



ITEM NUMBER: 8

PLANNING COMMITTEE DATE: 16 October 2024

REFERENCE NUMBER: UTT/24/0124/FUL

LOCATION: Land To The Rear Of The Fighting Cocks
Mutlow Hill
Wendens Ambo
Saffron Walden

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 30 September 2024

PROPOSAL: 5 no. dwellings (including 1no. family holiday let dwelling), access road, landscaping and other enabling external works.

APPLICANT: The Audley Inn Ltd

AGENT: Mr R Turner

EXPIRY DATE: 20.03.2024

EOT EXPIRY DATE: 31 October 2024

CASE OFFICER: Genna Henry

NOTATION: Outside Development Limits
Archaeological Site
Within a Local Wildlife Site: Wendens Ambo – Station Road
SSSI – Impact Risk Zone

REASON THIS APPLICATION IS ON THE AGENDA: The application is reported to Planning Committee at the discretion of the Head of Development Management & Enforcement, to allow Planning Committee to assess the public benefits of the development.

1. EXECUTIVE SUMMARY

- 1.1** Full planning permission is sought by the applicant for erection of 4no, 4bed, dwellings to the rear of the site and a fifth dwelling comprising of a holiday let.
- 1.2** The site comprises of a triangular shaped plot approximately 0.33 ha, located outside the development limits of Wendens Ambo to the east, along the B1038.
- 1.3** The proposals forms part of wider developments at the application site, which are subject of separate applications. Ultimately the proposal appears cramped within the plot and, effectively urbanises the entire site. Thus, the proposals are to the detriment of the intrinsic countryside character.
- 1.4** Less than substantial harm has been identified to the setting of the Fighting Cocks, public house. Therefore, on balance, Officers take the view that due to the adverse impacts of the proposal, these ‘significantly and demonstrably’ outweigh the benefits of the proposed development.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to **REFUSE** permission for the development subject to those items set out in section 17 of this report -

REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

- 3.1 The site, fronting, Mutlow Hill, hosts Fighting Cocks Public House which is a Grade II listed (list entry number: 1238298) building. The building is an early-mid nineteenth century red brick building of two storeys and has a detached barn building adjacent to the flank wall.
- 3.2 The public house is located at the eastern entrance to Wendens Ambo (from the B1039) with an existing vehicle access to the public house off the B1383, Mutlow Hill.
- 3.3 To the rear of the site comprises of parking facilities that provides additional parking spaces for Audley End train station.
- 3.4 The application site is to the rear of the Fighting Cocks, public house, but not formally part of the application site. However, at the time of writing, there are related applications currently pending consideration for related developments at the host site which will include works to the grade II listed pub. These works are considered under separate applications (refs. UTT/24/1651/FUL and UTT/24/1652/LB).

4. PROPOSAL

- 4.1 The works subject of the current application is twofold. The first part of the application comprise of 4no. residential units to the rear of the public house.
- 4.2 The fifth dwelling proposed would be a holiday let specifically for families.
- 4.3 Associated works, such as, access road, parking spaces are also proposed as part of the application.

5. ENVIRONMENTAL IMPACT ASSESSMENT

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

6. RELEVANT SITE HISTORY

6.1

Reference	Proposal	Decision
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UTT/24/1651/FUL	Redevelopment comprising of single storey extensions and internal alterations to the public house to form new kitchen and restaurant, erection of 10no. holiday lets (bed and breakfast accommodation), single storey extension and associated works to detached barn.	Pending consideration
UTT/24/1652/LB	Redevelopment comprising of single storey extensions and internal alterations to the public house to form new kitchen and restaurant, erection of 10no. holiday lets (bed and breakfast accommodation), single storey extension and associated works to detached barn.	Pending consideration
UTT/20/1718/FUL	Retention and refurbishment of outbuilding, rear single storey extension and side lobby. Proposed extensions to public house to form restaurant, holiday lets/bed and breakfast accommodation, lobby, new kitchen, lavatories and store. Conversion of first floor of public house to 4 no. ensuite bedroom units	Approved
UTT/20/1719/LB	Retention and refurbishment of outbuilding, rear single storey extension and side lobby. Proposed extensions to public house to form restaurant, holiday lets/bed and breakfast accommodation, lobby, new kitchen, lavatories and store. Conversion of first floor of public house to 4 no. ensuite bedroom units	Approved

7.

PREAPPLICATION ADVICE

7.1 Two rounds of pre-application advice have been sought by the applicant for similar schemes.

7.2 The current application follows the most recent advice from 2022.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Advisory comments made.

