



Land east of Pines Hill, Stansted Mountfitchet, CM24 8EY

Planning Statement

April 2023

1.0 Introduction

- 1.1 This planning statement accompanies a planning application submitted to the Secretary of State under Section 62A of the Town and Country Planning Act 1990. The application seeks outline planning permission with all matters reserved for subsequent approval apart from access at land to the east of Pines Hill and south of Stoney Common Road, Stansted Mountfitchet. It has been prepared on behalf of the applicant, Luxus Homes Stoney Common Limited.
- 1.2 This outline application proposes up to 31 new dwellings with vehicular access from Pines Hill, including up to 16 No. affordable homes with up to 4 No. first homes (52% of the total); up to 4 No. self-build / custom build dwellings (13% of the total); and up to 11 No. private market dwellings (35% of the total).
- 1.3 The planning application includes the following documents:
- a) Planning Application form and ownership certificate
 - b) Accompanying letter
 - c) Application Plans:
 - 002.21 001 P02 Site Location Plan
 - 2020-4056-007 Proposed Site Access General Arrangement
 - 2020-4056-008 Proposed Site Access Visibility
 - 2020-4056-009 Proposed Site Access Long-Section
 - d) Illustrative Plans
 - 002.21 SK20 Illustrative Masterplan
 - 002.21 SK21 Illustrative Masterplan (affordable housing and self-build / custom build provision)
 - 002.21 SK22 Illustrative Masterplan in the wider context
 - e) Illustrative Accommodation Schedule
 - f) Design and Access Statement (including Heritage Statement and Sustainability Statement)
 - g) Planning Statement (including Green Belt Assessment)
 - h) Stansted Mountfitchet Local Housing Need Assessment
 - i) LVIA
 - j) Transport Statement
 - k) Foul and Surface Water Drainage Strategy
 - l) Arboricultural Impact Assessment and Method Statement
 - m) Ecological Assessment
 - n) Protected Site and Priority Habitats (Habitats and Species of Principal Importance) Checklist
 - o) Off-site Habitat Creation and Management Plan
 - p) Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment
 - q) Noise Impact Assessment Report
 - r) Statement of Community Involvement
 - s) Topographical Survey
 - t) Draft copy of the S106 planning obligation

- u) Email from Sports England sent 14th February 2023
- v) Appeal decisions letters:
 - APP/C1570/W/21/3268990
 - APP/C1570/W/22/3296426
 - APP/C1570/W/22/3296064
 - APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926
 - APP/A2280/W/20/3259868
- w) Inspector's 2004 report to the Deposit Draft of the Uttlesford Local Plan

2.0 Site Context, Surrounding Area and Proposed Development

- 2.1 The site has an area of 0.99 hectares (2.44 acres).
- 2.2 The parcel of land is currently vacant non-maintained scrubland that will be accessed from Pines Hill, in between a pair of semi-detached properties (1 and 2 Pines Hill) and a detached property (Ostra Brama). The site is bordered to the north by Stoney Common Road and the residential area of Old Bell Close. To the south east of the site is an existing commercial premises that does not form part of the site and to the east is the main railway line to between Bishops Stortford and Stansted Mountfitchet and Stansted Brook. The application site therefore falls between the built-up area to the north and detached properties and commercial use to the south.
- 2.3 The site falls within the Green Belt and is also within Flood Zone 1. A strip of land along the Pines Hill frontage of the site is classed as "Important Woodland" on the Council's Adopted Local Plan Proposals Map.
- 2.4 The proposed redevelopment comprises of up to 31 No. residential dwellings, comprising 25 No. houses and 6 no. apartments.
- 2.5 The following indicative mix of properties is proposed and stated in the illustrative accommodation schedule submitted with the application. The site has the capacity to accommodate the following:

i) Affordable (16 dwellings, 52% of the total of dwellings)

Affordable Rented (8 dwellings)

- 4 no. 1 bed flats @ 50 sq m
- 2 no. 2 bed flats @ 70 sq m
- 1 no. 2 bed houses @ 79 sq m
- 1 no. 3 bed houses @ 93 sq m

Shared Ownership (4 dwellings)

- 1 no. 2 bed houses @ 79 sq m
- 3 no. 3 bed houses @ 93 sq m

First Homes (4 dwellings)

- 4 no. 2 bed houses @ 79 sq m

ii) **Private self-build / custom build (4 dwellings, 13% of the total of dwellings)**

- 3 No. 3 bed houses
- 1 No. 4 bed house

iii) **Private market (11 dwellings, 35% of the total of dwellings)**

- 6 No. 3 bed houses
- 5 No. 4 bed houses

2.6 The mix, split and size of affordable housing has been agreed with the Council's Housing Officer, Peter Lock, on 16th March 2023. It should be noted that the private dwellings not only meet national described space standards and Building Regulations M4 (2) "accessible and adaptable dwellings, but they have been increased in size to include room for home working provisions/home office, taking into account the need now for creating space within houses to allow for home working.

2.7 An illustrative layout plan has been prepared taking into account site constraints and opportunities. Detailed access plans (Drg no. 202-4056-007, 008, and 009) have been included providing details of how the site will be accessed by vehicles. The detailed access plan is submitted for approval at outline stage to demonstrate how a safe access can be provided with the required visibility splays onto Pines Hill.

2.8 The submitted Design and Access Statement provides further information about the proposed development, how it has been designed to take into account specific site issues, neighbour impact and also meeting design requirements set out by Local Plan policy and the Essex Design Guide.

3.0 Relevant Planning History

3.1 Previously, planning permission was refused for 68 No. dwellings on both this site and an extended area of land (LPA reference UTT/14/0151/OP). The reasons for refusal related to inappropriate development within the Green Belt; lack of ecology survey information, and increased pressure on local education and health facilities. It should be noted that there was no objection to the 2014 application to providing the main vehicular access to the site off Pines Hill.

3.2 A subsequent outline planning application for 31 No dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill, was submitted on 1st September 2021 and registered under Council reference UTT/21/2730/OP. Within this application 15 No. dwellings were proposed as affordable homes (48% of the total) and 16 No. dwelling were private market.

3.3 On 2nd December 2021, Uttlesford District Council refused outline planning permission for application UTT/21/2730/OP, giving the following 4 No. reasons for refusal:

1. *The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposal represents inappropriate development and no very special circumstances have been demonstrated to sufficiently outweigh the harm, by way of inappropriateness, loss of openness and the urbanisation of the area sufficiently to justify overriding the strong presumption against the quantum of up to 31 dwellings. The proposal would cause demonstrable harm to the Green Belt and is contrary to Policy S6 of the Uttlesford Local Plan 2005 and Government guidance contained within the National Planning Policy Framework.*
2. *The applicant has provided insufficient ecological information on designated sites (Local Wildlife Site), European Protected Species (bats and Dormice), protected species (badger & reptiles) and Priority habitats and species. The proposal is therefore considered contrary to the implementation of Policies GEN7 and ENV7 of the adopted Uttlesford Local Plan 2005 and the relevant passages contained within Section 15 of the National Planning Policy Framework 2021.*
3. *Due to a lack of information submitted in support of the proposals to demonstrate its acceptance in respect to drainage and flooding, both the Local Lead Flood Authority and the Council are unable to accurately assess the potential impact that the proposals may have to flooding upon the site itself or elsewhere. The proposal is thereby contrary to policy GEN3 of the adopted Local Plan and the National Planning Policy Framework.*
4. *The proposed development fails to deliver appropriate infrastructure to mitigate any impacts and support the delivery of the proposed development. The proposal is therefore considered contrary to the implementation of Policies GEN6 - Infrastructure Provision to Support Development, and Policy H9 - Affordable Housing, of the Adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2021.*

3.4 The site location, access plans and illustrative masterplan layout included with the 2021 application are the same as have been submitted with this latest planning application. Further justification has been provided in this application to overcome the first reason for refusal and support the development in respect of design and urban grain; in respect of demonstrating Very Special Circumstances within the Green Belt; and, in respect of the tilted balance that should be applied under paragraph 11 d) of the NPPF 2021 in favour of the scheme in light of the authority having an out of date Local Plan. It is the applicant's case that Very Special Circumstances are established for this development so the Green Belt policies in the NPPF are no reason to refuse the development proposed pursuant to footnote 7 to paragraph 11 of the NPPF (and no other policies in the NPPF provide a clear reason for refusing the application either).

- 3.5 Further survey and technical work has been undertaken to overcome the ecology and drainage objections (Reasons for Refusal 2 and 3), and a draft S106 planning obligation has been included with the application and which will be signed by the relevant parties, prior to the determination of this application, overcoming Reason for Refusal 4.
- 3.6 On the basis of overcoming the previous Reasons for Refusal 1 to 4, the applicant makes the case that planning permission should be granted for the proposed development.

4.0 Planning Policy Context

- 4.1 The following refers to the most relevant planning policies in respect of considering the proposals against the Adopted Uttlesford Local Plan; the NPPF (2021); Essex Design Guide; Essex County Council Parking Standards Design and Good Practice (September 2009); and the Stansted Mountfitchet Parish Plan 2011. It should also be noted the Parish of Stansted Mountfitchet was designated as the Stansted Mountfitchet Neighbourhood Plan Area, but that the proposed Neighbourhood Plan is at a very early stage of development and as such no weight can be given to this in the determination of this application.

Adopted Uttlesford Local Plan 2005

- 4.2 The policies contained within the 2005 Local Plan remain saved for the purposes of determining planning applications until the Council have adopted their new Local Plan. The new Local Plan is at a very early stage and holds no weight in the planning application process. On 13 September 2022 Uttlesford District Council announced a pause to its current published local plan timetable and now anticipate being able to issue a consultation draft local plan in summer 2023. The updated timetable now envisages a new local plan will not be in place until October 2025, over 2.5 years from now at which point it shall be well over 20 years since the 2005 Local Plan was adopted in January 2005. The application site adjoins the settlement boundary of Stansted Mountfitchet to the north of the site along Stoney Common Road, and is located within the Green Belt. Although out of date, the following 2005 Adopted Local Plan policies are applicable to this scheme.
- 4.3 *Policy S1 – Development limits for Main Urban Areas* – This policy seeks to direct development to within the identified development limits of the three main settlements, including Stansted Mountfitchet. The policy does provide guidance that if development is proposed on the edge of a built-up area, it should be compatible with the countryside setting. The scheme at Pines Hill whilst located outside of the settlement boundary on the Proposals Map, it is an enclosed piece of land with residential and commercial uses to the west and south of the site. The parcel of land therefore constitutes an infill nature site and the design of the scheme and proposed

number of dwellings respect the edge of settlement location, in compliance with the emphasis of this policy.

- 4.4 *Policy S6 - Metropolitan Green Belt* – This policy identifies the extent of the Metropolitan Green Belt. It however does not provide specific guidance on control development within, such areas as around Stansted Mountfitchet. The application site at Pines Hill falls within the Green Belt.
- 4.5 *Policy GEN1 – Access* - Policy GEN1 requires that development demonstrate that there is access to the main road network capable of carrying the traffic generated by the development safely and that there is capacity of the surrounding road network. It also requires the needs of cyclists, pedestrians, public transport users, and people whose mobility is impaired. This has been provided through a vehicular access onto Pines Hill, and a pedestrian access to the north onto Stoney Common Road. No vehicular access is proposed onto Stoney Common Road.
- 4.6 *Policy GEN2 – Design* – This policy sets out the design criteria that development should be assessed against, including:
- a) Compatibility with the scale, form, layout, appearance and materials of the surrounding area.
 - b) Environmental features are safeguarded.
 - c) Provides an environment for its potential users.
 - d) Help reduce potential for crime.
 - e) Help minimise water and energy consumption.
 - f) Follows guidance on design and layout.
 - g) Helps reduce waste production and encourages recycling and reuse.
 - h) Minimises environmental impact on neighbouring properties.
 - i) Protects against the adverse impact on the privacy, loss of daylight, overbearing impact and overshadowing on neighbouring properties.

