

PLANNING STATEMENT

**FULL PLANNING
APPLICATION FOR
DEMOLITION OF AN
INDUSTRIAL UNIT AND
ERECTION OF NEW
INDUSTRIAL UNITS
(FIRST REVISION OF
UTT/23/0193/FUL)**

AT

**LOVECOTES FARM
CHICKNEY ROAD
DEBDEN
ESSEX
CM22 6BH**

**SWORDERS
DECEMBER 2023**



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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Anthony Gallagher (hereafter referred to as the 'Applicant') in support of a full planning application for the demolition of an industrial unit and erection of new industrial units (First Revision of UTT/23/0193/FUL) at Lovecotes Farm, Chickney Road, Debden, Essex, CM22 6BH.
- 1.2 The application site is located approximately 1.2km to the Northeast of Henham between Henham and Debden Green. The site comprises of an industrial warehouse, several smaller structures and a number of lorries/ vans/ lorries bodies sited immediately to the rear of two industrial units on the West side of the public highway (Chickney Road). There are two further industrial buildings to the rear of the site, one of which is accessed through the application site. Two residential dwellings are located within the vicinity of the application site, Lovecotes Lodge to the South and Lovecott Farmhouse to the North which is Grade II listed.
- 1.3 The proposed redevelopment would clean up the site and would provide a more suitable environment for a range of local businesses whose activities fall within Use Class E(g)(iii).
- 1.4 This application follows a previous application for the 'Demolition of an industrial unit and erection of 7 no. new industrial units' which was refused by the Local Authority under application reference UTT/23/0193/FUL on 23 June 2023. This application seeks to address the refusal reasons which related to the impact on Lovecott Farmhouse, the absence of a noise impact assessment and access and layout. This has been achieved principally by lowering the number of units from 7 to 6 and decreasing the scale of units 6 and 7 (now 5 and 6) in addition to the creation of a landscaped buffer to the sites Northern boundary with Lovecott Farmhouse.

2.0 PLANNING HISTORY AND BACKGROUND

- 2.1 The full planning history for the application site is detailed in the table below:



Application Reference	Proposal	Decision and Date
UTT/23/0193/FUL	Demolition of an industrial unit and erection of 7 no. new industrial units	Refused - Fri 23 Jun 2023

2.2 As detailed above Local Authority reference UTT/23/0193/FUL was refused on 23 June 2023. The Officers Report is included at Appendix 1. The refusal reasons listed on the Decision Notice, which this application seeks to address, are as follows:

1. By virtue of the size, bulk and massing of the proposals and in particular, buildings 5, 6 and 7, the development would have an adverse impact upon the setting of the Grade II listed building at Lovecotes Farm House. The proposed development is therefore contrary to Policy ENV2 of the Uttlesford Local Plan (2005), Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) and the National Planning Policy Framework (2021).
2. In the absence of a noise assessment for the site and the proposal, the potential impacts of the development upon the amenities of the occupiers of the neighbouring residential properties are not known and are potentially harmful. The proposed is therefore contrary to Policy GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).
3. By virtue of the proposed layout of the site and in the absence of plans demonstrating so, it is not clear that larger lorries would be able to enter the site and leave it in forwards gear. Lorries reversing onto Chickney Road would represent a hazard to highway safety not only in terms of insufficient visibility for their doing so, but also for their obstructing the road in undertaking such a manoeuvre. The proposed development is therefore contrary to Policies GEN1 and GEN8 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).



3.0 PROPOSED DEVELOPMENT

3.1 The proposed development would comprise of the demolition of the existing industrial warehouse and structures and erection of 6 new industrial units (Use Class E(g)(iii)). The existing building has a ground floor area of some 262sqm. The proposed development would have a total ground floor area of some 308.4sqm amounting to a net increase in ground floor area of only 42.4sqm. The removal of all of the existing structures on site would likely result in an overall decrease in built form on the site.