9. PARISH COUNCIL

9.1 Comments of support that the pub extension and the erection of 4no. new homes would be advantageous to the village.

9.2 Keen to see the Fighting Cocks brought back into use and has been missed in recent years.

10. CONSULTEE RESPONSES

10.1 UDC Special Roadside & Verges

10.1.1 No objections as the site does not directly affect the Special Verge / Local Wildlife Site (LoWS). However, the application site is within the vicinity of a LoWS (Ufd81) and so the construction of 5 dwellings will produce a contractor vehicles which require parking, so a planning condition is suggested to protect the special verges / LoWS during construction period.

10.2 UDC Environmental Health

10.2.1 No objection, subject to contamination, noise, construction/demolition conditions, lighting and air quality conditions/measures.

10.3 UDC Landscape Officer/Arborist

10.3.1 No comment received.

10.4 UDC Ward Councillor

10.4.1 Strong support for the application, the application will safeguard a heritage asset, add to the rural economy, enhance provision of tourist facilities in Uttlesford and bring a significant hospitality venue back into use.

10.5 Place Services (Conservation and Heritage)

10.5.1 It is understood that Plot A is to be a single storey short stay let however this would also have an unavoidable impact upon the setting of the listed building and it is considered a large building in footprint. It is understood

that by design it would reference traditional outbuildings or agricultural buildings within the District. The removal of rooflights is welcomed but does not override the harm identified.

10.5.2 Regarding the development of four dwellings to the rear within Plots B-E, the proposed development would significantly impact the setting and significance of the listed building, before the quantum can be agreed the principle must firstly be established. Furthermore, there are concerns at present upon the proposed footprint and massing, which is greater than or similar to the listed building. It was recommended at pre-application stage that the dwellings within the plots are reduced in scale, however for the current submitted scheme the gross internal area appears to have been increased with gable projections to the front and rear elevations of the dwellings. As mentioned within previous Pre-Application Advice (2022) 'Plot B is considered to be the least acceptable unit and would therefore require strong justification for its inclusion'.

10.5.3 Notwithstanding the requirement for a marketing exercise and for the principle to be established by the Local Planning Authority, the proposals with regards to The Setting of Heritage Assets (GPA Note 3) are considered to result in a moderate-high level of less than substantial harm to the setting and significance of the listed building. Were sufficient justification to be demonstrated, it would be unfortunate if such a quantum of development, or similar, was required given the harm. (Feb 2024)

10.5.4 2nd response
'With regards to the information provided to support the case for enabling development, I do not consider that this meets the requirements as set out in Historic England's Good Practice Advice Note 4 Enabling Development (2020). No condition survey has been provided to understand the current and future conservation needs of the heritage asset and neither have alternative uses or ownership options been explored, nor has evidence of market testing or attempts to find alternative sources of funding been provided. Whilst cost information has been provided, this is not dated and does not constitute a schedule of repair costs provided by a suitably qualified professional based on a sound understanding of the condition of the asset. Any financial assessments underpinning the proposals (including the market value of the asset in its current state and when completed) should also be provided or verified by a suitably qualified professional. (Sept 2024).'

10.6 Place Services (Ecology)

10.6.1 No objection, subject to mitigation and biodiversity enhancement measures.

10.7 Place Services (Archaeology)

10.7.1 No objection, subject to relevant conditions.

11. REPRESENTATIONS

11.1 The application has been advertised by way site notice, press notice and 18 notifications letters were sent to nearby properties.

11.2 Support

- 11.2.1**
- The car park has always been an eyesore and 5no houses and landscaping will enhance the area
 - Development would not cause substantial harm to the chalk stream or the grade II listed building
 - Developments are modest in scale
 - Proposals contribute to a lack of overnight accommodation within the area and a well-run pub
 - Fighting Cocks is an important part of our village history where many fond memories are created
 - Diversification of the pub is beneficial to the community
 - A revitalised establishment will enhance the aesthetic of the village
 - proposed dwellings to the rear of the site with landscaping are an improvement to the tarmacked car park.