The Design and Access Statement submitted with the application and other supporting documents addresses how this design policy has been complied with, proposing a high-quality development that will respect local character and context.

- 4.7 *Policy GEN6 – Infrastructure Provision to Support Development* – GEN6 requires developments to make provision or contribution towards infrastructure such as community facilities, schools, public services, and transport provision, where an identified shortfall/need has been identified. It is proposed to comply with this policy through discussions on the S106 planning obligation.
- 4.8 *Policy GEN7 – Nature Conservation* – This policy seeks to protect wildlife and geological features from harmful development. It requires the need to undertake surveys of protected species, and where necessary to provide mitigation measures. The policy also seeks to enhance biodiversity through the creation of appropriate new habitats. Since the 2021 refusal further ecology on-site survey work has been undertaken to established what protected species are on-site and required mitigation

measures applied to address this policy. The findings of this further survey work and proposed mitigation is summarised in this statement.

- 4.9 *Policy GEN8 – Vehicle Parking Standards* – This policy requires developments to provide an acceptable level of parking in line with the adopted parking standards. The parking for the properties will be compliant with the parking standards.
- 4.10 *Policy ENV2 – Development Affecting Listed Buildings* – This policy seeks to protect the setting of listed buildings that may be affected by proposed development. The Design and Access Statement submitted includes a Heritage Statement that assesses the impact of the proposed development on the setting of a Grade II listed building to the north of the application site, Fairfield on Silver Street. The Heritage Statement confirms that as a result of heavy tree screening on the western side of Pines Hill/Silver Street and a high close boarded fencing and wall around the listed building, the impact of the proposed development will be negligible to the setting of the listed building. It also assesses the impact of the development viewed from Stoney Common Road and concluded there will be no impact on the setting of the listed building.
- 4.11 *Policy ENV3 – Open Spaces and Trees* – This policy seeks to protect visually important spaces, groups of trees and fine individual tree specimens through development proposals. An Arboricultural Impact Assessment has been submitted to assess the impact on trees and replacement landscaping and planting will be addressed through the reserved matters and conditions.
- 4.12 *Policy ENV7 – The Protection of the Natural Environment – Designated Sites* – This policy focuses on the protection of designated sites. Stating that development that adversely affects Sites of Special Scientific Interest, National Nature Reserves, County Wildlife Sites, Ancient Woodland, wildlife habitats, and sites of ecological interest will not be permitted unless the need for development outweighs the particular importance of the nature conservation value of site.
- 4.13 *Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation* – This policy relates to features of importance of nature conservation such as hedgerows and grassland. This policy states that development will only be permitted if certain criteria are met, namely that the need for development outweighs the importance of the given features for wild flora and fauna, and that mitigation measures are provided which would compensate for the harm and reinstate the nature conservation value of the locality.
- 4.14 *Policy ENV10 – Noise Sensitive Development and Disturbance of Aircraft* – Policy ENV10 protects housing from experiencing significant noise disturbance, requiring adequate mitigation to be put in place by design and sound proofing where necessary. A Noise Report has been submitted addressing this policy.
- 4.15 *Policy ENV14 – Contaminated Land* – Requires the submission of a site investigation and mitigation strategy if a site is known or strongly suspected to be contaminated.

Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment has been submitted with the application addressing this policy.

- 4.16 Policy H1 – Housing Development – This adopted policy sets out the Council’s plans for the development of 5,052 dwellings for the period 2000 to 2011. The emphasis of the 2000 to 2011 housing delivery strategy was towards containing development within the main urban areas of Great Dunmow, Saffron Walden and Stansted Mountfitchet; urban extensions at Saffron Walden and Stansted Mountfitchet; the re-use of existing buildings and previously developed land outside urban areas; and, at the time from outstanding planning permissions not within the stated categories.
- 4.17 The Housing Needs Assessment prepared by Marrons Planning and is included with the planning application sets out the amount of delivery that has occurred in Stansted Mountfitchet since 2005. In summary, the Housing Need Assessment’s paragraph 4.41 states:
- Uttlesford Local Plan 2005*
- *886 dwellings were allocated to Stansted Mountfitchet by the 2005 Adopted Local Plan (841 by 2011) but only 238 were delivered by 2011, leaving a shortfall of 642 dwellings up to 2011;*
 - *Of the 720 dwellings to be delivered at Rochford Nurseries by 2011, only 569 dwellings were completed by 2015 (shortfall of 151 dwellings);*
 - *A shortfall is clearly evident from what was planned by the 2005 Plan.*
- 4.18 This Assessment undertaken by Marrons Planning highlights how Policy H1 is out-of-date, both in terms of historic delivery of housing, but also planning housing going forward. This out-of-date policy is exacerbated by the lack of a 5 year housing supply, under delivery of affordable housing and under delivery of self-build / custom build housing.
- 4.19 *Policy H3 – New Houses within Development Limits* – Whilst this policy is more directed towards sites for development within the identified Development Limits, it is worth noting in relation to this application the criteria that is applied to considering development that are considered to be “infill”. In particular, criteria b) requires sites to have reasonable accessibility to jobs, shops and services by modes other than car, or there is potential for improving such accessibility. Criteria d) refers to the need for development to support local services and facilities. Criteria f) requires such developments to avoid making inefficient use of land. The application site at Pines Hill would comply with these sustainability credentials required in compliance with this policy.
- 4.20 *Policy H9 – Affordable Housing* – The Council seeks to achieve 40% of the total of development for affordable housing. This outline application proposed an increase in affordable housing above the Local Plan policy requirement to 52%.

- 4.21 *Policy H10 – Housing Mix* – This policy requires on site of 0.1 hectares and above will require to include a significant proportion of market housing comprising small properties (2 or 3 bed properties). 6 No. market and 3 No. of the private self-build / custom build are proposed as three bed properties and all 16 No. of the affordable dwellings are 1, 2 and 3 bed properties, including 4 No. as First Homes. This provision of smaller house types ensures that this policy is complied with.
- 4.22 *Policy H11 – Affordable Housing on “Exception Sites”* – This policy relates to the provision of affordable housing on sites outside settlements where housing would not normally be permitted, if it would meet all the following criteria:
- a) 100% of the dwellings are to be affordable and provided through a Registered Social Landlord;*
 - b) The development will meet a particular local need that cannot be met in any other way;*
 - c) The development is of a scale appropriate to the size, facilities and character of the settlement; and*
 - d) The site adjoins the settlement.*
- 4.23 Whilst this application does not propose 100% affordable dwellings, it will provide 52% of the total amount of dwellings, which will help meet an identified local need for the village of Stansted Mountfitchet, that has been established through a Housing Needs report prepared by Marrons Planning, included with this planning application.
- 4.24 Taking into account the size and scale of Stansted Mountfitchet, being one of the larger settlements in the District, it is considered that the proposed development of 31 No. dwellings would be of a scale appropriate to the size, facilities and character of the settlement.
- 4.25 The application site also adjoins the settlement.
- 4.26 As such, whilst criteria a) of Policy H11 is not complied with, parts b), c) and d) are complied with.
- 4.27 The next section of this Statement reviews the scheme against the national planning policies contained within the NPPF 2021 (which is a material consideration of considerable weight for the determination of this application), which highlights how since the adoption of the 2005 Adopted Local Plan policy has changed in relation to allowing an element of private dwellings to facilitate the delivery of Rural Exception sites. Whilst this application is not claiming to be a Rural Exception scheme as 52% of the total is proposed as affordable housing, it is important to highlight that guidance contained within the NPPF, supersedes the Council’s out of date Local Plan Policy H11 criteria a) that requires 100% affordable houses to be delivered.

NPPF 2021

- 4.28 A revised National Planning Policy Framework (NPPF) was published in July 2021, setting out the Government’s planning policies for England and how they are expected

to be applied. This section highlights particular sections and paragraphs of the NPPF that are relevant to the application at Pine Hill. The NPPF requires the planning system to perform economic, social and environmental roles (NPPF, Paragraph 8). These three overarching objectives are interdependent and need to be pursued in mutually supportive ways.

- 4.29 At the centre of the adopted NPPF, which sets out Central Government’s overarching national strategic planning objectives is a presumption in favour of sustainable development:

*“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**...For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay...” (NPPF, para. 10 and 11)*

- 4.30 Paragraph 11 d) states:

“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 policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 4.31 Section 5 of the NPPF sets out the Government’s intention to deliver a sufficient supply of homes, and paragraph 60 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

- 4.32 Paragraph 69 highlights the importance of how small and medium sized sites can make an important contribution to meeting the housing requirement of an area, which the site at Pines Hill would provide.

- 4.33 In terms of seeking good design, the NPPF highlights that whilst there is a need to make efficient use of land, it stresses the importance of securing well-designed, attractive and healthy places (paragraph 125). Paragraph 124 goes on to state that:

“The creation of high-quality buildings, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to

live and work and helps make development acceptable to communities.” (NPPF, para 124)

4.34 Paragraph 78 refers to housing development within rural areas and states:

“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.”

4.35 Paragraph 79 goes on to state:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.”

4.36 Annex 2: Glossary of the NPPF defines Rural exception sites as:

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

4.37 The NPPF 2021 advises that a level of market dwellings will be accepted on a Rural exception site that will ensure a scheme is deliverable and will provide the affordable housing to meet local need. Whilst not strictly applying to the rules of what is considered a Rural Exception site, the proposals at Pines Hill include 52% affordable housing including 8 No. Affordable Rent, 4 No. Shared Ownership and 4 No. First Homes. This affordable housing would address a identified local need of the village of Stansted Mountfitchet, as highlighted by the Marrons Housing Need Assessment included within this planning application.

4.38 Paragraph 130 of the NPPF advises that both planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

4.39 Paragraphs 131 to 134 highlight the need for well-designed schemes that incorporate trees within the design and also reflects local design policies and government guidance on design.

4.40 Paragraph 134 states that significant weight should be given to “*development which reflects local design guidance and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.*”

4.41 The application proposals have been designed with particular regard to this national guidance and has fully taken into account the requirements of the Essex Design Guide, and ensure the density and layout design respect the edge of settlement character of the development.

4.42 In relation to protecting the Green Belt, section 13 of the NPPF provides national guidance on this matter. Paragraph 137 makes it clear that the essential characteristics of Green Belts are their openness and their permanence and paragraph 138 highlights how the Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

4.43 Paragraph 147 states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

4.44 Paragraph 149 highlights that the construction of new buildings are regarded as inappropriate development unless they fall within one of the allowed exceptions, including:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.45 If, however, the proposed development does not fall within one of the allowed exceptions, paragraph 148 states the following in terms of considering Very Special Circumstances:

“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

4.46 As well as providing a Green Belt Assessment of the site, this Planning Statement sets out a number of Very Special Circumstances that would “clearly” outweigh the limited and localised harm to the openness of the Green Belt, and should also be taken into account in determining this application. In particular, taking into account that as the Council have an out-of-date Local Plan as a result of not providing a 5 year housing supply, that paragraph 11 d) of the NPPF is engaged as a result of the collective Very

Special Circumstances that are highlighted in this application and the tilted balance is towards allowing this form of sustainable development.

