and manage Hatfield Forest, which sits further to the east of the proposed site.

The Trust have carefully reviewed the documents associated with this proposal and feel that our previous comments in relation to application UTT/21/0332/FUL have not been adequately addressed. Therefore, we wish to re-iterate these comments as we feel they are still pertinent to the current application.

**10.11.2** The Trust are concerned that there has been previous damage to the gates at the National Trust’s Hatfield Forest when Heavy Goods Vehicles (HGVs) have been unable to pass under the bridge at Bush End Road and we are concerned that this will increase in frequency as a result of this proposal, if there are future closures of the M11 junction.

The entrance to the proposed development appears to be accessible from the south via Tilekiln Lane which is a narrow road, connected to a number of other narrow lanes.

**10.11.3** Historically when HGVs have followed diversions to avoid congestion on the M11, they have attempted to take this route and found that Fritch Way Bridge is too low to get to Start Hill (the entry point of the proposed development), then have to reverse a significant distance to the nearest track to turn.

This track immediately borders the National Trust land at Tilekiln Green and is too narrow for HGVs, particularly when reversing and coming across traffic travelling in both directions.

There have been a number of occasions when significant damage to the historic green boundary has had to be reinstated at cost to the National Trust. We are concerned that with the higher volume of traffic, as a result of this proposed development, that there would be a higher risk of continued damage occurring. Consequently, the historic integrity of Tilekiln Green is at risk of being permanently eroded, particularly during wetter months in the autumn and winter.

- 10.11.4** The Transport Assessment submitted with this application indicates in tables 5.3 and 5.4 that only 4% of staff traffic will use Tilekiln Lane South and that no HGV traffic is likely to take this route. The National Trust would be keen to receive reassurances from the applicant that HGVs will be instructed not to use Tilekiln Lane South as it is unsuitable for such large vehicles.
- 10.11.5** Policy GEN1 of the Uttlesford Local Plan (2005) states that development will only be permitted where “the traffic generated by the development must be capable of being accommodated on the surrounding transport network”. The National Trust would request that should the Local Planning Authority be minded to approve this application, that prior to approval they satisfy themselves that sufficient measures have been taken to safeguard Tilekiln Lane South from additional HGV traffic.
- 10.11.6** Furthermore, the National Trust are concerned that there is evidence to suggest that the veteran trees and their resident species at Hatfield Forest National Nature Reserve and Site of Special Scientific Interest are sensitive to nutrient enrichment resulting from elevated NOx pollutants from both air and road traffic. Whilst Hatfield Forest is considered within the Ecological Assessment, the National Trust would request that the Local Planning Authority are satisfied that the conclusion that this proposal would not have a “significant adverse effect on the statutory site due to the nature of development (non-residential) and the intervening distances” is an appropriate conclusion, prior to the determination of this proposal. The National Trust would support further mitigation measures from the applicant to further reduce the impact on Hatfield Forest.

## **11. REPRESENTATIONS**

**11.1** Site notice/s were displayed on site and 365 notifications letters were sent to nearby properties. 229 representations have been received.

### **11.2 Summary of objections:**

- Highway Safety
- Increase in residential traffic
- Lack of public transport
- It seems ironic that the Government have spent untold millions on junction 7A of the M11 in order to alleviate congestion at J8 of the M11 and yet here we have a scheme proposing to return the junction to the very congestion J7a is designed to alleviate

- Impact on M11 roundabout and surrounding roads.
- Impact on Biodiversity
- Light, exhaust, air pollution
- Noise and traffic pollution
- Impact on Flitch Way
- On the opposite side of the roundabout is the Birchanger services and Uttlesford Highways depot which would be a preferable side for the location if it was necessary
- Constantly turning HGV's will create an extremely dangerous and congested area. Local residents already have to queue for up to 30 minutes during rush hour to get onto the M11 roundabout.
- The roundabout works ongoing will not improve the Start Hill junction capacity at all.
- Recently with fuel shortages there has been several incidents of vehicles queuing for some distance to access this Esso facility which is also a grave danger to other traffic.
- No benefit to local community
- Cumulative impact
- Destroying the local landscape. Wren kitchens have illegally cut down trees and endangered local wildlife
- It's a disgrace that the site was cleared before having a biodiversity survey
- Impact on Biodiversity
- Health risk. Studies have shown traffic noise during sleep can increase the risk of early onset dementia. This also increases the pollution in the area causing lung and breathing issues
- Housing Developments in Takeley and Dunmow will increase the residential traffic needing to access the road network. It cannot be allowed that local residents accessing vital networks such as the M11 and A120 have to queue for unreasonably long periods of time to allow lorries to exit and turn into an unnecessary lorry park
- Contrary to Local plan
- There is no demonstration of any requirement for this development to be within this location!
- this application will create misery, gridlock and pose a significant health & safety risk for residents, road users and wildlife over a considerable distance, but especially for those living nearest the site
- Effort needs to be made to ensure the correct sites are chosen for expansion, this is not one of them.
- Inappropriate development for the location
- Impact on character of the area
- Impact on Bedlars Green
- Loss of amenity
- Climate Change
- Loss of green belt
- Surveys were not carried out on appropriate days/weeks/months
- It was established in 2016 (UTT/16/0956/PA) that the principle of changing the use of this site for commercial use was contrary to local and national policies due to its countryside location

- Sheer folly
- National and local polices must be upheld!
- Inadequate infrastructure
- The biodiversity and ecological report was done AFTER wren had flattened the land
- Not taken into consideration two new houses built directly opposite their proposed new entrance
- the noise study was carried out during lockdown when Stansted airport was not operating and there was next to no traffic on the B1256 or M11.
- impact on privacy
- not environmentally friendly
- In 2019 UDC declared a climate emergency so for UDC to support this application would be totally going against what they purport to stand for, i.e concreting over a beautiful green space enjoyed by an abundance of wildlife.
- Impact on character and setting of Listed building
- Connection to utilities (water/power) - systems not intended for extensive development
- Once the logistics centre has been established, what guarantees do we have that the promised "landscaping" will be done, and that they will accurately monitor the air quality and traffic
- Movements
- Loss of wildlife and trees
- Loss of green space
- Impact on flitch Way Part of what makes the Flitch Way so special is the surrounding rural landscape. It is under increasing pressure from development, and proposals like this will change its character forever. In the last 2 years there have been applications to build around 6,000 houses or commercial development across 17 sites directly adjacent to the Flitch Way.  
The proposed development site as seen from the Flitch Way, has a rural character which would be lost if the site was developed.
- I would draw your attention to two recent Planning Appeals. The first was to build 1500 houses on
- Land North and South of the Flitch Way in Braintree District, reference APP/Z1510/W/18/3197293.
- On 13 June 2019, the Secretary of State agreed with the Planning Inspector's conclusions and recommendation and dismissed the Appeal. One of the key reasons quoted was "that the proposal would cause harm to the character and appearance of the area, including a residual effect of major-moderate significance in the wider Landscape Character Area A12, and a substantial adverse effect arising from the loss of the appeal site itself. The Secretary of State further agrees with the Inspector that the loss of views and open outlook from the Flitch Way and the public footpaths crossing parcel B would both suffer a major adverse impact. Taken together, these harms attract considerable weight."

