

Design & Access Statement
to support an application
seeking planning consent
for an infill development proposal
for the erection of
5 residential dwellings
at
Eastfield Stables, Stansted CM24 8SS



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1) INTRODUCTION

This Design and Access statement, with appendices, supports an application by NB Investments (UK) Limited, the freehold owners of the site, in seeking full planning permission for an infill development proposal for the erection of 5 residential dwellings at Eastfield Stables, May Walk, Stansted CM24 8SS.

The application is described in detail within the submitted drawings of the development proposals; an overall site plan, house type plans and elevations.

The applicants have engaged a team of consultants to undertake surveys and appraisals in respect of the likely impact of the development proposals upon the local area character, ecology, flood risk and traffic generation.

The consultants reports and any associated recommendations are attached as appendices to this Design and Access statement.

Separate statements dealing with Heritage, Lighting and Utilities are also included.

2) LOCAL CONTEXT

Eastfield Stables lies immediately north of the B1051, to the west of Stansted and immediately to the east of Elsenham.

The site is bounded to the north, east and west by landscaped earth bunds and by a dense wooded area on its southern boundary with the B1051.

As such there is little public view into the site.

To the immediate east, New Farm, the parcel of land between Eastfield Stables and the M11 motorway, has gained planning consent for residential and commercial use. The commercial building has been erected and the permission implemented but the residential permission was not implemented.



Stansted and Elsenham villages have local shops, schools, doctors, places of worship, sports facilities, a wealth of clubs and societies.

Both villages also have a main line train station with regular services linking London, Cambridge and Peterborough for journeys further afield,

A regular bus service links the site with both villages along the B1051.

There are four vehicular access points into Eastfield Stables.

May Walk, a bridleway PROW 45-25, joins the B1051 at the south western boundary of Eastfield Stables and has three gated access points into Eastfield Stables.

The first is located just some 15 metres in from the highway, the second some 65 metres further north and the third is at the northern most point of the site, some 300 metres from the B1051. That northernmost access from May Walk leads to the area occupied by 8 dwellings and various outbuildings and that area is not included within nor is it intended to be linked with this development proposal.

This development is to be self - contained and access and egress will be via the fourth entrance at the south eastern boundary with the B1051.

The area of Eastfield Stables proposed for this 5-dwelling development, some 1.95ha, consists of the open grassed paddock used for grazing as part of a previous open livery use and includes the vehicular access from the B1051 that has been approved as a part of the Wellness Hub development to the south.

Eastfield Stables can be considered as a mixed-use site with residential properties in the northern part and the Wellness Hub in the southern part and this proposal can therefore be considered as infill.

3) PRINCIPLE OF DEVELOPMENT & DESIGN APPROACH

The development site is situated between the residential area of Eastfield Stables to the north, beyond which is a further residential dwelling at May Tree Farm, and the commercial area occupied by the Wellness Hub on the south of Eastfield Stables.

To the immediate east of the development site is New Farm, which has in the past gained commercial and residential planning consents. A currently vacant industrial building is prominent within the site.

As such this development proposal for Eastfield Stables can be seen as infill.

That principle is explored further later in this statement under **section 4 LOCAL AND NATIONAL PLANNING POLICIES**

The site is towards the eastern boundary of the Stansted parish and the western side of the Elsenham parish. The joint boundary line of the parishes is the centre of the M11 Motorway.

The motorway ensures that there is no danger of coalescence.

This development proposal seeks to complete the development potential of Eastfield Stables in a sensitive manner at a low density with special consideration to the previous uses of the site incorporated within the design features of the new dwellings.

With only a limited immediately local vernacular on which to model the design of the new dwellings and, given the importance of reducing any visual impact, inspiration was taken from the previous equestrian use of the site.

By ensuring that all dwellings were single storey it would ensure therefore they would not be visible above the height of the substantial tree belt fronting the B1051.

The concept for the overall function of the development was to create a parkland setting either side of a wide sweeping road with the new stable style detached dwellings set well back.

Extensive new tree planting with underplanting of meadow grass and native hedgerow plot divisions, will ensure that a nett biodiversity gain is achieved.