- 4.47 The NPPF 2021 highlights the need to protect and enhance biodiversity and geodiversity. Paragraph 180 does set out criteria for determining planning applications and highlights that where there is “significant” harm to biodiversity resulting from a development which cannot be avoided, adequate mitigation, or, as a last resort, compensated for, then planning permission should be refused. This therefore emphasises the assessment in terms of significant impact is part of the assessment as to what level of mitigation should be provided. This issue has been addressed by the further ecological survey work that has been undertaken at the application site and through a biodiversity net gain calculation that has been carried out for the development.
- 4.48 Paragraph 194 of the NPPF 2021 considers the impact on the setting of listed buildings and what level of heritage assessment should be undertaken. It requires the level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The Design and Access Statement includes a Heritage Statement and concludes that there will be no adverse impact of the setting of the nearby Grade II Listed Building, Fairfield, viewed from Pines Hill, and no impact on its setting viewed from Stoney Common Road.

Essex Design Guide

- 4.49 The Essex Design Guide was established in 1973 by Essex County Council, and is used as a reference guide to help create high quality places with an identity specific to its Essex context. The latest edition is from 2018 and provides detailed guidance in respect of all design matters, including layout details, highway technical requirements, parking and SuDs design, building context, and architectural details.
- 4.50 In respect of layout design, which can influence illustrative masterplans prepared for outline applications, the EDG highlights the need to design permeable layouts that connect well with the existing walking and cycle networks within and outside of the development, and that residential layouts should encourage walking and cycling through the creation of direct routes.
- 4.51 The guidance provides design criteria of development and distinguishes between layouts below 20 dwelling per hectare and creation of urban spaces and buildings at densities over 20 dwellings per hectare. The criteria relating to densities over 20 dwellings per hectare are applicable to the scheme at Pines Hill.
- 4.52 Key factors to consider include:
- Pedestrian Scale.
 - Height of Buildings and Width of Spaces.
 - Dynamic and Static Spaces.

- The Problem of Over-wide Spaces.
- Length of Spaces.
- Continuity of Routes and Frontage.
- Character of The Space.

4.53 Specific guidance is provided in terms of provision of garden sizes for houses and communal areas for apartments. The EDG states there is a general requirement to provide 1 and 2 bed houses with a minimum of 50 sq m of garden space, and for 3 bed and above houses a minimum of 100 sq m. The proposed scheme in this outline application is compliant with this standard.

4.54 The latest EDG also requires for apartments to provide at least 25 sq m of private space for each apartment. If this level of communal space is not achievable the EDG requires the provision of balconies of at least 5 sq m. The proposed scheme in this outline application is also compliant with this standard.

4.55 In terms of impact on neighbours the EDG sets out the following criteria to be complied with, which the scheme at Pines Hill seeks to comply with:

- Where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, a minimum spacing of 25m between the rears of the properties is required.
- Where the rears of neighbouring properties face each other at an angle of more than 30°, the minimum spacing may be reduced to 15m from the nearest corner.
- Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.
- Where the rears of the new houses face those of the existing homes at an angle of more than 30°, this spacing may be decreased proportionately, down to a minimum of 1m from the boundary.
- Where the rears of the new houses face those of the existing homes at an angle of 90° and where there are no windows in the flank end and where there are no problems related to overshadowing, the new houses may encroach up to 1m from the boundary.

Essex County Council Parking Standards Design and Good Practice (September 2009) and Uttlesford Local Residential Parking Standards (February 2013)

4.56 The ECC 2009 Parking Standards are adopted SPD and set out the following minimum parking requirements for residential developments:

- 1 bed properties – 1 vehicle space per dwelling
- 2 bed+ properties – 2 vehicle spaces per dwelling

The guidance requires garages to have an internal dimension of 7m x 3m to be counted as a parking space.

- 4.57 Uttlesford District Council have also adopted a further minimum parking standard, set out as follows:

4 bed+ properties – 3 vehicle spaces per dwelling

- 4.58 As the proposed scheme is in outline with all matters reserved except for access, the amount of parking provided will be dealt with through reserved matters. However, the indicative masterplan submitted with the application could provide for a total of 72 parking spaces, which based on the indicative mix for up to 31 No. dwelling proposed is compliant with the total number of minimum spaces required by the ECC and UDC parking standards of 72 parking spaces.

Stansted Mountfitchet Parish Plan 2011

- 4.59 The Stansted Mountfitchet Neighbourhood Plan is being compiled by local residents and the Parish Council. The Neighbourhood Plan area was designated in September 2015, but to date has not progressed further in terms of producing a Plan.

- 4.60 Although not part of the Statutory Development Plan, a Parish Plan for Stansted Mountfitchet was prepared in 2011, and sets out the village's needs and aspirations of local people. As such, whilst little weight can be given to this document with regard to determining planning applications, it does give guidance that should be taken into account.

- 4.61 As well as highways and traffic generation being a key issue, the Parish Plan highlights the inadequate provision of affordable housing.

- 4.62 The Plan specifically states in "*The way forward*" that the Parish Plan:

"Support retention of greenbelt apart from minor variations at Elms Farm or Pines Hill, which would result in substantial gain for the community."

- 4.63 The Plan goes on to state that through the Uttlesford District Council's SHLAA a number of small sites with potential for development have been identified and that the Parish Council agrees with 6 sites including the site at Pines Hill. The Plan does not provide a specific plan of the Pines Hill site, but it is assumed that its reference is to the land where this application site is proposed.

- 4.64 The Plan also highlights the need for smaller two and three bed family houses as well as making Affordable housing a priority. The scheme at Pines Hill addresses both of these issues with a high proportion of 1, 2 and 3 bed properties and delivery of 52% affordable housing.

5.0 Planning Consideration

A) Principle of Residential Development in the Green Belt

- 5.1 It is well documented through appeal decisions over the last few years and very recently (last month) that within Uttlesford, the Council's 2005 Local Plan in terms of delivering housing is significantly outdated, and the review of the new Local Plan is at a very early stage, having no weight in the decision-making process of planning application. Examples of recent appeal decisions include (copies of the appeal decision letters are included with the application):

APP/C1570/W/21/3268990 Land to the east of the Old Elm, Tilekiln Green, Great Hallingbury (November 2021) – A scheme for 15 new dwellings including 6 affordable. Paragraph 25 of the appeal decision letter confirmed that the Council's policies were out of date and the 'tilted balance' is engaged with the determination of this appeal.

APP/C1570/W/22/3296426 Land to the south of (east of Griffin Place) Radwinter Road, Swards End, Saffron Walden (October 2022) – A scheme for 233 residential dwellings including affordable housing. Paragraph 71 of the appeal decision letter confirmed that as there was a 5 year housing land supply shortfall and the policies most important for determining the appeal are deemed out of date, Paragraph 11 (d) of the NPPF and associated footnote 8 was engaged.

APP/C1570/W/22/3296064 Helena Romanes School, Parsonage Downs, Great Dunmow (March 2023) – A scheme for up to 200 dwellings (nil affordable). This appeal decision is very recent and paragraphs 56 and 57 of the appeal decision letter highlights that whilst the Council issued its 5 year housing supply position statement as of 1st April 2022 asserting a supply of 4.89 years, the evidence before the appeal inspector presented a deliverable housing land supply to be closer to 4 years. In any event, both the Council and appellant in this appeal agreed there is not a requisite deliverable supply such that paragraph 11(d) of the NPPF is engaged. It is also worth noting that in this case the appeal inspector stated in paragraph 57 that the public benefit arising from addition new homes should be given "very significant weight in any balancing exercise".

- 5.2 The Council's latest housing trajectory as of 1st April 2022 that the District has 4.89 years of housing supply for the period 2022-2027.
- 5.3 However, in the recent appeal decision from 13 March 2023 for the Helena Romanes School in Great Dunmow (APP/C1570/W/22/3296064) referred to in the above paragraph it was determined by way of a hearing the Inspector commented in paragraph 57 that he concluded that "...based on the evidence before me, that the deliverable housing land supply to be closer to the 4 years invited by the appellant".

- 5.4 Indeed, in an appeal decision at Radwinter Road, Swards End, Saffron Walden dated 5 October 2022¹ (after the Council's latest trajectory was published in April 2022) which was determined following an inquiry paragraph 9 of the decision records that *"it was agreed between the main parties that the Council currently have 3.52 years of supply"*.
- 5.5 The case of *Shropshire Council v. Secretary of State for Communities and Local Government* [2016] EWHC 2733 (Admin) establishes that where housing needs and supply are in play the **extent** of any shortfall in housing supply is relevant to the balancing exercise a decision maker must carry out.
- 5.6 Further, in *Hallam Land Management Ltd v. Secretary of State for Communities and Local Government* [2018] EWCA Civ. 1808 the court clarified that whilst an exact quantification in the shortfall of supply is not always required, the exercise of the planning balance is likely to depend on factors *"...such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet"*. In this case, the Council's local plan is over 2.5 years from adoption at the earliest and in the absence of an up-to-date development plan the District is relying on planning permission being granted for development on unallocated sites to meet housing supply requirements.
- 5.7 Marrons Planning on behalf of the applicant has undertaken a more detailed review of the past and future demographics, affordability trends and housing delivery in Stansted Mountfitchet to determine the housing need for the settlement at the present time.
- 5.8 The review by Marrons Planning was also undertaken in the context of Stansted Mountfitchet being considered through a previous review of the Local Plan as one of the seven "key villages" within the District, and that Paragraph 78 of the NPPF 2021 states, *"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"*.
- 5.9 This Housing Need report included with this application concludes that there is a significant under-delivery of housing, with a shortfall of a minimum 151 dwellings against allocations to Stansted Mountfitchet for 2000-2011 in the Uttlesford Local Plan 2005, and a based on the withdrawn Regulation 19 Local Plan a shortfall of 690 dwellings. With a rapidly growing demand the Marrons Housing Need report concludes that the shortfall at the very least in the village for 2020-2040 is between 304 and 837 dwellings, and could be a larger amount with upper level of 914 and 1,447 dwellings within the same period.

¹ APP/C1570/W/22/3296426 - Land South of (East of Griffin Place) Radwinter Road, Swards End, Saffron Walden, CB10 2LB

- 5.10 This report therefore demonstrates the very significant shortfall of delivering housing in one of the key villages within the District, and this lack of delivery continues to be a very significant material consideration, and should be given **very substantial weight** in the determination of this planning application.
- 5.11 The delivery of housing is clearly supported by the NPPF and paragraph 11 makes provisions for considering planning applications, if a Local Authority is not meeting its 5 years housing supply requirement and does not have an up-to-date Development Plan. In the case of Uttlesford Adopted Local Plan, it has been proven through examples of appeal decisions referred to in this Planning Statement, along with the Housing Needs Assessment undertaken by Marrons Planning, that Policy H1 in particular is out-of-date and as a result the authority continues to have a shortfall in 5 year housing supply.
- 5.12 On this basis Part d) of paragraph 11 of the NPPF is applicable, which requires decision-takers to consider:
- “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 policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.13 Where the tilted balance is engaged the second part of paragraph 11 therefore requires the decision maker to take a balanced view between the potential harm of a development and the positives it would bring to an area, whether that is economic, social or environmental benefits. This approach is again well documented in recent appeal decisions and applied by local authorities where Local Plans are out-of-date.
- 5.14 It should also be noted that the proposed delivery of affordable housing (16 dwellings, 52%), on a site that adjoins the settlement boundary of Stansted Mountfitchet, will meet a local need, which is demonstrated through the Marrons Planning Housing Need report submitted with this application. This delivery of affordable housing to meet a local need is therefore considered to be supported by paragraphs 78 and 79 of the NPPF.
- 5.15 The following sub-headings provide an assessment of the impact of the openness of the Green Belt and whether identified Very Special Circumstances outweigh any harm to the Green Belt.

