

Thomas Gabriel

Delegated Officer Report Recommendation – Refuse

Application number: UTT/23/0193/FUL
Proposal: Demolition of an industrial unit and erection of 7 no. new industrial units
Site Address: Lovecotes Farm , Chickney Road, Debden, Essex, CM22 6BH
Parish: Debden
Ward: Debden And Wimbish
Applicant: Mr Tony Garllagher
Agent: Ms Anna Charnaux
Target Date: 20th March 2023
Expiry Date: 3rd April 2023
Extension of Time Date: Not Applicable

Plans:

Plan Ref	Version	Received
ATCC-21-0069-LP REV F		6th February 2023
ATCC-21-0069-BL REV E		6th February 2023
ATCC-21-0069-ELE ABCDEF REV D		6th February 2023
ATCC-21-0069-GA 1 2 3 REV E		6th February 2023
ATCC-21-0069-GA 4 REV D		6th February 2023
ATCC-21-0069-GA 5 6 7 REV D		6th February 2023
ATCC-21-0069-RF 1 2 3 REV C		6th February 2023
ATCC-21-0069-RF 4 REV B		6th February 2023
ATCC-21-0069-RF 5 6 7 REV B		6th February 2023
ATCC-21-0069-ST REV E		6th February 2023
DESIGN AND ACCESS STATEMENT		6th February 2023

Planning Policies:

Policy	Local Plan	Local Plan Phase
S7 - The Countryside		
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Planning Applications History (if any):

Reference No.	Status	Decision Date	Proposal
UTT/14/1969/FUL	AC	07/11/2014	Change of use of barn from agricultural to equestrian.
UTT/15/0513/DOC	CF	25/03/2015	Application to discharge condition 4(waste management scheme) attached to UTT/14/1969/FUL dated 07.11.2014
UTT/15/3076/FUL	AC	04/12/2015	Removal of condition 3 ('The livery use hereby permitted at the site shall cease on 7 November 2015...') from application UTT/14/1969/FUL - to enable the use to continue.
UTT/0989/88	AC	07/09/1988	New boarding cattery
UTT/1856/05/OP	R	29/12/2005	Proposed replacement of existing banger/hot rod racing circuit with bungalow
UTT/1358/05/FUL	W	08/11/2005	Proposed change of use from agricultural land to organic burial ground
UTT/1915/05/FUL	W	23/11/2005	Proposed replacement of existing Banger-Hot rod racing circuit with bungalow
UTT/0262/00/OP	R	10/05/2000	Outline application for one detached dwelling and garage
UTT/1196/92	W	10/11/1993	Retention of earthworks, safety barriers, mobile toilets, mobile commentary box and store shed at the Banger

Planning Appeals History (if any):

Reference No.	Status	Decision Date	Proposal
1605	ALLOW	12/07/2007	Enforcement Appeal

Neighbour / Public Responses:

No. Neighbours Notified	No. Contributions Received
2	3

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

Consultee Responses:

Consultee Name	Date Comments Received	Nature of Consultation
Health & Safety Executive (Gas Pipeline)	1st February 2023	
Parish Council	8th March 2023	Parish Letter
Ward Members	No Comments Received	Ward Member Notification
ECC Ecology Advice	15th March 2023	Consultation Letter
Environmental Health	24th February 2023	Consultation Letter
Education & Highways (ECC)	No Comments Received	Consultation Letter
Conservation Officer	No Comments Received	Consultation Letter
Conservation Officer	22nd February 2023	
National Grid Plant Protection (Electricity)	1st February 2023	
Linesearch - Gigaclear	1st February 2023	
UK Power Networks	1st February 2023	
Asset Protection	1st February 2023	

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

Officer Report

NOTATION:Outside development limitsDESCRIPTION OF SITEThe application site comprises a warehouse and several smaller structures and a number of lorries/ vans/ lorries bodies sited immediately to the rear of two industrial units on the north western side of the road. The site is located immediately to the rear of two large industrial units and to the front and side of another large unit, all of which use the same vehicular access.To the north east of the site is a residential dwelling and the access to the motocross site to the rear of the Lovecotes Campsite, while to the south west of the site are two residential properties, including Lovecotes Lodge, a listed building. The proposed units would be of a variety of sizes, from 60.73 sqm to 139.12 sqm. The height of the buildings would vary between 5.33m and 6.58m. The three largest units would be located mainly on the footprint of the existing

unit on the site; the other units would be to the front and beside the large unit towards the rear of the site. ENVIRONMENTAL IMPACT ASSESSMENT The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

APPLICANT'S CASE: The application includes the following documents; * Application forms * Biodiversity checklist * Proposed block plan * Proposed site plan * Existing and proposed location plans * Heritage Statement * Design and Access Statement * Ecological survey and assessment * Proposed elevations * Proposed floor plans * Proposed roof plans * Photographs and photomontages

RELEVANT SITE HISTORY: None relevant.