The construction design stage of this development will concentrate of reducing energy demand and usage, reducing waste and detailing in the use of sustainable material.

As noted in section 1 of the statement, specialist consultants have been engaged to assess the proposals across a raft of environmental issues.

The development density is 2.35 units per hectare.

4) LOCAL AND NATIONAL PLANNING POLICIES

On 30 April 2020, Uttlesford District Council decided to withdraw their 2109 draft local plan after it had been found unsound by the Planning Inspectors.

The Council determined to abandon the plan and commence work on a new plan.

There are no saved policies from the 2019 plan that need to be considered.

Therefore, the Council relies upon the saved policies of the 2005 Local Plan and the National Planning Policy Framework (NPPF) in order to manage development control across the district.

The 2005 Local plan is out of date having expired in 2011.

Of the policies within the 2005 Plan that may be thought to be considered as appropriate for the determination of this application, policy S7 is considered to be the most relevant.

However, in 2012 the Council had commissioned Ann Skippers Planning to undertake a compatibility assessment of the 2005 plan policies against the aims of the NPPF.

The report arising from the assessment is attached as **appendix i).**

Policy S7 was found to be only partly consistent and Ann Skippers commented thus;

The protection and enhancement of natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas.

Within the preamble to policy H3 in the 2005 Local Plan in the section titled Infilling, paragraph 6.14 notes circumstances where infilling would be allowed outside of development limits. The paragraph is reproduced here:

6.14. There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.

- ◆ The site is not in an isolated location.
- ◆ This development proposal can be counted as infill. It is between a recently approved commercial building to the south, the Wellness Hub, and the

residential dwellings to the north of the site. Furthermore, there is commercial land immediately to the east.

- ◆ It is sensitive to the character of the surroundings, it includes a range of ecological and biodiversity enhancements to what is mainly just open grassland within an enclosed landscaped bordered vacant unused parcel of land being as it is situated between residential and commercial uses.
- ◆ The new dwellings have been designed to reflect the features of the converted buildings and to recognise the previous uses of the site.

Any other saved 2005 plan policies thought to be relevant, GEN1, GEN2, GEN3, GEN4, GEN5, GEN6, GEN7, GEN8 and H9 are satisfied by the details within the submitted application documents and by exploration within this Design and Access statement.

The NPPF is written with the aim of achieving sustainable development and **paragraph 10** states:

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)

Paragraph 11 describes how that presumption is to be applied to plan and decision making.

Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁵, unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁶;*
or
 - *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.*

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*

- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

It is worth quoting the footnotes to paragraph 11 by way of illustrating the conditions that apply here.

⁵ *As established through statements of common ground (see paragraph 27)*

⁶ *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.*

⁷ *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.*

In exploring the qualification criteria within those 3 footnotes it is found that;

- a) there is no statement of common ground that the housing needs for the district can be met in neighbouring areas;
- b) that this development site is not an asset of particular importance (it is enclosed, with no public access and with no significant ecological value) and
- c) that the Council has only very recently been able to display a 5-year supply of housing land, one that is very marginal.

At the time of this application the latest statement available on the Council's website in respect of the housing land supply was published in December 2022 and illustrates a 4.89 years supply. The statement is attached as **appendix ii).**

On that basis with the 2005 Local Plan being out of date, the conclusion must be reached that it is the NPPF that should guide the decision making for this application.

The Council recently announced that it can now exhibit a 5 years supply of housing land.

A Land Supply statement is due to be presented to an extraordinary meeting of UDC Cabinet on Monday 16 October 2023.

The statement is attached as **appendix ii) Part A.**

If in fact the Council does have a 5-year supply, it must only be marginally above 5 years and very much dependant for holding that position on an upturn in housing sales as well completions.

Within the appendix, on Appendix 1 of the statement, the 5 year delivery breakdown, several of the that could be termed to be “marginal” in terms of their ability to be completed within the 5 years at the quantum assigned to them, have been identified by being highlighted in RED. The lack of progress on some sites is concerning.

The lack of progress could be attributed to a number of factors, mortgage rates, land owner expectations on land values being unrealistic are just two.

A slippage of just 1 year on sites highlighted could mean 227 dwellings moving beyond the current 5 years.

