

UTT/ 13/1959/OP (STANSTED)

(MAJOR APPLICATION)

PROPOSAL: Outline application for the demolition of existing livery buildings and construction of a residential development with access from Church Road and comprising circa 53 new residential units together with flood alleviation works and land and landscape re-profiling. As well as wider proposals in the adjoining Stansted Park to improve public access and management, including; the provision of 2.99 hectares of public open space, community allotments, and new public footpath routes, cycleways and bridleways.

LOCATION: Elms Farm, Church Road, Stansted

APPLICANT: Knight Developments & Gemmill Bros Ltd

AGENT: Shrimplin Brown Ltd

EXPIRY DATE: 23 October 2013

CASE OFFICER: Alison Hutchinson

1. NOTATION

1.1 Outside Development Limits, Green Belt.

2. DESCRIPTION OF SITE

- 2.1 The site comprises 13.92ha and is located on the southern side of Stansted, adjacent to the railway line and Stansted Brook. The site comprises an area of land which includes the buildings at Elms Farm and an area of parkland to the east and which rises up to the south. Vehicular access is from Church Road to the west.
- 2.2 Elms Farm is currently in use for livery and contains a mixture of traditional and more modern farm buildings and stables, many of which are run-down. A manege is located within the range of buildings and the area between the manege and the brook is currently used for external storage and provides parking for a collection of horse boxes whilst the area further east is used for storing wrapped hay/straw bales.
- 2.3 Further east, the site incorporates an area of low lying parkland which currently forms part of the flood plain of the Brook before rising to the south into open grazed parkland. A public right of way extends along the northern edge of the site between the edge of the railway line and the Stansted Brook. The site's northern and western boundaries are defined by the railway line and Church Road respectively whilst the southern and eastern boundaries are arbitrary and follow no clearly defined boundary.
- 2.4 The site includes 3 existing dwellings which are positioned on the western side of the site near to the entrance from Church Road. Bridge Cottage is located to the north of the entrance closest to the railway and is a Grade II Listed Building. To the south of the entrance is Elm House with the smaller Elms Lea House adjacent. Both occupy higher ground than the farm buildings as does a further pair of cottages, Elms Cottages which are located to the south of the farm buildings.

3. PROPOSAL

- 3.1 The application represents a resubmission and amendment of an earlier application for 58 dwellings (ref: UTT/13/0386/OP) which was refused planning permission in June 2013 on three grounds, namely, green belt and the lack of very special circumstances (1), the visual intrusion of the development and its impact upon the character and amenities of the area (2) and the lack of a legal agreement (3).
- 3.2 The amended application relates to the same site but now seeks outline planning permission for the erection of 53 units (a net increase of 51) with associated parking, circulation and amenity space and with minor revisions to the existing access onto Church Road. Approval is sought for details of the access and the layout of the site with appearance, landscaping and scale reserved for later approval.
- 3.3 The submitted Masterplan shows the retention of the three existing dwellings at the western end of the site and the demolition of the pair of cottages further into the site (Elms Cottages) together with the demolition of all the farm buildings.
- 3.4 The submitted layout shows 53 dwellings on 2.64ha of the site, located within the lower area of land that is currently occupied by the farm buildings and which extends into the floodplain alongside the railway line and the Brook. A 15m strip of open space would separate the dwellings from the Brook. These dwellings are arranged in three clusters around central green courtyards or parking areas. The fourth group is arranged around a circular cul de sac and forms the eastern end of the residential estate. Access is from Church Road and extends along the southern boundary of the residential site between the dwellings and the proposed open space to the south.
- 3.5 The amended proposal has removed the group of 10 dwellings that were previously proposed on the rising land to the rear and south of Elm House and Elms Lea House. This area is now proposed as a continuation of the open space.
- 3.6 The development would provide a mix of dwellings and with all properties adapted to lifetime homes standard and with 5% built to specifically facilitate wheelchair accessibility. At this stage it is envisaged that the approximate mix of dwellings would be as follows: 10 x 2 Bed, 19 x 3 Bed, 24 x 4 Bed and 10 x 5 Bed. The applicants propose 40% affordable housing but the Masterplan does not identify the specific location of these units and it is not intended to differentiate between tenures on site at this stage.
- 3.7 The application also proposes the provision of 2.99 ha of new public open space on the land to the south and east of the proposed dwellings. The open space will also provide access into Stansted Park with new footpaths, cycleways and bridleways extending out from the new area of open space. These new links are intended to provide a more direct link to Foresthall Park as well as circular routes around the parkland.
- 3.8 New allotments are proposed to the south of the development site on land to the east of the dwellings on Churchfields and adjacent to Church Road. The proposals would provide some 31 full size allotments and 3 half size ones. A new vehicular access is proposed from Church Road to serve the allotments and 12 parking spaces would be provided.
- 3.9 The residential proposals will also involve the re-profiling of slopes and lowland areas of some 7ha to provide flood and drainage alleviation for the Stansted Brook. This will extend on land to the east of the dwellings.

4. APPLICANT'S CASE

- 4.1 The applicant has submitted a Planning Statement setting out the applicants' case and a Design and Access Statement which sets out the design rationale for the development.
- 4.2 The applicants have sought to address the three reasons for refusal. The previous arguments relating to very special circumstances have been revisited and updated to take account of the reduced scale of the development and the enhanced benefits. The previous arguments still stand and are repeated below. In terms of the second reason for refusal relating to the unacceptable layout and the visual impact, the applicants have deleted the dwellings proposed up Church Road which were the most prominent in the development. This will address the main concerns of the Committee and the previous officer's report. The rest of the development is similar to the previous application and it is considered that the proposed landscaping and layout will reduce the visual prominence of the dwellings. In terms of the legal agreement, the applicants have been in discussions with officers at Uttlesford to ensure that a legal agreement is in place prior to the determination of the application.
- 4.3 The remainder of the applicant's case is the same as previously reported and is repeated below;
- 4.4 The applicants acknowledge that the site is located within the Metropolitan Green Belt and that when taken as whole, residential development of the identified Development Area would be viewed as inappropriate development within the Green Belt and therefore, must be justified by a Very Special Circumstances Case.
- 4.5 The applicants have submitted that Very Special Circumstances do apply that both individually and in combination justify the release of the site from the Green Belt, and therefore the grant of planning permission for the proposed development. The applicants argue that each of the following represent Very Special Circumstances:
 - a) The lack of a five year housing land supply, and the subsequent requirements of paragraph 49 of the NPPF;
- 4.6 The applicants have contended that the Council has accepted that there is a shortfall and can only demonstrate a 3.2 year supply. However, the applicants consider that the realistic position is much lower at 2.4 years including the NPPF 20% buffer and that the additional potential supply from 'Proposed Draft Allocations' would only marginally improve the position. The proposed development would therefore help to address the short fall in housing and is considered sufficient in its own right to justify Very Special Circumstances.
 - b) The ability of the site to deliver affordable housing;
- 4.7 The Council's most recent Housing Strategy Document sets a target of 100 affordable housing units per annum but the Council is falling well short of this target. However, the Strategic Housing Market Assessment (SHMA, 2008) indicated that 205 units per annum are required but that over the last five years an average of only 93 units per annum has been delivered. Although supply has peaked and troughed over the last ten years, the supply has been well short of the targets.

