



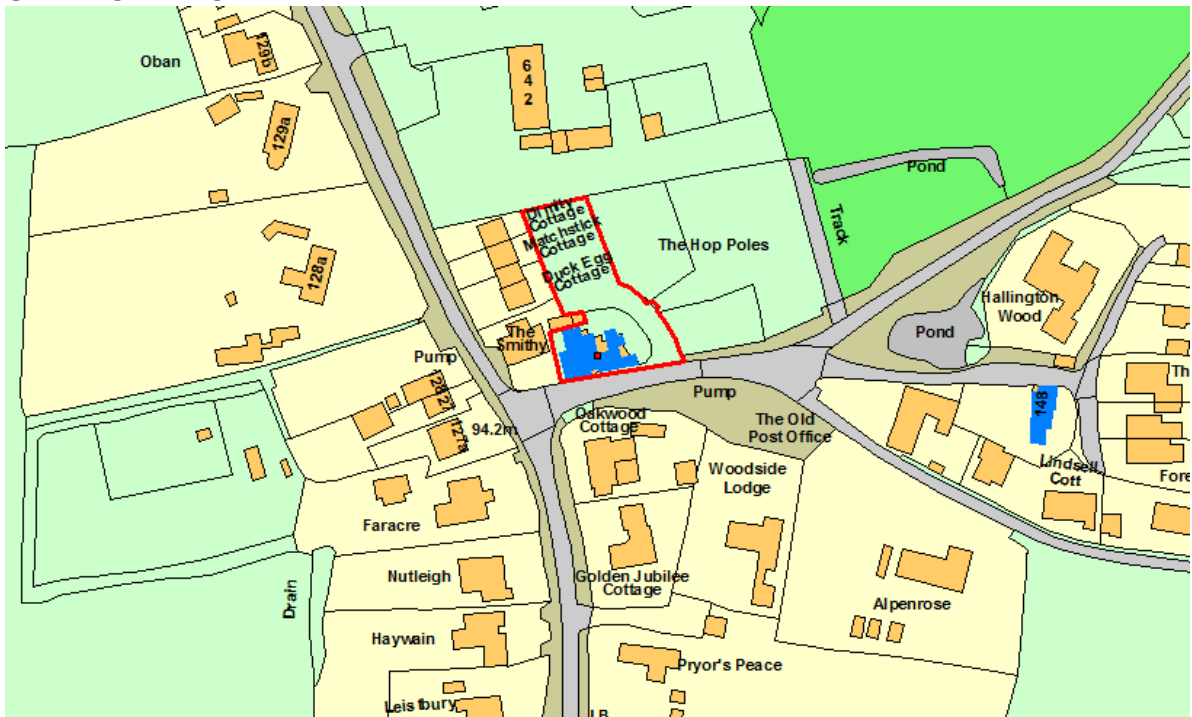
ITEM NUMBER: 11

PLANNING COMMITTEE DATE: 11 December 2024

REFERENCE NUMBER: UTT/24/1370/FUL

LOCATION: The Hop Poles,
Bedlars Green,
Great Hallingbury,
Essex
CM22 7TP

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 13 November 2024

PROPOSAL: Conversion and change of use from public house to 1 no. residential dwelling and proposed erection of cartlodge. Proposed construction of 1 no. self-build dwelling in existing car park.

APPLICANT: Mr B Komodromou

AGENT: Mr T Cannon (CANNON Architectural Design Ltd)

EXPIRY DATE: 29 July 2024

EOT EXPIRY DATE: 16 December 2024

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Within Development Limits (Building & Car Park).
Outside Development Limits / Within Countryside Protection Zone (Drive).
Listed Building (Hop Poles – Grade II).
Contaminated Land (Historic Land Use Area).
Within 500m of SSSI.
Within of 6km of Stansted Airport.
Within 57dB 16hr LEQ of Stansted Airport.

REASON THIS APPLICATION IS ON THE AGENDA: Call In (Cllr Driscoll).

1. EXECUTIVE SUMMARY

1.1 This a full planning application for the conversion and change of use from a public house to 1 no. residential dwelling and proposed erection of cartlodge Proposed construction of 1 no. self-build dwelling in the existing car park to the back of the public house. The application does not propose any affordable units and is accompanied by a tandem listed building application (UTT/24/1371/LB) for the conversion works to the listed building.

1.2 The site is partly within development limits, including the dwellings hereby proposed. The existing access and driveway lie outside the development limits and falls within the countryside protection zone (CPZ).

Despite the council's housing land supply surplus (including the necessary 20% buffer) measured against a 4-year requirement (given the publication of the Reg 19 emerging local plan), the council's housing delivery test (HDT) performance and its development plan not being up to date compels engagement with the presumption in favour of sustainable development (paragraph 11 of the NPPF).

- 1.3** The proposals would cause low levels of 'less than substantial harm' to the significance of the listed building (Hop Poles – Grade II) and would lead to loss of an employment use/land in the village of Bedlars Green. However, the proposals would also bring the public benefit of securing the optimum viable use of the heritage asset and would use suitable brownfield land for homes within the settlement and promote the development of under-utilised land and the disused asset. The proposed development would not harm to the open and rural character and appearance of the countryside or the CPZ and would not promote coalescence with the airport or the spread of built form in the wider landscape.
- 1.4** The planning and heritage balances would favour the development. Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

2. RECOMMENDATION

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

3. SITE LOCATION AND DESCRIPTION:

- 3.1** The application site comprises a 2-storey detached building that is a former public house with a tarmacked car park to the rear, located within development limits in Bedlars Green, Great Hallingbury. The existing driveway and access to the site is part of the countryside within the countryside protection zone (CPZ). The application building is Grade listed (since 1983), brick built with dentilled eaves, now rendered, under a grey slated roof with two red brick chimney stacks. To the west and north-west of the site there is a detached dwelling (The Smithy) and a small terrace of 3 no. cottages (Dimity Cottage, Matchstick Cottage and Duck Egg Cottage). To the south there are further detached dwellings, to the north an existing commercial use and to the east open countryside (although there was an expired permission on that site for bed & breakfast units). The area contains a semi-rural character with dwellings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

4.1 This a full planning application for the conversion and change of use from public house to 1 no. residential dwelling and proposed erection of cartlodge. Proposed construction of 1 no. self-build dwelling in existing car park to the back of the public house. The application does not propose any affordable units and is accompanied by a tandem listed building application (UTT/24/1371/LB) for the conversion works to the listed building.