- A second Planning Appeal nearby to build 135 houses on Land west of Canfield Road, reference APP/C1570/W/18/3213251 was dismissed on 8 August 2019. I ask you to look in particular at point 21 in the Character and Appearance section which was one of the main issues quoted in the statement. The inspector also highlights in points 24 and 25: "24. In part this is due to a further defining feature, the Flitch Way, which lies immediately to the north of the site. The Flitch Way is clearly an important public right of way and I address the visual effects for users below, but in landscape terms it is a strong linear feature, which is not breached, other than in one specific instance, by settlement lining the B1256 between Bishops Stortford and Dunmow. While its historical association is with the railway, it is now a managed country park and local wildlife site and its informal surfacing, well-treed edge and, in many cases, countryside views, provide for an experience for those using it in marked contrast to the urban areas set along its northern edge
- Rather than the new facility with promises of landscaping to attempt to mitigate this environmental destruction, the area should be restored, as far as possible, and for as long as it takes, to its former state
- As local residents, we are concerned on safety, environmental and community grounds
- Against Uttlesford Climate Change Strategy
- Willow House nor The Old Stables were built when the original noise assessment was done
- For reference, we have actual noise readings prior to lockdown from near Old Elm which show the factual noise levels to be higher than what the applicant has proposed the noise levels will be if this facility ever became operational; impossible
- This is clearly not in keeping with the rural and residential nature of the area.
- Currently this site assists with carbon sequestration, forming a natural barrier with the M11 effectively isolating the existing homes from the worst of the effects of the M11. Destruction of existing habitat on this land will add to greenhouse emissions. This development is a greenfield site, creeping development such as this must not be allowed.
- Vibration from extensive use of heavy vehicles has the potential to damage this listed building, built during times before lorries.
- Extensive investigation must be completed to identify any archaeological items on the site.
- Large areas of the site will be hard landscaped. In times of heavy rain, events frequently occurring, there will be significant runoff and by the very nature of the activity on this site the runoff will include up to 300 toxic pollutants, including hydrocarbons, heavy metals contaminating local watercourses and land causing irreversible damage. The steep sloping nature of the site only exacerbates the likelihood of runoff into existing water courses.
- As a 24-hour operation this site will cause great disturbance to local residents and wildlife



- Lack of pavements
- Impact on Great Hallingbury Conservation Area.
- insufficient consideration has been afforded to the two new properties whose exits are directly opposite the proposed entrance to the new site.
- Development is totally inappropriate.
- The Airport has lots of suitable, available space and there are numerous industrial estates and distribution centres around the wider area that are proven to be better and more suitable locations than wild land on a small road.
- The logistic site will be totally out of character with local properties.
- the proposed entrance to the site is located opposite the entrance to my property (The Old Stables) which will have an impact on my privacy and undoubtedly our access. I do not think that Wren's or the powers that be fully appreciate the severe anxiety this application is already causing the local residents and the effect it is having on their mental wellbeing.
- The excess noise emissions and vehicle light pollution will encroach on my property, as well as others surrounding the site. This will lead to sleep deprivation resulting in health and mental welfare issues
- 65 tons of extra pollution for those living within a one mile return journey per year is a frightening statistic.
- there must be restrictions to operating hours, as a precedent has already been set by Uttlesford District Council within the application for the Stansted Distribution Centre Start Hill UTT/0573/04/FUL
- 24/7 operational noisy activities that are associated with this B8 logistics site regarding:
  - Dust
  - Noise
  - HGV manoeuvres
  - Vibrations
  - Light pollution
  - Loss of night sky
  - Sleep disturbance
  - Air pollution
- Impact on water pressure and drains
- local residents will doubtless see many more heavy vehicles using the B1256 and surrounding smaller roads as a cut-through, causing disturbance at all times of day and night.
- The B1256/Tile Kiln Green section has a 7.5 tonne weight limit "except for loading".
- The application fails to mention the section of the B1256 between the M11 and Tile Kiln
- Green is an urban clearway. This is recent and implemented to address the traffic flow problems that already exist.
- Contrary to policy S8
- Landscape impact

- it is considered that there is not capacity within the existing highway network to accommodate the additional traffic movements generated by the development.
- The Regulation 19 Local Plan published by Uttlesford DC quotes...Objective 1b - Protecting and Supporting Rural Communities To protect and support the village and rural communities beyond the market towns. Great Hallingbury village is a conservation area & therefore needs protecting.
- M11 closures are frequent. All Wren lorries will then divert through the villages in the area when the M11 is closed causing serious danger and nuisance to residents.
- This is the wrong location for a large logistics facility. It would devastate the area and increase traffic problems. It would result in increased traffic on the m11 junction and neighbouring village roads; noise, light and air pollution, damage to wildlife on Great Hallingbury conservation area
- it is not an appropriate development in a village location where residents walk their dogs, horse riders etc.
- Narrow lanes unsuitable for heavy lorries.
- Impact on SSSI Hatfield forest
- This should remain located in a dedicated industrial park, where it is currently.
- Unacceptable increase in traffic
- How can hectares of established protected woodland be concreted over for a HGV Logistic depot, could this get anymore unethical?
- The state of the roads is already a cause for major concern with a plethora of potholes and surface defects on it. An increased number of vehicles (some of which are likely to be 7.5 tonnes) would only increase the devastation of this road and villagers use of it.
- Overbearing development
- The development will impact on our home structurally
- This violates out human rights to privacy
- Restocking of trees is inadequate
- There are three properties where people live that have NOT been recognised or even noted in the Planning Application, that are severely affected by the plans and it clearly shows the total
- disregard to ANY of the residents by Wren! Old Elm Annexe - been occupied for 8 years, and yards from their entrance The Stables - been built over a year ago and immediately outside their proposed entrance Willow House - been built over a year ago and yards from their entrance. These are NOT mentioned anywhere!!!
- Existing traffic congestion.
- Traffic generation
- Overlooking
- Blot on the landscape
- The corporate interests of Wren should not be put above the wellbeing and safety of our community
- Re stocking states 2917 trees and shrubs to be planted. As we can count and observe there are only a fraction of the 2917 trees and

shrubs planted. 487 plastic tree guards can be seen. Of these only 87 have started to grow in spring 2022