That illustrates that the surplus of 104 is very much at risk.

The abandoned 2019 local plan was intended to meet the development needs of the district but without it, and with the 2005 plan being out of date, and furthermore a lack of a 5-year supply of housing land, the Council cannot give more than limited weight to any local policies that could be applied to the principle of the development proposed in this application.

Moreover, at the 26 July 2023 meeting of the Local Plan Leadership Group, the Council stated that the Regulation 18 stage of the 2023 plan will not take place until late October 2023 at the earliest and the Regulation 19 stage will not be reached until the late summer/autumn of 2024 and adoption of a new plan, if found sound, will not be before sometime in 2026.

Given the situation the Council finds itself in with no Local Plan, some saved policies with only limited weight in certain cases, the development boundaries as indicated in the 2005 Local Plan being wildly are out of date and given also only the very minimum of an appropriate land supply, the Council would have to apply the tilted planning balance when making decisions on applications such as this proposal.

The proposal is a major application and as the Council have been designated in respect of decisions on major applications, the applicants decided to submit the application directly to the Planning Inspectorate.

Certain factors have influenced that decision, among them being the delay in publication of the Regulation 18 stage of the emerging Local Plan.

When embarking on the new plan after the abandonment of the 2019 plan, the Council issued a fresh Call for Sites in 2021. That process brought forward 299 sites and Eastfield Stables was among the number. The submission form is attached as **appendix iii).**

The 299 sites were assessed, that assessment has been discarded and a new assessment is being undertaken and the results will not be made public until late October 2023 at the earliest.

When submitting Eastfield Stables as a site for consideration, the applicants illustrated the maximum number of dwellings that could be provided using a ratio of 30 dwellings per hectare.

That density level has been accepted as appropriate in very recent years on residential development sites throughout the district but more importantly in the nearby locality.

That density level consideration and the location of approved developments is explored more fully later in within this statement under **section 8, Other Material Planning Considerations.**

That the draft 2019 Local plan had been set aside also that the Garden Communities proposals within the plan were not thought viable by the Inspectors, it is inevitable that some new areas for development that are in close proximity to established settlements must be sought.

This site is one such area that surely must come into consideration. It is in a sustainable location, the proposal is sensitively designed to respect the local area and is at a low density which will provide a high-quality environment for the residents.

Section 12 of the NPPF requires that development proposals aim to achieve well designed places.

In **paragraph 126** of that section, the framework is quite explicit “*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.*”

The development site can be classified as previously used or “brownfield” land having been part of commercial equestrian and rabbit breeding uses and therefore the Council should also consider this application in the light of **paragraphs 119 and 120 in section 11 of the NPPF**.

Extracted from within those paragraphs is the following advice to local planning authorities;

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land

Planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

The site is being brought forward by the applicant in order to help to meet the demand for houses across the district, in a sustainable location making the best use of land previously given over to other uses.

5) ECOLOGY AND BIODIVERSITY

The applicant commissioned a Preliminary Ecological Survey (PEA) by Open Spaces and their report is attached as **appendix iv)**

The PEA describes the site and its surrounds in clear detail, it searches for evidence of the need to protect endangered species and it makes recommendations for enhancements that can be built into the development, measures which will realise a nett biodiversity gain.

The recommendations for placing habitat and bird nesting boxes and proposals for low impact lighting as advised within the preliminary ecological appraisal will be taken up and incorporated into the final scheme.

Each dwelling garden will be planted with a mix of fruit trees providing food and shelter for various species as well as an amenity value for the residents.

The NPPF is clear in **paragraph 152 of section 14**, that the planning system should support the transition to a low carbon future.

Uttlesford District Council, to its credit, has embraced this wholeheartedly and declared a Climate Emergency and has adopted 14 Interim Climate Change Policies.

Accordingly, the development will be detailed to reduce energy demand and water usage, reduce the reliance on fossil fuels and improve the environmental and the ecological biodiversity of the immediate area by intensive tree planting as a core feature of the landscaping works.

Each dwelling will be subject to individual assessment under Approved Document L of the Building Regulations.

6) LANDSCAPE IMPACT ASSESSMENT

The applicants commissioned Guarda Landscapes to undertake a landscape impact assessment of the proposal and the report is attached as **appendix v**).