4.2 The application includes the following supporting documents:

- Application form
- Biodiversity checklist
- Asset of community value decision
- Design, access and heritage statement
- Ecological survey and assessment
- Transport statement
- Agent's response to comments
- Comments from applicants

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/24/0488/FUL and UTT/24/0537/LB	Proposed change of use from public house to residential, changes to boundary and additional parking. Construction of 1 no. new dwelling.	Withdrawn (22.04.2024).
UTT/23/0535/ACV	Nomination of The Hop Poles Public House as an Asset of Community Value.	Refused (24.04.2024)
UTT/17/3177/ACV	To nominate property as an Asset of Community Value.	Approved (13.12.2017) – expired after 5 years from the day above.
UTT/1446/05/FUL	Change of use from garden/paddock to car park for the public house. Construction of new vehicular access.	Appeal allowed (11.01.2006).

7. PRE-APPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

- 7.1** Paragraph 39 of the NPPF states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 7.2** A pre-application (UTT/23/0066/PA) discussion has been held with officers of Uttlesford District Council prior to the submission of the withdrawn application (UTT/24/0488/FUL and UTT/24/0537/LB). However, although constructive, the scheme has evolved substantially since the pre-app discussions, and therefore there would be no point in analysing those early steps. No statement of community involvement has been submitted prior to the submission of this application but interested parties were consulted and re-consulted as necessary and their comments considered as part of the planning assessment below.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

- 8.1.1** No objections subject to conditions (see full response in **Appendix 1**).

8.2 Manchester Airport Group

- 8.2.1** The application site lies within the current 60dB LAeq contour for day noise and 54dB LAeq contour for night noise from Stansted Airport. As such, noise should be taken into account as a material consideration in determining the application.
- 8.2.2** In respect of the Noise Policy Statement for England (NPSE), the second aim is relevant to this application as the site in question is above the lowest observed adverse effect level (LOAEL, 51dB LAeq) for aircraft noise. Accordingly, the LPA must 'mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'.
- 8.2.3** It is Stansted Airport's opinion that the Local Authority should ensure that the relevant policies are complied with and that the internal and external living environment have been suitably considered against all planning policies and suitable mitigation is taken into account. Where appropriate, conditions should be imposed to ensure an adequate level of protection against noise. Given the existing noise environment and the need for mitigation, if the application is approved, it should be noted that Stansted would consider that any replacement dwelling developed at this site will be unlikely to be eligible for the current or a future Stansted Airport Sound Insulation Grant Scheme (see full response in **Appendix 2**).

9. PARISH COUNCIL COMMENTS

9.1 The following comments were received:

- **Object:**
 - Overbearing development, too close to the boundary of the neighbouring property.
 - Overdevelopment of the site.
 - The impact on existing properties should be minimised.
 - Drainage is a problem – it seems like ecological survey was not done properly – it should flow into mains drainage.
 - We request that a new ecological survey is done.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions.

10.2 Place Services Built Heritage (Conservation)

10.2.1 No objections subject to conditions.

10.2.2 With regards to the proposal for a new dwelling at the northern end of the car park, I also note the slight reduction in the footprint of both ranges of the building which, in my opinion, makes the scheme acceptable, subject to the agreement of suitable good quality traditional materials and finishes (including doors and windows) and appropriate hard and soft landscaping arrangements and boundary treatments which could be agreed by appropriate conditions attached to application UTT/24/1370/FUL.

10.2.3 I remain of the opinion that the revised proposals with regards to conversion of the pub would fail to preserve the special interest of the listed building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This would represent at least a low level of less than substantial harm to the significance of the listed building in terms of the NPPF, making paragraphs 205, 206 and 208 relevant. However, I also recognise that conversion of the listed building to a dwelling will provide it with a new use which is compatible with its long term conservation.

10.3 Place Services (Ecology)

10.3.1 No objections subject to conditions.

11. REPRESENTATIONS

11.1 Site notices were displayed near the site and notification letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Neutral

11.2.1 The following comments were received:

- Highway impacts.
- Road closures for construction traffic.
- Only way in and out with vehicles.

11.3 Object

11.3.1 The following comments were received:

- Object to the new dwelling.
- No objection to the change of use of the Hop Poles.
- Little changes with the previous application.
- Call-in reasons not published.
- Proximity to neighbouring boundary.
- Height marginally reduced and position largely the same.
- New dwelling too big and high.
- Bungalow more suitable.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Carport directly facing the back of neighbouring properties.
- Light pollution at night from cars.
- Infringement on the peace and enjoyment of neighbouring properties.
- Black featheredge boarding not in keeping with the area.
- Covenant within legal deeds for the materials.
- Footprint not reduced enough.
- No first-floor side windows irrelevant to overlooking.
- Photographs supplied.
- Site not leading to Epping Forest.
- Overdevelopment.
- Landscaping impacts.
- Flooding, drainage and foul water concerns.
- Ecological concerns.
- Neighbours working from home / noise disruption, air pollution and other disturbances.
- Potential financial implications for neighbours and impact on property values.
- Quiet semi-rural village.
- Dense infilling not within the setting of surrounding area.
- Last remaining pub in Bedlars Green.
- Previously a community asset.
- Other pubs not close.
- Loss of key community asset.
- Loss of sense of community.
- Harm to local economy.
- Social benefits from the pub.

