

2nd June 2023

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Chris Tyler
Planning Department
Uttlesford District Council
London Road
Saffron Walden
CB11 4ER

Dear Mr Tyler,

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

Consultation on S62A/2023/0018 - Up to 31 no residential dwellings with all matters reserved for subsequent approval, except for vehicular access from Pines Hill.

I am writing to you on behalf of the applicant, Luxus Homes Stoney Common Limited, and further to the publication on the Council's website of your Committee report for the Section 62a planning application at Pines Hill, Stansted Mountfitchet to next week's Planning Committee. Please can I request that a copy of this letter is made available to members of the Planning Committee prior to the meeting, so that due consideration can be taken by the Committee of the following points that I would make on behalf of the applicant. I have also sent a copy of this letter to all members of the Planning Committee by email.

Affordable Housing Tenure Mix

It should be noted that the officer's Committee report includes a superseded accommodation schedule and affordable housing tenure mix. Through our S106 discussions with the Council, the schedule has been amended and the following affordable tenure mix is proposed:

- 4 No. First Homes
- 11 No. Affordable Rent
- 1 No. Shared Ownership

This tenure mix falls in line with the Council's current guidance in relation to delivering First Homes as part of the affordable housing element of a development.

UDC Landscape Officer comment

It is noted that this consultee has commented (see paragraph 9.5 of the Committee report) that the site is both well contained and that the proposal is unlikely to result in a significant level of harm to the wider landscape setting. This opinion concurs with the applicant's Landscape Visual Impact Assessment Submitted with the planning application.

NPPF (Paragraph 11 and Footnote 7)

The officer's Committee report states in paragraph 13.5.16 that, *"Due to the application site being located within the Greenbelt paragraph 11 (d) (i) of the NPPF applies and the tilted balance is disengaged. As such the application of policies within the Framework concerning Green Belt provide a clear reason for refusal."*

We assume that this refers to footnote 7 to paragraph 11 d) i), which refers in this Green Belt case requires us to look at the application of policies within the NPPF rather than those in development plans.

It cannot be simply said (as stated in the officer's Committee report) that as the site falls within the Green Belt the tilted balance is disengaged. The decision-maker must look at the content of the relevant Green Belt policies themselves.

Paragraph 149 of the NPPF states that (save for certain exceptions) the construction of new buildings should be regarded as inappropriate in the Green Belt and paragraph 149 states that "inappropriate development" is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Members should note that justification has been provided by the applicant in this application demonstrating Very Special Circumstances within the Green Belt which are discussed further below.

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) so the tilted balance should not be "disapplied in this case.

Very Special Circumstances (VSCs)

The officer's Committee report in paragraph 13.3.2 provides a list of VSCs that they state have been put forward by the applicant. This stated list, however, is not correct and does

not reflect what has been referred to in the Planning Statement submitted with the Section 62a application.

The VSCs that have been put forward by the applicant and should be attributed weight as follows, include:

- Provision of 16 No. (52%) affordable housing, including 4 No. First Homes – very substantial weight.
- Provision of a total of 31 No. dwellings including 11 No. market housing – very substantial weight.
- Provision of 4 No. self-build / custom build dwellings – very substantial weight
- Sustainable credentials of the site – substantial weight.
- Delivery of Biodiversity Net Gain land – substantial weight
- Socio-economic benefits – substantial weight.

The officer's report fails to provide a full account and assessment of these VSCs and how that these cumulatively outweigh any harm to the openness of the Green Belt.

Affordable Housing and Housing Delivery

It is considered the officer's report has not given sufficient weight to the amount of affordable housing that is proposed (16 No. dwellings, 52%) that is above the Council's adopted Local Plan Policy H9 set at 40%.

The officer's report also does not specifically mention the delivery of 4 No. First Homes as a result of the development.