4.8 Although 142 affordable houses were delivered in 2011/12 this is still significantly below the projected needs in the SHMA and represents only 27% of the overall supply of housing in this period and there has been a history of under-delivery and acute need. The application proposals can deliver circa 22 units (40% of net increase in residential units).

c) The role of the site in delivering housing growth to ensure the delivery of the current Housing Targets;

4.9 The application proposals will play a significant role in maintaining momentum and delivery of new housing within the District, particularly in the context of existing deficiencies in housing delivery, historic shortfalls and the Council's own recognition that they should be identified as 'underperforming' in terms of housing delivery. Within this context the ability to deliver a high quality residential development, combining both private and affordable accommodation, and focusing on family housing units, is required to be given appropriate weight.

d) The role of Elms Farm within the Green Belt;

4.10 The Elms Farm site currently makes no active contribution to the Uttlesford Green Belt, or the settlement of Stansted Mountfitchet. This is due to several reasons:

- The Green Belt does not reflect the natural edge of the settlement and urban activity associated with the existing livery use currently has no clear defined edge;
- The current Green Belt boundary does not allow scope for the natural and logical growth of the settlement in the most sustainable part of the Settlement.
- The site sits within the context of a surrounding historic parkland. The development area has been carefully selected as being outside key view corridors and can be sensitively accommodated as part of wider proposals to enhance the landscape and strengthen the permanence of the Green Belt boundary.
- Re-development of the site can deliver visual Improvements to the setting of the village's historic core through the removal of the unsightly farm buildings and open storage.
- The development site does not actively contribute to the setting and special character of Stansted Mountfitchet. The development of the site for housing would make more effective use of the site, enable the creation of a clearer and more defensible Green Belt edge and would facilitate wider improvements to significant areas of adjoining Green Belt and Historic Parkland which is within the joint Applicant's control.

e) The Deliverability of new housing;

4.11 The site is immediately available and deliverable, and there are no direct physical or land use barriers which would prevent the site coming forward at an early stage to tackle short term housing need.

4.12 The site is eminently suitable for residential development. The scheme has been progressed by a local housebuilder who has experience of delivering high quality development in the local area and wider District. Consequently, the site can be relied upon to contribute to the Borough's five year housing land supply, should consent be granted.

f) The ability to deliver significant community benefits and landscape improvements to the adjoining historic parkland which support the wider objectives of the Green Belt

- 4.13 The development proposals can facilitate a number of significant community benefits which could only be provided through redevelopment of this site. These benefits include specific improvements and enhancements to the adjoining area of the Green Belt.
- New Community Allotments;
 - New Public Open Space now extending to 2.99 hectares. This would go a significant way to addressing current open space deficiencies within the village and help define a formal edge to the development and an enhanced defensible edge to the Green Belt;
 - Improved public access to Stansted Park including new footpaths, cycleways and bridleways;
 - Landscape and ecological enhancements of the parkland landscape;
 - Long term management proposals for the parkland;
 - Flood alleviation measures which will reinstate the natural topography of the landscape and which can provide a flood and drainage solution which will mitigate both the new development on the site, but also offer wider benefits to address flooding of the railway and village centre as well as ecological and landscape benefits.
 - Management of the parkland and open spaces. Further details in the separate draft management document and a more detailed scheme could be secured by condition or a S106 requirement of any approval.
- 4.14 The applicants have also advised that in addition to the Very Special Circumstances Case which is summarised above, they consider that there are also a number of other benefits which are also material when assessing the proposals. The site will provide family housing and infrastructure improvements and all units will be adapted to lifetime homes standards with 5% of units specifically designed to be wheelchair accessible. The units will have garden space and access to the adjoining new public open space and improved access to the wider parkland. There is also immediate access to the mainline railway station and easy and quick access to the village Centre.
- 4.15 The development will offer wider benefits to Stansted Mountfichet through the delivery of housing, the potential additional investment to the area which will bring increased spending in local shops, new employment opportunities to the local community and improvements to the local transport network and community facilities.
- 4.16 The development will remove disruption of the existing livery. The site includes large areas of open storage and is generally an untidy operation which has spread out over time. The site currently causes disruption from vehicular movements (including HGV's), involves lots of activity and is a messy operation which has a generally poor relationship with the town. Relocation of the use or alternatively remote management as part of a wider strategy for the longer term maintenance of the parkland will be of clear benefit to the village.
- 4.17 The site represents a unique offer and does not have the same constraints as other brownfield sites. Instead it provides an opportunity to create an attractive addition to the Stansted Mountfichet community.
- 4.18 The proposals will naturally mitigate against any negative ecological impact, however, the scale of the wider parkland offers potential opportunities to facilitate wider ecological enhancement.

