



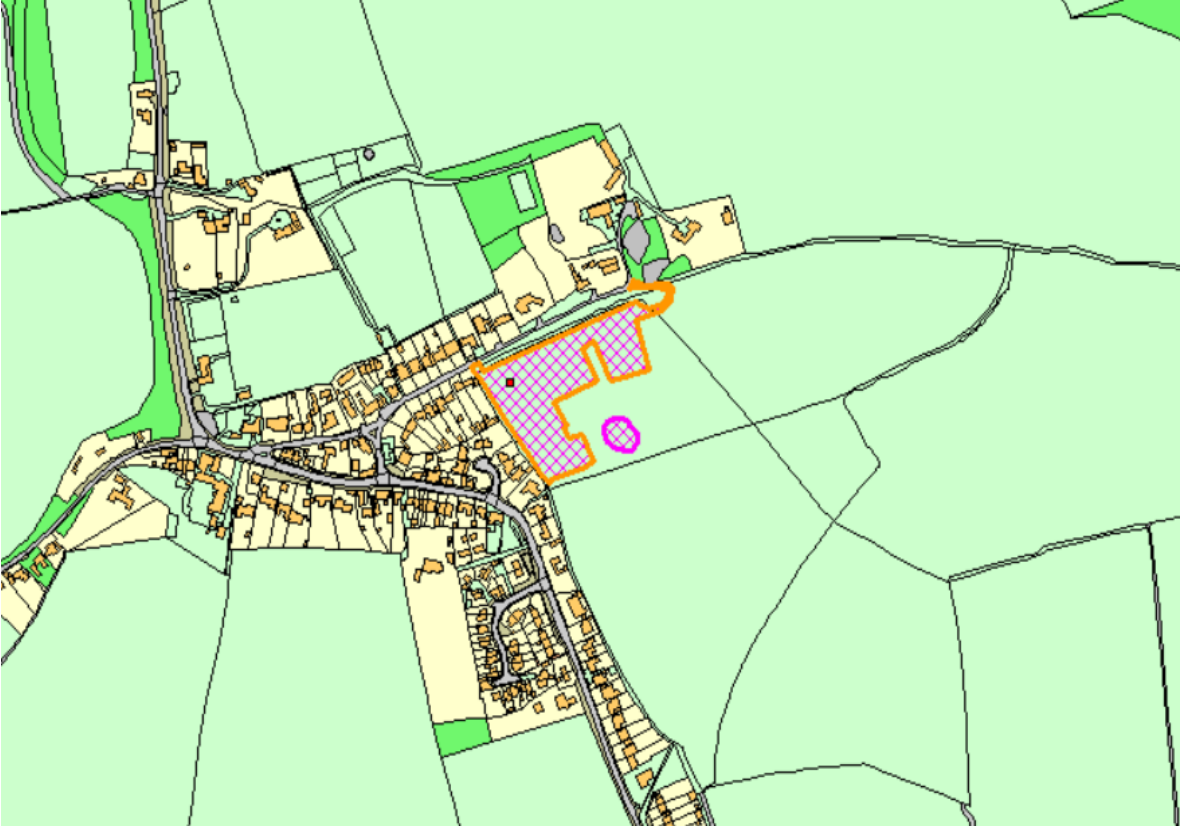
ITEM NUMBER: 10

PLANNING COMMITTEE DATE: 7 February 2024

REFERENCE NUMBER: UTT/23/0707/FUL

LOCATION: Land South Of Deynes Road, Debden

SITE LOCATION PLAN:



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Organization: Uttlesford District Council Date: July 2023

PROPOSAL: Erection of 9 bungalows with associated works.