11.3 Object

- 11.3.1**
- Noise and light pollution implications
 - Traffic Management Plan required due to the 50mph speed limit
 - The vistas around the historic public house should be protected and maintained
 - More strict controls and more detail as to the border with the land at Old Mill House (foundations works should not result in further land slides into adjacent land / appropriate landscaping)
 - comfort that construction works will not impact neighbouring land / or impact privacy
 - Ecology did not pick up relevance wildlife
 - Sewerage works do not appear on the visualisations and impact of plans not understood
 - inappropriate housing density for the area
 - The scheme does not demonstrate an understanding, nor positively relate to, the site of the wider context
 - The scheme will have an urbanising effect and harm to the grade II listed building and out of character to the landscape
 - the proposed housing is of no architectural merit (being generic detached properties) that reflect the historic pattern, vernacular of the surrounding listed dwellings (Millside Barn and Mill House) and setting of the grade II listed pub
 - inappropriate garden sizes for the size of the dwellings
 - Poor amenity (noise/privacy) and conflict of the residential use and the public house
 - Increased traffic generation
 - disruption to wildlife
 - Site is subject to flooding

- Developing the associated land public house by using a one of payment from the proposed housing does not ensure viability for the future.
- Loss of parking for the visitors to public house resulting from the development of 5no. houses does not support the entertainment venue
- Combined with the approved ref UTT/20/1718/FUL the proposal would urbanise the area and not in keeping with the heritage landscape
- Reduction in houses would reduce the density issues
- Nearby roads B1383 and B1039 are dangerous roads to cross on foot. A proper assessment on highway / pedestrian safety
- Noise concerns to existing neighbours and wildlife
- The site has recently been landfilled to increase car parking area to the rear of the site, elevating the site to an unnatural extent would have a prominent and overbearing effect on the local landscape
- Out of character
- the proposals will dominate the skyline and materially and detrimentally impact grade II listed pub, Fighting Cocks, and Grade I Listed Park and Garden of Audley End (350m north) of the site
- Proposal would result in an incongruous mix of residential and public house with associated noise and traffic at unsocial times of the day
- Site is close to the River Cam and foul and surface water drainage are a threat to a sensitive environment

11.4 Comment

11.4.1 Officers are aware there is public support for this scheme and keen to see the Fighting Cocks pub reopen for local residents, but also for tourism purposes. Notwithstanding this, and as always, each case will be assessed on its on merits.

11.4.2 The objections received in relation to the development being out of character, insensitive to the designated heritage asset will be addressed in the assessment below.

11.4.3 Comments have been received in relation to the borders with at Old Mill House, however, these appear to be civil matters that need to be resolved with the relevant parties.

11.4.4 Comments have been received in relation to the proximity of the site to the River Cam, however, the distance from the river is not within the consultation distance to consult the Environment Agency. No further action has been taken.

11.4.5 Comments have been received that the site has been recently landfilled, but these are matters outside the planning application process.

12. MATERIAL CONSIDERATIONS

12.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The

Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

12.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

12.3 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area.

12.4 The Development Plan

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made February 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S7	The Countryside
GEN1	Access
GEN2	Design
GEN3	Flood Protection
GEN4	Good Neighbourliness
GEN5	Light Pollution
GEN6	Infrastructure Provision
GEN7	Nature Conservation
GEN8	Vehicle Parking Standards
H3	Infilling with New Houses
H4	Backland development
H10	Housing Mix
LC2	Access to Leisure and Cultural Facilities
LC5	Hotels and Bed and Breakfast accommodation
ENV2	Development affecting Listed Building
ENV4	Ancient Monuments and Sites of Archaeological Importance
ENV10	Noise Sensitive Development
ENV11	Noise generators
ENV13	Exposure to Poor Air Quality
ENV14	Contaminated land
ENV15	Renewable Energy

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is not 'made' Neighbourhood Plan for the area.

13.4 Supplementary Planning Document or Guidance

Uttlesford Local Residential Parking Standards (2013)
 Essex County Council Parking Standards (2009)
 Supplementary Planning Document – Accessible homes and playspace
 Supplementary Planning Document – Developer's contributions
 Essex Design Guide
 Uttlesford Interim Climate Change Policy (2021)
 Uttlesford District Council: District-Wide Design Code (June 2024)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Design, Layout and Heritage Implications**
 - C) Highways, Access and Parking**
 - D) Residential Amenity**
 - E) Landscaping, Arboriculture and Nature Conservation**
 - F) Flood Risk and Surface Water Drainage**
 - G) Environmental Health and Contamination**
 - H) Other Matters**

14.3 A) Principle of Development

14.3.1 The application site is located outside development limits of any defined villages of towns within the district and thereby it is designated as being within the countryside whereby Policy S7 applies.