11.4 Comment

11.4.1 All material planning considerations raised by third parties have been thoroughly reviewed when considering this application. Land ownership issues, the impact of the proposals on property values in the area and issues around the deliverability of a planning permission are civil matters beyond planning.

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:
 - (a) 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.

12.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

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)
Uttlesford Design Code (adopted July 2024)
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 (December 2023).

13.2 Uttlesford District Local Plan (2005)

13.2.1	S3	Other Development Limits
	S8	The Countryside Protection Zone
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H4	Backland Development
	H6	Conversion of Rural Buildings to Residential Use
	RS3	Retention of Retail and other Services in Rural Areas
	ENV2	Development affecting Listed Building
	ENV3	Open Space and Trees
	ENV4	Ancient Monuments and Sites of Archaeological Importance
	ENV8	Other Landscape Elements of Importance for Nature Conservation
	ENV10	Noise Sensitive Development
	ENV11	Noise Generators
	ENV12	Protection of Water Resources
	ENV13	Exposure to Poor Air Quality
	ENV14	Contaminated land

13.3 Neighbourhood Plan

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

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document – Accessible homes and playspace
Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)
Supplementary Planning Document – Uttlesford District-Wide Design Code (2024).

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2
- A) Principle of development (S3, S8, GEN1, RS3, H4, H6, NPPF)
 - B) Heritage impacts and balance / Character and appearance (GEN2, ENV2, ENV3, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)
 - C) Residential amenity (GEN2, H4, H6, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)
 - D) Access and parking (GEN1, GEN8, parking standards, NPPF)
 - E) Ecology (GEN7, ENV8, NPPF)
 - F) Contamination (ENV14, ENV12, ENV13, NPPF)
 - G) Archaeology (ENV4, NPPF)
 - H) Flood risk and drainage (GEN3, NPPF)
 - I) Planning balance

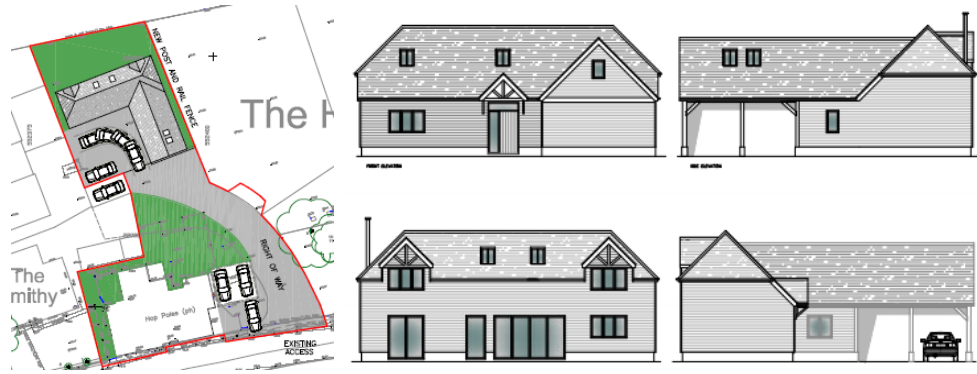
14.3 **A) Principle of development (S3, S8, GEN1, RS3, H4, H6, NPPF)**

14.3.1 Emerging local plan and housing land supply:

Paragraph 226 of the NPPF was engaged on 08 August 2024, following publication of the Council's Regulation 19 Local Plan. As of 20 August 2024, the Council can demonstrate **4.12 years** of housing land supply (which includes a 20% buffer), which is a surplus measured against a 4-year requirement (4YHLS). With the Housing Delivery Test (HDT) being at 58%, situation (b) of Footnote 8 of the NPPF applies, which means that the Council must continue engaging with the presumption in favour of sustainable development under paragraph 11(d) of the NPPF. The age of the Local Plan is also supportive of this. Finally, due to its stage of preparation and that the proposed strategy has not been tested at examination, the emerging local plan is afforded **limited** weight.

14.3.2 Background:

Another planning and listed building application was recently withdrawn (UTT/24/0488/FUL and UTT/24/0537/LB) following concerns over heritage and residential amenity impacts. The withdrawn scheme included conversion of the existing public house and a new dwelling in the car park area, similarly to the current scheme. However, the new dwelling in the withdrawn scheme was more sizeable in comparison to the current one in terms of footprint and height (see image). Notwithstanding the lack of a fallback position for the conversion or the additional dwelling, the land where these buildings will be located is within development limits. In addition, the car park of the former public house was lawfully created following permission granted on appeal (UTT/1446/05/FUL).



14.3.3 Conversion of rural building:

Policy H6 of the Local Plan contains a sequential test. The NPPF is more positive about conversions as it does not contain a sequential test, and as such, the only parts of policy H6 that would be afforded significant weight would be tests (c)-(e) and the prohibition of substantial building reconstructions or extensions. The proposal would comply with policy H6 of the Local Plan given that the size of the proposed extensions would be subservient to the existing building; however, the impact of the proposals on the significance of the heritage asset will be examined in Section B below.

14.3.4 Employment use, local economy, previously developed land:

The proposal would provide a modest contribution towards the wider local economy during the conversion works and development phase via potential employment for local builders and suppliers of materials, and post-construction via reasonable use of local services in the village or in nearby villages, complying with paragraph 83 of the NPPF.

