

ADDENDUM LIST –Planning Committee 24/07/24

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.

Statutory consultees are listed below:

Highway Authority
The Health & Safety Exec
Highways Agency
Local Flood Authority
Railway
Environment Agency
Historic England
Garden History Society
Natural England
Sport England

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
7	UTT/24/1417/PINS	<p data-bbox="692 268 1290 363">Land To The North-West Of Bishops Stortford Farnham Road Farnham</p> <p data-bbox="692 403 1084 432"><u>UDC Conservation & Heritage</u></p> <p data-bbox="692 472 1995 635">The historic farmstead Wickham Hall lies to the east of the Site boundary and contains several designated heritage assets however all lie within East Herts boundary. The proposal will impact their setting to some extent, however in my opinion the effect would be negligible due to the proposed landscaped buffer to the southeast of the Site. The proposed developed will not impact built heritage within the Uttlesford District boundary.</p> <p data-bbox="692 675 857 703"><u>UDC Design</u></p> <p data-bbox="692 743 2007 839">The proposals are a significant element of infrastructure that will provide local renewable energy with efforts made to mitigate the visual impact through screening planting and biodiversity gains. I have no specific comments to make in respect of design matters.</p> <p data-bbox="692 879 1001 908"><u>Place Services Ecology</u></p> <p data-bbox="692 948 1966 1075">Holding objection due to insufficient ecological information on mandatory biodiversity net gain. The condition assessment sheets (e.g. for each existing habitat type) for the pre-development baseline have not been provided within the submitted documents. This is essential to determine how the condition scores have been calculated.</p>
8	UTT/24/1618/PINS	<p data-bbox="692 1118 887 1214">Land South Of Bedwell Road Ugley</p> <p data-bbox="692 1254 994 1283"><u>Two typos - corrections</u></p> <p data-bbox="692 1323 1995 1378">Paragraph 10.1 – The deadline for consultee responses is 6th August, not the 30th July. The deadline for UDC to provide their response is 30th July.</p>

		<p>Paragraph 13.6.3 – the word ‘acceptable’, should be ‘acceptability’</p> <p><u>UDC Design</u></p> <p>The proposal is, in general terms, compatible with the surrounding buildings in terms of scale. However, with regards to massing and layout, the proposal is primarily governed by the presence of the M11 motorway with the layout and massing a direct response to noise mitigation. As such, this does create incongruous massing in comparison with the existing neighbouring development.</p> <p>The apartment block is clearly designed to be an acoustic buffer and has an architectural language appropriate to this function, with small windows on the motorway side and a monolithic appearance that is very different to the rest of the site, it cannot be said that the affordable housing provision is tenure blind. These apartments are very different to the detached and semi-detached houses elsewhere on the site and as the apartment block is entirely allocated as affordable, I do not agree with the statement in the Design & Access Statement that this will “create an ‘integrated community’”.</p> <p>The Design & Access Statement states that the development will be landscape-led, however, that is not apparent in the drawings. It is not clear what the landscaping strategy is that is leading the design. The large portion of retained woodland does not appear integrated within proposals and is essentially a sterilised buffer to the motorway.</p> <p>The public realm of the development overall could be improved and currently lacks a coherent centre or destination. The primary road ends at a dead-end adjacent to play equipment and the pocket park, which could form a centre to development, is only partially visible from the primary entrance road.</p> <p>The development is proposed in a sustainable location, close to the railway station at Elsenham, however, the layout, massing and integration of affordable and market housing could be improved.</p> <p><u>UDC Housing</u></p> <p>The mix and tenure split of the affordable properties are given below; this mix should be indistinguishable from the market housing, with good integration within the scheme and be predominantly houses with parking spaces. This mix/tenure split is based upon the need identified within the Local Housing Needs Assessment (LHNA) May 2024.</p>
--	--	--

	1 bed	2 bed bungalow	2 bed flat/house	3 bed house	4 bed house	total
Affordable rent	4	1	3	5	1	14
Shared ownership	0	0	1	0	0	1
First Homes						5

The applicant is proposing that all 14 of the affordable rented properties are flats which does not match the mix identified as being required within the LHNA May 2024. The proposal includes 1 affordable 2bed bungalow and 5 first homes which meets the Council's policy.

A property schedule has not been provided which would have been useful and needs to include the size of each property and size of amenity space in square metres. Each property needs to meet NDSS.