APPLICANT: Ravendene Holdings Ltd

AGENT: Mrs Danielle St Pierre

**EXPIRY
DATE:** 11.05.2023

**EOT Expiry
Date** 11.01.2024

**CASE
OFFICER:** Jonathan Pavey-Smith

NOTATION: Outside Development Limits

**REASON
THIS
APPLICATION
IS ON THE
AGENDA:** Call in Councillor Luck

1. EXECUTIVE SUMMARY

- 1.1** This application seeks Full Planning Permission for the creation of 9 no. bungalows on the land, with associated works including landscaping, parking and access.
- 1.2** The application site lies outside the defined settlement boundary limits and is thereby located within the countryside. Thereby the proposals are contrary to Policy S7 of the Adopted Local Plan. However, as the proposals cannot be tested against a fully up-to-date Development Plan, paragraph 11 of the National Planning Policy Framework (NPPF) is thereby engaged. As such, a detailed “Planning Balance” has been undertaken of the proposals against all relevant considerations.
- 1.3** The proposed development would provide social and economic benefits in terms of the construction of the dwellings and the investment into the local economy. Thus, taken together, weight has been accorded to the benefits of the development proposed.
- 1.4** The planning application was not subject to a pre application consultation with the Highway Authority. As a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of ‘Grampian style’ planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.
- 1.5** Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.
- 1.6** The public benefit of the development are the provision of housing within an area that does not have a 5-year land supply, the provision of bungalows and the sustainable use of heating provision, leading to an environmental benefit.
- 1.7** It is concluded that the ‘less than significant’ harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

2. RECOMMENDATION

2.1

That the Strategic Director of Planning be authorised to **REFUSE** permission

A) REFUSAL REASON – see section 17

3. SITE LOCATION AND DESCRIPTION:

3.1 The application site relates to a parcel of land in agricultural use (Grade use which is approx. 1 hectare.

3.2 To the north of the site is Deynes Road, a single vehicle road that is partially adopted and partially private. The existing access to the site is located at the boundary between the public and private parts of Deynes Road, currently providing pedestrian and cycle access to the Public Rights of Way which bounds the site's western border.

3.3 The site is not located within or immediately adjacent to any conservation area and there are no listed structures on the site. To note are two Grade II listed buildings neighbouring the site. To the north is the Deynes Farm (Grade II) & to the southwest is West View (Grade II), Thaxted Road.

3.4 The village of Debden, benefits from a village hall, recreation area, primary school and post office. Local bus stops (on High Street) provide services to Stanstead Airport, Great Dunmow, Wimbish, Felstead, Saffron Walden and Newport.

3.5 The site is located within Flood Zone 1.

4. PROPOSAL

4.1 This application seeks Full Planning Permission for the creation of 9 no. bungalows on the land, with associated works including landscaping, parking and access.

4.2 The application proposes the erection of 9 no. detached bungalows over the 1ha site, within an 'L-Shape' which sits against the northern and western boundaries. The bungalows will reflect the existing built form along Deynes Road, effectively continuing the development of the road which is otherwise single sided. Likewise, along the western boundary, the bungalows will sit behind the existing properties along The Close and Thaxted Road.

4.3 The properties are all single storey and made up of smaller modules which fit together in u-shaped buildings to provide multiple aspects set

around a central courtyard and also minimise their overall bulk and massing. Pitched roofs provide a traditional form that is sympathetic to the wider character.

- 4.4 The proposed development includes 2 no. car parking spaces per dwelling together with a garage or car port per property for additional car or bike storage. 6 no. car parking spaces are also provided across the site for visitors.

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 No Relevant Planning History

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1 The Localism Act requires pre-application consultation on certain types of planning applications made in England. As such the following consultation events have been held by the applicants:

- A Public Consultation event was held with neighbouring residents on Tuesday 6th December 2022 at Debden Village Hall.

- 7.2 Uttlesford Council's Pre-application Advice was submitted on the 22nd July 2022.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 **Highway Authority – No Objection, subject to conditions**

- 8.1.1 This Recommendation Supersedes previous recommendation issued 10th August 2023. This planning application was not subject to a pre application consultation with the Highway Authority. As a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of 'Grampian style' planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

9. Debden Parish Council Comments – Object.

9.1 Resolved to object on the following grounds:

i) The development is in the wrong place for the village; the site is open countryside, outside the village envelope. It will change the character of the village.

(ii) The site is part of a large field, giving a wide view over open countryside and there are footpaths, including the Harcamlow Way, giving access for residents and ramblers crossing it.

(iii) It could compromise the setting of two Listed Buildings, Deynes House in Deynes Road and West View in Thaxted Road.