14.3.5 The NPPF places **significant** support to economic growth and productivity (paragraphs 8, 85) and to the retention of accessible community facilities, such as public houses (paragraph 88(d)). Policy RS3 of the Local Plan states that change of use of a community facility, such as a public house, will only be permitted subject to criteria regarding financial viability, demand and equivalent facilities in the vicinity. As these criteria are not in the NPPF, by virtue of paragraph 225, policy RS3 of the Local Plan can only attract **limited** weight. The proposal would conflict with paragraphs 8, 85, 88(d) of the NPPF, and policy RS3 of the Local Plan.

14.3.6 However, despite the loss of the employment use and notwithstanding the concerns of neighbours for the loss of the community facility, the public house has not been in use for several years¹ and is not an ‘asset of community value’ as the latest application was refused in April 2023 (UTT/23/0535/ACV)². Moreover, the site is previously developed land and the proposal would gain heavy support from paragraphs 123 and 124(c)-

¹ The application supports that “*The pub itself has bene closed for over ten years*” (Design, Access and Heritage Statement, p.4).

² The previous application was approved but this status expires after five (5) years (UTT/17/3177/ACV).

(d) of the NPPF that require decisions to give **substantial** weight to the value of using suitable brownfield land within settlements for homes and promote the development of under-utilised land and buildings. Therefore, the support that the scheme would gain from the NPPF provisions on brownfield sites and making effective use of land would *outweigh* its conflict with the NPPF provisions on economic growth and retention of facilities in rural areas because the building does not benefit from protected status and the land is not an important employment site.

14.3.7 Policy H4 of the Local Plan permits development of a backland parcel of land if (a) there is significant under-use of land and development would make more effective use of it. The proposed development would be of an appropriate amount on a brownfield site within a settlement, making more effective use of under-used land, in compliance with policy H4(a) of the Local Plan.

14.3.8 Location:

As a change of use and new housing development within development limits, the sustainability of the location (including accessibility to services and public transport) would not need to be examined here, as the residential use of the application site would be acceptable even if the location were to be found unsustainable. The proposals would comply with policies S3 and S8 of the Local Plan given that they would be compatible with the settlement's character and countryside setting and would not affect the open characteristics of the countryside protection zone (CPZ) nor promote coalescence with Stansted Airport, as only the existing driveway is within the CPZ.

14.3.9 Conclusion:

The principle of the residential use of the site would be acceptable, however, the principle of the development would also depend on additional planning considerations, such as the impact of the proposals on heritage assets (see Section 2) by virtue of paragraph 11(d)(i) of the NPPF.

14.4 **B) Heritage impacts and balance / Character and appearance (GEN2, ENV2, ENV3, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)**

14.4.1 Revisions:

The proposed dwelling was revised several times to minimise its impact on the setting of the heritage asset (i.e. the public house) and the residential amenities of the neighbouring occupants on the cottages to the west of the site. The main revisions included:

- Reduced scale:
 - Reduced footprint (from 123.6 to 94.7 sqm)
 - Reduced massing (lowering the eaves on the south and west elevations from 3.04 to 2.4m, keeping ridge height the same at 6.1m).

- Layout and form changes:
 - Re-orientation of the dwelling (90 degrees clockwise)
 - Re-positioning the dwelling 2m closer to the asset
 - Reconfiguration of parking and turning layout
 - Creation of front garden (west elevation).
- Design changes:
 - Additional dormers
 - Conservation-type rooflights (instead of conventional).

14.4.2 The conversion works of the former public house have been revised to replace the hipped roof extension (with a prominent lantern and elaborate detailing) with a flat roof extension of simpler appearance and plain rendered walls with windows that are in keeping with the design and proportions of the historic windows of the listed building. Another revision was to replace the bifold doors on the east elevation with more traditional French doors. The rest of the changes should be compared to the withdrawn scheme (UTT/24/0488/FUL and UTT/24/0537/LB) and shall not be elaborated here (see Conservation’s consultation dated 16/07).

14.4.3 Heritage impacts:

Place Services Built Heritage (Conservation) reported that the significance of the listed building³ derives primarily from its age and architectural interest as a rural public house which may have originated as a dwelling that was adapted for this purpose. The setting of the listed building, although altered by creation of the car park and the addition of modern housing to the north-west, also makes some contribution to its significance in enabling its architectural interest to be appreciated.

14.4.4 Place Services Conservation, following the above revisions to reduce scale and footprint, reported that the proposed dwelling at the car park would be acceptable subject to suitable good quality traditional materials and finishes (including doors and windows) and appropriate hard and soft landscaping features and boundary treatments. The new dwelling, by reason of its revised footprint, would be of an ancillary character to retain the primacy of the listed building. The proposed lowering of the sill to the front window (living room) and the proposed cartlodge would not materially harm the character of the asset.

14.4.5 However, the proposed conversion works would fail to preserve the special interest of the listed building (for details, see officer’s report for UTT/24/1371/LB), causing low levels of ‘less than substantial harm’ to the significance of the asset. The proposal would fail to comply with policy ENV2 of the Local Plan.

14.4.6 Heritage balance:

Paragraph 208 of the NPPF states that where a development proposal will lead to ‘less than substantial harm’ to the significance of a designated heritage asset, this harm should be weighed against the *public benefits* of

³ Hop Poles (Grade II).

the proposal including, where appropriate, securing its optimum viable use. The heritage balancing exercise would require the above 'less than substantial harm' to be weighed against the public benefits of the scheme, which include:

- Securing the optimum viable use of the heritage asset.
- Provision of 2 no. units to the 4YHLS (via conversion and new dwelling).
- Ecological enhancements.
- Economic and social benefits.
- Previously developed land.
- Provision of 1 no. self-build dwelling.

14.4.7 Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great* weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, the harm to the significance of the listed building identified above would be afforded **great** weight.

14.4.8 The application asserts that the "*new dwelling will have little or no impact on the setting of the listed building. If anything it will act as a buffer between the Hop Poles and the commercial uses to the north. The impact on the Hop Poles [...] is held to be less than substantial harm, but at the lower end of the range*"⁴. Therefore, the application concurs to the harm levels identified above by Place Services Conservation.

