

Late List –Planning Committee 15.01.2025

Officers please note: Only Late items from **STATUTORY CONSULTEES** are reproduced in full.
Others are summarised.

Statutory consultees are listed below:

- Highway Authority
- The Health & Safety Exec
- Highways Agency
- Local Flood Authority
- Railway
- Environment Agency
- Historic England
- Garden History Society
- Natural England
- Sport England

Manchester Airport Group (*MAG is the highway authority for the airport road network + the also section of Bury Lodge Lane running south from the northside entrance to the airport. On these roads, it therefore has the same status as Essex CC and National Highways do for the roads that they administer.*)

This document contains late items received up to and including the end of business on the Friday before Planning Committee. The late list is circulated and placed on the website by 5.00pm on the Monday prior to Planning Committee. This is a public document and it is published with the agenda papers on the UDC website.

Item Number	Application reference number	Comment
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6	UTT/24/2673/FUL Buildings To The Rear Of Mulberry House Wenden Road Arkesden	<p><u>The applicant provided the following comments in regard to the deferral reasons on 02 January 2025:</u></p> <p>With regard to PD rights, key elements that I think would be helpful to flag with the committee are:</p> <p><u>Fallback</u> To weigh the fall-back in the planning balance, the decision-maker should consider 3 things (<i>R. v Secretary of State for the Environment Ex p. PF Ahern (London) Ltd</i> [1998] Env. L.R. 189</p> <ul style="list-style-type: none"> • (i) is there a legal fall-back use, i.e. can the applicant lawfully undertake the use without any new planning permission; • (ii) is there a real prospect of the use occurring; and • (iii) if the answer to (ii) is “yes”, compare the proposed development to the fall-back use. <p><u>Residential - PD</u> As it stands, 5 dwellings totalling 632.7 sqm has been converted/are being converted under PD (UTT/23/2128/PAQ3 and UTT/15/3044/PAP3Q).</p> <p>Class Q d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—</p> <ul style="list-style-type: none"> (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres <p>This means that the applicant can convert a remaining 367.3sqm or up to 5 dwellings for residential uses on the site without the need for a full planning application.</p>
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		<p>The grain barn has secured PD to convert to 3 dwellings (UTT/24/1984/PAQ3) OR commercial use (UTT/24/1051/PAR3). If the applicant chooses not to pursue residential use on this barn, the applicant could deliver 354 Class E use at the grain barn and then deliver the remaining 367.3sqm of residential PD on the application Site.</p> <p><u>Commercial PD</u></p> <p>In addition to the 1,000sqm of residential floorspace that can be delivered through PD, Class R of the General Permitted Development Order makes provisions for the conversion of agricultural building to flexible commercial uses including:</p> <ul style="list-style-type: none">(i) Class B2 (general industrial) of Schedule 1;(ii) Class B8 (storage or distribution) of Schedule 1;(iii) Class C1 (hotels) of Schedule 1;(iv) Class E (commercial, business or service) of Schedule 2; or(v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or(b) for the provision of agricultural training. <p>Section R.1(b) sets out that the cumulative floorspace of buildings that can be converted under Class R is 1,000sqm.</p> <p>Depending on whether the grain barn comes forward to deliver residential or commercial uses the applicant will have a remaining 1,000 sqm or 632.7 sqm available to convert to commercial uses under Class R.</p> <p>It is important to note that commercial uses are likely to result in greater intensification of the use of the Site in terms of traffic generation and activity on the Site. Rather than bring the site forward through piecemeal PD for a mix of the uses, the applicant is dedicated to delivering an attractive and comprehensive residential development that respects the character of the Site.</p> <p>If we could have sight of the report once updated, that would be great.</p>
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	<p>Thanks, Sophie</p> <p>Sophie Heritage MRICS, MRTPI Associate Strategic Planning</p>
	<p><u>The applicant provided the following comments in regard to the deferral reasons on 02 January 2025:</u></p> <p>This note has been produced following the member discussion during the Planning Committee held on Wednesday 11th December 2024. Whilst the application was deferred a number of Councillors asked whether the aisled barn could be retained and reused. As part of the planning application, a report produced by ByrneLooby was submitted highlighting the current structural integrity of the barn concluding the condition of the structure and timbers would not be sufficient for conversion. This note seeks to highlight the key issues.</p> <p>Evaluation of Reuse Feasibility for the Aisled Barn</p> <p>The conservation engineering report provides a comprehensive analysis of the aisled barn’s structural condition and contextual challenges. The findings highlight several insurmountable barriers to the barn's reuse, including severe structural deterioration, material degradation, design limitations, regulatory constraints, and significant financial implications.</p> <p>Structural Issues</p> <p>The barn's structure has been compromised over time due to both age and environmental factors. Key structural issues include, but are not limited to rotting of primary timber frames, loss of lateral stability, or uneven settlement of the foundations. These issues pose serious safety risks and make the building structurally unsound in its current state.</p> <p>Attempts to address these structural deficiencies would require invasive methods such as the replacement of load-bearing members, underpinning, or significant reinforcement. These interventions would alter the barn’s historic fabric to such an extent that its authenticity and historical value would be severely diminished. Furthermore, the scale of the structural interventions required exceeds what is typically considered appropriate under conservation guidelines, which prioritize minimal intrusion and retention of original materials.</p>