In relation to housing delivery, the officer's report in paragraph 13.5.13 refers to a District wide supply of 4.89 years, taken from 1st April 2022. It however fails to acknowledge more recently, appeal decisions at Helena Romanes School in Great Dunmow and at Radwinter Road, Swards, Saffron Walden have highlighted a District housing supply of "*closer to 4 years*" and "*3.52 years*" respectively.

As part of the planning submission with this application at Pines Hill, a more detailed Housing Need report was commissioned by the applicant. Again, there is no mention of this submitted Housing Need report within the Committee report.

The more detailed Housing Need report commissioned by the applicant highlights that within village of Stansted Mountfitchet itself, there is a remaining shortfall in delivery of between 986 and 1,519 dwellings between 2020-2040. The delivery of this amount of housing to meet the village's need is not currently provided for by the Council's Adopted Local Plan.

The Housing Need report commissioned by the applicant also critically highlights there are no affordable dwellings proposed in Stansted Mountfitchet over the next 5 years (2022/23

to 2026/27). This critical fact is not highlighted by the case officer's Committee report and has been given no weight by officers in assessing VSCs.

Self-Build housing

The officer's report does not include reference to or assess the delivery of self-build dwellings as a VSCs. However, this has been included as part of the applicant's VSC case to support the granting of planning permission.

Whilst the Council self-build/custom building annual monitoring reports state that the authority is already meeting their self-build obligations across the District, the vast majority of recorded self-build/custom build plots are related to single plot planning permissions. Through a FOI request to the Council, it has been highlighted that these single plot planning permissions make no reference to self-build within their description and there are no planning conditions or S106 planning obligations requiring these plots to be actually delivered as self-build/custom build.

As such, the Council's current reporting of self-build/custom build hides the fact that there is a significant shortfall of the delivery of controlled and obligated self-build and custom build dwellings across the District, which from the applicant's own assessment amounts to a current shortfall of around 118 plots across the District.

In Stansted Mountfitchet is itself, there was only 1 No. dwelling granted planning permission between 2016-2019 with self-build/custom build in the application description.

The officer's report therefore fails to give sufficient weight to the delivery of 4 no. self-build/custom build dwellings through the Pines Hill application, and that in our opinion greater weight should be given to this VSC.

Sustainable credentials of the site

The Planning Statement and Design and Access Statement submitted with the Section 62a planning application highlights the specific sustainability credentials of the development and its location on the edge of the village within a short walking distance of the village centre and local services. An extract from the Design and Access Statement showing the proximity of the application site to local services, railway station, bus tops and the village centre is shown on the following page.

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.

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 and should be given substantial weight in considering VSCs.

LOCAL AMENITIES AND SUSTAINABILITY CREDENTIALS

One of the Very Special Circumstances for allowing the proposed development within the Green Belt referred to in the Planning Statement, is the highly sustainable location of the site. The plan on this page highlights the close proximity of the village centre, the railway station, services and schools, all within an easy walk or cycle. It is this highly sustainable location of the site, that makes this scheme unique to other potential development sites around Stansted Mountfitchet.

- Key
- Village Centre
 - Train Station
 - Bus Stop
 - Airport
 - Care Home
 - Supermarket
 - Shops
 - Library
 - Church and Cathedral
 - Skate Park
 - Play Area / recreation
 - Secondary School
 - Primary School
 - Hotel
 - Pub
 - Restaurant
 - Motorway
 - Main access roads to site
 - Train line
 - 800m walking distance from the site
 - 1km walking distance from the site
 - 1km Pedestrian route to station
- Distances from Site:
- Village Centre – 12 min (walking)
 - Stansted Mountfitchet train station – 10 min (walking)
 - Bishop's Stortford – 9 min (driving)
 - London – 1hr 20 min (train)



Biodiversity Net Gain

The officer's Committee report highlights in paragraph 13.12.3 that the Biodiversity Net Gain (BNG) calculations tool identifies that the development proposals, including the offsetting land, will deliver a net gain of 58.43% in habitat units and 29.76% in linear units.

This amount of BNG is significantly above the Council's adopted Local Plan policy requirements of merely achieving a net gain. This point is not highlighted by the officer's Committee report.