The report contains a very detailed landscape scheme

Existing tree and shrub planting on existing earth bunds will be maintained, pruned and shaped as appropriate and necessary.

Additional tree and shrub planting on the bunds will be incorporated into the soft and hard landscaping scheme for the development site.

The landscaping scheme details tree and shrub species, fruit trees within each plot, wildflower and bulb planting, hedging species, grass mixes, fences and paved area specifications.

The scheme will also detail a maintenance plan for the common areas planting.

7) HIGHWAYS AND TRANSPORTATION

The applicant engaged Traffic Surveys (UK) Limited to undertake a 7-day traffic movements survey on the B1051 at the proposed access location and the subsequent report and analysis, the Transport Statement, is attached as **appendix vi**).

The Transport Statement utilises official data and modelling principles on trip generation, 85th percentile traffic speeds and required visibility plays.

The Transport Statement includes the traffic speed survey results, advice received from Essex Highways, and an access layout plan, the geometry of which has been incorporated into the site plan.

The site is well served by public transport with the nearest bus stops being just some 200 metres from the site entrance and the bus stops are accessed via the paved footpaths of the B1051.

The vehicle and cycle parking spaces indicated on the development plans meet the requirements of both Essex Highways and the LPA.

Each dwelling has a dedicated room for home working which would enable those who are employed elsewhere to reduce the number of commuting trips they need to make by agreement with their employers or indeed for those who run their own or

wish to start up their own small business from home the opportunity to do so without incurring premises costs.

From the advice given and by the details prepared and the evidence collated it is apparent that there are no significantly adverse highways or transportation issues associated with the development proposals that would give grounds for a refusal of planning permission.

8) MATERIAL PLANNING CONSIDERATIONS

There are several material considerations that should be taken into account when determining this application;

- The Council can only just display a 5 years supply of approved land for housing. The previously published level was 4.89 years so the recent increase, only buoyed by an upheld major appeal, is a very weak guide as to likelihood of that level being maintained let alone increased. It is quite possible that the Council will have to rely, in the medium term, on the progression of windfall sites.
- This application for 5 dwellings at Eastfield Stables is one such windfall site.
- **Paragraph 69 of the NPPF** reminds LPAs that small and medium sized sites can make an important contribution to meeting housing requirements of an area and they can be built out quite quickly, supporting the early period of the 5-year housing land supply targets. This medium size development is in a single ownership and can be build out quickly.
- The site is in a sustainable location. It is adjacent to Elsenham and Stansted villages where all the required services and amenities are available and both villages are served by public transport. Both villages can also be accessed by pedestrians and cyclists. May Walk, going north leads to PROW Footpath 44 which bridges over the M11 joining Footpath 32 in Elsenham going through Alsa Wood and leading to the village sports ground.
- The development proposed satisfies all three objectivity strands of sustainable development as described in **paragraphs 7 -10 of section 2 of the NPPF**.

Economic objective. The construction phase will contribute to the local economy in the short term and longer - term contributions will come via household spending locally and the increase in Council Tax available to the District Council and, via precept, the local Parish Council.

Social objective. When occupied the development will bring further support to local societies and groups by increased membership. It will provide homes to meet the needs of present and future generations in a well-designed and safe environment with access to services.

Environmental objective. The development will make the best possible use of vacant underused land and the creation of private gardens and the extensive landscaping proposed with a large number of trees and wild flower planting will improve the local biodiversity. The construction details will be designed to reduce the reliance on fossil fuels for energy.

- Residential use of buildings on the northern part of Eastfield Stables has already been granted permission either by the Council or at appeal and the planning history of the site is therefore of relevance and is a material consideration.