Place Services Archaeology

The Historic Environment Record shows that recent excavations to the south of the proposed development found evidence of a medieval settlement, and indications of Late Iron Age and Roman occupation with features including pits and ditches (EHER 48393). Within the area of the proposed development fieldwalking has identified prehistoric artefacts and medieval pottery (EHER 4694). There is therefore the potential for the presence of prehistoric, Roman and medieval remains within the proposed development area.

No objection subject to a condition.

Place Services Ecology

No objection subject to the conditions within the outline planning consent.

9	UTT/24/0213/FUL	Land East Of St Edmunds Lane North Of Braintree Road Dunmow
		<p><u>Woodland Trust Received 12/7/2024</u></p> <p>We hold concerns regarding this application due to the potential for impact on a veteran white willow tree (grid ref: TL6352422208), designated on the Trust's Ancient Tree Inventory (ATI). The tree in question is identified in the documentation as tree T1 and can be found on the ATI with the reference number 256094. The applicant does not appear to have recognised this tree as a veteran specimen, and therefore it is unclear whether this veteran willow has been afforded appropriate protections in line with paragraph 186 of the National Planning Policy Framework (NPPF) and Natural England and Forestry Commission's standing advice[1]</p> <p>Where a development site contains trees we would expect to see an arboricultural impact assessment or appraisal of some form to determine the impact of the proposal on individual trees. This is particularly important in the case of ancient and veteran trees, which would be subject to deterioration where new development is proposed in their vicinity. The applicant has not submitted any arboricultural information, so it is not possible to assess the impact of the proposals on this tree. The applicant should provide an arboricultural assessment in line with BS 5837:2012 guidelines. We ask the Council's planning team to ensure that the Council's tree officer is fully engaged on this matter so that they may provide opinion on the tree in question.</p> <p>Trees are susceptible to change caused by construction/development activity. As outlined in the BS 5837 guidelines, construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. Veteran trees are irreplaceable habitats and should be protected from loss, deterioration or harm. Natural England and Forestry Commission have identified impacts of development on ancient and veteran trees within their standing advice and this should be considered Government's position with regards to development impacting on such trees.</p>

		<p>Whilst BS 5837 guidelines state that trees should have a root protection area of 12 times the stem diameter (capped at 15m), the guidelines also recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. Natural England and Forestry Commission's standing advice states the following with regards to root protection areas/buffer zones: "For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area."</p> <p>The plans for this application appear to show an attenuation basin and the garden of a dwelling in close proximity to the veteran willow. Encroachment of such features within the RPA/buffer of the veteran willow could be harmful to the tree's longevity, reducing its vitality and threatening its long-term retention. It is not clear whether the applicant has considered the RPA/buffer that would need to be afforded to this tree based on its stem diameter and therefore we consider that not enough information has been submitted to demonstrate that there would be no deterioration of the tree. Until such a time that enough information has been provided, we consider that this application should not be allowed to be taken forward.</p> <p>In summary, the Trust will maintain a holding objection to this application on the basis of potential deterioration of a veteran white willow. While the applicant may possibly have established sufficient distance between the veteran tree and other features of the development, this needs to be clear to ensure the application is compliant with national planning policy and guidance.</p> <p><u>UDC Landscape Officer- 16/7/2024</u></p> <p>The distance between the multi-stemmed white willow tree and the footings of the nearest proposed dwelling is unlikely to impact on the tree (some 20m distant). The proposed attenuation basin is however likely to be within the root protection area of the willow. It is appropriate for this tree to be safeguarded. I advise that in the circumstances of planning permission being granted this is subject to a condition requiring the submission for approval of an arboricultural assessment of the subject tree and full details of the proposed changes in ground levels associated with the adjacent balancing pond, together with the routing of inlet and out fall pipes.</p>
--	--	---

		<p><u>Proposed Additional Condition</u></p> <p>Prior to the commencement of the development hereby approved, an arboricultural assessment of:</p> <p>Veteran Tree (white willow tree grid ref: TL6352422208, Pedunculate oak grid reference TL6371322363, Pedunculate oak grid reference TL6367122399</p> <p>as designated on the Woodland Trust's Ancient Tree Inventory, and full details of the proposed changes in ground levels associated with the adjacent attenuation basins, routing of inlet and out fall pipe and any recommended tree root protections measures shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development will be carried out in accordance with theses approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>REASON: To protect trees which are to be retained in accordance with Policy ENV3 of the Uttlesford Local Plan (adopted 2005).</p>
10	UTT/23/3034/FUL	<p>Lovecotes Farm Chickney Road Debden</p>
		<p>The deferral reasons included in the draft minutes from the last committee have been sent to the <u>Highway Authority</u>, who have responded underneath each point below in red:</p>
		<p>Draft minutes:</p> <p>PC27 UTT/23/3034/FUL – LOVECOTES FARM, CHICKNEY ROAD, DEBDEN</p>