POLICIES S70 of the Town and Country Planning Act 1990 requires the Local Planning Authority, in dealing with a planning application, to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005): (ULP) S7 - The Countryside GEN1 - Access GEN2 - Design GEN4 - Good Neighbourliness GEN5 - Light Pollution GEN7 - Nature Conservation GEN8 - Vehicle Parking Standards E1 - Distribution of Employment Land

Supplementary Planning Documents/Guidance: Essex Design Guide National Policies: National Planning Policy Framework (NPPF) (2021) PPG - Design S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to: (a) the provisions of the development plan, so far as material to the application, (b) a post-examination draft neighbourhood development plan, so far as material to the application, (c) any local finance considerations, so far as material to the application, and (d) any other material considerations. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

REPRESENTATIONS Neighbours were notified of the application by letter. Three responses received, objecting and commenting on the following grounds;

- o The principle of the development is not in accordance with the Local Plan;
- o The development would be incongruous, disproportionately large, cramped and out of character with the area and would cause harm to the character of the area;
- o It would represent an overdevelopment of the site;
- o It would cause harm to the setting of the Grade II listed Lovecotes Farmhouse;
- o The access to Chickney Road is substandard and does not provide sufficient visibility splays; the access road is too narrow and would result in vehicles reversing onto Chickney Road; the use of the existing access already creates a mess on the roads;
- o The increase in traffic using the site and the roads would be harmful to highway safety;
- o The car parking provision is contrived and insufficient. Vehicles may not be able to leave the site in forwards gear. Refuse vehicles and fire tenders may not be able to access the site;
- o The development would breach the rights to light of the neighbouring properties;
- o The development would require the demolition of asbestos-containing buildings. This would have to be done in the correct manner;
- o The proposal has not taken account of legal access rights over the whole property; and
- o The site is not large enough to accommodate the proposed development.

PARISH COUNCIL CONSULTATION Objects on the following grounds;

- o The site is outside the village envelope;
- o There are no pavements along the road to the site;
- o The grant of this and the application UTT/22/3299/FUL would result in much increased traffic on the road;
- o Adverse impact upon the Grade II listed buildings at Lovecotes Farm and Handpost Cottage; and
- o Urbanisation of this rural area to become a business area - further development may follow.

WARD MEMBERS CONSULTATION No comments received.

Environmental Health - Any risks from contaminated land at the site must be identified, assessed and where necessary remediated to a suitable standard, by condition. It is not clear whether the proposed use would result in a greater level of noise arising from the site - this should be clarified. Without a noise assessment, refusal of the application is recommended. Impacts from demolition and construction may have to be mitigated by a

management plan. External light should be controlled by condition. A condition regarding charging points for electric vehicles is recommended. An informative regarding energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels and ground source heat pumps etc in the interests of carbon saving and energy efficiency.

ECC Highways - Would there be sufficient space retained on the site for vehicles to be able to turn to ensure they enter and leave the site in forwards gear, and would there be sufficient parking for all vehicles associated with the site? Further details and plans, including swept path analysis, should be submitted to demonstrate these points.

Built Heritage - There is no objection to the demolition of the existing warehouse or an in principle objection to a replacement building of a similar massing. However, the proposed units, in particular units 5, 6 and 7, would introduce further built form in the immediate setting of the Grade II listed farmhouse exacerbating the adverse impact to the setting of the listed building. The design of the units with large glazed panels and prominent rooflights raises concern as this would result in further environmental impacts to the setting of the listed building including light spill and general disturbance. 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.

Ecology - No objection subject to securing biodiversity mitigation and enhancement measures.

Cadent Gas - No objection but would request an informative regarding the proximity of the development to gas infrastructure.

UK Power Networks - No comment/ objection.

Gigaclear Ltd - No comment/ objection.

House and Safety Executive - The HSE does not advise against the grant of permission on this site.

PLANNING CONSIDERATIONS: The issues to consider in the determination of the application are: 1. The principle of the development; 2. The design of the proposal and its impact upon the character and appearance of the site, the street scene and the wider area; 3. The impact of the proposal upon the setting of the adjacent listed buildings; 4. The impact of the proposal upon the amenities of the occupiers of the neighbouring properties; 5. Parking and highway safety; and 6. Other issues.