It is however noted that the officer's Committee report in paragraph 13.12.3 does acknowledge that the development proposals "will secure a significant betterment to biodiversity as a whole".

Accordingly, it is considered by the applicant that substantial weight should be given to this VSC, and that this has not be highlighted by the officer's in their Committee report.

Socio-economic benefits

The applicant has submitted an assessment with the planning application that highlights that 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.

The economic benefits of the development 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 totalling £57,000 per annum;
- The Proposed Development will also generate a New Homes Bonus payment totalling £62,000.

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

Impact on Green Belt

The officer's Committee report only briefly mentions "openness" in paragraphs 13.3.8 and 13.3.9, highlighting that in relation to the application site that this can be appreciated from Stoney Common Road and frontage from Pines Hill.

Also, whilst the officer's report mentions paragraph 138 of the NPPF, which sets out the 5 purposes that the Green Belt serves, it does not include an assessment of the site in relation to the 5 purposes, including:

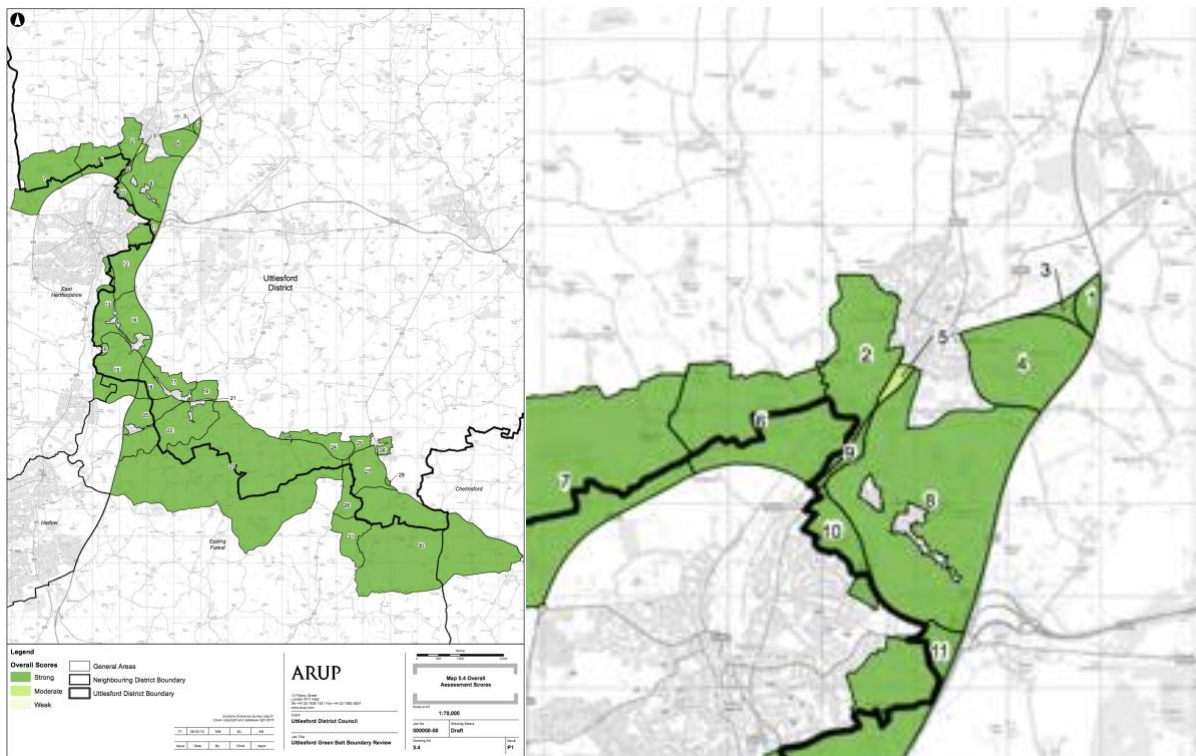
- To check the unrestricted sprawl of large built-up areas.
- To prevent neighbouring towns from merging into one another.
- To assist in safeguarding the countryside from encroachment.
- To preserve the setting and special character of historic towns.
- To assist in urban regeneration by encouraging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

The applicant's Section 62a submission includes a detailed assessment of the site under each of these 5 purposes. The officer's Committee report makes no reference to this assessment and does not carry out one itself.