- Stansted distribution industrial area has a entrance on the B1256, approximately a mile away from Tilekiln green lane. A small section at the rear of the site is near Tilekiln lane. There is no exit or entrance here. In 2005 the old Elliott's site entrance was removed and stopped up with trees/shrubs planted.

UTT/1641/02/FUL. To keep the lane in keeping with a rural setting. The industrial estate has limit operation hours set as it sits behind an residential area.

Monday - Friday 7:30 - 18:00

Saturday 8:00 - 13:00

No working hours Sundays and Bank Holidays

- Investment should be in local business not bringing it in from other parts of the country. the transport assessment Appendix K which relates to Personal Injury Accident Data covers the period 1st October 2016 to 30th Sept 2021. Of those sixty months considerably less traffic would have been on the road during the national lockdown from March 2019 – this area also had a second lockdown imposed from December 2019 until early 2020.
- Likewise, we assume that these figures can only have been obtained through formal reports from police etc., it is our contention that the majority of accidents are not reported to the police thus this figure cannot be an accurate reflection.
- No noise Assessment has been submitted with this application.
- Urbanising of countryside
- What will happen if there are road closures?
- How much additional noise will be generated by an industrial size charging unit?
- When will the bulk of the charging take place? Overnight?
- Unsociable working hours
- Visibility

## **12. MATERIAL CONSIDERATIONS**

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

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

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

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

**12.3** Section 66(1) and 72(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 or, fails to preserve or enhance the character and appearance of the Conservation Area.

## **12.4 The Development Plan**

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)

## **13. POLICY**

### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2021)

### **13.2 Uttlesford Local Plan 2005**

- Policy S7 – The countryside Policy
- Policy S8 – The Country Protection zone
- GEN1- Access Policy
- GEN2 – Design Policy
- GEN3 -Flood Protection Policy
- GEN4 - Good Neighbourliness Policy
- GEN5 –Light Pollution Policy
- GEN6 - Infrastructure Provision Policy
- GEN7 - Nature Conservation Policy
- GEN8 - Vehicle Parking Standards Policy
- ENV2 - Development affecting Listed Buildings Policy
- ENV3 - Open Space and Trees, Policy

ENV4 - Ancient monuments and Sites of Archaeological Importance  
Policy ENV5 - Protection of Agricultural Land Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV14 - Contaminated Land  
ENV7 – The Protection of the Natural Environment Designated sites  
ENV11 – Noise Generators

**13.3 State name of relevant Neighbourhood Plan in this title**

N/A

**13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford Employment Needs & Economic Development Evidence  
November 2021.  
Uttlesford Countryside Protection Zone Study 2016

**14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The previous application UTT/21/0332/Ful (similar to this application) was refused for the following reasons:

**14.1.1** 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).

**14.1.2** 2As 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:

- 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.
- Confirmation that the gradient at the junction will meet requirements of DMRB is required.
- The road has a 7.5 tonne weight limit (except for access). No measures have been shown to ensure that large vehicles do not turn right out of the site and contravene the ban.
- 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.
- As identified in the safety audit, high PSV and HFS will be required by the highway authority on the approaches to the access.
- 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.

**14.1.3** 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.

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

- 14.1.4** 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:

- 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.
- 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.
- 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

- 14.1.5** 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.

- 14.1.6** 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.

- 14.1.7** 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.

- 14.1.8** 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.

- 14.1.9** 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.



**14.1.10** It is therefore necessary to assess whether the above reasons for refusal have been overcome and whether there are material reasons to change that decision. Several additional documents have been submitted with this application and the access revised.

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

- 14.2.1**
- A) Principle of development**
  - B) Highways and parking**
  - C) Design and impact on residential amenity**
  - D) Heritage protection**
  - E) Impact on natural environment**
  - F) Interim Climate Change Policy**

**14.3** **A) Principle of development**

**14.3.1** The NPPF has a presumption in favour of sustainable development. Paragraph 8 of the NPPF 2021 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.

**14.3.2** Paragraph 11 of the NPPF states that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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
  - 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
  - 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.

**14.3.3** 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 174 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.

**14.3.4** 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.

**14.3.5** 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.

**14.3.6** 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 137 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’

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.

**14.3.7** 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”.

- 14.3.8** 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)”.
- 14.3.9** 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”
- 14.3.10** 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”.
- 14.3.11** The application site the subject of the current full application falls within Parcel 1 - Tile Kiln Green.

With regard to the description characteristics for Purpose 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”.

- 14.3.12** With regard to Purpose 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”.

**14.3.13** With regard to Purpose 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”.

**14.3.14** With regard to Purpose 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 (Flitch 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 northwest of Parcel 1 around the M11 to the outside of Junction 8

**14.3.15** 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’. The Land Use consultants Ltd (LUC) cemented the view that the whole of Parcel 1, including the current application site should be retained for CPZ designation.

**14.3.16** (UTT/21/0332/FUL) was previously refused on being contrary to Uttlesford Local Plan policy S8.

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 harmful impact on the existing character of the site.

The proposed development would involve the creation of 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 would have a damaging effect on the current open and undeveloped characteristics of the site. This selected location has to be carefully weighed against the environmental harm which would be caused by the resulting development.