- Green Belt Impact Assessment
- Landscape and Visual Impact Assessment
- Very Special Circumstances

a) Green Belt Impact Assessment

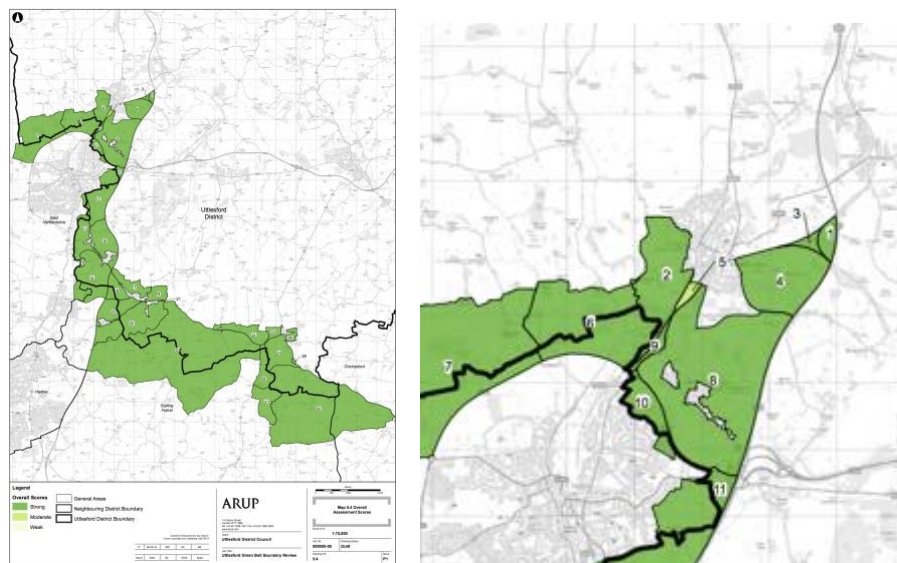
5.16 Within Uttlesford District, the Green Belt designation covers the southern edge of the authority. In 2016, an independent review of the Green Belt by Arup was undertaken on behalf of the Council. Within this review, the site at Pines Hill fell within parcel 5. The overall scoring for this parcel of land was ‘Moderate’ value – this was the lowest scoring parcel of land throughout the whole of the Uttlesford Green Belt. All other parcels were scored as ‘Strong’ value.

5.17 It should be noted that within Annex Report 1 of the Arup Green Belt 2016 review (Pages 19 to 22), the following comment was made about the parcel of land that the application site falls within in relation to Purpose 2 (To prevent neighbouring towns from merging):

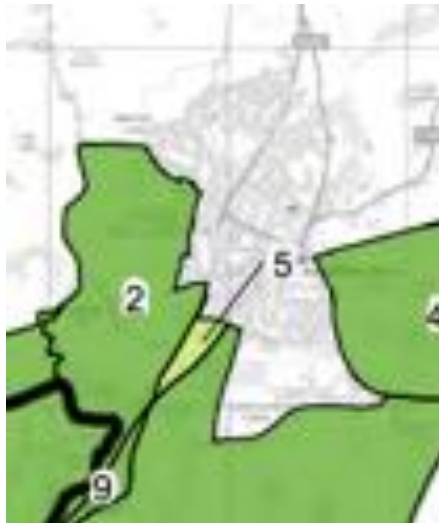
The land parcel forms part of the wider gap between the non Green Belt settlements of Stansted Mountfitchet and Bishop’s Stortford. There may be scope for some development in the north of the land parcel without causing coalescence_but the overall openness and scale of the gap is important to restricting the merging of these settlements.

5.18 This statement therefore highlights the difference between the part the application site plays within the Green Belt, compared against other land to the south of the application site.

5.19 The extract plan on the following page from the 2016 Green Belt Review shows the overall moderate scoring of parcel 5 and the rest of the Green Belt shown as a strong scoring.



2016 Green Belt Review



2016 Green Belt Review (zoom in)

- 5.20 As well as the 2016 Green Belt Review, leading up to the adoption of the 2005 Local Plan, it should be noted that the Local Plan inspector reviewed the land east of Pines Hill and made the following comments in paragraph 18.11.1 page 308 of his letter to the Council dated 19th February 2004 (a copy of the inspector's letter is included with this application):

"The site is in the Green Belt the boundary of which should only be altered in exceptional circumstances. However, such boundaries do need reviewing from time to time. From my visit I found this site on the edge of the village to read as part of the settlement and if there were a need for more housing I consider that subject to a satisfactory access the site would be suitable for the purpose. However, unless the Council identifies a local need I am otherwise satisfied with what I have recommended that sufficient land will come forward for development during the Plan period."

- 5.21 It was therefore clear through this review in 2004 the inspector considered the parcel of land east of Pines Hill formed part of the settlement at Stansted Mountfitchet.

- 5.22 In relation to assessing the application under current planning guidance and policies, Paragraph 138 of the NPPF 2021 sets out how to consider the impact of openness through setting out the following five purposes which the Green Belt:

- To check the unrestricted sprawl of large built-up areas.
- To prevent neighbouring towns from merging into one another.
- To assist in safeguarding the countryside from encroachment.
- To preserve the setting and special character of historic towns.
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

- 5.23 The review of the impact of the development proposed on the openness of the Green Belt at Pines Hill is set out on the following pages:

To check the unrestricted sprawl of large built-up areas

- 5.24 The site is contiguous with the existing residential area to the north of the site and residential properties and commercial use to the south, with the railway line over to the east. The site is just below 1 hectare and has a self-contained and infill nature with its surroundings. The proposed development site does not protrude beyond the existing urban area of Stansted Mountfitchet, when considering the existing residential properties and commercial use to the south of the site.



Pines Hill application site boundary

- 5.25 Overall, the boundaries of the parcel are strong and predominantly contained by existing transport infrastructure and urban settlement. This containment reduces the value of this site against this potential Green Belt function.
- 5.26 It should be noted that the site falls within Green Belt parcel 5 that was scored overall as 'Moderate' value within the 2016 independent review of the authority's Green Belt. This was the lowest scoring parcel of land throughout the whole of the Uttlesford Green Belt. All other parcels were scored as 'Strong' value.
- 5.27 In terms of this purpose of the Green Belt function, the independent review noted that the land parcel was at the edge of one large built up area, and the review scored parcel 5 as a 3 - *"General Area is connected to one or more large built-up area(s) which is/are predominantly bordered by prominent, permanent and consistent boundary features."*

5.28 However, the image below shows how parcel 5 covers a wider area south of the site (Green outline), and that if the smaller area of the site (Red outline) and its surroundings were scored as more of an infill nature, then the Green Belt scoring would be within the lower category of 1, which highlights sites that are *“bordered by prominent, permanent and consistent boundary features.”*



2016 Green Belt review Parcel 5 outlined in green, application site outlined in red

5.29 Based on the 2016 Green Belt review criteria and taking account the infill nature of the site, a lower score of 1 should be attributed to the Pines Hill site.

To prevent neighbouring towns from merging into one another

5.30 The 2016 Green Belt review categorised land gaps into the following definitions:

- *‘Essential gaps’, where development would significant reduce the perceived or actual distance between settlements.*
- *‘Wider gaps’, where limited development may be possible without coalescence between settlements.*
- *‘Less essential gaps’, where development is likely to be possible without any risk of coalescence of settlements.*

- 5.31 Parcel 5 within the 2016 Green Belt review was scored as a midway 3, which was defined as:

A wider gap between non-Green Belt settlements where there may be scope for some development, but where the overall openness and the scale of the gap is important to restricting merging.

- 5.32 Of particular note (which is highlighted above) is that this definition states that there is potential for development within this type of gap.

- 5.33 The site at Pines Hill is considered to be one of those types of sites, due to forming only a small section of parcel 5, and is located in the northern part of the parcel with residential and commercial buildings and uses to the south. The infill nature of the site would ensure that there would be no projection of development towards the southern part of parcel 5 and that neighbouring settlements of Bishops Stortford and Stansted Mountfitchet would not merge.

- 5.34 Taking account the above factors, a score of 3 is attributed to this site under the 2016 Green Belt review criteria, but that it is noted the site has potential for development.

To assist in safeguarding the countryside from encroachment

- 5.35 The 2016 Green Belt review provided 4 broad categorisations to encompass the assessment of land use, context, scale and links to the wider Green Belt. The categorisations were defined as:

- Strong unspoilt rural character
- Largely rural character
- Semi-urban character
- Urban character

- 5.36 Parcel 5 which the site falls within was scored as being within the largely rural character designation and scoring 3. However, the site at Pines Hill falls within the northern half of parcel 5, which is quite different in contrast to the southern part of the parcel. It is therefore considered that the site and northern half of parcel 5 falls within the “Semi-urban character” as defined as:

“land which begins on the edge of the fully built-up area and contains a mix of urban and rural land uses before giving way to the wider countryside.”

- 5.37 On this basis, within the purpose the development site at Pines Hill should be have a lower score of 1.

To preserve the setting and special character of historic towns

- 5.38 The planning application site is located on the edge of the village, and whilst the village has a Conservation Area, it is some way from the site and as a result the development proposed will not impact on the character or appearance of the Conservation Area.

Whilst there is a Grade II listed building known as Fairfield along Silver Street (List UID: 1322466) to the north west of the application site, it is located some 160m from the entrance to the site off Pines Hill, and 120m from the edge of the application site along Stoney Common Road. The Design and Access Statement reviews the impact on this listed building and considers there will be no impact on its setting as a result of the proposed development to the east of Pines Hill.

To assist in urban regeneration by encouraging the recycling of derelict and other urban land

- 5.39 The 2016 Green Belt review confirmed that there were no planned urban regeneration schemes that were being inhibited by Green Belt designations.

