



ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 3 April 2024

REFERENCE NUMBER: UTT/23/2939/FUL

LOCATION: Land Rear Of High Pastures,
Stortford Road,
Hatfield Heath,
Essex,
CM22 7DL

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 5 February 2024

PROPOSAL: Erection of 1 no. detached dwelling

APPLICANT: Mr P Wright

AGENT: Mr Stuart Wighton

EXPIRY DATE: 22nd January 2024

EOT EXPIRY DATE:

CASE OFFICER: Mark Sawyers

NOTATION: Within Development Limits (HATFIELD HEATH)
Within 200m of Parish Boundary
Within 2km of S.S.S.I
Within 6km of Airport

REASON THIS APPLICATION IS ON THE AGENDA: Member Call-In

1. EXECUTIVE SUMMARY

- 1.1** This planning application is for the proposed erection of 1-no. detached dwelling.
- 1.2** The site is set behind and existing linear line of residential dwellings facing onto Stortford Road and the site resides within the Development Limits of Hatfield Heath.
- 1.3** The proposal would site behind and existing 1.5 storey detached property set back from the highway, which this proposal would seek to replicate.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

A) Conditions

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The application site is located off Stortford Road in Hatfield Heath. The dwelling is a small 1.5 storey detached property set back from the highway.
- 3.2 The site is irregular in shape, resembling a T-Shaped plot, it measures approximately 500m² in size.
- 3.3 The site is set behind an existing linear line of residential dwellings facing onto Stortford Road and the site resides within the Development Limits of Hatfield Heath.
- 3.4 The site stands on gently rising ground from the road with the rear boundary line adjoining the Green Belt beyond with the private access drive running along the middle of the site and onto a cluster of Agricultural Buildings. The site is separated from the neighbouring dwelling by an established hedge along the boundary.

4. PROPOSAL

- 4.1 The proposal seeks to Full Planning Permission for Erection of 1 no. detached dwelling.

5. ENVIRONMENTAL IMPACT ASSESSMENT

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
UTT/1839/05/FUL	Replacement single storey side extension and garage. Detached 1.5 storey annex	REFUSAL (DISMISSED at appeal)
UTT/1315/06/FUL	Replacement single storey extension and garage. Detached 1.5 storey annex	REFUSAL
(UTT/1048/07/FUL)	Erection of new dwelling	APPROVAL
UTT/0813/10/REN	Renewal of planning approval UTT/1048/07/FUL for the erection of a new dwelling	APPROVAL

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1 The LPA is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

- 8.1 **Highway Authority**

8.1.1 The Highway Authorities consultee response can be found in Appendix 1 of this report.

9. PARISH COUNCIL COMMENTS

- 9.1 Objection.
1. This is a backfill not a continuation of frontage as claimed.
 2. Over development of area.
 3. Impinges on the area designated with a CoL
 4. Previous approval for area limited height of structure.
 5. Transport statement is misleading.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objection subject to a condition regarding unexpected contamination.

11. REPRESENTATIONS

11.1 9 notifications letters were sent to nearby properties.

11.2 Object

- 11.2.1
- Too Many Residential Dwellings
 - Precedent
 - Highway Safety
 - Overshadowing
 - Overlooking
 - Loss of Privacy
 - Overdevelopment
 - Infilling
 - Inaccurate Documentation

11.3 Comment

- 11.3.1
- The required statutory consultations have been made
 - The material consideration will be considered in the following report

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S3	Within Development Limits
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
ENV10	Noise Sensitive Development
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Supplementary Planning Document – Developer’s contributions
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

14.1 The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of development**
 - B) Design, Layout, Scale and Appearance**
 - C) Impact on Neighbours and Amenity**
 - D) Biodiversity and Nature Conservation**
 - E) Environmental Health**
 - F) Flood Protection**
 - G) Access and Parking**
 - H) Accessibility**
 - I) Landscaping**
 - J) Planning Balance**

14.3 A) Principle of development

14.3.1 The application site is located within the defined development limits of Hatfield Heath and Uttlesford Local Plan Policy S3 states development compatible with the settlements character and setting will be permitted.