(iv) the current use is agricultural land, it is good quality and has been used for food production for generations, so it should be protected.

(v) Deynes Road is used by Debden School to access Rowney Wood School on foot, by "crocodile" of children walking in pairs.

(vi) Access to the site is at the very top of the adopted part of Deynes Road, but although adopted, the length of the adopted part of Deynes Road is narrow and has no pavements.

(vii) The proposal for a "one-way" traffic system means a road being constructed in parallel to the private part of Deynes Road, which will include considerable hard landscaping of agricultural land and in practice is unlikely to be used; traffic using the entrance (a right turn from the top of the adopted part of Deynes Road by No.8 Deynes Road) will be used to enter and exit, being potentially dangerous.

(viii) A footpath runs from the adopted part of Deynes Road along the boundary of No.8 Deynes Road and continues along the rear of properties in The Close and Thaxted Road. This footpath does not appear to have been included in the plan for the entrance on to the site, by No.8 Deynes Road. There is no room to segregate vehicles from pedestrians at that point.

(ix) The private part of Deynes Road is narrow and maintained by the residents abutting it.

The Parish Council has viewed the objections posted on the Planning website and supports the residents' comments, having received a number of requests from residents to object to the application and not one in support, and notes there are none in support on the District Council's website.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health – No Objection.

10.1.1 No concerns raised in relation to the impact of the development upon the residents of neighbouring properties, or future occupiers of the proposal, subject to conditions.

10.2 UDC Landscape Officer

10.2.1 No Comments Received

10.3 Place Services (Archaeology) – No objection.

10.3.1 No objections subject to conditions relating to an Archaeological Programme of Trial Trenching followed by Open Area Excavation.

10.4 Place Services (Ecology) – No objection.

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures.

10.5 Place Services (Conservation and Heritage)

10.5.1 The heritage advice received from Places Services state “The application site as historically undeveloped agricultural land, with several footpaths across, it is considered to positively contribute to the setting and understanding of the heritage assets significance. The proposed development of the Site shall have an acute impact upon Deynes Farmhouse, the principal elevation of which faces unto the application site. The site as agricultural land, as shown by the submitted historic maps, has undergone little change over time and this contributes to the rural character of Deynes Farmhouse and Debden. Furthermore, Deynes Farmhouse is understood to have been located in a historically isolated position within the countryside. Whilst there has been development within its setting to the west along Deynes Road this remains appreciable, with uninterrupted views to the south.

10.5.2 In principle the proposed development of the site raises concerns. The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial, and I suggest towards the middle of the spectrum (Paragraph 202). For that of West View [Grade II listed,

list entry number: 1112383], given the distance and the retained agricultural land, I do not consider there to be harm.

10.5.3 The Applicant has provided a Heritage Response further to Place services initial advice. The Heritage Response agrees that the proposed development would cause a less than substantial level of harm due to the loss of existing farmland which contributes to the significance of Deynes Farmhouse and how the listed building is experienced. The Heritage Response goes on to undertake the balancing exercise (under Paragraph 208 of the NPPF (December 2023)), which is outside of our remit as specialist advisors and for the decision maker to undertake in their consideration of the application. Therefore, it is common ground that the proposed development gives rise to less than substantial harm and any representations regarding the planning balance (i.e. how that harm might be weighed) are for consideration by Uttlesford District Council.

10.5.4 Place Services conclude the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208. When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 205 states that 'great weight should be given to the assets conservation'. This is irrespective of the level of harm, in line with statutory duty.

11. REPRESENTATIONS

11.1 Site notice/s were displayed on site and 85 notifications letters were sent to nearby properties. The application was also advertised in the local press.

11.2 Summary of Objections

- 11.2.1**
- Loss of light.
 - Impact on traffic.
 - Pedestrian safety.
 - Lack of public transport.
 - Impact on protected species.
 - Noise pollution.
 - Loss of wildlife.
 - Design concerns including density.
 - Lack of infrastructure to support the development.
 - There isn't a need for housing.
 - Noise and pollution disturbance during construction.
 - Impact on property values (Officer Comment: this is a purely private issue and not a material planning consideration).