Conclusions of Green Belt review of Pines Hill site

- 5.40 Based on the 2016 Green Belt review criteria the scoring between the wider parcel 5 and the smaller site at Pines Hill would be as follows:

	Area (hectares)	<u>To check the unrestricted sprawl of large built-up areas</u>	<u>To prevent neighbouring towns from merging into one another</u>	<u>To assist in safeguarding the countryside from encroachment</u>
Wider Parcel 5	6.30	3	3	3
Pines Hill site	0.99	1	3	1

- 5.41 Based on this assessment of the site at Pines Hill, two of the purposes fall within the weak Green Belt category, rather than more moderate. As such, it is considered that the Pines Hill site should overall be scored as weak to moderate in terms of its Green Belt assessment and value.
- 5.42 It is considered therefore with a weak to moderate overall scoring, the impact of the residential development on this site, would have a lesser impact on the overall openness of the Green Belt than what was attributed to the wider parcel 5 assessed through the 2016 review.
- 5.43 Less weight should therefore be given to the sites retention as vacant land, in terms of the part that it plays in the wider openness of the Green Belt, and the harm to the Green Belt from development of this site would also be less.

b) Landscape and Visual Impact Assessment (LVIA)

- 5.44 The LVIA that was undertaken by Greenlight and assessed the impact of the proposed development from a number of points near to the site and further away. The following conclusions were made in relation to this review:

- The assessment of the effects of the proposals on the larger landscape character found that there would be a **slight/moderate** effect in the long-term due to the discreet nature of the proposals within the context of the Green Belt.
- For the site itself, the landscape effects on landscape receptors were found to be **moderate** due to the change of land use and some mature tree or ‘important woodland’ removal. Some important landscape elements such as the hedgerows and mature trees will be partially retained.
- Currently there are no other proposals within the vicinity of the site awaiting permission therefore it is judged that there would be low cumulative landscape effects caused by the proposal.
- With regard to the visual effects of the proposed development upon local receptors, the greatest effect is no further than 500m from the site boundaries.
- Mitigation planting is proposed as follows:
 - planting of hedgerows and trees within the interior development area;
 - replacement planting for tree losses on the western edge, and;
 - a replacement hedgerow on the western site boundary.
- Cumulative effects were assessed with respect to other developments in the study area. It is judged that there are low cumulative landscape effects and no cumulative visual effects with respect to the proposals.
- Two transport routes would experience a **slight/moderate** visual effect.
- Ten properties were judged to have a **slight to substantial/moderate** visual effect.
- No PRoWs or open spaces were judged to experience a visual effect.
- Although the receiving landscape exhibits a positive character the site has strong vegetation on the site boundaries, which will be partially retained, that reduces the landscape and visual effects of the proposals. The proposals would introduce new landscape elements on a discreet site. The proposals have been specifically designed to maintain the building line on Pines Hill.
- The residential development will be medium density reflecting neighbouring estates whilst providing wide landscape buffers so that the openness of the Green Belt is maintained. There would also be new characteristic tree and hedgerow planting that would improve screening to all boundaries. In relation to the scheme’s opportunities and constraints, it is considered that the visual and landscape effects of the proposal are acceptable.

5.45 This LVIA assessment therefore concludes that the visual impact of the development would not be a significant harmful impact, which supports the conclusions of the Green Belt assessment of the site.

c) Very Special Circumstances within the Green Belt

5.46 Paragraph 148 of the NPPF 2021 states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 5.47 As the site falls within the Green Belt and the residential development of the site at Pines Hill would constitute inappropriate development, there is a need to demonstrate Very Special Circumstances.
- 5.48 In this respect, an appeal decision at Colney Heath is relevant (appeal ref APP/B1930/W/20/3265925 and APP/C1950/W/20/3265926, a copy of the inspector's decision letter is attached). This appeal was for a housing scheme for up to 100 dwellings on the edge of a village within the Green Belt, including 45% affordable and 10% self-build.
- 5.49 In assessing VSCs, the inspector in the Colney Heath appeal highlights in paragraph 45 of the appeal decision letter that "*It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or uncommon*". In this appeal, both the provision of market housing and affordable housing were individually given very substantial weight; and the provision of self-build dwellings was given substantial weight.
- 5.50 Balanced against the level of harm to the Green Belt, the Colney Heath appeal inspector concluded that the provision of market housing and affordable housing, along with provision of self-build housing demonstrated very special circumstances existed in this case and allowed the appeal. In relation to the site at Pines Hill, the appellant submits that the following, when assessed together, amount to Very Special Circumstances that outweigh the harm to the Green Belt in this case.

Very Special Circumstance 1 - Provision of 52% affordable housing

- 5.51 The proposed scheme at Pines Hill would deliver 16 dwellings, which would account for 52% of the total amount of housing proposed. This amount of affordable housing would exceed the Council's standard Local Plan policy requirement of 40%.
- 5.52 The proposed mix of affordable housing includes:
- Affordable Rented (8 dwellings)**
- 4 no. 1 bed flats @ 50 sq m
 - 2 no. 2 bed flats @ 70 sq m
 - 1 no. 2 bed houses @ 79 sq m
 - 1 no. 3 bed houses @ 93 sq m
- Shared Ownership (4 dwellings)**
- 1 no. 2 bed houses @ 79 sq m
 - 3 no. 3 bed houses @ 93 sq m
- First Homes (4 dwellings)**
- 4 no. 2 bed houses @ 79 sq m

- 5.53 This mix of housing includes 4 No. two bed houses to be sold as First Homes meeting the criteria as set out in the recently issued Ministerial Statement, including a

discounted rate of 30% against market value; sold to a person or persons meeting the First Homes eligibility criteria; restrictions over first sale; and, after the discount has been applied, the first sale will be no higher than £250,000. The amount of First Homes (25% of the total affordable provided) would also comply with Council's 2022 First Homes Planning Advice Notice, in relation to the amount of First Homes that should be provided by developments greater than 15 or more residential development or on a site of 0.5 hectares and above.

- 5.54 There has been consultation over the last months with the Council's Housing Enabling & Development Officer as this proposed development and affordable housing offer has evolved. The proposed mix and size of affordable housing was agreed with the Council's Housing Enabling & Development Officer on 16th March 2023. The proposed affordable homes will assist in fulfilling some of the housing need identified for Uttlesford within the 2017 West Essex and Herts Strategic Housing Market Assessment. It is proposed that all of the affordable homes will be built in accordance with the Nationally Described Space Standards 2015 as agreed with the Council. It is also proposed to work closely with the Council with regard to local eligibility criteria in relation to the affordable homes provision. This will be secured in planning obligations.
- 5.55 It should also be noted that the Housing Need Assessment that has been prepared by Marrons Planning for this application, has highlighted acute affordability issues in both Uttlesford and the settlement of Stansted Mountfitchet (see summary paragraphs 3.21 and 3.22 of the accompanying report), and that the provision of 52% affordable housing through this scheme, including the 4 No. First Homes, will seek to alleviate these pressures of providing accommodation of a range of tenures and sizes.
- 5.56 Section 5 and 6 of the Marrons Planning Housing Need Assessment also provides a detailed review and assessment of affordable housing delivery and need in Uttlesford District and Stansted Mountfitchet, and also future affordable housing need in Uttlesford.
- 5.57 As well as highlighting a significant District-wide shortfall of delivering affordable housing since 2011 along with a newly arising need equalling to a total of 1,766 affordable dwellings over the next 5 years (353 adpa), the Marrons Planning Assessment critically highlights **there are no affordable dwellings proposed in Stansted Mountfitchet over the next 5 years (2022/23 to 2026/27).**
- 5.58 With no identified delivery of affordable housing in Stansted Mountfitchet over the next 5 years, this should give additional weight and significance to this Very Special Circumstance, particularly taking into account the scheme at Pines Hill would deliver 16 No. affordable homes.
- 5.59 Taking into account the significant shortfall of housing delivery in Uttlesford and Stansted Mountfitchet that has been identified by the Marrons Planning housing needed assessment, this scheme at Pines Hill would therefore provide much need

affordable housing above Local Plan policy requirements, in a sustainable location on the edge of the largest village within the District.

5.60 On this basis, VSC 1 should be given **very substantial weight**.

Very Special Circumstance 2 - Provision of housing

5.61 It is widely acknowledged that within Uttlesford there has been a significant housing shortfall, with an out-of date Local Plan. As of 1st April 2022 the Council's latest housing trajectory shows that the District as a whole has 4.89 years of housing supply for the period 2022-2027 but recent appeal decisions highlighted above demonstrate that the Council's housing supply may well be below 4 years. The local authority cannot demonstrate a 5 year housing supply.

5.62 The Marrons Planning Housing Need Assessment that has been prepared for this application provides a more detailed analysis of the delivery of housing across the District, but then also more locally in Stansted Mountfitchet. It then highlights the housing need again across the District and within Stansted Mountfitchet.

5.63 The conclusions of the Marrons Planning Housing Need Assessment in relation to Overall Housing Delivery and Indicative Overall Housing Need can be summarised as:

- *A shortfall of a **minimum** 151 dwellings against allocations to Stansted Mountfitchet for 2000-2011 in the Uttlesford Local Plan 2005;*
- *The housing target of the withdrawn Regulation 19 Local Plan (2018) was 14,000 dwellings 2011-2033, with 618 dwellings allocated to Stansted Mountfitchet (4.4% of the total);*
- *A total of 682 dwellings have been completed or have planning permission since 2011;*
- *However, Marrons assessment indicates that need in Stansted Mountfitchet was at least 1,372 dwellings 2011-2033;*
- *Accounting for completions since 2011 and sites with planning permission, there remains a shortfall of 690 dwellings;*
- *The emerging Uttlesford Local Plan is planning for the 2020-2040 period;*
- *Since 2020, 72 dwellings have been built or have planning permission in Stansted Mountfitchet;*
- *Marrons assessment indicates that housing need in Stansted Mountfitchet ranges between 986 and 1,519 dwellings 2020-2040;*
- *Therefore a shortfall of between 914 and 1,447 dwellings 2020-2040 remains;*

- *Even if we were to consider all of the completions since 2011, and planned delivery yet to be completed (both amounting to 682 dwellings) there would remain a shortfall of between 304 and 837 dwellings in the village, 2020-2040.*

- 5.64 The housing need assessment undertaken by Marrons Planning therefore highlights that there continues to be a significant shortfall of housing being constructed in Stansted Mountfitchet to meet identified local need. It is also notable that since 2020, only 72 dwellings have been built or have planning permission in Stansted Mountfitchet, and a shortfall of between 914 and 1,447 dwellings 2020-2040, with no planned housing allocations within the 2005 adopted Local Plan to cater for this amount of housing within and around the village. This inability through the current adopted Local Plan to deliver the required housing need within and around the village should therefore add considerable weight to the delivery of 11 No. private dwellings to this Very Special Circumstance.
- 5.65 It should also be noted that whilst the Council has been progressing another review of the Local Plan, this is still at a very early stage in the Plan process, with a targeted adoption date of October 2025, with no guarantee that this will be achieved.
- 5.66 It should also be noted that the proposed market housing in this planning application at Pines Hill would provide 6 No. 3 bed properties therefore further assisting in addressing the provision of smaller family homes within the village.
- 5.67 As such, the provision of a total of 31 dwellings, including 11 No. private dwellings (not including affordable housing or self/custom build plots) at Pines Hill and VCS 2 should be given **very substantial weight**.

