

## UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER  
Telephone (01799) 510510, Fax (01799) 510550  
Textphone Users 18001  
Email [uconnect@uttlesford.gov.uk](mailto:uconnect@uttlesford.gov.uk) Website [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk)

Mr Michael Howlett  
M D Howlett Associates  
11 Prospect Street  
Caversham  
Reading  
RG4 8JB

Dated: 14 December 2020

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

**Application Number: UTT/20/0720/FUL**

**Applicant: Mr David Mason**

Uttlesford District Council **Grants Permission** for:

**Conversion of barn to form 1 no. dwelling at Motts Hall Green Street Elsenham CM22 6DS**

**The approved plans/documents are listed below:**

Plan Reference/Version	Plan Type/Notes	Received
1233/6/C	Location Plan	25/06/2020
1233/5/F	Block Plan	30/11/2020
1233/4/D	Combined	17/06/2020
1233/3/B	Combined	20/05/2020

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 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Assessment (Essex Ecology Services Ltd, May 2020) and Bat Survey Report and Mitigation Strategy (Ecology Solutions, October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination including the presence of an ecologist when potential roosting features are removed, wildlife sensitive lighting, and a precautionary check for Great Crested Newts prior to commencement of works.

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).

- 3 Prior to 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 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 LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP (adopted 2005) policy GEN 7.

- 4 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP (adopted 2005) policy GEN7

- 5 The proposed development shall not be occupied until such time as the vehicle parking area indicated on DWG no. 1233 / 5 / E (Proposed Block plan, dated June 2020) has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles on the public footpath does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the Highway Authority's Development Management Policies, adopted as County

Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 6 All exterior lighting must be capped at the horizon.

Reason: Flight safety - At this location in proximity to the aerodrome, lights can be distracting and confusing to pilot and air traffic control in accordance with ULP (adopted 2005) policy GEN2

- 7 Robust measures to control dust and smoke should be taken.

Reason: Flight safety - dust or smoke clouds can be hazardous to aircraft engines and cause a visual hazard to pilots and air traffic control in accordance with ULP (adopted 2005) policy GEN2

- 8 A scheme of internal noise mitigation shall be fully implemented prior to occupation of the residential unit, including adequate ventilation, and shall be based on insulation calculations provided in British Standard 8233:2014 and shall achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax.  
Living Rooms (07.00-23.00 hrs) 35 dB LAeq:

Reason: to ensure acceptable internal noise levels for future occupants in accordance with ULP (adopted 2005) policy ENV10

- 9 No development other than that required to be carried out as part of a scheme of investigation or remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, building services and controlled waters;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be undertaken by a competent person, in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", and take account of Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website.

Reason; to ensure that any contamination risks are identified, assessed and remediated where deemed necessary, in order to ensure that the site is rendered suitable for its intended use, to protect human health and prevent penetration to water supply pipes or migrate to groundwater in accordance with ENV14

- 10 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, building services and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:to ensure that any contamination risks are identified, assessed and remediated where deemed necessary, in order to ensure that the site is rendered suitable for its intended use, to protect human health and prevent penetration to water supply pipes or migrate to groundwater in accordance with ENV14

- 11 The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason:to ensure that any contamination risks are identified, assessed and remediated where deemed necessary, in order to ensure that the site is rendered suitable for its intended use, to protect human health and prevent penetration to water supply pipes or migrate to groundwater in accordance with ENV14

- 12 Prior to first occupation of the dwelling, an electric car charging facility shall be installed at the property and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan and, the provisions of the National Planning Policy Framework

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

Policy	Local Plan	Local Plan Phase
NPPF3 - National Planning Policy Framework 3		
S7 - The Countryside		
S8 - The Countryside Protection Zone		
GEN2 - Design		
GEN1 - Access		
GEN7 - Nature Conservation		
GEN8 - Vehicle Parking Standards		
ENV2 - Development affecting Listed Buildings		
E5 - Re-Use of Rural Buildings		

H6 - Conversion of rural buildings to residential use  
ENV14 - Contaminated land

Uttlesford Local Parking Standards

**Notes:**

- 1 -This permission does not incorporate Listed Building Consent unless specifically stated.  
  
-The alterations permitted by this consent are restricted to those specified and detailed in the application. Any alteration, demolition or re-building not so specified, even if this should become necessary during the course of the work, must be subject of a further application. It is an offence to carry out unauthorised work to the interior or exterior of a Listed Building in any way, which would affect its character.  
  
-The proposal has been considered against Development Plan policies shown in the schedule of policies. Material planning considerations do not justify a decision contrary to the Development Plan.  
  
-The Development Plan comprises the saved policies of the Uttlesford Local Plan (2005).  
  
- It is the responsibility of the owner to ensure that any conditions attached to an approval are complied with. Failure to do so can result in enforcement action being taken. Where conditions require the submission of matters to and approval by the local planning authority these must be submitted on form "Application for approval of details reserved by condition" available from the Council's web site [www.uttlesford.gov.uk](http://www.uttlesford.gov.uk) and accompanied by the correct fee.  
  
-Your attention is drawn to the need to check with the Council's Building Surveying Section regarding fire-fighting access and the requirements of Section 13 of the Essex Act 1987.  
  
-Your attention is drawn to the Equality Act 2010. The Act makes it unlawful for service providers (those providing goods, facilities or services to the public), landlords and other persons to discriminate against certain groups of people.  
  
-If you intend to pipe, bridge or fill in a watercourse, as part of this development or otherwise, you need to contact the County Highways Authority.  
  
-Under the terms of the Water Resources Act 1991 and Environment Agency Byelaws, the prior written consent of the agency is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any main river.  
  
-If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase

his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

-Working in close proximity to live overhead lines:

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

Appeals to the Secretary of State

-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.

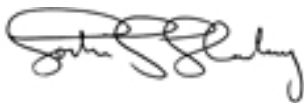
-The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

- 2
- i. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
  - ii. There shall be no discharge of surface water onto the Highway.
  - iii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no. 15 (Elsenham) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until

such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 3 If the applicant intends to use a crane or any tall equipment taller than 10m AGL then, prior to construction, the applicant needs to check the notification procedure with MAG Aerodrome Safeguarding Officer. During construction cranes and TE may present a hazard to aircraft and will need to be assessed separately to ensure that aircraft safety is protected.
  
- 4
  1. Energy saving and renewable technologies should be considered for this development in addition to the electric vehicle charge points, such as solar panels, ground source heat pumps etc in the interests of carbon saving and energy efficiency.
  2. Any further unexpected contamination discovered during development works should be brought to the attention of the Local Authority.
  3. Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", is available on the UDC website.
  4. Developers are referred to the Uttlesford District Code of Development Practice. To avoid/minimise the impact upon the amenity of adjoining residents; developers are advised to follow the General Principle, and advice contained therein
  5. Under the Control of Asbestos Regulations a refurbishment and demolition survey is required before the demolition of any buildings which may contain asbestos, and any asbestos found must be safely removed by a trained contractor before work commences. All asbestos removed in relation to this development shall be done in full consultation with the Health & Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the council upon completion.



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