- Loss of countryside / outside development limits.
- Loss of green space and removal of trees.
- It would set a precedent.
- It would result in coalescence with existing settlements.
- Impact on light and privacy to neighbouring occupiers.
- Lack of jobs.

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 21 February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made 28 June 2021)
 Thaxted Neighbourhood Plan (made 21 February 2019)
 Stebbing Neighbourhood Plan (made 19 July 2022)

Saffron Walden Neighbourhood Plan (made 11 October 2022)
Ashdon Neighbourhood Plan (made 6 December 2022)
Great and Little Chesterford Neighbourhood Plan (made 2 February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Plan 2005

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
ENV2 – Development Affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV5 – Protection of Agricultural Land
ENV7 – Protection of the Natural Environment
ENV8 – Other Landscape Elements of Importance
ENV10 – Noise Sensitive Developments
ENV12 – Groundwater Protection
ENV14 – Contaminated Land
H1 – Housing development
H9 – Affordable Housing
H10 – Housing Mix

13.3 Neighbourhood Plan

13.3.1 It is confirmed a Neighbourhood Plan has not been made.

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 play space homes Essex Design Guide
Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2**
- A) Principle of Development**
 - B) Countryside Impact**
 - C) Design & Neighbouring Amenity**
 - D) Heritage Impacts and Archaeology**
 - E) Access and Parking**
 - F) Nature Conservation**
 - G) Climate Change**
 - H Contamination**
 - I) Flooding/Sewage**

14.3 A) Principle of development

14.3.1 Housing Delivery

14.3.2 The 2023 National Planning Policy Framework (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

14.3.3 The scheme would facilitate the construction of residential units in a location close to public transport and local facilities. The proposal would be in line with the overarching objectives of adopted policy in delivering additional housing in the district, subject to consideration of all other relevant policies of the development plan, as discussed below.

14.3.4 Development Limits

14.3.5 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.

14.3.6 The application site is located outside of the development limits and in the countryside. Policy S7 of the Local Plan 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.

14.3.7 Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may

be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

14.3.8 A review of Policy S7 for its compatibility with the NPPF has concluded that it is partially compatible but has a more protective rather than positive approach towards development in rural areas and therefore should be given limited weight. Nevertheless, it is still a saved local plan policy and carries some weight. The proposal would be located to the eastern edge of Debden in an area of agricultural land that is adjacent to residential development to the west. Whilst the proposal would have a limited and localised impact on the local landscape, the proposal would not meet the requirements of Policy S7 of the Local Plan and that, consequently the proposal is contrary to that policy.

14.3.9 Loss of Agricultural Land

14.3.10 Paragraph 174(b) of the Framework states “Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

14.3.11 Annex 2 of The Framework defines “best and most versatile land” as land in grades 1, 2 and 3a of the Agricultural Land Classification.

14.3.12 Local Plan Policy ENV5 (Protection of Agricultural Land) states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. It further states that where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.

14.3.13 The policy is broadly consistent with the Framework which notes in paragraph 174(b) that planning decisions should recognise the economic and other benefits of BMV agricultural land, whilst the footnote to paragraph 174 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. However, the Framework does not require development proposals to have undertaken an assessment of alternative sites, as this policy implies, and in this regard the policy is not fully consistent with the Framework and should therefore be given reduced weight.

14.3.14 Most of the agricultural land within Uttlesford District is classified as best and most versatile land. The Council accepts that it is inevitable that future development will probably have to use such land as the supply of

brownfield land within the district is very restricted. Virtually all the agricultural land within the district is classified as Grade 2 or 3 with some areas of Grade 1.

14.3.15 Whilst there would be some conflict Policy ENV5, the site consists of Grade 2 quality agricultural land and therefore classified as best and most versatile land. Given the above and that the loss of BMV land as part of the application would only be approximately 1 hectare, this relatively small loss can only be afforded very limited weight in relation to the conflict with this policy. As such, there would be insufficient grounds to introduce such a reason for refusal on this basis as part of the current scheme. Therefore, the loss of agricultural land in this location is not considered to give rise to significant conflict with Policy ENV5 or paragraph 174b of the Framework, which would warrant refusing the application in its own right on this ground.