The planning decisions relevant to this application are as follows:

UTT/21/3152/FUL Change of use and conversion of redundant rural building into 2 no. residential dwellings **Plots 7 & 8**

UTT/21/1294/FUL Demolition of existing dwelling and erection of replacement dwelling (amended scheme to that approved under planning permission UTT/20/3225/FUL) **Plot 1**

UTT/20/3225/FUL Demolition of existing dwelling and erection of replacement dwelling. **Plot 1**

UTT/20/0780/FUL Section 73a Retrospective application for the change of use and convert the existing building into 2no. 1 bedroom live/work dwellings (revised scheme to approved UTT/18/0517/FUL) **Plots 2 and 2A**

UTT/19/1728/FUL- Section 73A Retrospective application for continued use of the building as a dwelling (approved 1/10/2019) **Plot 1**

UTT/19/1012/FUL- Change of use and conversion of existing barn into a single residential dwelling. Refused 25/6/2019- allowed at appeal. **Plot 5**

UTT/19/0312/FUL- Change of use and conversion of an existing redundant livery stable block, into 2 no. dwellings. (approved 29/3/2019) **Plots 3 and 4**

UTT/18/0517/FUL -Change of use and conversion existing building into a dwelling (approved 8/5/2018) **Plot 1**

From the list it can be seen that following the failure of the equestrian uses, permission has been granted to convert the existing buildings associated with those uses into residential dwellings.

Two further applications have been submitted. The first was UTT/18/2351/OP for 5 dwellings on the menage area of Eastfield Stables with an access off May Walk and the second, UTT/20/1643/FUL for 11 dwellings on the menage area and the paddocks with access from the B1051.

Both applications were refused and the subsequent appeals dismissed. The appeal references are APP/C1570/W/19/3228484 and APP/C1570/W/21/3271985 respectively. was submitted for the erection of 5 new dwellings.

The decision notices for those appeals are attached as **appendices vii and viii)**

- The appeal Inspectors decision for the first of the two appeals quoted paragraph 170 of the NPPF and he summarised as follows *“However, I conclude that the appeal proposal would cause an unacceptable level of harm to the character and appearance of the countryside and to highway safety which would significantly and demonstrably outweigh the benefits.”*

This statement has illustrated, in **section 4 Local and National Planning Policies**, that policy S7 of the 2005 plan is only partly consistent with the NPPF and given the lack of a 5-year housing land supply and the need to identify land for housing in place of previously rejected sites, it is considered that policy S7 would have very limited weight as a determining factor in this current application.

Furthermore, in deciding to allow two appeals involving housing outside of a defined settlement boundary in Berkshire, (Appeal Decisions APP/R0335/W/19/3228697 & APP/R0335/W/19/3231875) an inspector, after determining which development

plan policies were most relevant, concluded that the policies relating to protection of the countryside were not consistent with the NPPF.

Paragraph 32 of that decision notice reads:

Drawing all the above together therefore, even if the Council is currently able to demonstrate a five-year housing land supply, the policies are inconsistent with the Framework's approach to the protection of the countryside. This, together with the reliance on settlement boundaries based on out-of-date housing figures, means that they do not reflect the Framework's requirement to ensure that a sufficient amount and variety of land can come forward to boost the supply of land and ensure economic growth. They are therefore out of date to an extent that any conflict with them would attract only limited weight.

That Inspectors point was reinforced by the Inspector who allowed an appeal by the applicant for the conversion of one of the existing buildings at Eastfield Stables, application **UTT/19/1012/FUL** as listed in the planning history above.

Paragraph 6 of the Inspectors decision notice reads;

The Council accept that it is currently unable to demonstrate a deliverable 5-year supply of deliverable housing sites, with the latest assessment putting the supply at 3.29 years. LP Policy S7 sets out the Council's approach towards the countryside, that is land outside of settlement boundaries. It is more restrictive than the Framework in that it seeks to protect the countryside for its own sake. Consequently, Policy S7 is only partially consistent with the Framework and can be afforded only moderate weight in the determination of this appeal.

Paragraphs 12 and 13 of the decision are also extremely relevant to this current application. The highlighting is ours for emphasis and focus.

12. It has been put to me that the scale of the extension and the introduction of a pitched roof would diminish the open rural character of the site. However, the building is not visible from outside the immediate confines of the site and therefore the character and appearance is derived from the grouping of buildings within which the feed store sits. In this context, the increased roof height would be proportionate to both the feed store and the adjacent stable block. As such, the proposal in this regard would enhance the character and appearance of the area.

