



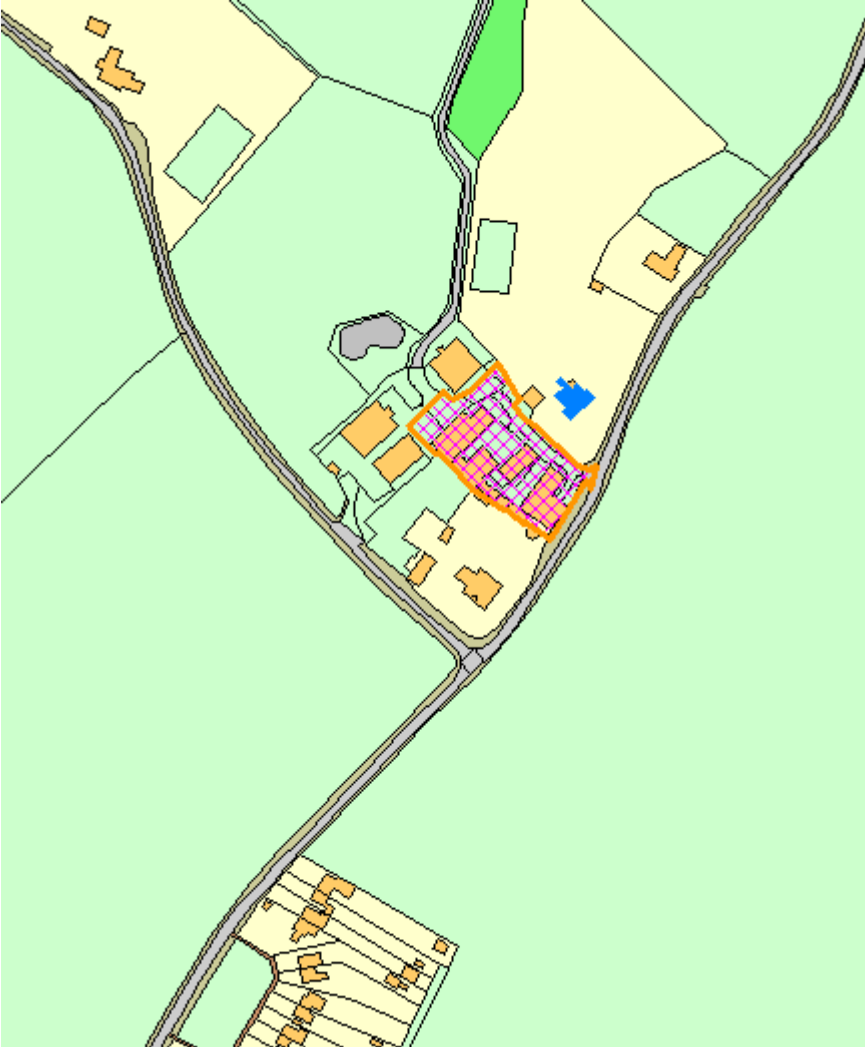
ITEM NUMBER: 9

PLANNING COMMITTEE DATE: 11 December 2024

REFERENCE NUMBER: UTT/24/2673/FUL

LOCATION: Buildings To The Rear Of Mulberry House
Wenden Road
Arkesden
Essex
CB11 4HD

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 21 November 2024**

PROPOSAL: Demolition of agricultural buildings and erection of 3 no. dwellings (Use Class C3) with associated access, garages, private gardens and ancillary garden rooms.

APPLICANT: Mulberry House Farm LLP

AGENT: Ms S Heritage (Iceni Projects Ltd)

EXPIRY DATE: 17 December 2024

EOT EXPIRY DATE: -

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Outside Development Limits.
Setting of Listed Building (Hobs Aerie – Grade II).
Non-Designated Heritage Asset (Building 4).
Within Groundwater Source Protection Zone 2.
Road Classification (Arkesden Road/Wenden Road – Class III).

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

1. EXECUTIVE SUMMARY

- 1.1** This a full planning application for the demolition of agricultural buildings and erection of 3 no. dwellings (Use Class C3) with associated access, garages, private gardens and ancillary garden rooms. The application does not propose any affordable units. The site is outside development limits, within the setting of a Grade II listed building (Hobs Aerie) and it includes a non-designated heritage asset (NDHA – Aisled Barn). The proposed access is to and from Wenden Road. Despite the 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).
- 1.2** An appeal was dismissed in April 2023 for 9 no. dwellings on the wider site on the grounds of poor accessibility to services, heritage harm and

harm to the character and appearance of the area. However, a series of prior approvals have been granted since for the buildings in the vicinity that are changing the context of the application site into a residential one. Although not sustainably located, given the residential context, the proposal is an infill opportunity on previously developed land, making more effective use of under-used land. Considering the visual and spatial evolution of the wider site, the appropriate design, scale and density of the dwellings, as well as the re-instatement of the historic E-shaped layout with courtyards, the proposals would preserve the character and appearance of the area.

1.3 The proposals would cause 'less than substantial harm' to the significance of the listed building (Hobs Aerie – Grade II) and the total loss of significance of a NDHA through its demolition. A 'balanced judgement' showed that the total loss of the NDHA would be outweighed by the social and economic benefits of the proposed housing. The public benefits of the development would also outweigh the 'less than substantial harm' to the significance of the listed building. The rest of the planning consideration would be acceptable. The lack of countryside harm through mitigation by design and layout and the additional benefit of biodiversity net gain and the brownfield character and infill nature of the land, would now outweigh the adverse impact of the location's poor accessibility.

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 cluster of redundant agricultural building, the only ones remaining from an agricultural unit that contained several other buildings in the vicinity, located outside development limits in near Arkesden. The site also contains the Aisled Barn, which is a non-designated heritage asset due to its historic, architectural and archaeological interest. The site sits between Hobs Aerie to the north (Grade II listed since 1980) and Mulberry House to the south, both of which are large, detached dwellings within considerable grounds. To the west barns are being converted into residential use and to the north another barn has recently secured prior approval for its conversion to

either residential or commercial use. Access to the site is through Wenden Road (class III road). The site is also near Newland End Lane (protected lane). The area contains a rural character with dwellings of varying architectural styles, sizes, ages and materials.