14.3.16 Suitability and Location

14.3.17 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. New homes create additional population, and rural populations support rural services and facilities through spending.

14.3.18 Although outside the settlement boundaries of Debden, the new built form would be constructed adjacent to the eastern edge of the settlement and therefore the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.19 Therefore, the proposals provide a logical relationship with the existing settlement. The siting of the development would not be unreasonable in respect to its location when taking into account the sites proximity to local services and facilities and therefore considered to be an accessible and sustainable location.

14.3.20 NPPF Policy Position

14.3.21 The 5-Year Housing Land Supply (5YHLS) figure has been updated twice recently. In October 2023, the Local Planning Authority (LPA) published a 5YHLS figure of 5.14 years with the necessary 5% buffer. However, there is a more recent position that reflects the recent government update of the Housing Delivery Test (HDT). As a result of the recent update, housing completions within the district made up 58% of the required number of homes for the most recent HDT period (01

April 2019 to 31 March 2022 in comparison to 99% in the previous period). This means that whilst a significant number of residential permissions have been granted in recent years, many have not yet been built and so are not accounted for in the backwards looking HDT.

- 14.3.22** Following paragraph 79(c) of the National Planning Policy Framework (NPPF), a 20% buffer must be added to the LPA's housing requirement because of the updated HDT. This means that the current 5YHLS is 4.50 years (instead of 5.14 years). As the LPA cannot demonstrate a 5YHLS that includes the necessary 20% buffer, the presumption in favour of sustainable development under paragraph 11(d) of the NPPF is engaged when determining applications for residential development within the district. The LPA's Development Plan cannot be viewed as being fully up to date; this is additional reason why paragraph 11(d) of the NPPF is engaged, which states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits.
- 14.3.23** Taking into account the engagement of the tilted balance and when reviewed against the aforementioned policies, the proposal is on balance, considered to be acceptable in principle.

14.4 B) Countryside Impact

- 14.4.1** A core principle of the NPPF is to recognise the intrinsic and beauty of the countryside. Paragraph 174 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 14.4.2** Landscape Character is defined as 'a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse'. The landscape character is that which makes an area unique.
- 14.4.3** Although not formally adopted as part of the Local Plan or forming a Supplementary Planning Document, the Council as part of the preparation of the previous local plan prepared a character assessment which provides the detailed 'profiles' of Landscape Character Areas within Uttlesford District, known as 'Landscape Characters of Uttlesford Council'.
- 14.4.4** The application site lies within the character area known as the Debden farmland plateau, which encompasses the countryside south of Pounce Hall (B1) in the northeast corner, across the farmland plateau centred on Debden village, with Howlett End on the east and Widdington on the western edge.

14.4.5 The area is characterised by Gently rolling plateau incised by River Cam in the south, Debden Water west of Debden. The assessment describes the key characteristics for the landscape area as being Dense woodland patches or copses, many of them ancient, provide structure in the landscape, Expansive views on open roads at higher elevations. Settlements visible in most directions. Overall, this character area has a relatively high sensitivity to change.

14.4.6 Given the siting of the site, with residential development adjacent to the eastern boundary of the site, the proposed development would not represent an encroachment into the countryside. Regards have been given to the proposal been designed in an 'L-Shaped' arrangement to closely follow the boundary of the existing settlement. This minimises any wider visual impacts to the countryside.

14.4.7 The proposal of 9 dwellings would result in the introduction of built form where there is none currently. However, the dwellings are all single storey with a low eaves height to reduce the perceive size of the dwellings. The development would not result in a significant prominent or discordant effect and would appear as an unobtrusive addition to the settlement set behind the established boundary treatments and adjacent to existing properties.

14.5 C) Design & Neighbouring Amenity

14.5.1 Design

14.5.2 In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF 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 Paragraph 124 'The creation of high-quality 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.

14.5.3 Residential housing of various forms and styles are located along the northern side of Deynes Road and the sites western boundary. The village of Debden traditional consist of linear development fronting onto local highways with limited backland or infill development.

