

**UTT/13/1203/OP (STANSTED)**

**PROPOSAL:**                   Erection of up to 140 dwellings, primary school, allotments, public open space, sports pavilion and associated parking, village green provision, landscaping and associated infrastructure and access.

**LOCATION:**                    Land at Bentfield Green, Bentfield End Causeway, Stansted

**APPLICANT:**                Taylor Wimpy UK Ltd

**AGENT:**                     Bidwells

**GRID REFERENCE:**

**EXPIRY DATE:**            12 August 2013

**CASE OFFICER:**          Consultant (Alison Hutchinson)

**APPLICATION TYPE:** Major

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**1. NOTATION**

1.1 Outside Development Limits, Groundwater Source Protection Zone, Protected Lane, Abutting Conservation Area

**2. DESCRIPTION OF SITE**

2.1 The application site comprises some 15ha of land on the north-western fringe of Stansted Mountfitchet and to the north of Bentfield Bower and Bentfield Green. The site is currently agricultural land bounded by hedgerows with a tree belt along part of the northern boundary. The site is edged by Pennington Lane immediately adjacent to the site's south eastern and eastern boundaries with the southern boundary abutting the properties along Bentfield Green which are located within the Bentfield Green Conservation Area. Further along, the site extends along the northern boundary of Bentfield Bower with dwellings facing the site on the opposite side of the road. The western boundary and part of the northern boundary of the site is arbitrary and follows no existing physical boundary.

2.2 To the south of Pennington Lane are the properties on Long Croft with Bentfield Primary School situated just to the east of the site on the southern side of Rainsford Road. A small area of allotments is located to the east of the site off Pennington Lane.

2.3 Access to the site is from Pennington Lane via the existing residential road network.

**3. PROPOSAL**

- 3.1 The proposal is for up to 140 dwellings and is in outline with all matters reserved apart from access. The application is accompanied by an indicative layout which illustrates how the application could be developed and shows the provision of :
- Up to 140 homes on a 4.57ha section of the site comprising an average density of approximately 31 dwellings per hectare
  - 40% affordable housing split across tenures (tenure and mix to be agreed)

- 2½ storey maximum building height across the site
- Land to be made available for a 1 form entry primary school and pre-school in the northern part of the site – Bentfield Primary School would be retained as existing
- The provision of public open spaces including an area to be set aside for a sports pavilion, pitches, village green, and allotments. Off-street parking would be provided at the Pavilion.

3.2 The proposals show two points of vehicle access into the site from Pennington Lane only with proposed pedestrian and cycle access via Bentfield Bower into the proposed adjacent village green and leading into the development site. A section of Pennington Lane between Rainsford Road and Long Croft is proposed to be downgraded to prohibit vehicle access but would allow pedestrian and cycle access.

3.3 In addition, the application incorporates SuDS features including swales and balancing ponds positioned in the south eastern corner of the site primarily for the purpose of effective drainage and water regulation, but also providing a landscaped buffer between the proposed development and the built up edge of the existing settlement.

3.4 The application is supported by a number of technical reports and includes a Design and Access Statement, an extended Phase 1 Ecology Appraisal, Flood Risk Assessment, Utilities Appraisal, Topographical Survey, Transport Assessment, Landscape and Visual Impact Assessment, Arboriculture, Heritage Desk-Based Assessment and a Heritage Statement, an Education Site Suitability Statement and a Statement of Community Involvement.

#### **4. APPLICANT'S CASE**

4.1 The development is proposed in response to an identified housing shortage in the District of Uttlesford. The land at Bentfield Green has many features which make it suitable for residential development in the short term. These include the containment and reinforcement of existing countryside landscape features, Green Belt protection; and the site is in a sustainable location. In addition, the application would provide new allotments, an extended village green area and new playing fields. The proposals would also provide extended school facilities through a new single form of entry primary school.

4.2 The Council has a significant shortage of housing land supply, which is calculated at present as being between 3.2 and 3.9 years. This is identified in the Council's Housing Trajectory Statement of 5 Year Land Supply 2012. The gap clearly needs to be addressed in order to prevent the current deficit from getting worse. It is considered that further emerging evidence demonstrates that the current housing trajectory in the District will need to be maintained in order to meet locally generated need going forward. In accordance with the NPPF, the District Council has commissioned work on arriving at a locally derived housing figure. The Greater Essex Demographic Forecasts identifies a range of potential housing scenarios and the scenarios based upon household projections (as per the 2009 SHMA growth scenario) suggest a requirement for increased housing numbers than the level currently set out in the Draft Local Plan, which proposes only 388 dwellings per annum based upon economic projections. The current demographic forecasts have suggested a housing need of some 415 dwellings within the District, and this figure still lies towards the lower end of the scale of scenarios modelled. There is therefore a

strong likelihood that the housing requirement in Uttlesford District will need to increase even further.

- 4.3 The central theme of the Framework is the presumption in favour of sustainable development and this is a consideration of considerable weight in the determination of this application. The relevant policies of the Uttlesford Local Plan are out of date and the benefits of granting permission for the development would significantly outweigh any adverse impacts of doing so.
- 4.4 The technical evidence submitted with this application demonstrates that the development proposed by this application is sustainable. The development also offers many overarching benefits which are supported by the Framework, and correlate with the Council's aspiration to protect the Green Belt. Planning permission for the scheme should therefore be granted without delay.
- 4.5 The applicants have addressed the concerns about the site contained in the Strategic Housing Land Availability Assessment (SHLAA) (2012) in respect of landscape impact and the access via Pennington Lane. The proposed masterplan responds specifically to the opportunities posed for landscape protection, improvement, and reinforcement for the site set out in the Council's independently commissioned Landscape Character Assessment. Furthermore, the SHLAA assumed a significantly greater yield of housing on the site than is currently proposed and access via Pennington Lane. The development takes its lead from the capacity of the surrounding highway network, fresh survey information, and subsequent refinements to the proposed junction configurations at Pennington Lane. The most up-to-date Transport Assessment, which accompanies the application, has taken account of feedback received at the public exhibition and subsequent traffic surveys have been completed to find the optimum level of development for the site to ensure that the traffic and access impact would remain at acceptable levels.
- 4.6 The proposed development would deliver up to 140 dwellings on the site. This amount would provide a critical mass of population to support the provision of a new school on the site. The site would be divided up with 31% of the total site area would be set aside for the residential land use, 22% would be dedicated to structural landscaping and SuDS features and 38% of the site would be dedicated to public open space with the remaining 9% occupied by the proposed school. The location, siting and design of the school has been finalised and agreed with Essex County Council, the local education authority,
- 4.7 The application also addressed the 2009 Appeal proposal for a sports ground and changing facilities. The proposed points of vehicle access into the site would be located sufficiently far away from the Conservation Area boundary so as to avoid unnecessary vehicle movements within its proximity or boundaries. In addition, the allotments have been sensitively located to buffer the new development from existing premises on Bentfield Green in order to mitigate against the impact of urbanisation on the listed buildings and Conservation Area. Furthermore, the proposed village green has been designed and positioned immediately adjacent to the Conservation Area boundary to further enhance its character, appearance and tranquillity. Further details in this respect are set out in the accompanying Design and Access Statement.