3.2 Internally each unit will have a mezzanine floor with toilet facilities located on both the ground and mezzanine floors. A full breakdown of the unit sizes is detailed in the table below:

Unit Number	Ground Floor Area (SQM)	Mezzanine Area (SQM)	Total Area (SQM)
1	72.4	48.3	120.3
2	71	47.3	118.3
3	61.1	44.1	105.2
4	32.5	17.9	50.5
5	32.5	15.1	47.6
6	38.9	29.4	68.3

3.3 The design vernacular of the proposed units is unchanged from Local Authority reference UTT/23/0193/FUL. The units are designed to resemble agricultural Dutch barns and will thus be finished externally with corrugated black cladding to the walls and roof, large timber sliding doors and double glazed panels within oak frames.



- 3.4 The proposed development would make provision of 12 car parking spaces (including 2 disabled spaces) with 8 electric vehicle (EV) charging points and 18 cycle spaces with ample room for additional bike storage adjacent to Units 1 and 2 if required.
- 3.5 The proposed development incorporates a landscaped buffer comprising of native hedgerow and tree planting to the Northern site boundary. This will provide both a visual and acoustic buffer to Lovecott Farmhouse.
- 3.6 The existing access is to be resurfaced with an improved hard surface (tarmacadam).

4.0 NATIONAL PLANNING POLICY

- 4.1 National planning policy is contained within the National Planning Policy Framework (NPPF) adopted 2012 (as amended September 2023).
- 4.2 The NPPF identifies at paragraph 7 that: *“the purpose of the planning system is to contribute to the achievement of sustainable development”* and identifies three overarching objectives, which are economic, social and environmental.
- 4.3 Paragraph 10 goes onto state: *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).*

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 permission unless:

i. the application of policies in this 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 this Framework taken as a whole.”



- 4.4 Government seeks to encourage local planning authorities (LPA) to be positive in their decision making, stipulating at paragraph 38 that they: “... *should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*”
- 4.5 The NPPF seeks to build a strong competitive economy. Paragraph 81 states that “*Planning policies and decisions should help create the conditions in which **businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity**, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.*” [emphasis added]
- 4.6 The NPPF goes further, encouraging development that would support a prosperous rural economy. Paragraph 84 states that “*Planning policies and decisions should enable:*
- a) the **sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;***
 - b) **the development and diversification of agricultural and other land-based rural businesses;***” [emphasis added].



4.7 Paragraph 85 adds that *“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 example 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.**”* [emphasis added].

4.8 Section 16 of the NPPF considers the conservation and enhancement of the historic environment. Paragraph 194 states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

4.9 Paragraph 197 adds that *“In determining applications, local planning authorities should take account of:*

- a) the desirability of **sustaining and enhancing the significance of heritage assets** and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the **desirability of new development making a positive contribution to local character and distinctiveness.**”* [emphasis added].



4.10 Paragraph 199 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

4.11 Paragraph 202 details that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, **this harm should be weighed against the public benefits** of the proposal including, where appropriate, securing its optimum viable use.”* [emphasis added].

5.0 LOCAL PLANNING POLICY

5.1 Local planning policy is contained within the Uttlesford Local Plan adopted 2005. Of relevance to this application are the following policies:

- Policy S7 – The Countryside
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN8 – Vehicle Parking Standards
- Policy E3 - Access to workplaces
- Policy ENV15 - Renewable Energy

5.2 Consideration has also been given to the following Supplementary Planning Documents and Other Guidance:

- Energy Efficiency and Renewable Energy (October 2007)
- Interim Climate Change Planning Policy
- The Essex Design Guide



6.0 MATERIAL CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

- 6.1 The site subject to this application is located outside of defined settlement boundaries in the Countryside wherein the relevant Local Plan Policy is Policy S7. Policy S7 states that *“The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. This will include infilling in accordance with paragraph 6.13 of the Housing Chapter of the Plan. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.”*
- 6.2 It should be noted however the Policy S7 is considered to be only partially consistent with the NPPF as detailed in the Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility Assessment (July 2012). The commentary contained within the Compatibility Assessment states that *“The policy strictly controls new building **whereas the NPPF [at paragraph 84] supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas.**”* [emphasis added]. As such, Policy S7 can only be afforded limited weight.



