

## UTT/18/2055/FUL – THAXTED

(Referred to Committee as more than 5 dwellings)

**PROPOSAL:** Change of use of Grade II Listed barn to provide a residential dwelling, change of use and extension of curtilage barn to residential, change of use and residential conversion of existing agricultural silos, demolition of other agricultural buildings and structures, and erection of new agricultural-style dwellings and link buildings to provide 7 residential dwellings with associated parking, landscaping and private amenity space. Erection of new garage to serve plot 1

**LOCATION:** Cutlers Green Farm Cutlers Green Cutlers Green Lane Thaxted Essex

**APPLICANT:** Mr R Hingston

**AGENT:** Laura Dudley-Smith, Strutt & Parker

**EXPIRY DATE:** 22 October 2018 – Extension of time 22 March 2019

**CASE OFFICER:** Karen Denmark

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### **1. NOTATION**

1.1 Outside development limits/Grade II Listed Building/within the Thaxted Neighbourhood Plan's designated area

### **2. DESCRIPTION OF SITE**

2.1 The application site is part of Cutlers Green Farm which lies on the northern side of Bolford Street. The settlement of Thaxted lies approximately 1.5km to the east, with Great Dunmow and Saffron Walden around 11km away.

2.2 The applicant states the site is approximately 0.83ha in area and comprises of a central Grade II listed barn, surrounded by a range of other agricultural buildings and structures including a large grain store and drier, and a range of silos. The site, which is brownfield, is being redeveloped as the buildings are no longer suitable.

2.3 The ground slopes gently downwards to the north and west with mature plantation along the site boundaries, with farmland to the north and a small ribbon development of residential development. The village green is to the south of the site with further residential development around this feature.

### **3. PROPOSAL**

3.1 The scheme can be summarised as:  
Plot 1 – conversion of existing barn to form three storey detached four bedroom dwelling;  
Plot 2 – conversion of two existing silos into a four bedroom dwelling over three floors;  
Plot 3 – conversion of existing silo into a four bedroom dwelling with new attached

building to provide additional space;  
Plots 4 and 5 – new build consisting of two dwellings each containing three bedrooms;  
Plot 6 – conversion of existing barn to a single storey two bedroom dwelling;  
Plot 7 – new build single storey two bedroom dwelling

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

#### **5. APPLICANT'S CASE**

- 5.1 The applicant has included the following documents in support of his application:
- Planning Statement by Strutt & Parker (July 2018);
  - Design and Access Statement by Rachel Furze Design (June 2018);
  - Uttlesford District Council's contamination checklist;
  - Heritage Statement, prepared by Architectural Management (May 2018);
  - Ecology Preliminary Ecological Appraisal which incorporates a bat survey inspection prepared by T4 Ecology Limited (April 2018);
  - Bat Surveys prepared by Essex Mammal Surveys (June 2018 and September 2018);
  - Phase 1 Geo-environmental Report prepared by Brown 2 Green (March 2018);
  - Sustainable Drainage Strategy prepared by MTC Engineering (June 2018);
  - Structural Assessment prepared by Gawn Associates (April 2018);
- 5.2 The applicant's argument for the development is contained in the planning statement.

Conclusion of Planning Statement:

This application seeks Full Planning Permission for the:

Redevelopment of Cutlers Green Farm to provide for 7 residential dwellings through partial demolition and conversion, with associated gardens and private access.

The proposed scheme will allow the sympathetic reuse of this now redundant agricultural brownfield site to meet local housing needs whilst respecting and enhancing the rural character and historic setting of the site. Built development is to be focused largely on the previously developed areas of the site, reflecting the original farmstead form and arrangement across the site. The scheme takes into consideration the existing rural context and impact on the historic setting, in accordance with pre-application discussions. The proposals therefore fully accord with relevant local and national policy.

The proposal is supported by a series of technical reports that have informed the design and layout of the site and conclude that the proposals would be viable and not detrimental to the rural surroundings.

On balance, the proposals put forward a highly sustainable scheme that provides a wide range of planning benefits.

The proposal reutilises a now redundant agricultural site providing much needed

housing for the local area and seeks to consolidate the community by introducing local housing fronting the village green. In redeveloping this redundant site to provide for a visually improved site that is both sympathetic and respectful of the surrounding rural and historic setting, the proposals provide a strong public benefit.