13. Whilst the proposal would inevitably introduce some domestic paraphernalia associated with the proposed use, the immediate character of the area will become more residential given the other buildings on the site being converted, or which have planning permission to convert to residential use. The proposed amenity area, which would be next to the gardens for the converted stable block, is modest in size and would be bound by proposed new planting. Therefore, I consider that domestic paraphernalia will be contained within these areas and would not be visible from outside the immediate site.

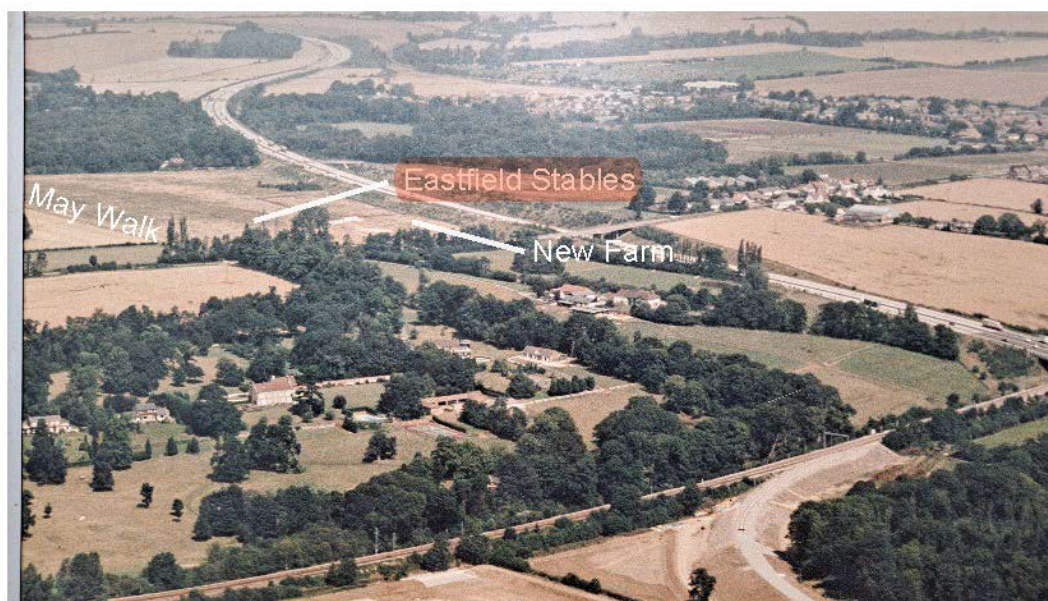
The appeal decision is attached as **appendix ix**).

- In **section 2 Local Context**, the existing landscape screening is described as affording very little public view into the site. The topographic survey of the site is attached as **appendix x**) and this indicates the areas of earth bunds and planting and the various relevant land levels.

The site is not as nature intended. It was manicured by man and beast to suit an equestrian purpose. That equestrian venture failed and this development proposal will promote improvement of the ecological value and biodiversity of the site.

This following photograph was taken around 1988 when the railway link (bottom right) from Stansted Airport to the Cambridge rail line was being completed.

The M11 bunding can be seen on both sides of the motorway. There are no bunds to Eastfield Stables, in fact there was no delineation at that time nor buildings, it was one open field. All the changes of landscape character over time have been approved by the Local Authority.



- The appeal Inspector decision for the second of those applications (appendix viii) was of the opinion that

“The ‘tilted balance’ at Paragraph 11d) of the Framework provides that the presumption in favour of sustainable development should apply other than in two circumstances. The second of these is relevant in this case, namely whether the harm from the development would significantly and demonstrably outweigh the benefits of the development against the policies in the Framework taken as a whole. For the reasons above namely the location of the site poorly related to nearby settlements and the harm to character and appearance of the countryside together with the inability to guarantee delivery of the necessary affordable housing provision to meet identified local needs there would be conflict with the policies of the Framework. Whilst I acknowledge that there is some benefit in terms of a modest contribution of 11 units to the housing shortfall the harm would significantly and demonstrably outweigh this benefit.”

The situation in respect of the locality relationship with nearby settlements has changed since that opinion was expressed and the decision made.

- **Appendix xi)** illustrates development approval at Isabel Drive that brings Elsenham right up to the M11.