		<p>Material Degradation</p> <p>The barn's materials have deteriorated significantly, contributing to its unsuitability for reuse. The timber framing, a key structural component, shows extensive signs of decay, including [fungal rot, insect infestation and moisture ingress. Similarly, any remaining metal fixtures or connections may have corroded to the point of failure, further compromising the barn's stability.</p> <p>Replacing these materials to achieve the structural integrity necessary for reuse would not only involve significant expense but would also violate conservation principles that aim to preserve original fabric. This level of degradation underscores the barn's inability to meet modern performance standards without extensive replacement, undermining its heritage significance.</p> <p>Design Constraints</p> <p>The barn's original design reflects its historical agricultural function, with features such as a large open interior, minimal insulation, and the absence of modern utilities. While these characteristics are valuable from a heritage perspective, they are fundamentally incompatible with contemporary requirements for buildings, whether residential, commercial, or public.</p> <p>Adapting the barn for reuse would necessitate significant changes, including installing modern heating, ventilation, and electrical systems, subdividing the interior space, and potentially altering the external appearance. Such modifications would conflict with best conservation practices as they would disrupt the building's original design and character. The inherent design limitations therefore present a significant barrier to reuse.</p> <p>Alternative Proposals</p> <p>Recognising the barriers to reuse, the report suggests alternative approaches to preserve the barn's legacy. These might include thoroughly documenting the structure through detailed photographs and drawings, salvaging and repurposing materials for use in other heritage projects, or creating interpretive displays that educate the public about the barn's historical significance. We have recommended that a level 2 building record is undertaken.</p>
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	<p>Such measures would ensure that the barn’s heritage is honoured and preserved in ways that align with both conservation principles and practical constraints. For example, salvaged materials could be incorporated into new constructions or displayed in museums to convey the barn's historical context.</p> <p>Limitations of Reusing Timbers in a New Building</p> <p>While the idea of salvaging the barn’s timbers for incorporation into a new structure may initially seem like a way to preserve its heritage, this approach would fail to deliver the intended heritage outcomes for several reasons. Firstly, reusing the timbers in a new building would strip them of their historical context and significance. The value of the barn lies not just in the materials themselves but in their arrangement and craftsmanship, which embody the agricultural and architectural practices of the time. Removing the timbers from their original configuration would sever their connection to this historical narrative. In effect, the timbers would become decorative elements in a modern structure, devoid of the authentic meaning they hold when preserved as part of the original building.</p> <p>Secondly, the intervention required to prepare the timbers for reuse would be extensive and intrusive. Many of the timbers are likely to be compromised by decay, insect damage, or structural fatigue, as identified in the conservation engineering report. To make them suitable for reuse, significant repairs or reinforcements would be necessary, potentially involving treatments, replacement of damaged sections, or the addition of modern materials. These processes would diminish the timbers’ historical integrity, transforming them into heavily modified components that no longer truly reflect the craftsmanship or materials of their era.</p> <p>Even if the timbers were successfully incorporated into a new building, the result would fail to evoke the original barn’s heritage. The form and proportions of the aisled barn, including its spatial configuration, roof structure, and distinctive architectural details, are integral to its identity. Without preserving this form, any new building would risk appearing as a pastiche—a superficial replication or a gimmick—rather than a genuine continuation of the barn’s heritage. This would undermine the authenticity and respect that heritage conservation seeks to achieve, reducing the barn's legacy to a decorative or symbolic gesture rather than a meaningful preservation of its historical value.</p> <p>Conclusion</p>
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	<p>In conclusion, the aisled barn’s reuse is not feasible due to a combination of structural deficiencies, material degradation, design incompatibility and regulatory restrictions. The level of intervention required to make the barn functional for modern use would compromise its heritage value and fail to align with conservation principles. Instead, alternative preservation strategies, such as a building record, offer a more sustainable and respectful approach to ensuring the barn’s legacy endures.</p>
	<p>The Parish Council provided the following email: From: Alistair McLean Sent: 08 January 2025 17:56 To: Nigel Brown Cc: Cllr Oliver; Clerk to Arkesden PC Subject: >> UTT/24/2673/FUL and Planning Committee agenda 15th Jan 2025</p> <p>Dear Mr Brown</p> <p>Ref: Planning Committee 15th Jan 2025 - UTT/24/2673/FUL</p> <p>On reading the officer's report to committee on the above application, it was a relief to see that the officer had agreed, at para 1A.5, with Arkesden PC over the fallback position. He concluded that the fallback position was only 32 sq.m, certainly not enough for a dwelling!</p> <p>However, the officer then went on to say, at paras 1A.6 and 1A.7, that the two dwellings in building 2 were not constructed under UTT/15/3044/PAP3Q but were constructed under UTT/24/0895/FUL and therefore do not contribute to the overall limit on class Q development. This would then result in a fallback position of 4 units and 404 sq m allowable.</p> <p>Arkesden PC contest this for the following reasons:</p> <p>1. The argument that the works under class Q were void relies on the condition in the legislation that requires the works to be COMPLETED within 3 years. However, the decision notice attached to UTT/15/3044/PAP3Q applies the INCORRECT condition that works must be STARTED within 3 years. When the works started in earnest in 2023, the PC challenged this and were assured by</p>