- 4.19 Development of the existing farm site would include the permanent extinguishing of the extant office consent which has been lawfully implemented and which could technically still be completed. Removal of this lawful use would also offer the benefit of protecting the long-term setting of the grade II listed Bridge Cottage.
- 4.20 The Applicant is prepared to enter into a legal agreement to ensure that on the grant of planning permission the extant right to complete the office development would be extinguished.
- 4.21 The applicants conclude that the combination of material benefits reinforces the Very Special Circumstances case identified in support of the application proposals.
- 4.22 The applicants have provided the heads of terms for a S106 Agreement to include other measures required to mitigate against any adverse effects upon existing residential and community interests. The application is accompanied by a revised Design and Access Statement, Planning Statement, Noise and Vibration Assessment, Five Year housing Supply assessment report, Sequential Test Evidence Base, Utilities Statement, Arboricultural Report, Landscape Appraisal and Strategy Report, Phase 1 Habitat Survey, Statement of Community Involvement, Flood Risk Assessment, a Transport Assessment, Heritage and Archaeological Desk Based Assessment. A Site Waste Management Plan and Phase 1 Geoenvironmental Assessment have also been submitted.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0907/90 Change of use from residential to offices. Alterations and improvements to Elm Farm and erection of new offices. Improvements to access. Granted September 1990.
- 5.2 UTT/0068/06/CL: Application for Certificate of Lawfulness to confirm Implementation of UTT/907/90 and UTT/908/90/LB being planning and listed building consents for some 1049.53 sq m of offices. The subsequent appeal was allowed and the certificate of lawfulness for offices was granted.
- 5.3 UTT/13/0386/OP Application for the demolition of existing livery buildings and residential development of 58 units with access from Church Road and comprising flood alleviation works and landscape re-profiling. Improved public access and management to Stansted Park and the provision of 2.55 ha of public open space, community allotments and new public footpath routes, cycleways and bridleways. Planning permission refused June 2013.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S6 – The Metropolitan Green Belt
- 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 ENV2 – Development affecting Listed Buildings
- Policy ENV3 – Open Space and Trees
- Policy ENV9 – Historic Landscapes
- Policy ENV10 – Noise Sensitive Development and Disturbance from Aircraft
- Policy H9 - Affordable Housing
- Policy H10 - Housing mix
- Policy LC3 – Community Facilities

- Supplementary Planning Document - "Accessible Homes and Playspace"
- Essex Developers' Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance).
- ECC Parking Standards (September 2009);
- Uttlesford Local Residential Parking Standards (February 2013)
- Energy Efficiency and Renewable Energy (October 2007)

6.3 Uttlesford District DRAFT Local Plan

- No allocation. Green Belt.

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 The Parish Council supports this development at Elms Farm subject to a legal agreement between the landowner and the Parish Council which protects Stansted Park from any further residential development, commercial or industrial development and ensures the maintenance of the parkland in the future. The exceptional community gain of access to the parkland should over-ride the firm policy of maintaining the Green Belt in this location.

8. CONSULTATIONS

ECC Highways

- 8.1 The applicant's highway agent Ardent Consulting Engineers has produced a comprehensive assessment of the impact of the existing use as a livery yard and the consented but not occupied B1 office use and compared this with the proposal for up to 65 residential dwellings. An Addendum to the Transport Assessment has been submitted to accompany this revised outline planning application for 53 dwellings to provide updated information concerning the traffic calming installed on Church Road and also updated accident records. The proposal would not generate significantly more vehicle movements than the lawful use of the site could generate and consequently the Highway Authority concludes that the proposal will not have any detrimental impact upon safety or efficiency of the road network at this location. Therefore no objection subject to conditions.

Highways Agency

- 8.2 No objections

Environment Agency

- 8.3 No objection subject to conditions

Thames Water

8.4 No objections

ECC Environmental

8.5 No objections.

NATS Safeguarding

8.6 No objections.

Aerodrome Safeguarding

8.7 Requires conditions to be attached to any planning permission in relation to the submission of a landscaping scheme and for the submission of a Bird Hazard Management Plan.

Sport England

8.8 No objections

Natural England

8.9 No objections.

ECC Ecology

8.10 No objections subject to conditions requiring the submission of a Biodiversity Mitigation Plan, protection of breeding birds and an Update of the Survey if necessary.

ECC Schools

8.11 There are no early years or child care provision in the ward. The development falls within the priority admissions area of both Bentfield Primary School and St Mary's CE (Fdn) School. Neither school has future capacity for the development. In addition pressure is now mounting on Mountfitchet Maths and Computing College and it is now clear that additional school places will be required. ECC schools therefore require a contribution of £56,596 for early years and childcare, £165,773 for primary provision and £167,803 for secondary provision totalling £390,262.

ECC Archaeology

8.12 Requires a pre-commencement condition for trial trenching and open area excavation work due to the site's proximity to the Scheduled Monument of Stansted Mountfitchet Castle

Housing Enabling Officer

8.13 The affordable housing provision for this site will attract the 40% requirement which amounts to 21 units. The mix should be indistinguishable from the market housing, to be integrated well within the scheme and be predominantly houses with parking spaces. The requirement for this site is 5 x 1 bed, 11 x 2 bed and 5 x 3 bed units which should be in a mix of tenures. In addition the Council require 3 (5%) bungalows across the site.

Access and Equalities Officer

- 8.14 Compliance with SPD on Lifetime Home and Appendix 2 Wheelchair Accessible Housing will be required. Access to the public space, community allotments will need to ensure wheelchair users, mobility scooters and prams will be able to use those areas.

UDC Environmental Health

- 8.15 The site is subject to noise from the railway line and a condition is required relating to noise attenuation within the design of the dwellings and gardens. Also requires a condition limiting the times and methods of demolition and construction. In addition, the submitted geoenvironmental assessment has identified a risk of potentially significant ground contamination and a condition is required to ensure that appropriate investigation and mitigation works are undertaken.

Councillor Alan Dean

- 8.16 Councillors and other residents in Stansted Mountfitchet have aspired to achieve public access to an enhanced Stansted Park for several decades. This planning application promises to make that aspiration a reality whilst meeting the district council's aim of delivering more market and affordable housing. I support its approval.

Planning background

- 8.17 Stansted Mountfitchet has recently been described as being under siege by development proposals. Several sites are currently known to be the subject of planning applications. These principally result from the council's lack of a 5-year land supply. Two have been recently refused. One of these was for Elms Farm, which was refused only by the casting vote of the committee chairman. A natural response to the siege is to oppose all of them under the prevailing circumstances. The council's Draft Local Plan has proposed sites for 60 homes during the next plan period, though that number has potentially reduced by a change of designation of two small sites on Cambridge Road. Some proposals are unacceptable to the community. Stansted Mountfitchet Parish Council and I supported Elms Farm for development at the consultation of the draft Local Plan in mid-2012 and at time of the first application in June 2013. The application site offers a suitable alternative for the definitive Local Plan and meets local prioritisation.

Community benefits

- 8.18 Stansted Mountfitchet has recently grown in population by at least one-quarter. The availability of public open space was low by national standards before this growth and no public open space of significance has been added as a result of the recent Forest Hall Park Development. The public open space proposed with the Elms Farm development, together with public access to Stansted Park, is very important to this growing community. They justify its approval.