- 14.3.17** The site is located close to a petrol station with a shop and bus stops nearby.
- 14.3.18** The Council's Landscape Officer has also stated that " the proposed development would have a significant detrimental visual impact on the open rural character on a substantial area of the zone" It is agreed that this is the case as the site is open from TileKiln Road, although the visual impact would be mitigated by substantial planting to its eastern boundary.
- 14.3.19** This revised application would help to mitigate the sense of coalescence with the airport development and the loss of the openness of the site. This revised application includes substantial supplementary planting of new woodland and planting to the whole perimeter of the site and also includes restocking of areas that were felled under licence in 2020. The north-eastern boundary is to have approximately 40m deep additional planting between the outer fencing and Tilekiln Road. The site cannot readily be seen from the adjacent M11 or from the north of the site. The development is focusses towards the centre of the site which enables a significant amount of landscaping around the perimeter of the site.
- 14.3.20** This proposal remains contrary to Uttlesford Local Plan policy S8.
- 14.3.21** Against this policy the NPPF states: (Paragraph 81) that planning policies 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address challenges of the future.
- 14.3.22** It goes further stating that Planning Policies should
- a) Set out a clear economic vision and strategy which positively and proactively encourages sustainable growth, having regard to Local industrial Strategies and other local policies for economic development and regeneration.
  - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period
  - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
  - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances.

- 14.3.23** Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 14.3.24** Planning policies and 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 (for examples by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 14.3.25** In this respect, the Council does not have an up-to-date local Plan. A recent Uttlesford Employment Needs and Economic Development (Iceni November 2021) Evidence report found that the needs to 2040 for industrial uses 18.9 ha should be considered as a minimum with 27.2ha net being a recommended pragmatic level of growth that facilitates new premises for business over the Plan period. A more positive outlook would be up to a more substantial 43.9ha. This reflects that the vast majority of premises are essentially full and there is justification to support business growth through new allocations. Iceni is of the view that the development at northside should not be considered suitable supply for the general industrial needs established here, given the very large nature of units which certainly for phase one are large scale and strategic in nature and not relating to the historic and local development patterns.
- 14.3.26** A lack of industrial supply is noted in Uttlesford and more generally within 10 miles of Bishops Cleeve with 98% occupancy level within the industrial market. Demand outstrips supply and there is a need to bring forward new development. Within a 10 mile radius of the Airport, agents report significant requirements. There is demand for industrial space in a range of small, medium and large size bands across the district including established manufacturing businesses in the District. Additional supply is needed, particularly close to M11 Junction 8, which is the area of strongest occupier demand.
- 14.3.27** An Economic Report has been undertaken and submitted as part of this application. Wren Kitchens operates an existing logistics facility on land north of Stansted airport, however the operational lease expires in November 2023. The pending application for Northside UTT/22/0434/FUL does not include any suitable land for open logistic use. Wren currently operates a depot on land north of Stansted Airport (known as 'North Side'), but the lease expires by 2023 and the new owners of the site do not intend to make the site available for Wren beyond that point. Therefore, Wren has a business need for a new location and has identified

the application site that extends to c. 5 ha of which around 3 ha is proposed to be developed.

- 14.3.28** At the current moment in time, no allocations for commercial uses have been made through the Local Plans process.
- 14.3.29** The applicant has looked at 33 alternative sites, however, there were no other sites available within the district that could accommodate the immediate and future spatial and locational requirements of Wren kitchens.
- 14.3.30** The site 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. The land at Tilekiln Green provides a unique site in that it is readily available in a heavily constricted market which can meet the requirements of the operator.
- 14.3.31** A material consideration since the recently refused application, is an appeal decision for the site immediately adjacent to the east of Old Elm. Application UTT/20/1098/FUL East of Old Elm was allowed 15 dwellings including 6 affordable dwellings on appeal. (1<sup>st</sup> November 2021)  
With regards to development in the CPZ the inspector states: *"The pattern of existing development along Dunmow Road together with the amount and speed of traffic using the road has largely compromised the area's rural characteristics. However, the site's development would lead to an extension of the linear pattern of development westwards along Dunmow Road. Despite the site being well treed with a slope away from the road, its development would adversely impact on Parcel 1 within the CPZ. For these reasons, I conclude that in respect of this main issue, the proposed development would be in conflict with Policy 8 of the ULP 2005 Policy 8, in seeking to restrict development within the countryside, goes beyond Paragraph 174 of the Framework as it seeks to protect land within the CPZ from housing, other than required for the rural area. Accordingly, although the appeal scheme conflicts with this policy, I only accord this conflict limited weight."*
- 14.3.32** A further recent appeal decision which refers to development in the CPZ (UTT/ 21/2971/PIP (24<sup>th</sup> January 2023) states that *"The blanket approach to protect all countryside and the designated CPZ area in Policies S7 and S8 respectively are not consistent with the more positive and nuanced approach of the Framework to development in rural areas, so the conflicts do not attract full weight."*
- 14.3.33** In view of the mitigation proposed, in the way of additional planting of woodland, acoustic fencing, and the absence of built form, it is considered that moderate weight should be given to impact of the proposal on the CPZ and contrary to Policy S8.

- 14.3.34** Notwithstanding the substantial number of objections, it is considered that as the site is located south of the B1256 and that there is substantial landscaping buffer between the site and the B1256 it is not considered that there would be coalescence between the site and Stansted airport. Taking into account the age of the Countryside Protection Zone policy, the lack of employment sites allocated within the draft local plan and available in the district, greater weight should be given to the need to provide future employment and economic activity to complement the housing growth Uttlesford District Council is obliged to accommodate over the next 17 years and also the substantial weight the NPPF gives support for employment/economic development. The uniqueness of this site being close to the M11 and the A120 is a key positive factor giving the site excellent access to the strategic road network. It is a development that is required to be in this location and would secure the safeguarding of approximately 130 jobs and possible support the expansion of the work force to approximately 200.
- 14.3.35** There is a significant shortage of available employment land within Uttlesford and also of land that would be suitable for a logistics operation of this scale.
- 14.3.36** The adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 14.3.37** It is considered that there are special circumstances that should be taking into consideration and that the proposal is considered to be acceptable on balance in principle.
- 14.4 B) Highways and parking**
- 14.4.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.
- 14.4.2** This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.
- 14.4.3** Paragraph 110 of the NPPF states in relation to the consideration of specific applications for development, it should be ensured that:  
a) “appropriate opportunities to promote sustainable transport modes should be considered given the type of development and its location”,  
b) “safe and suitable access to the site can be achieved for all users”



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”

**14.4.4** Paragraph 111 goes onto 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.

**14.4.5** The application includes changes to the highway, in the form of a revised junction layout at Tile Green and the B1256. Internal consultation has taken place between highway officers, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken. Following the various reviews, a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.

**14.4.6** The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened, and junction straightened up.

These changes would remove current points of conflict on the highway.