4. **PROPOSAL**

4.1 This a full planning application for the demolition of agricultural buildings and erection of 3 no. dwellings (Use Class C3) with associated access, garages, private gardens and ancillary garden rooms. The application does not propose any affordable units.

4.2 The application includes the following supporting documents:

- Application form
- Biodiversity checklist
- Biodiversity metric calculation tool
- Design and access statement
- Flood risk assessment and SUDS strategy
- Geo-environmental desk study and investigation report
- Heritage statement
- Preliminary ecological appraisal – updated September 2024
- Planning statement
- Services report
- Transport statement
- Conservation engineering report.

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/21/3746/FUL (application site)	Demolition of redundant agricultural buildings to provide for 9 no. dwellings with associated gardens, private access, and landscaping.	Appeal dismissed (18.04.2023).
UTT/21/0098/FUL (application site)	Demolition of existing buildings and erection of 9 no. dwellings including car parking and landscaping.	Refused (27.09.2021).
UTT/24/0895/FUL (building 2)	Section 73A part retrospective application for conversion of an agricultural barn into 2 no. dwellings.	Approved with conditions (24.06.2024).

UTT/24/1984/PAQ3 (building 3)	Prior Notification of change of use of agricultural building to 3 no. dwellings.	Approved (14.10.2024).
UTT/24/1051/PAR3 (building 3)	Change of Use of Agricultural Building to a flexible commercial use (Use Class E(g)(i)).	Approved (02.08.2024).
UTT/23/2128/PAQ3 (building 1)	Prior Notification of change of use of agricultural building to 3 no. dwellings.	Approved (18.10.2023)
UTT/19/2333/FUL (buildings 1, 3, 7 – building 7 is in the application site)	The change of use of building "A" to B1 office. The change of use of building "B" to B2/B8 (Retrospective) Change of use of building "C" to B2/B8 (Retrospective) all as shown on the submitted plan.	Appeal dismissed (15.02.2021).
UTT/2112/10/FUL (Mulberry House)	Erection of replacement dwelling and alterations to existing pedestrian and vehicular access. Revised scheme to that approved under UTT/0640/09/FUL.	Approved with conditions (13.01.2011).

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 Pre-application discussions have not been held with officers of Uttlesford District Council prior to the submission of the application. However, the scheme and the wider site have substantially evolved since the dismissal of the appeal scheme (UTT/21/3746/FUL) for the wider site, and therefore there would be no point in analysing those early steps at this point but rather use the appeal decision and the rest of the decisions on the wider site as part of the planning analysis in this report. No statement of community involvement has been submitted prior to the submission of this application but interested parties were 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**).

9. PARISH COUNCIL COMMENTS

9.1 The following comments were received:

- **Object:**
 - Ongoing development at this site.
 - Cumulative effect of development.
 - Site visit necessary to discuss reasons for objection.
 - Increased traffic at the Wenden Road/Newland End Lane junction.
 - Highway safety concerns.
 - Transport and Access Review previously commissioned by parish.
 - Intensification of use to the detriment of highway safety.
 - Improved visibility at the access will not improve visibility at the junction.
 - Cumulative increase of vehicle movements.
 - Significant impact on a listed building.
 - Substantial heritage harm without public benefit.
 - Character change from agricultural to residential.
 - Concerns on the impact of village sustainability.
 - Lack of services and public transport.
 - Car dependency.
 - Serious damage to roads and roadside verges.
 - Harm to protected lanes.
 - Outside development limits.
 - Urbanising effect.
 - Small residential hamlet.
 - Previous density of building causing urbanising effect.
 - Total of 11 houses.

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 'Less than substantial harm' to the setting and significance of the listed building (Hobs Aerie) and total loss of significance of the non-designated heritage asset (Aisled Barn).

10.3 Place Services (Ecology)

10.3.1 No objections subject to conditions and biodiversity net gain.

10.4 Place Services (Archaeology)

10.4.1 No objections subject to conditions.

11. REPRESENTATIONS

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

11.2 Support

11.2.1 No letter of support received.

11.3 Object

11.3.1 The following comments were received:

- Same reasons for refusal as before.
- Side stepping previous refusal with Class Q on three barns.
- Successfully shifted planning considerations from what is desirable to what falls within legal tests for prior approval.
- Total number of houses increased to 11.
- Village does not want or need a new small residential hamlet.
- Appeal decision (UTT/21/3746/FUL) entirely relevant.
- More than just space filling.
- Heritage harm to listed building.
- Prior approvals separated from current site.
- Continued protest against this further inappropriate proposal.
- Unsustainable location.
- Lack of services and public transport.
- Urbanisation and high density.
- Out of keeping with the rural character.
- Unattractive barn conversions in the vicinity.
- Highway safety concerns.
- Already dangerous access.
- Traffic increase.
- Destruction of 18th century barn.
- Barn has been allowed to deteriorate.
- Boundary misrepresentations.
- Neighbours not engaged and ignored.
- Damage to verges.
- Inappropriate form of development.
- Extent and nature of development already taken place.
- Harm to character and appearance of the area.
- Impact on residential amenity.
- Loss of privacy and overlooking.
- Environmental concerns / loss of habitats.
- Industrial architecture out of place in the village.
- Land not under the applicant's control.
- Urbanised entrance.

