



UTTLESFORD DISTRICT COUNCIL

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Dated: 4 October 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application Number: UTT/22/1500/FUL

Applicant: Mr And Mrs McGowan

Uttlesford District Council **Grants Permission** for:

Proposed change of use from garden to dog field including the construction of a temporary seating shelter and permeable hardstanding parking area. at 351 Birchanger Lane Birchanger Essex CM23 5QR

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
2022/306/01	Combined	26/05/2022
2022/306/02	Block Plan	26/05/2022
2022/306/03	Combined	26/05/2022
ECOLOGICAL SURVEY AND ASSESSMENT	Other	26/05/2022

Permission is granted with the following 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 Prior to commencement of development a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

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

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

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 No development to take place until a management plan is submitted to the Local Planning Authority to demonstrate robust measures to be taken for as long as the dog day care facility is in operation to prevent birds being attracted to the site. No pools of water should occur, and measures taken to manage waste to prevent scavenging of any detritus/ animal waste.

Reason: Flight safety - Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN.

- 5 No development to take place until further details of the tree and hedgerow planting (species list) are submitted for approval to the Local Planning Authority in consultation with the aerodrome safeguarding authority for Stansted Airport.

Reason: Flight safety - Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of Stansted Airport (STN) that would increase the risk of a Birdstrike to aircraft using STN, and, obstacle avoidance, there is a height restriction at this location.

- 6 The proposed development hereby permitted shall be constructed strictly in accordance with the materials as set out in the application form, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 All 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, May 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 All noise mitigation measures shall be carried out in accordance with the details contained in the Noise Management Plan (received 13/07/2022) and shall be retained the lifetime of the development.

REASON: In the interest of amenity of neighbouring occupiers to ensure that the noise from barking dogs using the day-care facility is reduced to accord with Saved Policy GEN4 of the adopted Uttlesford Local Plan (2005)

- 10 No external lighting shall be installed without prior written agreement of the Local Planning Authority. Details of any external lighting to be installed on the site shall including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated.

REASON: To protect the amenity of neighbouring residential properties in accordance with Saved Policies GEN2, GEN4 and GEN5 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 11 The use hereby permitted shall not take place except between the hours of 06:30 and 20:00 Monday to Friday and 06:30 to 19:00 Saturday and Sunday.

REASON: To protect the amenity of neighbouring residential properties in accordance with Saved Policies GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

- 12 The use of the site as illustrated by the red line boundary on the approved 'Location Plan' shall be restricted to dog day-care and training (sui generis) and shall not be used for any other purposes.

REASON: In the interest of the preserving the character of the countryside, highway safety and the amenity of the occupiers of neighbouring properties to accord with Saved Policies S7, GEN1, GEN2 and GEN4 of the adopted Uttlesford Local Plan (2005) and the National Planning Policy Framework (2021).

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

Policy	Local Plan	Local Plan Phase
S6 - Metropolitan Green Belt	Uttlesford Local Plan 2005	
GEN1 - Access	Uttlesford Local Plan 2005	
GEN2 - Design	Uttlesford Local Plan 2005	
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	
LC3 - Community facilities	Uttlesford Local Plan 2005	
RS1 - Access to Retailing and Services	Uttlesford Local Plan 2005	
Uttlesford Local Parking Standards		
ECP - ECC Parking Standards (Design & Good Practice) September 2009		
NPPF4 - National Planning Policy Framework July 2021		

Notes:

- 1 The local planning authority has worked with the applicant in a positive and proactive manner in determining this application.
- 2 -This permission does not incorporate Listed Building Consent unless specifically stated.

-The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.

-The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.

-The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).

- It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site www.uttlesford.gov.uk and accompanied by the correct fee.

-Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.

-Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.

-If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.

-Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.

-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

-Working in close proximity to live overhead lines:

The law requires that work may be carried out in close proximity to electricity overhead lines (usually recognised by a yellow and black "Danger of Death" label on the pole or pylon although this may be missing or have been vandalised) only when there is no alternative and only when the risks are acceptable and can be properly controlled. Further information can be viewed at <http://www.ukpowernetnetworks.co.uk/internet/en/help-and-advice/help-sheets/> then click on "Keeping Safe" then "Working safely near power lines" UK Power Networks will also visit sites and provide safety advice with regard to work near electricity overhead lines and a statement of clearances to the overhead lines. A call to UK Power Networks general enquiries line on 0845 601 4516 will be required to request a visit. Lines open Monday to Friday 9.00am to 5.00pm.

Appeals to the Secretary of State

-If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

-The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

A handwritten signature in black ink, appearing to be 'D Hermitage', with a long horizontal line extending to the right.

Dean Hermitage
Director Planning