**14.4.7** It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the morning and afternoon peak period so will not affect the highway when least capacity is available.

**14.4.8** A very large amount of concerns were received objecting on highway safety grounds,(including concerns on the potential for queuing at the junction of the B1256 and Tilekiln Green and in respect of parking and manoeuvring on the highway) however highway officers have stated that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

**14.4.9** Conditions include a restriction on vehicles turning right out of the site so that TileKiln Green is protected and to ensure that drivers are aware of the appropriate route for vehicles to avoid the low bridge.

**14.4.10** National Highways, previously objected to the refused application UTT/21/0332/FUL. Additional information has been submitted with this application that have resolved their concerns and they have now removed their holding objection. They now have no objections to the proposal.

- 14.4.11** Accordingly, it is considered that the proposal would comply to the aims of the NPPF advice relating to highway and transportation and ULP Policy GEN1 of the adopted Local Plan.
- 14.4.12** Policy GEN 8 states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location. Parking standards for B8 use are maximum standards and require 1 space per 150 sqm. HGV parking provision should be based on operational requirements.
- 14.4.13** The proposal provides parking for 80 HGV's. 107 car parking spaces (inclusive of 6 disabled spaces, 20 cycle spaces and 7 motorcycle spaces).
- 14.4.14** There will be 20 electric charging points on site.
- 14.4.15** The proposal would comply with Uttlesford Local Plan policy GEN8.

#### **14.5 C) Design and impact on residential amenity**

- 14.5.1** Policy GEN 2 states that development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design guidance and supplementary Planning Documents.;
- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings.
  - b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.
  - c) It provides an environment, which meets the reasonable needs of all potential users.
  - d) It helps to reduce the potential for crime.
  - e) It helps to minimise water and energy consumption.
  - f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
  - g) It helps to reduce waste production and encourages recycling and reuse.
  - h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
  - i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 14.5.2** 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 ) and general disturbance normally associated with such operations.

**14.5.3** The site is opposite residential properties and therefore the proposal has the potential to result in unacceptable amenity issues including noise, air pollution, light levels at the existing sensitive dwellings.

**14.5.3** The proposal also has the potential to have safeguarding issues with Stansted Airport.

**14.5.4** 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. No permanent buildings are shown proposed for the site whereby two temporary office portacabins are shown to be provided for on-site staff use.

**14.5.5** With this application the following documents have been submitted to overcome previous reasons for refusal.

- a Noise Assessment Addendum
- a Glint and Glare Assessment,
- a detailed Lighting Strategy and
- an Air Quality Assessment.

**14.5.6** The site is located close to Stansted Airport and the M11 motorway and therefore is subject to relatively high levels of existing transportation noise.

The Noise Assessment has been updated and the key difference from a noise perspective is that the parking area closest to the eastern edge of the site has been removed entirely from the design and replaced by woodland.

**14.5.7** The noise model has been re-run with the most up to date vehicle flow numbers and noise source data and the new site layout and predicted rating noise levels for three of the closest noise sensitive receptors and shows that BS4142 assessment outcomes indicate a range from -25 to +2dB. Whilst all predicted rating levels would be below the background level at all times of day and night they are above the desired target of 5dB below background, as given in the Council's technical guidance on noise, between the hours of 04.00 – 06.00 when the background levels are lower and the key impacts from the development's traffic movements are likely to be during night-time periods with a peak hour at around 05:00. However, it is likely that due to the existing acoustic environment, noise from the use of the site will be masked to some extent.

**14.5.8** A condition to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated is recommended if recommended for approval.

- 14.5.9** In relation to local air quality, Environmental Health officers have no objections. It is considered that with dust mitigation measures and operational mitigation, the development will not have a significant impact on local air quality.
- 14.5.10** The External Lighting Strategy is considered to be acceptable column mounted external lighting lanterns will include back shields and hoods to minimise light spillage.
- 14.5.11** The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Stansted Airport aerodrome safeguarding authority also have no objects subject to conditions.
- 14.5.12** The site is located within 20m of a Thames Water sewage pumping station. Future occupiers of the site could periodically experience amenity impacts from the pumping station in the form of odour, light, vibration and or noise. The proposed portacabins are to be located more than 20m from the sewage plant.
- 14.5.13** Friends of the Flitch Way have requested the following:
1. Buffer zone alongside the Flitch Way - The preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide.

Currently the Design and Access Statement includes a buffer zone of existing trees but the depth is unclear. Any buffer zone should be landscaped sensitively and be attuned to the specific habitat of this section of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to maintain good light access to maintain as diverse a range of wildlife as possible. Any planting schemes should be agreed with Essex Country Park Rangers.

and

2. Pedestrian, cyclist and equestrian access - Currently the Flitch Way terminates onto Bedlars Green Road which means that there is a potential conflict between vehicles from the site and equestrians, cyclists and pedestrians which could be dangerous if site traffic uses the road in a southerly direction towards the Hallingburys. Road traffic measures should be in place to protect non-motorised users when they are using the lane.
3. The Transport Statement dated 28 January 2022, included with the application states "A large proportion of Bishops Stortford is, therefore, within cycling distance of the site as is the majority of Takeley. The latter can be accessed via the traffic free cycle, pedestrian and equestrian route of the Flitch Way, which can be accessed from Tile Kiln Green at a point approximately 120m south of the site. The Flitch Way route accommodates National Cycle Route 16 and connects the site with Braintree in the east via Takeley and

Great Dunmow." THIS IS EASILY MISCONSTRUED. The Flitch Way currently terminates at Start Hill and is not connected to Bishops Stortford by a safe direct cycle route. Only Takeley can be accessed by a traffic free route. A safe route connecting the Flitch Way to Bishops Stortford could be created using the tunnel or bridge to cross the M11 to the south of the present site.

4. Flitch Way Visitor Car Parking - The Flitch Way is popular with many local residents across Uttlesford. If planning is approved, we would also like to see visitor car parking included within the development so people, particularly vulnerable users such as children, inexperienced cyclists and mobility users, can enjoy the Flitch Way safely. There is the potential for a new access path to be created to the south of the site providing the Flitch Way Park Rangers are in agreement.

**14.5.14** Whilst the development will have a material detrimental impact on the amenity of the occupiers of nearby residential properties, taking into account the mitigation proposed and the existing noise levels from Stansted Airport, the B1256 and the M11 it is not at such a level to warrant refusal of the application.