The application, UTT/19/2470/OP, was appealed due to non-determination.

The Inspector allowed the appeal and his decision notice is included in the appendix.

The decision notice has several salient points highlighted where there are distinct similarities in principle, if not in scale, to this current application at Eastfield Stables.

The Inspector points out that policy S7 must be breached as the 2005 boundaries are out of date; that in order to provide the required housing numbers the Council has to rely on an incremental supply of sites coming forward, essentially windfall sites; the site is not a designated or valued landscape; the site is contained and not visible from distant views; the containment of the site provides little connection to the wider agricultural context; the development does not propose loss of any important environmental features in its setting; the bund proposed is likely to be seen as a typical linear feature along the M11 corridor and that the density of development proposed could be reasonably comfortably accommodated within each parcel, such that it would readily relate to the existing adjacent developments.

- In this Eastfield Stables proposal, the bunds are already mature and only around half the height proposed for the Isabel Drive development.
- Between this proposal site and the M11 is the land identified as New Farm in section 3 of this statement which has commercial and residential approvals granted in the past. A new access has been formed into the site and it is easy to imagine that the commercial consent will be subject to applications to maximise the potential of the site.
- This application has attended to the highways authority's objections to a previous application by implementing the advice given by Essex Highways at a pre-app meeting for the larger scheme of 11 dwellings.

That advice guides the access design as included within the documents and details prepared by our Highways consultant to meet all the requirements of the Highways Authority.

It can be readily appreciated therefore that this bespoke, refined scale development proposal is in line with the now emerging character of Eastfield Stables as well as the changing character of Elsenham.

Therefore, it is considered that no reason for refusal, either highways related or in respect of saved policy GEN1 of the 2005 Local Plan should be attached to this current application.

- As noted earlier in this statement, the development boundaries as indicated within the 2005 Local Plan are out of date.

The vast majority of the sites promoted in the 2021 Call for Sites will, by default, be in the countryside.

- During the Local Plan Leadership Group meeting on July 2023 and again at their meeting on 4 October 2023, the members were informed that the Council are expecting that before the emerging local plan is finalised ready for publication at the Regulation 19 stage, some 8-9000 of the 14,000 that the plan is estimated to cater for using the standard methodology, will have obtained planning permission. That total of 8-9000 is accounted by completions and consents granted since 2005 together with an allowance for windfall development.

- Of those consents that have been granted there are notably some in the Stansted and Elsenham area all outside of the 2005 development boundaries and as noted above those sites and the density of the development are indicated on **appendix xii)**

- One particular development of those shown on **appendix xii)** is the grant of Planning in Principle UTT/23/1474/PIP.

The LPA have granted permission for the erection of 2 dwellings on an open field site which is far more exposed to public view than Eastfield Stables.

That application was submitted following a successful appeal by the applicant for one dwelling in principle on the site that the LPA had refused. The LPA reference for that application is UTT/22/1694/PIP and the appeal reference is APP/C1570/W/22/3308569.

The appeal Inspectors decision is attached here as **appendix xiii)** and has been highlighted to draw out the relevant aspects of that decision in relation to this application.

The Inspector noted that the main issues were; the effect on the character and appearance of the area and was the site an acceptable location for housing.

- He noted, in respect of the first issue, that the field is otherwise in and adjoins open countryside, and the appeal proposal would extend the neighbouring residential development further into the countryside. However, the wider field is surrounded by mature trees that would restrict the visibility of the proposed development in the wider area. The trees are well established and contribute significantly to the character of the site and the area and that it was reasonable to assume they would be retained for the future. He determined in the case before him that any conflict with policy S7 was moderate.

That mature tree presence is even more apparent at Eastfield Stables with a dense wooded aspect to the south and heavily landscaped bunds to the east and west boundaries.

The applicants have, as noted in section 6 of this statement, commissioned a Landscape Impact Assessment which draws out the benefits of the existing landscape features which contribute to the character of the area and that restrict any views into the site from the wider area with result that there is little or no impact on the character of the local and the wider areas.

These two photographs help to emphasise the marked difference in landscape screening from the highway comparing the Ugley Green site with Eastfield Stables.