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	S7	The Countryside
	GEN1	Access
	GEN2	Design
	GEN3	Flood Protection
	GEN4	Good Neighbourliness
	GEN5	Light Pollution
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	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
	ENV9	Historic Landscapes
	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 a '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: Location / Heritage / Character and appearance (S7, GEN1, GEN2, ENV2, ENV3, ENV9, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, NPPF)
 - B) Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)
 - C) Access and parking (GEN1, GEN8, parking standards, NPPF)
 - D) Ecology (GEN7, ENV8, NPPF)
 - E) Contamination (ENV14, ENV12, ENV13, NPPF)
 - F) Archaeology (ENV4, NPPF)
 - G) Flood risk and drainage (GEN3, NPPF)
 - H) Planning balance

- 14.3
- A) Principle: Location / Heritage / Character and appearance (S7, GEN1, GEN2, ENV2, ENV3, ENV9, SPD Uttlesford District-Wide Design Code, SPD Accessible Homes and Playspace, Essex Design Guide, Interim Climate Change Planning Policy, 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:

An appeal was dismissed¹ in April 2023 (hereafter 'the appeal decision') for the demolition of agricultural buildings and the erection of 9 no. dwellings on the wider site (see images) on the grounds of poor accessibility to services, heritage harm and harm to the character and appearance of the area. Although the schemes/sites are not the same, the appeal decision is a material consideration for the application as the current site was part of the appeal site. Both sites are in the same location within the countryside and the same distance to services and public transport, as well as within the same proximity to the heritage asset (Grade II listed Hobs Aerie); therefore, the appeal decision should attract **significant** weight as it can inform the main issues, including the heritage and planning balances.

¹ APP/C1570/W/22/3306121 (LPA reference UTT/21/3746/FUL) – Appeal dismissed 18 April 2023.



14.3.3 This report refers to existing buildings on the wider site (see numbering in image below). After the appeal, prior approval was secured for building 1 (UTT/23/2128/PAQ3) for its conversion to 3 no. dwellings and for building 3 for its conversion either to use class E(g)(iii) in UTT/24/1051/PAR3 or to 3 no. dwellings in UTT/24/1984/PAQ3. Permission was also granted (UTT/24/0895/FUL) for the conversion of building 2 to 2 no. dwellings, following earlier prior approvals. A site visit and building control records confirm that the residential conversions of buildings 1 and 2 are nearly finished, whilst the conversion of building 3 to one of its approved uses may commence soon given that the applicants have started applying to discharge conditions (UTT/24/2407/DOC). The above decisions are material considerations of **significant** weight given that they are affecting (or can affect) the character of the wider site and the setting of the listed building.



14.3.4 Finally, another appeal was dismissed² in June 2020 for the changes of use of building 1 to use class B1 (office), building 3 to B2/B8 (general industrial and storage/distribution) and building 7 to B2/B8. The appeal scheme was dismissed on the grounds of insufficient information for the impact of the change of use of building 1 to the character and appearance of the area and on the grounds of highway safety and efficiency, as the Inspector found an increased risk of collisions, following an objection from Highways. This appeal, although material, would attract **limited** weight given the evolution of the scheme since 2020 and the additional evidence provided by the applicants in the current application for transport data and impacts.

² APP/C1570/W/20/3244400 (UTT/19/2333/FUL) – Appeal dismissed on 01 June 2020.

14.3.5 Location:

Case law³ defined ‘isolation’ as the spatial/physical separation from a housing settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is not isolated due to its proximity to existing dwellings (Mulberry House and Hobs Aerie). Paragraph 84 of the NPPF is not applicable.

14.3.6 Paragraph 6.14 of the Local Plan allows “*sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements*” if the development is in character with the surroundings and have limited impacts on the countryside. Although the appeal decision was silent on this matter, by reason of the development’s position near Arkesden and between Mulberry House and Hobs Aerie, as well as its enclosure to the north and north-west by almost finished dwellings or ongoing residential conversions in buildings 1 – 3, the site is an **infill** opportunity⁴, in accordance with paragraph 6.14 of the Local Plan. This means that the development needs to take place there, or is appropriate to a rural area, in accordance with the first part of policy S7 of the Local Plan. Compliance with the rest of policy S7 is examined below in the ‘character and appearance’ section.

14.3.7 Arkesden has limited services and facilities. The distance and accessibility to bus service and the nearest school and supermarket have not been improved since the appeal decision, and therefore the Inspector’s⁵ findings that the location would not promote sustainable transport and not encourage movements by transport modes other than the car would still apply. The location is **not** sustainable; the development would fail to comply with paragraphs 108(c), 114(a) of the NPPF, and policy GEN1(e) of the Local Plan.

14.3.8 Local economy:

The proposal would provide a modest contribution towards the wider local economy during the 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.

14.3.9 Previously developed land:

The site is previously developed land and the proposal would gain support from paragraphs 123 and 124(d) of the NPPF that require decisions to promote the development of under-utilised land and make more effective use of land. The land is under-utilised given that the agricultural use of the buildings to be demolished has ceased for several years and is unlikely to resume given their poor condition and unsuitability for modern farming equipment and machinery.

³ *Braintree DC v SSCLG [2018] EWCA Civ. 610.*

⁴ The application concurs that the development “*of the rest of the site will be infilling this residential cluster*” (Design and Access Statement, p.5).

⁵ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraphs 51 – 64.

14.3.10 Character and appearance:

The local character contains a rural feel as a small housing group within the countryside. The Inspector stated that “*The area surrounding the appeal site is overwhelmingly undeveloped, with agriculture the predominant land use*”⁶ given that the appeal site was bigger than the current site, including buildings 1 – 3. As shown above (see *paragraph 14.3.3*), this context has changed with buildings 1 and 2 nearing completion to their residential conversion and building’s 3 conversion likely under way. Therefore, the area surrounding the site has been recently (and will further be) enclosed by residential uses on three sides, including Mulberry House and Hobs Aerie. The impression of the application site is now more that of an agricultural remnant than of a typical agricultural yard given the new residential character of the surrounding land.

14.3.11 The Inspector stated that “*given the surrounding context, the proposed residential use would not necessarily appear unexpected or out of place in this location*”⁷. Considering the evolved residential context as explained above, it reasonably follows that the residential use of the site would be in keeping with the rural location subject to the appropriate design, scale, layout and density of the proposed development, which were factors considered in the appeal decision⁸.

14.3.12 The design of the proposed dwellings follows the existing agricultural aesthetic with an irregular elevational rhythm and limited detailing to give a more utilitarian appearance to the buildings⁹. Rooflights and projecting bay windows are minor incidents on the roofs, while glazing is not visually dominant due to the asymmetrical fenestration patterns and the use of timber louvres that enhance the sense of an ad hoc appearance as in agricultural buildings. The proposed materials include clay tile roofs for all plots and combinations of red brick and timber weatherboarding, which would be in keeping with the countryside setting and further mitigate the domestication¹⁰ of the site.