14.3.2 It is acknowledged that ULP (2005) Policy S7 is not fully consistent with the NPPF (2023), in that protecting the countryside for its own sake is more restrictive than the Framework. Although, the LPA considers that aspects of Policy S7 are still relevant in the determination of applications outside development limits within the countryside.

14.3.3 Thus, where Policy S7 stipulates that 'development will be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there is special reason why the development in the form proposed needs to be there'. The LPA deems this criterion relevant for assessing applications outside development limits. Furthermore, the Planning Inspector states in recent appeal examples (e.g. ref. APP/C1570/W/20/3251991) that with regards to Policy S7 significant weight should be afforded to this policy when considering proposals in the countryside.

14.3.4 Suitability and Location

14.3.5 The application site is clearly outside development limits, but within the wider curtilage of the public house. Nonetheless, this portion of Wendens Ambo is generally characterised by limited amenities and services.

14.3.6 It is recognised that the proposed development would be located primarily to the rear of the public house and potentially, to the rear of approved developments (in relation to ref. UTT/20/1718/FUL and UTT/20/1719/LB). As such, the site cannot be reasonably considered as isolated. However, this does not mean that it will be sustainable in terms of access to shops, services, community facilities in which future occupants can rely upon.

14.3.7 For the 'proximity to services' the location is inappropriate because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is very limited. This means that for the majority of journeys the only practical option would be the use of cars. Although, it could be argued that, the new dwellings could support local services in nearby villages, complying with paragraph 83 of the NPPF (2023). It is acknowledged this contribution would be minimal, and as such, it would hold very limited weight in decision-making.

14.3.8 It is also worth noting that there are bus stops nearby that facilitate access to nearby amenities. Bus route numbers 321 and 444 are in close proximity to the site i.e. London Road. These routes both provide services to Saffron Walden, Newport, Littlebury and Chrishall. Also the site is 0.3miles, a 6 min walk, from Audley End train station which provides

services to Stansted Airport, London Liverpool Street, Bishop Stortford, Cambridge and Norwich.

- 14.3.9** In summary, although not completely ideal due to the lack of facilities in Wendens Ambo, the proposed dwellings would on balance be a suitable location for housing having regard to the accessibility of services and facilities. Therefore, it would accord with ULP Policy GEN1(e) and paragraphs 108 and 114(a) of the NPPF (2023).
- 14.3.10** Countryside Impact
- 14.3.11** The NPPF (2023) states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the character of the countryside (para. 180(b)).
- 14.3.12** Although, the supporting Planning Statement indicates that the land to the rear of the site has been previously developed and also the rear of the site is used for car parking purposes. Thus, the LPA are of the view that the site constitutes previously developed land, but will still need to satisfy the requirements of ULP Policy S7 and relevant countryside policies of the NPP (2023).
- 14.3.13** Policy LC5 (Hotels) and Bed and Breakfast Accommodation) states that development outside development limits will only be permitted if either of the following apply; (a) it involves the re-use of a rural building, or (b) it is an extension or replacement of an existing serviced accommodation.
- 14.3.14** The proposed development includes a holiday let dwelling built to the front of the application site and adjacent to the Fighting Cocks, but set back to the rear of the public house. It is noted that an approved application to the main site has been approved for 10 holiday let buildings (UTT/20/1718/FUL and UTT/20/1719/LB), and this application seeks to add an additional holiday let dwelling. In the approved application for the holiday lets to the rear of the public house, justifications were made with reference to the NPPF (2023) i.e. supporting rural economy and the Council's Economic Development Officer was consulted on the proposals which provided additional support.
- 14.3.15** However, Officers are of the view that a single holiday let dwelling in this location is not considered appropriate, nor adequately justified, given that the adjacent site (within the applicants ownership) already has approved 10 holiday units. An additional holiday unit, in this location is not considered necessary given the proximity of the other adjacent 10no. holiday lets approved. It is noted from the supporting document that the reason for the single storey holiday lets is to accommodate families, as the 10no. approved holiday lets are more appropriate for single persons, although, the LPA consider that this could be remedied by amending the floor plans of the approved holiday lets to accommodate 1-2no bigger family let rooms.

