



UTTLESFORD DISTRICT COUNCIL

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Dated: 17 October 2023

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/23/1247/FUL

Applicant: Mr and Mrs Peacock

Uttlesford District Council **Grants Permission** for:

S73 application to vary condition 2 (approved plans) of UTT/22/2638/FUL (erection of replacement dwelling and garage) in order to amend the design of the dwelling and alter the proposed access arrangements at Bury Farm House 2 Station Road Felsted Dunmow Essex CM6 3HB

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
622 P 0001 J	Location Plan	19/05/2023
ACCESS APPRAISAL	Other	19/05/2023
S4 0011 C	Block Plan	30/08/2023
SK02.1 REV G	Other	30/08/2023
SK02.2 REV G	Other	30/08/2023
622 P 0100 J	Floor Plan (proposed)	10/01/2023
622 P 0002 J	Block Plan	10/01/2023
622 P 0010 J	Block Plan	10/01/2023
622 P 0011 J	Block Plan	10/01/2023



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622 P 0110 J	Floor Plan (proposed)	10/01/2023
622 P 0240 J	Elevations (proposed)	10/01/2023
P 0200 M	Elevations (proposed)	10/01/2023
P 0120 M	Floor Plan (proposed)	10/01/2023
P 0140 M	Roof Plans	10/01/2023
P 0210 M	Elevations (proposed)	10/01/2023
P 0220 M	Elevations (proposed)	10/01/2023
P 0300 M	Other	10/01/2023
S4 0011 A	Block Plan	19/05/2023
S4 0110	Floor Plan (proposed)	19/05/2023
S4 0120	Floor Plan (proposed)	19/05/2023
S4 0130	Floor Plan (proposed)	19/05/2023
S4 0140	Roof Plans	19/05/2023
S4 0200	Elevations (proposed)	19/05/2023
S4 0210	Elevations (proposed)	19/05/2023
S4 0220	Elevations (proposed)	19/05/2023
S4 0240	Combined	19/05/2023
S4 0300	Other	19/05/2023

Permission is granted with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 3 Prior to the commencement of the development above slab level hereby approved, a schedule of the types and colours of the materials to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented strictly in accordance with the approved materials.
REASON: To preserve the significance of the heritage assets, in accordance with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (2005), the Essex Design Guide, s66(1) and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (2023).

- 4 Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the Local Planning Authority: -
- Retained features
- New planting
- Boundary treatment

The landscaping works shall include an Ecological Design Strategy (EDS) addressing the compensation of habitats and shall include the following;

- a) purpose and conservation objectives of the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/ or working method(s) to achieve stated objectives;
- d) extent and location/ area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, eg. native species of local provenance;
- f) timetable for implementation;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long- term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any waste arising from the works.

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

All hard and soft landscape works must be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All

landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023) and to allow the Local Planning Authority to discharge its duties under s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species).

- 5 Prior to occupation of the development visibility splays as shown on DWG no SKO2.1 Rev G (Project 4012) and SKO2.2 Rev G (Project 4012) shall be provided. A 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall also be provided on both sides of each vehicular access. The pedestrian visibility splays must not form part of the vehicular surface of the access. All visibility splays shall be retained free of any obstruction in perpetuity.
REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.
- 6 Prior to occupation of the development each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be less than 3 metres (4.5 metres maximum) and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.
- 7 Prior to occupation of the dwelling hereby approved, 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 (through the provision of appropriate lighting plans, drawings and technical specifications) 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 Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).
- 8 The development hereby approved shall be carried out in full accordance with the details of the Great Crested Newt license approved under ref. UTT/23/1303/DOC.
REASON: To conserve protected species and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s17 of the Crime and Disorder Act 1998, in accordance with Policy GEN7 of the Uttlesford Local Plan 2005 and the National Planning Policy Framework 2023.

- 9 The development hereby approved shall be carried out in full accordance with the details of the Construction Environment Management Plan (biology) as approved under ref. UTT/23/1161/DOC.
REASON: To conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species), in accordance with Policy GEN7 of the Uttlesford Local Plan 2005 and the NPPF 2023.
- 10 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors
b. No dust emissions should leave the boundary of the site
c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).
- 11 The dwelling hereby approved by this permission shall be built to Category 2: Accessible and Adaptable Dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan (2005) and the subsequent Supplementary Planning Document on Accessible Homes and Playspace.
- 12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Eight Versa, September 2022), GCN Licence Letter (Eight Versa, 9th December 2022) and Ecological Mitigation Plan, drawing no. HIF-LEA-00-00-DR-L-1004 Rev P01 (Livingston Eyre Associates, September 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON: To conserve and enhance protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species) in accordance with Policy GEN7 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).
- 13 If during any site investigation, excavation, engineering or construction works, evidence of land contamination is identified, the applicant shall notify the Local Planning Authority

without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.
- 15 Any gates provided at the vehicular accesses shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway, in the interests of highway safety.
- 16 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and the associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.
- 17 Any existing or new boundary planting shall be planted a minimum of one metre back from the highway boundary and any visibility splay.
REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.
- 18 A minimum of a single electric vehicle charging point shall be installed at the dwelling. This shall be provided, fully wired and connected, ready to use before first occupation.
REASON: To encourage/support cleaner vehicle usage in accordance with the National Planning Policy Framework (2023) and Policies ENV13 and GEN2 of the Uttlesford Local Plan 2005) and in accordance with the guidance in Approved Document S of the Building Regulations.
- 19 The first floor window in the west elevation and the two first floor windows in the east elevation of the dwelling hereby approved shall be fitted with obscured glass and shall be non- openable to a minimum height of 1.7m above internal floor level.
REASON: To prevent overlooking and loss of privacy, in the interests of the amenity of the occupiers of the neighbouring properties, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005) and the National Planning Policy Framework (2023).

In determining this application, the Local Planning Authority had regard to the following Development Plan Policies:

Policy	Local Plan	Local Plan Phase
S3 - Other Settlement Boundaries	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	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
ENV1 - Design of development within Conservation Areas	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Notes:

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

2 Building in Accordance with the Plans

Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Uttlesford District Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions

Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Uttlesford District Council Planning Services.

Building Regulations

Did you know that this permission may require Building Regulations approval? For further information please contact the building control team on 01799 510510, or by emailing building@uttlesford.gov.uk or by visiting our website www.uttlesford.gov.uk/buildingcontrol

Rights of Way

The applicant is reminded that the grant of planning permission does not entitle them to obstruct a Right of Way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice

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 they can neither put the land to a reasonable beneficial use in its existing state, nor can they 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 Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex CM2 5PU.
- 4 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- 5 There shall be no discharge of surface water onto the Highway.

- 6 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

- 7 Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Dean Hermitage
Director Planning