**14.5.15** The proposal, subject to conditions, complies to Policies ENV11, ENV13, GEN2, GEN4 and GEN5 of the adopted Local Plan relating to potential impacts on residential amenity

#### **14.6 D) Heritage protection**

**14.6.1** In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**14.6.2** The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

**14.6.3** 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. A number of earlier buildings in the vicinity, which formed a historic built environment centring The Elm, have also been lost.

- 14.6.4** The proposed development would further encroach upon the remaining open surrounding of the listed building to exacerbate the harm and it would be subsumed by modern developments all around. Severing this last link between the building and its original setting would be a negative change. Heritage officers state that the proposed development, including 2.4m tall extensive timber boarded boundary fence, would form an incongruous backdrop in the views of The Elm from Dunmow Road and adversely affect the views out of the asset towards the south and west. Revised landscaping plans now show woodland between the fencing and Tilekiln Road and the Old Elm.
- 14.6.5** Specialist advice is that the proposal would lead low level of 'less than substantial harm' to the significance of the listed building by unsympathetically encroaching upon the last remaining section of its original setting, therefore subject to Paragraph 202 of the NPPF. Whilst the scale of harm may low, great weight should be given to the asset's conservation (Paragraph 199) and clear and convincing justification is required under Paragraph 200.
- 14.6.6** More recently, an application UTT/20/1098/FUL for construction of 15 new dwellings, including 6 affordable dwellings, vehicular access and associated parking and landscaping was allowed on appeal. This relates to a site to the east of Tilekiln Green Great Hallingbury and to the rear of The Old Elm.
- 14.6.7** The proposal therefore does not comply with the aims of Uttlesford Local Plan policy ENV2 or the aims of the NPPF.
- 14.6.8** The proposal has been revised in respect of landscaping, moving the fencing and the line of development 22m further away from the edge of the site opposite Old Elm, with the screening now proposed to utilise acoustic close boarded fencing rather than palisade fencing. The access road has been realigned and proposed tree planting between the access road and The Old Elm.
- 14.6.9** It is considered that the proposal, with the mitigation proposed, would not impact the setting of the Listed building to such an extent to warrant refusal.
- 14.6.10** The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development.
- 14.6.11** Specialist archaeological advice recommends a condition for Archaeological evaluation and excavation. Subject to that condition the proposal would comply with Uttlesford Local Plan policy ENV4.
- 14.7** **E) Impact on natural environment**

- 14.7.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats.

- 14.7.2** The Flitch Way a county wildlife site borders the southern boundary of the site.

- 14.7.3** The National Trust are concerned that there has been previous damage to the gates at the National Trust's Hatfield Forest when Heavy Goods Vehicles (HGVs) have been unable to pass under the bridge at Bush End Road and we are concerned that this will increase in frequency as a result of this proposal, if there are future closures of the M11 junction. This has however, been addressed by highway officers and suitable conditions applied.

- 14.7.4** The National Trust are concerned that there is evidence to suggest that the veteran trees and their resident species at Hatfield Forest National Nature Reserve and Site of Special Scientific Interest are sensitive to nutrient enrichment resulting from elevated NOx pollutants from both air and road traffic. Whilst Hatfield Forest is considered within the Ecological Assessment, the National Trust would request that the Local Planning Authority are satisfied that the conclusion that this proposal would not have a "significant adverse effect on the statutory site due to the nature of development (non-residential) and the intervening distances" is an appropriate conclusion, prior to the determination of this proposal.

The Air Quality Assessment (AQA) which states the screening criteria for determining the requirement for an assessment of air quality effects on ecological sites. Only ecological sites within 200 m of a road affected by the Proposed Development require consideration. The Hatfield Forest SSSI is over 1 km from the Proposed Development or any affected road.

- 14.7.5** The Flitch Way Local Nature Reserve (LNR) does lie within the screening distance, and therefore was included within the AQA. This lies within 20 m of the Proposed Development boundary at the closest point. The AQA showed that the nutrient nitrogen deposition impact of the Proposed Development on the LNR was only just over the 1% screening threshold, at a maximum of 1.56% of the Critical Load for woodlands.

- 14.7.6** Wren Kitchens is planning to invest in a low-carbon electric fleet of HGVs. The effect of this mitigation was not considered in the AQA, as the HGV fleet will be upgraded on a rolling basis and the timescales are not yet known. As such, the effect of emissions from the Proposed Development will be even lower than presented in the AQA once this mitigation measure is implemented.
- 14.7.7** An Ecological Assessment has also been submitted with the application. Essex County Council, Place Services, Ecology have been consulted and has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition. Based on the plans submitted, Natural England also considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 14.7.8** Numerous comments have been received in respect of unauthorised tree felling at the site. Several trees have been felled under licence from the Forestry commission. It should be noted that felling licences and works are dealt with under a separate regime to planning and are not a material consideration for the determination of any planning application.
- 14.7.9** This application, however, does include substantial supplementary woodland and tree planting in addition to the restocking works required under the licence as shown on landscape plan NC18.446-P204 revision A.
- 14.7.10** Mitigation measures are required to conserve and enhance protected and Priority species particularly mobile mammal species, bats, nesting birds and invertebrates. In addition, a Construction Environmental Management Plan for Biodiversity is required for the protection of the Flitch Way LNR, LoWS and Country Park, as well as the protection of the adjacent streams and Water Vole within them.
- 14.7.11** Biodiversity enhancements in the form of Bat boxes, bird boxes, log piles, hibernaculum and t boxes as well as new native planting, have been proposed to secure net gains for biodiversity.
- 14.7.12** As such it is considered that the proposal, subject to appropriate conditions would not have any material detrimental impact in respect of biodiversity to warrant refusal of the proposal and accords with ULP policies GEN7, ENV3, ENV7, and ENV8.
- 14.8** **F) Interim Climate Change Policy**
- 14.8.1** As part of the proposal there will be 20 electric charging points for vehicles located on site, and sufficient shelter for 20 bicycles.

**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 proposal would be harmful to the character and appearance of the area in terms of its adverse effect on landscape character and visual impact, would reduce the open character of the CPZ and would cause less than substantial harm to 1 no. designated heritage asset.
- 16.2** Taking into account the age of the Countryside Protection Zone policy, the recognized need for 49 ha of employment land within the district and lack of employment sites allocated within the draft local plan and available in the district, greater weight should be given to the need to provide future employment and economic activity to complement the housing growth. Uttlesford District Council is obliged to accommodate over the next 17 years and also the substantial weight the NPPF gives support for employment/economic development. The uniqueness of this site being close to the M11 and the A120 is a key positive factor giving the site excellent access to the strategic road network. It is a development that is required to be in this location and would secure the safeguarding of

approximately 130 jobs and possible support the expansion of the work force to approximately 200.