- 6.3 Even though Policy S7 can only be afforded limited weight the proposed development is still considered to be partially compatible. The application site is part of an existing commercial site presently used by a domestic and commercial removals and storage company in addition to a workshop to the rear of the site. The site is therefore commercial in nature and does not contribute to the open Countryside experienced beyond the site. It should also be noted that the application site does not lie within a 'valued landscape' as defined by Paragraph 174(a) of the NPPF nor does the Local Plan attribute any locally defined landscape value to the site. As such, the additional built form is considered to be appropriate to the particular character of the part of the countryside within which it is set and the proposed development would be read in the context of the surrounding buildings.
- 6.4 It should be a material consideration that the site comprises previously developed land. As detailed above Paragraph 85 of the NPPF encourages the use of previously developed land to meet local business needs in rural areas.
- 6.5 It should be noted that the Case Officer to Local Authority reference UTT/23/0193/FUL stated in the Officers Report that *"Policy S7 of the Local Plan refers to the development in the countryside and states the countryside will be protected for its own sake. The policy permits development which needs to take place there or is appropriate to a rural area. The site may be regarded as previously developed land and the development would not extend beyond the boundaries of the existing site. **Therefore, the redevelopment of the site is acceptable in principle.**"* [Emphasis Added].

HERITAGE IMPACT

- 6.6 This section seeks to address Refusal Reason 1 to Local Authority reference UTT/23/0193/FUL which concerns the impact upon the setting of the Grade II listed building at Lovcotts Farmhouse. The Conservation Officers comments are copied in full and state as follows:

"Built Heritage Advice pertaining to the application for the demolition of an industrial unit (Barn B) and erection of seven new industrial units.



The application site is adjacent to the Grade II listed Lovcott Farmhouse, this is an eighteenth century timber framed and plastered house (list entry number: 1112406). It is the potential impact upon the setting and significance of the listed building which must be considered, in line with Historic England, Setting of Heritage Assets (GPA Note 3).

The submitted Heritage Statement has not assessed the potential impact of the proposals upon the significance of the adjacent listed building, including a setting assessment in line with GPA Note 3, therefore Paragraph 194 of the NPPF has not been met.

Notwithstanding the above, it has been possible to assess the proposals. There is no objection to the demolition of the existing warehouse (Barn B) or an in principle objection to a replacement building of a similar massing. However, the proposed industrial units, in particular units 5, 6 and 7 raise concern as this would introduce further built form within the immediate setting of the Grade II listed Farmhouse, exacerbating the adverse impact to the setting of the listed building. Additionally, the proposed design of the units include large glazed panels and prominent rooflights which raises concern as this would result in further environmental impacts to the setting of the listed building including light spill and general disturbance.

To conclude, the proposals would fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the NPPF, the level of harm would be less than substantial, Paragraph 202 being relevant. This harm would be low on the spectrum however the NPPF affords great weight to the asset's conservation. This application is also considered contrary to Paragraph 206."

6.7 Following the refusal of Local Authority reference UTT/23/0193/FUL, the proposed development has been amended to reduce any potential impact on the setting of at Lovcotts Farmhouse taking into account the Conservation Officers comments. This includes of note the following changes:

- The reduction in number of units from 7 to 6 through the removal of formerly Unit 5.



- The reduction in scale of Units 5 and 6 (formerly 6 and 7) from a ground floor area of 53.42sqm and 64.10sqm respectively to 32.5sqm and 38.9sqm. The reduction in scale also results in increased separation between Units 5 and 6 (formerly 6 and 7) and Lovcotts Farmhouse.
- Reduction in height of Unit 6 (formerly Unit 7) from 5.604m to 5.381m.
- Reduction in glazing on Unit 6 (formerly Unit 7) and removal of all rooflights to the Lovcotts Farmhouse facing elevation. All rooflights to now utilise obscured glazing to reduce light spill.
- Removal of all external lighting. A lighting plan should be secured by way of an appropriately worded planning condition.
- The creation of a landscaped buffer comprising native hedgerow and tree planting to reduce the intervisibility between the site and Lovcotts Farmhouse.
- Reduction in the scale of Units 1 to 3 from ground floor areas of 85.04sqm, 83.09sqm and 68.38sqm respectively to 72.4sqm, 71sqm and 61.1sqm. The reduction in scale also results in increased separation between Units 1 to 3 and Lovcotts Farmhouse.

6.8 It should be noted that the harm identified in the previous application was found to be less than substantial and on the low end on the spectrum.