Qualifications through conditions and agreements

- 8.19 If the application is approved, the following matters should be addressed through conditions and agreements:

1. Improvements to or a financial contribution towards the eventual widening of the pavement along Church Road from the site to Lower Street,
2. Further traffic calming in Church Road to enhance that installed in 2012,
3. The safeguarding of public open space and public access to Stansted Park should be ensured by agreement,

9. REPRESENTATIONS

9.1 31 letters of objection have been received setting out the following objections.

- The site is statutory green belt land.
- Approval would set a precedent for further development of Green Belt land.
- Not an identified site for development.
- It would spoil the view of Stansted Park as you come down Chapel Hill.
- The site is the one remaining 'rural' area near the centre of the village and development will fundamentally change the nature of the village.
- Over development of the area.
- Loss of farm buildings. This will remove all signs of farm buildings from Stansted Mountfitchet for ever which has been a characteristic of the village for many generations.
- Stansted has been a permanent building site for several years now.
- Can it be guaranteed that the parkland will remain open to the public and there won't be plans in the future to build up the hill and totally spoil the views?
- It is against the will of the villagers: The 2013 parish council meeting overwhelmingly rejected further new developments of more than 15 dwellings following the large Forest Hall development. With the Forest Hall development Stansted has accepted more than its fair share of new housing in the M11 corridor, with the associated pressures on community services and traffic.
- Contrary to the Village Plan.
- UDC need to assess ALL planning applications together and assess what level of housing is actually needed before approving this or any other large scale development in the area.
- Building on flood plain will increase the risk of flooding in other parts of the village.
- The site is on a floodplain and currently within flood zone 3 before the work to mitigate the risk is undertaken. Concern that there will not be adequate provision made to relocate the excess water resulting from the proposed modifications to the flood plain.
- The brook floods more than once in a 100 years.
- The site has been subject to extensive flooding over the past year. Plans do not show adequately how flooding can be properly addressed.
- Water treatment and sewage treatment are already under great strain.
- Medical facilities at the surgery are already working close to capacity and the proposed influx of yet more residents into Stansted before the completion of Foresthall Estate is going to impose even more pressure on the stretched medical and clerical staff of the surgery.
- The health centre continues to be delayed. As a result of primary healthcare capacity failing to keep pace with rapid housing development, Stansted - which includes the poorest ward in the district - is served by one of the most over-subscribed GP surgeries in the country with a patient to GP ratio of about 2,500:1 compared to the national average of 1,600.
- Bentfield School is full and St Marys will be at capacity once Forest Hall Park is complete.

- Lack of safe pedestrian links.
- Danger of traffic; Church Road is a narrow road, particularly at the Elms Farm end where the road narrows over the Railway Bridge. It is not possible to get 2 vehicles through this narrow part if one of them is a bus or a lorry. The entrance to Elms Farm is within 50 yards of this narrow bridge, with limited vision. Cars do not slow down to cross this bridge, giving only seconds of visibility for another vehicle to safely pull out from Elm Farm onto Church Road.
- Impact of construction traffic.
- Sharing a bridleway with pedestrians including mothers and children is potentially not safe.
- Walpole Farm is a better location for development and would not involve the loss of Green Belt Land.
- The fall-back position of the offices is not realistic as it is unlikely to be economically viable.
- The community benefits referred to as allotments, new permissive footpaths and the maintenance of Stansted Park are little more than those that would be required in any large-scale housing development in order to comply with existing planning policy. The supposed community benefits offered are not exceptional and there has been no convincing case put forward for the release of this site for residential development.
- The Sequential Test submitted is inadequate.

9.2 4 letters of Support have been received setting out the following reasons:

- It would bring much needed affordable housing that Stansted require. It would also open up the parkland for walkers and cyclists to enjoy.
- The development will provide public open space and other community benefits, including allotments.
- It is highly sustainable, being well located close to the railway station/public transport corridor, local shops, nearby employment (M11 business Link Business Park), the proposed new surgery, and the town's secondary school. Access can easily be achieved from and onto the nearby main road and motorway network.
- The development will provide more market and affordable housing.
- The Green Belt designation was an arbitrary historical one and does not have any real merit.
- Elm Farm is a good solution to the pressure that Stansted is currently experiencing for additional development and is a better site than Walpole Farm.
- The opening up of the park land to the general public and the provision of new footpaths linking existing rights of way will have a real and long lasting benefit to our community.
- The development will ensure that the views from Chapel Hill will be unspoilt and the majority of the building will take place on what is currently unsightly flood plain directly adjacent to the railway line. The proposal can only have a positive effect upon the aesthetics of the village.
- Flooding has been a problem in the lower parts of Stansted and this development will improve the overall situation in the long run.

10. APPRAISAL

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

- A The principle of development of this site in the Green Belt (ULP Policies S1, S6)
- B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)

- C The layout of the development and residential amenity (ULP Policies GEN2, ENV10)
- D Visual Impact (ULP Policy GEN2)
- E Impact upon Listed Buildings (ULP Policy ENV2)
- F Mix of Housing and Affordable Housing (ULP Policies H9 and H10)
- G Infrastructure provision to support the development (ULP Policy GEN6)
- H Drainage and Contamination (ULP Policies GEN3, GEN6 and ENV14))
- I Other Material Considerations

A The principle of development of this site in the Green Belt (ULP Policies S1, S6)

- 10.1 The site is located outside the development limits for Stansted Mountfitchet defined by Policy S1 of the Local Plan, within open countryside and within the statutory Metropolitan Green Belt and is therefore subject to both national and local policy on Green Belts. Local Plan Policy S6 identifies a limited number of sites within the Green Belt where development would be allowed. The site is excluded from these sites and therefore subject to the national policy set out in the NPPF. The NPPF largely reiterates previous advice set out in PPG2 – Green Belts and confirms that the essential characteristics of Green belts are their openness and their permanence. The NPPF confirms that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.2 The proposed development of 53 houses is inappropriate development and is therefore by definition, harmful to the Green Belt. The applicants accept that this is the case but have argued that Very Special Circumstances exist and that these are sufficient to justify setting aside Green Belt policy and granting planning permission. The applicants have argued on four main grounds: the lack of a five year housing land supply and the ability of the site to contribute to this and to deliver housing growth; the lack of affordable housing in the district; the limited contribution that Elms Farm makes to the Green Belt and community benefits.
- Lack of a five year housing land supply and housing growth and deliverability
- 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 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.
- 10.5 A report on Uttlesford’s Housing Trajectory and 5-Year Land Supply 2013 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.
- 10.6 However, the applicants have argued that not only does Uttlesford lack a 5 year supply but that the current calculations contained in the Annual Monitoring Report and the most recent Housing Trajectory are inaccurate and do not show the true extent of the deficit. The applicants argue that the projected supply from dwellings on Committed

Sites is considered to be only 1,257 units which represents a 2.9 year supply (only 2.4 years when NPPF 20% buffer applied). The position would marginally improve if the potential deliverable supply for dwellings on sites proposed in the Draft Local Plan June 2012 is included as this would increase the supply to 3.1 years (Only 2.6 years supply based on the current annual target + 20%).

