



RECOMMENDED CONDITIONS – Updated 10th May 2024

S62A/2024/0032

UTT/24/0103/PINS

Land to the West of Mill Lane, Hatfield Heath

- 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 following approved plans: 471 X 01 B, 471 x 02E, 471 x 04A, 471 x 0100B, 471 x 0200, 471 x 0300, 471 x 0400, 471 x 0500, 471 x 0600, 471 x 0700, 471 x 0800, 471 x 0900B, 471 x 1000, 471 x SEC1, 471 x SEC2, CC296-116-1, ITB11347-GA-012G and ITB11347-GA-016.

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 approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater, and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 4** No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority.

The assessment shall be carried out for in accordance with BS4142:2014+A1:2019 methodology. The predicted specific sound level (LAeq,TR) (with reference to BS:4142) as measured at a point 1 metre external to the nearest noise-sensitive facade shall be at least 10dB below the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to the nearest noise-sensitive façade (habitable window of a dwelling) shall not exceed the pre-existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation.

The plant shall thereafter only be installed in accordance with the assessment and shall thereafter be maintained so that it operates to the same standard.

REASON: To ensure that the development will not cause harm to the amenity of existing residential properties in accordance with policy ENV10 of the adopted Uttlesford Local Plan 2005.

- 5** No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged.

Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 6** No conversion, alterations or construction shall commence until a proposed materials schedule has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 209 of the National Planning Policy Framework (2023).

- 7** No conversion, alterations or construction shall commence until further information with regards to design and construction details in respect to plot 4 & units 1-8 as indicated on plan no: 471x02 E have been submitted and approved in writing by the local planning authority prior to works commencing.

REASON: In the interests of preserving the character and appearance of the non-designated heritage assets in accordance with paragraph 209 of the National Planning Policy Framework (2023).

- 8** No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 9** No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage

assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 10** No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 11** No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in condition 10.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 12** The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 13** The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: The Historic Environment Record shows that the proposed development lies within a potentially highly sensitive area of heritage assets, in accordance with the provisions of Policy ENV4 of the adopted Uttlesford Local Plan 2005.

- 14** Prior to commencement, any works which will impact the resting place of Great Crested Newt, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as

amended) authorizing the specified activity/development to go ahead;
or

- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve protected 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 s17 Crime & Disorder Act 1998 in accordance with the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 15** The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b) No dust emissions should leave the boundary of the site
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d) Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

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

- 16** Prior to development above slab level, a Biodiversity Compensation and Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

The works shall be implemented in accordance with the approved details prior to beneficial use 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 the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

17

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Matching discharge rates to existing greenfield rates for the 1 in 1 year, 1 in 30 year and the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 18** Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 19** A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

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

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

approved plan will be implemented in accordance with the approved details.

REASON: To allow the 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 the provisions of Policy GEN7 of the adopted Uttlesford Local Plan 2005.

- 20** The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

In accordance with the provisions of Policy GEN3 of the adopted Uttlesford Local Plan 2005.

- 21** The 3-no. single storey new dwellings 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.

- 22** 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, including demolition and excavation, 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 adopted Uttlesford Local Plan 2005.

- 23** All hard and soft landscape works shall 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 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 policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 24** 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).

- 25** No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- a. vehicle routing,
- b. the parking of vehicles of site operatives and visitors,
- c. loading and unloading of plant and materials,
- d. storage of plant and materials used in constructing the development,
- e. wheel and underbody washing facilities.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 26** Prior to occupation of the development, the access road junction at its centre line as shown in principle drawing ITB11347-GA-012 Rev G shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 25 metres in both directions, as measured from and along the

nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access road junction is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between vehicles using the access road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 27** Prior to occupation of the development, visibility splays at the junctions of the all-weather link with the existing bridleway of Mill Lane (bridleway 9, Hatfield Heath 297) and the improved public right of way to Home Pastures (footpath 12, Hatfield Heath 297) shall be provided as shown in principle on drawing ITB11347-GA-012 Rev G. Such visibility splays shall be retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the users of the highway, bridleway and pedestrians/cyclists accessing the development in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 28** Prior to commencement of the development, details to be submitted to the local planning authority of the all-weather link from the access road to bridleway 9 (Hatfield Heath 297) and through to Home Pastures (along existing footpath 12, Hatfield Heath 297) as shown in principle on drawings no. ITB11347-GA-012 Rev G and 571x02 Rev C including, but not limited to: provision of an all-weather surface suitable for pedestrians and cycles, vegetation management, and the necessary order/agreement to allow cycle movements, to be considered and approved in consultation with the highway authority.

REASON: To make adequate provision for safe and suitable access to site for pedestrians and cyclists in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 29** Prior to occupation of the development, the highway works shown in principle on drawing no. ITB11347-GA-012 Rev G are to be provided entirely at the developer's expense. These works shall include, but not be restricted to, the following:

- a. Widening of Mill Lane, maintaining a minimum 0.45m clearance from existing buildings
- b. Resurfacing of Mill Lane from Stortford Road to site access, including full depth construction/re-construction where required

- c. Improvements to the existing access to site from Mill Lane
- d. Provision of footway and amendments to kerb radii at junction of Mill Lane with Stortford Road
- e. Provision of all-weather surfaced link to Home Pastures.

REASON: To make adequate provision within the highway for vehicular traffic, pedestrians and cyclists as a result of the proposed development ensuring safe and suitable access to site in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 30** 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/unit, for sustainable transport, approved by Essex County Council (packs for residential dwellings 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 policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 31** The proposed development shall not be occupied until such time as the vehicle parking provision indicated on the approved plans has been hard surfaced, sealed and marked. The vehicle parking provision shall be retained 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 Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

- 32** Prior to occupation of the development, a vehicular turning facility shall be constructed and surfaced and will be maintained free from obstruction within the site at all times.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

33 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 policy DM1 of the Development Management Policies, as adopted as County Council Supplementary Guidance in February 2011 in accordance with the provisions of Policy GEN1 of the adopted Uttlesford Local Plan 2005.

34 The development hereby permitted shall not be implemented until a Planning Obligation under S106 of the Town & Country Planning Act 1990 pursuant to the Heads of Terms listed below in relation to this planning permission has been executed:

- A financial contribution in lieu of Affordable Housing, equivalent to 40% of the open market dwellings and calculated in line with Uttlesford District Council's Developers Contribution SPD
- Payment of Council's s106 monitoring fee
- Payment of council legal costs

REASON: To ensure the delivery of the affordable housing contribution are required in accordance with the provisions of Policy H9 of the adopted Uttlesford Local Plan 2005.

35 Prior to occupation of the 3rd market dwelling as shown on drawing no. 471 x 02E, the restoration works to units 1-8 as shown on drawing no. 471 x 02E are to have been completed. A building control completion certificate is to be submitted by the applicant and approved in writing by the local planning authority.

REASON: To ensure that the restoration works are undertaken prior to the delivery of the 3rd market dwelling on the site, to protect the Green Belt and in the interests of preserving the character and appearance of the non-designated heritage assets in accordance with the provisions of Policy GEN6 of the adopted Uttlesford Local Plan 2005 and paragraph 209 of the National Planning Policy Framework (2023).