		<p>The Senior Planning Officer presented an application for the demolition of an industrial unit and the proposed erection of 6 new industrial units under class use E(g)(iii).</p> <p>He recommended that the application be approved subject to those items set out in section 17 of the report.</p> <p>In response to questions from Members, officers:</p> <ul style="list-style-type: none"> • Confirmed receipt of two letters of support from the Highway authority, following the submission of additional information from the applicants as per the case officer's and Highways' request. • Addressed concerns relating to traffic having to reverse out of the existing and proposed units and the neighbouring units. The applicant has submitted vehicle tracking information demonstrating that the vehicles likely to be used as a result of the proposals can safely turn within the sites limits and enter and exit the highway in forward gear. The Highway Authority have accepted this information in good faith and ultimately the applicant has signed the declaration of accurate and truer information on the application form. • Clarified that appropriate visibility splays will be delivered. Visibility splays have been assessed and a site visit has taken place concluding that these can be achieved within land that is highway and/or land in the control of the applicant. • That the application is supported by Place Services Conservation given the changes in comparison to the previously refused application and the additional revisions on the current application (omission of mezzanines in units 5 and 6, lower ridge, etc.). • Confirmed that matters around the legal rights of third parties over the use of the access, driveway and land are civil matters outside the scope of planning that must not be taken into account in decision-making. <p>Members discussed:</p> <ul style="list-style-type: none"> • Vehicle concerns; the problems likely to be created by long vehicles having to reverse out of the facility as inadequate turning space available. The applicant has submitted vehicle tracking information demonstrating that the vehicles likely to be used as a result of the proposals can safely turn within the sites limits and enter and exit the highway in
--	--	---

		<p>forward gear. The Highway Authority have accepted this information in good faith and ultimately the applicant has signed the declaration of accurate and true information on the application form. UDC can also consider the application of a condition to deal with this matter.</p> <ul style="list-style-type: none"> • Additional traffic flow with 7 businesses operating instead of just one (including the neighbouring business). No concerns in relation to capacity. The new units have an overall smaller size when compared to the existing building proposed to be demolished and are likely to generate movements of smaller sized vehicles. • The Highway Authority are unclear as to the ability for an articulated vehicle to enter and turn within the site with the current access arrangements and available turning area. • Possible heritage harm to the setting and significance of the nearby listed building, although no concerns had been raised by conservation officers. <p>The Chair proposed that the application be approved. This was seconded by Councillor Sutton. This proposal was lost.</p> <p>Further discussion followed in respect of impacts on heritage impacts, impact on the character and appearance of the area (countryside and landscape) and the impact of the proposal on highway safety.</p> <p>The Head of Development Management and Enforcement expressed concern that good reasons would be required to refuse the application and that consideration should be given to possible costs being awarded against the Council in such an instance, especially if members would be considering reasons for refusal that would go against the expert advice from consultees.</p> <p>A Point on Order was raised in that the officer should only be advising on planning issues.</p> <p>The Planning Lawyer advised the meeting that any proposals to refuse the application had to be linked back to policies and that officers sometimes had to offer unpalatable advice and warn of possible consequences to actions, assisting members to good decision-making.</p>
--	--	--

		<p>Further discussion took place relating to:</p> <ul style="list-style-type: none"> • Serious traffic concerns. Highways looking at factors such as the impact on the existing user of the neighbouring facility. It was confirmed that Highways had visited the site. The neighbouring facility is not part of the proposal. They have rights to use the access, but this is a matter between the interested parties. The Highway Authority are unclear as to the ability for an articulated vehicle to enter and turn within the site with the current access arrangements and available turning area. • Possible inconsistencies with speed assessments. The Highway Authority have assessed the visibility requirements based on the submitted information. • Clarification are necessary from Highways over the size of vehicles expected to use the site and development. The applicant has suggested that the size of vehicles used can/should be conditioned and this can be done by UDC. Also, clarification from Highways is required to ensure they have reviewed appropriate submissions regarding speed and volume of traffic. All information submitted has been reviewed. No concerns in relation to capacity. The new units have an overall smaller size when compared to the building proposed to be demolished and are likely to generate movements of smaller sized vehicles. • Possible swept path analysis for articulated lorries anyway. The Highway Authority are unclear as to the ability for an articulated vehicle to enter and turn within the site with the current access arrangements and available turning area. The proposal as per submitted information, does not require the use of articulated vehicles. • The impact on the protected lane, where the Landscape Officer had not expressed any objections. Concerns about possible appeal against non-determination. <p>The Chair proposed deferral to request that further checks be undertaken on the Highways authority's analysis of the size of vehicles (including articulated lorries), the number of vehicles used (for the highway impact on the highway network) and the speed survey to ensure that out of date data was not being used, together with the impact of the combination of two way traffic flows. Overall, the deferral was proposed to ensure there are no highway safety issues.</p>
--	--	---