- 10.7 The applicants are correct that the SNPP (Sub-national population projections) projections provide only 2.9 years housing supply and therefore whichever scenario is adopted, there is an undisputable shortfall in the five year supply of housing. However, the Council recognises 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 in accordance with the guidance set out in Paragraph 49 of the National Planning Policy Framework.
- 10.8 The applicants have provided a Sequential Test report and have argued that there are very limited opportunities where sites can be brought forward to address the five year supply and which would bring about the same benefits as the current appraisal. There were previous concerns about the applicants' approach on this matter and that it was not robust. The assumptions made limited the selection and therefore potential availability of alternative sites. The applicants have therefore updated their Sequential Test to assess the sites that have are available and/or have come forward around Stansted to ensure that their assessment is more robust.
- 10.9 The applicants have concluded that of the 18 sites assessed in Stansted Mountfitchet, no sites have been identified which definitively pass the initial three stages of the sequential test assessment. However, four sites have been identified which are potentially capable of passing the initial three stages of assessment. Two of these sites (STA10 and STA11- both land at Cambridge Road) were assessed as part of the original qualitative analysis and the two additional sites (STA13 – Bentfield Green and STA14 – Walpole Farm) have been assessed given the recent planning application activity. STA11 and STA13 are assessed notwithstanding the fact that planning permission has been recently refused on both sites.
- 10.10 None of these sites are without constraints but have been subject to a qualitative assessment on the basis that they represent the more likely candidate sites with potential to be 'deliverable' in line with the NPPF guidance.
- 10.11 The applicants have concluded that none of the four sites identified as potentially 'deliverable' can be relied on at this stage as being definitively available. Furthermore, even if they were all to come forward they would not deliver a sufficient quantum of housing (only 320 units including the refused proposals on STA11 and STA13) to address the identified five year housing land supply shortfall (irrespective of whether this is based on the Council's or SB's analysis of the shortfall). Nor would the sites be capable of providing an alternative to the delivery of the application proposals and the associated benefits which these will deliver.
- 10.12 It is accepted that the range of benefits that would be provided by other sites within Stansted would be different to the current proposals and that the benefits offered by the current application at Elms Farm are particularly specific to its location. It is accepted that the updated Sequential Test report demonstrates that the current application site is the only site that can come forward for development and provide the community benefits offered, particularly with the creation of open space within Stansted Park.

10.13 Uttlesford has a very limited area of Metropolitan Green Belt within its district and it is not considered appropriate or necessary for Green Belt land to be developed to contribute towards the Council's five year supply of housing land. The Council's Strategic Housing and Land Availability Assessment (SHLAA) has considered a large number of sites for future development and has discounted this and other green belts sites in favour of non-green belt sites. It is considered that the Council's housing requirement is capable of being addressed without encroachment into the Green Belt as evidenced by the 2012 Consultation on Proposals for a Draft Local Plan.

10.14 However, recent case law has confirmed that the shortage of housing land can represent the very special circumstances necessary to justify the setting aside of Green Belt status. The judgement accepted that very special circumstances could exist where a shortfall was caused by the difference between the full objectively assessed needs for market and affordable housing and that which can be provided from the supply of specific deliverable sites identified by the relevant planning authority. As a consequence, in cases where the five year housing requirement fails to reflect the full objectively assessed needs for market and affordable housing for the area and applicable at the time the figure was arrived at, the High Court Judgement confirms that proposals for housing land can be regarded as very special circumstances such as to warrant the setting aside of Green Belt Policy. The Draft Local Plan (June 2012) is based upon the Economic projection figure of 415 which adopts a lower requirement than higher SNPP projections. However, the latest Housing Trajectory confirms that whether based upon the economic scenario or the SNPP projection, Uttlesford cannot demonstrate a 5 year supply and in the case of the latter has only a 2.9 year supply of housing, a shortfall of 1127 dwellings. Insufficient sites have been granted planning permission since April 2013 to significantly reduce this shortfall.

10.15 Bearing in mind the recent High Court Judgement, the current shortfall in the 5 year supply of housing could be regarded as very special circumstance which is capable of justifying the setting aside Green Belt policy in this instance and would override the harm to the Green Belt by virtue of inappropriate development.

Provision of affordable housing;

10.16 The applicants have indicated that the site would provide 40% affordable housing and would assist in addressing the current shortfall in affordable housing in the district. This is accepted and the site would contribute to a current shortfall in affordable housing which would be welcomed. Significant weight should therefore be attached to its provision.

10.17 However, the Council is seeking 40% affordable housing on all development, especially those on emerging or non-allocated sites and it is considered that the provision of 40% affordable housing on this site would not be exceptional or count as very special circumstances. The application does not propose this as a rural exception site and therefore does not offer any more affordable housing than other sites that have come forward or will in the future. It is not accepted therefore, that the provision of 40% affordable housing on the application represents very special circumstances and would not overcome the harm to the Green Belt by virtue of inappropriate development.

The role of Elms Farm within the Green Belt

10.18 The applicants have argued that Elms Farm makes no active contribution to the Green Belt and that the Green Belt boundary in this location does not allow Stansted to

expand in the most sustainable location; nor does it reflect the natural edge of the settlement and urban activity associated with the livery use.

10.19 It is not accepted that Elms Farm makes no contribution to the settlement. Firstly, it provides a recreational activity close to an urban population and is a use that is appropriately sited within the Green Belt. Facilities for outdoor sport and recreation are considered to be appropriate development within the Green Belt provided that it retains the openness of the Green Belt. It is accepted that the existing livery at Elms Farm is untidy and that many of the buildings are now somewhat dilapidated and unattractive and it is questionable therefore whether it retains the openness of the Green Belt. Nevertheless, its use is one that is entirely consistent with Green Belt policy. In contrast, the revised application proposal remains inappropriate development and therefore harmful to the Green Belt.

10.20 Secondly, the land taken up by the livery buildings themselves is relatively small and, even if the areas used for storing hay/straw are taken into account, the area of use is still significantly smaller than the proposed area of housing. The existing buildings at Elm Farm extend approximately 120m from the identified curtilage boundary of Bridge House. In contrast the development would extend an additional 190m (310m in total) eastwards from this point into the open area of Parkland.

10.21 The previous application proposed further development within the area of parkland to the rear of Elm House and Elms Lea where the land rises to the south. That part of the proposed development resulted in a considerably larger area of development than exists at present and was neither explained nor justified in the previous application. The revised application has removed development from this area and replaces it with open space, thereby reducing the extent of inappropriate development and harm to the Green Belt. It is considered however, that the proposal still conflicts with the purposes of the Green Belt through encroachment into open countryside.

10.22 The applicants have argued that the site provides a sustainable location for development and that the development would provide a logical and defensible boundary for the Green belt. It is accepted that the site is relatively central to Stansted but it is considered that the presence of this parkland and recreational facility close to the centre of Stansted also contributes to the character of the village. The boundaries presented by the application proposals are purely arbitrary and it is considered that the railway line and Church Road provide far more logical and clearly defined boundaries to the Green Belt and are capable of preventing encroachment into the historic parkland.

The provision of community benefits.

10.23 The application proposes an enhancement of the community facilities for the village with the provision of some 2.99 ha of open space (an increase from 2.55ha in the earlier application), new footpaths, cycleways and bridleways providing enhanced public access into the parkland together with the provision of new community allotments. These facilities and benefits would be of considerable benefit to the community of Stansted and would provide an area of public open space and allotments close to the central area of the village. The applicants are proposing to carry out improvements to the rest of the parkland with additional tree planting and the application also involves the re-configuration of the floodplain, designed to reduce flooding both within the vicinity of the site and further downstream.

10.24 The Village Plan for Stansted Mountfichet states that negotiations should continue with the objective of enabling Stansted Park to be used as a public open space as well as providing land for junior football. However, the Village Plan does not indicate that part

of the Green Belt should be released to achieve part of this objective but states that 'The maintenance of the greenbelt is a prime objective to prevent merging with other communities.'

- 10.25 The Village Plan therefore seeks to retain the Green Belt to prevent Stansted from merging with other settlements. The NPPF states that the essential characteristic of Green Belts is their openness and their permanence. The provision of the footpaths, cycleways and bridleways together with the open space and allotments would be appropriate development and would retain the openness of the Green Belt. However, their provision and their contribution to the community of Stansted has to be balanced against the harm to the Green Belt that would arise from the proposed housing development on the edge of the settlement.
- 10.26 It is noted that Stansted Parish Council recommend approval of the application and consider that 'the exceptional community gain of access to the parkland should override the firm policy of maintaining the Green Belt in this location.' Stansted Park forms an important part of Stansted and effectively brings the open countryside into the centre of the village. It provides an important visual focus and the application site is unique within Stansted in being able to deliver this important area of parkland as public open space and to allow greater accessibility. At present the only rights of way within the parkland are the public footpath No 23 which runs beside the railway for a short section before heading north and Footpath 50 which runs from Churchlands to Church Cottage. The proposals would allow a considerably greater area of the parkland to be opened up with a number of permissive paths that would link these footpaths and allow circuitous routes around the parkland. Discussions with the applicants have confirmed that whilst the proposal is for permissive footpaths, they are prepared for the footpaths to be provided in perpetuity and would be prepared to enter into a S106 to this effect.
- 10.27 The application would also deliver the cycle/bridleway link between Stansted and the Foresthall development, required as part of the Foresthall development and linking the new development with the village. The proposals also include the provision of allotments located at the rear of Churchfields and therefore accessible to the southern part of the village, helping to balance out the current limited provision on Pennington Lane to the north of Stansted. Furthermore, the current application has increased the area of public open space by nearly 0.5ha through the removal of the dwellings previously proposed to be located on the hillside to the south. As a consequence, the community benefit is increased and enhanced whilst the impact upon the openness of the green belt has been decreased.
- 10.28 The development would still extend housing development into open countryside and reduce the openness of the Green Belt when the most important attributes of Green Belts are their openness and permanence. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt and in this instance, the development would still involve encroachment into the countryside.
- 10.29 The applicants have argued that the combination of the benefits put forward provide the very special circumstance required to set aside Green Belt Policy. It is considered that the five year housing supply, the provision of affordable housing and the role of Elm Farm in the Green Belt do not provide the very special circumstances required. However, it is accepted that the enhanced provision of community benefits which has been brought about by a reduction in the amount of built development within the Green Belt could be regarded as very special circumstances. The revised application is unique in being able to offer these community benefits which will also allow the most important view in the village to be protected and to open up the parkland which sits on the edge of the settlement and forms an integral and important visual area. It is

considered therefore that the benefits provided by the revised application should be regarded as very special circumstances that justify the setting aside of Green Belt Policy in this instance and subject to the application being acceptable in all other respects.

10.30 The applicants have referred to the fallback situation in that the approved office development could be constructed. This is accepted as a lawful development certificate relates to those offices. The impact of the offices has been taken into account but it is not considered that in itself, it constitutes a very special circumstance but it is a significant material consideration which must be taken into account in assessing the overall acceptability of the proposed development.

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

10.31 Access to the site utilises the existing access off Church Road. The proposals will incorporate improved access by the provision of a bellmouth and relocating it slightly to the south to improve visibility. In addition, a new access will be created further south on Church Road to allow access to the new allotments.

10.32 It is noted that many of the third party objections to both this and the previous refused application relate to the current level of traffic on Church Road and the narrow bridge over the railway which affords limited visibility for traffic. However, as before, the highway authority has advised that the applicants have produced a comprehensive assessment of the impact of the existing use as a livery yard and the consented, but not occupied, B1 office use and compared this with the proposal for up to 53 dwellings. The proposal would not generate significantly more vehicle movements than the lawful uses of the site could generate and consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency of the road network at this location. The Highway Authority therefore has no objection to the proposals for the access to the residential development or for the allotments.

10.33 In terms of parking, the proposal would generate a requirement for some 149 parking spaces based upon the Council's 2013 adopted parking standards and the applicants' mix of dwellings. The submitted layout shows approximately 128 spaces with most arranged as on plot parking. Two parking areas within the western part of the site would serve the terraces of dwellings which are shown as facing onto the parkland and the terraces to their rear. Whilst some of the parking may be remote and not on plot for these dwellings, it is considered that the parking layout would be acceptable and that additional parking could be provided within the development to meet the Council's parking standards.

10.34 It is considered that access arrangements are acceptable and that there is scope for additional parking within the layout to satisfy Policies GEN1 and GEN8 of the Local Plan.

C The layout of the development and residential amenity (ULP Policy GEN2, ENV10)

10.35 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale, form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse

effect on the reasonable occupation and enjoyment of residential properties. Policy ENV10 seeks to protect noise sensitive development such as residential development from adverse impacts.

10.36 The revised application seeks approval of the layout of the site. The layout as submitted now proposes residential development solely on the northern part of the site, adjacent to the railway line which is served by a single access road with small cul-de-sacs off. Housing is grouped in clusters facing onto landscaped 'squares' or parking areas. Terraced properties are shown facing onto the area of public open space to the south, changing to detached properties further into the development. The eastern edge of the development extends into the parkland and the layout shows the detached houses in this section, backing onto the public open space with garages positioned to the rear of the plots and therefore adjacent to the proposed public open space. A 15m wide landscaped buffer separates the housing from the realigned Stansted Brook to the north and allows access for the Environment Agency.

10.37 The layout of the dwellings is considered to be generally acceptable in terms of their relationship with each other but there are concerns regarding the eastern area where the houses and their garages are shown backing on to the proposed public open space. Extensive screen planting is shown around this part of the development. It is of concern that the development will be visually intrusive until this required planting is established.

10.38 In terms of residential amenity, the applicants' noise report confirms that measures will be needed to ensure adequate levels of amenity and protection from noise from the railway. These would include the installation of standard thermal double glazing and appropriate ventilation and it is considered that planning conditions would ensure adequate amenity in accordance with Local Plan Policies GEN2 and ENV10.

D Visual Impact (ULP Policy GEN2)

10.39 The site is located within an area of the Stansted where development could have a significant impact upon the visual amenities of the village. The site is currently low lying with the majority of the existing buildings being single storey which do not appear unduly prominent within the landscape. The Village Plan confirms that the views from Chapel Hill are visually important and the Parish Council raised the impact of the development on these views as a concern with the previous application. It is agreed that this is the key view of the site from the village with other important views being from Stansted Mountfitchet Castle and public footpath No. 23. Elms Lea and Elms Cottages are clearly visible from the views from Chapel Hill but this is due in part to the fact that they are positioned on slightly higher ground than the majority of the buildings at Elm Farm.

10.40 Following concerns in the previous application relating to the impact on these views, together with the requirement of the Environment Agency that finished floor levels for the housing should be set at 67.06m above Ordnance Datum, the applicants have submitted information which addresses the likely impacts and the topographical survey for the site. The survey information shows that the current levels of the site within the area to be occupied by housing are generally higher than the level required by the EA and varies from between approximately 67m up to 70m and is above the minimum levels required by the EA. As a consequence, there would be no need to raise the height of the land. There is an area towards the eastern part of the site where the existing levels falls to 66m where there would be a need for remodelling and raising the floor levels by a metre. However, this is not considered to be significant as the majority

of the developable area of the site is already at the required level or higher to avoid flooding.

- 10.41 The applicants have submitted a Chapel Hill View Corridor Analysis which shows a sequence of views when travelling down Chapel Hill with the main elements of the scheme added to the view. The Views show that the central area of open land which is to be given over as public open space and the adjacent group of trees would remain visible and that the development would not screen this view. With the removal of the housing on the southern portion of the site and the extension of the public open space into this area, the views of the parkland would remain largely as existing.
- 10.42 With regard to the views from Mountfitchet Castle, the elevated position of the castle means that views from the castle look straight over the existing trees along the railway line and over the roofs of the livery towards the rising ground of the parkland. The new housing will be visible and will create an urban edge to this part of the village but it will be largely the roofs that will be visible and these will be against the backdrop of the parkland, the majority of which will remain clearly visible from the Castle. The deletion of the 10 dwellings from the southern portion represents a significant improvement over the previous application and will make a considerable difference to the views from the Castle.
- 10.43 Footpath 23 extends along the Stansted Brook and for part of its length it looks towards the untidy side of Elms Farm. This would be replaced by new dwellings for a significantly greater length of the footpath and the open views of the parkland once past the livery buildings would be lost until past the residential development. However, the applicants have pointed out that this footpath is unusable for large parts of the year when the Brook is in flood. Although this section of the footpath would have its views altered, the proposals allow it to link up with other new footpaths within the parkland which will provide an overall enhancement for future users and increase the views of the parkland.
- 10.44 The application is in outline and therefore matters of design and the appearance would be subject to detailed scrutiny at the reserved matters stage, together with the final height and impact of the dwellings.
- 10.45 The proposals involve the provision of part of the parkland as public open space with the remainder of the park being subject to improvement and future maintenance. The parkland character of Stansted Park forms an important feature and contributes to the views and setting of Stansted Mountfitchet. The enhancement of the wider park is to be welcomed but it is considered that the retention of the parkland character within the area to be used for future public open space will also be important and care will be needed therefore to ensure that any future maintenance regime for this area will be in keeping with the rest of the parkland. It is considered that therefore that all the parkland, including the public open space, should be subject to the proposed park enhancement and maintenance plan proposed by the applicants.
- 10.46 At this stage, it is considered that, subject to conditions and the submission of landscape/parkland improvements and maintenance, the amended application would not now have an adverse impact upon the sensitive views from Chapel Hill, but there would be an impact on those from Stansted Mountfitchet Castle and the public footpath. It is considered however, that these views would not be so significant as to be contrary to Policy GEN2 of the Local Plan.

