



## UTTLESFORD DISTRICT COUNCIL

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Dated: 1 November 2021

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

**Application Number: UTT/21/1497/FUL**

**Applicant: Mrs Waterfield**

Uttlesford District Council **Grants Permission** for:

**Proposed demolition of existing structures and construction of 1 no. Dwelling. at Little Penton Onslow Green Barnston CM6 3PP**

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

| Plan Reference/Version | Plan Type/Notes       | Received   |
|------------------------|-----------------------|------------|
| K898 PL-1100 A         | Floor Plan (proposed) | 04/05/2021 |
| K898 PL-1101 A         | Floor Plan (proposed) | 04/05/2021 |
| K898 PL-1102 A         | Roof Plans            | 04/05/2021 |
| K898 PL-2100 A         | Elevations (proposed) | 04/05/2021 |
| K898 PL-2101 A         | Elevations (proposed) | 04/05/2021 |
| K898 PL-2102 A         | Elevations (proposed) | 04/05/2021 |
| K898 PL-2103 A         | Elevations (proposed) | 04/05/2021 |
| K898 PL-2200 A         | Other                 | 04/05/2021 |
| K898 PL-2201 A         | Other                 | 04/05/2021 |
| K898 PL-3000 A         | Other                 | 04/05/2021 |



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|                |               |            |
|----------------|---------------|------------|
| K898 PL-1000 B | Location Plan | 12/08/2021 |
| K898 PL-1001 B | Block Plan    | 12/08/2021 |

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 Prior to commencement of development, details of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.  
  
REASON: To ensure a satisfactory standard of development in the interests of visual amenity and in the interests of the protection of the setting of the adjacent heritage asset, Little Pentons, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).  
  
Prior to commencement condition justification: To ensure that visual amenity and heritage protection are not prejudiced by the resulting development.
  
- 3 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels
  - b) means of enclosure (including landscaping treatment for rear boundary)
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials
  - f) existing trees, hedges or other soft features to be retained
  - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
  - i) details of siting and timing of all construction activities to avoid harm to all nature conservation features

- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Prior to commencement condition justification: To ensure that the development hereby approved can be assimilated into its local landscape setting.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall 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 shall 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 shall 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 proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 5 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 GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6 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.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 7 The 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 Policy GEN2 (c) of the Uttlesford Local Plan (adopted 2005) and the Council's SPD "Accessible Homes and Playspace".

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

REASON: To encourage/support cleaner vehicle usage in accordance with the National Planning Policy Framework and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 9 All external joinery, including windows and doors, shall be of a timber construction only, and trickle vents shall not be inserted into the windows/doors for the development hereby approved.

REASON: In the interest of preserving the historic character and appearance of the adjacent Listed Building, Little Penton, and its setting in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

- 10 Additional drawings that show details and materiality of windows, doors, facias, sills and eaves to be used in section and elevation, at scales between 1 to 20 and 1 to 1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation on site.

REASON: In the interest of preserving the historic character and appearance of the adjacent Listed Building, Little Penton, and its setting in accordance with Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

- 11 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, October 2020) 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 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 (adopted 2005).

- 12 A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This shall contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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 accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

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

| Policy  | Local Plan                 | Local Plan Phase                   |
|---|----------------------------|------------------------------------|
| NPPF4 - National Planning Policy Framework July 2021                |                            |                                    |
| S7 - The Countryside  | Uttlesford Local Plan 2005 | Uttlesford Local Plan Adopted 2005 |
| ENV2 - Development affecting Listed Buildings                       | 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 |
| GEN3 - Flood Protection   | 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 |
| EDG - Private Amenity Space   |                            |                                    |
| ECP - ECC Parking Standards (Design & Good Practice) September 2009 |                            |                                    |
| Uttlesford Local Parking Standards                                  |                            |                                    |
| SPD1 - Home Extensions  |                            |                                    |

**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.

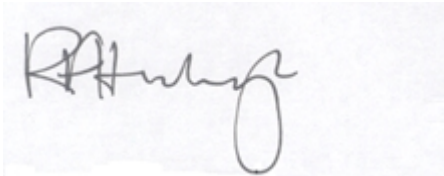
-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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.
- 3
  - i. The proposed dwelling would utilise an existing access. It is strongly advised that the hedge along the site frontage (that within the applicant's control to the northwest of the site access) is regularly trimmed and maintained clear of the highway to retain maximum visibility from the existing access.
  - ii. All work within or affecting the highway shall 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 applicant 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.
  - iii. There shall be no discharge of surface water onto the Highway.
  - iv. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary to avoid displacement of loose material onto the highway in the interests of highway safety.
  - v. 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 to include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
  - vi. 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.

vii. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles within the limits of the site together with an adequate parking area for those employed in developing the site.

- 4 With regard to Condition 6 of this permission, the applicant is advised that more information relating to accessible homes can be found at the Council's adopted Supplementary Planning Document (SPD) entitled "Accessible Homes and Playspace".

A handwritten signature in black ink, appearing to read 'R Harborough', is written on a light-colored, textured background.

**Roger Harborough**

**Director Public Services**