## **5. RELEVANT SITE HISTORY**

- 5.1 UTT/0210/08/FUL: Change of use from agricultural land to playing field and erection of changing room/club house facility. Appeal dismissed May 2009.

## 6. POLICIES

### 6.1 National Planning Policy Framework

### 6.2 Uttlesford District Local Plan 2005

Policy S1 – Development limits for Main Urban Areas

Policy S7 - The Countryside

Policy GEN1 - Access

Policy GEN2 – Design

Policy GEN3 – Flood Protection

Policy GEN6 - Infrastructure Provision to Support Development

Policy GEN7 - Nature Conservation

Policy GEN8 - Vehicle Parking Standards

Policy ENV1 – Design of Development within Conservation Areas

Policy ENV5 – Protection of Agricultural Land

Policy ENV12 – Protection of Water Resources

Policy H9 - Affordable Housing

Policy H10 - Housing Mix

Policy LC3 – Community Facilities

Policy LC4 – Provision of Outdoor Sport and Recreational Facilities Beyond Development Limits

Supplementary Planning Document - "Accessible Homes and Playspace"

Essex Developers' Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance).

## 7. PARISH COUNCIL COMMENTS

7.1 Stansted Parish Council - Objection. The Parish Council has submitted an extensive planning report outlining its objections to the proposal. The summary and conclusions to the report are set out below:

- Stansted Mountfitchet has accommodated significant development in recent years, including the 720 dwelling development at the former Rochford Nurseries site. A significant portion of that development has yet to be delivered.
- This is an opportunistic planning application which is contrary to the Development Plan and is being submitted on the eve of the production of the Emerging Local Plan in a clear attempt to bypass the 'plan-led' system.
- The primacy of the Development Plan is recognised in statute, in the Framework and in the Application Planning Statement, which rightly says there must be "*compelling reasons why development of this site should be accepted now*"
- Moreover, the Emerging Local Plan should be given significant weight. This entire process cannot be lightly set aside. The allocation of just 60 additional dwellings reflects the already substantial and unfinished major development that has been permitted to the south of Stansted Mountfitchet, where some 224 dwellings remain to be delivered as at 31.3.13. The 60 dwellings are all located on 3 brownfield sites within the urban area (Policy 1, 2 and 3).
- There is no adequate reason to consider the site outside of the Framework's proper "*plan-led*" system which "*empower[s] local people to shape their surroundings*". Indeed this important principle seems to be ignored in the

planning application documents. Although hampered by the tortuous process of the East of England Plan revocation, UDC are making progress on preparation of the new Local Plan and there is a trail of public expectation through consultation that this site should be rejected.

- The application is contrary to the development plan thus failing the first test of the legislation, contrary to the provisions of the Emerging Local Plan which must be given 'weight'. There are inadequate 'material considerations' to set aside these principal considerations.
- The main justification put forward for this application to be permitted now is the allegation that there is not a 5 year housing land supply. On only a very narrow definition is that so (sites with planning permission), but by taking the Framework's definition of 'deliverable' housing within 5 years the supply is in excess of the 5 year requirement even if the 5% additional requirement is included. The application claims that the 140 dwellings could be delivered within the 5 years from April 2013, but development is unlikely to commence until 2015 which makes this claim doubtful. Other better sites (identified in the ELP) continue to be permitted and will make meaningful contributions to the immediate supply.
- The provision of 40% affordable housing may be an illusion. No viability assessment has been submitted, contrary to advice in the Framework to show how (or if) this would be achieved.
- Stansted Mountfitchet is the third largest settlement in the District but this does not make it a sustainable location for even more growth beyond that which is already committed. The proposal seeks to facilitate (but cannot actually provide) additional facilities such as a primary school site - although there is no apparent agreement with the Education Authority to actually build and run the school. It fails to show how a development which will generate just 42 primary school pupils can support a 1 form entry primary with a capacity for 210 pupils. Yet it is also acknowledged that the existing primary school is full. The result would be a lack of primary school places for children from the development.
- The site is within a Groundwater Source Protection Zone 1 where there are the tightest controls on development.
- Other proposals are claimed as 'benefits' but actually only serve the development proposed.

## 7.2 Neighbouring Parish Council: Ugley Parish Council objects to this development for several reasons:

- First of all it is our understanding that the development of this site is contrary to UDCs own adopted local plan and Stansted Parish Councils Community Plan.
- We are at a loss to understand why this development would be allowed to go ahead as Uttlesford District Council's own document entitled the Strategic Housing Land Availability Assessment 2012 (the SHLAA), identified the site as being unsuitable for development.
- We feel that the Taylor Wimpey Development will destroy what is a very attractive rural landscape and will have an adverse impact on the Bentfield Green Conservation area.
- Such a large number of houses will completely change the appearance and character of the area.
- UDC need to ensure proper planning and to identify the best sites for development across the district and we feel that granting planning permission because UDCs 5 year housing land supply deficit is not a good enough reason to go ahead with this development.

- The increase in traffic will be significant. We already have problems getting through the High-street when Supermarket deliveries are being made. The additional traffic flow caused by this number of dwellings will cause considerably more traffic congestion and potential accidents.
- The current Primary Schools in Stansted will not be able to accommodate the additional children and this will therefore have a knock on effect in the surrounding village schools. The proposed land offered for a possible new school site is too close to the existing school and would cause even more congestion at peak times.

7.3 Neighbouring Parish Council: Manuden Parish Council is very strongly opposed to the proposal for two important local reasons:

1) The development site lies about one mile from the Parish of Manuden as the crow flies. It represents creeping urbanisation and would be an ominous step towards Manuden losing its very special rural identity and becoming part of the town of Stansted.

2) Manuden PC is currently building a pavilion and sports facilities including a multi-use games area in the village, to accompany a new village hall, financed from the sale of 14 new houses. Their construction is well underway. The Parish Council is therefore alarmed at the proposal to build more sports pitches so close to theirs. It will create an “oversupply” in the immediate area. The financial viability of the Parish Council’s investment, so recently approved by Uttlesford District Council, will be under significant threat.