14.3.13 Turning to scale, the massing of the proposed dwellings would be slightly increased over and above the existing buildings as shown in the sections below (see existing buildings in blue dashed lines). However, the footprint of built form on the site would be reduced by 29.5%¹¹ and the height of

⁶ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 37.

⁷ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 39.

⁸ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 41 – 48.

⁹ Design and Access Statement, p.21.

¹⁰ 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..

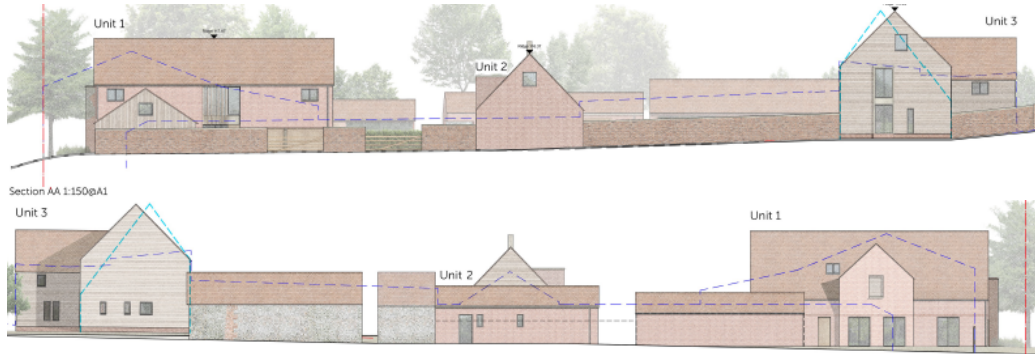
¹¹ Total existing footprint = 1,191.7 sqm:

Building 4 = 333.2 sqm
Building 5 = 100.1 sqm
Building 6 = 134.1 sqm
Building 7 = 372.2 sqm

Total proposed footprint = 840.1 sqm

Plot 1 = 212.3 sqm + outbuilding 51.4 sqm
Plot 2 = 283.7 sqm (incl. outbuilding)
Plot 3 = 205.1 sqm + outbuilding 87.6 sqm.

the proposed dwellings would match, at the maximum, the height of the existing barns. The proposed density would be 9 dwellings per hectare (dpa), which is below the density in UTT/21/3746/FUL (11.7 dpa), and therefore, following the Inspector’s comments¹², this density would not be excessive for this location.



14.3.14 The proposed layout would mimic the historic E-shaped layout of the farmyard with central courtyards (see images with historic, existing and proposed built form)¹³. This is different from the appeal scheme where the layout would create “*spurs off the main access road, rather than being arranged around a central courtyard as would have historically been the case*”¹⁴, and therefore, the proposed layout would now better reflect the rural character of the site and the historic setting of the adjacent listed building. The proposed access driveway off Wenden Road would be visible from the public realm but its urban appearance from the road can be softened through limiting hard surfaces and landscaping features. The gardens of the plots are separated from the shared driveway through a farmstead brick wall, avoiding close boarded fencing.



14.3.15 Considering the visual and spatial evolution of the wider site, the appropriate design, scale and density of the dwellings, as well as the re-instatement of the historic E-shaped layout with courtyards, the proposals would not erode the rural character along Wenden Road. The appeal scheme was found to cause *modest* harm to the character and appearance of the area as the proposed houses and access road would erode the rural character along Newland End Lane and, to a lesser extent,

Barn attached to buildings 4, 7 = 252.1 sqm.

¹² APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 45.

¹³ Design and Access Statement, p.18; Planning Statement, paragraph 3.6.

¹⁴ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 43.

Wenden Road¹⁵. Given that the current scheme would only affect the rural character of Wenden Road and considering the above analysis, the proposals would preserve the character and appearance of the area, in compliance with policies S7, GEN2(b) of the Local Plan, and paragraph 180(b) of the NPPF.

14.3.16 The proposals would also comply with the codes C1.1C, ID1.1C, ID1.4C and B1.5C of the newly adopted Supplementary Planning Document – Uttlesford District-Wide Design Code (July 2024), which require, for example, that developments demonstrate an understanding of the key contextual features (such as landscape and the layout of buildings); a relationship with the area's local character; varying roof forms that avoid continuous repetition of eaves lines and uniform ridges; and a combination of building typologies that support the density narrative to create interest and variety.

14.3.17 Heritage impacts:

The Inspector noted that the long association between the wider site and the Grade II listed Hobs Aerie, as farmyard and farmhouse, is evident from historical records, and although it no longer is a farmhouse, it nonetheless contributes to "*our understanding of the development of a successful and affluent farm in this part of Essex*" with evidential and historical significance and aesthetic value¹⁶. The application site has spatial and former functional links to the listed building and forms part of its setting that adds to its significance¹⁷.

14.3.18 Place Services Built Heritage (Conservation) reported that the site contains an 18th century Aisled Barn, which is a non-designated heritage asset (NDHA) due to its historic, architectural and archaeological interest. The Inspector concluded that "*Whilst it has lost structural integrity and has been significantly altered, the Aisled Barn contributes to the setting, and therefore significance, of the listed building. It also has significance in its own right, derived from its remaining intact historic fabric, and its functional and spatial relationship with the former farmhouse at Hobs Aerie*"¹⁸. There is also intervisibility between the site and the asset, with its access being adjacent to the listed building and its boundary. None of the buildings proposed to be demolished are curtilage listed to Hobs Aerie.

14.3.19 Place Services Conservation expressed concerns for the demolition of the NDHA that would harm the setting and significance of the listed building. The Conservation Engineering Report suggests that the Aisled Barn is in poor condition and structurally unsound but it may be possible to restore and repair sections of the building. However, the report does not provide appropriate justification for the total loss of the NDHA given that it is not conclusive and does not make fully detailed repair recommendations with

¹⁵ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 49.

¹⁶ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraphs 8 – 9.

¹⁷ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 11.

¹⁸ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 17.

the full scope of works required to restore the structural integrity of the building.