14.3.2 Uttlesford Local Plan Policy H4 states that *"Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:*

- a) There is significant under-use of land and development would make more effective use of it;*
- b) There would be no material overlooking or overshadowing of nearby properties;*
- c) Development would not have an overbearing effect on neighbouring properties;*
- d) Access would not cause disturbance to nearby properties."*

14.3.3 The National Planning Policy Framework is a material consideration and paragraph 11 set out a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“Plans and decisions should apply a presumption in favour of sustainable development.

14.3.4 *For plan-making this means that:*

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

14.3.5 *For decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

14.3.6 In October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT).

14.3.7 As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01 April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that whilst a significant number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

- 14.3.8** Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years).
- 14.3.9** The Local Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged. As such the development should be assessed against the three strands of sustainable development (social, economic and environmental).
- 14.3.10** Paragraph 14 of the NPPF states that: *"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement."*
- 14.3.11** Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 14.3.12** Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore paragraph 80 is not applicable on this occasion.
- 14.3.13** *Sustainable Development:*
- There is a presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). Sustainable development is defined as being based on three dimensions – economic, social and environmental. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent.
- 14.3.14** The previous proposal for the site under application UTT/1839/05/FUL, concerned the replacement single storey side extension and garage. Detached 1.5 storey annex.
- 14.3.15** It was subsequently dismissed at appeal. The Planning Inspector concluded that the whilst the appearance of the annex was acceptable, due to the proximity to the neighbouring dwelling, it would be unduly overbearing with regards to the adjacent dwellings.
- 14.3.16** In a subsequent planning application under (UTT/1048/07/FUL), permission was granted for a 1.5 storey dwelling situated between 'High

Pastures' and 'Palo Atto'. This permission was renewed under (UTT/0813/10/REN).

- 14.3.17** The proposed dwelling the subject of this application, is located further away from the neighbouring dwelling of 'Palo Atto' towards the rear of the site. It would reside behind a similar dwelling that was granted permission under (UTT/1048/07/FUL) and would reside within the Development Limits.
- 14.3.18** ***Applying policy S3 tests in conjunction with paragraph 8 of the NPPF:***
- 14.3.19** Economic objective:
The proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.
- 14.3.20** Social objective:
For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is located within the defined Development Limits of Hatfield Heath in a residential area of development, as such it is not isolated.
- 14.3.21** For the 'proximity to services' the location is not considered to be inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities are available within Hatfield Heath. Although the new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold limited weight in decision-making.
- 14.3.22** It is noted that there are a number of bus stops located within the vicinity of the site. These stops are:
- 14.3.23** 2 no. Bus stops (Hatfield Heath, Mill Lane) approximately 200m away.
There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford Monday-Saturday.
- 14.3.24** Bus stop (Hatfield Heath, Park Cottages) approximately 350m away.
There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford Monday-Saturday.
- 14.3.25** 2 no. Bus stops (Hatfield Heath, The Thatchers) approximately 640m away by road.

14.3.26 There are hourly buses (between the hours of 6:30am – 8:30pm) that run between Stansted Airport – Bishops Stortford Monday-Saturday.

14.3.27 Therefore, the proposal accords with paragraphs 104, 114 of the NPPF and policy GEN1(e).

14.3.28 Environmental objective:
The proposal seeks to make more efficient use of the land.

14.3.29 *Applying Policy H4 tests:*

14.3.30 Criterion a) The site could be considered under used as in that it is currently previously developed land and without a 5-year land supply including the required 20% buffer, this would allow the addition of additional dwellings in locations the Local Planning Authority may not normally consider. It must be noted that the site located within the Development Limits.

Criterion b) The separation distance between the proposed dwellings and the existing neighbours, combined with the lack of fenestration would be sufficient in order to achieve this.

Criterion c) Due to the size, scale and the varied nature of other dwellings in the locality there would be no significant overbearing impacts.