7.4 In addition to the above, Manuden Parish Council take issue with much of the “Planning Statement” accompanying the Planning Application and consider that it contains many misleading statements and inaccuracies. Instances include Para 2.8 and the reference to the Statement of Community Involvement and the preparation of the scheme following feedback from the public exhibition. The Parish Council are concerned that it might be assumed from this that the population of Stansted is broadly in favour of the proposal and that this seems unlikely and that from a total of 234 respondents to the exhibition questionnaire, 228 respondents indicated their opposition to the plans. The number of houses has been reduced from 170 to 140 but all the indications since then are that opposition to the proposals is overwhelming.

7.5 The only reference in the document to Manuden, is in para 6.33 on page26 and refers to a future public footpath link. The Parish Council point out that there is already a most attractive walking route between Manuden and Bentfield Green. If the proposal goes ahead a quarter of this route will pass through the new urban sprawl.

7.6 Road congestion in Stansted has already reached unacceptable levels. Gridlock on Cambridge Road and at the bottom of Chapel Hill is a twice-daily occurrence. The modelling work to which the report refers must be seriously at fault. It is evident to anyone visiting the proposed site that access to the 140 houses will be very difficult. The statement in para 6.21 on page 23 that “The mainline railway station is only 1.2 km to the south of the site which is equivalent to a 15 minute walk or a 5 minute cycle” ignores the reality that most commuters would prefer to drive to the station, to a car park already full to overflowing and through streets designed for the occasional horse and cart. The council should focus on improving the transport infrastructure in Stansted before embarking on further housing development.

7.7 The Parish Council is well aware of the pressure on Uttlesford District Council to provide more housing in the district. Of the many schemes which now appear to be

emerging from opportunistic developers, this is as undesirable as they come and should be refused.

## **8. CONSULTATIONS**

### **ECC Highways:**

- 8.1 No objections subject to conditions including the requirement for the downgrading to footway/cycleway of the section of Pennington Lane between the proposed site access points on Pennington Lane and Rainsford Road.

### **Thames Water**

- 8.2 Recommends that planning consent should be conditional upon the approval of a complete drainage strategy for both foul and surface water including the requirement for the developers to fund the necessary upgrades or connections to the sewerage network.

### **Affinity Water**

- 8.3 The development is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Stansted Pumping Station and all work will be required to be done in accordance with the relevant British Standards and Best Management Practices.

### **Environment Agency**

- 8.4 Objection on the grounds that the applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework paragraph 103, that requires development to give priority to the use of SuDS. Although the attenuation to greenfield runoff rates and use of ponds, swales and looking into soakaways is encouraging, the Flood Risk Assessment also explores the option of underground tanks and suggests that they may be implemented as part of the drainage network. The EA does not consider that this is an option it would permit, unless it had been demonstrated that this is the only viable option. The EA has advised that the applicant must demonstrate through their surface water strategy that the use of SuDS has been given priority over more traditional pipe and tank systems, providing justification where it is not considered practicable to utilise SuDS on site. The surface water strategy should be carried out in accordance with the National Planning Policy Framework and PPS25 Practice Guide.
- 8.5 In terms of groundwater, the EA considers that planning permission could be granted to the proposed development as submitted subject to the imposition of conditions. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and the EA would object to the application.

### **ECC Schools**

- 8.6 There are insufficient Early Years and Childcare (EY & C) places to meet the needs of the development and both primary schools in Stansted Mountfichet are at capacity and therefore additional primary school and Early Years and Childcare provision will need to be made. Essex Schools therefore request a contribution of £587,391. Essex Schools also confirms that Bentfield and St Mary's primary schools currently occupy sites with limited potential for expansion and that during discussions, this issue was

recognised and the applicant thereby agreed that their proposals should include the provision of land, at no cost to ECC, that could potentially be used for primary school and/or EY&C provision. An assessment of the land offered has been undertaken and highlights a number of issues where clarification is sought. Subject to the confirmation requested and S106 obligations to address any outstanding site suitability issues, ECC can confirm that the development would be able to mitigate its impact on EY&C and primary school education.

- 8.7 With regard to secondary school provision, there is some concern about the cumulative impact of development on the sufficiency of secondary school provision across Uttlesford District but, taken in isolation, a development of this size would not trigger a need to expand the local secondary school, Mountfichet Mathematics & Computing College.

#### **Access and Equalities Officer**

- 8.8 No comments

#### **Housing Enabling Officer**

- 8.9 The affordable housing provision on this site will attract the 40% policy requirement as the site is for 170 units. This amounts to 68 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.
- 8.10 The mix and tenure split of the properties are provided. The mix should be indistinguishable from the market housing, in clusters of no more than 10 with good integration within the scheme and be predominately houses with parking spaces. The development will need to provide 17x 1 bed, 29 x 2 bed, 20 x 3 bed and 2 x 4 bed dwellings with 5 market bungalows.

#### **Environmental Health**

- 8.11 This application (combined with other developments in the area) has the potential to increase traffic and congestion in Stansted. This would in turn result in a deterioration of air quality. Even though pollutants are not yet exceeding the permitted levels in Stansted these impact should be taken into account in deciding the application.
- 8.12 Consideration should be given to minimising the increase in traffic; for example by provision of a safe cycle route from the site to the station and safe pedestrian and cycle routes linking all parts of the development to the proposed new school.

#### **Natural England**

- 8.13 Advises that further survey work is carried out in respect of bats and that the great crested newt survey has not been carried out at the time of year and that further survey work should therefore be undertaken.

#### **ECC Ecology**

- 8.14 Objection on the basis of insufficient Information. The site has suitable habitat for a number of legally protected species. Great Crested Newt and Bat activity surveys are required but have not been provided. It is not possible to determine the application without these surveys as it is not clear exactly what the impacts of the proposal will be



or if they can be adequately mitigated for. To comply with the NPPF and Natural England Standing Advice, these surveys must be provided prior to determination of the application together with a specific mitigation strategy for each protected species found to be present, in addition to the surveys already submitted.

### **ECC Archaeology**

- 8.15 Requires a programme of Archaeological Evaluation to be undertaken prior to a planning decision being made.

### **NATs Safeguarding**

- 8.16 No objections

### **Airside OPS Ltd**

- 8.17 Recommend that conditions be attached relating to the submission of a landscaping scheme, submission of SUDs details and the submission of a Bird Hazard Management Plan.

### **Sport England**

- 8.18 No comments.

**Objection received** from Cllr Alan Dean, Member for Stansted South on the following grounds:

1. The proposed location is beyond the village development limits in open countryside. The development will not enhance the countryside were it to proceed.
2. The local landscape will be damaged at Bentfield Green and also on the brow of the Stort Valley leading towards Manuden and Farnham. There would have long-term visually damaging implications were Stansted Mountfitchet permitted to encroach into the Stort Valley.
3. The site is adjacent to one of Stansted's conservation areas. The conservation area would be overwhelmed and damaged if the application were to proceed.
4. Access to the Bentfield Green area is not suitable for a development of this scale via Bentfield Road, Hargrave Park estate or Pennington Lane.