- 14.3.20** Place Services Conservation also expressed concerns for the harmful urbanisation of the rural character of the locality that would harm the setting and significance of the listed building. The development would alter the character of the site from agricultural to residential, thereby preventing it to be experienced as a former farmstead of Hobs Aerie, detracting from the historic and architectural interest of the listed building.
- 14.4.21** Therefore, the proposals would fail to preserve the special interest and setting of the listed building, causing ‘less than substantial harm’ to the significance of the asset; with paragraphs 206 and 208 of the NPPF being relevant. The proposed demolition of the Aisled Barn, without a conclusive justification that this is the only viable option, would lead to the total loss of the significance of the NDHA; with paragraph 209 of the NPPF being engaged.
- 14.3.22** The layout and the design of the proposed dwellings reference the historic farmstead they will replace, which is considered mitigation by design. The Inspector considered that alternative uses for the wider site may be problematic *“but leaving it vacant in the longer term may result in deterioration of the site and buildings, which could in itself detract from the setting and significance of the listed building”*¹⁹. The above assist in minimising the levels of harm to the significance of Hobs Aerie.
- 14.3.23** Notwithstanding comments from interested parties indicating otherwise, the proposals would not include a new access or alterations to the access onto Newland End Lane, which is a protected lane, and therefore a NDHA. Consequently, the proposals would preserve the character and fabric of the protected lane, in accordance with policy ENV9 of the Local Plan, and paragraph 209 of the NPPF.
- 14.3.24** Heritage balance and ‘balanced judgement’:
Paragraph 209 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a *balanced judgement* will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 14.3.25** The Inspector in the appeal decision considered that the total loss of the significance of the NDHA (through its demolition) would be outweighed by the social and economic benefits of the proposed housing²⁰. Given that the net addition of houses is similar between the schemes (7 no. units then and 3 no. units now) in the sense that it would make a meaningful but rather limited contribution to the housing supply, the same conclusion

¹⁹ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 32.

²⁰ C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 34.

would apply. This ‘balanced judgement’ shows that the principle of the demolition of the NDHA is acceptable, in accordance with paragraph 209 of the NPPF.

- 14.3.26** Turning to the designated asset, 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:
- Net provision of 3 no. units to the 4YHLS.
 - Ecological enhancements and biodiversity net gain.
 - Economic and social benefits.
 - Previously developed land, effective use of land.
- 14.3.27** 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 (by reason of the urbanising effects and the loss of a positive contributor to its setting) would be afforded **great** weight.
- 14.3.28** The application asserts that the development would preserve the character and significance of Hobs Aerie but it is not clear whether it accepts that the Aisled Barn is a NDHA, as accepted in appeal scheme, stating that “*the site contains one structure of limited significance as non-designated heritage assets [sic]*”²¹ but also that “*the scheme is not expected to cause harm to [NDHAs]. Although some historic fabric remains on the site, it is so fragmented that it does not meet the criteria for an NDHA*”²². However, Place Services Conservation considered otherwise, plus the council’s Local Heritage Lists are not exhaustive.
- 14.3.29** On the other hand, for the public benefits of the scheme, previous comments from the Inspector are relevant: “*The proposed redevelopment of the site for residential use would bring the site back into active use, and would contribute positively to the local economy, during construction and future occupation of the houses. Furthermore, the net addition of 7 family homes would contribute to the supply of accommodation in an area with a shortfall of housing, on a small site that could be built out quickly. Taken in isolation, and without consideration of location, the above factors could amount to public benefits sufficient to outweigh the less than substantial harm to the designated heritage asset*”²³ (own emphasis). These public benefits identified in the appeal scheme apply on the current application

²¹ Heritage Statement, paragraph 4.12.

²² Heritage Statement, paragraph 7.4.

²³ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraphs 33 – 34.

given that the net addition of homes to the housing land supply would be similar.

- 14.3.30** The benefit of re-using previously developed land and making more effective use of under-used land, as well as the benefit of biodiversity net gain were not taken into account in the appeal decision; the latter because the legislation came into effect recently. However, these public benefits should also be afforded some weight in the heritage balance, which can outweigh the reduced net number of dwellings proposed now in comparison to the appeal scheme. In addition, by virtue of the recent changes to permitted development legislation, the wider site could benefit from another 2 no. units in addition to the 8 no. that have already secured prior approval under Class Q. Case law suggests that, not just a fallback, but also a potential fallback position should be weighed in decision-making. This potential fallback would provide appropriate justification for at least two of the three units proposed here.
- 14.3.31** Following the appeal decision and the above analysis, the public benefits associated with the development would be enough to outweigh the 'less than substantial harm' to the significance of the listed building, meaning that the **heritage balancing exercise** would favour the proposals, in accordance with paragraphs 206 and 208 of the NPPF, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policy ENV2 of the Local Plan. The application of paragraph 208 would not provide a clear reason for refusing the development, as per paragraph 11(d)(i) of the NPPF.
- 14.3.32** Conditions for materials and landscaping would be necessary to preserve the significance of the heritage asset but also to preserve the character and appearance of the area and to safeguard residential amenities.
- 14.3.33** 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 dwellings, the impact on the significance of the listed building would need to be assessed (and separate planning permission may be required).
- 14.3.34** Conclusion:
The principle of the residential use of the site and the principle of development would be acceptable.

14.4 B) Residential amenity (GEN2, GEN4, GEN5, ENV10, ENV11, Essex Design Guide, NPPF)

14.4.1 The proposed units would have bedroom/persons occupancies and gross internal areas (GIA) that exceed the minimum thresholds²⁴:

- Plot 1: 4B8P (> threshold 124 sqm)
- Plot 2: 4B8P (> threshold 124 sqm)
- Plot 3: 4B8P (> threshold 124 sqm)

14.4.2 In terms of noise, odour, dust, vibration, light pollution and other disturbances, following review of the submitted information and reports, Environmental Health raised **no objections** subject to conditions to safeguard residential amenities. The conditions refer to sound attenuation against external noise from agricultural activities and the extant commercial use for building 3, a construction and environmental management plan (which shall be reworded as a construction and demolition management plan given the proposed demolition of the barns), and external lighting details.