Relocation of the agricultural functions to a nearby site ensures the commercial longevity of the farm and allows opportunity for a residential redevelopment of the site to help support the vitality of Cutlers Green.

The designs shown that retention and sympathetic conversion of existing buildings on site, coupled with the removal of additional structures that undermine the rural and historic context, seek to respect the original agricultural character of the site. This will improve the visual appearance of the site with retention of trees and additional planting, gardens and removal of hardstanding, landscape views are improved across the site.

The relocation of the agricultural building will also mean fewer larger vehicles will travel through the village centre and improve traffic flows, including mitigating visual and noise impacts.

The proposal therefore presents an opportunity for significant environmental, social and economic benefits to ensure sustainable development and redevelopment of this redundant agricultural site.

## **6. RELEVANT SITE HISTORY**

- 6.1 Although the site has been subject to previous applications, the LPA does not consider that any of these are relevant to the current scheme.

## **7. POLICIES**

### **7.1 Uttlesford Local Plan (2005)**

S7 – The Countryside  
GEN1 - Access  
GEN2 - Design  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
H6 – Conversion of Rural Buildings to Residential Use  
H9 – Affordable Housing  
H10 – Housing Mix  
ENV2 – Development affecting Listed Buildings  
ENV4 – Ancient Monuments and Sites of Archaeological Importance  
ENV14 – Contaminated Land

### **7.2 Supplementary Planning Documents/Guidance**

SPD - Accessible Homes and Playspace (2005)  
The Essex Design Guide (2018)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

### **7.3 National Policies**

National Planning Policy Framework (NPPF)

## Planning Practice Guidance (PPG)

### **Other Material Considerations**

- 7.4 Thaxted Neighbourhood Plan: At the time of writing the report the Neighbourhood Plan was not 'made'. However, it had been to referendum and the vote was in favour of the Plan. On 12 February 2019 Cabinet resolved to support the Plan and Full Council were due to consider this on 21 February 2019. Until the Plan is 'made' it does not have full weight, but the policies carry substantial weight at this time given its stage in the process. The following policies are relevant:

TX HC1 – Heritage and Development  
TX LSC1 – Protection of the Countryside and rural setting of Thaxted  
TX LSC2 – Protection and Enhancement of the Landscape  
TX LSC3 – Wildlife Habitats and landscape features  
TX LSC4 – Development in Outlying Settlements  
TX HD1 – Scale and Location of New Development  
TX HD2 – Local Housing Needs  
TX HD10 – Design Principles  
TX IFS8 – Broadband

- 7.5 The emerging Local Plan was submitted to the Planning Inspectorate on 18 January 2019. While its policies currently carry little weight in decision making, it is noted that the following are relevant:

#### Emerging Local Plan

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SP2 – The Spatial Strategy 2011-2033  
Policy SP10 – Protection of the Countryside  
Policy SP12 – Sustainable Development Principles  
Policy H1 – Housing Density  
Policy H2 – Housing Mix  
Policy H6 – Affordable Housing  
Policy H10 – Accessible and Adaptable Housing  
Policy TA1 – Accessible Development  
Policy TA2 – Sustainable Transport  
Policy TA2 (duplicate number in LP) – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy INF4 – High Quality Communications Infrastructure and Superfast Broadband  
Policy D1 – High Quality Design  
Policy D2 – Car Parking Design  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy D10 – Highly Energy Efficient Buildings  
EN1 – Protecting the Historic Environment  
EN4 – Development affecting Listed Buildings  
Policy EN5 1 – Scheduled Monuments and Sites of Archaeological Importance  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN10 – Minimising Flood Risk  
Policy EN11 – Surface Water Flooding  
Policy EN12 – Protection of Water Resources  
Policy EN16 – Contaminated Land  
Policy C1 – Protection of Landscape Character

## **8. PARISH COUNCIL COMMENTS**

- 8.1 The Parish Council supports the application but would like all future permitted developments rights to be removed and the site developed in accordance with the submitted plans. The Council would also wish to see a small reorganisation of the site to remove the pinch point between buildings one and five.

Revised scheme: RESOLVED to SUPPORT subject to the following recommendations/Comments:

Permitted development rights are to be removed, Thaxted Parish Council register their strong objections to the Velux Window in their current location and are therefore Seeking to Transfer the Velux windows to the Northern elevation. In accordance to the Emerging Neighbourhood and Thaxted's Village Design Statement.

