



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 Website www.uttlesford.gov.uk

Mr Elliot Smith
23 Vyner Street
London
E2 9DG

Dated: 11 September 2023

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

Application Number: UTT/23/0302/FUL

Applicant: Mr & Mrs Luther

Uttlesford District Council **Grants Permission** for:

Change of use of existing outbuilding to create an ancillary dwelling to retained Public House at The White Hart High Street Stebbing Dunmow Essex CM6 3SQ

The approved plans/documents are listed below:

Plan Reference/Version	Plan Type/Notes	Received
901-001	Location Plan	08/03/2023
901-002	Block Plan	08/03/2023
901-010	Floor Plan (existing)	08/03/2023
901-011	Floor Plan (existing)	08/03/2023
901-012	Roof Plans	08/03/2023
901-020	Elevations (existing)	08/03/2023
901-050	Floor Plan (existing)	08/03/2023
901-051	Roof Plans	08/03/2023
901-060	Elevations (existing)	08/03/2023
DESIGN AND ACCESS STATEMENT	Design and Access Statement	08/03/2023



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HERITAGE STATEMENT	Other	08/03/2023
PLANNING STATEMENT	Other	08/03/2023
TRANSPORT STATEMENT	Other	08/03/2023
PRELIM ECOLOGICAL ASSESSMENT	Other	08/03/2023
PRELIMINARY ECOLOGICAL APPRAISAL AND PRELIMINARY ROOST ASSESSMENT	Other	08/03/2023
901-101 P5	Floor Plan (proposed)	03/07/2023
901-050 P2	Floor Plan (proposed)	03/07/2023
901-051 P4	Floor Plan (proposed)	03/07/2023
901-100 P5	Floor Plan (proposed)	03/07/2023
901-102 P5	Roof Plans	03/07/2023
901-103 P5	Floor Plan (proposed)	03/07/2023
901-110 P5	Elevations (proposed)	03/07/2023
901-120 P5	Sections	03/07/2023

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 their first use on site, , samples of the materials to be used in the external finishes of the development hereby permitted (including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

REASON: In the interests of visual amenity, the character and appearance of the Stebbing Conservation Area and the setting of the listed White Hart Public House, in accordance with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (2005), Policies STEB1 and STEB9 of the Stebbing Neighbourhood Plan (2022), Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) and the National Planning Policy Framework (2023).

- 4 The development hereby approved shall be constructed to meet the optional requirement under Part G of the Building Regulations 2010 for the maximum potential consumption of wholesome water of 110 litres per person per day.

REASON : In order to minimise water consumption and to accord with Policy GEN 2 - Design of the Uttlesford Local Plan 2005 and Interim Policy 3 of the Uttlesford Interim Climate Change Policy 2021.

- 5 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance Policy GEN1 of the Uttlesford Local Plan 2005.

- 6 Prior to their installation, , details of low profile, conservation- style rooflights to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The rooflights shall be installed as so approved and retained as such thereafter. Any replacement windows shall also be low profile, conservation- style rooflights .

REASON: In the interests of the character and appearance of the Stebbing Conservation Area and the setting of the listed White Hart Public House, in accordance with Policies ENV1 and ENV2 of the Uttlesford Local Plan (2005), Policy STEB1 of the Stebbing

Neighbourhood Plan (2022), Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (2023).

- 7 All rainwater goods to be used in the development hereby permitted shall be of cast metal and retained as such thereafter.

REASON: In the interests of the character and appearance of the Stebbing Conservation Area and the setting of the listed White Hart Public House, in accordance with Policies ENV1 and ENV2 of the Uttlesford Local Plan (2005), Policy STEB1 of the Stebbing Neighbourhood Plan (2022), Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (2023).

- 8 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, March 2023) submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

REASON: To conserve protected and priority species and to 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) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species).

- 9 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, March 2023) and Bat Survey report (Essex Mammal Surveys, June 2023), shall be submitted to and approved in writing by the local planning authority prior to above ground development commencing. This will include the height and aspect the products will be installed at. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance protected and priority species and to allow the Local Planning Authority to discharge its duties under s40 of the Natural Environment and Rural Communities Act 2006 (Priority Habitats and Species).

- 10 The dwelling hereby approved shall only be used in a manner ancillary to the main use of the White Hart Public House and shall at no time be used as an independent dwelling or sold off as such.

REASON: In the interests of proper planning and the amenity of the occupiers of the neighbouring properties, in accordance with Policy GEN2 of the Uttlesford Local Plan (2005), Policy STEB9 of the Stebbing Neighbourhood Plan (2022) and the National Planning Policy Framework (2023).

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

Policy

Local Plan

Local Plan Phase

ENV1 - Design of development within Conservation Areas	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
ENV2 - Development affecting Listed Buildings	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN1 - Access	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN2 - Design	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN4 - Good Neighbours	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN7 - Nature Conservation	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005
GEN8 - Vehicle Parking Standards	Uttlesford Local Plan 2005	Uttlesford Local Plan Adopted 2005

Notes:

1 The local planning authority has worked with the applicant in a positive and proactive manner by

2 Building in Accordance with the Plans

Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Uttlesford District Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions

Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Uttlesford District Council Planning Services.

Building Regulations

Did you know that this permission may require Building Regulations approval? For further information please contact the building control team on 01799 510510, or by emailing building@uttlesford.gov.uk or by visiting our website www.uttlesford.gov.uk/buildingcontrol

Rights of Way

The applicant is reminded that the grant of planning permission does not entitle them to obstruct a Right of Way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice

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 they can neither put the land to a reasonable beneficial use in its existing state, nor can they 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 Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

- 3 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 or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex CM2 5PU.
- 4 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.
- 5 There shall be no discharge of surface water onto the Highway.
- 6 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and

manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

- 7 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 and Safety Executive using a licenced contractor. Contractor details and asbestos disposal records (waste transfer notes) should be submitted to the Council upon completion to prevent the asbestos from being buried on site during construction.
- 8 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.
- 9 Developers are referred to the Uttlesford District Council Environmental 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.
- 10 Developers must employ a suitably qualified and competent environmental consultant to undertake the contaminated land assessment in accordance with current guidance and best practice. To this end it is recommended that the developer refer to guidance produced by Essex Local Authorities, Environmental Health departments titled 'Land Affected by Contamination Technical Guidance for Applicants and Developers', which is available for viewing or download on the Council's website in the contaminated land section. It is advised that Uttlesford District Council considers that adequate competency of persons submitting land contamination assessment reports is a prerequisite for such reports being accepted for review. It should be noted that the National Planning Policy Framework advises that site investigation information should be prepared by a competent person. In addition, guidance issued by the Environment Agency advises developers on the stages involved when dealing with land contamination and who is considered to be a competent person; <https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>. An example of acceptable qualification would be that of a 'SiLC' (Specialist in Contaminated Land). A further example of demonstrating competence in this field would be to attain qualification as a Suitably Qualified Person under the National Quality Mark Scheme for Contaminated Land Management (NQMS). In the absence of the above competencies, alternatives may be considered on a case-by-case basis.
- 11 To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
 - a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and

d) should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed.
All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

- 12 To avoid impacting light sensitive nocturnal animals such as bats, the applicant is advised that any new external lighting should installed in line with the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). In summary:
- a) Light levels should be as low as possible as required to fulfil the lighting need.
 - b) Warm-White lights should be used preferably at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
 - c) Wall lighting should be located as low in height as possible and use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
 - d) Movement sensors and timers could be used to minimise the amount of 'lit time'.



Dean Hermitage
Director Planning