14.4.3 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 proposed dwellings and provide appropriate external amenity space to their future occupiers to the benefit of their living conditions, in accordance with paragraph 135(f) of the NPPF.

14.4.4 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.

14.4.5 Potential overlooking and loss of privacy:

Concerns raised by the neighbours regarding privacy issues from the new development have been carefully considered.

- All plots have upper-floor windows facing north: plot 1 has 2 no. bedroom windows, plot 2 has a non-habitable room window and plot 3 has 1 no. bedroom window and a rooflight on the gable. However, given the position and distance of those windows to the private garden and side elevation of Hobs Aerie, there shall be no material loss of privacy and overlooking.
- Plot 1 has a blind window and a conservation-type rooflight facing south, which would not compromise the privacy of Mulberry House. The other plots have no upper floor windows facing south.
- The upper floor bathroom window of plot 1 facing west may cause the perception of overlooking as it stands above the private garden of plot 2, and as such, shall be conditioned to be obscured-glazed and non-opening to all its parts below eye level.

²⁴ See Technical Housing Standards – Nationally Described Space Standard.

- The upper floor living room window of plot 2 facing east would face away from the private garden of plot 1.
- Plot 2 would not have any upper floor windows facing west.
- Plot 3 has bedroom windows and non-habitable room windows facing towards the rear elevation of plot 2, which would remove privacy from the rear garden of plot 2. However, the private garden to the front of plot 2 would be enough to accommodate the amenity of these occupants.
- Plot 3 would retain the privacy of the extant prior approval for the residential conservation of building 3.

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.

14.4.6 Potential overshadowing and loss of light:

Due to their scale, position and design, the proposed dwellings 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 each proposed dwelling.

14.4.7 Potential overbearing effects:

The distance between the proposed dwellings and between the proposed dwellings and the neighbouring properties (Hobs Aerie and Mulberry House) would allow for adequate 'breathing' space amongst the buildings, which if further enhanced by the combination of lower roof forms on some of the buildings.

14.4.8 The proposal would not materially harm residential amenities of existing and future occupants and would comply with policies GEN2, GEN4, GEN5, ENV10, ENV11, the SPD Uttlesford District-Wide Design Code, the Essex Design Guide, and the NPPF.

14.5 C) Access and parking (GEN1, GEN8, parking standards, NPPF)

14.5.1 Notwithstanding the concerns of interested parties over highway safety and capacity, from a highway and transportation perspective, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety and capacity, 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 conditions refer to securing visibility splays over third party land (Grampian condition), the provision of the visibility splays, inward opening gates, the surface treatment of the access, parking/turning provision and the dimensions of the garages.

14.5.2 The Grampian condition is justified on this occasion as the applicant (Mulberry House Farm LLP) has a close connection with the owner of Mulberry House, and therefore the prospect of the securing visibility splays over the separate land ownership is high and could be completed within the time limit of the permission. In addition, the surface treatment

of the access and the dimensions of the garages would fail paragraph 56 of the NPPF and shall not be used.

14.5.3 Parking standards require 3 no. parking spaces for 4+-bed properties (such as the proposed dwellings). 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. The proposed garages are of appropriate dimensions to count in parking provision and visitors' spaces are also provided. Parking arrangements would meet the Uttlesford Residential Parking Standards (2013), the Essex County Council Parking Standards (2009), and policy GEN8 of the Local Plan.

14.6 D) Ecology (GEN7, ENV8, NPPF)

14.6.1 Place Services Ecology, following review of the submitted information, raised **no objections** subject to conditions to secure biodiversity mitigation and enhancement measures, including biodiversity net gain. 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 Natural England licence or appropriate evidence, a biodiversity enhancement strategy, a wildlife sensitive lighting scheme for biodiversity, and a habitat management and monitoring plan.

14.6.2 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. The government guidance suggests that the 'statutory condition' must be separate to the list of planning conditions in the decision notice (as an informative) and must not be ignored by the developer.

14.6.3 Place Services Ecology are satisfied that the pre-development baseline biodiversity value of the site has been calculated appropriately and reported that the post-development habitat creation (which includes vegetated garden, modified grassland and mixed scrub) would be satisfactory. A Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool should be submitted prior to commencement as part of the biodiversity gain condition. A condition for a Habitat Management Monitor Plan (HMMP) will be required on this occasion as on-site habitat will contain significant on-site enhancements. The HMMP should be in line with the approved Biodiversity Gain Plan.

14.6.4 Based on the available information, if permission were to be granted, it would require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements apply. To commence the development without approval of the biodiversity gain plan may result to a breach of planning.

14.7 E) Contamination (ENV14, ENV12, ENV13, NPPF)

14.7.1 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 a Phase 3 remediation scheme and validation report and a condition for potential land contamination (watching brief) that may be identified later.

14.8 F) Archaeology (ENV4, NPPF)

14.8.1 Place Services Archaeology reported that the site was part of an historic farm complex which existing since at least the early post-medieval period. East Anglian farmstead buildings are understudied and should be 'preserved by record'. Place Services Archaeology raised **no objections** subject to conditions to preserve the barns by record. The proposal would accord with policy ENV4 of the Local Plan, and the NPPF. The conditions refer to building recording based on a written scheme of investigation. However, as explained in Section 1 of this report, the only one of the existing buildings with some heritage significance is the Aisled Barn (building 4) and as such it would not be necessary to extend the condition to all buildings on site.

14.9 G) Flood risk and drainage (GEN3, NPPF)

14.9.1 The site falls within Flood Zone 1; footnote 59 in paragraph 173 of the NPPF that requires a site-specific Flood Risk Assessment (FRA) applies as the development involves land that is subject to other sources of flooding (on this occasion surface water flooding), where its development would introduce a more vulnerable use (i.e. residential). Although the size of the application would not allow consultations with the Essex County Council (Local Flood Authority) and the Environment Agency, a FRA has been submitted to incorporate sustainable urban drainage systems (SUDS) in the scheme's design.