14.4.9 On the other hand, the conversion of the former public house to residential use will provide the listed building with its optimum viable use, which is compatible with the conservation of the heritage asset now and in the future. This public benefit is key in retaining the building for generations to come and the only example of benefit in paragraph 208 of the NPPF. Place Services Conservation confirmed that "*conversion of the listed building to a dwelling will provide it with a new use which is compatible with its long term conservation*" (response 31/07). As such, this public benefit shall be afforded **significant** weight.

14.4.10 The rest of the public benefits associated with the proposed development would be afforded **limited** weight given the small number of units proposed except for the benefit of being located on suitable brownfield land that would attract **substantial** weight by virtue of paragraphs 123 and 124 of the NPPF.

14.4.11 The first public benefit alone (i.e. optimum viable use) would be enough to outweigh the low levels of 'less than substantial harm' to the significance of the listed building, meaning that the **heritage balancing exercise** would favour the proposals, in accordance with paragraph 208 of the NPPF, and section 66(1) of the Planning (Listed Buildings and

⁴ Design, Access and Heritage Statement, p.5.

Conservation Areas) Act 1990. The application of paragraph 208 would not provide a clear reason for refusing the development, as per paragraph 11(d)(i) of the NPPF.

14.4.12 Place Services Conservation recommended conditions for materials and landscaping, to preserve the significance of the heritage asset but also to preserve the character and appearance of the area and to safeguard residential amenities (which shall be attached to the planning permission only). Following verbal feedback from Conservation, another condition would be necessary to provide additional drawings for the (new and amended) windows, doors and sills on the listed building (which shall be attached to the listed building consent only); this is necessary to preserve the significance of the heritage asset.

14.4.13 Character and appearance:

The local character contains a semi-rural feel as a small village with its own development envelope. The proposals would introduce a residential use in an area where dwellings are common, and therefore any urbanising effects⁵ would be limited. The use of appropriate traditional materials in keeping with the listed building and the local vernacular would be key in reducing the impact of the proposals on the character and appearance of the area. The use of UPVC windows or vent pipes, for example, will not be supported.

14.4.14 The domestication of the site would not harm the semi-rural character and appearance of the area given the artificial tarmacked appearance of the existing car park and given that the new dwelling would be enclosed by existing built form on three sides. Therefore, the development would comply with policies S3, ENV3 of the Local Plan, and paragraph 135 of the NPPF, being sympathetic to local character.

14.4.15 The Revised Site Plan proposes new planting and a brick wall between the listed building and the shared driveway with the new dwelling to the rear; however, no such details have been submitted. A landscaping condition would be necessary to preserve the character and appearance of the area, to safeguard residential amenities, and to confirm those details.

14.4.16 Climate change:

Energy and water efficiency measures would be necessary, to ensure compliance with the adopted Climate Crisis Strategy 2021-30, the Interim Climate Change Planning Policy, section 14 of the NPPF, and policy GEN2(e) of the Local Plan. The matter will not be conditioned as it will be picked up at the Building Regs stage. However, for any potential green technologies to be placed externally on the proposed dwelling or on the listed building, the impact on the significance of the listed building would

⁵ Domestic appearance of built form and domestic paraphernalia with which housing is associated, such as household equipment, vehicles, parking spaces and hardstandings, patios, fences, garden equipment, etc..

need to be assessed (and separate planning permission and/or listed building consent may be required).

14.5 C) Residential amenity (GEN2, H4, H6, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)

14.5.1 The proposed units would have bedroom/persons occupancies and gross internal areas (GIA) that exceed the minimum thresholds⁶:

- Converted dwelling: 4B7P (> threshold 115 sqm)
- New dwelling: 3B5P (> threshold 93 sqm).

14.5.2 In terms of noise, odours, dust, vibrations, light pollution and other disturbances, Stansted Airport reported that the site lies within the current 60dB LAeq contour for day noise and 54dB LAeq contour for night noise from the airport, which is above the lowest observed adverse effect level (LOAEL) for aircraft noise (51dB LAeq). Therefore, noise should be a material consideration.

14.5.3 Notwithstanding the above, Environmental Health raised **no objections** subject to conditions. The conditions refer to noise mitigation and a construction and demolition method statement. Environmental Health did not raise any issues for the residential amenity of the new occupants from aircraft noise subject to the compliance condition for noise mitigation. However, it is not clear if the last part of the condition requiring measures to achieve appropriate noise levels on the external amenity space could reasonably be achieved or enforced in the absence of practical mitigation measures which could sufficiently reduce aircraft noise within the private garden.

14.5.4 Therefore, the condition shall be reworded as a Grampian condition for the new dwelling to ensure that harmful living conditions would not be available as an acceptable choice. The compliance condition will be used to provide sound attenuation measures for the internal spaces of both dwellings; for the converted dwelling a substandard amenity space (if shown to be as such) would be acceptable given that the conversion would secure the optimum viable use of the heritage asset (see Section B).

14.5.5 Turning to private gardens, the SPD Uttlesford District-Wide Design Code (adopted July 2024) requires private amenity space to be 50 sqm or of equal footprint of the dwelling (whichever is larger). The converted dwelling would adhere to this standard but the new dwelling would not. However, on this occasion, the conflict with the Design Code would be afforded **limited** weight given the circumstances of the site that would create overbearing effects if the dwelling were to be positioned any closer to the western site boundary or unnecessary heritage harm to the setting and significance of the listed building if the dwelling were to be any more sizable than in the latest revisions. The private garden provided for the

⁶ See Technical Housing Standards – Nationally Described Space Standard.

future occupants of the dwelling would be of such size that would not be detrimental to their living conditions as it would allow them to feel the experience of being outside, providing a high standard of amenity, in accordance with paragraph 135(f) of the NPPF.