Additional comments include Thaxted Parish Council stated a Commendable effort from the architect who has taken on board our previous comments, they listened and subsequently revised the plans. We look forward to viewing the plans again with these small modifications included.

## **9. CONSULTATIONS**

### **Environmental Health Officer**

- 9.1 The Phase 1 contamination report by Brown 2 Green Ref. 2002/Rpt1v1 March 2018 has identified potential sources of contamination on the site, including fuel and chemical storage, and pathways by which contamination could affect human health and ground and surface waters. Officers agree with the conclusion of the report that an intrusive Phase 2 investigation should be carried out to further assess the contamination risk and determine what remediation, if any, is required. Officers recommend that suitable conditions are applied to any consent.

### **ECC - Ecology**

- 9.2 **No objection subject to securing biodiversity mitigation and enhancement measures.**

#### **Summary**

I have reviewed the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., April 2018) supplied by the applicant, and the subsequent Bat Survey (Essex Mammal Surveys, Sept 2018), a brown long-eared bat was found roosting in a joint in the timber barn (building 3). An European protected Species Licence will be required for this development.

I am satisfied that there is sufficient ecological information available for determination

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., April 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

### **ECC - Archaeology**

- 9.3 The site contains farm buildings which are of major importance in the development of the Victorian high farming tradition, a period where new ideas resulted in significant alterations in the design and layouts of buildings. The officer therefore recommends that prior to development, the barns are preserved by record through an archaeological survey.

### **Historic England**

- 9.4 Does not wish to offer any comments.

### **London Stansted Airport Safeguarding**

The Group is the safeguarding authority for Stansted Airport and it has no objections to the proposal under the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Area) Direction 2002.

### **NATS Safeguarding**

- 9.5 The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria.

### **Conservation Officer**

- 9.6 The proposal subject of this application is the creation of 7 residential units as part of the conversion of redundant farm buildings. The site is located in Cutlers Green which is a small hamlet in an open countryside. It could be said that it is a brown field site as it contains a selection of unremarkable/unsightly modern farm buildings, apart from a 3 bay timber frame barn of possibly C17 origins listed in its own right.

The scheme aims at the conversion of some of the structures and rebuilding others. In principle the saved policy H6 aims at the conversion of redundant rural buildings if their historic, traditional or vernacular form enhances the character of the rural area. Clearly, apart from the listed building, the other structures are rather unremarkable or positively unsightly.

However, I find the proposed scheme architecturally exceptional and one which will positively contribute to the locality and stand as an innovative and interesting example of possible conversion of rural modern buildings. The suggested conversion of the metal silos with its novel arrangement of glazed screens while retaining its agricultural features, would provide future generations with some evidence of typical C20 farming practice.

The other buildings would also retain most of their agricultural characteristics, but the suggested modernistic fenestration and elevational finishes would give them a

unique C21 flavour. In conclusion I feel the scheme would enrich the locality and represent architectural gem, subject to being implemented strictly according to the current architect's proposal.

## **10. REPRESENTATIONS**

10.1 This application has been advertised and representations have been made raising the following issues. Notification period expired 1 February 2019

- too many houses, three (or five as suggested in a separate representation) would be a better number;
- the development's traffic generation could be dangerous;
- houses' materials are inappropriate, for example the roofs should be constructed from thatch;
- existing drainage serving Maynards Croft;
- safeguarding the adjacent garage on Maynards Croft, including the brick boundary wall;
- excessive number of parking spaces;
- safety of access sight lines;
- oil tanks and location of gas supplies;
- excessive noise from the development's traffic;
- development could cause damp issues for a neighbouring occupier;
- worried about damage to the neighbours' trees.