- 14.3.16** ULP (2005) Policy H3 is targeted for proposals within development limits and states that infilling with new houses will be permitted on land if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. Although, the preamble of the Policy H3 states at paragraph 6.1 that 'if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development'.
- 14.3.17** Policy H4 states that a parcel of land that does not have a road frontage will be permitted subject to relevant criteria, one of those being H4(a) which states where there is a significant under-use of land and development would make more use of it.
- 14.3.18** As indicated by the planning history, there has been an approved application on the front part of the site (ref. UTT/20/1718/FUL and UTT/20/1719/LB) which comprise of the following developments;
- extensions to the barn building
 - extensions to the Fighting Cock, public house to form next restaurant
 - 10no. holiday letting rooms to the rear of the public house
 - internal alterations to the pub
 - conversion of the first floor of the pub into 4no. ensuite units.
- 14.3.19** The applicant maintains in their Planning Statement that the approved extensions to the public house will be reduced, which has subsequently come forward as separate applications (refs. UTT/24/1651/FUL and UTT/24/1652/LB) with a similar development to the approved scheme. It should be noted the applicant has indicated that works to application(s) UTT/20/1718/FUL and UTT/20/1719/LB have commenced.
- 14.3.20** One of the key reasons as to why this current scheme has come forward, as the case has been made, that the applicant has not been able to fully implement the approved scheme (ref. UTT/20/1718/FUL and UTT/20/1719/LB). The applicant maintains this is primarily due to the impacts of Covid-19 pandemic, as the applicant has lost funding as a result of the impacts of lockdowns, hybrid workings which has, in turn, impacted the use of the car park to the rear of the site which has been a source of income. Also, another reason this redeveloped to the rear of the site has been due to the subsequent increase in building cost/materials and labour, but also to support the business and bringing the heritage asset back into use.
- 14.3.21** While the LPA are sympathetic to the applicant's predicament, although, it is evident the applicant intends to build the entire site so that, ultimately, there becomes a mix of residential and commercial uses proposed. The latter uses to be expanded to the front of the site have the potential to impact the sensitive residential uses at the rear of the site.

- 14.3.22** Plot B would be situated close to car park and holiday let buildings, which could harm the amenity of potential occupiers of the dwelling.
- 14.3.23** Ultimately, the proposed residential uses to the rear have been designed as four large 4no. bed dwellings. Plots B, C and D have been spaced approximately 1.5 metres and, overall, the dwellings appear cramped within each plot and situated close to the southern boundary providing limited private amenity space.
- 14.3.24** In terms of amenity impacts, these will be later assessed in more detail below, but in terms of the principle of development, the proposal would appear overdeveloped, with an urbanised character, evident by the scale of the proposed dwellings, the limited amenity space for each plot, and potential harms to amenity to the Plot B dwelling. Moreover, Officers do not view an additional family holiday let dwelling, particularly of the scale proposed, as appropriate in this location.
- 14.3.25** Thus, the LPA are of the view that the proposed development fails to protect, or enhance, the character of this part of the countryside and that the approved developments at the front of the site, (ref. UTT/20/1718/FUL and UTT/20/1719/LB), and subsequent applications refs. UTT/24/1651/FUL and UTT/24/1652/LB), are material considerations in the determination of this current application. Together these developments will amount to overdevelopment i.e. urbanisation of the entire site. Thus, the proposal is contrary to the Uttlesford Local Plan Policy S7 and the NPPF (2023) para. 180(b)
- 14.3.26** Thus, in light of the above ULP Policies (2005) referenced above and with regard to the NPPF (2023), the Development Plan and all other material considerations, the 'Planning Balance' will be undertaken further below, but before doing so a wider assessment of the proposal against all relevant considerations to determine if these impacts are adverse and whether these would 'significantly and demonstrably' outweigh the benefits of the proposal in the planning balance.

14.4 B) Design, Layout and Heritage Implications

14.4.1 Heritage implications

14.4.2 The host site, fronting Mutlow Hill, is a grade II listed building has been consulted with regards to the current application and extracts are taken from two separate consultation comments below:

14.4.3 Initial comment

14.4.4 'The defining characteristic of Enabling Development is that it would secure the future conservation of the heritage asset if all other reasonable efforts have failed. Ideally any such scheme would not cause harm to the heritage asset it is intended to conserve. This is a final measure to secure the conservation of the heritage asset, following a preliminary assessment as to whether there are alternative viable uses, including sale to another

owner and other ownership arrangements. The identification of a conservation deficit is typically restricted to Enabling Development schemes and must be agreed with the local authority. The sum of money generated through enabling development is also restricted to directly solve the needs of the place, not to solve the financial needs of the present owner. The amount of money that can be justified will be the minimum amount necessary in order to address the conservation deficit. At present little justification or evidence has been submitted towards an enabling development scheme and I do not agree that it would be appropriate in this case.... Historic England provides clear guidance on Enabling Development in their Good Practice Advice in Planning Note 4 (2020). This guidance has not been followed in the submission of this application.'

