



## UTTLESFORD DISTRICT COUNCIL

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Dated: 13 October 2022

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

**Application Number: UTT/21/2245/OP**

**Applicant: Mr & Mrs Fox**

Uttlesford District Council **Grants Permission** for:

**Outline application, with all matters reserved except for access and layout, for 5 dwellings at Sparlings Farm Chelmsford Road Barnston CM6 1LP**

**The approved plans/documents are listed below:**

Plan Reference/Version	Plan Type/Notes	Received
ECOLOGICAL SURVEY AND ASSESSMENT	Other	01/10/2021
DESIGN AND ACCESS STATEMENT INCLUDING TRANSPORT	Combined	08/07/2021
20/65/03	Other	01/09/2022
20/65/02	Block Plan	22/10/2021
TECHNICAL NOTE	Other	22/10/2021
JBA19/247 TC01	Other	07/10/2022
TREE SURVEY SCHEDULE	Other	07/10/2022
20/65/01 A	Combined	01/09/2022

Permission is granted with the following conditions:

- 1 Approval of the details of scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.  
Reason: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.  
Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.  
Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
- 4 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority concurrent with reserved matters.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority 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).

- 5 No site clearance, preparatory work or development shall take place until a scheme for the identification and protection of trees to be retained and a method statement for the implementation of the scheme in accordance with British Standard BS 5837: Trees in

relation to design, demolition and construction - shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the identified retained trees shall be conducted as approved.

Reason: To protect valued trees and trees that are subject to a tree protection order in accordance with Local Plan policy ENV3.

- 6 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works .

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) and should include as a minimum: sensitive lighting for bats, protection of retained trees.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve 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 line with Local Plan policy GEN7.

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
- i. Safe access into the site;
  - ii. Vehicle routing;
  - iii. The parking of vehicles of site operatives and visitors;
  - iv. Loading and unloading of plant and materials;
  - v. Storage of plant and materials used in constructing the development;
  - vi. Wheel and underbody washing facilities.
  - vii. Before and after condition survey to identify defects to highway in the vicinity of the site access and where necessary ensure repairs are undertaken at the developer's expense where caused by the developer.
- Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 8 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and,
  - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme(s) shall be implemented prior to the first occupation of any dwelling.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment; and to comply with Policy GEN3 of the Uttlesford Local Plan 2005.

- 9 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority prior to the commencement of works above slab level. 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 approved 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 10 The development permitted by this planning permission shall be carried out so that the requirements of paragraph M4 (2) of Schedule 1 to the Building Regulations 2010 (category 2- accessible and adaptable dwellings) are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy GEN2 of the Uttlesford Local Plan 2005.

- 11 Prior to occupation of any dwelling, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 85.7 metres to the north and 2.4 metres by 53.8 metres to the south, as measured from 1 metre off the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before

the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety.

- 12 Prior to occupation of any dwelling, the provision of an access formed at right angles to B1008 Chelmsford Road, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii to accommodate simultaneous entry and exit of vehicles. Details to be agreed by the Local Planning Authority, in consultation with the Highway Authority and shall be implemented prior to occupation.  
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
- 13 Prior to occupation of any dwelling, the provision of passing places along access road, as shown in principle on DWG no. 20/65/01 Rev. A shall be provided.  
Reason: To ensure opposing vehicles can pass in a controlled manner, in the interests of highway safety.
- 14 Prior to occupation of any dwelling, a scheme of highway works to be implemented, to include but not limited to;  
i. Appropriate relocation of the telegraph pole, speed limit sign and village sign, outside of visibility splay.  
ii. The south-bound bus stop adjacent to the site access shall be relocated to an appropriate position, if deemed necessary by the Highway Authority as part of the access detailed design, and improvements to include (where appropriate) but not limited to, raised kerbs, flag, hardstanding, and any other related infrastructure as deemed necessary by the Highway Authority.  
iii. Comprehensive removal of any vegetation within, overhanging or likely to encroach into the highway along B1008 from site access to end of northern visibility splay.  
The highway scheme, to be approved by the local planning authority in consultation with the highway authority, shall be implemented prior to first occupation.  
Reason: In the interests of highway safety and accessibility.
- 15 No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be always retained in this form.  
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided.
- 16 Prior to occupation of the development hereby approved, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. The details of the Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority (further to consultation with Essex County Council) prior to their distribution. Thereafter the details shall be implemented in accordance with details approved.  
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. To ensure that the development accords with the Highway

Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 17 Prior to occupation cycle parking shall be provided in accordance with the Essex Planning Officers Association (EPOA) Parking Standards.

The approved facility shall be secure, convenient, covered and provided prior to occupation and retained as such thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

- 18 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.

- 19 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 20 Infrastructure for a single electric vehicle fast charging point shall be installed at each of the dwellings. All new parking spaces should be adaptable for electric vehicle fast charging (7-22kw) including through local electricity grid reinforcements, substation design and ducting. These shall be provided prior to occupation.

Reason: The requirement of the charging points is required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with Uttlesford Local Plan Policy ENV13 (adopted 2005) and the National Planning Policy Framework 2021.

- 21 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, September 2021) and Site As Proposed plan, drawing no. 20/65/02 (Hibbs & Walsh Associates Ltd., October 2021) 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in line with Local Plan policy GEN7.

- 22 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, September 2021) and Site As Proposed plan, drawing no. 20/65/02 (Hibbs & Walsh Associates Ltd., October 2021), 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 prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in line with Local Plan policy GEN7.

- 23 All exterior lighting shall be capped at the horizontal with no upward light spill.  
Reason: Flight safety - to prevent distraction or confusion to pilots using Stansted Airport.

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

<b>Policy</b>	<b>Local Plan</b>	<b>Local Plan Phase</b>
NPPF4 - National Planning Policy Framework July 2021		
S7 - The Countryside		
GEN1 - Access		
GEN2 - Design		
GEN3 - Flood Protection		
GEN5 - Light Pollution		
GEN8 - Vehicle Parking Standards		
ENV13 - Exposure to poor air quality		
ENV14 - Contaminated land		

ENV3 - Open spaces and trees

**Notes:**

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

- 3 The applicant has provided further plans demonstrating the visibility splays, with topographical survey. It is understood from the applicant that the refuse vehicle currently enters and exits the development site access, which is to be improved as part of the proposal.
- 4 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](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- 5 There shall be no discharge of surface water onto the Highway.
- 6 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.
- 7 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes technical check, safety audits, site inspection, commuted sums for maintenance and any potential claims under the Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required as security in case of default.
- 8 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.

- 9 Any signal equipment, structures and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance.
- 10 The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**Dean Hermitage**  
**Director Planning**