Criterion d) Due to the new dwellings both benefitting from access the existing road adjacent to the site, the intensification of an additional dwelling is de minimis over and above the current usage. The Highways Authority have been consulted, and subject to conditions, they find the proposal acceptable.

14.4 B) Design, Layout, Scale and Appearance

14.4.1 Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

14.4.2 Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.

14.4.3 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings.

14.4.4 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.5

Plot No	Type	Bedrooms	Footprint (m2)	Amenity (m2)	Ridge Height (m)	Eaves Height (m)
1	Detached	2	75m2	90m2	7.1m	2.8m

14.4.6 The proposal comprises of the following: a single four-bedroom 1.5 storey dwelling.

14.4.7 The range of materials presented are of a high quality and would be considered to be acceptable and appropriate for the site's setting. They are also in keeping with the adjacent dwelling which sits in front of this site.

14.4.8 The Essex Design Guide recommends that dwellings with 2 bedrooms should have private amenity spaces of 50m2.

14.4.9 The plot would have sufficient garden amenity space in excess of the amenity standards to serve the property they serve.

14.4.10 The plot would provide sufficient parking for both itself and the dwelling known as 'High Pastures'.

14.4.11 The dwelling is considered to be of an acceptable design and are located within the Development Limits of Hatfield Heath.

14.4.12 The proposal is considered to be acceptable and as such the proposal would comply with the requirements of Uttlesford Local Plan Policy GEN2 and the NPPF.

14.5 C) Impact on Neighbours and Amenity

14.5.1 Uttlesford Local Plan Policy GEN2 seeks to ensure that development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

14.5.2 It is not considered that the application due to its size, scale and proposed usage would not result in any material detrimental overlooking, overshadowing or overbearing. Therefore, would not adversely impact on neighbour's amenity due to the location of the proposed development within the site and the separation distance to any neighbours.

14.5.3 There are 3-no. dormer windows on the rear roof elevation that faces north-east that service bedroom 1 & 2 and the landing.

14.5.4 There is a single casement window on the north-western elevation due to concerns from the adjacent neighbour at 'Palo Alto' this could be obscured glazed and 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 windows are installed in order to maintain privacy.

14.5.5 The window(s) in all the en-suite provided 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 windows are installed.

14.5.6 The closest building to the proposed new dwelling would be the dwelling sited to the front of the site known as 'The Cottage' located to the south-western boundary.

14.5.7 The proposed new dwelling is sited approximately 14m away from the boundary and approximately 21m away from 'The Cottage's' rear elevation. There are no windows at first floor level on the south-western elevation that could impact the privacy of either 'Palo Alto' or 'The Cottage'.

14.5.8 The proposed new dwelling is sited approximately 1m away from the boundary and approximately 2m away from 'Palo Alto's' rear elevation. There are no windows at first floor level on the south-western elevation that could impact the privacy of either 'Palo Alto', the single casement on the first-floor north-western elevation can be conditioned to be obscure to address any concerns regarding loss of privacy.

14.5.9 According to Uttlesford Local Plan Policy GEN4, development and uses will not be permitted where:

- a) noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants, would cause material disturbance or nuisance to occupiers of surrounding properties.

14.5.10 In order to protect the site from over development and to protect the amenities of the neighbouring dwellings, the Local Planning Authority must recommend that the dwellings Permitted Development rights are removed.

14.5.11 No objections are raised under Uttlesford Local Plan Policies GEN2, GEN4 and the National Planning Policy Framework (2023).

14.6 D) Biodiversity and Nature Conservation

14.6.1 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

14.6.2 The application includes a completed biodiversity checklist. All of the questions have come back negative.

It is therefore unlikely the proposed development will have harmful impact to adverse impact on any protected species.

14.6.3 Therefore, it is considered that the proposal accords with Uttlesford Local Policy GEN7 and the National Planning Policy Framework (2023).

14.7 E) Environmental Health

14.7.1 Uttlesford District Council's Environmental Health Team have been consulted and have no objections subject to a condition if any contamination is found.

14.7.2 The proposal is not considered to have an impact on the surrounding neighbours, noise impacts or contamination issues in accordance with policies GEN4, ENV10, ENV13 and ENV14 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework (2023).