14.4.5 In discussions with the applicant, it was advised that the applicant provide additional supporting information to build the case for Enabling Development to secure the future conservation of the heritage asset. It is worth noting that at the time, of the original comments from Place Services (Conservation), the later applications had not been submitted¹. Thus, Place Services have now reviewed the entire site all applications at the site. With specific regard to the current application and subsequent submission, Place Services make the follow up comment;

14.4.6 *'I do not consider that this meets the requirements as set out in Historic England's Good Practice Advice Note 4 Enabling Development (2020). No condition survey has been provided to understand the current and future conservation needs of the heritage asset and neither have alternative uses or ownership options been explored, nor has evidence of market testing or attempts to find alternative sources of funding been provided. Whilst cost information has been provided, this is not dated and does not constitute a schedule of repair costs provided by a suitably qualified professional based on a sound understanding of the condition of the asset. Any financial assessments underpinning the proposals (including the market value of the asset in its current state and when completed) should also be provided or verified by a suitably qualified professional.'*

14.4.7 Evidently, Place Services are not satisfied that the applicant has built a case to justify the quantum of residential development is appropriate, or necessary, to address the conservation deficit of the grade II heritage asset. As stated in the Place Services response(s) above, 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.

14.4.8 Overall, Place Services have indicated concerns with the quantum of development, the scale of the proposed dwellings to the rear and harms arising from plots B (directly to rear of the public house) and the plot A, the holiday let. As such, the proposals have been identified as amounting

¹ Refs UTT/24/1651/FUL and UTT/24/1652/LB

to a moderate-high level of less than substantial harm to the significance of the listed building.

14.4.9 Where it has been identified that less than substantial harm would result from a proposal, the Local Planning Authority has a duty to weigh this harm against the public benefits of the proposal (as per para. 208 of the NPPF 2023). The proposed development proposes 4no. detached dwellings, albeit minimal, makes a contribution to the Councils 5 Year Housing Land Supply (5YHLS). Other public benefits result from the local economic benefits from the construction, in terms of labour and purchasing construction supplies. Also, it has already been stated that the additional residential accommodation would also support local amenities and services in nearby settlements, and the applicant contends that the proposal will increase tourism within the area and increase employment. Notwithstanding these potential benefits, the LPA takes the view that these do not outweigh the harms identified above.

14.4.10 In light of this, the proposal fails to comply with Uttlesford Local Plan Policy (2005) ENV2 and the NPPF (2023).

14.4.11 Design

14.4.12 In terms of design policy, good design is central to the objectives of both National and Local Planning Policies. The NPPF (2023) requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. Section 12 of the NPPF highlights that the Government attaches great importance to the design of the built development, adding at para. 131 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'. These criteria are reflected in Policy GEN2 of the adopted Local Plan. In addition, at para. 135 it also states that planning decisions should ensure developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'.

14.4.13 The proposed dwellings are large in footprint, massing and appear as a modern design to the rear of the designated heritage asset. Design references have not been referenced in the immediate locality and do not reflect the local rural vernacular. Moreover, the proposed materials do not appear appropriate in this location.

14.4.14 Overall, the design of the dwellings are inappropriate and insensitive to its location, in terms of scale and materials palette. Given the heritage sensitivities of the site.

14.4.15 Layout

14.4.16 In terms of layout, the proposed 4no. dwellings would be setback from the road to the east, behind the pub, and given the topography of the site, these dwellings would have a limited view from adjacent road on Mutlow Hill. Notwithstanding this, the site seeks to introduce significant built form to the rear of the site and a dwelling to the front. Also owing to the scale

of the dwellings, these appear cramped within the plot and the layout of the plot B, adjacent to the car park does not appear appropriate. Furthermore, the proposed dwellings, due to the shape of the plot are sited relatively close to the southern boundary of the site, which exacerbated the cramped layout of the site.

14.4.17 For these reasons, it is considered the proposed layout fails to make a positive contribution to the immediate locality and the rural countryside setting. Conversely, Officers take the view that the site will lead to overdevelopment and urbanisation of the site, given that other applications have been submitted to the front of the site (with some applications approved) and the totality of all applications combined will harm the intrinsic character of the countryside and harms to the designated heritage asset.

