



UTTLESFORD DISTRICT COUNCIL

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

Application Number: UTT/22/0243/FUL

Applicant: Ms Jana Chetaru

Uttlesford District Council **Grants Permission** for:

Proposed demolition of existing bungalow and outbuildings and erection of 2 no. detached dwellings and garages incorporating new driveway (revised scheme to that approved under UTT/20/3182/FUL). at The Downs Wrights Green Lane Little Hallingbury CM22 7RL

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
DOWNS/22 202	Location Plan	01/02/2022
DOWNS/22 101	Elevations (proposed)	01/02/2022
DOWNS/22 104	Other	01/02/2022
DOWNS/22 102	Roof Plans	03/02/2022
DOWNS/22 103	Combined	03/02/2022
DOWNS/22 105	Combined	03/02/2022
106	Other	13/04/2022
102	Roof Plans	20/06/2022
103	Combined	20/06/2022

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 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, May 2019 - updated November 2020) and the Bat Emergence Survey (Tim Moya Associates, July 2019 - updated November 2020) as already submitted with the planning applications and agreed in principle with the local planning authority prior to determination. This includes, but not limited to, prior to any destructive works, further surveys/investigations should be undertaken to confirm the continued absence of roosting bats, strict precautionary measures for Great Crested Newts and reptiles, check for nesting birds (if construction between March & August), precautionary measures for Hedgehogs, and retention and enhancement of traditional orchard, bat and bird boxes integrated into the new buildings.

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.

- 3 Prior to slab level a Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (Tim Moya Associates, May 2019 - updated November 2020).

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and 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 s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN7

- 4 Prior to occupation 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 in accordance with ULP policy GEN7

- 5 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 7 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 in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 8 The proposed development shall not be occupied until such time as the vehicle parking area as shown in principle on DWG no. 106 (Vehicular access arrangement, 05/04/2022), 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 the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9 The existing access shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / kerbing within one month of the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 10 Prior to occupation of the proposed development, 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development within classes A to E of Schedule 2, Part 1 and Class A of Part 2 shall be carried out within the curtilage of the dwelling house without the prior written consent of the local planning authority.

REASON: To ensure that the openness of the Metropolitan Green Belt is maintained, in accordance with Policy S6 of the Uttlesford Local Plan (adopted 2005).

- 12 No structures shall be constructed on the shared garden land beyond the rear garages without the prior written consent of the Local Planning authority.

REASON: To ensure that the openness of the Metropolitan Green Belt is maintained, in accordance with Policy S6 of the Uttlesford Local Plan (adopted 2005) and to prevent the site from overdevelopment in accordance with Policy GEN2 of the Uttlesford Local Plan.

- 13 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local

- 14 The garages hereby permitted shall not be converted to another use (other than garaging) without prior written permission of the Local Planning Permission. The use shall remain ancillary and subservient to the new approved dwellings and shall not become a separate or dominant use at any time without the prior written permission of the local planning authority.

Reason: To prevent overdevelopment of the site adjacent to the Metropolitan Green Belt in accordance with Uttlesford Local Plan policies GEN2 and S6

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		
S3 - Other Settlement Boundaries		
S6 - Metropolitan Green Belt		
GEN1 - Access		
GEN2 - Design		
GEN7 - Nature Conservation		
GEN8 - Vehicle Parking Standards		
GEN4 - Good Neighbours		
H3 - Infilling with new houses		
Essex Design Guide - Access for Fire Tenders		
SPD2 - Accessible homes and playspace		

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 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) at least 10 days before submitting the appeal. Further details are on GOV.UK.

2 1. PRECAUTIONARY MEASURES FOR BATS

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. Should any bats or evidence of bats be found prior to or during the project, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors should be made aware of the advice and provided with the contact details of a relevant ecological consultant and/or the relevant statutory nature conservation organisation. If a Bat is found during the works, the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.

- 3 i. 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.
- ii. There shall be no discharge of surface water onto the Highway.
- iii. The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.
- iv. 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.
- v. 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.
- vi. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding

- 4 The proposal includes the demolition of existing structures which may contain asbestos. Under the Control of Asbestos Regulations, a refurbishment and demolition survey is required before the demolition of any buildings which may contain asbestos, and any asbestos found must be safely removed by a trained contractor before work commences. All asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion to prevent the asbestos from being buried on site during construction.
- 5 No lighting directly beneath the roof lights that will emit light upwards- only downfacing ambient lighting to spill from the roof light upwards - ideally , automatic blinds to be fitted that close at dusk.
Reason: flight safety - to prevent distraction or confusion to pilots using Stansted airport. Given the location of this property the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order. In particular in contravention of the following provisions under that order:
Part 10: 240: a person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
Part 10. 241 A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property

The applicants 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/>



Tracey Coleman
Interim Director Planning and Building Control