14.5.6 After applying the design and remoteness tests (see Essex Design Guide) and the 45-degree tests, the following conclusions are drawn for the impact of the proposed development to the residential amenity of the neighbouring occupiers in terms of potential material overshadowing, overlooking (actual or perceived) and overbearing effects.

14.5.7 Potential overlooking and loss of privacy:

Concerns raised by the neighbours regarding privacy issues from the new development have been carefully considered. A condition for the proposed dwelling to withdraw permitted development rights for outbuildings, extensions and new windows would be necessary to safeguard the residential amenity of existing and future occupiers and to preserve appropriate levels of amenity space.

- The west and south elevations of the new dwelling would not include any upper floor windows, which in combination with the 2-metre close boarded fence between the rear gardens of the cottages to the west of the site⁷ and the new dwelling would not compromise the privacy of the neighbours. It would also avoid creating a perception of overlooking to the private gardens and rear habitable room windows of those neighbouring properties.
- The private garden and habitable room windows of the converted dwelling would not be overlooked by any windows of the proposed dwelling. In addition, the converted dwelling would utilise existing openings for most of its habitable room windows, which would ensure no material impact to the future occupants of the new dwelling or the occupants of The Smithy to the west.
- The only upper floor window of the converted dwelling facing north would belong to a non-habitable room, which would safeguard the privacy of the gardens of the cottages to the north-west of the listed building.
- The 25m rule of the Essex Design Guide would not apply here given that the proposal would not create a back-to-back situation but rather back-to-front.

14.5.7.1 Therefore, the proposals would not lead to material (actual or perceived) overlooking or loss of privacy to the detriment of the residential amenity of the neighbouring or future occupiers.

14.5.8 Potential overshadowing and loss of light:

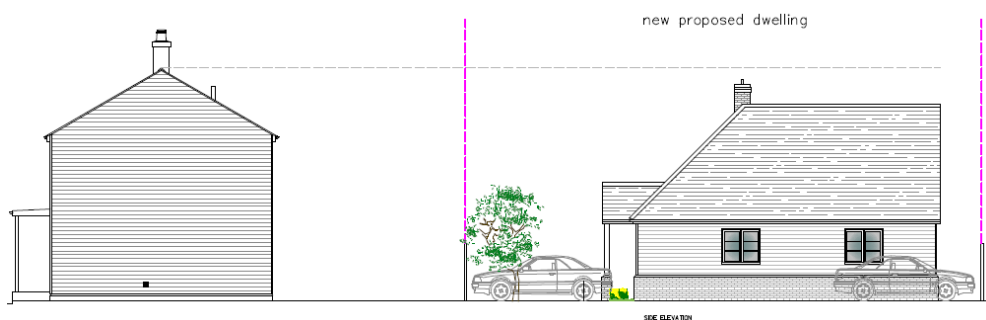
Following revisions to scale down the proposed dwelling and move it further away from the boundary with the neighbouring cottages to the west and further south, and due to its size, scale and position, the proposed

⁷ Dimity Cottage, Matchstick Cottage, Duck Egg Cottage, The Smithy.

dwelling would not lead to material overshadowing of, and loss of light to, the private gardens or habitable room windows of any existing properties in the area. The same applies for the extensions and alterations to the converted dwelling.

14.5.9 Potential overbearing effects:

Concerns were expressed by residents for overbearing effects ('tunnelling effect') to the gardens of the cottages to the west of the new dwelling (see footnote 7) due to the limited gap between them. These comments have been thoroughly considered when determining the application. However, following revisions, the distance between the rear elevation of the cottages and the front (west) elevation of the proposed dwelling would be 11.5m, which is appropriate for a location within a settlement. Most importantly, the revisions to reduce its footprint and massing and relocate the new dwelling away from the western boundary of the site, would allow for adequate 'breathing' space amongst the buildings, as shown in the additional drawing provided by the applicant (see image). Notwithstanding the visual change in comparison to the existing car park as perceived by the neighbouring cottages, there is no right of view in planning terms.



14.5.10 The proposal would not materially harm residential amenities of existing and future occupants and would comply with policies H4(b)-(c) H6(e), GEN2, GEN4, GEN5, ENV10, ENV11, the SPD Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.

14.6 **D) Access and parking (GEN1, GEN8, parking standards, NPPF)**

14.6.1 From a highway and transportation perspective, the Highway Authority raised **no objections** unconditionally in the interests of highway safety, as the development would accord with the Essex County Council Supplementary Guidance – Development Management Policies (Feb 2011), policy GEN1 of the Local Plan, and paragraphs 115 and 114(b) of the NPPF. The existing access was approved in UTT/1446/05/FUL and can accommodate the vehicular movements associated with 2 no. dwellings, especially in comparison to potential movements associated with the use of the car park if the public house use were to be resumed.

14.6.2 Parking standards require 2 no. parking spaces for 3-bed properties (such as the new dwelling) and 3 no. parking spaces for 4+-bed properties (such as the converted dwelling). There is ample space within the site to accommodate the required parking provision and provide appropriate

turning areas to allow for cars to leave the site in a forward gear. Parking arrangements would meet the Uttlesford Residential Parking Standards (2013), the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.

14.7 E) Ecology (GEN7, ENV8, NPPF)

14.7.1 Place Services Ecology, following review of the submitted information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures. The development would comply with paragraphs 43, 180(d) and 186 of the NPPF, and policies GEN7, ENV8 of the Local Plan. The conditions refer to action in accordance with the appraisal recommendations, a precautionary working non-licensed method statement, a biodiversity enhancement strategy, and a wildlife sensitive lighting scheme for biodiversity.