6.9 A Heritage Statement prepared by Heritage Unlimited has been submitted alongside this application. It finds that the proposed development would be less spatially and visually impactful to the setting of Lovcotts than the existing site and building, having a positive impact and enhancing the setting and special interest of the listed building. It concludes that no harm would be caused with regard to Paragraphs 199 and 202 within the NPPF and in any case that public benefits would be achieved.

6.10 The proposed development is therefore in accordance with Policy ENV2.

DESIGN AND AMENITY IMPACT



6.11 The Officers Report to Local Authority reference UTT/23/0193/FUL states that *“The design of the proposal and its impact upon the character and appearance of the site, the street scene and the wider area Policy GEN2 of the Local Plan and the NPPF require development to have an acceptable impact upon the character and appearance of an area. The site comprises an industrial unit, a number of lorry bodies and a variety of vehicles. **The site is untidy and detracts from the character of the area. The proposed development would have a positive impact upon the area through its 'tidying' up the site.**The proposed units would be between 60.73 sqm and 139.12 sqm in size and between 5.33m and 6.58m in height. The three largest units would be located mainly on the footprint of the existing unit on the site, the other units to the front of and beside the large unit towards the rear of the site. Cumulatively, the buildings would be considerably larger than the quantum of existing built form on the site. **The site is currently very untidy and the proposal would represent an enhancement of its appearance. The size and height of the proposed units and their spread across the site would have an acceptable impact upon the appearance of the site and would not result in a cramped form of overdevelopment of the site.** While the quantum of development on the site would increase quite significantly, it is considered that on balance, the site is large enough to be able to accommodate the proposals. **The appearance of the units with their curved roofs and large areas of glazing would also have an acceptable impact upon the appearance of the site.**The proposed development therefore accords with Policy GEN2 of the Local Plan and the NPPF”*. [Emphasis Added]. These conclusions are considered comparable to the application at hand. Given the reduction in quantum and reduction in overall built form from the previous application, the application at hand is considered to have a more positive impact on the appearance of the site.

6.12 In response to Refusal Reason 2 this application is supported with a Noise Impact Assessment undertaken by dB Consultants. The Noise Impact Assessment concludes that the sound power level (SWL) of external plant, such as bathroom extraction and air conditioning units and any other mechanical plant, in the new buildings would have a low impact during the day on nearest noise sensitive receptors (Lovecote Lodge and Lovecotes Farm House) subject to the following mitigation measures:



- Silent type mechanical plant should be selected for extraction, ventilation or any other use.
- Mechanical plant should be positioned behind units, for example units 1, 2, and 3 on the east side facing the remaining warehouses, unit 4 on the north side facing towards the garage and units 5 and 6 on the west side.
- Install any external mechanical plant 1m below the top of the boundary brick wall or fence to maximise the screening affect.
- Should external mechanical plant be installed, dBC would recommend further advice is sought from a qualified acoustician to confirm the noise emission ensures a low impact at the NSRs. This is particularly important if more than one mechanical plant is installed as the cumulative affect needs to be considered.
- To control noise from vehicles, signage restricting speed on the access road and an even road surface are recommended.

6.13 The above mitigation measures will be adhered to in full. It is thus recommended that the Local Authority secure this by way of an appropriately worded pre-commencement condition. The Applicant would also support the use of a post-commencement acoustic testing condition to confirm that noise levels at the NSRs are below the recommended SWLs.

6.14 In response to the comments received from Environmental Health to Local Authority reference UTT/23/0193/FUL, the Applicant would support the use of an appropriately worded condition to restrict the hours for deliveries or the hours of use. This should be agreed by the Applicant prior to determination.