Very Special Circumstance 3 – Provision of self-build / custom build housing

- 5.68 This planning application proposes 4 No. self-build / custom build houses, comprising 3 No. three beds and 1 No. four bed.
- 5.69 The Government have in recent years highlighted that they are committed to boosting housing supply and believes that the self-build and custom housebuilding sector has an important role to play in achieving its objective of housing delivery. Legislation and regulations require local authorities to keep track of the demand for self-build and custom-build housing in their area and to find ways of meeting demand (as required by the Self-build and Custom Housebuilding Act 2015). In line with this legislation, Uttlesford District Council have formally held a register since April 2016, and provided an annual update of the level of need compared delivery of this form of housing.
- 5.70 The latest Progress Report was published by the Council in 2021, and states in paragraph 5.2 of the Report that for monitoring purposes, the Council will only count plots that have planning that have a self and custom build in their description, and single plots that meet the legal definition set out by the Self-build and Custom Housebuilding Act 2015. The following table sets out the number of people added to the Council's Register and permissions granted under the two Council definitions:

Assessment Period	Number of people added to register (within base period)	Permissions Granted (3 year base following period)	Single Plots dwellings permissions
Base period 1: 01/04/16 to 30/10/16	30	43	489
Base period 2: 31/10/16 to 30/10/17	71 (+ 1 Group)	17	353
Base period 3: 31/10/17 to 30/10/18	44	13	323
Base period 4: 31/10/18 to 30/10/20	32	-	172
Base period 5: 31/10/19 to 30/10/20	5	-	121
Base period 6: 31/10/20 to 30/10/21	10	-	-
Base period 7: 31/10/21 to 30/10/22	1	-	-

5.71 Based on this approach the Council state in paragraph 5.5 of their Monitoring Report that the Council is fulfilling its duty (as a Vanguard authority) having permitted sufficient suitable permissions that could include self-build and custom housing to meet the demand identified on the register.

5.72 However, on behalf of the applicant a Freedom of Information Request was sent to the Council on 26th January 2023, requesting further detail about the planning permissions granted and in particular regarding the single plots that had been granted planning permission. The Council's response (Reference No. 23-048) is included with this planning application.

5.73 The FOI highlighted the following key points:

- Between 2015 to 2023 there have been 66 No. dwellings granted planning permission with self-build/custom build in the application description.
- Between 2016 to 2019 only 1 No. dwelling was granted planning permission in Stansted Mountfitchet with self-build/custom build in the application description.
- Between 2016 to 2019 only 16 No. single dwellings out of the stated 1,337 No. single plots referred to by the Council in the Monitoring Report, make reference

within the permission description, and/or have a planning condition, and/or S106 clause relating to delivering self-build and custom build dwellings.

- 5.74 Base period 1 to 4 identifies that on the Housing Register there are 177 persons.
- 5.75 During this period there were a total of 43 dwellings granted planning permission with self-build / custom building within the description, and 16 individual plots that make reference within the permission description, and/or have a planning condition, and/or S106 clause relating to delivering self-build and custom build dwellings.
- 5.76 This therefore identifies that in fact during Base period 1 to 4 there was in fact a short fall of 118 No. self-build / custom build dwellings across the District, rather than a significant over-supply has stated in the Council's Monitoring Report.
- 5.77 It should also be noted that the Council's monitoring report identifies a location preference for 5 No. self-build / custom build plots in Stansted Mountfitchet, whereas planning permission for 1 No. plot has been granted within the village between 2016 to 2019.
- 5.78 It should also be noted that there will be a new duty on Councils to grant sufficient permissions for self- and custom-build housing through Amendment NC68 of the Government's recent Levelling-up Bill that revises section 2A(2) of 2015 Self-build and Custom Housebuilding Act, that is currently proceeding through the House of Lords. The revised clause says local planning authorities must give sufficient permissions for self-build and custom housebuilding on serviced plots to meet the demand for such development in their area over a given period.
- 5.79 The explanatory notes for the amendment says that the Government's intention is that planning permissions will only qualify towards meeting demand for self-build and custom housebuilding as set out in the 2015 act if they are actually designed for this purpose. The revised wording will delete a sub-section, which proponents of the sector argue allows Councils to count any planning permission that 'could' be used for self-build and custom housing, even it was for market housing.
- 5.80 This therefore strengthens the case and weight attributed to the identified shortfall of delivering this form of housing in Uttlesford and Stansted Mountfitchet.
- 5.81 The application at Pines Hill would include 4 No. self-build/custom build houses that would be referred to in the description and delivered through a S106 planning obligation clause. This would therefore contribute to not only the identified District wide shortfall, but also deliver the 4 plots to meet the local preference for Stansted Mountfitchet highlighted by the Council's Monitoring Report.
- 5.82 It should also be noted that the Council's Monitoring Report states in Table 4 that 81% of entries on the Self-build / Custom build register would prefer a 3 or 4 bed property. This planning application at Pines Hill includes 3 No. three beds and 1 No. four beds, contributing to this preferred demand.

- 5.83 Taking into account the high level of demand for Self-build / Custom and significant short fall of delivery that has been highlighted by a FOI requested both across the District and in Stansted Mountfitchet, the delivery of 4 No. Self-Build / Custom Build at Pines Hill and VSC 3 should be attribute **very substantial weight**.

Very Special Circumstance 4 - Promotion of sustainability credentials of the site

- 5.84 The site is located on the edge of the village within a short walking distance of the village centre and local services. There are bus stops located in close proximity to the site along Pines Hill, that provide frequent bus services to Bishops Stortford (bus stop is within 50m of the entrance to the site) and into the village centre and surrounding area (bus stop is within 400m of the entrance to the site).
- 5.85 Pedestrian access will be provided from the site to Stoney Common Road. This will mean that residents of the development will be within 800m to 1km walking distance of the railway station and village centre, local schools and businesses, recreation grounds and play areas.
- 5.86 The site at Pines Hill also presents an ideal opportunity to provide a mix of smaller homes for first time buyers; mid-range properties; and family dwellings, in a location that will provide the opportunity to promote walking and other forms of transport, with services and village centre within easy reach for residents. It is therefore considered that the location of the site creates a unique opportunity to provide housing within a sustainable location on the edge of the village. It should also be noted that the private dwellings have been increase in size to include room for home working provisions/home office, taking into account the need now for creating space within houses to allow for home working. This adds weight to sustainability credentials of the scheme.
- 5.87 Taken as a whole this sustainable edge of village location and VSC 4 should be given **substantial weight**.

Very Special Circumstance 5 - Delivery of significant biodiversity net gain

- 5.88 As part of the planning application an Ecological Assessment has been carried out prepared by Ecology Solutions. This Assessment follows on from the refusal of planning application reference UTT/21/2730/OP and the Reason for Refusal 2, and further survey work was undertaken on-site in relation to badgers, bats, hazel dormice, reptiles and birds. An assessment of the habitat quality within the application site was also undertaken and a Biodiversity Net Gain (BNG) assessment was undertaken that identifies and evaluates the potential effects the development proposals may have on ecology.
- 5.89 In order to deliver a net gain as part of the proposals, it was found that following on-site initiatives, off-site offsetting would also be required. Land has been identified at Dowsetts Farm, Ware comprising approximately 2.42 hectares currently arable, but suitable to change to appropriate grassland to create the net gain. An Off-Site Habitat and Management Plan (OHCMP) has been included with the application and would be

implemented through the S106 planning obligation to be entered between the applicants, landowners of the application site and land at Dowsetts Farm. The local authorities (Uttlesford, East Herts and Essex) have also been approached to be part to the S106 planning obligation. A draft copy of the S106 planning obligation is included with this planning application.

- 5.90 Paragraph 5.3.10 of the Ecological Assessment explains that whilst the land at Dowsetts Farm is not located within the application site's immediate vicinity, nor the same local authority (East Herts rather than Uttlesford), it should be noted that the application site and mitigation site lie within the same National Character (NCA). This location of off-site mitigation therefore follows BNG guidelines and as it is located within the same NCA as the application site, its location is unpenalised, which would be the same if the site was within the same local authority area.
- 5.91 The Ecological Assessment in paragraph 5.3.12 confirms that the once the OHCMP is implemented at the land at Dowsett Farm and then maintained, the proposals will deliver a significant net gain, with an increase of +58.43% in area units and +29.76% in linear units.
- 5.93 In a more recent appeal decision for a site in Amersham in the Green Belt determined on 8 March 2023², a scheme which was to deliver a BNG at around 20% was considered a "significant BNG" and that the "environmental benefits of the Framework would be achieved through the large contribution of BNG and, to some extent, through the provision of the SANG. The extent of the BNG attracts substantial weight."
- 5.94 Paragraph 5.3.14 within the submitted Ecological Assessment also highlight that: "These gains represent a significant increase in ecological value being delivered by the proposals. It is noted that in a recent appeal decision (APP/A2280/W/20/3259868) the Secretary of State gave substantial weight to a lower net gain than is associated with these proposals, stating that "Indeed, one of the suggested conditions secures at least 20% biodiversity net gain. I consider that the benefits secured in this regard attract substantial weight"".
- 5.95 Taking into account the significant BNG gains that would result from the proposed OHCMP that will be delivered through the S106 planning obligation with this application, it is considered that in this case **substantial weight** should also be attributed to the provision of significant BNG and VSC 5.

Very Special Circumstance 6 - Socio-economic benefits

- 5.96 The proposed development will not only provide a good range of houses that will add to the community and provide much needed housing, but the socio-economic benefits this development will bring should be given significant weight.

² APP/X0415/W/22/3303868

- 5.97 The Marrons Planning Housing Need Assessment submitted with this planning application includes in Section 5 of the report a more detailed review of the economic benefits of the scheme. In summary, these economic benefits include:

Construction Phase

In summary, the construction jobs and GVA figures benefiting the local economy are:

- Total net (direct and indirect) FTE jobs generated during the 18 month construction period = 90 FTE jobs (of which 38 FTE jobs within Uttlesford)
- Total temporary economic output during the construction of the proposed development = £7.6m, of which £3.2m within Uttlesford.

Operational Phase

- Accommodating approximately 72 new residents, of which approximately 36 are likely to be in employment;
- Those residents in employment will generate a gross direct economic output of approximately £1.9m per annum, of which (based on typical commute flows) £800,000 per annum is likely to be generated within local businesses;
- Residents of the Proposed Development will spend a combined average of approximately £514,000 per annum on retail, leisure and service goods;
- The Proposed Development will generate Council Tax receipts totaling £57,000 per annum;
- The Proposed Development will also generate a New Homes Bonus payment totalling £62,000.

- 5.98 Taking into account the above economic benefits and particularly so in light of the recent downturn in the national economy, VSC 6 should be given **substantial weight**.

d) Overall Conclusion of impact of development on the Green Belt

- 5.99 This section of the Planning Statement has set out a Green Belt review of the site at Pines Hill and overall has assessed the site as making a **weak to moderate contribution towards the purposes of the Green Belt** outlined by paragraph 138 of the NPPF.