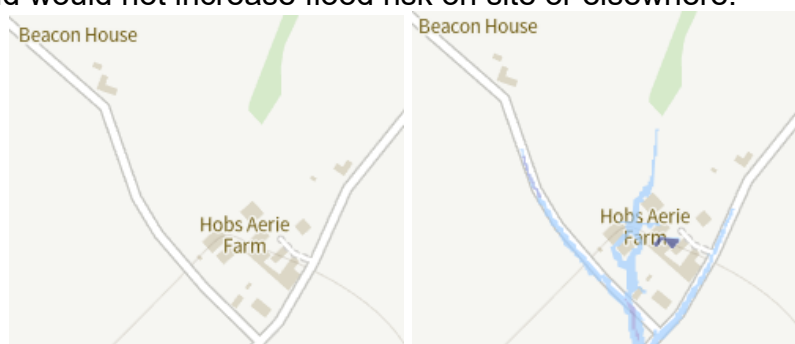
14.9.2 Notwithstanding the applicant's conflicting comments²⁵, the submitted FRA concludes that "*Infiltration is not considered to provide a feasible means of discharge due to the superficial deposits of Sedimentary geology, which is of a low permeability*"²⁶ and that "*In line with the drainage hierarchy, the second preferable discharge point is to a surface*

²⁵ Planning Statement, paragraph 5.35.

²⁶ Flood Risk Assessment, paragraphs 6.6 – 6.7.

water body. Discharge from the site will therefore continue to be made to the existing sewer along the southern/eastern boundary of the site, to which surface water currently discharges to²⁷. Surface water will also be treated prior to discharging into the drain. Surface water from the building roof area and permeable paved access/parking area will discharge to a cellular storage system located in the lower eastern part of the site, as shown in the drainage drawing in Appendix 5 of the FRA.

- 14.9.3** 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 and would not increase flood risk on site or elsewhere.



14.10 H) Planning balance

- 14.10.1** The benefits of the scheme would include:

- Net provision of 3 no. units to the 4YHLS.
- Ecological enhancements and biodiversity net gain.
- Economic and social benefits.
- Previously developed land, effective use of land.

- 14.10.2** The adverse impacts of the development would include:

- 'Less than substantial harm' to the significance of the listed building²⁸.
- Total loss of significance of the non-designated heritage asset (NDHA).
- Poor locational accessibility to services and public transport.

- 14.10.3** The appeal decision for the 9-unit scheme on the wider site found that the heritage harm to the significance of the listed building and the NDHA would be outweighed by the economic and social benefits of the appeal scheme and that the proposed housing would outweigh the modest harm to the character and appearance of the area²⁹. But the poor accessibility to services and transport and the increased travel by car was found to tilt the overall planning balance against the appeal scheme³⁰.

²⁷ Flood Risk Assessment, paragraph 5.3.

²⁸ Hobs Aerie (Grade II).

²⁹ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 79.

³⁰ APP/C1570/W/22/3306121 (UTT/21/3746/FUL), paragraph 80.

14.10.4 Considering the current application on its own merits, it was found that the proposals would not cause any harm to the countryside character and appearance of the area and that the spatial and visual context of the wider site has changed since the appeal decision to a more residential character and use, which is a material change in circumstances in comparison to the ones examined by the Inspector. Therefore, despite the locational sustainability being the same as before, the lack of countryside harm through mitigation by design and layout and the additional benefit of biodiversity net gain and the brownfield character and infill nature of the land, would now outweigh the adverse impact of the location's poor accessibility.

14.10.5 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 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 development hereby approved shall not commence, including any ground works or demolition, until an appropriate agreement between the developer and third-party landowner(s) has been submitted to and approved in writing by the local authority. This agreement should demonstrate that the visibility splays shown on drawing reference number 418.063102.00001_PD04 (titled Proposed Development Access Visibility Plan with Highway Boundary and dated 01.07.24) can be secured at all times over third-party land.

REASON: In the interests of highway safety and accessibility, in accordance with the National Planning Policy Framework (2023).

- 4** Prior to commencement of the use hereby approved, the visibility splays shown in drawing reference number 418.063102.00001_PD04 (titled Proposed Development Access Visibility Plan with Highway Boundary and dated 01.07.24) and secured by appropriate agreement in condition

3 of this decision notice, shall be provided by the developer and maintained free of any obstruction at all times.

REASON: In the interests of highway safety and accessibility, in accordance with the National Planning Policy Framework (2023).

- 5** Prior to commencement of the development hereby approved, an acoustic assessment covering all noise from an industrial/commercial nature (in line with the methodology of the British Standard 4142:2014) and a noise mitigation scheme (NMS), shall be submitted to and approved in writing by the local planning authority

The acoustic assessment and NMS shall ensure that:

a) at any time the plant rating level calculated according to British Standard 4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and additionally,

b) that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 5 dBA below the typical day and night-time LA90 levels [subject to a lower specific noise level requirement of 30dBA at any noise sensitive receptor.

Thereafter, the NMS shall be implemented in full prior to occupation of the dwellings hereby approved and shall be maintained as such at all times and replaced in whole or in part as often is required to ensure compliance with the specified in points (a) and (b) above.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2023).

- 6** Prior to commencement of the development hereby approved, a sound attenuation scheme for the approved dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be constructed to provide sound attenuation against external noise in accordance with British Standard 8233:2014.

The sound attenuation scheme for the approved dwellings shall demonstrate compliance with the following noise levels:

- 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 exceed 45dB LAm_{ax}.

- Maximum living room day (07.00-23.00 hrs) noise levels of 35 dB LAeq shall be achieved in accordance with the British Standard 8233:2014 and individual noise events shall not exceed 45 dB LA_{max,F} more than 10 times a night.

- External amenity areas shall be designed to achieve levels not exceeding 50 dB LAeq (day).

Thereafter, the above sound attenuation scheme shall be fully implemented prior to occupation of the dwellings hereby approved and shall be retained as such at all times unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard residential amenities, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV10, ENV11, and the National Planning Policy Framework (2023).

7 (c) Prior to commencement of the development hereby approved, a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to mitigate any risks to human health, groundwater, and the wider environment. Thereafter, the detailed measures/works approved as part of the Phase 3 remediation scheme shall be completed in full before any permitted building is occupied.