14.5.4 The proposal seeks to provide low-rise dwellings with massing made up of smaller blocks of built form, arranged mostly in a u-shape, which creates opportunities for multiple aspects/orientation for each bungalow and breaks down the perceived massing.

14.5.5 The design has a traditional character, with brickwork facades and clay tile pitched roof forms, interspersed with modern elements such as full

height windows. Low eaves have been utilised to reduce the perceived size of the dwellings and the material palette is varied to include render and black timber cladding to provide further break down of the massing.

14.5.6 The proposal has been designed in an 'L-Shaped' arrangement to closely follow the boundary of the existing settlement, to minimise any wider visual impacts to the countryside. Spacing between the dwellings has been carefully considered in the context of the immediate locality and the layout provides ample landscape buffers between the new and existing dwellings.

14.5.7 Given the above, the proposal would comply with Local Plan Policy GEN2.

14.5.8 Neighbouring Amenity

14.5.9 The NPPF requires a good standard of amenity for existing and future occupiers of land and buildings. Policies GEN2 and GEN4 of the Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

14.5.10 The site shares a boundary with properties along Deynes Road, The Close and Thaxted Road. The nearest residential property is 'The White House' on Thaxted Road, which is 20m away from Plot 1, at its nearest point. All other surrounding properties are over 30m from the site. As such, and given the low-lying nature of the proposed development, we do not anticipate any degree of overshadowing or overlooking to neighbouring residents, to accord with Policy GEN2 of the Local Plan.

14.6 **D) Heritage Impacts and Archaeology**

14.6.1 Impact on nearby Listed Buildings

14.6.2 Policy ENV2 (Development affecting Listed Buildings) seeks to protect the historical significance, preserve and enhance the setting of heritage assets. The guidance contained within Section 16 of the NPPF, 'Conserving and enhancing the historic environment', relates to the historic environment, and developments which may have an effect upon it.

14.6.3 In terms of heritage assets, a Grade II listed building is located on the western boundary of the proposed site and is known as West View, Deynes Farm (a Grade II property, north of the site) has also been considered.

14.6.4 The heritage advice received from Places Services state "The application site as historically undeveloped agricultural land, with several

footpaths across, it is considered to positively contribute to the setting and understanding of the heritage assets significance. The proposed development of the Site shall have an acute impact upon Deynes Farmhouse, the principal elevation of which faces unto the application site. The site as agricultural land, as shown by the submitted historic maps, has undergone little change over time and this contributes to the rural character of Deynes Farmhouse and Debden. Furthermore, Deynes Farmhouse is understood to have been located in a historically isolated position within the countryside. Whilst there has been development within its setting to the west along Deynes Road this remains appreciable, with uninterrupted views to the south.

- 14.6.5** In principle the proposed development of the site raises concerns. The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial, and I suggest towards the middle of the spectrum (Paragraph 202). For that of West View [Grade II listed, list entry number: 1112383], given the distance and the retained agricultural land, I do not consider there to be harm.
- 14.6.6** The Applicant has provided a Heritage Response further to Place services initial advice. The Heritage Response agrees that the proposed development would cause a less than substantial level of harm due to the loss of existing farmland which contributes to the significance of Deynes Farmhouse and how the listed building is experienced. The Heritage Response goes on to undertake the balancing exercise (under Paragraph 208 of the NPPF (December 2023)), which is outside of our remit as specialist advisors and for the decision maker to undertake in their consideration of the application. Therefore, it is common ground that the proposed development gives rise to less than substantial harm and any representations regarding the planning balance (i.e. how that harm might be weighed) are for consideration by Uttlesford District Council.
- 14.6.7** Place Services conclude the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208. When considering the impact of a proposed development on the significance of a designated heritage asset Paragraph 205 states that 'great weight should be given to the assets conservation'. This is irrespective of the level of harm, in line with statutory duty.

14.6.8 The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. As such, the proposed development does not comply with Policy ENV2 of the local plan.

