



Appeal Decision

Hearing held on 10 September 2019

Site visit made on 10 September 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019

Appeal Ref: APP/C1570/W/18/3200410

Waltham Hall Farm, Bambers Green Road, Takeley CM22 6PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by National Express Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/17/1087/FUL, dated 10 April 2017, was refused by notice dated 18 January 2018.
 - The development proposed was originally described on the application form as: "development of Coach Depot comprising change of use agricultural grain store to coach maintenance workshop, and associated land for access and parking forecourt; refurbishment works to Network House, a curtilage listed building; demolition of 6 no. existing B2 workshops; access, resurfacing and levelling of the existing coach depot, parking provision for cars and coaches; associated facilities (including toilet drop and wash down facilities); external lighting associated hard and soft landscaping including bunding and other boundary treatments; and associated infrastructure works."
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to a Coach Depot (Sui Generis) comprising: Change of use of agricultural grain store to coach maintenance workshop and associated land for access and parking forecourt; Refurbishment works to Network House, a curtilage listed building; Demolition of 6 no. existing B2 workshops; Access, resurfacing and levelling of the existing coach depot, parking provision for cars and coaches; Associated facilities (including toilet drop, and wash down facilities); External lighting; Associated hard and soft landscaping including the reprofiling and construction of bunding and other boundary treatments including acoustic fencing; and Associated infrastructure works at Waltham Hall Farm, Bambers Green Road, Takeley CM22 6PF in accordance with the terms of the application, Ref UTT/17/1087/FUL, dated 10 April 2017, subject to the 14 conditions set out in the attached schedule.

Procedural Matters

2. The appellant submitted amendments to the proposal at the appeal stage in the form of a revised landscape strategy (as shown on 723/01) and consequential changes to the site layout plan (as shown on 140274-01-101 T11). The amendments involve the relocation of car parking away from the historic buildings at Network House and Nine Bay Barn towards the grain store, along with revised bunding at the south-western corner of the site and the use of bollards along the northern boundary of the depot. Revised tracking drawings (ATR1-4) have also been submitted to show that the revised site layout can accommodate coach movements.

3. The amendments are minor and seek to improve the visual effect of the development. They would not prejudice any interested party including occupiers of adjoining properties. The Council and interested parties have been notified of the amendments by the appellant and have not objected. Therefore, I am satisfied that the amendments can be taken into account as part of my decision and I have proceeded on that basis.
4. The description of development in the formal decision above is taken from the decision notice and appeal form, as it more precisely describes the development. While there was some discussion at the hearing as to whether the six workshops are Use Class B2, given that they are to be demolished as a result of this decision their exact use is a moot point. The description does not refer to replacement guttering as this is covered by the listed building consent issued by the Council on 18 January 2018 (ref UTT/17/1088/LB).

Main Issues

5. In the statement of common ground (SOCG) between the appellant and the Council, amendments were made to the first reason for refusal as it was accepted that the case for a new maintenance depot in this general location has been made. At the hearing, the Council conceded that its concerns related to the physical effect of the proposal on the character and appearance of the area rather than the principle of the use in this location. However, there were still concerns at the hearing as to whether the location was suitable. The SOCG also confirms the withdrawal of the third reason for refusal as the Council conceded that there was no technical justification on highways grounds. However, interested parties continue to have highway safety concerns and made representations on this issue at the hearing. As a consequence, it has remained a main issue.
6. Based on the above, the main issues are the effect of the development on:
 - a) the character and appearance of the area;
 - b) the setting of adjacent listed buildings; and
 - c) highway safety.

Reasons

Character and appearance

7. The appeal site is located on Hall Road close to the junction with Bambers Green Road. It is opposite the boundary for Stansted Airport, although a mature landscape buffer screens the site from the airport. The site contains a number of buildings and uses. A large grain store and surrounding hardstanding on the southern part of the site has an authorised use for agricultural purposes. The rest of the site is used for a mixture of car parking and a coach depot and workshop for a local bus company, much of which is authorised. There is a brick building known as Network House next to Hall Road and six workshop structures further into the site before a large area of coach and bus parking at the rearmost part of the site.
8. There is an existing hedgerow between the grain store and the rest of the site, while there is a bund and mature tree screen around the coach and bus parking at the rear of the site. Planting along the Hall Road frontage as far as the site

access screens front of the grain store, but there is little screening of this building along the southern boundary.

