



## UTTLESFORD DISTRICT COUNCIL

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Mr I Warner  
Tetlow King Planning  
32 High Street  
West Malling  
ME19 6QR

Dated: 10 November 2017

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Application Number: UTT/17/1561/DFO**  
**Applicant: RV Developments Newport Ltd**

Uttlesford District Council **Grants Permission** for:

**Reserved Matters (appearance, landscaping, layout and scale) pursuant to UTT/16/0459/OP for a 40 bed care home facility and 81 extra care units plus associated communal facilities; vehicular parking; internal roads and footpaths; and ancillary works and structures at Land At Bury Water Nurseries Whiteditch Lane Newport Essex**

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
PL109 A	Floor Plan (proposed)	03/07/2017
PL110 A	Floor Plan (proposed)	03/07/2017
PL111 A	Floor Plan (proposed)	03/07/2017
PL112 A	Floor Plan (proposed)	03/07/2017
PL113 A	Floor Plan (proposed)	03/07/2017
PL114 B	Roof Plans	03/07/2017
PL115 A	Elevations (proposed)	03/07/2017
PL117 A	Combined	03/07/2017
PL118 A	Combined	03/07/2017
PL119 A	Combined	03/07/2017
PL120 A	Combined	03/07/2017
PL121 A	Combined	03/07/2017
PL122 A	Combined	03/07/2017
PL123 A	Combined	03/07/2017
PL124 A	Combined	03/07/2017
PL116 A	Elevations (proposed)	03/07/2017
0111 P1	Other	03/07/2017
0112 P1	Other	03/07/2017
0113 P1	Other	03/07/2017
0114 P1	Other	03/07/2017
0121 P1	Other	03/07/2017
17.1289.001	Landscape Details	03/07/2017
17.1289.002	Landscape Details	03/07/2017
17.1289.003	Landscape Details	03/07/2017
PL01 A	Block Plan	03/07/2017
LP01 C	Location Plan	03/07/2017

PL126	Other	03/07/2017
PL127	Other	03/07/2017
PL 102 J	Block Plan	10/10/2017
PL 132	Other	10/10/2017
PL 133	Combined	10/10/2017
PL 134	Other	10/10/2017
030 B	Other	03/11/2017
PL104 C	Floor Plan (proposed)	24/08/2017
PL105 C	Floor Plan (proposed)	24/08/2017
PL106 B	Roof Plans	24/08/2017
PL107 B	Combined	24/08/2017
PL103 B	Floor Plan (proposed)	24/08/2017
PL108 B	Combined	24/08/2017
PL131	Other	24/08/2017

Permission is granted with the following conditions:

- 1 Prior to occupation of the development, details of all external lighting and consequent light emissions must be submitted to and approved in writing by the local planning authority. The lighting must be installed in accordance with the approved details prior to occupation of the development.

REASON: To preserve the rural character of the area and to protect biodiversity interests and the amenity of neighbouring residents, in accordance with Policy S7, Policy GEN7 and Policy GEN4 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 2 Prior to occupation of the development, crossing points in the form dropped kerbs, or raised tables, and tactile paving must be provided at points where the footway is shown on different sides of the access road.

REASON: To provide level crossing points to facilitate pedestrian movement from the site, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 3 Each of the vehicle parking areas must be formed in accordance with Drawing No. PL 102 J prior to occupation of the respective accommodation building(s).

REASON: To prevent hazardous on-street parking, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4 Each of the cycle/ powered two wheeler parking facilities must be provided in accordance with Drawing No. PL 102 J prior to occupation of the respective accommodation building(s).

REASON: To ensure appropriate cycle/ powered two wheeler parking is provided, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 5 Prior to occupation of the development, the vehicular access on Whiteditch Lane and the associated visibility splays must be formed in accordance with Drawing No. G20861 030 Rev B. The visibility splays must be free of obstruction above 600mm.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner, in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

6 The following windows must be glazed with obscure glass prior to occupation of the care home building and thereafter retained:

- Stairwell 1, as shown on Drawing Nos. PL104 C & PL105 C
- Stairwell 3, as shown on Drawing No. PL105 C
- Hallway adjacent Stairwell 3, as shown on Drawing No. PL105 C

The windows must be non-opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent a harmful lack of privacy for the occupants of the neighbouring property, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

7 The eaves and ridge heights of the proposed buildings in relation to neighbouring buildings must be as shown on Drawing No. PL133.

REASON: For the avoidance of doubt and to ensure compatibility with the character and appearance of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

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

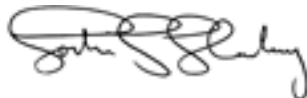
<b>Policy</b>	<b>Local Plan</b>	<b>Local Plan Phase</b>
S7 - The Countryside	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN3 - Flood Protection	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN5 - Light Pollution	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN6 - Infrastructure Provision to Support Development	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
ENV4 - Ancient Monuments and Site of Archaeological Importance	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005

ENV12 - Groundwater protection	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005
ENV14 - Contaminated land	Uttlesford Local Plan	Uttlesford Local Plan Adopted 2005

EDG - Essex Design Guide

ECP - ECC Parking Standards  
(Design & Good Practice) September 2009

NPPF - National Planning Policy Framework



**Gordon Glenday**  
**Assistant Director Planning**

**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:

- o If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- o If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- o 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.
- o 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.
- o 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.

2 The local planning authority has worked with the applicant in a positive and proactive manner by allowing the submission of information to address points of concern.

3 Highway Authority Notes:

(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](mailto:development.management@essexhighways.org) or by post to SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

(ii) 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.

(iii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(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) The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public byway no 1 (Newport) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.