**16.3** The application is, on balance, recommended approval subject to conditions.

**17. CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3 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. The Plan shall provide for;

- i. the parking of vehicles of site operatives and visitors,
- ii. loading and unloading of plant and materials,
- iii. storage of plant and materials used in constructing the development,
- iv. wheel and underbody washing facilities.
- v. Routing strategy for construction vehicles
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 and in accordance with Uttlesford Local Plan policy GEN1.

- 4 Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include, but not be limited to, the following:
- a) The construction programme and phasing
  - b) Hours of operation, delivery, and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements.
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion.
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals
  - j) Mechanisms to deal with environmental impacts such as noise and
  - k) vibration, air quality and dust, light and odour.
  - l) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

REASON: In the interests of highway safety and the control of environmental Impacts in accordance with Uttlesford Local Plan Policy GEN1.

- 5 Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
- The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to include Flich Way LoWS, LNR and Country Park as well as the adjacent streams and Water Vole within them and Great Crested Newt.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

- 6 No development shall take place until a Finalised Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.  
The Reptile Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.

The Finalised Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

- 7 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.in accordance with Uttlesford Local Plan policy GEN3.

- 8 No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 9 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 10 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 11 No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 12 The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The proposed development is located just north of the historic settlement of Tilekiln Green (EHER 15631). The proposed development is located just south of Stane Street a Roman Road which is known to have an Iron Age and a Roman phase (EHER 4697, 4702) and just north of the former Bishops Stortford to Braintree railway (EHER19629). The earliest record of brick and tile making in the parish was in 1553 when William Naylor owed an annual rent of 1,000 tiles. There are references to brickmakers and brickmaking in the late seventeenth and eighteenth centuries. Cropmarks indicate linear field boundaries in the surrounding areas (EHER 46554). There is therefore the potential for multi-period archaeological remains being impacted on by the proposed development. In accordance with Uttlesford Local Plan Policy ENV4.

- 13 Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.  
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) timetable for implementation;
  - e) persons responsible for implementing the enhancement measures;
  - f) details of initial aftercare and long-term maintenance (where relevant).
  - g) The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7.

- 14 No vehicles associated with passengers using Stansted Airport shall be parked on this site for more than 24 hours in any period of 14 days.

REASON: It is the policy of the Council that all parking required for Stansted Airport should be accommodated within the airport boundary, in order to protect the appearance of the countryside in accordance with Uttlesford Local Plan policy T3.

15. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, January 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

16. Access Prior to occupation of the development, the access, and highway works shown in principle on drawing number IT196/SK/01 REV K shall be provided, including:

- i. Clear to ground visibility splays shown on the plans from the access onto Tile Kiln Road, and from Tile Kiln Road on to the B1256 and the forward visibility from the M11 junction to the west to the right-hand turn lane onto Tile Kiln Road (as shown in principle in drawing number IT1896/SK/1001. Any signing within the splays to be relocated and vegetation to be removed. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.
- ii. Realignment of junction of Tile Kiln Road including ghosted right-hand turn
- iii. Provision of footways minimum width 2m
- iv. Provision of drop kerb crossing point to the east of the junction with Tile Kiln Road and a drop kerb crossing with island to the west.
- v. Signing of the Low bridge
- vi. Landscaping of newly made verge and stopping up of any redundant
- vii. carriageway once works are completed to the satisfaction of the highway authority and area to be stopped up agreed.

All necessary works including the safety audits any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council



Supplementary Guidance in February 2011 and in accordance with ULP policy GEN1

- 17 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan Policy GEN1.

- 18 The site shall not be occupied until such time as the vehicle parking area indicated on the approved plans including 107 car parking spaces of which 6 to be disabled, 20 EV car charging spaces and in addition 13 EV HGV charging spaces has been hard surfaced, sealed, marked out in parking bays and charging bays active. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan policy GEN1

- 19 Prior to occupation a minimum of 20 cycle and 7 motorcycle parking spaces as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan policy GEN1.

- 20 Traffic routing management scheme: Prior to occupation signing to be provided within the site to direct all traffic to the north and ban the right-hand turn. Owner of the site to be required to sign Traffic Routing Management Agreement to ensure HGVs use the agreed routine to the strategic network and that and all staff and contractors are provided with this information. Compliance to the right-hand turn ban to be monitored by CCTV and the data to be retained for 6 months and made available to the Planning Authority on request.

REASON: To ensure that drivers are aware of the appropriate route for vehicles to use avoiding the low bridge in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and in accordance with Uttlesford Local Plan policies GEN1 and GEN2

- 21 Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5-year period.)

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 The condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 22 Prior to beneficial use a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed to include retained and proposed planting.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall thereafter be implemented in full accordance with the approved details. prior to the beneficial use of the development.

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

- 23 Prior to beneficial use a finalised lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the light spill impact as a result of the proposed lighting (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using the retained and proposed tree planting at the boundaries of the site.

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

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

- 24 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 in accordance with Uttlesford Local Plan policy GEN3.

- 25 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. in accordance with Uttlesford Local Plan policy GEN3.

- 26 The Bird Hazard Management Plan 8723.BHMP2022.vf dated February 2022 shall be implemented as approved upon completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: Flight safety - It is necessary to manage the site in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of Stansted Airport through the attractiveness of birds.

Airport.in accordance with Uttlesford Local Plan Policy GEN2

- 27 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted airport in accordance with Uttlesford Local Plan Policy GEN2

- 28 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass shall be added to any buildings, including Solar PV panels, without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with Uttlesford Local Plan Policy GEN2

- 29 The rating level of noise emitted by EV charging points on the site shall not exceed 51dB at any noise sensitive premises between 07:00 and 23:00 and 45dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

REASON: in the interests of residential amenity in accordance with Uttlesford Local Plan GEN2

30 The use open logistics facility sui generis use hereby permitted shall be carried out only in association with Wren Kitchens business and not for a general B8 facility.

REASON: Alternative B8 uses could generate different levels of traffic not suitable for this location and may be contrary to Local Plan policies GEN1 and GEN2.