9. The site is located with the countryside and the Countryside Protection Zone (CPZ) as designated by Policies S7 and S8 of the Uttlesford Local Plan 2005 (ULP). Policy S7 looks to protect the countryside for its own sake and only grant permission for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhance 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.
10. Policy S8 also seeks to only grant permission for development that is required to be there or is appropriate to a rural area and will not permit development if the new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or it would adversely affect the open characteristics of the CPZ. The CPZ has been reviewed as part of the emerging Local Plan and found to still meet its purpose. The site falls within Parcel 6 of that review. The review notes that urbanising influences are limited to the light industrial units at Waltham Hall which includes the site.
11. The appellant needs to find a new location to consolidate its local coach depot facilities. The leases on the existing sites at Start Hill (also with the CPZ) are not available for the long-term. There is little evidence that a site within Stansted Airport itself is available, and other sites have been investigated by the appellant and ruled out. The depot is intended to service the appellant's fleet of coaches which use Stansted Airport as a hub for various regional and national routes.
12. The appeal site already has commercial and workshop uses, including a bus depot, and is previously developed land. It is situated close to the airport. There may be other potential sites in the surrounding area, but it has not been demonstrated that they are suitable and available. Therefore, whilst in the countryside and CPZ, the proposed use would be appropriate for the rural area and needs to take place there given the links to the airport.
13. Notwithstanding the above, it is still necessary to consider the physical effect of the proposal. Apart from Network House, none of the buildings within the existing site are particularly attractive and instead have a utilitarian form and appearance. The large amount of car and bus/coach parking dominates views from the entrance off Hall Road, while the grain store is rather stark and uncompromising when viewed from the south-west. Therefore, the character and appearance of the existing site is hard, urban and commercial rather than bucolic or rural.
14. The proposed refurbishment and re-use of Network House would help to enhance this historic building. This would be accentuated by the removal of car parking and the planting of a boundary hedge in front of the building as part of the revised landscape strategy and site layout plan. There would be alterations to the grain store to form new windows and doors. The latter would be large to allow coach access into the maintenance workshop, but would be on the north side of the building facing into the site. Overall, the changes to the grain store would have limited visual effect with the bulk of the building remaining. New bunding and planting on the southern boundary would improve the screening of the grain store from the south-west, which would be an enhancement.

15. The existing six workshop structures would be removed, reducing the visual clutter they currently present. In their place would be a service area to refuel and clean coaches, including toilet drop facilities. This area would be screened by fencing and planting along with a landscape buffer to the site's northern boundary. There would be a number of cars and coaches parked across the site, but this would be similar to the present situation. The existing screening at the rear would be maintained to limit views from Bambers Green Road. The site would be illuminated after dark, but the duration and intensity of lights can be controlled by condition, including the use of motion sensors to avoid some lights having to be on permanently.
16. The site would be used by a single operator and would result in a degree of corporate uniformity compared to the mixture of current businesses and signage, including a number of identical coaches using this stretch of rural road. However, having seen the appellant's existing sites at Start Hill, the depots there are low key in terms of signage and corporate appearance. The intention is that the depot does not serve any customers and so there is no need for a strong public presence. The proposal does not include any signage, which would likely require separate consent in any case. The number of coaches travelling to and from the site when compared to existing traffic movements (considered in more detail below) would not adversely affect the character of the rural road.
17. Given the existing site, there would be no coalescence between the airport and existing development in the countryside. There would be no adverse effect on the open characteristics of the area, particularly as the number of structures would reduce rather than increase and the extent of vehicle parking would be similar to existing. There is also the opportunity to better regulate the use and activities on site in comparison to the mix of authorised and unauthorised uses of the site. While interested parties have flagged up development pressures elsewhere in the CPZ, it has not been demonstrated that other sites are directly comparable to the appeal site or that granting permission would set a precedent. In any case, the proposal would not harm the countryside or the CPZ for the reasons given above.
18. Concluding on this main issue, the development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with ULP Policies S7 and S8 and not conflict with paragraph 127 of the National Planning Policy Framework (NPPF) which, amongst other things, seeks development that functions well and is sympathetic to local character.

Listed buildings

19. The adjoining land to the north of the site at Waltham Hall Farm contains six Grade II listed buildings. Waltham Hall dates from around the 17th century as a timber framed property with tile roof. The cartlodge, granary, nine bay barn, barn to the west of Waltham Hall, and barn north-east of the cartlodge range in age from the 17th to 19th centuries. They form a coherent and attractive group of buildings associated with Waltham Hall as the principal building. Today, the six listed buildings have a mixture of uses and occupants but retain architectural and historic interest as rural and agricultural structures which in turns informs their significance. It is generally accepted that Network House as a 19th century building previously associated with Waltham Hall and the other listed buildings is curtilage listed for planning control purposes.