UGLEY GREEN



EASTFIELD STABLES

- The Inspector stated, when considering the second main issue, that the site was not isolated being next to existing houses.

- Interestingly, now the applicant has submitted an application for permission in principle to extend the land area and seeks consent for a further two dwellings. The reference for that application is UTT/23/2463/PIP

The Transport Statement submitted with this application for development at Eastfield Stables establishes that the public transport links are so much better here than at Ugley Green and that the access to local services is excellent.

- Paragraph 9 of that PIP appeal decision is very much applicable to this application for residential development at Eastfield Stables.

9) FLOOD RISK ASSESSMENT

The development site lies within flood zone 1 as shown on the map attached in **appendix xiv)** which is the Flood Risk Assessment and drainage scheme prepared by InterModal Limited.

There are no known recorded flood issues within the site, surface water and final waste water effluent from the converted buildings is drained via soakaways as will be the case in this development scheme.

There is, therefore, no risk of flooding

10) DEVELOPER CONTRIBUTIONS, AFFORDABLE HOUSING AND s106

The Essex County Council developers guide to infrastructure contributions lists 14 service areas where it expected that an assessment will be undertaken to arrive at the appropriate financial contribution to be made by the developer of each scheme.

The developer had previously obtained pre-application advice from Essex Highways, one of the 14 service areas, and the advice received is included as an appendix to the Transport Statement as previously noted.

The advice notes that improvement to the local public transport infrastructure and/or a contribution to support local bus services would be requested.

It is the applicants understanding, subject to the consultation responses, that due to the scale of this development a contribution will not be sought in respect of any of the other service areas.

National Health England do not require financial contributions for developments numbering less than 50 dwellings.

The site is in excess of 0.5ha and therefore will attract an affordable housing allocation.

The LPA Developer Contributions schedule requires 40% of the houses to be affordable which in this case equates to two dwellings.

Considering that a Registered provider or indeed Uttlesford Council themselves, would not find it efficient to maintain two properties in isolation, the applicant, who is the developer in this instance, is offering a financial contribution, subject to a viability check and agreement, for an off-site provision of the affordable dwellings.

A Draft Heads of Terms of a section 106 agreement is attached as **appendix xv)**

11) SUMMARY AND RECOMMENDATION

This statement has described the setting of the site, the local context of residential dwellings being appropriate for the location, how the development proposals align with local and national planning policies and accordingly fulfils some of the obligations of the Council in providing land for housing in a sustainable location and designed to meet the challenges of climate change.

The development as described in this statement, the appendices and the application documents, is fully compliant with regulatory controls and exhibits very strong appeal for many reasons;

- ◆ It meets the aims and purpose of the National Planning Policy Framework in bringing forward sustainable development proposals.
- ◆ The site is close to the settlement of Elsenham and its local services with excellent connectivity for cycling and walking via the adjoining bridleway and footpaths.
- ◆ All three objectives of sustainable development as defined in the NPPF are satisfied.
- ◆ It makes best use of brownfield, previously used land.
- ◆ The Local Plan is out of date, the 2019 replacement plan abandoned and an emerging plan not likely to be adopted prior to 2026.
- ◆ Policies restricting growth are contrary to the aims of the NPPF.
- ◆ The Council's supply of housing land is only marginally above 5 years.
- ◆ The site is in private ownership of a company with a track record of building out their planning consents promptly.
- ◆ This development will help to satisfy the projected windfall allowance of new dwellings that the Council will have to build into to their local plan strategy.
- ◆ It is a proposal that provides additional housing in times of need and a financial contribution towards affordable housing.
- ◆ The development will protect and enhance the local biodiversity.
- ◆ The development is designed and detailed to meet the challenges of climate change and it responds favourably to the Councils Climate Change Emergency declaration and adopted Interim Climate Changes policies.

It is requested therefore that planning permission is granted for the erection of 5 new dwellings at Eastfield Stables as described within this statement and the application documents, subject to conditions relating to hard and soft landscaping, external lighting and a section 106 agreement to note the provision of financial contributions towards affordable housing and local public transport related matters.

V F Ranger
On behalf of NB Investments UK Limited

12 October 2023.