31 Prior to commencement of the development the location and specification of the acoustic barrier shall be submitted and approved in writing to the Local Planning Authority. Subsequently, these works shall be carried out as approved.

REASON: In order to protect residential amenity in accordance with Uttlesford Local Plan Policy GEN2.

## Appendices

### Appendices for UTT/22/0267/FUL

#### Highways

Recommendation

Application No. UTT/22/0267/FUL

Applicant Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

Site Location Land At Tilekiln Green Start Hill Great Hallingbury

Proposal Creation of an open logistics facility with associated new access and ancillary office with amenity facilities

Note

This application was accompanied by a Transport Assessment which has been reviewed by the highway authority in conjunction with a site visit and internal consultations. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework 2021 and in particular paragraphs 110 – 112, the following was considered: access and safety; capacity; the opportunities for sustainable transport; and mitigation measures.

The application includes changes to the highway, in the form of a revised junction layout at Tile Gren and the B1256. Internal consultation has taken place between myself, the Essex Highways Development Management Engineers and Road Safety Engineers. Technical and road safety reviews have taken place and swept path analysis undertaken. Following the various reviews a number of changes were made to the layout and highway authority is now satisfied with the changes and that in highway terms they can accommodate the traffic and HGVs generated by the proposals.

The revised junction would be moved to the west of the service station, removing an area of conflict. The ghosted right hand turn lane would be widened and junction straightened up.

These changes would remove current points of conflict on the highway. It is noted that the site is located close to the strategic network, so the impact on local roads will be limited and that National Highways have not objected to the application. The traffic generation for the site has been based on the surveys from the current site in Stansted Airport. This shows that most of the movements in and out of the site will be outside the morning and afternoon peak period so will not affect the highway when least capacity is available.

From a highway and transportation perspective the impact of the proposal is acceptable to the

Highway Authority subject to the following mitigation and conditions:

1. A condition should be put in place by the planning authority to ensure that the permission is specific to this site and not a general B8 facility that could generate different levels of traffic.

2. 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. The Plan shall provide for;

- I. the parking of vehicles of site operatives and visitors,
- II. loading and unloading of plant and materials,
- III. storage of plant and materials used in constructing the development,
- IV. wheel and underbody washing facilities.
- V. Routing strategy for construction vehicles
- VI. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer.

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 and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Access Prior to occupation of the development, the access, and highway works shown in principle on drawing number IT196/SK/01 REV K shall be provided, including:

(i) Clear to ground visibility splays shown on the plans from the access onto Tile Kiln Road, and from Tile Kiln Road on to the B1256 and the forward visibility from the M11 junction to the west to the right-hand turn lane onto Tile Kiln Road (as shown in principle in drawing number IT1896/SK/1001).

Any signing within the splays to be relocated and vegetation to be removed. The vehicular visibility splays shall be retained free of any obstruction at all times thereafter.

(ii) Realignment of junction of Tile Kiln Road including ghosted right-handturn

(iii) Provision of footways minimum width 2m

(iv) Provision of drop kerb crossing point to the east of the junction with Tile Kiln Road and a drop kerb crossing with island to the west.

(v) Signing of the Low bridge

(vi) Landscaping of newly made verge and stopping up of any redundant carriageway once works are completed to the satisfaction of the highway authority and area to be stopped up agreed.

All necessary works including the safety audits any relocation or provision of signage, lighting, utilities, drainage, associated resurfacing or works to the existing carriageway to facilitate widening to be carried out entirely at the developer's expense. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in forward gear with adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Gates: Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 12 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Car Parking: The site shall not be occupied until such time as the vehicle parking area indicated on the approved plans including 107 car parking spaces of which 6 to be disabled, 20 EV car charging spaces and in addition 13 EV HGV charging spaces has been hard surfaced, sealed, marked out in parking bays and charging bays active. The vehicle parking areas and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority. Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Cycle Parking: Prior to occupation a minimum of 20 cycle and 7 motor cycle parking spaces as shown in principle on the submitted plans shall be provided. Such facilities shall be secure and covered and retained at all times. Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Traffic routing management scheme: Prior to occupation signing to be provided within the site to direct all traffic to the north. Owner of the site be required to sign a Traffic Routeing Management Agreement to ensure HGVs use the agreed routing to the strategic network and that signing is provided within the site and all staff and contractors are provided with this information. Reason: To ensure that drivers are aware of the appropriate route for vehicles to use avoiding the low bridge in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8. Workplace Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. It shall be accompanied by a monitoring fee of £6,132 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period. Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011



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 and Uttlesford Local Plan Policy GEN1.

Informatives:

- (i) 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 for a period of 15 years following construction. To be provided prior to the issue of the works licence.
- (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](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.
- (iii) 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.
- (iv) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.
- (v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under 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.
- (vi) 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 Katherine Wilkinson

Internet: [www.essex.gov.uk](http://www.essex.gov.uk)  
Email: [Katherine.wilkinson@essex.gov.uk](mailto:Katherine.wilkinson@essex.gov.uk)

## **Natural England**

Planning consultation: Creation of an open logistics facility with associated new access and ancillary office with amenity facilities  
Location: Land At Tilekiln Green Start Hill Great Hallingbury  
Thank you for your consultation on the above dated 24 March 2022 which was received by Natural England on 24 March 2022  
Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

#### **Sites of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

#### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Oli Chenkin

Consultations Team

## **Environment Agency**

Thank you for your consultation dated 20 June 2022 for the above application. We have reviewed the documents as submitted and we have no objections to the proposed development.

### **Flood Risk**

The development is for the creation of an open logistics facility with associated new access and ancillary office with amenity facilities at the Land at Tilekiln Green, Great Hallingbury. Whilst the boundary of the property borders the Great Hallingbury

Brook, the proposal itself is over 8 meters away from the main river. Therefore, we have no objections regarding proximity.

In terms of flood risk, we have no objections. The proposed development is situated in Flood Zone 1. However, as we do not have the modelling for the Great Hallingbury

Brook, this is based on the most current flood map and on the 2050 climate change scenario for a commercial development.

We trust this advice is useful

## **Local Flood Agency**

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface watersince 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

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 2.7l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant

permissions to discharge from the site into any outfall should be demonstrated.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

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 3

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.

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](mailto: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.

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- 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,

Alison Vaughan, Development and Flood Risk Officer

Team: Development and Flood Risk

Service: Waste & Environment

Essex County Council