14.4.18 Therefore, the proposal fails comply with Uttlesford Local Plan Policies S7, GEN2, ENV2 and para. 135 of NPPF (2023).

14.5 C) Highways, Access and Parking

14.5.1 ECC Highways has been consulted and made some comments on the proposed plans. In terms of parking for the residential units, it is considered the development meets the Uttlesford Residential Parking Standards (2013) and the Essex County Council Parking Standards (2009).

14.5.2 No objections have been raised by the Highways Authority; however, comments were made in relation to a lack of refuse bin stores and an appropriate turning head for larger vehicles. Amendments were suggested, but in the event the application were recommend for approval, it was suggested that all applications² that a s106 would be advised to secure funding to cover the costs of potential displacement of parking on the adjacent highway (B1383).

14.5.3 Evidently, given the totality of the scheme, there are concerns with parking provisions for the Public House, as the residential units and holiday let, will effectively reduce the parking provision to the rear of the site. A parking plan has been submitted, which demonstrates 55no. parking spaces will be allocated to the rear of the pub.

14.5.4 In the event, the application would be recommended for approval, the highways/access conditions/s106 will be applied where appropriate.

14.6 D) Residential Amenity

14.6.1 At para. 135(f) of the NPPF (2023) requires a good standard of amenity for existing and future occupiers of land and buildings. ULP Policies GEN2 and GEN4 of the Local Plan states that development shall not cause

² Refs UTT/24/0124/FUL, UTT/24/1651/FUL, UTT/24/1652/LB

undue or unacceptable impacts on the amenities of nearby residential properties.

14.6.2 In terms of overlooking and loss of privacy, given the separation distances of the nearby properties, it is not considered the adjacent sites would suffer adverse harms to neighbouring amenity. No flank windows are proposed at first floor level.

14.6.3 In terms of the internal floor areas of the dwellings, it is considered the future occupants would have sufficient internal space in accordance with the Nationally Described Space Standards (2015) and the Uttlesford Design Code (2023).

14.6.4 However, as noted above, there are specific concerns to the layout of the developments and the proximity of the dwellings to the southern boundary. This is generally, owed to the scale of the dwellings as they appear cramped within the plots. Of particular concern, is plot D which as a garden depth 3.5m and 5m (shortest at the rear projection), which Officers are not only concerned with regards to the quality and quantity of private amenity space, consider this indicates the site is overdeveloped. For reasons stated the above, the proposal is considered contrary to ULP (2005) Policy GEN2 and NPPF.

14.7 E) Landscaping, Arboriculture and Nature Conservation

14.7.1 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 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.

14.7.2 ECC Ecology have been consulted on the application and have made no objections to the proposals but requested a number of conditions relating to biodiversity mitigation and enhancement measures.

14.7.3 The UDC Landscaping Officer has been consulted the current application, although there are limited details in terms of landscaping provided. Although, it is considered that a hard and soft landscaping plan could be added in the event the application is recommended for approval.

14.7.4 In light of the above, it is not considered that the proposal would have material detrimental impact in respect of protected species/habitats or landscaping provided relevant conditions are complied with. Thus, the proposal accords with ULP Policy GEN7 and the NPPF (2023).

14.8 F) Flood Risk and Surface Water Drainage

14.8.1 The NPPF (2023) states that inappropriate development in areas of high risk of flooding should be avoided by directing development away from

areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

- 14.8.2** A check of the Environment Agency's website and the Council's policy maps has identified the site as being located in Flood Risk Zone 1. The Framework indicates that all development is appropriate in this zone and hence there is no requirement for sequential or exception testing.
- 14.8.3** The neighbour comments received indicate that the immediate locality is susceptible to surface water flooding and, in the event is approved, appropriate planning conditions could be added to address matters.
- 14.8.4** In light of the above, and subject to relevant conditions, it is not expected that the proposals would lead to significant harm to increase flood risk of both the application site and the surrounding area and thereby complies with Policy GEN3 of the adopted Local Plan.

14.9 G) Environmental Health and Contamination

- 14.9.1** The Environmental Health Officer has commented on the application and with regards to land contamination, conditions to assess the ground conditions, site investigations and remediation were suggested. Officers are of the view this would be prudent to add subsequently secured by way of an appropriately worded planning condition.
- 14.9.2** A noise mitigation scheme was recommended, by way of planning condition, to protect the acoustic environment of potential occupiers of the residential units from the adjacent B1383, the car park along the boundary of plot and the events from the Fighting Cocks public house.
- 14.9.3** Other conditions were suggested in relation to construction methods, external lighting and air quality were suggested. Officers consider that it would be prudent to add relevant conditions to reduce the impacts of the development, in accordance with ULP Policies (2005) GEN4, ENV10, ENV13 and ENV14, if the application were recommended for approval.