- 5.100 The following **Very Special Circumstances** have also been proposed for the scheme at Pines Hill and assessed as follows:

1. **Provision of 16 No. (52%) affordable housing, including 4 No. First Homes – very substantial weight**
2. **Provision of a total of 31 No. dwellings including 11 No. market housing – very substantial weight**
3. **Provision of 4 No. self-build / custom build dwellings – very substantial weight**
4. **Sustainable credentials of the site – substantial weight**
5. **Delivery of BNG land – substantial weight**

6. Socio-economic benefits – substantial weight

- 5.101 Taking into account the **weak to moderate Green Belt assessment of the site, and conclusion of the LVIA that has been undertaken (which would not be a significant harmful impact)**, weighed against the VSCs outlined above, it is considered that due to the collective substantial weight of the VSCs, that in this particular circumstances this clearly outweighs the harm to the openness of the Green Belt.
- 5.102 **Overall, very substantial weight should therefore be given to these Very Special Circumstances which “clearly” supports the granting of planning permission for the development at Pines Hill for 31 dwellings.**

B) Other Planning Considerations

Design and Access Statement

- 5.103 The Design and Access Statement has been prepared by On Architecture dated February 2023. The Statement provides an overview of the scheme and the vision, considered against regional and local context. It considers access and movement, character and density analysis and local context design influences.
- 5.104 The Statement evaluates the site at a strategic level and demonstrates the enclosed infill nature of the scheme and how it will form part of the village. It also evaluates the existing site and its surrounding context, and highlights the issues raised through the previously refused 2014 application for 68 dwellings.
- 5.105 Whilst the proposed layout in this application is the same layout as proposed in the 2021 refused planning application, an additional drawing and section has been added to the Design and Access Statement showing an urban grain comparison between existing edge of Stansted Mountfitchet and how it changes with the proposed development (Section 02 page 15 of the Design and Access Statement). These urban grain comparison diagrams show how the density and layout of the proposed development at Pines Hill would blend in with the surrounding buildings and urban grain. The sensitive nature and density of the proposed scheme is therefore considered to create a “transition” form of development between the urban edge of the village and the open countryside to the south. It is therefore considered that the Council’s previous Reason for Refusal 1 criticism to the 2021 application in that it would create a harmful “urbanising effect” is not warranted.
- 5.106 The Design and Access Statement includes a Heritage Statement assessing the impact on the nearby Grade II Listed Building, Fairfield on Silver Street to the north of the application site. This Heritage Statement concludes there will be no adverse impact on the setting of the Listed Building viewed from Pines Hill, and no impact viewed from Stoney Common Road.

- 5.107 The Design and Access Statement then assesses the opportunities and constraints of the site and provides a summary of the design issues that have been taken into account in designing the scheme.
- 5.108 The Statement then provides illustrative details of the proposed scheme of up to 31 dwellings and demonstrates how the proposal achieves permeability, integration with the surrounding area, and is landscape led by protecting existing trees and proposing new trees with the development. On page 12 of the Design and Access Statement a diagram is included showing the proximity of the site to the village centre and train station, highlighting the sustainability credential and location of the application site.
- 5.109 The Design and Access Statement provides an indicative schedule of accommodation that identifies the potential size and mix of properties, including the 52% of affordable housing (including 4 No. first homes) and 4 No. self-build / custom build houses.
- 5.110 The schedule also confirms indicative garden sizes for the housing and communal area for the apartments, which are all compliant with the EDG standards.
- 5.111 The indicative layout also shows a mix and range of house types and provides a road design, that follows the EDG principles for developments less than 50 dwellings per hectare
- 5.112 In conclusion the D&A summaries the following points:

The sites uniqueness is demonstrated as a:

- *Fully enclosed landlocked site.*
- *Density within keeping with the surrounding area.*
- *Permeable roads that integrates with the village.*
- *Pedestrian access promoted from the site to the Stoney Common Road.*
- *Provision of a vehicular access onto Pines Hill meeting highway standards.*
- *Provision of 52% affordable housing.*
- *4 No. self-build/ custom build units integrated within the scheme.*
- *Essex Design Guide principles have been adhered to, creating a high quality designed scheme.*
- *The application site represent a highly sustainable location.*

Transport Statement

5.113 A transport statement has been prepared by TTP Consulting dated April 2023. TTP have also prepared a detailed vehicular access drawing with visibility splays for the proposed access onto Pines Hill, that will form part of the approved plans and is applied for in detail through this outline planning application.

5.114 It should be noted that through a pre-application meeting and review with Essex County Council Highways in December 2021, the County Highways advised against providing vehicular access onto Stoney Common Road and that vehicular access should be provided of Pines Hill. Although the previous 2021 application for up to 31 No. dwellings at the site was refused planning permission, there was not an objection from the Highway Authority to the application and proposed vehicular access onto Pines Hill. In their response to application 2021, the Highway Authority recommended the following planning conditions:

- 1) *The requested visibility splays of 2.4m x 89.5m and 2.4m x 120m as shown on TTP Consulting Drawing 2020-4056-008 are deliverable and shall be maintained;*
- 2) *Prior to the undertaking of any construction works on the public highway it will be necessary to submit a detail design to the highway authority for their review and technical approval, and to enter in to a Section 278 Agreement under the Highways Act. At this stage of the design process, which will be based on an updated topographical survey, the requirements of this recommended condition shall be provided. The junction radii will be adjusted so that a refuse collection vehicle is able to exit left to Pines Hill without crossing the centre line of the road.*
- 3) *The requested improvements to the footway within the public highway leading north from the site frontage will be included in the scheme of detail design.*
- 4) *The connection for pedestrians and cyclists from the development to Stoney Common Road shall be provided.*
- 5) *If the originally requested improvements to local bus stop infrastructure for northbound services are still required then this will also be included in the scheme of detail design.*
- 6) *The formation of the new access requires the relocation of the southbound bus stop, the design of which will be incorporated within the Section 278 works.*
- 7) *Each household will be provided with a Residential Travel Information Pack in accord with Essex County Council requirements.*
- 8) *A Construction Management Plan will be provided for approval prior to development taking place.*

5.115 It is expected that the Highway Authority will again recommend these conditions, which the applicant has no objection to them be imposed on a planning permission and will contribute to infrastructure improvements locally to the site.

5.116 The main points of the Transport Statement can be summarised as follows:

- *The proposed homes are located within walking distance to Stansted Mountfitchet Station, providing access to Greater Anglia services. There are also bus stops located within walking distance on Pines Hill. As such, the site benefits from access to public transport, and is supported by local facilities in Stansted Mountfitchet. In addition, there are surrounding facilities and amenities including schools, shops, doctors, newsagents, supermarkets and restaurants within walking distance of the site.*
- *Car parking and cycle parking will be provided in accordance with Essex County Council's parking standards.*
- *The site will be designed to accommodate the Council's refuse vehicle entering and exiting the site in forward gear.*
- *Trip generation has been undertaken which demonstrates that there will not be a noticeable impact on the highway network as a result of the development.*
- *Vehicular and pedestrian access is proposed from Pines Hill Road, a road safety audit has been undertaken and is included as part of the submission material.*
- *Essex County Council, as highway authority, has previously considered a development of this scale and access of this nature and found it to be acceptable subject to recommended conditions, with local planning authority finding the proposals compliant with Local Plan policies GEN1 and GEN8.*

Foul and Surface Water Drainage Strategy

5.117 Since the refusal of planning application UTT/21/2730/OP, further work has been undertaken by the applicant's drainage engineer to provide a Foul and Surface Water Drainage Strategy that overcomes the previous concerns raised by the LLFA and as set out in Reason for Refusal 3. Included with this application is a revised drainage strategy prepared by Richard James of Turn 2 Ltd dated March 2023. The report also includes a copy of the email from the LLFA confirming they would support an application.

5.118 The additional work undertaken by the applicant's drainage engineer included BRE 365 infiltration soakaway testing, which has then informed the finalised drainage strategy that is viable and sustainable. The main points of the Foul and Surface Water Drainage Strategy can be summarised as follows:

- Geological conditions at the site are based on the Brown 2 Green phase 1 desk study which indicates the site is underlain by superficial deposits of sands and gravels over Chalk.
- Based on the ground conditions it is understood that infiltration drainage will be viable on the site and infiltration testing will be undertaken in order to verify the

proposed design. An assumed infiltration rate of $1 \times 10^{-5} \text{m/s}$ has been used as the basis for the design.

- The proposed development site is located entirely within Flood Zone 1 land classified as Land having less than 1 in 1000 annual probability of river or sea flooding. The site is classified as 'More Vulnerable' (Flood Risk Vulnerability Classification) and therefore, the development is classified as 'appropriate'.
- It is proposed that runoff from each property will drain to a suitably sized individual soakaway while runoff from the roads will be dealt with via permeable surfacing with sub base storage. This arrangement will also ensure that any runoff is suitably treated in line with the requirement of the SuDS manual.
- The drainage has been sized to accommodate storm events up to and including the 1 in 100-year event plus an allowance of 40% for climate change.
- As the buildings will be 150mm higher than the surrounding ground and the levels will be designed to ensure that falls are generally away from the buildings. This will ensure that during any exceedance event the properties will remain protected.
- The surface water drainage design principles proposed in the report will ensure that the development does not increase the risk of flooding to the surrounding area.
- The proposed surface water drainage and SuDS design principles set out in the report will ensure that the development does not increase the risk of flooding to the surrounding area and will mimic the pre-development site.
- Taking into account the flood risks to the site from all sources following the proposed development, the overall post-development flood risk is deemed to remain low.
- A copy of the Essex County Council SuDS and Water Quality Proforma is included in Appendix G of the drainage strategy.
- Foul water from the development will be connected to the Thames Water public sewer running through the site. It is anticipated that there is sufficient capacity within this sewer to accommodate the development.

Arboricultural Impact Assessment and Method Statement

5.119 An Arboricultural Impact Assessment and Method Statement has been prepared by Sharon Hosegood Associates dated August 2021. The statement surveys and assesses the quality of existing tree on the site and highlights the quality of those to be removed. It also suggests protective measures for trees to be retained.

5.120 In summary, the statement highlights the following points:

- The trees on site are not protected by a Tree Preservation Order, and the site is not in a Conservation Area. The site is largely a Christmas tree plantation which is no longer under active management. There are three main plantation areas: the northern boundary with Stoney Common Road, a belt of trees adjacent to the track leading south from the road and two clusters on area of land to the east of Pines Hill. There is also a line of sycamores and cypress on the southern boundary and a mixture of deciduous and coniferous trees on the raised bank next to Pines Hill.

- Development results in the majority of the coniferous plantation being removed, except for the trees closest to Stoney Common Road and trees on the western side of the site where they can be reasonably incorporated in rear gardens. The retained trees provide the highest visual amenity out of these groups as they are closer to the road/access. The majority of the coniferous trees in the area to the east of Pines Hill will be removed, with trees being retained adjacent to the property to the north, where practical to do so.
- Trees on the southern boundary will be removed, and the dense planting on the Pine Hill planting will mostly be removed to enable access, with the best tree in the group, T17 beech, being retained. The site is on higher ground than Pines Hill, necessitating excavation and a retaining wall into the site, hence the higher number of tree removals than would appear to be necessary on plan form.
- The driveway parallel with Stoney Common Road will be minimal dig and porous construction and installed under arboricultural supervision. The foundation near T2 and T24 are on the outer edge of the root protection area and be installed under arboricultural supervision. Draft method statements for this, and tree protection details are within this report.
- There will be a landscaping scheme to be developed as part of a Reserved Matters application including new tree planting on the peripheries of the site and to create some tree lined streets in line with National Planning Policy Framework 2021.

Ecological Assessment

- 5.121 A Preliminary Ecological Appraisal Report was originally prepared Practical Ecology for the refused application reference UTT/21/2730/OP, which set out further survey work to be undertaken on site. This lack of survey work was referred to in the Reason for Refusal 2. Since February 2022, Ecology Solutions were commissioned by the applicant to undertake the further survey work relating to in relation to badgers, bats, hazel dormice, reptiles and birds.
- 5.122 The report highlights areas of neutral grassland, scattered dense scrub and a lines of trees around the site edges. All of these were classed as having moderate ecological value. A hedgerow located on the north-eastern boundary of the site was classed as having high ecological value.
- 5.123 The Ecological Assessment submitted confirmed that there was no evidence of badgers, although there hedgerows, scrub and to lesser extent the grassland within the application site offer suitable foraging opportunities for badgers. As such, it is recommended a precautionary approach is undertaken during construction, along with providing opportunities for new native planting will provide new and enhanced foraging navigating opportunities for badgers.