The applicant's overall Green Belt assessment of the site at Pines Hill shows that it should be scored as weak to moderate in terms of Green Belt assessment and value.

This assessment by the applicant in their submission would generally align with the Council's own Green Belt 2016 review across the District (undertaken by Arup) that identified the Pines Hill application site as falling within a parcel of land that was scored as 'Moderate' value and was the lowest scoring parcel of land throughout the whole of the Uttlesford Green Belt. All other parcels were scored as 'Strong' value.

The extract plans below and on the following page from the 2016 Green Belt Review shows the overall moderate scoring of parcel 5 (light green) and the rest of the Green Belt shown as a strong scoring (dark green).



2016 Green Belt Review

It should also be noted that within Annex Report 1 of the Council's 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.

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.

As well as the Council's 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 :

"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."

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.

The officer's Committee report make no comment of this submission with the Section 62a application, and Members are requested to take this into account in their considerations of the planning application.

Transitional development

The officer's Committee report in paragraph 13.7.5 criticises the urbanising effect of the proposed development and that it does not take the opportunity to improve the existing urban grain to the north or provide a development which would be a more suitable transition between the north and south of the site.

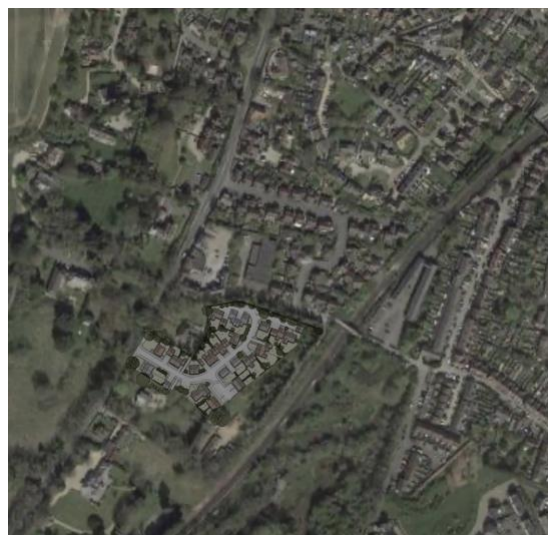
However, the officer's report does not include reference to a drawing and section that has been included within the submitted Design and Access Statement showing an urban grain

comparison between the existing edge of Stansted Mountfitchet and how it changes with the proposed development. A copy of the urban grain comparison plans are shown below.

These submitted 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.

This density of the proposed scheme, which can also be considered an “efficient” use of the land, is therefore considered to create a “transition” form of development between the urban edge of the village and the open countryside to the south.

URBAN GRAIN COMPARISON

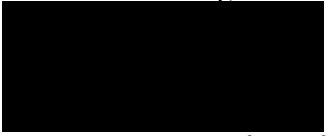


To conclude

This letter has highlighted a list of factual points and justification that has been put forward by the applicant in their Section 62a application, but has not been reported by officer's in their Committee report and also highlights that officers have not fully assessed the scheme in coming to their conclusions and recommendations.

It is therefore respectfully requested that this summary of the applicant's planning case in support of the application (along with the full submission) is taken into account by both officer's and members of the Planning Committee in coming to the Council's decision and their comments on the Section 62a planning application.

Yours sincerely,


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Director
PJB Planning



cc. Peter Holt, Uttlesford District Council
Dean Hermitage, Uttlesford District Council
Nigel Brown, Uttlesford District Council
Cllr Petrina Lees, Uttlesford District Council
Cllr Susan Barker, Uttlesford District Council
Cllr Geoffrey Sell, Uttlesford District Council
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