## **11. APPRAISAL**

The issues to consider in the determination of the application are:

- A Principle of development (NPPF, Local Plan Policies S7 and H6);
- B Development affecting listed buildings (Local Plan Policy ENV2);
- C Contaminated land (Local Plan Policy ENV14);
- D Archaeological matters (Local Plan Policy ENV4);
- E Housing mix (Local Plan Policy H10);
- F Requirement for affordable housing (NPPF, Local Plan Policy H9);
- G Design and amenity (NPPF, Local Plan Policy GEN2);
- H Site biodiversity (NPPF, Local Plan Policy GEN7);
- I Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, and Uttlesford Parking Standards).
- J Other material planning considerations (Thaxted Neighbourhood Plan; Emerging Local Plan)

### **A Principle of development (NPPF, Local Plan Policies S7 and H6)**

- 11.1 The Local Plan places the site as being outside any settlement limits (ie within the open countryside) and so Policy S7 applies to the proposal. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however, this view does not amount to a bar to development in such areas.
- 11.2 Policy S7 states that development in the countryside will be permitted if it needs to be there, or it is appropriate to a rural area. A residential development for commercial gain would not meet either of the policy's two criteria.
- 11.3 Since the Council adopted the Local Plan, the government has published the National Planning Policy Framework (NPPF) in 2012 and updated in 2018. The Council's own compatibility assessment of the Local Plan in relation to the NPPF's

new requirements showed that Policy S7 was only partially consistent with the NPPF. Accordingly, Policy S7 only carries limited weight.

- 11.4 The NPPF takes a less prescriptive approach to development in the countryside, especially, as is the case for Uttlesford District Council, local planning authorities cannot demonstrate a five year supply of deliverable housing land. The Council's most recent housing trajectory in August 2018 calculated that the Council had around four years' worth of land for housing. In such circumstances, the NPPF's so called tilted balance to sustainable development applies which is set out in paragraph eleven of the NPPF.
- 11.5 The NPPF established the concept of sustainable development and the principle that consent for such development should be granted unless there were exceptional circumstances. The NPPF sets out three objectives to sustainability: economic, social and environmental.
- 11.6 Economic – there would be some economic benefit arising from the proposed development, arising from construction jobs followed by additional support from residents for local facilities. However, these benefits would be limited given the scale of the development.
- 11.7 Social - the new occupiers would be able to support local services in nearby villages, and not just Thaxted. The site is located on a bus route with two services passing the site, an hourly service between Stansted Airport and Saffron Walden, and an additional service 4 times a day between Saffron Walden and Great Dunmow. On balance, the proposals would offer social benefits, but these would be limited.
- 11.8 Environmental: the proposals would utilise the reuse of existing structures for four of the proposed dwellings, one listed in its own right and one curtilage listed. The NPPF supports the reuse of rural buildings, as does adopted Policy H6. The NPPF has a more relaxed approach and does not require the sequential approach set out in the adopted policy. As such the policy is only partially compliant with the NPPF.
- 11.9 The impacts of the scheme on heritage assets will be discussed in further detail below. However, the scheme would ensure the long-term viability of the listed and curtilage listed building. The scheme has been carefully considered in terms of its impacts and it is considered that the proposals would not result in a significant environmental harm. Overall, it is considered that the proposals would represent sustainable development.

## **B Development affecting listed buildings (Local Plan Policy ENV2; NPPF)**

- 11.10 The site contains a Grade II listed building. Historic England's records described it as a seventeenth century barn that is timber framed, with weatherboarding and a corrugated asbestos roof. The building is five bays long, with a gabled mistrey (covered porch) to the south.
- 11.11 Due to the presence of a heritage asset, then Local Plan Policy ENV2 applies to the proposal. The policy reflects the LPA's statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, s66(1) which states that a development which affects a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting and special characteristics of a listed building will not be permitted.



- 11.12 The NPPF states that permission will be refused if the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 11.13 The impact of the development on the listed building is considered in further detail in the accompanying application for listed building consent, but for the purposes of the planning application, the Council's conservation officer is satisfied that the proposal meets all relevant policy.

**C Contaminated land (Local Plan Policy ENV14; NPPF);**

- 11.14 Paragraphs 178-180 of the NPPF requires that planning decisions should ensure that a site is suitable for its proposed use based on any potential risks from contamination (amongst other factors), and this factor is particularly true for residential development. Where land is suspected to be contaminated then the applicant is obliged to carry out an assessment to determine the risk and proportionate measures to mitigate against such a risk.
- 11.15 The previous use of the site as a farmyard does suggest that the land may be contaminated, which is often a common feature of brownfield site. The accompanying contamination report suggested that potential hazardous sources included asbestos from barn roofing, pesticides and herbicides and fuel. Further examination from a Phase 2 investigation was recommended with a risk assessment prepared on completion of the report and the Council's environmental health officer agrees with this finding, which should form part of the conditions of any consent.

**D Archaeological matters (Local Plan Policy ENV4; NPPF);**

- 11.16 Policy ENV4 seeks to protect archaeological features, either by retaining in situ or by recording. Chapter 16 of the NPPF also seeks to protect heritage assets, including archaeology. Proposals should be determined with regard being had to the impact on heritage assets.
- 11.17 The proposed development comprises the conversion of a range of historic and modern agricultural buildings at Cutlers Green Farm, one of which is listed. The listed building description states the barn is of 17th century date (EHER 376502) however, the heritage statement suggests it could be 18th rather than 17th century. The heritage statement also states that there are earlier openings within the barn.
- 11.18 Recent work published in the *East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy* states that the East Anglian Farmstead (1750-1914) is a crucial, but understudied component of the East Anglian Landscape. Such farm buildings are of major importance in the development of the 'Victorian High Farming tradition' when new ideas culminated in significant alterations in the design and layouts of buildings. It is therefore recommended that prior to development the barns proposed for conversion are 'preserved by record' through archaeological survey. This can be secured by condition if planning permission is granted.

**E Housing mix (Local Plan Policy H10)**

- 11.19 Policy H10 states that all developments on sites of 0.1ha and above or three or more dwellings will be required to include a significant proportion of market housing

comprising small properties (such as two and three bed homes). The proposal meets this requirement.

**F Requirement for affordable housing (NPPF, Local Plan Policy H9);**

11.20 Paragraph 63 of the NPPF states that LPAs should only seek affordable housing for major developments (ie ten or more units). The proposal does not meet this criterion and so the applicant is not obliged to make any such provision. The NPPF has superseded the provisions of Local Plan Policy H9 which required the Council to negotiate an element of affordable housing on a site to site basis.

**G Design and amenity (NPPF, Local Plan Policy GEN2);**

11.21 Policy GEN2 seeks to ensure that development proposals are of a good standard of design and would not result in harm to residential amenity of existing properties. Securing good design is also a thrust of the NPPF, being a key aspect of sustainable development.

11.22 The proposed conversion of the existing buildings is considered to be sympathetic and respects the building and setting of the site. The imaginative reuse of the silos enables to retention of a part of historical farming practices that may otherwise be lost. In terms of design, the proposals are in accordance with the policy.

11.23 Each dwelling would have sufficient amenity space and parking requirement.

PLOT NO	NO OF BEDS	GARDEN SIZE	PARKING SPACES
1	4	1370	3
2	4	940	3
3	4	2030	3
4	3	203	2
5	3	102	2
6	2	262	2
7	2	172	2

11.24 There would not be any adverse impacts on residential amenity due to overlooking or overbearing impacts.

**H Site biodiversity (NPPF, Local Plan Policy GEN7)**

11.25 Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The site is in the countryside with the potential for there to be potential impacts, particularly in respect of bats given the fact that barn conversions and demolition are proposed.

11.26 Essex County Council's Place Services are the ecology consultants for the LPA and they consider that the proposal is acceptable, subject to their suggested conditions being added to any consent.

**I Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, and Uttlesford Parking Standards).**

- 11.27 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).
- 11.28 The development would lead to an uplift of traffic, but due to the relatively small number of proposed dwellings, such an increase would be acceptable.
- 11.29 Parking requirements for residential developments depends in part on the number of bedrooms for each house:  
Two and three bedrooms: two parking spaces.  
Four or more bedrooms: three parking spaces.
- 11.30 The plans indicate that each dwelling would have the required number of parking spaces. Each plot also has a space that would be capable of being enlarged to meet the requirements of Part M of the Building Regulations. Two visitor parking spaces are proposed and there would be more than sufficient space within the courtyard to accommodate parking for the development. Therefore, the proposals comply with the policy.

#### **J Other material planning considerations (Thaxted Neighbourhood Plan)**

- 11.31 It is envisaged that the Thaxted Neighbourhood Plan will be ‘made’ by the time this application is considered at the Planning Committee on 13 March 2019. The relevant policies are set out above in section 7.4. These policies are compliant with the requirements of the NPPF and the assessment above largely covers the issues raised in the policies.
- 11.32 Policy TX LSC1 and TX LSC2 relate to the protection of the countryside and this site falls within LPLCA2 (Local Plan Landscape Character Area 2). This area is “open, visually exposed landscape with far reaching radial/panoramic views”. This landscape has a “low capacity for change”. In this instance the site is a brownfield site with the reuse and replacement of buildings. As such, the proposals would not adversely affect the character of the landscape.
- 11.33 Policy TX LSC4 supports appropriate development, including the reuse of existing commercial sites in outlying areas, including Cutlers Green. Whilst this proposal does not relate to the reuse of a commercial use but an agricultural complex, it does form the reuse of an existing brownfield site for residential which is supported by the Parish Council.
- 11.34 Paragraph 14 of the NPPF gives greater weight to ‘made’ Neighbourhood Plans in situations where Councils do not have a 5 year land supply. It states:  
*“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

- c) *the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) *the local planning authority's housing delivery was at least 45% of that required over the previous three years."*

11.35 In this instance, subject to Full Council approval, the Neighbourhood Plan has become part of the development plan within two years or less. The Plan does include policies and allocations to meet its identified housing need. The Council does have at least three year supply of deliverable housing sites and delivery was at least 45% of that required over the previous three years.

11.36 The NPPF at paragraph 11d state that if the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed and any adverse impacts of approving development would significantly or adversely outweigh the benefits then permission should be refused. In this instance, as discussed above, the proposals would deliver benefits that outweigh the harm and should be approved in line with the NPPF.

11.37 Therefore, whilst this site lies outside the development area for Thaxted, it does represent the appropriate reuse of a site in line with other policies within the Neighbourhood Plan. As stated, the scheme is supported by the Parish Council, subject to some design amendments relating to the position of velux windows. Whilst this is noted, there is no policy within the Neighbourhood plan specifically relating to such a requirement and the Thaxted Design Statement merely states that there wasn't much support for features such as velux windows. Therefore, it is not considered that it would be appropriate for the windows to be moved. Overall, the scheme is acceptable.

## **12. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

- A** The site lies outside the development limits and constitutes the reuse of rural buildings, a form of development that is supported in the NPPF. The proposed development would not give rise to any material harm to the heritage assets and the less than substantial harm would be outweighed by the benefits of the scheme.
- B** There is no specific design, access or parking issues. Ecology and contamination can be dealt with by way of appropriate conditions if planning permission is granted, as can archaeological recording of the buildings. The housing mix is appropriate and there is no requirement for affordable housing.
- C** The proposal complies with the Neighbourhood Plan and is supported by Thaxted Parish Council.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **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. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development and conversion works hereby permitted, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

3. Prior to the erection of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. other vehicle and pedestrian access and circulation areas;
  - iv. hard surfacing materials;

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

6. No development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. The programme of historic building shall be carried out in accordance with the approved written scheme.

REASON: In order to provide a record of the historic buildings on the site in accordance with Uttlesford Local Plan Policies ENV2 and ENV4 and the NPPF.

Justification: The proposed development comprises the conversion of a range of historic and modern agricultural buildings at Cutlers Green Farm, one of which is

listed. The listed building description states the barn is of 17th century date (EHER 376502) however, the heritage statement suggests it could be 18th rather than 17th century. The heritage statement also states that there are earlier openings within the barn.

Recent work published in the East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy states that the East Anglian Farmstead (1750-1914) is a crucial, but understudied component of the East Anglian Landscape. Such farm buildings are of major importance in the development of the 'Victorian High Farming tradition' when new ideas culminated in significant alterations in the design and layouts of buildings. It is therefore recommended that prior to development the barns proposed for conversion are 'preserved by record' through archaeological survey.

7. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (T4 Ecology Ltd., April 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes: covering trenches overnight, humane rabbit control prior to construction starting, due diligence regarding nesting birds, enhancing the development with bat and bird boxes, retaining permeable boundaries for hedgehogs.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998,

8. The works hereby permitted to Convert the barns at Cutlers Green Farm shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
  - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998, and in accordance with Uttlesford Local Plan Policy GEN7 (adopted 2005) and the NPPF.

9. ENV1 No development other than that required to be carried out as part of a scheme of investigation or remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, building services and controlled waters;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).This must be undertaken by a competent person, in accordance with DEFRA and

the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11", and take account of Essex guidance "Land Affected by Contamination: Technical Guidance for Applicants and Developers 3rd edition", available on the UDC website.

REASON: In order to ensure a safe environment is provided for the future residential occupation of the site, in accordance with Uttlesford Local Plan ENV14 (adopted 2005), and the NPPF.

10. ENV2 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, building services and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In order to ensure a safe environment is provided for the future residential occupation of the site, in accordance with Uttlesford Local Plan ENV14 (adopted 2005), and the NPPF.

11. ENV3 The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In order to ensure a safe environment is provided for the future residential occupation of the site, in accordance with Uttlesford Local Plan ENV14 (adopted 2005), and the NPPF.

12. ENV4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition ENV1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition ENV2.

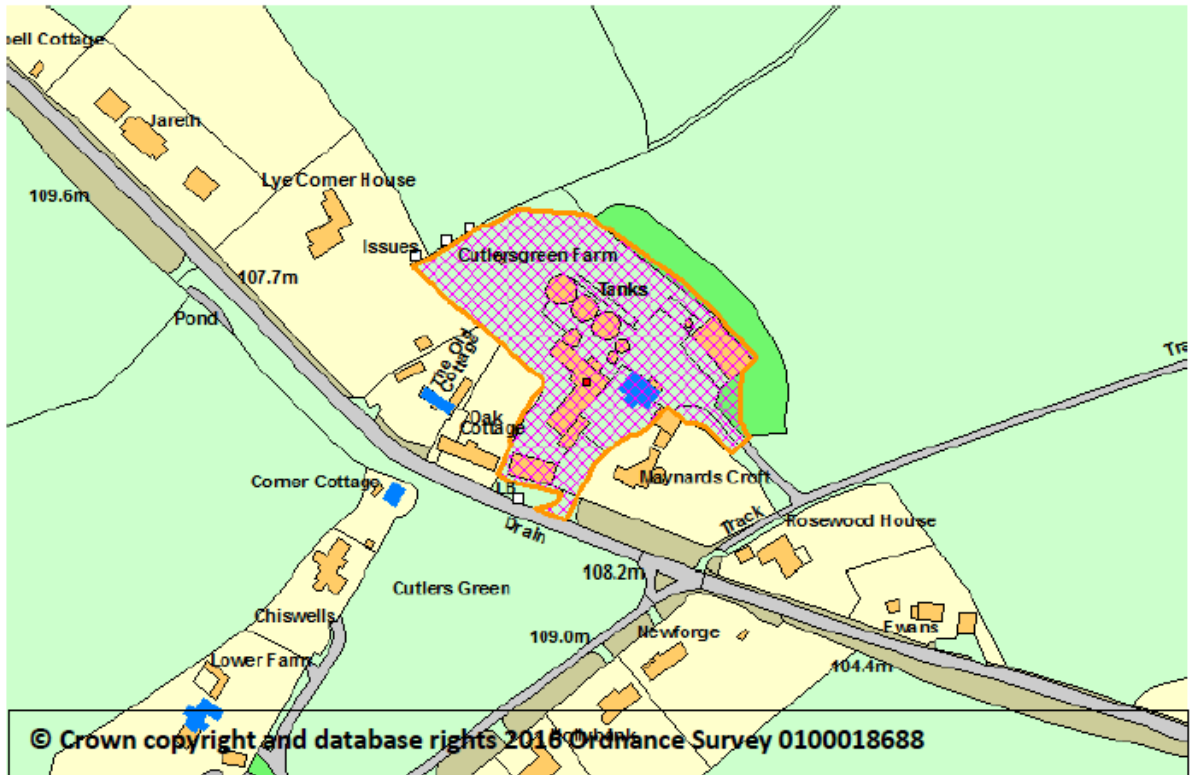
The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition ENV3.

REASON: In order to ensure a safe environment is provided for the future residential occupation of the site, in accordance with Uttlesford Local Plan ENV14 (adopted 2005), and the NPPF.

13. All new rooflights shall be of a conservation range and details of all the new rooflights shall be submitted to and approved in writing by the local planning authority before development commences and installed in accordance with those details.

REASON: In order to protect the character of the listed building, in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.





Organisation: Uttlesford District Council

Department: Planning

Date: 20 February 2019