	<p>UDC that the works had indeed been started, in a limited way, within the 3 year period and had been confirmed by building control. The PC was told that the works complied with the conditions and could continue. There was no suggestion at this time that the works were not within the class Q rules.</p> <p>2. A further application on this site for residential conversion of a third barn - UTT/24/1984/PAQ3 - was approved with a calculation of the total class Q allowance INCLUDING the above two dwellings as class Q development. It was clear at this point that all parties considered the two dwellings to have been constructed under the class Q legislation of UTT/15/3044/PAP3Q.</p> <p>3. The application UTT/24/0895/FUL was part retrospective and part full planning consent. The planning statement submitted clearly states at para 3.2 that the site had already secured permission to convert the barn into two residential units through class Q legislation under UTT/15/3044/PAP3Q. Development on the site has COMMENCED and the PERMISSION IMPLEMENTED. This proposal is seeking MINOR AMENDMENTS to the approved plans. and at para 3.3 lists the retrospective works - amended fenestration and new velux window. Full planning permission is sought for the installation of a mezzanine floor, two high level windows, relocation of bedroom and inclusion of ensuite and dressing room to master bedroom.</p> <p>This application was NOT for two dwellings, but merely for amendments to the floor area previously refused as an amendment to the original class Q approval. (UTT/23/2947/FUL)</p> <p>Arkesden PC believes the officer's interpretation of the full planning permission UTT/24/0895/FUL is incorrect and that the bulk of the work on the large dwellings (372 sq m) WAS under the class Q legislation and should be included in the calculation to determine what class Q development remains as a fallback position. It was only the amendments that were constructed under the full planning permission.</p> <p>In the officer's original report to committee, the two large dwellings were included in the calculation, but in this instance the dispute over allowable class Q as a fallback position resulted from a misunderstanding of the total allowable, which should have been 1000 sq m and not 10 units of 150sq m each. The officer has now agreed the total at 1000 sq m (and 10 units) but has</p>
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		<p>suddenly changed his view on the approvals under which the barns were converted.</p> <p>This has led to a very misleading statement at para 1A.8. suggesting that the actual fallback position for class Q (of 4 dwellings and 404 sq m) should be given more than limited weight. The officer added that "the lack of a fallback position is not an adverse impact of the development and the application must be considered on its own merits". This is contrary to the committee's view in the December meeting as they thought that the fallback position was material in their decision making, which is why they deferred the decision and asked for clarity</p> <p>What we have now is even less clarity, and Arkesden PC respectfully request that the fallback position is reviewed in light of the comments above BEFORE the committee meeting. If UDC maintains its current position on the fallback, then APC will present it's case to the committee, which may well lead to a further deferment which would not be ideal.</p> <p>No one wants this, so we would respectfully request that we agree a fallback position of 32 sq m, which we believe should be afforded ZERO weight.</p> <p>We would appreciate a reply from UDC Planning Department on this matter prior to the Planning Committee meeting on the 15th Jan to enable us to decide what comments we would wish to make to the Committee at the meeting next Wednesday.</p> <p>Yours sincerely, A Mclean Joint Chair Arkesden PC</p>
7	UTT/24/2905/HHF Chaumiere Nats Lane Wendens Ambo	TBC

Note – The purpose of this list is to draw Members attention to any late changes to the officer report or late letters/comments/representations. Representations are not reproduced in full they are summarized

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