14.10 H) Other Matters

- 14.10.1** The Council's supplementary planning document 'Uttlesford Interim Climate Change Policy (2021)' seeks new development proposals to demonstrate the optimum use of energy conservation and incorporate energy conservation and efficiency measures
- 14.10.2** To ensure that the development adopted renewable energy/water efficiency measures were implemented where appropriate. It would be prudent to add such conditions, if the application were recommended for approval.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2 Human Rights

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16. CONCLUSION

16.1 Planning Balance

- 16.2** Paragraph 226 of the NPPF allows for Councils that have reached Regulation 18 or 19 stage of the plan-making process, including the publication of both a policies map and proposed allocations towards meeting housing need, to only be required to identify deliverable sites equating to a minimum of 4 years' worth of the local housing need. Paragraph 226 was engaged on 8th August 2024, following UDC publication of its Regulation 19 Local Plan. As of 20th August 2024[1] the Council can demonstrate a 4.12 years housing land supply (which includes a 20% buffer).

- 16.3** On the 30 July 2024, the Government published its proposed changes to the NPPF for consultation (closing on 24th September 2024). These changes include removing paragraph 226 in its entirety and if this change is made this will remove the 4 year housing land supply position. This will mean that the housing land supply position will revert back to the requirement to demonstrate a 5 year housing land supply regardless of the position with the emerging Local Plan. UDC thus assume that this is

the direction of travel and that while the Council can currently demonstrate a 4 year housing land supply this will revert to 5 years in the short-term. Given these unusual circumstances the Council has decided to continue engaging the presumption in favour of sustainable development under paragraph 11(d) of the NPPF.

16.4 In light of the above, the Planning Balance of paragraph 11(d)(ii) of the NPPF (2023) tilts in favour of development, as the benefits include:

16.5 *Benefits of the development*

- Modest contribution to the Council's 5 Year Housing Land Supply
- The development would also provide a small social, economic benefits in terms of the construction of the dwellings and investment in the local economy;
- A marginal contribution to tourism within the area and restore a public house back into use

16.6 *Adverse impacts of the development*

- Less than substantial harm (moderate to high level) to the setting of the host properties, Fighting Cocks public house;
- The proposal would contribute to a dense and urbanised development and harm the intrinsic character of countryside
- Inappropriate design, scale and materials palette of the dwellings within each plot and no reference to the host property
- Harms to amenity of plots B, and poor quality private amenity space of plot further indicators overdevelopment to the detriment of residential amenity

17. REASONS FOR REFUSAL

17.1 The application is hereby recommended for refusal for the following reason(s);

1 The application site lies outside the defined settlement development limits of any village or town as defined by the Uttlesford District Local Plan as Adopted (2005) and is thereby located within the countryside.

The proposals by reason of the quantum of residential development proposed, massing of the dwellings, cramped layout, would have a harmful impact on the rural character and appearance of the area. Together with, and separate from, other developments proposed at the host site, the Fighting Cocks public house, the proposal would introduce significant built form to the rear of the site and effectively lead to an urbanised, overdeveloped and incongruous layout.

The proposals would significantly harm the intrinsic character and beauty of the countryside to the detriment of visual amenity. The proposals would

fail to comply with Uttlesford Local Plan Policies S7, H4 and the NPPF (2023) para. 180.

- 2** The application site lies to the rear of the Fighting Cocks, a grade II listed public house. The proposal would, by reason of the number of residential units proposed, the scale/massing of the dwellings, and the proximity of plot A (holiday let dwelling) & plot B to the public house would harm the setting of the listed building. Moreover, the applicant has not adequately demonstrated the proposed development satisfies the criteria of Enabling Development.

The benefits of the proposal do not outweigh harms and, therefore, fails to comply with the Uttlesford Local Plan (2005) Policies ENV2 and GEN2 and paragraphs 203(c), 208 and 212 of the National Planning Policy Framework (2023).

- 3** The proposed development would, by reason of the proposed designs and inappropriate materials palette, fails to respond to the heritage sensitivities of the site of the rural context of the site. The proposal is therefore contrary to the Uttlesford Local Plan (2005) Policies ENV2, GEN2 and paragraph 135 of the NPPF (2023).