14.7.2 Biodiversity Net Gain duty:

Biodiversity Net Gain (BNG) is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. Paragraph 13 of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 states that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and (b) the LPA has approved the plan. Development below the threshold is exempt from BNG if it does not impact a priority habitat and impacts less than: 25 square metres (5m by 5m) of on-site habitat; and 5 metres of on-site linear habitats such as hedgerows. Place Services Ecology confirmed that all these criteria apply and the development is **exempt** from BNG.

14.7.3 Given that the development is exempt from BNG, a condition to secure that the proposed dwelling would be constructed and occupied as self-build would not be necessary.

14.8 F) Contamination (ENV14, ENV12, ENV13, NPPF)

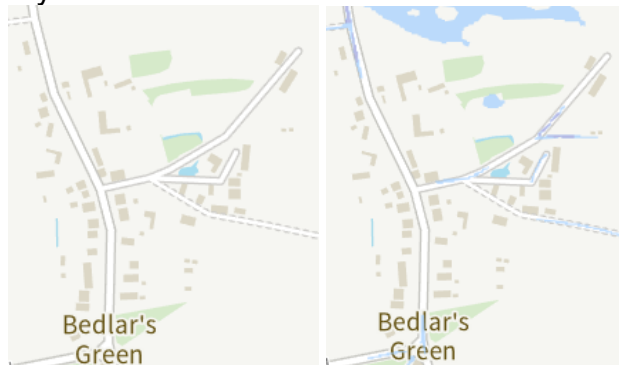
14.8.1 Environmental Health raised **no objections** subject to a condition to protect human health and the environment. The proposal would accord with policies ENV14, ENV12, ENV13 of the Local Plan, and the NPPF. The condition refers to potential land contamination (watching brief).

14.9 G) Archaeology (ENV4, NPPF)

14.9.1 Place Services Archaeology was not consulted in the interests of preserving the heritage asset by record or any potential archaeological remains, given the conversion nature of the development and the previously developed nature of the land. The proposal would accord with policy ENV4 of the Local Plan, and the NPPF.

14.10 H) Flood risk and drainage (GEN3, NPPF)

14.10.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) does not apply as the development does not involve a site of 1 hectare or more; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As such, the Essex County Council (Local Flood Authority) and the Environment Agency have not been consulted for this application. The following images show the extent of flooding from rivers (fluvial flooding) and from surface water (pluvial flooding). The proposal would comply with paragraph 173 of the NPPF, and policy GEN3 of the Local Plan.



14.11 I) Planning balance

14.11.1 The public benefits of the scheme would include:

- Securing the optimum viable use of a heritage asset (listed building) – **significant** weight.
- Previously developed land, effective use of under-used land – **substantial** weight.
- Provision of 2 no. units to the 4YHLS (via conversion and new dwelling) – **limited** weight.
- Ecological enhancements – **limited** weight.
- Economic and social benefits – **limited** weight.
- Provision of 1 no. self-build dwelling – **limited** weight.

14.11.2 Securing the optimum viable use of the closed public house would ensure that the heritage asset would be maintained and survive to the benefit of future generations, which is the only benefit recognised in the heritage balancing exercise in paragraph 208 of the NPPF, and as such, this benefit should attract **significant** weight. The site would make better use of previously developed land and under-used land and existing building within a settlement, and therefore the proposal would gain heavy support from paragraphs 123 and 124(c)-(d) of the NPPF that would afford **substantial** weight to this public benefit arising from the development.

14.11.3 The net provision of 2 no. residential units would be a meaningful but rather **limited** public benefit arising from the development, as it would make little difference to the overall supply of housing in the district.

- 14.11.4** The proposal would provide a modest contribution towards the wider local economy during and post construction and conversion works. The proposal would also boost social interaction in the area given that the new occupants of the dwellings are likely to socialise to a degree within the village, which would increase social vibrancy locally in comparison to the closed public house. However, the economic and social public benefits would be **limited** to their extent given the small number of units proposed.
- 14.11.5** The proposal would also offer ecological enhancements to biodiversity; these matters would only attract **limited** weight given the limited scale of the development.
- 14.11.6** The adverse impacts of the development would include:
- Low level of ‘less than substantial harm’ to the significance of the listed building⁸ – **great** weight.
 - Loss of employment use/land and community facility – **limited** weight.
- 14.11.7** Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, *great* weight should be given to the asset’s conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Therefore, the harm to the significance of the listed building would be afforded **great** weight.
- 14.11.8** Despite the loss of the employment use/land and community facility, the public house has not been in use for several years and is not an ‘asset of community value’. This, in combination with the fact that the site is using suitable brownfield land within a settlement for homes and is promoting the development of under-utilised land and building would reduce the weight of this adverse impact to **limited** levels only.
- 14.11.9** Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

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

⁸ Hop Poles (Grade II).

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 planning and heritage balances would favour the development. Consequently, when assessed against the policies in the NPPF taken as a whole, and as there are no other material considerations indicating otherwise, the adverse impacts of the proposal would **not** significantly and demonstrably outweigh the benefits. The proposal would be sustainable development for which paragraph 11(d) of the NPPF indicates a presumption in favour.

16.2 It is therefore recommended that the application be approved subject to conditions.

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** The new dwelling at the position of the existing car park shall not be implemented unless an acoustic assessment is submitted in writing to the local planning authority, which will confirm that noise levels on the external private garden area of that dwelling would be below the British Standard 8233:2014 guideline threshold level for a significant portion of the day.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, and the National Planning Policy Framework (2023).

- 4** Prior to commencement of the development hereby approved, a precautionary working non-licensed method statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts, hedgehog and toad during the construction phase. Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 5** Prior to commencement of the development hereby approved, a Construction and Demolition Management Plan (CDMP) shall be submitted to and approved in writing by the local planning authority. The statement shall specify the provisions to be made for the control of noise and dust emanating from the site (including operating hours) and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice. The approved CDMP shall be adhered to throughout the construction period.

