



## UTTLESFORD DISTRICT COUNCIL

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Date: 22 March 2021

Our Ref: UTT/20/3256/DOC

Please ask for: Clive Theobald on  
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### THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015 PART 5 - DISCHARGE OF CONDITIONS

**PROPOSAL:** Application to discharge condition 6 (mitigation and enhancement), 7 (Biodiversity enhancement layout) and 8 (lighting design scheme for Biodiversity) attached to UTT/20/0561/FUL

**LOCATION:** Poplars Farm, Broad Bridge Road, Aythorpe Roding, Dunmow, CM6 1RY, ;

Uttlesford District Council as the Local Planning authority hereby make the following decision(s) on the application UTT/20/3256/DOC received on 10 December 2020 regarding the above conditions.

#### Condition(s) Discharged in Full

6. All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Samsara Ecology, April 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, including, but not limited to, the creation of a wildflower grassland area, installation of bird boxes, and bat boxes.

**REASON:** To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. Condition 6 of planning permission UTT/20/0561/FUL is not of the pre-commencement type as it requires all ecological mitigation and enhancement measures and/or works to be carried out in accordance with the details accompanying the planning application.
7. ECC Place Services have commented in their consultation response dated 18 December 2020 that the addition of a new native species hedgerow along the eastern flank boundary of the proposed site car park will provide additional biodiversity value to the

site, notwithstanding that the proposed adjacent meadow planting strip has been reduced in size. ECC Place Services are therefore satisfied that, with implementation in full of the biodiversity enhancement plans outlined on submitted "Site Ecology Enhancements Drawing" No. 10934/A1/21 and also on Site Plan "Proposed Hard and Soft Landscape" Drawing No. 10934/A1/20 attached to UTT/20/3255/DOC (Anthony Jane Architecture & Interiors, November and December 2020), that the scheme will provide adequate protection and enhancements for European Protected Species bats and other protected and Priority species and that these will be deliverable on site sufficient to discharge Condition 7.

CONDITION 7 OF PLANNING PERMISSION UTT/20/0561/FUL IS THEREFORE DISCHARGED IN FULL

7. Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal Report (Samsara Ecology, April 2020), including location of bird and bat boxes, details of native/wildlife friendly planting in wildflower grassland and landscaping, shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

8. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

**Notes:**

- 1 -This permission does not incorporate Listed Building Consent unless specifically stated.

-The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.

-The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.

-The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).

- It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk) and accompanied by the correct fee.

-Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.

-Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.

-If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.

-Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.

-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

-Working in close proximity to live overhead lines:

The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines" UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.

Appeals to the Secretary of State

-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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

- 2 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.



**Gordon Glenday**  
**Assistant Director Planning**

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