14.6.9 Archaeology

14.6.10 In accordance with Policy ENV4 of the adopted Local Plan, the preservation of locally important archaeological remains will be sought unless the need for development outweighs the importance of the archaeology. It further highlights that in situations where there are grounds for believing that a site would be affected, applicants would be required to provide an archaeological field assessment to be carried out before a planning application can be determined, thus allowing and enabling informed and reasonable planning decisions to be made.

14.6.11 The ECC Archaeological Team have not commented on the application. However, it is noted that the site does not fall within an Archaeological Site of importance, and it is considered that subject to an Archaeological Programme of Trial Trenching followed by Open Area Excavation with a written scheme of investigation could be adequately secured by way of condition.

14.6.12 The development of the site is therefore unlikely to have any direct impact on archaeological remains of significance. It is therefore considered that the proposed development complies with Policy ENV4 of the Local Plan.

14.7 **E) Access and Parking**

14.8.1 Access

14.8.2 Policy GEN1 of the Local Plan requires developments to be designed so that they do not have unacceptable impacts upon the existing road network that they must compromise road safety and take account of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired and also encourage movement by means other than a vehicle.

14.8.3 The application site would be accessed from Deynes Road into the site which would then follow a one-way system moving to the east, where a new exit is proposed back onto Deynes Road.

14.8.4 Concerns have been raised as part of the public consultation on the application in relation to the proposal impact in terms of increase in

traffic, road access being difficult, the lack of a footway, the policing of the one-way system and the impact on the public right of way.

- 14.8.5** An initial response was provided by ECC Highways in relation to the application recommended refusal for the impact on the Public Footpath no 71(Debden) and the proposal would be acceptable in terms of highway safety and efficiency.
- 14.8.6** Consequently, extra details have been submitted to overcome the reason for refusal from the highways department. The highways department have stated 'as a result of the unconventional access and layout arrangements proposed and the impact on the public rights of way crossing the site, there has been ongoing discussions with the applicant during the course of this planning application and this has resulted in the recommendation of 'Grampian style' planning conditions to ensure that the access arrangements and controls and the mitigation for the public rights of way network are agreed in detail prior to the commencement of any development.'
- 14.8.7** As a result of the planning conditions and the extra information provided, (carriageway and kerb radii measurements, lorry swept path and visibility splays). Subject to conditions, the impact of the proposal is acceptable to the Highway Authority.
- 14.8.8** Trip Generation
With regard to information obtained from an interrogation of the TRICS database, it is anticipated that the proposed development will lead to an increase in vehicle movements on the local road network. This increase will not result in a significant impact on the local road network. The above would amount to circa one vehicle movement in either direction every 12 minutes during the peak hours.
- 14.8.9** Parking Standards
- 14.8.10** Policy GEN8 of the Local Plan advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning Guidance 'Vehicle Parking Standards'.
- 14.8.11** The adopted Council's Residential Parking Standards (2013) recommended for at least 1 vehicle space for each 1-bedroom unit and at least 2 vehicle spaces for dwellings consisting of two- or three-bedroom dwellings and three spaces for a four or more-bedroom dwelling house along with additional visitor parking. In addition, each dwelling should be provided with at least 1 secure cycle covered space.
- 14.8.12** As such, the proposal is in accordance with the above parking standards set out by UDC, all units are provided with two car parking spaces. The spaces are provided as standard spaces located externally. Further

visitor car parking is provided on site to minimise the risk of vehicles parking informally on the access road.

- 14.8.13** With regards to cycle parking, each dwelling will require at least one cycle parking space. It will need to be covered and secure. Dwellings will not require cycle parking spaces if a garage is provided within curtilage of dwelling. The development will adhere to the above cycle parking standards.
- 14.8.14** The provision of electric vehicle charging infrastructure could be secured by way of an appropriately worded planning condition had the application been recommended for approval.
- 14.8.15** Overall, the proposals comply with Policies GEN1 and GEN8 of the Adopted Local Plan and the NPPF.

14.9 F) Nature Conservation

14.9.1 Nature Conservation

- 14.9.2** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.
- 14.9.3** The Place Services Ecology team have reviewed the supporting documentation submitted as part of the proposals and consider that the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable, subject to conditions
- 14.9.4** The proposed reasonable biodiversity enhancements including the installation of “Swift Boxes” underneath the eaves of newly constructed buildings and Generic bird boxes such as 26mm / 32mm and oval hole nest boxes. Bird boxes should be positioned on 20% of the proposed residential units.