20. The listed buildings retain a rural backdrop to the north and east, but the appeal site to the south with its commercial use and activities along with the amount of parking and the six workshop buildings presents a hard and urban backdrop. As a consequence, this part of the buildings' setting has a negative effect on their significance and special interest.
21. The proposal would provide some enhancement to this setting through the removal of the six workshop buildings and improvements to Network House including the replacement of parking with a green boundary. The removal of the workshops will allow for replacement guttering to the nine bay barn as part of the listed building consent. The introduction of a service area as described above along with the noise, fumes and vibration from the maintenance and parking of coaches would have some negative effect on the setting.
22. However, given the existing use and activities, the degree of harm to the significance of the listed buildings would be small. Mitigation measures in terms of screening and landscape buffering to the north, along with lighting controls and better regulation of the site would help to reduce the harm. The public benefits of providing a long-term location for a national bus operator on a site that is available and well-situated for the airport, along with enhancements to Network House, are significant and would clearly outweigh the harm.
23. Concluding on this main issue, the development would have an acceptable effect on the setting of the adjoining listed buildings. Therefore, it would accord with ULP Policy ENV2 which requires development affecting listed buildings to be in keeping with its scale, character and surroundings. The public benefits would outweigh the harm and the significance of the listed buildings would be sustained in accordance with NPPF paragraphs 192, 193, 194 and 196.

Highway safety

24. Hall Road originates in Elsenham to the north and continues past the site as far as a mini-roundabout access into Stansted Airport, where it becomes Parsonage Road towards Takeley and the B1256. It is a busy route with cars and larger vehicles such as lorries. A survey by Takeley Parish Council indicates that traffic volumes are increasing while there have been accidents along the route. There are two pre-school nurseries along Hall Road near to the site.
25. While there would be a number of vehicle movements generated by this proposal including coaches, the evidence presented by the appellant indicates that such movements would be less than the existing situation. This is based in part on traffic flow data provided by National Express for their existing coach depot and taking into account the fact that around 30% of coach drivers will travel to Stansted Airport by public transport to pick up their coaches. The decrease in movements is also based on the removal of existing airport parking activity within the site. I have insufficient reasons to dispute this evidence.
26. Although the mini-roundabout geometry is tight, there is little evidence to show that coaches could not negotiate it safely to and from the airport, while it has not been demonstrated that coaches are banned from using this airport access. As a result, the journeys from the site into the airport would be short, while the road network within the airport provides appropriate and easy access onto the A120 and M11. This should avoid coaches travelling via the B1256 and Takeley. The accidents that have occurred along Hall Road are not connected with large vehicle movements and traffic levels are not forecast to increase as a result of

this proposal. Sufficient visibility splays can be achieved for the site access and can be secured by condition.

27. Concluding on this main issue, the development would have an acceptable effect on highway safety. Therefore, it would accord with ULP Policy GEN1 which, amongst other things, requires safe access to the main road network with the traffic generated by development capable of being accommodated by the network. It would not conflict with NPPF paragraphs 83 and 84, which require economic development to avoid unacceptable impacts on local roads, or paragraph 109 which seeks to avoid severe impacts on the road network.

Other matters

28. The proposal would result in the loss of an agricultural use in the grain store and small scale employment uses in the existing workshops, but I have little evidence that this would have significant adverse effects. Moreover, the proposal would generate and sustain employment and economic activity. It has not been demonstrated that the proposal should make any contributions via planning obligations.
29. Effects on the living conditions of occupiers of neighbouring properties caused by lighting or noise can be addressed through mitigations measures secured via conditions. Effects on living conditions relating to outlook or privacy would be similar to the existing uses on site and would not be significant. There is little evidence that the proposal, including lighting, would have an adverse effect on protected species or their habitats. The cleaning of toilets can be addressed on site and conditions can control drainage matters. None of these other matters would result in more than a small adverse impact.

Planning balance

30. The Council has accepted that ULP Policies S7 and S8 are out of date in terms of their consistency with the NPPF. As a consequence, it was accepted at the hearing that NPPF paragraph 11(d) is engaged. The application of NPPF policies that protect designated heritage assets do not provide a clear reason for refusing the development. The adverse impacts are small and would be significantly and demonstrably outweighed by the benefits as outlined above. Therefore, the application of the presumption in favour of sustainable development in NPPF paragraph 11 indicates that planning permission should be granted. The proposal would be in accordance with the development plan and would not conflict with any relevant policy.