## **9. REPRESENTATIONS**

- 9.1 A total of 646 letters of objection have been received raising objections on the following grounds;

- Applicants plans are not impartial
- The proposed housing plans are very poorly thought out and would have a negative impact on Bentfield Green, Stansted Mountfitchet and the surrounding areas.
- The land is a green site and an area of outstanding beauty
- The loss of the rural landscape and of valuable Grade 2 agricultural land
- There is no need for additional housing as the Foresthall Park development was recently built to the east of Stansted with over five-hundred houses and there is another development of nine new houses already underway in Bentfield Green.
- The proposed site is too small for 140 houses.
- The local infrastructure within the village cannot cope with the additional houses. Schools, doctors and services are all overloaded.
- There is inadequate local health care

- The sewerage system cannot cope with existing housing and will not be able to cope with an additional 140 houses.
- The road leading from Bentfield Green to the main road in Stansted is only not wide enough in places to allow cars to pass in both directions and there is a very narrow pavement (on one side only) to allow pedestrians to make the commute to the shops, bus stops and railway station and is not safe.
- The junctions onto Cambridge Road at both the Chapel Hill and the Spar/Jet will not be able to handle the additional flow of traffic at peak times as they are already strained to the maximum as it is.
- Pennington Lane has protected land status and no access should be taken from it.
- Additional traffic will be generated onto Pennington Lane which is too narrow to be able to accommodate additional traffic.
- The new school will generate additional traffic and will be close to Bentfield Primary School which already causes problems because of traffic.
- Concerns about the access to the site and its proximity to the existing school. There is already a lot of congestion outside the school at peak times. The quantity of traffic and unlawful parking has necessitated the school having to contact the police on several occasions.
- The construction traffic will be a real danger to the safety of children. Pennington Lane and the route from the main road through Bentfield Green is not adequate, leading to increased traffic through the Rainsford Road estate and subsequently outside the existing school.
- The existing school causes problems with illegal parking so that public transport buses sometimes cannot get through.
- The train station is overcrowded in the morning with commuters going into London. Traffic coming out of Bentfield road find it hard to pull out and chapel hill is a one car road ( due to the cars parked on one side ) with people waiting at the top and bottom. Our small village will be overcrowded and won't function well.
- Traffic issues. The roads are too narrow to cope with the additional traffic. In addition, the junctions onto Cambridge Road are not able to cope with the traffic especially at peak times.
- The roads leading around the Bentfield area are narrow and quiet making it safe for children to learn to ride their bikes. The new development will generate too much traffic making it too dangerous for children to venture out.
- Traffic congestion on Cambridge Road due to lorries unloading and people using the Tesco Express and Co-op.
- There is a pinch point on Bentfield Road and the promised footpath has not been provided.
- This development will also take years to build, causing years of disruption, noise lack of parking for workers, large heavy vehicles using single lane roads continuously
- There will be added pollution and noise which would ruin the harmony of the area and cause extreme damage to the narrow roads and pavements.
- The site is close to the Conservation Area and a proposal has already been dismissed on appeal because of the harm to the Conservation Area.
- The additional housing will increase the possibility of flooding.
- The Council's SHLAA did not identify this land for development and stated that it was unsuitable.
- The Council's 5 year housing requirement should be met as planned in the emerging Local Plan.
- Pennington Lane is a logical boundary to development.
- No good reason to build another primary school so close to the existing one.
- There is no local demand for a sports pavilion-this will only attract visitors from outside the village in their cars, causing more traffic and nowhere to park other

than residential streets already short of spaces. There are not enough spaces allocated on the plans.

- Impact on wildlife.
- Sewage treatment in Stansted is already under strain and this proposal will just aggravate the problem further with even more pressure placed on a system that already suffers from a lack of capacity.
- Village is struggling to cope with Foresthall estate and there are not enough schools and services and doctors' surgeries.
- There are massive shortages of places in the secondary schools in the area.
- No commitment to develop the school by the developers.
- The plans include 4 x full size football pitches which are not needed at present. These will generate disruption caused by the football pitches and an overflow of people wanting to park around the Bentfield Green area on the weekends when the football pitches will be in use.

9.2 In addition to the above, 2 petitions have been received; one of 954 signatures and the other of 102 signatures.

## 10. APPRAISAL

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

- A The principle of development of this site for residential development (ULP Policies S1, S7 and GEN2)**
- B Access to the site and highway safety (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**
- C Visual Impact and Impact upon the Conservation Area. (ULP Policy GEN2 & ENV1)**
- D Residential Amenity(ULP Policy GEN2)**
- E Infrastructure provision to support the development (ULP Policy GEN6)**
- F Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**
- G Biodiversity and Protected Lane (ULP Policies GEN7,GEN2 and ENV8)**
- H Drainage (ULP Policies GEN3 and GEN6)**
- I Other material considerations.**

- A The principle of development of this site for residential development (ULP Policies S7, S8 and GEN2)**

10.1 The site is located outside the development limits for Stansted Mountfitchet defined by Policy S1 of the Local Plan and is therefore located within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S7 of the 2005 Local Plan.

10.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of

sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that although Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.

- 10.3 Paragraph 49 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 10.4 The applicants have submitted that the Council has a significant shortage of housing land supply and that the policies set out in the National Planning Policy Framework should apply. The Council has accepted that it does not have a five year supply of housing land and is currently preparing the Draft Local Plan which seeks to identify additional future development sites for the period 2013 to 2028. As a consequence, the Council does not have an up to date Local Plan under Paragraph 49 and there is therefore a presumption in favour of development.
- 10.5 The 2012 Annual Monitoring Report records the average annual completion rate to be 334 dwellings, compared with the average annual completion rate required by the East of England plan of 430 dwellings. The current level of delivery on deliverable sites for the 5-year period is therefore 78% which equates to 3.9 years' worth of supply. If the Council was perceived as a persistent under delivering authority and an additional 20% is frontloaded to these figures as required by the NPPF, the percentage of the plan target on deliverable sites falls to 65% which is equivalent to just under 3 years' worth of supply. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account, the percentage of the plan Uttlesford District Council target on deliverable sites for the 5 year period is 147%, the equivalent to 7.4 years' worth of supply.
- 10.6 The applicants have argued that the gap clearly needs to be addressed in order to prevent the current deficit from getting worse and that further emerging evidence demonstrates that the current housing trajectory in the District will need to be maintained in order to meet locally generated need going forward. They refer to the Greater Essex Demographic Forecasts which suggests a requirement for increased housing numbers of 415 dwellings rather than the 388 currently set out in the Draft Local Plan and that this figure still lies towards the lower end of the scale of scenarios modelled. The applicants therefore consider there is a strong likelihood that the housing requirement in Uttlesford District will need to increase even further.
- 10.7 The above figures are somewhat theoretical at the present time but the Council recognises in its most recent Annual Monitoring Report (2012) that it has a shortfall and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing requirements. It therefore has considered and determined planning applications in this light and in accordance with Paragraph 49 of the NPPF. As a consequence, planning permission has been granted for residential development outside development limits where appropriate.
- 10.8 The Parish Council and third parties have objected to the development on the grounds that the development is not needed to contribute towards the District's five year supply. Both the Parish Council and the residents group have submitted representations that the current supply of housing in the district is not so low and that the District supply is robust and does not require additional dwellings to be approved. The Parish Council's Report argues that sites identified in the emerging local plan should be included in the calculations. However, it is not considered that these sites

can be counted towards the 5 year supply. This methodology has not been accepted by Inspectors at appeal and sites in emerging local plans have not been allowed to be included within the five year land supply due to the fact that they do not have planning permission and are not considered to be available in NPPF terms. The Parish Council's Report also suggests that sites which have been submitted for pre-application discussions should be considered. Again, these sites have no status and should be discounted. They are similar to sites in the emerging local plan in that they cannot be considered to be available at the present time nor can it be assumed that they will obtain planning permission.

- 10.9 A report on Uttlesford's Housing Trajectory and 5-Year Land Supply 2012 was referred to the LDF Working Group on 14 June 2013 and stated that: 'The 5-year land supply statement shows that the Council has 74% or 3.7 years supply of committed sites against the annual requirement of 415 dwellings based on an economic scenario where the annual growth in jobs acts as a constraint on population and household growth.'
- 10.10 As a consequence, the Council still remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraph 49 of the National Planning Policy Framework.
- 10.11 The Parish Council and third parties have also objected to the proposal because the site is not identified as a future allocation in the Emerging Local Plan and is identified as being unsuitable for development in the Council's Strategic Housing and Land Availability Assessment (SHLAA). This is correct. However, the Emerging Local Plan is currently at a preliminary stage and whilst it provides a picture of the Council's future intentions, only limited weight can be given to its policies including the proposed minimum of 60 new homes in and on the edge of Stansted as set out in Proposed Policy SP6 – Housing Strategy as well as the proposed allocated sites and therefore, by implication, those sites not included.
- 10.12 The SHLAA acts as a filtering exercise and provides an indication of the advantages and disadvantages of a site. In respect of the application site, the anticipated yield in the SHLAA was between 169 and 281 and the site was not recommended as an allocated site due to concerns relating to landscape impact and access via Pennington Lane.
- 10.13 The current proposals have sought to overcome these concerns through the incorporation of an extensive landscape buffer and by restricting access to part of Pennington Lane. These matters are discussed in more detail later in the report but it is considered that the site is one of the few locations within Stansted that can accommodate additional development where the site is relatively contained in terms of its wider visual impact and is not within the Green Belt.
- 10.14 Although many of the objectors have argued that the school, playing fields/open space and allotments are not needed or required, it is a fact that the development would provide community benefits and that these would, in part, be in accordance with the requirements of the Stansted Mountfitchet Community Plan. It would address a stated short fall in public open space within the settlement and provide additional allotments for which there is a need. Furthermore, it would provide a way of addressing the current capacity issues that Bentfield Primary School experiences due to its existing site constraints.
- 10.15 The application site is located adjacent to the third largest settlement in the District and one which is currently identified in the adopted Local Plan as a Main Urban Area.

The site is within close proximity of existing housing and located on the edge of an existing settlement which contains shops, services, schools and provides good transport links. The site is considered to be in a sustainable location in this respect and would therefore be in accordance with the NPPF.

- 10.16 Third parties have referred to the previous planning history of the site and the fact that development of part of the application site has been refused previously with an appeal being dismissed by the Secretary of State in 2009. The appeal site comprises the western part of the current site and involved the change of use of this land to playing fields and the erection of changing facilities and a club house. The appeal was dismissed largely on visual impact and has been addressed by the applicants in the current proposals. The current application differs in many respects to the appeal proposal and does not incorporate the urban elements that the Inspector considered to be unacceptable in close proximity to the Conservation Area. Whilst it is fully accepted that the application is in outline only, and the submitted layout plan is indicative, it is considered that the development would not create a similar unacceptable impact upon the character of the Conservation Area as explained later in this report. In these circumstances, it is considered that the previous appeal should not be regarded as setting a precedent for this application.
- 10.17 As a consequence and in view of the Council's lack of a 5 year housing land supply, it is considered that there is a presumption in favour of the development of the application subject to compliance with other relevant policies of the Local Plan and to any material considerations.

**B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**

- 10.18 The application includes the details of the proposed access onto Pennington Lane for consideration at this stage. Two access points are proposed and would be located at the top of Rainsford Road and off Pennington Lane, north of its junction with Long Croft. The access is designed to lead traffic through the new development and would involve the closing of the intervening section of Pennington Lane to vehicular traffic and limiting access to pedestrians and cyclists along this length.
- 10.19 Concerns have been expressed about the impact of additional traffic on Pennington Lane, the northern section of which has few passing places. It is anticipated that only very limited traffic would be likely to use this section of the Lane. The applicants have indicated that the existing priorities at the junction of Pennington Lane and Rainsford Road would be changed with Pennington Lane being downgraded to the minor arm, reducing the propensity for vehicular traffic to use the northern section of Pennington Lane.
- 10.20 The Highway Authority has raised no objections to the application subject to conditions. These include a requirement that a Traffic Regulation Order should be prepared and implemented for the downgrading to footway/cycleway of the section of Pennington Lane between the proposed site access points on Pennington Lane and Rainsford Road as shown in principle on submitted drawing number: ITL7247-SK-006. The downgrading is required to be supported by the provision of bollards or similar measures to prevent vehicular access along the affected length. In the event that a Traffic Regulation Order is not possible, the Highway Authority requires this section of Pennington Lane should be improved to allow two way traffic together with footway links.

- 10.21 The proposal for the closure of Pennington Lane to vehicular traffic is an important element of the scheme and one that allows the impacts upon this section of Pennington Lane to be minimised. It is considered that leaving this open to vehicular traffic and its improvement to allow two way traffic with footpath links would change the fundamental character of this part of the Lane and would not be acceptable. Although the Highway Authority require a condition be imposed which would require a Traffic Regulation Order to be implemented, it is not considered that such a condition could be either imposed or enforced. This section of Pennington Lane is within the application site boundary and it is considered that an alternative condition should be imposed instead which prevents any dwelling being occupied until the Lane has been closed to vehicular traffic.
- 10.22 The Parish Council and most of the third party objections made in respect of the application cite issues of traffic and the capacity of the surrounding road network to accommodate the additional traffic generated and it is recognised that access to the site is via an existing residential road network which experiences issues of accessibility due largely to on street parking. However, the Highway Authority has not objected to the application and it is considered therefore that development is acceptable in highway terms. The site would not be served by a single access point and there are several roads along which traffic generated by the development can travel and which would serve to diffuse the impact of development.
- 10.23 The Parish Council and third parties have also cited the existing problems of access onto Cambridge Road and the congestion along Cambridge Road which in the main is located outside the Tesco Express and Co-op stores and is caused by deliveries and shoppers. Again, the Highway Authority has not raised issue with the capacity of the surrounding road network and it is considered that a refusal based upon highway impact could not be substantiated.
- 10.24 The proposals involves the provision of land for a new primary school and concerns have been expressed that the proximity of the new school to Bentfield Primary School would give rise to future problems of access and congestion. The acting head has raised concerns on this element and highway safety. It is understood that the location of the school has been discussed with the Education Authority and that the access arrangements for the new school site shown on the illustrative layout have been requested by that Authority so that parents dropping off children will take place on the road rather than within the site and will help to reduce congestion and issues of highway safety.
- 10.25 The application is in outline but the site contains adequate land for the provision of parking in accordance with the District Council's approved standards and would be a matter for the detailed design of the development at the reserved matters stage. It is considered that the application would comply with Policies GEN1 and GEN8 of the Local Plan and the SPD.

**C Visual Impact and Impact upon the Conservation Area.(ULP Policy GEN2 & ENV1)**

- 10.26 The application site is located at the edge of Stansted on a relatively level site. A substantial tree belt has been planted around the field boundary which, although not yet mature, is well established. The illustrative layout shows that the housing and the future school would be built on the land contained within this tree belt. External views of the site are therefore very limited and the site is not visible from the B1383 to the northeast or from Manuden to the northwest, due largely to the topography of the land and to the natural vegetation, including the tree belt. As a consequence, the

development would not have a detrimental visual impact upon the character of the landscape and upon long distance views. In terms of short distance views, these are also limited due to the hedgerow along Pennington Lane. The application proposes an extensive area of landscaping to the north of this hedgerow, creating a further visual buffer.

- 10.27 The application site abuts parts of the Bentfield Green Conservation Area and the impact upon the setting of the Conservation Area forms an important consideration in the determination of this application. Bentfield Green Conservation Area is in two parts with the original area located around the junction of Bentfield End Causeway and Bentfield Road and a later addition extending along Bentfield Green and incorporating the two greens and the playground and pond. The western part of the application site abuts the rear gardens of the properties along the northern section of Bentfield Green and wraps around the playground, pond and extends along Bentfield Bower. Although the site does not lie within the Conservation Area, it is considered that Policy ENV1 is still relevant as well as the policies contained in the NPPF.
- 10.28 The illustrative layout shows the proposed housing located to the north and east of the Conservation Area and separated from the rear gardens of the properties by the proposed allotments and by an area of open space that would function as a balancing pond. The new dwellings are shown between 30 to 70m away from the boundary of the Conservation Area. This part of the Conservation Area is characterised by new and old properties facing onto Bentfield Green and offers only fleeting views through the gaps between the properties towards the fields beyond. It is considered that the current proposals provide a reasonable buffer between the new houses and the Conservation Area so that these fleeting views would still appear open with no adverse impact upon the character of this part of the Conservation Area.
- 10.29 The western part of the site incorporates the land that was subject to the appeal in May 2009 for the change of use of agricultural land to playing fields and the erection of changing facilities and a club house. That proposal involved the laying out of two football pitches and two mini pitches served by a building containing changing rooms, toilets, showers and a club room together with a car park and a formal vehicular access from Bentfield Bower which crossed the ditch separating the appeal site from the relatively wide grass verge along this section of Bentfield Bower. The appeal was dismissed with the Inspector finding that the introduction of the " 'urbanising features' i.e., the formal playing field, the building, the car park and the road access would harm this important rural setting of Bentfield Green and erode the pleasing sense of immediate transition from a specially protected part of the 'town' to the attractive adjoining 'countryside'." The Inspector considered therefore that the appeal proposal was contrary to Policy S7 and GEN4 of the Local Plan but not contrary to Policy ENV1 in relation to Conservation Areas.
- 10.30 The illustrative layout now shows the former appeal site as open space with an informal area comprising a 'village green' adjacent to Bentfield Bower and the existing play area. This would be landscaped with trees and hedgerows with the land to the north made available for either general open space or as playing fields. There would be no changing rooms adjacent to the Conservation Area and no vehicular access from Bentfield Bower. Instead, pedestrian/cycle access would be provided from Bentfield Bower and the area located adjacent to this part of the Conservation Area would be informal open space. The application would alter the character of the landscape adjacent to this part of the Conservation Area from agriculture to a more landscaped setting but the main components of the previous appeal scheme to which the Inspector objected would be removed and the area would remain open with



additional landscaping as appropriate. The current scheme would provide an attractive landscaped setting for this part of the Conservation Area and would allow informal recreation in a similar manner as the greens along Bentfield Green.

- 10.31 The applicants have indicated that the option is available for using the land for formal playing fields if required which would be served by changing rooms located within the development site. The proposed housing and changing rooms would be screened by the existing tree belt and the views from Bentfield Bower would therefore continue to be open and not interrupted by buildings.
- 10.32 It is considered that the proposals address the main concerns of the inspector by removing the 'urbanising' features of the changing rooms, car park and access from the land adjacent to the Conservation Area. The more informal Village Green adjacent to Bentfield Bower would provide a visual buffer between the Conservation Area and the open space to the north and would continue to provide the transition between the village and the countryside beyond. The land to the north of the proposed village green could be provided as either informal public open space or as formal playing fields and it is considered that there would not be a detrimental impact upon the character of the Conservation Area.
- 10.33 The inspector also raised issue regarding noise and disturbance arising from the use of the playing fields and the changing rooms and access. Again this would be limited with the current scheme as all activity would be directed through the new estate rather than onto Bentfield Bower.
- 10.34 It is considered therefore that the development could be accommodated without an adverse impact upon the visual amenities of the area and the character and setting of the Conservation Area would be preserved in accordance with Policy ENV1 and GEN2 and the policies of the NPPF.

#### **D Residential Amenity(ULP Policy GEN2)**

- 10.35 The proposals are in outline and the applicants have provided an illustrative layout showing how the development could be laid out. The illustrative layout is acceptable with the main areas of housing being located within the core area screened on all sides by extensive landscaping. The site is large enough to ensure that adequate space can be provided for future residents and that residential amenity will be protected. Existing residents would be far enough removed from the new housing so that there would be no issues of overlooking or overshadowing.
- 10.36 Residents have objected to the proposals on the grounds that traffic will cause a loss of amenity and this was a concern of the inspector with the previous appeal. The existing roads in the area are narrow and there are issues already of on street parking and illegal parking near to the school. The Highway Authority has confirmed that it has no objection to the proposal and has not raised concerns regarding the capacity of the surrounding road network. In these circumstances, it is not considered that the proposed development would create an unacceptable loss of amenity for residents in the area or that issues of parking would be exacerbated to an unacceptable level. The development is served by several routes and therefore future residents would have a choice as to which way they would wish to go. It is considered therefore that the development could be accommodated without significant impact upon the amenity of existing residents in accordance with Policy GEN2 and the policies of the NPPF.

## **E Infrastructure provision to support the development (ULP Policy GEN6)**

- 10.37 The application proposes the provision of land for a new school, open space, allotments and either informal or formal open space. These community benefits would, in part, help to address current shortfalls in the area in terms of open space and allotments and would also help in providing a means to overcome the current problems at Bentfield Primary School and to a certain extent St Mary's Church of England Primary School, both of which experience problems of capacity which cannot be addressed on their current sites. It is proposed to retain the existing school but the land would allow a further single form of entry school to be built if required, together with early years provision.
- 10.38 Essex Schools has advised that there are insufficient early years, pre-school and primary school places to accommodate the needs of the development and require a contribution of £587,391. In addition, Essex Schools has undertaken an initial assessment of the land being proposed for an additional school site and subject to clarification on several points made and a S106 obligation to address any outstanding site suitability issues, ECC has confirmed that the development would be able to mitigate its impact on EY&C and primary school education.
- 10.39 Most objectors have also raised concerns regarding the lack of facilities within the village, specifically the limited capacity of the doctors' surgery. However, planning permission has been granted for a new health centre in Stansted aimed at relieving the pressure on the existing surgeries and it is understood that building is due to commence in the near future. It is also understood that this would have the capacity for the increased population of Stansted, including the application site.
- 10.40 In view of the above, it is evident that the necessary infrastructure can be provided to meet the needs of the development in accordance with Policy GEN6 of the Local Plan.

## **F Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

- 10.41 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. The applicants have confirmed that the development would provide 40% affordable housing which would equate to 56 units. The applicants have also confirmed that the mix and location of the units would be agreed at the reserved matters stage. The applicants have also confirmed that the development would provide 5% bungalows.
- 10.42 The Parish Council's Report raises doubts on the level of affordable housing to be provided and suggests that as no viability assessment has been submitted by the applicants, as advised in the Framework, the proposal for 40% affordable housing, and provision for, or contributions towards, other facilities, may not be realised or may be less than suggested.
- 10.43 There is no basis for the Parish Council's suggestion and whilst there are cases of lower levels of affordable housing being accepted by the Secretary of State on appeal, these cases relate primarily to the viability of developing brownfield sites and also sites with existing planning permissions. It is highly unlikely that a viability argument would be accepted on the current application site and there has been no suggestion from the applicants that one would be made. The application proposes a significant number of affordable homes which should be given significant weight in the determination of this application.

10.44 The development as a whole would contain a mix of 1, 2, 3, 4 and 5 bedroomed dwellings including apartments/flats. The final design and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Policies H9 and H10 of the Local Plan and the requirements of the NPPF.

## **G Biodiversity and Protected Lane (ULP Policies GEN7, GEN2 and ENV8)**

- 10.45 A Phase 1 Ecological Assessment of the site has been undertaken and submitted with the application. Additional surveys have been undertaken in respect of Great Crested Newts and Bats. The final report on Bats is awaited but the preliminary report on Great Crested Newts confirms that there are none present on or around the site. The report states that new opportunities will be created for the other amphibians species found during the surveys, including smooth newt, common frog and common toad. New breeding opportunities will be provided within ponds and other SUDS features, as well as dispersal, refuge and hibernation opportunities within landscape planting and village green areas. The development of this site would therefore benefit local amphibian populations.
- 10.46 The bat survey is awaited and therefore at the present time there is insufficient information to demonstrate that there would be no adverse impact upon any protected species. As a result planning permission cannot be granted. However, in the event that the additional bat survey shows no impact or/and that appropriate mitigation measures can be taken, planning permission could be granted subject to conditions relating to the submission of an Ecological Mitigation Plan, lighting plan and the protection of breeding birds together with updated Surveys if development is delayed. The proposal would therefore comply with the requirements of ULP Policy GEN7.
- 10.47 The site borders Pennington Lane and access is proposed to be taken from the Lane. Part of Pennington Lane is designated as a protected land and therefore subject to Policy ENV8. This states that development that may adversely affect these landscape elements will only be permitted if the development satisfies the criteria set out in the policy. The protected land designation extends along a section of Pennington Lane from the northern part of the existing allotments through to its junction with the B1383.
- 10.48 The illustrative plan shows that a relatively small part of the application site borders the protected part of the Lane. Dwellings are not shown near to the protected part of the Lane but are separated from it by a buffer of landscaping with balancing ponds and swales. The character and biodiversity of this section of Pennington Lane would be retained. It is also considered that because of the proposed change in junction priority with Rainsford Road, that there would be limited propensity for significant amounts of additional vehicles to use the Lane. It is considered therefore that subject to the submission of the required bat survey and confirmation that there is no impact upon the protected species, that the application is acceptable and would not compromise the natural environment of the area. There would be conflict with Policies GEN7, GEN2 or ENV8 of the Local Plan or conflict with the advice contained in the NPPF.

## **H Drainage and Ground Water Protection (ULP Policies GEN3, GEN6 and GEN12)**

- 10.49 Many objectors have raised concerns regarding the inadequacy of the sewerage system in the area. Thames Water has been consulted and has advised that foul flows will be difficult to accommodate without extensive disruption to the existing community. The early consultation with Thames Water suggested that a direct connection to their STW would be an option but the STW quoted was in error and this should have been Stansted Mountfitchet STW. Manuden STW remains an option but loads would increase by 50% and would require major upgrades. However, upgrades to Stansted Mountfitchet STW would be relatively minor in nature. As a consequence, Thames Water do not object to the proposal and recommend a condition be imposed requiring a complete drainage strategy for both foul and surface water including a requirement for the developers to fund the necessary upgrades or connections to the sewerage network.
- 10.50 The Environment Agency has objected to the development on the basis of a lack of an acceptable Flood Risk Assessment (FRA). The EA's objections relates to the concerns that the applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework paragraph 103. Although certain aspects of the proposals are in line with the advice, the main concerns appear to be the fact that the submitted Flood Risk Assessment also explores the option of underground tanks. This is not an option that the EA would permit, unless it had been demonstrated that this is the only viable option. However, the EA advise that in order to overcome its objection, the applicant must demonstrate that the use of Suds has been given priority over more traditional pipe and tank systems. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The EA advise that the variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles and it is considered therefore that the objection is capable of being overcome.
- 10.51 The Environment Agency's objection does not relate to the principle of the development but is in respect of the initial design proposals and suggests that a revised solution would overcome their objection. The applicants have therefore been asked to review their design in the light of the EA's comments.
- 10.52 With regard to groundwater, the Environment Agency has advised that the proposed development (housing, school and foul water pumping station) is located within a Source Protection Zone 1 for a Stansted Mountfitchet public water supply (PWS). As the proposed development includes a sensitive end use (residential housing and school), the EA advise that a risk assessment should be undertaken with some selected soil sampling for a comprehensive range of contaminants. The risk to groundwater (the wider resource and the PWS) cannot be assessed adequately without further information of the underlying geology and depth to groundwater. The EA consider that planning permission could be granted to the proposed development as submitted if the planning conditions set out in their consultation response are attached to any planning permission granted. Without these conditions, the EA advise that the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

## **I Other Material Considerations**

- 10.53 Objectors have raised several other issues in relation to this application. These include the loss of good quality agricultural land, disturbance from construction, and the possibility of imposing conditions to limit the way the development could be implemented. In respect of agricultural land, it is accepted that the land classification map shows the area in general to be Grade 2 and is therefore classed as good quality agricultural land which the NPPF advises should be avoided if possible. However, the majority of land within Uttlesford is of a similar quality and it is considered that there are limited opportunities for development within sustainable locations on lower grade land.
- 10.54 The comments of Manuden Parish Council have also been taken into account in respect of its concerns regarding the viability of the pavilion and sports facilities but no evidence has been submitted to show that the current proposals would undermine their viability.
- 10.55 The applicants are currently carrying out geophysical surveys of the site and it is considered that appropriate conditions should be imposed in relation to archaeology.
- 10.56 With regard to construction, it is considered that a condition requiring the submission of a construction management plan should be imposed. The details of the application would be subject to a reserved matter application and appropriate conditions are proposed.

## **11.0 CONCLUSION**

- 11.1 The application site is located outside the current defined development limits of Stansted Mountfitchet and therefore development would be contrary to Policy S7 of the Local Plan. However, the Council acknowledges that it does not have a 5 year supply of housing and therefore a presumption in favour of housing development applies in accordance with Paragraph 49 of the NPPF and subject to other relevant policies of the Local Plan. The site is considered to be in a sustainable location and is in accordance with the relevant policies of both the Local Plan and the NPPF.

It is acknowledged that part of the site was the subject of an appeal which was dismissed. However, it is considered that the applicants have overcome the principal concerns of the inspector by removing the main 'urbanising' elements from the current scheme and the proposed scheme, albeit illustrative, would provide an acceptable form of development.

The substantial number of objections is acknowledged and has been taken into account. However, there are no technical objections to the development apart from that of the Environment Agency which appears to be capable of being overcome. Subject to the submission of an acceptable Flood Risk Assessment and Bat Survey, it is considered that the application would be acceptable.

**RECOMMENDATION - APPROVE SUBJECT TO A S.106 LEGAL AGREEMENT AND THE FOLLOWING CONDITIONS:**

**(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 14th July 2013 of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive - Legal, in which case he shall be authorised to conclude such an agreement to secure the following:**

- (i) Community payment for education**
- (ii) Provision and transfer of land for education use**
- (ii) Provision of 40% affordable housing**
- (iv) Provision and transfer of open space**
- (v) Contribution towards maintenance of open space for 20 years**
- (vi) Pay Councils reasonable costs**

**(II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant permission subject to the conditions set out below**

**(III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:**

- (i) Community payment for education**
- (ii) Provision and transfer of land for education use**
- (ii) Provision of 40% affordable housing**
- (iv) Provision and transfer of open space**
- (v) Contribution towards maintenance of open space for 20 years**
- (vi) Lack of adequate Flood Risk Assessment in respect of SUDs**
- (vii) Impact on wildlife**

**CONDITIONS**

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.  
(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

4. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design' available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp). These details shall include:
  - drainage details including SUDS – such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS) available as above.

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought into use and any dwellings occupied or in accordance with the programme agreed with the Local Planning Authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The plans and particulars submitted in accordance with condition 4 above shall include:
  - (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
  - (b) and in relation to every tree identified a schedule listing:
    - i. information as specified in paragraph 4.2.6 of British Standard BS5837 - Trees in Relation to Construction - Recommendations);
    - ii. any proposed pruning, felling or other work;
  - (c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)
  - ii. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)
- (d) areas of existing landscaping to be protected from construction operations and the method of protection.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.
  - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
  - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the Local Planning Authority,.
  - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
  - (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv the hours of working
  - v. the control of noise from construction including the hours of working
  - vi. wheel washing facilities
  - vii. measures to control the emission of dust and dirt during construction
  - viii the route of construction traffic to the site.



REASON: In the interests of the amenity of the surrounding residential area and the protection of Pennington Lane, in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

9. No development shall commence until details of the proposed drainage/ sewage disposal works to serve the site have been submitted to and approved in writing by the Local Planning Authority. The approved drainage/sewage disposal works shall be provided prior to the occupation of any dwelling on the site.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

10. No development will commence on site nor any site clearance or on-site investigation works shall take place until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures set out in the Plan shall be implemented prior to any development or site clearance or on-site investigation works taking place or in accordance with a timetable set out within the approved Plan.

REASON: To comply with the requirements of the Habitats Regulations and in the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

11. No development shall take place until a Lighting Plan is submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

REASON; to ensure that an appropriate means of access is provided to the development and to ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

13. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

14. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless

otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

15. No works on the construction of the dwellings shall take place until the two access points into the site to be constructed to connect with Pennington Lane and Rainsford Road and shown in principle on drawing number: CSa/1936/120 Rev G have been constructed up to adoptable standard.

REASON; to ensure that an appropriate means of access is provided to the development in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

16. No development shall commence until a scheme has been submitted to and approved by the local planning authority detailing the downgrading to footway/cycleway of the section of Pennington Lane between the proposed site access points on Pennington Lane and Rainsford Road as shown in principle on submitted drawing number: ITL7247-SK-006. The scheme shall be implemented as approved prior to the occupation of any dwelling.

REASON; to safeguard the ensure that an appropriate means of access is provided to the development, to safeguard the amenities of Pennington Lane and in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

17. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

REASON; to ensure that an appropriate means of access is provided to the development and to ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

18. Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of

the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

19. No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

21. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

22. To ensure protection of groundwater within Source Protection Zone 1. Infiltration SUDs are being proposed to deal with surface water runoff - these would only be acceptable through appropriate uncontaminated ground and if the proposed

discharge is not contaminated. Prior treatment may be required e.g. interceptor for runoff from roads.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).

23. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of groundwater in accordance with Policy ENV12 of the Uttlesford Local Plan (adopted 2005).