



## UTTLESFORD DISTRICT COUNCIL

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Dated: 7 November 2023

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

**Application Number: UTT/23/2197/FUL**

**Applicant: Mr B James**

Uttlesford District Council **Grants Permission** for:

**Demolition of existing detached dwelling and garage. Erection of replacement four bedroom dwelling at Horbury Wrights Green Lane Little Hallingbury Essex CM22 7RL**

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

Plan Reference/Version	Plan Type/Notes	Received
20620-P002-C	Combined	14/09/2023

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 No development or demolition shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be constructed to provide sound attenuation against external noise in accordance with BS8233:2014. The following levels shall be achieved: Maximum internal night noise levels of 30dB LAeq,T for living rooms and bedrooms with windows open (or closed with provided acoustic mechanical ventilation including heat recovery). For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dB LAmax. Maximum living room day (07.00-23.00 hrs) noise levels of 35 dB LAeq shall be achieved.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

REASON: To ensure future occupiers enjoy a good acoustic environment, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

- 4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-

- (a) Dust mitigation and management measures
- (b) The location and operation of plant and wheel washing facilities
- (c) Measure to reduce demolition and construction noise including, where applicable, noise trigger levels & monitoring and a plan to show where the nearest noise sensitive premises are in relation to the site.
- (d) Hours of operation
- (e) Other site specific Environmental Protection issues as requested on a case by case basis
- (f) The development shall be undertaken in full accordance with the details approved under Parts a-e

REASON: In the interests of the amenity of surrounding neighbours in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 5 During construction, robust measures to be taken to prevent birds being attracted to the site. No pools of water should occur and prevent scavenging of any detritus.

REASON: Flight safety - Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 6 The application site is located within the flight path of Stansted Airport. In the interests of aviation safety, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, in accordance with the advice of Stansted Airport and the Civil Aviation Authority.

REASON: Flight safety - dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7 Prior to any works above Slab Level, a Biodiversity Enhancement Layout for bespoke biodiversity enhancement shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for bespoke biodiversity enhancements; and
- b) locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

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 & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

- 8 Prior to occupation, the dwelling shall be provided with an electric vehicle charging points. The charging points shall be fully wired and connected, ready to use and retained thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

- 9 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 10 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 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 in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 11 Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 12 All first-floor en-suite window(s) that form part of the development hereby approved shall be constructed with obscure glazing (minimum privacy level 3). The window(s) shall also be non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter the characteristics of the window(s) (or any subsequent replacement) shall be retained as set out above.

REASON: In order to protect the amenity of the occupants of the neighbouring property in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

- 13 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
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All hard landscaping shall be carried out prior occupation.

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 S3 and GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023.

- 14 The dwellinghouse granted by virtue of this permission, shall not be occupied until the former dwelling know as 'Horbury' as identified for demolition as indicated on plan no: 20620-P002 C have been completely demolished and all of the debris associated with the demolition has been completely removed from the site.

REASON: To ensure that the site is clear of debris prior to becoming occupied to protect future occupiers, in accordance with Policies S3, GEN2 and ENV14 of the Uttlesford Local Plan (2005).

- 15 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 immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared submitted for the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To protect the health of the future occupiers of the dwelling in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 16 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 17 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, September 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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 Policy GEN7 of the Uttlesford Local Plan (2005).

- 18 The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development and to accord with Policy GEN2 of the Uttlesford Local Plan 2005.

- 19 The 1 no. dwelling 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 ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

20 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

REASON: In the interests of flight safety and to prevent distraction and confusion to pilots using Stansted Airport in accordance with the provisions of Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A-F of Part 1 of Schedule 2 and Classes A and B of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and to protect the amenities of the neighbouring dwellings, in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (2005).

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>
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
H7 - Replacement dwellings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV10 - Noise sensitive development and disturbance from aircraft	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV13 - Exposure to poor air quality	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

National Planning Policy Framework September 5 2023

**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](mailto:building@uttlesford.gov.uk) or by visiting our website [www.uttlesford.gov.uk/buildingcontrol](http://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 Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.
- 4 Developers are referred to the Uttlesford District Council Environmental Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein.
- 5 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.
- 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 There shall be no discharge of surface water onto the Highway.
- 8 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.
- 9 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.



- 10 No lighting directly beneath the roof lights that will emit light upwards - only downward facing ambient lighting to spill from the roof lights upwards - ideally, automatic blinds to be fitted that close at dusk.

Reason: Flight safety - to prevent distraction or confusion to pilots using STN.

- 11 The applicant's attention is drawn to the 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 tail stroke extending to the right.

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