The principle of the development

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. 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. The impact of the proposal upon the setting of the adjacent listed buildings

Policy ENV2 of the Local Plan, Section 66 of the Planning

(Listed Building and Conservation Areas) Act and the Section 16 of the NPPF require, amongst other things, development to have an acceptable impact upon the setting of listed buildings. The proposed units, in particular units 5, 6 and 7, would introduce further built form in the immediate setting of the adjacent Grade II listed Lovecotes Farm House and would exacerbate the adverse impact upon the setting of this listed building that the site has. Moreover, the design of the units with large glazed panels and prominent rooflights would further exacerbate the impact of the proposal upon this listed building, as would light spill from the proposed buildings and the increased noise and disturbance arising from the increased use of the site. While the level of harm would be at the lower end of the spectrum in terms of the NPPF, the proposed development would nevertheless fail to preserve the special interest of the listed building, contrary to Policy ENV2 of the Local Plan, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF. The impact of the proposal upon the amenities of the occupiers of the neighbouring properties Policies GEN2 and GEN4 of the Local Plan and the NPPF require development to have an acceptable impact upon the amenities of the occupiers of adjoining and nearby properties. The proposed development would be visible from the residential properties either side of the site. In terms of outlook, it is considered that on balance, the proposal would be acceptable. Considering the distance between the site and the neighbouring properties, it is not thought the development would have a harmful impact upon the level of light reaching those properties. However, a noise assessment was not submitted with the application and therefore, the potential noise impacts of the development upon the amenities of the occupiers of those properties are not known. While the potential uses of the proposed units could be controlled by condition, within Class E, there are a lot of uses that can be changed between without the need for a specific permission. It would therefore be difficult to control the use of the buildings and therefore the level of noise and disturbance arising from them. The impacts for the adjoining residential properties would therefore be difficult to control to and accordingly, the application is recommended for refusal on the basis of harm to neighbour amenity. Parking and highway safety The Essex Design Guide Parking Standards for business use (former B1 use) are one space per 30 sqm; for general industrial use (former B2 use), they are one space per 50 sqm; and for storage use (former B8 use), they are one space per 150 sqm. The floorspace of the proposed units is 688.1 sqm which equates to 30 spaces for business use; 14 spaces for general industrial use; and 5 spaces for storage use. 15 car parking spaces are proposed on the site. This is considered acceptable. However, and while there would appear to be sufficient space for cars and smaller lorries and vans to be able to turn on the site in order to leave it in forwards gear, there would be no method of controlling the size of lorries using the site. 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). It is however considered that fire tenders would be able to access the site as the width of the entrance to the site is not altering. Refuse vehicles could collect refuse from bins placed at the front of the site. Other issues Potential land contamination risk may be addressed by the undertaking of suitable assessments, surveys and remediation as necessary. This may be achieved by condition. The proposed development would be acceptable from an ecology point of view, subject to conditions securing biodiversity mitigation and enhancement measures. The demolition of any asbestos-containing buildings would need to be done in the correct manner and would be controlled by separate legislation. It is not known whether there are any legal access rights over the whole property. However, their presence or otherwise is not an issue for consideration in this application as it is not a planning issue. Whether the development would result in further development is not known. However, in the event that further applications on the site are submitted, they would be dealt with on their own merits. Conclusion The proposed development is considered to be acceptable in principle as it is a previously developed site and the proposal would not extend beyond the boundaries of the site. The impact of the

development upon the amenities of the occupier of the neighbouring residential properties would be acceptable in terms of outlook. However, 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). The use of the proposed buildings is not known and a noise assessment was not submitted with the application and therefore, the potential impacts of the development upon the amenities of the occupiers of those properties are not known. The proposed is therefore contrary to Policy GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021). The development would provide sufficient parking and sufficient turning space for smaller vehicles, However, it would appear that larger vehicles would have difficulty turning on site due to its layout. 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). The application is accordingly recommended for refusal.

Conclusion

Reasons for Refusal

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).

Informative(s):-

1 Appeals to the Secretary of State

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

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

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

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

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

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

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

Appeals can be made online at:

Householder (HHF) - <https://www.gov.uk/appeal-householder-planning-decision>

FULL - <https://www.gov.uk/appeal-planning-decision>

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

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

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

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

Authorising Officer and date:

**Nigel Brown
23 June 2023**