Conditions

31. In addition to the standard time limit condition, Condition 2 is necessary to clarify the approved plans. Condition 3 is necessary to secure adequate noise mitigation and is a pre-commencement condition to ensure that measures are agreed before development starts. Conditions 4 and 5 are necessary in the interests of land remediation given the existing and historic uses of the site. Condition 4 is pre-commencement as remediation measures need to be agreed before any works begin.
32. Conditions 6 and 7 are necessary to address surface water management at both the construction and operational phases of development. They are pre-commencement to ensure that adequate measures can be secured. Condition 8

is necessary to ensure a maintenance plan for any surface water management, while Condition 9 is necessary to avoid pollution of surface water drains.

33. Condition 10 is necessary to ensure that the landscaping measures have an acceptable effect on the character and appearance of the area and the setting of the listed buildings. Condition 11 is necessary for highway safety reasons to secure adequate visibility splays. Condition 12 is necessary to secure adequate parking provision on site. Conditions 13 and 14 are necessary to ensure that any lighting of the site has an acceptable effect on the surrounding area including adjoining properties.

Conclusion

34. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graeme Keen QC	Counsel
Jane Terry	DLP Planning Ltd
Adam Cook	National Express Ltd
Christopher Cave	Vail Williams LLP
Adrian Draffin	Draffin Associates
Steve Williamson	Intermodal Transport Ltd
Mary Neale	Archway Heritage

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Brown MRTPI	Uttlesford District Council
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INTERESTED PARTIES WHO SPOKE AT HEARING:

Councillor Peter Hewett	Takeley Parish Council
Councillor Jackie Cheetham	Takeley Parish Council

DOCUMENTS SUBMITTED AT HEARING

1. Written statement from Takeley Parish Council, including extract from 2016 assessment of the Countryside Protection Zone, submitted by Takeley Parish Council.
2. Representation on the appeal from High House Nursery, submitted by Takeley Parish Council

SCHEDULE OF CONDITIONS (14)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 140274-01-001 K, 140274-01-101 T11, 140274-01-110 K, 140274-01-201 K, 140274-01-202 K, 140274-01-301 K, 140274-01-302 K, 140274-01-402 T5, Vehicle Tracking ATR1, ATR2, ATR3, ATR4, 723/01
- 3) Prior to the commencement of the development, a noise management plan shall be submitted to and approved in writing by the local planning authority. The plan shall identify measures to control noise emanating from the development. Any identified measures shall be implemented before the development is first occupied and in accordance with the approved plan at all times.
- 4) Prior to the commencement of the development, a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the local planning authority. The scheme must be based on the findings of the ground investigation report prepared by Ian Farmer Associates dated April 2017. The scheme must include all works to be undertaken, proposed remediation objections and remediation criteria, and must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development must be carried out strictly in accordance with the remediation scheme. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the local planning authority.
- 5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the local planning authority and once the local planning authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site until such time a remediation scheme has been submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out in accordance with the remediation measures and within 3 months of the completion of measures a validation report must be submitted to the local planning authority.
- 6) No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.
- 7) No development 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 the 1 in 1 Greenfield or at least 50% betterment of Brownfield rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change;
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100-year plus 40% climate change event;
- 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 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; and
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the first occupation of the development.

- 8) Prior to the first occupation of the development, 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, shall be 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 shall be provided. The applicant or any successor in title must maintain yearly logs of maintenance which shall be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the local planning authority.
- 9) Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to a foul sewer or sealed system.
- 10) Apart from demolition, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved before the development is first occupied. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The landscaping details to be submitted shall include:
 - Full details of the cross-section of the bund;

- Planting details, including planting plans giving details of specifications of species, sizes, planting centres, number and percentage mix;
 - Details of the entrance barrier;
 - Car parking layout;
 - Boundary treatments;
 - Vehicle and pedestrian access and circulation areas;
 - Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
 - Details of siting and timing of all construction activities to avoid harm to all nature conservation features.
- 11) Prior to the first occupation of the development, the access as shown in principle on drawing number IT1875/SK/01 shall be provided. It shall have clear to ground visibility splay with dimensions of 2.4 metres by 73 metres to the south west and 2.4 metres by 72 metres to the north east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times thereafter.
- 12) Prior to the first occupation of the development, the car parking spaces in accordance with Essex Parking Standards of a minimum size of 5m by 2.5m, to be provided, hard surfaced, sealed and motorcycle parking and secure, covered cycle parking to be provided in accordance with the Essex Parking Standards, all to be retained thereafter for that purposed
- 13) Prior to the first occupation of the development, a scheme for minimising light pollution, including measures such as motion sensed lighting, shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out strictly in accordance with the approved measures.
- 14) The intensity of illumination of the lighting shall at all times be at the minimum level necessary to ensure safe and secure operational use of the site and at no time exceed the levels specified as part of the Lighting Impact Assessment provided by Level EE dated March 2017. All lighting fixtures shall be shielded where there is a possibility of light spill or any detriment to amenity.