		<p>This was seconded by Councillor Pavitt.</p> <p>RESOLVED that the matter be deferred in line with the above motion.</p> <p><i>Councillor S Luck and D Gidney spoke against the application. J Salmon (Agent) spoke in support of the application.</i></p> <p><i>The meeting adjourned from 4.05 pm to 4.15 pm.</i></p>
		<p>An <u>additional representation</u> from the owner/occupant of Hand Postage Cottage has been received that raises the following issues:</p> <ul style="list-style-type: none"> • I am in receipt of a related decision to case number - APP/C1570/W/23/3331998. I do not have the ability to comment on the case number above, so I have detailed at the bottom the main point of concern. • Given its relevance to this case, and the inconsiderate levels of noise both the use of the MX Track and the proposed erection of commercial properties will create; my comments on point 19 re-APP/C1570/W/23/3331998 are listed below. • In paragraph 19 in the above appeal decision, the Inspector wrote: <ul style="list-style-type: none"> ○ 19. There is no substantive evidence before me that the MX track use harms unacceptably the living conditions of nearby residential occupiers or camping tourists at the appeal site, or that it would harm the living conditions of future occupiers. A second motor racing facility appears to exist nearby at the Stansted Raceway. The proposal would lead to a reduction in vehicle trips and would not harm highway safety. Further reductions through ceasing use of the MX track would be unnecessary to avoid such harm. Accordingly, the benefits of the UU's planning obligation are of limited weight in favour of the appeal proposal and it does not constitute a reason for granting planning permission in accordance with the Framework's tests for obligations, were it acceptable in all other respects. • I'd be very interested to know what evidence has been obtained or made attempts to obtain, to reach the conclusion given.

		<ul style="list-style-type: none"> • The noise level created by use of the MX Track is quite unbearable, far worse than Stansted raceway, due to its locality and the high-pitched noise of the 2 and 4 stroke engines used. In addition, the MX track is used far more frequently, multiple times a week, weather permitting, with no scheduling made available to neighbouring properties, unlike Stansted raceway. • I work from home and have a young family, use of the MX track significantly harms both our living conditions and my working environment, we are unable to enjoy being outside in the garden and the noise level is so penetrative that it can be heard indoors, affecting home life and interfering with my general work practice in terms of meetings held and general concentration requirements. • I've spoken with the neighbouring properties and each of them are of the same view. Moving forward, consultation may be useful to obtain required evidence, if indeed evidence is used to make informed decisions.
		<p>Comments from the <u>case officer</u> regarding the above representation:</p> <ul style="list-style-type: none"> • The comments refer to a recent appeal decision (UTT/22/3299/FUL) for the erection of 2 no. dwellings, associated cartlodes and change of use of the land from campsite to residential. The appellant had submitted a signed unilateral undertaking obligation for the cessation of the motocross track to the rear of the appeal site. The third party seems to be raising noise issues from the motocross track, which is not relevant to the current application scheme and site. This scheme was dismissed on appeal and has nothing to do with the application in hand – members should afford this appeal decision very limited weight for decision-making purposes.
11	UTT/22/1203/FUL	Land Off Pelham Road Berden
12	UTT/24/0431/FUL	Friends School Mount Pleasant Road Saffron Walden
13	UTT/22/3019/FUL	Plextek Ltd London Road

		Great Chesterford
14	UTT/24/1132/FUL	Land Rear Of Malt Place Cornells Lane Widdington
15	UTT/23/3157/FUL	Land Adjacent Merks Hall And Orchard House Merks Hill
16	UTT/24/0147/LB	The Bluebell Inn High Street Hempstead
17	UTT/24/1308/HHF	4 Woodend Cottages Chickney Road Henham

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

Late items from **STATUTORY CONSULTEES** are reproduced in full.