(d) Prior to occupation of the development hereby approved, a validation report shall be submitted to and approved in writing by the local planning authority to show the effectiveness of any remediation scheme. The validation report shall include photographs, material transport tickets and validation sampling. Any such validation should include effective responses to any unexpected contamination discovered during works.

REASON: To protect human health and the environment, in accordance with the adopted Uttlesford Local Plan Policies GEN2, ENV14, and the National Planning Policy Framework (2023).

8 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 CDMP shall be in accordance with the Uttlesford Code of Development Practice. The approved CDMP shall be adhered to throughout the construction period and shall provide for the following:

- a) Parking of vehicles and site operatives;
- b) Management of noise and dust emissions;
- c) Restricted working hours;
- d) Loading, unloading and storage of plant and materials used in construction;
- e) Wheel and underbody washing facilities;
- f) Safe disposal of waste materials.

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).

- 9** Prior to commencement of the development hereby approved, one of the following shall be submitted to and approved in writing by the local planning authority:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
 - c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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).

- 10** Prior to commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. The HMMP must be in line with the final and approved biodiversity net gain plan.

The HMMP should include:

- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain Plan is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- b) A management and monitoring plan for all offsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain Plan is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Thereafter, the development shall be implemented in full accordance with the requirements of the approved HMMP, with monitoring reports submitted to the LPA at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the local planning authority to discharge its duties under Schedule 7A of the Town and Country Planning Act 1990 and in accordance with the National Planning Policy Framework (2023).

- 11** (a) Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of historic building recording for the Aisled Barn (building 4), shall be submitted to and approved in writing by the local planning authority.
- (b) Prior to commencement of the development hereby approved, the programme of historic building recording identified in the Written Scheme of Investigation (WSI) shall be completed.
- (c) Following completion of the historic building recording and within six (6) months from that completion, a report detailing the results of the historic recording programme and confirm the deposition of the archive to an appropriate depository shall be submitted to the Local Planning Authority.

REASON: To preserve potential archaeological remains, in accordance with the National Planning Policy Framework (2023).

- 12** 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).

- 13** Prior to any works above slab level, 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 full accordance with the approved materials.

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 policies S7, GEN2, ENV2 of the adopted Uttlesford Local Plan (2005), the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 14** 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) means of enclosure of the land (boundary treatments including photographs) around the site and between the plots;
- b) hard surfacing and other hard landscaping features and materials (including photographs);
- c) existing trees, hedges or other soft features to be retained;
- d) details of planting or soft features, including specifications of species, sizes, planting centres, number and percentage mix;
- e) 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 S7, GEN2, GEN4, ENV2, the Essex Design Guide, the adopted Uttlesford District-Wide Design Code (2024), and the National Planning Policy Framework (2023).

- 15** 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).

- 16** 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).

- 17** Prior to occupation of the development hereby approved, the vehicle parking and turning areas indicated on the approved plans shall be provided. Thereafter, the vehicle parking and turning areas shall be retained as such at all times and shall not be used other than for the benefit of the occupants of the dwellings hereby approved.

REASON: To ensure that appropriate parking and turning is provided in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 18** The bathroom window at first floor level of plot 1 facing west shall be obscure-glazed and fixed shut to all its parts below 1.8 metres from the first-floor level.

REASON: To safeguard the residential amenity (privacy) of neighbouring occupiers (plot 2), in accordance with the adopted Uttlesford Local Plan Policy GEN2, and the National Planning Policy Framework (2023).

- 19** 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).

Prior to first beneficial use of the development hereby approved, the existing structures and hard surfaces on the application site shall be completely demolished and all the debris from the demolitions shall be permanently removed from the site by an appropriate contractor.

REASON: To preserve the character and appearance of the area, in accordance with the adopted Uttlesford Local Plan Policies S7, GEN2, ENV2, the Essex Design Guide, and the National Planning Policy Framework (2023).

- 20** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Thereafter, the gates shall be retained as such at all times.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2023).

- 21** The development 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'.

- 22** 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).

23

All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated Preliminary Ecological Appraisal Including Dusk Emergence Bat Surveys (Skilled ecology, Updated September 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

Your Ref: UTT/24/2673/FUL
Our Ref: 27730
Date: 22nd November 2024



Director for Highways
and Transportation

To: Uttlesford District Council
Assistant Director Planning & Building Control
Council Offices
London Road
SAFFRON WALDEN CB11 4ER

County Hall
Chelmsford
Essex CM1 1QH

Recommendation

Application No. UTT/24/2673/FUL
Applicant Mulberry House Farm LLP
Site Location Buildings to the Rear of Mulberry House Wenden Road Arkesden
Essex CB11 4HD
Proposal Demolition of agricultural buildings and erection of 3 no. dwellings
(Use Class C3) with associated access, garages, private gardens and
ancillary garden rooms.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. No development shall commence, including any ground works or demolition, until an appropriate agreement between the developer and third party landowners has been submitted to and approved in writing by the local authority, this agreement should demonstrate that the visibility splays shown on Drawing no. 418.063102.00001_PD04 (titled Proposed Development Access Visibility Plan with Highway Boundary and dated 01.07.24) can be secured at all times over third party land.

Reason: In the interests of highway safety and accessibility.

2. Prior to first occupation of the development, the visibility splays shown in DWG no. 418.063102.00001_PD04 (titled Proposed Development Access Visibility Plan with Highway Boundary and dated 01.07.24) and secured by appropriate agreement as described in condition 1 of this recommendation, shall be provided and maintained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

5. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including the double garages, 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.

6. The double garages shall have a minimum internal dimension of 7m x 6m as shown on the submitted drawing number 2312 / 101 Rev. P2.

Reason: To ensure appropriate space for cycle parking is provided, to encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

The above conditions are required to ensure that the development accords with the National Planning Policy Framework (NPPF) 2023 and the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Informative:

- 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 or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- ii. 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.
- iii. There shall be no discharge of surface water onto the Highway.
- iv. 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.

- v. The (rural/remote) location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken into consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.



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pp. Director for Highways and Transportation
Enquiries to Eirini Spyratou