- 5.124 It was concluded that through an elevated inspection of the trees within the application site, all were found to have negligible potential to support roosting bats. Whilst a small number of bat species were recorded using the site for foraging and commuting, it was not considered the site is of particular significance, but it was proposed that bat boxes will deliver roosting opportunities and could be provided through planning conditions.
- 5.125 The surveys for Dormice showed no record of any of their presence within the site.
- 5.126 Bird surveys reported common and widespread species, and retention and provision of hedgerows and trees throughout the site will provide retained and new foraging and nesting opportunities for birds.
- 5.127 In relation to common reptiles, grass snake and slow worms the surveys showed low populations within the application site, and given these results it was considered that a habitat manipulation exercise followed by a translocation exercise will ensure no reptiles are harmed during the vegetation clearance and construction periods.
- 5.128 Overall, the Ecological Assessment concludes:

“through the implementation of the safeguards and recommendations set out within this report it is considered that the development proposals will accord with planning policy with regard to nature conservation at all administrative levels.”

This further additional survey work that has been undertaken addresses the Council’s previous for Reason for Refusal 2 referred to on the decision notice for application UTT/21/2730/OP.

Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment

- 5.129 A Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment prepared by Brown 2 Green provides details of the site contamination and any remedial action required.
- 5.130 Both a walk-over of the site and review of historical maps and environmental setting have shown there is no evidence of contamination on the site. This was further confirmed through a Conceptual model. As such, no further recommendations are made in relation to the development of the site.

Noise Impact Assessment

- 5.131 A Noise Impact Assessment was undertaken by Climate Acoustics. This report highlights the primary sources of noise affecting the proposed development are road traffic to the west of the site, rail to the east of the site and the commercial use to the south.

- 5.132 The report highlights that most of the site will have acceptable noise levels, but where there are significant impacts to units 24, 25 and 26-31, mitigation measures will need to be put in place to ensure adequate levels of noise will be maintained for the residents of these properties.
- 5.133 These tried and tested mitigation measures could be controlled through the approval of reserved matters and a specific condition requires details to be approved prior to commencement and occupation of the development.

Statement of Community Involvement

- 5.134 A Statement of Community Involvement was previously prepared by Meeting Places Communications for the refused application dated August 2021. A copy is included with this application for reference. The report sets out how a comprehensive programme of community consultation has been undertaken in respect of the project at Pines Hill.
- 5.135 This engagement has involved a presentation of the initial proposals to the Parish Council dated 9th June 2021 and the distribution of a newsletter to 175 homes and businesses in the local area seeking feedback and comments about the project.
- 5.136 The key themes that came out of the meeting with the Parish Council were:
- Issues of potential traffic generation from the development and were keen to ensure no vehicular access onto Stoney Common Road – *The scheme in this application has been designed to with no vehicular access onto Stoney Common Road.*
 - Coalescence with Bishops Stortford was a key issue to be considered – *This matter is address in this report in terms of the Green Belt Assessment and also within the LVIA.*
 - A convincing case would need to be put forward to justify the proposals – *Very Special Circumstances have been outlined in this Planning Statement.*
 - Queries raised over access into the adjoining land with the existing commercial use to the southeast of the site, and future potential for development – *The provision of the access to the adjoining land to the south east of the site and the existing commercial use is a legal obligation that requires this to be required between landowners.*
- 5.137 The newsletter generated 13 responses. Telephone/videocall meetings were offered to residents of properties located close the site boundary, with one resident taking up the offer and one additional request which the project team are waiting to hear back from the resident about a suitable date and time.
- 5.138 The response from local residents raised the following points:
1. Overall impact of the development on local traffic – *The transport statement addresses this concern.*

2. Concern about impact on surrounding infrastructure including roads, power, water and broadband provision - *The Transport Statement addresses the issue of impact on roads. The Foul and Surface Water and Drainage Strategy set out a strategy to deal with drainage. In relation to the other infrastructure requirements the scheme will need to meet statutory requirements through both the discharge of relevant planning conditions and also other legislation requirements imposed on developments, such as the Building Regulations.*
3. Queries about changing lifestyles and provision for home working – *The market dwellings have been sized to allow for a home office to be provided in each dwelling to address this issue.*
4. Concern was raised that the development would impact on the local environment and wildlife – *The Preliminary Ecology Appraisal Report and Arboricultural Impact Assessment and Method Stated provide further information about this issue and how matters will be addressed through the development and discharge of planning conditions.*

6.0 Section 106

- 6.1 A draft copy of a S106 planning obligation is included with the application application in accordance with paragraph 3.2.1 of the Government’s Procedural guidance for Section 62A Authorities in Special Measures dated 10 January 2023.

The draft obligation proposes that the landowners of the application site, the landowners of the BNG site (and their chargee), the applicant and Essex County Council, Uttlesford District Council and East Hertfordshire District Council shall all enter into the obligation.

A copy of the draft planning obligation was sent to the legal teams of Essex County Council, Uttlesford District Council and East Hertfordshire District Council on 17 March 2023 and the applicant’s solicitors are instructed to progress negotiations with each local authority. The applicant aims to conclude section 106 negotiations with the authorities as quickly as possible.

- 6.2 The draft heads of terms for the planning obligations include:

- Provision of a total of 52% affordable homes (including 25% of the affordable total as First Homes). A fall back option of 40% provision is included in the draft if the Inspector considers that the provision of 52% affordable homes would not meet relevant legal and policy tests but it is the applicant’s clear intention to provide 52% affordable housing and this fall back option would only be triggered if the Inspector found in the decision letter that 52% provision was not required in this case.
- Provision of 4 No. affordable First Homes.
- Outdoor Playing Pitch Contribution of £43,160.
- Indoor Sport Contribution of £31,034.
- Provision of 4 No. Self-build and Custom housebuilding plots.

- Delivery and management of off-site Biodiversity Net Gain land within East Hertfordshire District Council for a minimum of 16.26 biodiversity units.
- Early Years and Childcare Contribution (approximately £29,007.63).
- Primary Education Contribution (approximately £84,809.55).
- Secondary Education Contribution (approximately £56,098.84).
- Library Contribution of £12,989.
- Employment Strategy.
- Councils S106 monitoring costs.

- 6.3 The Outdoor Playing Pitch Contribution and Indoor Sports Contribution have been provided through making contact with Sports England. Whilst Sports England would not normally be consulted on a project of this scale, they did provide advice on this scheme and undertook a review of based on team data from Uttlesford District Council's Playing Pitch Strategy and applying national demand data to the Uttlesford population profile. This highlighted the development proposed in this application would generate a cost towards natural and artificial grass and changing rooms of £18,694 and £24,466 respectively, giving a total of £43,160. Likewise, in terms of indoor sport this showed a demand locally for sports halls, swimming pools and indoor bowls facilities and based on the size of development proposed and 2.4 persons per dwelling, the total capital cost of the development was shown as £31,034 through the Sports England toolkit. A copy of the email from Sports England is included with the application for reference.
- 6.4 In relation to the Early Years and Childcare, Primary and Secondary Education and Library Contributions, the stated approximate amounts referred to above in paragraph 6.2 are based on the formula provided within the Essex County Council Developers' Guide to Infrastructure Contributions. The S106 as drafted refers to the formula that would be applied to the development.
- 6.5 In relation to the delivery and management of the off-site Biodiversity Net Gain land within East Hertfordshire District Council it is proposed that obligations requiring the delivery of this by reference to a BNG management plan shall be given to Uttlesford District Council (and linked to a trigger on the application site) to allow this to be enforced by reference to progress on the development. However, the covenants in relation to the on-going management and maintenance of the BNG land in accordance with an approved BNG scheme shall be given to East Hertfordshire District Council as the relevant local planning authority by whom the adherence to such covenants within its administrative area may be enforced.
- 6.6 It has been confirmed by the applicant's ecologist that the work required to deliver the off-site Biodiversity Net Gain shall not require planning permission, either by the carrying out of physical works of development or by any material change of use.

7.0 Conclusions

- 7.1 This Planning Statement accompanies the outline application for 31 dwellings, with all matters reserved for subsequent approval apart from vehicular access. Detailed plans of the vehicular access onto Pines Hill with the necessary visibility splays have been included with the application submission.
- 7.2 The site is located within the Green Belt, but on the edge of the Stansted Mountfitchet in one of the most sustainable locations within walking distance of the village centre, railway station, and other services and facilities, and has bus stops in close proximity to the entrance to the site off Pines Hill. The site is therefore in a highly sustainable location, which is put forward as one of the Very Special Circumstances within the Green Belt.
- 7.3 This Statement undertakes a Green Belt Assessment of the site at Pines Hill and refers to a LVIA that demonstrates that the landscape impact of the development will not be significant harmful impact, taking into account the enclosed nature of the site. The Green Belt Assessment also highlights that the overall impact on the Green Belt of this parcel would not result in significant harm to the openness, which is the only parcel of Green Belt scored within the 2016 Review at a moderate level within the District (all other areas of the Green Belt are identified as having a high degree of significance). It should also be noted that in 2004, the Local Plan inspector concluded that the land east of Pines Hill read as part of the settlement.
- 7.4 The **Very Special Circumstances** put forward in this application include:
1. **Provision of 16 No. (52%) affordable housing, including 4 No. First Homes – very substantial weight**
 2. **Provision of a total of 31 No. dwellings including 11 No. market housing – very substantial weight**
 3. **Provision of 4 No. self-build / custom build dwellings – very substantial weight**
 4. **Sustainable credentials of the site – substantial weight**
 5. **Delivery of Biodiversity Net Gain land – substantial weight**
 6. **Socio-economic benefits – substantial weight**

It is these VSCs that are proposed that cumulatively outweigh the harm to the openness of the Green Belt.

Cumulatively, Very Substantial Weight should therefore be given to these Very Special Circumstances which “clearly” supports the granting of planning permission for the development at Pines Hill for 31 dwellings.

- 7.5 It can also be concluded that the tilted balance is engaged given the Council's out-of-date 2005 Local Plan and in particular the under delivery of Policy H1, which is itself out-of-date, along with a lack of 5 year housing supply. Planning permission should therefore be granted pursuant to paragraph 11 of the NPPF 2021 as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.
- 7.6 The Planning Statement also provides a summary of the findings of the various supporting technical documents submitted with the application and highlights how matters of concerns previously raised by the Council to 2021 application have been addressed by this latest submission.
- 7.7 A draft copy of a S106 planning obligation has been submitted with the application, with the intention of the obligation being completed prior to the determination of this application. The list of Heads of Terms and contributions to be provided through the S106 planning obligation established how the identified Very Special Circumstances will be delivered and how the 2021 Reason for Refusal 4 have been addressed.
- 7.8 Overall, it is important to note that this scheme is viable, ready to go and would have no delay in terms of delivering houses in a sustainable location. The applicant is a local housebuilder who would deliver the development should planning permission be granted.
- 7.9 As such, the scheme has been fully justified and compliant with the relevant planning policies set out in the Development Plan and NPPF 2021, and other relevant guidance including the aspirations of the Parish Plan.
- 7.10 It is therefore considered on this basis that planning permission be granted for the proposed development of the application site.