14.8 F) Flood Protection

14.8.1 The site is located within flood zone 1 as such a flood risk assessment is not required.

14.8.2 As such, the proposal accords with policy Uttlesford Local Plan Policy GEN3.

14.9 G) Access and Parking

14.9.1 Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no impact upon the surrounding road network.

14.9.2 Essex County Council's Highways Authority have been consulted on this proposal; they have no objections subject to conditions.

14.9.3 Parking provision is demonstrated on the supplied plans to meet the adopted Uttlesford parking standards.

14.9.4 It is therefore concluded that the proposal accords with Uttlesford Local Plan Policies GEN1 and GEN8.

14.10 H) Accessibility

14.10.1 Uttlesford Local Plan Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

14.11 I) Landscaping

14.11.1 In the interests of the appearance of the site and the surrounding area, a condition requesting the submission of a scheme of hard and soft landscaping to be submitted prior to the commencement of works on site.

14.11.2 There are no landscaping objections towards this proposal as such it accords with ULP Policies GEN2 and ENV3.

14.12 J) Planning Balance

14.12.1 When considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

14.12.2 Paragraph 11 (d) of the NPPF advises:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8) granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7) or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

14.12.3 Therefore, a tilted balance approach should be applied in the assessment of the proposed development and whether the potential harm the development might cause ‘*significantly and demonstrably*’ outweighs the potential positive outcomes of the development as a whole.

14.12.4 Positives:

- Result in a small level of economic and social benefit during the build. Together these elements are considered to carry limited weight in support of the scheme.
- The addition of 1-no. new dwelling in this location it would contribute to the Local Planning Authority land supply.
- Within Development Limits

14.12.5 Negatives:

- Urbanising and domesticating the site unduly.
- Loss of Privacy

- Overdevelopment.

14.12.6 Taking both the positives and negatives of the proposal into account it is concluded that the benefits brought by the development set out in this application will not outweigh the negatives of the development as a whole.

14.12.7 The principle of development is therefore considered to be acceptable and would be in accordance with Uttlesford Local Plan Policies S3, H1, H4 and the National Planning Policy Framework (2023)

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The following is a summary of the main reasons for the recommendation:

16.2 The principle of the development is acceptable to the Local Planning Authority.

- 16.3** The proposed design and scale are considered to be appropriate for this location.
- 16.4** No objections have been raised with regard to the impact on neighbouring dwellings.
- 16.5** No Ecological objections have been raised.
- 16.6** No objections have been raised by Environmental Health.
- 16.7** No objections have been raised with regards to flooding.
- 16.8** The Highways Authority have no objection towards the proposal subject to conditions with any grant of permission, the parking on the site is acceptable.
- 16.9** The proposals would be constructed to Part M4(2) standards.
- 16.10** No Landscaping objections have been raised.
- 16.11** On balance, when the proposal is weighed against the public benefits provided, the tilted balance would be engaged. The proposal would secure optimum use of the land.

17 **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** 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).

- 4** 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.

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

- 6** Prior to occupation the en-suite windows to the front elevation (Elevation 06) and bedroom window to the rear elevation (Elevation 07) as demonstrated on Plan No: 130/02 (02)002 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.

- 7** 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Play space.

- 8** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, protect the amenities of the neighbouring dwellings and the setting of the non-designated heritage assets, in accordance with Policies S6, GEN2, GEN4 of the Uttlesford Local Plan (2005).

APPENDIX 1 – ECC HIGHWAYS COMMENTS

Your Ref: UTT/23/2939/FUL
Our Ref: 57944
Date: 15th March 2024



Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/23/2939/FUL
Applicant P Wright
Site Location Land Rear Of High Pastures Stortford Road Hatfield Heath Essex CM22
7DL
Proposal Erection of 1 no. detached dwelling

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. 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.

The above conditions are required 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.

Informative:

- 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. 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.

- iii. There shall be no discharge of surface water onto the Highway.
- iv. 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.
- v. 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.



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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou

