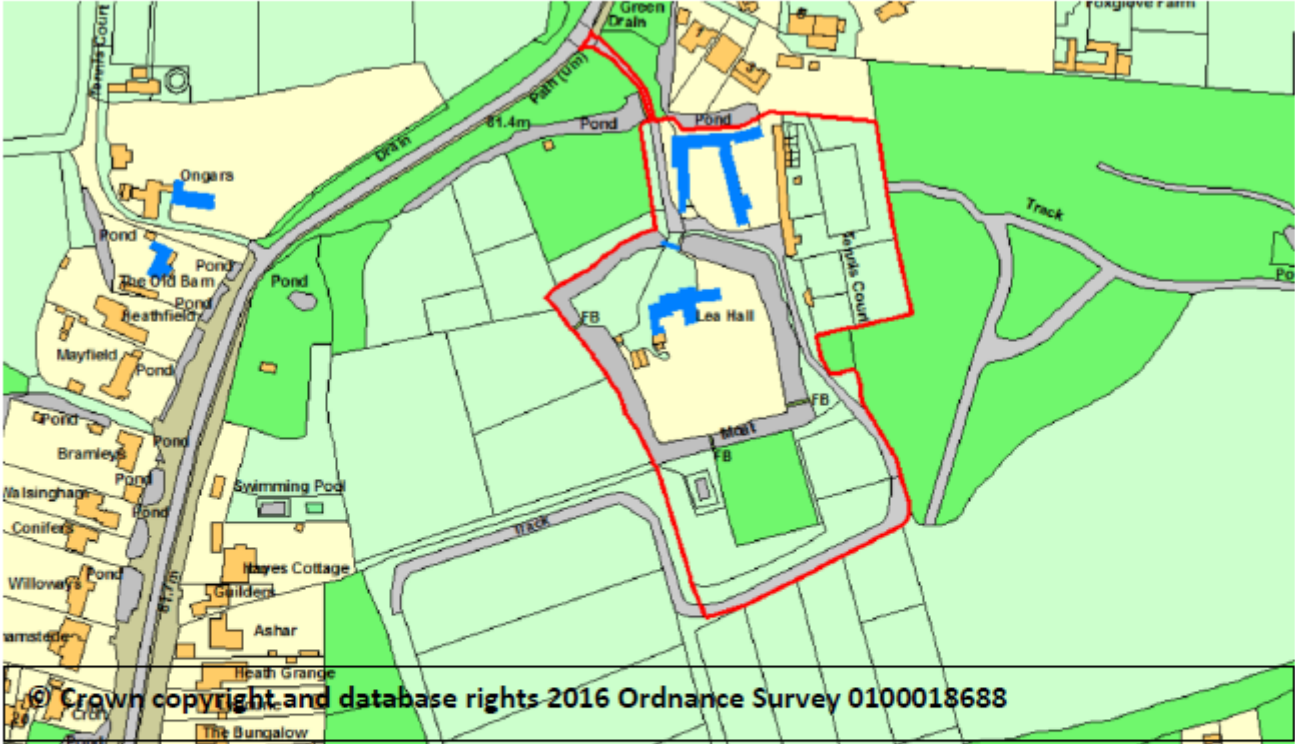


**ITEM NUMBER:**

**REFERENCE NUMBER: UTT/19/3173/FUL**

**LOCATION: Lea Hall, Hatfield Heath, Essex,  
CM22 7BL**

**SITE LOCATION PLAN:**



|               |                             |
|---------------|-----------------------------|
| Organisation: | Uttlesford District Council |
| Department:   | Planning                    |
| Date:         | 24 JANUARY 2022             |

**PROPOSAL:** Proposed refurbishment of Lea Hall including the addition of new detached garage and detached swimming pool building. Conversion of barns and cottage to 8 no. Dwellings. Demolition of existing stables to be replaced by 3 no. Dwellings with cart lodges and associated landscaping.

**APPLICANT:** Mark Jones

**AGENT:** Stuart Wighton

**EXPIRY DATE:** EOT: 5<sup>th</sup> March 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits, Metropolitan Green Belt, Ancient Monument, Grade II\* Listed Buildings, Tree Preservation Orders, Archaeological Site, within 2km of SSSI, Within 6km of Stansted Airport

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**1 RECOMMENDATION: APPROVAL WITH CONDITIONS SUBJECT TO S106 LEGAL OBLIGATION**

**1.1 S106 HEADS OF TERMS;**

- (i) Secure enabling works
- (ii) Monitoring Cost

**1.2** The applicant be informed that the committee be minded to refuse planning permission for the reasons set out in paragraph (3) below unless by 15 June 2022 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude an agreement to secure the following:

- (i) Secure enabling works
- (ii)** Monitoring cost

**1.3** In the event of such an agreement being made, the Director Public Services shall be authorised to grant permission subject to the conditions set out below.

**1.4** If the freehold owner shall fail to enter into such an agreement, the Director of Public Services shall be authorised to refuse permission at his discretion at any time thereafter for the following reasons:

Failure to secure enabling works

**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. No development shall take place, including any ground works or demolition, until such time as the visibility splays shown on DWG no. 1176-01-CIV-XX-00-DR-T-1009 Rev. P01 (Titled - Junction Visibility Splays) and 1176-01-CIV-CC-00-DR-T-1007 REV. P02 (Titled - Forwards Visibility Splays) have been physically provided and an associated maintenance regime secured in perpetuity. Such vehicular visibility splays shall be provided clear to ground and retained free of any obstruction for the life of the development.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
  - i. Safe access into the site.
  - ii. The parking of vehicles of site operatives and visitors.
  - iii. Loading and unloading of plant and materials.
  - iv. Storage of plant and materials used in constructing the development.
  - v. Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

4. Prior to the occupation of the development, the improvement of the existing access as shown on DWG no. 1176-01-CIV-XX-00-DR-T-1008 REV. P02 to include but not limited to, resurfacing, kerbing, any associated drainage works. Details to be agreed with the Local Planning Authority and implemented.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 5** No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 6** Prior to occupation of the development, a dropped kerb pedestrian crossing point both sides of the site access, including appropriate tactile paving, reconstruction/resurfacing, kerbing, drainage (as required), shall be provided.

Reason: In the interest of highway safety and accessibility, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 7** No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 8.** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 9** Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 10** All mitigation measures and/or works shall be carried out in accordance with the details contained in Herpetofauna Assessment (Herpetologic, Sept

2017) Great Crested Newt HSI & eDNA Survey, Bat Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, including but not limited to a pre-commencement survey for badgers and Barn Owls.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 11** Prior to commencement, the following works to Lea Hall, its barns, cottage and other outbuildings 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 (as amended) 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 Conservation of Habitats and Species Regulations 2017 (as amended), 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

- 12** Prior to commencement, the proposals 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 (as amended) authorising 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 Conservation of Habitats and Species Regulations 2017 (as amended), 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

- 13** Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.  
The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site (Variegated Archangel).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 14** Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Survey, Great Crested Newt HIS & eDNA Survey, Reptile Survey, Badger Survey (all The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019, shall be submitted to and approved in writing by the local planning authority.
- The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Uttlesford Local Plan Policy GEN7

- 15** Prior to occupation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.
- The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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If the development hereby approved does not commence within 12 months from the date of the survey results in Bat Survey, Great Crested Newt HSI & eDNA Survey, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.”

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

- 18** Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

Reason: In the interest of the historical importance of the site in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

- 19** Building Record  
No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority

Reason: In the interests of the historical importance of the building in accordance with Policies ENV2 and ENV4 of the Uttlesford Local Plan (adopted 2005).

- 20** Phased programme of archaeological investigation  
No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority prior to reserved matters applications being submitted.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

- 21** No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

- 22** The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005)

- 23** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting



that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place in respect of the proposed dwellings, without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings and buildings in accordance with the National Planning Policy Framework 2021 and the adopted Uttlesford Local Plan 2005 - Policy GEN2.

- 24** Petrol / oil interceptors shall be fitted in all car parking/washing/repair facilities.

Reason: Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses to accord with Uttlesford Local Plan Policy ENV12

- 25** Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 26** Details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

Reason: In the interests of preserving the historic character and appearance of the Listed Building and its setting in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

- 27** No development other than that required as part of further investigation or that required to be carried out as part of an approved scheme of remediation should be undertaken without prior approval from the Local planning Authority. Further site investigation should be undertaken to quantify the risk outlined within the Preliminary Risk Assessment contained in the Stanstead Environmental Service report ref. CON21-HATF-003 which is outlined in their annex F.

Reason: To protect human health and the environment in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 28** If found to be necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to receptors shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 29** 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 to demonstrate the effectiveness of the remediation carried out must be to and approved in writing by the Local Planning Authority.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 30** If, during development, contamination not previously identified is found to be present at the site, it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has carried out a full assessment of the extent of the contamination. Where remediation is necessary, a remediation scheme shall be provided detailing how this unsuspected contamination shall be dealt with. The details shall be submitted to and approved in writing by the local planning authority. 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.

Reason: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

- 31** Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
  - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Reason: to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated in accordance with ULP Policy GEN4

## **2. DESCRIPTION OF THE SITE :**

**2.1** The site is located to the east of Dunmow Road in Hatfield Heath. It is approximately 2.7 hectares in size and is bound to the south and west by agricultural fields and grassland. The surrounding area is predominately rural; however, the site is bounded by housing to the north and linear development along the main roads that lead into Hatfield Heath to the south and west of the site.

**2.2** Access to the site is to the east Dunmow Road.

The site is located to the north east of the village of Hatfield Heath which in turn is located approximately 5 miles south east of Bishop's Stortford. The M11 is approximately 5 miles away, providing access to Stansted Airport and Cambridge to the north, and London to the south. The nearest train station is located in Sawbridgeworth and provides direct train links to London Liverpool Street within 1 hour, and the north. The site is also served by bus routes with stops on Chelmsford Road (A1060), approximately an 8 minute walk from the site.

**2.3** Lea Hall itself is a Grade II\* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17<sup>th</sup> century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.

**2.4** There is a menage and tennis courts to the east of the site, to the south of Lea Hall in an adjoining field is an open-air swimming pool. There are further outbuildings including stables and storage buildings.

**2.5** To the north of Lea Hall are a group of Grade II Listed derelict barns.

**2.6** Within the grounds of Lea Hall (39m north) is an arch which is located over the carriageway of a small bridge over the moat of Lea Hall. This is Grade II Listed. There is a further archway to the rear of Lea Hall that is also Grade II listed. In addition, there is an ornament (former window tracery of the church of St Augustine) which again is Grade II listed

## **3 PROPOSAL**

**3.1** The proposal has been revised and is now for the refurbishment of Lea Hall including the addition of a new detached garage and detached swimming pool building and for conversion of barns to 8 no. dwellings. The

refurbishment of the single storey cottage and demolition of existing stables and farm stores. Erection of 3 no. new dwellings (This has been reduced from 5) and associated landscaping.

- 3.2 The development would create 2 x 1 bedroom, 5 x two bedroom, 3x four bedroom and 1x 5-bedroom dwellings.
- 3.3 Of these, three would be new build within the Metropolitan Green Belt.
- 3.4 Access would be using the existing access onto the Dunmow Road.
- 3.5 The development would include the erection of a new replacement swimming pool to be located south of Lea Hall in the adjacent field beyond the moat. A new footpath would connect the main house to the swimming pool. The existing timber pump house would be demolished.
- 3.6 The existing detached garaging serving Lea Hall would be demolished and a new two bay cart lodge erected on the footprint of the existing garages .A car port block would be built to serve the converted barns.
- 3.7 A further garage would be constructed to the south of Lea Hall on the footprint of the existing garage.
- 3.8 The existing tennis courts and associated fences would be retained.
- 3.9 All new dwellings would have private amenity space.

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

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### **5. APPLICANTS CASE**

- 5.1 The application is supported by the following documents:
  - Design and Access Statement
  - Environmental Statement
  - Flood Risk Assessment
  - Heritage Statement
  - Historic England Pre- application advice
  - Land contamination Assessment
  - Non – Technical Ecological Summary
  - Protected Species survey Report
  - Place Services Survey Report
  - Structural survey
  - Suds Checklist
  - Surface Water Drainage Strategy
  - Transport Assessment
  - Arboricultural Implication Report
  - Enabling Assessment (updated 20<sup>th</sup> January 2022)
  - Built Heritage Statement
  - Planning Statement
  - Tree Survey
  - Phase 1 Habitat Survey

Phase 1 Preliminary Risk Assessment  
Herpetofauna Assessment  
Bat survey  
Great Crested Newt survey  
Water vole Survey

**6. RELEVANT SITE HISTORY**

- 6.1 DUN/0268/61: Additions and alterations. Permitted Development
- 6.2 UTT/0230/84: Outline application for erection of an agricultural dwelling. Refused.
- 6.3 UTT/0700/93/FUL: Renewal of erection of agricultural dwelling and garage (previously approved under UTT/1506/89) Approved with conditions.
- 6.4 UTT/0876/89: Outline application for erection of an agricultural dwelling. Approved with conditions.
- 6.5 UTT/1321/88: Proposed reconstruction of chimney stacks. Approved with conditions.
- 6.6 UTT/1504/88: Proposed conversion and alterations of tack room and cottage. Approved with conditions
- 6.7 UTT/1505/88/LB: Proposed conversion and alterations of tack room and cottage. Approved with conditions.
- 6.8 UTT/1765/87: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.9 UTT/1766/87/LB: Proposed conversion of existing tack room and outbuilding to form gardeners/ caretaker's cottage. Refused.
- 6.10 UTT/19/3163/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending
- 6.11 UTT/19/3164/LB: Proposed renovation works to Lea Hall including the demolition of existing modern extensions, reinstatement of external render to match original, removal of section of ceiling to entry hall, replacement of modern internal floor finishes, minor alterations to internal walls and minor repairs to match existing. Pending
- 6.12 UTT/18/3379/PA: Refurbishment of Lea Hall and farm cottage. Conversion of existing barns and stables into 7no new dwellings. Construction of 5n new dwellings.

**7. CONSULTATION RESPONSES:**

**Hatfield Heath Parish Council**

- 7.1** The Parish Council object strongly to this application on the grounds that it is within the Metropolitan Green Belt, outside the village envelope, includes a designated ancient monument, is a designated site of architectural importance, in a minerals safeguarding area which is ecologically sensitive. Further, it is a clear attempt to build a full estate of houses in an inappropriate and remote location, with limited/dangerous access on a dangerous bend in the Dunmow Road and with a clear detrimental effect on an historical site presently designated as farmland. The development including Lea Hall itself would comprise 14 dwellings none of which appear to be designated as affordable, with only Lea Hall and the cottage being present dwellings (to which it does not object).

### **ECC Place Services - Ecology**

- 7.2** No objection subject to securing biodiversity enhancement measures  
Summary  
We have reviewed the new documents provided with this application including, the Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Water Vole Survey, and Badger Survey (The Ecology Consultancy, July 2020), Herpetofauna Assessment (Herpetologic, Sept 2017) and reviewed the Updated Ecological Conditions Report (Geosphere Environmental, September 2019); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.  
We are satisfied that there is sufficient ecological information available for determination.  
We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.  
The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation Licence for the development will be required. The trees with potential roosting features that are due to be felled did not hold active roosts at the time of the surveys, but due to their potential, soft felling under the supervision of a suitably qualified ecologist is required. The report also states that all works should be undertaken outside the bird nesting season (March to August inclusive) or within 48 hours of a nesting bird check undertaken by an ecologist. We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.  
The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site. Due to the time of year and the timescale for development it was not possible to establish a population size assessment of GCN. We note that habitats on-site which are to be affected by the work include the moat, short semi-improved

grassland (mown and rabbit grazed), small areas of longer semi-improved grassland, garden shrubs (unmaintained) and stored materials such as rubble piles which offer a range of breeding, foraging and refuge opportunities for great crested newts.

At the time of writing the reports, confirmation of the extent of works affecting the moat and surrounding habitats was also not determined and further information about the works would be required to inform the licensing application with suitable mitigation and enhancements required.

We note that, given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended). We recommend that a copy of the EPS mitigation licence for bats is secured by a condition of any consent.

We have reviewed the outline GCN mitigation strategy (Herpetologic, Sept 2017) and supported by which includes;

- Ecological supervision of works – to rescue any amphibians or reptiles prior to destructive activities
- Habitat management, pond creation and enhancements
- Follow up monitoring of water bodies

We therefore consider that, as indicated in the Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020), the LPA has certainty on likely impacts on GCN and that the initial mitigation strategy is appropriate and will ensure that the licensed activity does not detrimentally affect the conservation status of the local population of GCN in line with Natural England's licencing Policy 4. Given the varied habitats present and the complex nature of the site, the applicant's ecologists also consider that attempting a trapping and translocation programme on site would be inefficient and largely ineffective.

We agree that use of Natural England's new licencing Policy 1 would be reasonable in this situation. Use of Policy 1 would require a significant and demonstrable enhancement to the current habitats on site and would include measures such as creation of refugia and hibernacula, creation of new ponds, improvements to existing ponds and management / creation of beneficial terrestrial habitats such as hedgerows, woodland and grassland habitats.

These habitat enhancement measures need to substantially outweigh any losses in order to satisfy Natural England that the proposals demonstrate a significant enhancement otherwise trapping and translocation would have to be considered.

Further details regarding the works to the moat will be required to inform the final GCN mitigation strategy which will need to be approved by Natural England. If Natural England are not satisfied that the three licencing tests can be met, it may be necessary to undertake further surveys to determine population size of newts within the ponds. The Reptile Survey (The Ecology Consultancy, July 2020) followed previous surveys including those undertaken as part of the Updated Ecological Conditions Report (Geosphere Environmental, September 2019). The surveys undertaken for both reports were in the sub-optimal period for reptile surveys (June and July) and found only one grass snake on site. However, the mitigation and enhancement measures outlined for Great Crested Newts were felt to provide suitable protection for reptiles during the construction phase and enhancements post development, including the timing of works, phased

habitat clearance under an Ecological Clerk of Works. The Badger Survey (The Ecology Consultancy, July 2020) did not confirm the existence of setts on site or within 30m of the site, in contrast to a previous survey. However, it does recommend a further pre-commencement survey a maximum of 3 months prior to the start of any works. The dense scrub on the western side of the moat was not surveyed and an ecologist needs to be present during the clearance of this area. Other mammals are using the site, including rabbits, foxes and moles, and precautionary measures are required during construction to avoid breaching the Wild Mammals (Protection) Act (1996).

The Water Vole Survey (The Ecology Consultancy, July 2020) found no evidence of Water Voles on site and that the waterbody is isolated from any other potential populations and unlikely to benefit from enhancements for this species.

The Updated Ecological Conditions Report (Geosphere Environmental, September 2019) recommended a precautionary Barn Owl survey before works commence as some of the barns held roosting potential, although no evidence of current activity was found.

All the reports highlight the need for boundary habitats to be retained, enhanced and protected as part of this development, including the retention of wide grassland boundaries. Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, a Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommended that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions above based on BS42020:2013.

### **Specialist Archaeological advice**

#### **7.3**

Historic England should be consulted to obtain Scheduled Monument consent. No work either in the house or outside can commence until Scheduled Monument consent has been obtained.

No conversion of any kind shall take place until the applicant has secured and implemented a programme of archaeological building recording in



accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

A) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.

B) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

C) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

D) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report

Reason for Archaeological condition

The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double moated site occupied by the seventeenth century Grade II\* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds.

Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936). The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. It is recommended that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings

All archaeological work and development within the Scheduled Monument can only take be undertaken following approved Scheduled Monument Consent.

## **UKPN**

- 7.4 Should the excavation affect our Extra high voltage equipment, the applicant should obtain a copy of the primary route drawings and associated cross sections.

## **Thames Water**

- 7.5 No objection

## **Environmental Health**

- 7.6 No objections subject to conditions in respect of contamination and construction noise.

## **National Amenity Society**

- 7.7 Summary :
- Many aspects of the proposals within these 3 separate applications at Lea Hall will undoubtedly cause harm to the significance and the significance of the setting of Lea Hall and the other designated heritage assets within and adjacent to the proposal site. It is therefore a matter of clear and convincing justification for the degree of harm to significance, which rests on an accurate assessment of the conservation deficit and a reasonable quantum, and no more, of enabling development. The CBA urge your Authority, with the expert support of Historic England, to fully scrutinise and assess whether the quantum of works proposed is indeed justified, as required by paragraph 194 of the NPPF.
- Significance:
- Lea Hall itself is a Grade II\* Listed building (List number (1334062), dating from the 15th century. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- The time depth and continued evolution of Lea Hall and its setting creates complex layers of historical and evidential value and inter-relationships between the different buildings that all contribute to the significance of the overall site. Weighing the harm to significance against conservation works on site, as required by these 3 applications, will be a fine balance.
- Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF) require that a comprehensive assessment and understanding of the significance of the site must inform any proposals for change. Beyond this paragraph 194 states that “clear and convincing justification” for any harm to, or loss of significance must be evidenced. Given the enabling development component of this application, much of the justification for development within the sensitive setting of Lea Hall, and its designated agricultural building range, rests on a viability assessment which The Council for British Archaeology are not in a position to scrutinise. We therefore advise your Local Planning Authority to work closely with Historic England to assess whether the number of new domestic units and subdivision and conversion of the Grade II barns is justified by the conservation deficit on site. The CBA defer to the specialist expertise of

Historic England on these applications at Lea Hall in order to ensure that the requirements of section 16 of the NPPF are met.

### **Aerodrome Safeguarding**

7.8 No aerodrome safeguarding objections to the proposal

### **SPAB (Society for the Protection of Ancient Buildings)**

7.9 In considering the impact of the proposals we have focussed on those buildings that fall within our date remit (pre-1720). We note that the applications have been the subject of detailed pre-application advice by Historic England and your Conservation Officer and support the advice offered by them. We also note that, for the most part, the proposals have evolved positively in response to pre-application advice. Nevertheless, we remain extremely concerned about one aspect of the proposals, namely, to remove one of the three bays in the entrance hall ceiling to create a double height space at the main entrance. It is clear from the application documentation that this is the original C15 ceiling 'a double height space ceiling is unlikely to have previously formed part of the entrance hall'. We would therefore **STRONGLY OBJECT** to its removal as this would adversely affect the character and special architectural and historic interest of the listed building.

The applicant has not provided a robust justification for this aspect of the proposals. This is currently limited to a brief reference to the benefit to the occupant in terms of letting in more light, which we would not consider to be sufficient justification for an intervention that would result in the destruction of a significant portion of the historic fabric. It would also compromise both the legibility of the building's primary 15th century phase and the understanding of the building's historic plan form, adding to the level of harm caused. In this context we would bring to your attention paragraph 194 of the NPPF which states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

The proposed works by virtue of their detrimental impact and the loss of historic fabric would adversely affect the character and special architectural and historic interest of the listed building. The works would, therefore, cause harm to the significance of the heritage asset contrary to paragraph 195/196 of Chapter 16 of the National Planning Policy Framework 2019. In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. As a result, consent should not be given until the above point has been adequately addressed.

### **Essex Police**

7.10 Whilst there are no apparent concerns with the layout however to comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

## Historic England

7.11

### Summary:

The application seeks consent for the refurbishment of Lea Hall and the addition of a detached garage and swimming pool together with the demolition of barns and stables and their replacement with 13 dwellings. It is a site with a long history and an important group of highly designated heritage assets: the moated site, later medieval timber framed hall and its later farm buildings. We have already provided advice on the associated listed building consent applications and do not wish to offer advice on the demolition of the farm buildings and new dwellings. We have concerns regarding the impact of the new pool building and garage and recommend amendments are made to address these.

Lea Hall is a historic site with a well-preserved double moat, which is relatively rare within Essex, on which stands a fifteenth century timber framed house which was subsequently altered in the seventeenth century. To the north of the house lie a collection of farm buildings dating from the seventeenth century with later alterations. The site is located on the edge of Hatfield Heath with a landscape setting to the south and west. The moated site is a scheduled monument, the Hall is listed grade II\* and the farm buildings listed grade II.

Historic England visited the site and provided pre application advice in a letter dated 19 September 2019. We wish to offer advice on the proposals for the new garage and swimming pool building.

As we identified at the pre application stage, the moated site clearly has considerable archaeological potential. There is an existing double garage to the southwest of the Hall. It is proposed to demolish this and replace it with a larger, triple garage in the same area but on a different alignment. The construction of the new garage would cause some disturbance to the ground and, although we have no objection to the replacement of the garage, we recommend this is on the same footprint as the existing. Any works to the scheduled monument will of course require scheduled monument consent. The applicant should be advised that the granting of planning permission does not constitute Scheduled Monument Consent. In light of the archaeological potential of the moat island, we advised that the swimming pool was relocated away from the scheduled area, potentially on the site of the existing pool. We therefore welcome the decision to locate the pool off the moat island. However, it is proposed directly on the opposite side of the moat on axis with the formal garden layout to the south of the hall. The existing pool is uncovered whereas in contrast the new pool is enclosed in a large structure. While the weather boarded design seems appropriate and the glazed elements face south away from the moat and the Hall, it remains a large building, set apart from the former farm buildings and proposed new dwellings and we have concerns this would detract from the landscape setting to the south and west of the moat island. This would cause harm to the setting and significance of the moat and Hall.

The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 193. It continues that great weight should be given to their conservation

and that any harm requires clear and convincing justification, paragraphs 193 and 194. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 196.

Historic England has concerns regarding the construction of a larger garage on the moated site and the potential harm to the archaeology here. We also have concerns regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy. This also requires that any harm must be clearly and convincingly justified. There are a number of existing buildings outside of the moat and we suggest that any additional parking is provided in the area of these farm buildings. We recommend the garage on the moat island is replaced on the same footprint. With regard to the swimming pool, we suggest this is re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings), this would reduce the visual impact and mass of the building in views from the moated site and Hall.

Recommendation

Historic England has concerns regarding the application on heritage grounds due to the disturbance to the moat and the impact of the swimming pool on the significance of the Hall and moat. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193 and 194 of the NPPF.

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**7.12**

The moated site clearly has considerable archaeological potential. We therefore advised the existing garage was replaced on the same footprint. The proposal has been amended in line with our advice to replace the existing garage with a cart lodge garage. It is also proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures and we welcome this approach.

Our earlier advice explained our concerns that the new swimming pool building would detract from the landscape setting to the south and west of the moat island resulting in harm to the setting and significance of the moat and Hall. We advised the building was re-orientated to north - south and potentially set further to the west (assuming it cannot be accommodated with the group of farm buildings). Again, the proposal has been amended in response to this with the re-orientation of the building to a north – south alignment. This would help to reduce the visual impact and mass of the building in views from the moated site and Hall.

Recommendation

Historic England has no objection to the application on heritage grounds

### **ECC Highways**

**7.13**

The Highway Authority has reviewed the application and a key element is securing improved forward visibility and visibility from the site access, given the proposed intensification of use of the access.

The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway

Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

The applicant must be fully aware that should the proposal receive consent from the planning authority and the visibility splays are not secured in perpetuity by the development, then the Highway Authority would not support the proposal.

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

### **Place Services Conservation**

#### **7.14**

The applications pertain to the refurbishment of Lea Hall, the conversion of the associated farm buildings to 8 no. residential units and the erection of 5 no. new dwellings.

Lea Hall is a Grade II\* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventeenth through to the nineteenth centuries).

The proposals have been subject to pre-application advice including a site meeting with Historic England and a letter dated 22/05/2019. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this.

The proposals concerning the refurbishment of Lea Hall and the conversion of the farm buildings are addressed below in reference to the applications for Listed Building Consent.

With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. The proposed swimming pool building is located to the south of the moated site in the position of a pre-existing pool. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it

into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.

The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.

The proposed new builds were discussed at pre-application stage and are intended to off-set the conservation deficit of refurbishing Lea Hall and converting the farm buildings. An Enabling Development Assessment has been provided and this should be properly scrutinised by a relevant expert. If five new dwellings are required to eliminate the conservation deficit, as concluded by the Enabling Development Assessment, then the heritage benefits of refurbishing Lea Hall and the farm buildings (some of which are in a particularly poor structural condition) is considered to go some way to outweighing the less than substantial harm caused by five new dwellings within the settings of the listed buildings and scheduled monument.

The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. Plots 12 and 13 are one and a half storey L-shaped houses of a modest scale and simple form. The use of simple, modern details and traditional materials is a sympathetic approach and the uninterrupted roof planes (other than rooflights) lessen their visual impact when viewed from Lea Hall.

The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. The proposed houses are modern in design but reference elements of Essex vernacular architecture. Comments made during pre-application discussions have been taken into account. These three houses are large in scale (two four bed and one 5 bed) so this also needs to be considered in reference to the Enabling Development Assessment as smaller houses would be preferable and have less of an impact.

The proposed new dwellings are considered to result 'less than substantial harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme. There are some heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. It is suggested that the Enabling Development Assessment is scrutinised to ensure five new dwellings is the minimum required to off-set any conservation deficit.

If planning permission is granted, it is recommended that the following conditions are attached:

Samples of all external materials shall be submitted to and agreed in writing by the Local Planning Authority prior to their first use on site.

Additional drawings of new windows, doors, rooflights, glazed panels, balustrades, cills, eaves and verges, in section and elevation at a scale between 1:1 and 1:20 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction or installation on site.

Additional details of the types, colours and finishes of all boundary treatments and hard landscaping shall be submitted to and agreed in writing by the Local Planning Authority prior to their first installation on site.

#### Summary

Considering the scheme as a whole (application nos. UTT/19/3173/FUL, UTT/19/3164/LB & UTT/19/3163/LB), the proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). Paragraph 196 of the NPPF should therefore be considered. However, there are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for five (now reduced to three) new houses is only considered acceptable if they are required to off-set the conservation deficit, however, efforts have been made to mitigate harm through design. Paragraph 193 of the NPPF should also be considered as this affords great weight to the conservation of heritage assets. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant.

#### SUDS

##### 7.15

Holding objection, based on the following

- A detailed drainage plan is required which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features
- Drainage modelling is required for all events up to 1 in 100 years plus 40% climate change.
- Discharge rates should be limited to the greenfield 1 in 1 year rate or 1l/s, whichever is greater.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. Indices tables should be provided.
- Engineering drawings should be provided detailing the SuDS components used within the drainage system
- Maintenance plan - Prior to first occupation a maintenance plan detailing the maintenance arrangements should be submitted including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this



advice, we request that you contact us to allow further discussion and/or representations from us.

#### Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless, these are all very important considerations for managing flood risk for this development and determining the safety and acceptability of the proposal. Prior to deciding this application, you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

Sequential Test in relation to fluvial flood risk.

- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

## **8. REPRESENTATIONS.**

Two representations were received from neighbouring residents, (Expiry date 14<sup>th</sup> February 2020 and the following objections have been made:

- This proposed development is situated outside the village development area and is in green belt.
- The number of homes proposed (additional 13) is clearly a serious over development of a rural site.
- The impact on what is already a dangerous rural road will be significant
- Lee Hall itself as clearly everyone is aware is a 2\* star listed building. Apart from Down Hall which is some way from the village it is the only 2\* listed building in Hatfield Heath. The moat surrounding the house is a scheduled ancient monument.
- The group of farm buildings form yet another important listing.
- and in addition, some very interesting monuments within the grounds have their own listings.

This site therefore contains 5 separate listings in a village which in total has a mere 43.

Much loud work ongoing for last few weeks incl. with large 'digger'. Also, noise from frequent motorsport on what was paddocks on agricultural land.

## **9. POLICIES**

### **9.1 National Policies**

National Planning Policy Framework 2021

### **9.2 Uttlesford District Local Plan 2005**

ULP Policy S7 - The Countryside  
 ULP Policy S6 - Metropolitan Green Belt  
 ULP Policy GEN2 - Design  
 ULP Policy GEN8 - Vehicle Parking Standards  
 ULP Policy GEN7 – Nature Conservation  
 ULP Policy GEN1 - Access  
 ULP Policy GEN4 - Good Neighbourliness  
 ULP Policy GEN6 - Infrastructure Provision  
 ULP Policy ENV5 – Protection of Agricultural Land  
 ULP Policy GEN10 - Housing Mix  
 ULP Policy GEN3 – Flood Protection  
 ULP Policy H9 – Affordable Housing  
 ULP Policy ENV4 – Ancient Monuments/sites of Archaeological Importance.  
 ULP Policy ENV3 – Open Spaces and Trees  
 ULP Policy ENV14 – Contaminated Land  
 ULP Policy ENV2 – Listed Buildings  
 ULP policy ENV12- Groundwater Protection

**9.3 Supplementary Planning Document/Guidance**

Essex County Council Parking Standards (2009).  
 Accessible homes and Playspace  
 Uttlesford Local Residential Parking Standards (Feb2013)  
 Interim Climate Change Policy  
 National Planning Policy Guidance (NPPG)  
 Essex Design Guide

**10 CONSIDERATION AND ASSESSMENT:**

**10.1** The issues to consider in the determination of this application are:

- A. Principle of the development (ULP policies S7, S6, H6, E5) and NPPF)
- B. Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP policies GEN2, GEN4, S6 & NPPF)
- C. Impact on Listed buildings and their setting (ULP policies ENV2 ENV4 & NPPF)
- D. Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)
- E. Access/Parking and highway safety (Uttlesford Local Plan policies GEN1 and GEN8 and NPPF)
- F. Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF,)
- G. Drainage and Flood Risk (ULP policies GEN3, GEN6 and NPPF)
- H. Climate change (Interim Climate Change Planning Policy)

**A Principle of the development (ULP policies S7, S6, H6, E5 and NPPF)**

**10.2** The site is located outside the development limits for Hatfield Heath and is therefore located with the Countryside where Uttlesford Local Plan policy S7 applies.

Policy S7 specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there

- 10.3** The development would be contrary to the aims of Uttlesford Local Plan Policy S7 as the development would include three new dwellings in the countryside, however there are special reasons why the development in the form proposed needs to be there (please see below).
- 10.4** The site is located within the Metropolitan Green Belt where Uttlesford Local Plan Policy S6 applies. This states: Infilling, limited development compatible with the character of the settlement and its setting will be permitted within Hatfield Heath village. This development is not within the settlement limits of Hatfield Heath.
- 10.5** The National Planning Policy Framework (2021) attaches great importance to Green Belts whereby a fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence (Paragraph 137). Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances  
The proposed erection of dwellings in this location is by definition harmful to the Green Belt.  
The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.  
Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, is clearly outweighed by other considerations.  
The proposed erection of dwellings in this location is by definition harmful to the Green Belt.  
Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are.
- o Buildings for agriculture and forestry.
  - o Provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation and for cemeteries and burial grounds and allotments, as long as the facilities preserves the openness of the Green Belt and does not conflict with the purpose of including land within it;
  - o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
  - o the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
  - o Limited infilling in villages
- Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites) and

o Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm on the openness of the Green Belt, where the development would re- use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 10.6** The development would result in three new dwellings within the Metropolitan Green Belt which would have a detrimental harm to the character and appearance of the area by urbanising the site and its setting and by detracting from the visual openness of Metropolitan Green Belt land. The proposal is not one of the criteria above to be considered as very special circumstances.
- 10.7** This development would not comply with the aims of the NPPF or Uttlesford Local Plan policy S6 in respect of impact on the Metropolitan Green Belt..
- 10.8** The proposed works to refurbish Lea Hall and the adjacent barns and cottage would result in a conservation deficit.  
As such an element of new development would be required in order to reduce the conservation deficit.  
As such this application is for Enabling Development.
- 10.9** Enabling development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset.
- 10.10** Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 10.11** Heritage assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance. When considering the impacts of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and any harm to, or loss of, the significance of a designated heritage asset should requires clear and convincing justification.
- 10.12** The case for enabling development rests on there being a conservation deficit, i.e, the amount by which the cost of repair (and conversion to optimum viable use) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.
- 10.13** Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured

- 10.14** The harm done by enabling development contrary to other planning policies is likely to be permanent and irreversible.
- 10.15** The sums of money generated through enabling development are provided to directly solve the conservation needs of the place, not to solve the financial needs of the present owner, to support/finance a business or to compensate for the purchase price paid for the site. The amount of enabling development that can be justified will be the minimum amount necessary in order to address the conservation deficit and to secure the long-term future of the assets.
- 10.16** Lea Hall itself is a Grade II\* Listed building (List number (1334062), it is a substantial detached dwelling dating from the 15th century with 17<sup>th</sup> century additions. It is set within a Scheduled Ancient Monument (SAM) (number 1012093) relating to the moated site, which is likely to pre-date the current Lea Hall. Within the landscaped garden of Lea Hall are 3 separately designated edifices, each at Grade II. Beyond the moat and the SAM, but within the curtilage of Lea Hall is a range of Grade II Listed farm buildings (List number 1107936), which range in date between the 17th, 18th and 19th centuries.
- 10.17** In view of the above an Enabling Development Assessment has been submitted in support of the application.
- 10.18** The Enabling Development Assessment has been the subject of an Independent Assessment and subsequently revised.
- 10.19** The assessments all found that the proposed rehabilitation works to Lea Hall, including the barns and the cottage resulted in a Conservation Deficit. The estimated costs for the proposed development have been agreed by the independent assessor.  
Following the independent assessment, the swimming pool/leisure building has been excluded from the Enabling Development Assessment and the proposal has been revised to reduce the number of newbuilds in the green belt to three. (Two of the new builds have been removed from the scheme),  
It has been agreed that to enable the repair and alterations to both the listed main house and the listed barns, the new buildings in plots 9,10,11 are required which will give a return to the applicant of 12 %  
It is considered that the minimum level of development required to bring the viability of the scheme up to a deliverable level and to eliminate the conservation deficit, are three new dwellings.  
Any development below the level proposed would result in a conservation deficit and lead to the site being commercially unattractive to prospective developers.
- 10.20** The benefits of the proposals are considered sufficient to outweigh the significant and demonstrable harm arising from the proposals.
- 10.21** As such the principle of the proposal is now on balance acceptable and the three new dwellings within the Metropolitan Green Belt are considered to be acceptable in these exceptional circumstances.

**B**                    **Design, scale and impact on neighbour's amenity, impact on openness and character of the Metropolitan Green Belt (ULP Policies GEN2, GEN4, S6 & NPPF)**

- 10.22**                Local Plan Policy GEN2 requires that development does not cause an unacceptable loss of privacy, loss of daylight, overbearing impact or overshadowing to neighbouring residential properties. The proposal would not result in a material detrimental impact on neighbour's amenity by way of overlooking, overshadowing or overbearing impact. The proposed development would accord with the separation distances contained within the Essex Design Guide.
- 10.23**                The new dwellings have been designed to minimise the visual impact on the Metropolitan Green belt by their location, close to the existing built form and screened by mature trees and shrubs from the wider open fields. The new dwellings would, however, be out of keeping with the form and layout of surrounding properties. Following pre- application advice, efforts have been made to mitigate harm through design. The three larger houses to the east of the farm buildings (Plots 9, 10 and 11) will be more prominent additions to the site but are located further from Lea Hall, reducing some of their impact on its setting. This location is considered to be the most appropriate in terms of minimising their impact on the setting of Lea Hall, its scheduled moat and the three garden follies. The proposed houses are modern in design but reference elements of Essex vernacular architecture. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting. However, efforts have been made to address this impact through design and the location of the new dwellings. The new dwellings are positioned adjacent to the small cluster of dwellings to the north of the site. Views of the houses from the barns are shielded by the proposed cart lodge that is to be built in the location of the existing modern stable block.
- 10.24**                All the units would have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100m<sup>2</sup> and dwellings with 2 bedrooms should have private amenity space of 50m<sup>2</sup>. The gardens shown in the plans show that each plot would have adequate private amenity space to accord with the requirements of the Essex Design Guide.
- 10.25**                Local Plan policy GEN2 sets out general design criteria for new development and in particular requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The Essex Design Guide supplements this policy and the section 12 of the NPPF also relates to achieving well-designed places.
- 10.26**                The proposal has been the subject of pre- application advice and the design reflects the advice given.
- 10.27**                The three new houses share a common vernacular. All roofs are peg tiled and generally have a 47° pitch: this matches existing roofs to the barns. All three houses have an articulated gabled feature to entrance midstreys and rear jetty on Plots 9 & 10, and to the gable ends of Plot 11.

The inner returns of these features are to be timber clad, with large areas of glazing to the main walls, especially above entrances. Window openings set in render will have an angled reveal to one side; adding visual interest to the elevations and emphasising the horizontality of the buildings. In plan, Plots 9 & 10 are simple rectangles, with midstreys to the front entrances; this is similar to many agricultural buildings in the area. They have brick to the ground floor, with white render to the first floor and the gable ends. Brickwork chimneys provide a solid end to each of these houses.

The front façade of Plot 10 has a small overhang to the first floor. Plot 11 comprises two masses: the north part is brick and the south is white render. The roof to the north part is a parallel range, similar to the principle façade of Lea Hall. To the rear of all three of these houses, window openings are large and there is a triple sliding door to all living spaces, to create a good link with the gardens and permit plenty of daylight to enter the rooms. The ridge of the highest house is at the same level as the highest barn.

The proposed location of these new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.

The aim when designing the dwellings was to give the overall appearance of a dispersed group of former farm buildings that are traditional in form and materials, but with a contemporary approach to design.

**10.28** The scale and design of the proposed dwellings are considered to be appropriate for this site and that the proposal would comply with the aims of ULP policy GEN2

**C Impact on Listed buildings and their setting (ULP policies ENV2, ENV4 & NPPF)**

**10.29** In considering a proposal for listed building consent, the duty imposed by section 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

**10.30** The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets, paragraph 199. It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202.

**10.31** The NPPF states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). In this instance Paragraph 202 of the NPPF is relevant, which 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.

**10.32** The moated site is a scheduled monument, the Hall is listed grade II\* and the farm buildings listed grade II. A separate Scheduled monument

application has been submitted and two further applications for Listed building consent have been submitted for the works to the Listed buildings..

- 10.33** Lea Hall is a Grade II\* listed house (list entry no. 1334062) of fifteenth century origin with seventeenth century additions and later alterations. It is positioned in the centre of the Lea Hall Moated Site, a Scheduled Monument (list entry no. 1012093). Within the grounds of the house are three grade II listed garden ornaments: an arch 30 meters north of Lea Hall (list entry no. 1236863); some ornamental window tracery 40 meters west of the house (list entry no. 1325204); and an ornamental spire 35 meters to the south (list entry no. 1325204). To the north of the house, and outside the boundary of the scheduled monument, are a group of farm buildings of various dates (seventieth through to the nineteenth centuries).
- 10.34** The application has been the subject of pre-application advice with Historic England and Conservation Officers. The principle of sensitively restoring Lea Hall and converting the dilapidated farm buildings is supported. The application submitted broadly reflected the advice given. Concerns were raised regarding the impact of the large new pool building on the setting and significance of the moat and Hall. Given the highly designated status of the moat and Hall, great weight should be given to their conservation in line with policy
- 10.35** With regards to the proposed garages and swimming pool building serving Lea Hall, the size and position of these have been revised following comments by Historic England. The garaging and cart lodge replace existing buildings and are appropriate in design and scale. Parking for the dwellings are provided outside the moat and the swimming pool is located on the site of the existing swimming pool and has been re-orientated to north-south in order to reduce the visual impact and mass of the building in views from the moated site and Lea Hall. The building is large and the expanse of glazing on the south and east elevations further add to its visual prominence, however, it is located at a reasonable distance from the listed house and the simple form and weatherboard cladding help to integrate it into the site. Its revised north-south orientation also helps to lessen its visual impact when viewed from the house.
- 10.36** The proposal has also been amended to replace the existing garage with a cart lodge garage, it is also now proposed to replace the attached garage with a new timber framed garage. Both new buildings would be on the footprint of existing structures. The conversion and extension of the existing cottage is uncontentious. The alterations are sympathetically designed. The proposed new cart lodge to serve the barns replaces an existing structure and its design references traditional agricultural buildings.
- 10.37** Specialist conservation officers state that “The construction of new dwellings to off-set the conservation deficit is more contentious but if they are fundamental to the viability of the scheme and secure the future of the listed buildings then there would be no objection. An independent assessment of the submitted Enabling Development Assessment would confirm this”
- 10.38** As stated above an independent assessment of the submitted Enabling Development Assessment has been carried out and the number of new



dwellings to off set the conservation deficit has been carried out and as a result the scheme revised and the new dwellings reduced to three. The new builds will have an adverse impact on the setting of Lea Hall and the listed farm buildings by introducing additional built form into their settings and resulting in a more 'suburban' setting.

The proposed new dwellings are considered to result 'less than substantial harm' under the provisions of the NPPF and paragraph 196 should be considered in which the harm should be balanced against any public benefits arising from the scheme.

There are heritage benefits arising from the scheme including the sensitive refurbishment of Lea Hall and the sympathetic conversion of the farm buildings to provide the currently redundant buildings with a new use. The independent assessment advised that three dwellings is the minimum required to off- set the conservation deficit.

**10.39** With regards to the renovation of the barns to 7 dwellings specialist conservation advice is that it will result in some 'less than substantial' harm as the buildings will take on a more domestic appearance and will lose some of their intrinsic agricultural character. However, the heritage benefits of the scheme include providing the redundant farm buildings with a long-term, viable future use ensuring their future maintenance and conservation. The proposed conversion scheme is largely sympathetic to the existing buildings. An approach of minimal intervention is proposed: reusing existing openings where possible; using existing divisions within the buildings; retaining historic finishes where they survive; and retaining the internal farmyard as an open space.

**10.40** The refurbishment of Lea Hall is fully supported. Overall, an approach of minimal intervention has been taken in order to best preserve the special interest of the house and leave historic fabric intact. Most of the alterations proposed are uncontentious and will not be harmful to significance. The proposed demolition of the existing garage and outbuildings to the rear/side of the building raises no objections as they are of little interest. The initial proposal to remove the ceiling in the hallway has been omitted from the scheme; this proposal was harmful and would not have been supported. As noted within the Heritage Statement, the works will disturb some elements of historic fabric but, through design revisions, this has been minimised.

It is evident that the refurbishment will be extensive. The Building Survey Report highlights many areas requiring repair, refurbishment or replacement. One of the most visually dramatic alterations will be the re-rendering of the elevations to conceal the exposed timber frame, however, this is based on evidence from historic photos (and archaeological evidence in the building fabric itself) showing the once fully rendered elevations. It will also better preserve the historic timber frame.

**10.41** The proposals will result in some 'less than substantial' harm primarily through the construction of new dwellings (adversely impacting the settings of Lea Hall and the farm buildings) and the conversion of the farm buildings (due to a change in their character and impact on their special interest). There are considered to be heritage benefits to the scheme including securing the long-term viable future of the listed buildings and, in the case of Lea Hall, ensuring it remains in its optimum viable use (as a single dwelling). The need for three new houses is considered

acceptable to off-set the conservation deficit, however, efforts have been made to mitigate harm through design.

**10.42**

The Historic Environment Record identifies the proposed area for development as being within an area of highly sensitive structures and archaeological deposits. Elements of the proposed development is located within and adjacent to the Scheduled Monument of Lea Hall, a double moated site occupied by the seventeenth century Grade II\* listed house of Lea Hall (LUID: 1012093 and 1334062). The peak period during which moated sites were built was between about 1250 and 1350 and the moated site in this case is well preserved. Therefore, there is the potential for archaeological deposits being encountered from the medieval period onwards. The proposed conversion of the important adjacent farm buildings will have a significant impact on an important range of buildings, altering their present function. There is the potential of further archaeological deposits, either related to the farm complex or earlier occupation in the area of the new builds. Trial trenching will therefore be required before the construction of any proposed new structures within the development including the detached garage and 8 new dwellings following the demolition of the existing stables. Details regarding the archaeological investigation on the scheduled site will require discussions with Historic England and any work will need scheduled monument consent.

**10.43**

The buildings proposed for alterations comprise the Grade II listed farm buildings which exist 50 metres north of Lea Hall (LUID 1107936). The farm buildings date to the seventeenth, eighteenth and nineteenth centuries and retain much of their historic fabric and layout. Specialist archaeological advice is that prior to the alteration of the buildings they will be 'preserved by record' through an archaeological building recording survey. This will record both the external and internal structure identifying features that relate to their original functions and the phasing. This will include full frame surveys for all buildings. This can be secured by a suitably worded condition.

**10.44**

Further conditions should be secured in relation to trial trenching and open area excavation.

**10.45**

Subject to conditions, the proposal would comply with Uttlesford Local Plan policies ENV2 and ENV4.

**D**

**Mix of housing and Affordable housing (Uttlesford Local Plan policies H9, H10 and NPPF)**

**10.46**

Uttlesford Local plan Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.

The housing mix is considered to comply with the aims of policy H10.

**10.47**

Uttlesford Local Plan Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing

**10.48** The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing: Affordable housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more. The proposal does not include any affordable housing provision and is therefore contrary to Uttlesford Local plan policy H9.

**10.49** This application is for enabling development for which Paragraph 208 of the NPPF , states that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies, as such in view of the enabling viability assessment, it is considered to be acceptable that no affordable housing is provided.

**E Access/Parking and highway safety (Uttlesford Local Plan Polices GEN1 and GEN8 and NPPF)**

**10.50** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options.

**10.51** The proposal would use the existing access onto Dunmow Road. The proposal would intensify the use of this access and therefore Highway officers require the visibility through the existing access point should be improved to meet current standards. The area required for the forward visibility splay is common land, not highway , therefore an appropriate legal agreement is required to ensure that the applicant has control over the land and can provide the required visibility splays in perpetuity.

**10.52** The applicant has confirmed that a legal agreement will be entered into with the landowner to secure the required visibility splays, both from the site access and forward visibility along B183 Dunmow Road. However, as the content of this agreement has not been agreed with the Highway Authority, and is not currently in place, the Highway Authority would require a pre-commencement Grampian condition to ensure that the required visibility can be satisfactorily provided.

**10.53** In view of the above it is considered that the proposal, subject to conditions and a legal agreement, would comply with the aims of Policy GEN1.

**10.54** The proposed properties are a mixture of one, two, and four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two- and three-bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces.

**10.56** In accordance with Supplementary Planning Document – Accessible Homes and Playspace the proposed dwellings would need to be accessible and designed to Lifetime Homes Standards. In new housing developments, 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 and 2016 amendments. In this respect Part M4 (2) paragraph 2.12 relating to car parking, in order to comply with the building regulations, it states:

Where a parking space is provided for the dwelling, it should comply with all the following.

- a) Where the parking is within the private curtilage of the dwelling (but not within a carport or garage) at least one space is a standard parking bay that can be widened to 3.3m
- b) Where communal parking is provided to blocks of flats, at least one standard parking bay is provided close to the communal entrance of each core of the block (or to the lift core where the parking bay is internal) The parking bay should have a minimum clear access zone of 900mm to one side and a dropped kerb in accordance with paragraph 2.13d
- c) Access between the parking bay and the principal private entrance or where necessary, the alternative private entrance to the dwelling is step free.
- d) The parking space is level or, where unavoidable, gently sloping
- e) The gradient is as shallow as the site permits.
- f) The parking space has a suitable ground surface.

**10.57** Each property would be able to meet or exceed the required parking standards. Two visitor parking spaces would also be provided. Therefore, the proposals comply with Policy GEN8 of the adopted Uttlesford Local Plan 2005

**F Biodiversity (Uttlesford Local Plan policy GEN7, ENV7, ENV8 and NPPF)**

**10.58** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

A Biodiversity Questionnaire has to be submitted by the applicant with any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the Council to assess whether further information is required in respect of protected species and their habitats. A Bat Survey, Great Crested Newt Survey, Reptile Survey, Water Vole Survey, Badger Survey, a Herpetofauna survey, have been submitted with the application.

Essex County Council, Place Services, Ecology have been consulted and has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures, which if the application is approved can be secured by condition.

**10.59** The Bat Survey (The Ecology Consultancy, July 2020) confirms bat roosts in the main house, cottage, central barn and barn complex and a European Protected Species (EPS) Mitigation Licence for the development will be required.

**10.60** The Great Crested Newt HSI & eDNA Survey (The Ecology Consultancy, July 2020) confirmed the presence of GCN in one waterbody on site and one adjacent to the site and that terrestrial commuting, foraging and hibernating habitat exists across the site

**10.61** Given that the proposed works will directly, albeit temporarily, affect Pond 1 and will result in the loss of terrestrial foraging and refuge habitats a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England prior to the start of works, in order to avoid an offence under the Conservation of Habitats and Species Regulations 2017 (as amended).

**10.62** Due to the number of protected and Priority species and habitats affected by this scheme and the complex and diverse nature of the site, an Construction Environmental Management Plan: Biodiversity and an Ecological Management Plan should be secured by conditions of any consent to ensure that appropriate mitigation and enhancement measures are brought together from the various ecological reports submitted as part of this application.

Given the presence of confirmed bat roosts and boundary features that could provide commuting and foraging opportunities for bats and other wildlife on site, it is also recommend that a wildlife sensitive lighting design strategy is secured for submission to the LPA as a condition of any consent. This should identify areas that are sensitive to wildlife and how light spill to these areas will be avoided.

The Bat Survey, Great Crested Newt HSI & eDNA Survey, Reptile Survey, Badger Survey (The Ecology Consultancy, July 2020) and Updated Ecological Conditions Report (Geosphere Environmental, September 2019) outline enhancement measures that should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. These reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured prior to slab level. These measures can be secured by a suitably worded condition.

**10.63** As such it is not considered that the proposal, subject to appropriate conditions would have any material detrimental impact in respect of protected species to warrant refusal of the proposal and accords with ULP policy GEN7.

**G Drainage and Flood Risk (ULP policies GEN3 and GEN6 and NPPF)**

**10.64** Policy GEN3 requires development outside risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere. The site is located within flood zone 1, therefore it is a site with the lowest risk of flooding (more than 1 in 1000 years).

A flood risk assessment has been submitted with the application and the Local Lead flood Authority has been consulted.

**10.65** A holding objection has been received requiring further information to be submitted.

**H Contamination (ULP policy ENV14)**

**10.66** The site will involve the conversion of existing barns to residential purposes, which have a history of agricultural use including livestock

husbandry and storage. The existing stables will be demolished to make way for 3 new detached dwellings. There are areas of made ground on site (including the tennis courts and ménage) that may be given over to amenity space and soft landscaping for the proposed residential dwellings, together with a number of watercourses which may be vulnerable to any contamination that may be present on site.

A land contamination assessment has been submitted in support of the application.

In view of the above considerations and the contamination-sensitive proposed end residential use with gardens over the whole site, it is essential to ensure that any contamination risks (both on-site and off-site) are identified and assessed, and where necessary remediated, to render the site suitable for its intended use. At the very least, a Phase I Desk Study to identify any potential contamination risks, and the need or otherwise for further site investigations, needs to be undertaken. If the application is approved these can be achieved by suitably worded conditions.

It is recommended that a Construction Environmental Management Plan is attached to any consent granted to ensure that construction impacts on adjacent residential occupiers are suitably controlled and mitigated.

## **I Climate Change (Interim Climate Change Planning Policy)**

- 10.67** In order to comply with the Interim Climate Change Policy, a minimum of 23% of all the car parking spaces are to be provided with electric vehicle fast charging points. The remaining parking spaces will all have ducting provided for future installation of fast charging points.
- 10.68** The refurbishment of Lea Hall itself would use minimal new materials. Where new materials are to be used, such as the garage and swimming pool sustainable materials are to be used. The proposed swimming pool is to use locally sourced natural clay bricks and timber boarding sourced from sustainable forests
- 10.69** The conversion of the existing barns looks to also retain as much existing historic fabric with any new materials being locally sourced due to the historic nature of the buildings and the need for any remedial work to be sympathetic and contextual and looks to work within the existing footprint minimising excessive increases in built footprint  
The three new dwellings are to be highly insulated dwellings which also look to reference the immediate context through the use of traditional sustainable materials where possible but in a contemporary form. Due to their location adjacent a Scheduled Ancient Monument care has been taken to use materials which sit comfortably with the existing and are contextual. This will mean materials are sustainable without the need for excessive placement or unsustainable maintenance
- 10.70** local materials such as clay bricks, native timber, lime render, plaster and mortar, flint and local gravel /hoggin are to be used throughout the development. Although the site is listed and a Scheduled Ancient Monument where possible the applicant will look to source materials in line with such schemes as the BRE BES 6001:2008 Responsible Sourcing Standard.

**10.71** The new dwellings are to be constructed using timber frame. This will result in significant construction works being completed within a factory with panels delivered to site for erection. This will reduce waste on site, reduces construction time on site minimising pollution, HGV movements, travel for employees who are likely to be located near factories and overall better quality due to factory conditions.

**10.72** All new dwellings are to be highly insulated in order to produce favourable internal temperatures. The new dwellings have been designed with study areas to promote home working reducing the need for travel by car

**10.73** Energy efficiency is to be introduced in the form of LED's, low water usage fittings, low ambient UFH  
All new dwellings are to benefit from ground source heat pumps reducing the requirement for fossil fuels and have a low environmental impact  
Emissions are to be kept to a minimum through well insulated and airtight properties

## **11. EQUALITIES**

**10.1** 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. 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.

## **12. CONCLUSION**

**A** The submitted proposal would constitute enabling development and is therefore on balance considered to be acceptable.

**B** The design and scale of the proposals is acceptable. The proposal would have a detrimental impact on the openness of the Metropolitan Green Belt.

**C** The proposed location of the new houses will minimise their impact on the setting of Lea Hall and the Scheduled moat.

The proposal represents the minimum amount of enabling development that can be justified necessary in order to address the conservation deficit and to secure the long-term future of the assets.

**D** The housing mix is acceptable and lack of affordable housing justified.

**E** The access subject to compliance with a Grampian condition requiring an unilateral undertaking is acceptable. Sufficient parking provision would be accommodated on the site to comply with ULP policy GEN8

**F** The application provides sufficient information and evidence to demonstrate that the proposals (subject to condition and licences being obtained) would not adversely affect protected species, subject to planning conditions. As such the proposal complies with policy GEN7

**G** The site is at low risk of flooding

**H** The proposal would comply with the aims of the Councils Interim Climate Change Policy

**13.** It is therefore recommended that the application be approved subject to conditions and a S106 .