6.15 The proposed development is therefore in accordance with Policies GEN2, GEN4 and GEN5.

ACCESS AND PARKING



- 6.16 This section seeks to address Refusal Reason 3 to Local Authority reference UTT/23/0193/FUL.
- 6.17 Following the refusal of Local Authority reference UTT/23/0193/FUL, the proposed development has been amended to ensure that the layout of the site would allow for larger vehicles to exit the site in a forward gear. This primarily includes the removal of Unit 5 to increase the size of the available manoeuvring area.
- 6.18 A Transport Technical Note has been prepared by Paul Basham Associates and is submitted with this application. Of note, this includes a Swept Path Analysis which demonstrates that a 7.5 tonnes box van can enter, turn within the site and egress in a forward gear. This is forecast to be the largest vehicle required to access the site. Therefore, it is considered the provision of the swept path analysis has addressed the highway authority's concerns regarding larger HGVs reversing out of the site, as HGVs are not required to access the site and the 7.5 tonne box van is shown to manoeuvre within the site. It is recommended that the Local Authority use a suitably worded planning condition attached to any grant of planning permission to limit the maximum size of vehicles permitted to access the site to be a maximum weight of 7.5 tonnes. This is consistent with the current vehicle type accessing the site, which varies between private cars and 7.5 tonne box vans.
- 6.19 The Transport Technical Note finds that the proposed development would result in a net increase of some 17 vehicle movements per day. However, it is identified that these vehicle movements are typically forecast to occur outside of the traditional peak hours. Therefore, the net increase in vehicle movements to/from the site on the local highway network is forecast to be negligible, with one additional trip during the traditional peak hours. As a result, the proposed development is not considered to have a significant impact on the local highway network in terms of its operation or safety.



- 6.20 The proposed parking spaces have been considered with regard to the Parking Standards Design and Good Practice September 2009. Parking Standards for former Use Class B2: General Industrial requires 1 space per 50sqm. The total GIA is 510.2sqm therefore the proposed development must provide 10.2 parking spaces (including 2 disabled bays). As such the proposed 12 parking spaces (including 2 disabled bays) is considered to be in accordance with the Councils parking standards. The proposed development provides cycle spaces significantly above parking standards to promote sustainable travel to and from the site.
- 6.21 The proposed development will make provision of 8 (66.7%) electric vehicle charging points to promote the uptake of zero emission vehicles to improve localised air quality. This is significantly above the requirements (up to 2030) detailed within Interim Policy 14 of the Interim Climate Change Planning Policy and Paragraph 107 of the NPPF.
- 6.22 The proposed development is therefore in accordance with Policies GEN1 and GEN8.

ENVIRONMENT

- 6.23 An Ecological Survey and Assessment undertaken by Essex Mammal Surveys is submitted alongside this application. The site was not found to provide a suitable habitat for any protected or priority species. ECC Place Services Ecology were consulted as part of Local Authority reference UTT/23/0193/FUL and had no objection subject to securing biodiversity mitigation and enhancement measures. Biodiversity enhancements as recommended by the Ecological Survey and Assessment will include the following:
- Existing gaps along the site boundaries are retained
 - Two bird nesting boxes to be sited on buildings at the site
 - A Hedgehog nesting box to be sited at base of a boundary
 - Two solitary bee hives to be erected at the site



To secure these biodiversity enhancements, a suitably worded condition attached should be attached to any grant of planning permission.

6.24 The proposed development would not result in the loss of any natural features. A net gain in biodiversity would be achieved through additional native hedgerow and tree planting.

6.25 The proposed development is therefore in accordance with Policy GEN7.

7.0 CONCLUSIONS

7.1 The proposed development comprises of the demolition of an industrial unit and existing structures and erection of 6 No. new industrial units (Use Class E(g)(iii) Industrial processes) and associated development. This follows a previous application for the 'Demolition of an industrial unit and erection of 7 no. new industrial units' which was refused by the Local Authority under application reference UTT/23/0193/FUL on 23 June 2023. This application seeks to address the refusal reasons which related to the impact on Lovecott Farmhouse, the absence of a noise impact assessment and access and layout.

7.2 A Heritage Statement is submitted with this application which confirms that the proposal would not harm the significance of setting of Lovecotes Farmhouse.

7.3 A Noise Impact Assessment is submitted with this application which confirms that the noise impact on the nearest sensitive noise receptors would be low subject to mitigation measures which should be secured by way of condition.

7.4 A Transport Technical Note is submitted with this application. This includes a swept path analysis of a 7.5-tonne box van to confirm that the largest vehicle requiring entry to the site can enter, turn within the site in one manoeuvre, and exist in a forward gear. The Local Authority should condition the maximum size of vehicles permitted to access the site to be a maximum weight of 7.5 tonnes.



7.5 Given the above, the proposed development is considered to be in accordance with both national and local planning policy and the Local Authority are hereby requested to grant planning permission.