



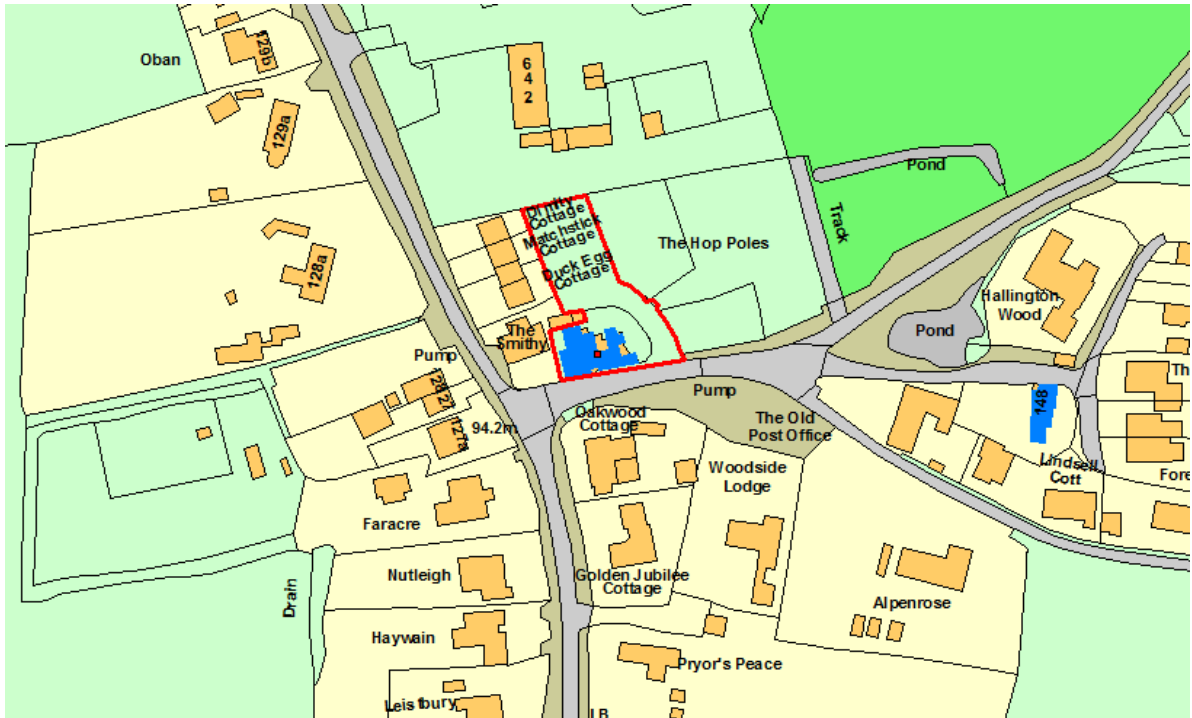
ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 11 December 2024

REFERENCE NUMBER: UTT/24/1371/LB

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 of public house to residential including alterations to listed building.

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 listed building application for the conversion from public house to residential including alterations to the Grade II listed building (Hop Poles). The application is accompanied by a tandem planning application (UTT/24/1370/FUL) for the conversion and change of use from public house to 1 no. residential dwelling and proposed erection of cartlodge, as well as for the proposed construction of 1 no. self-build dwelling in existing car park.
- 1.2** The site is partly within development limits, including the dwellings hereby proposed through a conversion and a new construction, and partly within the countryside and countryside protection zone (CPZ), including only the existing shared driveway that shall remain intact. 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). However, the proposals would also bring the important public benefit of securing the optimum viable use of the heritage asset.
- 1.4 The heritage balance would favour the proposed works. Consequently, the proposed conversion works would be acceptable, in accordance with paragraph 208 of the NPPF, and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** listed building consent for the proposed works 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 its 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 east an existing commercial use and to the west 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 listed building application that is tandem to the 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 listed building application is necessary given the proposed alterations to the fabric of the heritage asset.
- 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.

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**

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 helpful, 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:

- **Support:**
 - Great Hallingbury Parish Council have no objections to this planning application.

10. CONSULTEE RESPONSES

10.1 Place Services Built Heritage (Conservation)

10.1.1 No objections subject to conditions.

10.1.2 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.

10.1.3 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.

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

c) any other material considerations.

12.3 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “In considering whether to grant listed building consent for any works the local planning authority or 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

ENV2	Development affecting Listed Building
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13.3 Neighbourhood Plan

13.3.1 There is not a ‘made’ Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

13.4.1 Essex Design Guide
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) Heritage impacts and balance (ENV2, NPPF)

14.2.1 Revisions:

The revisions that refer to the proposed new dwelling are listed in the officer's report for the tandem application UTT/24/1370/FUL.

14.2.2

The conversion works to 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).

14.2.3 Heritage impacts:

Place Services Built Heritage (Conservation) reported that the significance of the listed building¹ 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 Hop Poles is a listed brick built, rendered 2-storey public house with a slate roof and two red brick chimney stacks, which has been dated to the C19. The building has been extended to the rear and east side, including a modern flat roofed WC block. It has been suggested that the red brick outshot to the rear of the building with a slate covered catslide roof was added in the 1960s, however, the Ordnance Survey map published in 1897 appears to show its presence and the brickwork and form of the addition would also suggest a C19 date.

14.2.4

Notwithstanding the initial concerns about the Heritage Statement not meeting the requirements of paragraph 200 of the NPPF, a demolition plan was submitted as part of the Revised Proposed Plans and Elevations drawing, as requested by Place Services Conservation. Therefore, the application has provided proportionate information to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance, in accordance with paragraph 200 of the NPPF.

14.2.5

Following the latest revisions, the application would still propose demolition of the rear outshot (previously used for cellarge which contributes to the architectural interest of the listed building as a public house), a flat roof rear extension and the loss of some historic fabric due to the proposed lowering of the sill to the front window (living room) and primarily due to internal alterations to adapt the layout for residential use.

14.2.6

The proposed conversion works would fail to preserve the special interest and fabric of the listed building, causing low levels of 'less than substantial

¹ Hop Poles (Grade II).

harm' to the significance of the asset. The proposal would fail to comply with policy ENV2 of the Local Plan.

14.2.7 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 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.

14.2.8 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.

14.2.9 The application asserts that "*The impact on the Hop Poles [...] is held to be less than substantial harm, but at the lower end of the range*"². Therefore, the application concurs to the harm levels identified above by Place Services Conservation.

14.2.10 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) and that "*some harm to significance may be necessary to secure the optimum viable use of the listed building as a dwelling*" (response 26/06). As such, this public benefit shall be afforded **significant** weight.

14.2.11 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

² Design, Access and Heritage Statement, p.5.

land that would attract **substantial** weight by virtue of paragraphs 123 and 124 of the NPPF.

14.2.12 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 fabric and 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 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

14.2.13 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.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

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

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

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

15.2 Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these

issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 The heritage balance would favour the proposed alterations to the listed building given that the change of use and conversion would secure its optimum viable use, retaining the heritage asset for the enjoyment of the generations to come. The proposed works and alterations would comply with paragraph 208 of the NPPF, and section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

17. CONDITIONS

1 The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) 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 Prior to commencement of the works hereby approved, additional drawings that show details of the approved new windows, doors and sills of the listed building to be used by section and elevation between 1:20 and 1:1 (as appropriate) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details and shall be maintained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the fabric, character and significance of the designated heritage asset, in accordance with the adopted Uttlesford Local Plan Policy ENV2, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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



[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.

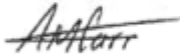
Enterprise House
Bassingbourn Road
Essex
CM24 1QW
United Kingdom

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