REASON: To safeguard residential amenities in the area, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 6** Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved materials and shall be maintained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage asset, and to ensure the development is visually attractive, in accordance with the adopted Uttlesford Local Plan Policies S3, GEN2, ENV2, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 7** Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority.

The Biodiversity Enhancement Strategy shall include:

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

Thereafter, the ecological works shall be implemented in accordance with the approved details prior to occupation of the development hereby approved.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 8** Prior to any works above slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details prior to occupation of the development hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments including photographs);

- c) hard surfacing and other hard landscape features and materials (including photographs);
- d) existing trees, hedges or other soft features to be retained;
- e) details of planting or features, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the character and appearance of the area, to preserve the significance of heritage asset, and to safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies S3, GEN2, GEN4, ENV2, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 9** Prior to occupation of the development hereby approved and notwithstanding any materials for the external finishes (to be approved as part of condition 6) showing otherwise, the dwellings shall be implemented to provide sound attenuation against external noise in accordance with British Standard 8233:2014.

The following levels shall be achieved:

- Maximum internal night noise levels of 30dB LAeq,T for living rooms and bedrooms with windows open (or closed with provided acoustic mechanical ventilation including heat recovery).
- For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.
- Maximum living room day (07.00-23.00 hrs) noise levels of 35 dB LAeq shall be achieved.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, and the National Planning Policy Framework (2023).

- 10** Prior to occupation of the development hereby approved, a fully wired and connected electric vehicle charging point shall be provided on site for

each dwelling. Thereafter, the charging points shall be maintained as such at all times.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with the National Planning Policy Framework (2023).

- 11** Prior to occupation of the development hereby approved, a lighting design scheme for biodiversity in accordance with General Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority.

The scheme shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Thereafter, all external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained in accordance with the scheme at all times. Under no circumstances should any other external lighting be installed without prior consent in writing from the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

- 12** Prior to first use, details of any external lighting to be installed on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, only the details thereby approved shall be implemented.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, GEN4, and the National Planning Policy Framework (2023).

- 13** The new dwelling at the position of the car park hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

- 14** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A 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, to preserve the character and appearance of the area and to safeguard appropriate levels of amenity spaces, in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

- 15** If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

REASON: To ensure the development will not harm human health, the water environment and other receptors, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

- 16** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024). Thereafter, the enhancement measures and/or works shall be carried out in full accordance with the approved details and shall be maintained as such at all times.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, section 17 of the Crime and Disorder Act 1998, in accordance with the

adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2023).

APPENDIX 1 – ESSEX COUNTY COUNCIL HIGHWAYS

From: Chioma Cureton - Strategic Development Officer [REDACTED]
Sent: Wednesday, July 10, 2024 12:34 PM
To: Anestis Skoupras [REDACTED]
Cc: Planning [REDACTED]; Transport Development Admin Assistant [REDACTED]; Councillor Susan Barker [REDACTED]
Subject: [External] >> UTT/24/1370/FUL(13761)4A

Dear Anestis,
I hope you are well.
Please note there are no highway issues associated with this planning application UTT/24/1370/FUL.
Kindest regards

Chioma Cureton
Strategic Development Officer
Essex
Highways
SAFER GREENER HEALTHIER
[REDACTED]
www.essex.gov.uk/highways



The Highway Authority is now charging for all pre-planning application advice, full details can be found here [Pre-App Charging](#)
I work 18 hours per week - usually Tues,Wed,Thurs, and Fridays although this may vary.

APPENDIX 2 – MANCHESTER AIRPORT GROUP (STANSTED AIRPORT)



25th June 2024

Anestis Skoupras
Uttlesford District Council
Council Offices
London Road
Saffron Walden
Essex
CB11 4ER

By email only.

Dear Mr Skoupras

Planning Application no. UTT/24/1371/LB

Proposal: Conversion of public house to residential including alterations to listed building

Location: The Hop Poles Bedlars Green Great Hallingbury Essex CM22 7TP

The application site lies within the current 60dB LAeq contour for day noise and 54dB LAeq contour for night noise from Stansted Airport. As such, noise should be taken into account as a material consideration in determining the application.

The National Planning Policy Framework (NPPF) (2019) details in paragraph 180 that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy ENV10 of the adopted Uttlesford Local Plan (Noise Sensitive Development and Disturbance from Aircraft) states housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. Policy GEN2 states that development will not be permitted unless “it provides an environment which meets the reasonable needs of all potential users”. Further to this, emerging plan policy EN17 (Noise Sensitive Development) reiterates that development will not be permitted if the future occupants and/or occupiers of surrounding land are exposed to unacceptable adverse levels of noise and/or vibration.

The Aviation Policy Framework (APF) states:

3.12 The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.

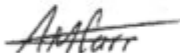
Enterprise House
Bassingbourn Road
Essex
CM24 1QW
United Kingdom

3.13 This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

In respect of the NPSE, the second aim is relevant to this application as the site in question is above the LOAEL (51dB LAeq) for aircraft noise. Accordingly, the Local Planning Authority must 'mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development'.

It is Stansted Airport's opinion that the Local Authority should ensure that the relevant policies are complied with and that the internal and external living environment have been suitably considered against all planning policies and suitable mitigation is taken into account. Where appropriate, conditions should be imposed to ensure an adequate level of protection against noise. Given the existing noise environment and the need for mitigation, if the application is approved, it should be noted that Stansted would consider that any replacement dwelling developed at this site will be unlikely to be eligible for the current or a future Stansted Airport Sound Insulation Grant Scheme.

Sincerely,



Alice Carr
Planning Manager