14.10 G) Climate Change

- 14.10.1** Policy GEN2 of the Local Plan seeks to ensure that the design of new development helps to minimise water and energy consumption. Uttlesford Interim Climate Change Policy sets out a list of Policies of note a demonstration of how developments demonstrate the path towards carbon zero. The NPPF seeks to ensure that new development should avoid increased vulnerability arising from climate change. More so, developments should help to reduce greenhouse gas emissions.
- 14.10.2** The applicant is committed to the delivery of a scheme which mitigates its impacts, is adaptable and built to high standards. An Energy

Statement has been submitted as part of the application which highlights the key sustainability features that would be incorporated as part of the development.

14.10.3 Building elements with highest standard 'A+' Green Guide ratings including upper floors, external cavity walls, internal partitions, insulation and pitched roof. Material suppliers with responsible sourcing certification guided by a high-quality sustainable procurement policy; Provision of EV charging to all plots. Use of PV to achieve the efficiency levels required under Part L 2021.

14.11 H) Contamination

14.11.1 Although the Council has no reason to believe the proposed site is contaminated and is not aware of any potentially contaminative past use on the site in question. It is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site in accordance with Policy ENV14 of the adopted Local Plan.

14.11.2 The Council's Environmental Health Officer has been consulted as part of the application and notes the proposed development is for a very contamination-sensitive end use of residential occupancy with gardens, it is therefore important to ensure that any contamination risks that may be present on site are identified, assessed and where necessary remediated to a suitable standard. It is therefore suggested that, if permission is granted, conditions requiring an assessment of the nature and extent of contamination should be imposed. This would require the developer to submit to, and obtain written approval from, the Local Planning Authority of a Phase 1 Desk Study Assessment, prior to any works commencing on site, with further potential site investigations and remediation taking place at the site.

14.12 I) Flooding/Sewage

14.12.1 The NPPF states that inappropriate development in areas of high-risk 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.

14.12.2 The Environmental Agency's website and the Council's policy maps has identified the site is within a fluvial Flood Zone 1; an area that is at low risk of flooding.

14.12.3 A holding objection from the Lead Local Flood Authority based on the need for further information regarding the drainage calculations and a drainage layout.

14.12.4 However, the proposal is within the lowest flood zone and subject to further information being submitted it is viewed that the holding objection

can be overcome for this reason thereby the development will still comply with Policy GEN3 of the adopted Local Plan and the NPPF.

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. Planning Balance and Conclusion

16.1 The development site is located outside development limits. The Council's October 2023 published land supply figure is 5.14 years and does include the necessary 5% buffer. That being said the Council's Development Plan cannot be viewed as being fully up to date as such NPPF paragraph 11(d) of the National Planning Policy Framework (NPPF) is still engaged.

16.2 The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Being out of date does not mean that a policy carries no weight. A review of Policy S7 concluded that this takes a more restrictive approach to development in the countryside compared to the NPPF which takes a more positive

approach, and this could affect the delivery of housing. However, it is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and thereby carries limited weight.

16.3 The development would provide modest economic and social benefits in terms of the construction of the dwellings and supporting local services and amenities providing investment into the local economy.

16.4 The proposed access has been deemed satisfactory to the highway authority subject to conditions

16.5 Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.

16.6 The public benefit of the development are the provision of housing within an area that does not have a 5-year land supply, the provision of bungalows and the sustainable use of heating provision, leading to an environmental benefit.

16.7 It is concluded that the 'less than significant' harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

17. Refusal Reason

- 1.** The proposed development of nine bungalows with associated landscaping and new access shall adversely impact the setting of the heritage assets. The proposed development shall be highly visible in views to and from Deynes Farmhouse and would have a considerably urbanising effect, resulting in Deynes Farmhouse which has historically overlooked open countryside, to viewing a modern estate with access road. The proposals would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. The proposal is therefore contrary to Policy ENV2 of the Uttlesford Local Plan 2005.