E Impact upon Listed Buildings and Historic Landscapes (ULP Policies ENV2, ENV9)

- 10.47 Policy ENV2 states that development affecting a listed building should be in keeping with its scale, character and surroundings. The site is located adjacent to Bridge House, a Grade II listed building. To the south is North Lodge to Stansted Hall (the Gatehouse), another Grade II listed building.
- 10.48 The application site excludes the garden area of Bridge House and proposes development within the area containing the existing livery and farm buildings. Whilst the closest new buildings are likely to be two storey replacing the existing single storey development, it is considered that the relationship between the new housing and the listed building is acceptable and the setting of the listed building is protected. It is considered that the new housing development would be more sympathetic to the setting of the listed building than the office building which is the subject of a lawful development certificate. That proposal would be located considerably closer to Bridge House than the housing and would occupy virtually all the garden of Bridge House.
- 10.49 The application site excludes the majority of the area where the offices are to be located and only includes a small area to the east of the former office site. It would appear that the proposed car parking and access road for the western most dwellings would encroach into the site of the office building and therefore implementation of this part of the current proposals should effectively prevent the office building from being constructed but that this would be more appropriately dealt with by legal agreement.
- 10.50 Following the deletion of the 10 dwellings to the south, it is considered that the development will not have any impact on North Lodge which, in any event, is partially screened from this part of the parkland by trees, vegetation and a bund. It is not considered that the setting of any listed building would be unacceptably affected or that there would be any conflict with Policy ENV2.
- 10.51 The parkland within which the application is located is identified on the proposals Map of the Local Plan as a Historic Park and therefore subject to Policy ENV9 which seeks to protect such areas from harm from development proposals, unless the need for the proposal outweighs the historical significance of the site.
- 10.52 Stansted Park forms the wider setting for Stansted Hall and provides a rural backdrop to the village of Stansted. Whilst some development has encroached into the park to the south e.g. Churchfields, this is largely historic and the park has been protected from development in recent years. The current proposal would extend into this historic parkland but the revised proposals keep the extent of the development to the flatter area to the north and would remove the currently untidy equestrian use and the dilapidated buildings at Elms Farm which are now beginning to detract from the parkland setting. Although the housing will extend eastwards beyond the current confines of the equestrian buildings, it does not encroach into the more visually important sloping southern part of the parkland or the setting of Stansted Hall. It is considered with appropriate design and planting the new housing would form a discreet area of development allowing the historic and visual significance of the open parkland to be retained. As a consequence, the revised proposals are now considered to comply with Policy ENV9 of the Local Plan.

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

- 10.53 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. In this instance, the affordable housing requirement would be some 21 units. The applicants have not provided a breakdown of future tenure but have submitted a draft heads of terms for a Section 106 Agreement in which they

indicate that they would be prepared to agree the tenure of the 21 affordable housing units with the District Council.

10.54 The layout does not show the proposed location of the affordable units and it would be required that future details show that the properties are provided in clusters of no more than 10 units within the development. The applicants are aware of this requirement.

10.55 The Housing and Enabling Officer has advised that the 21 units should comprise 1, 2 and 3 bed dwellings. The current proposals do not include any 1 bed units and the applicant has now confirmed that these would be included within the scheme. It is therefore considered that the scheme could provide an acceptable provision of affordable housing and would be in compliance with Policy H9 of the Local Plan.

10.56 The development as a whole comprises a mix of 1, 2, 3, 4 and 5 bedroomed dwellings and is therefore in compliance with Policy H10 of the Local Plan.

G Infrastructure provision to support the development (ULP Policy GEN6)

10.57 ECC Schools service has indicated that there are insufficient early years, pre-school, primary and secondary places to meet the need from the development. This advice is different to that given earlier this year for the previous application when ECC Schools advised that there were sufficient places at the Mountfitchet Mathematics & Computing College. ECC have now revised their advice for the current application and have stated that the College is now forecast to be at capacity because of increasing pressure. Therefore a contribution will be required for secondary education as well as for early years, pre-school and primary levels. ECC schools now require an increased education contribution of £390,262 (compared with £228,306 in June 2013) which would be provided by way of a Section 106 Agreement. The applicants have taken issue with the Education Authority on the change in advice with regard to secondary provision and have been informed that pupil forecasts are updated on a regular basis in the autumn, spring and autumn terms. Evaluations as to whether a developer contribution will be required or not is made at the time a planning application is made or an indication of what will be required may be given at the pre-application stage. A decision is made on the basis of the pupil forecast information available at the time.

10.58 The applicants have indicated their willingness to enter into a S106 Agreement to provide appropriate education contributions although an agreed figure has not yet been reached. However, a Legal Agreement is in the process of being drafted. It is therefore expected that the application will make provision for infrastructure provision as required by Policy GEN6.

H Drainage and Contamination (ULP Policies GEN3, GEN6 and ENV14))

10.59 The proposed development site is located within Flood Zone 3, classed as high probability risk, as defined in Table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF). Flood Zone 3 consists of two elements; Flood Zone 3a, which has a high probability risk and Flood Zone 3b, the functional floodplain.

10.60 The Technical Guidance to the NPPF classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. Residential development is classed as 'More Vulnerable' and the Technical Guidance makes it clear that 'More Vulnerable' development is not compatible with Flood Zone 3b (functional floodplain) and should not therefore be permitted.

- 10.61 The applicants have therefore submitted a Flood Risk Assessment and a Flood Modelling Report showing proposals to re-engineer the river channel and floodplain to the east of the proposed housing. This re-modelling is designed to ensure that post development flooding occurs in areas that remain open and free from development. The proposals involve the re-alignment and widening of a section of the Brook and the re-modelling and re-contouring of the land within the flood plain to provide lower areas for floodplain compensation. The flood mitigation measures are intended to ensure that the new development is not at risk of flooding and does not increase flooding elsewhere. The floodplain would be planted as a flood meadow/habitat. It should be noted that the current proposals represent part of a concept strategy intended to demonstrate that the broad proposals will not have an adverse impact upon flood levels as a result of the development and will require future detailed engineering design as well as landscape and planting strategy.
- 10.62 Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. The applicants have submitted a Sequential Test Report addressing alternative sites and have argued that there are no sequentially preferable sites which can contribute towards addressing the current five year housing land supply shortfall and no sites would deliver, or are capable of delivering, the same substantial benefits (including improvements in terms of flood risk) which would be secured as part of the Elms Farm scheme. It is considered that the Sequential Test undertaken by the applicants supports this view and that there are no other sites, specifically around Stansted which are capable of delivering the type of benefits as the current proposal.
- 10.63 The applicants intend to locate the development in the area of highest flooding probability. This area is classified as Flood Zone 3b and the NPPF states that this area is only appropriate for developments classified as 'water compatible' or 'essential infrastructure' and that residential development should not be permitted.
- 10.64 The EA advise that the proposal to re-engineer the site to raise the level that the proposed houses are to be located at would be above the 1 in 100 year inclusive of climate change. Flood levels downstream of the site will be slightly lower as a result of the proposed development and the EA suggest that the local planning authority may wish to take these issues into account when considering the flood risk Sequential test.
- 10.65 The EA advise that having reviewed all the flood risk information submitted, it is satisfied that the flood risk model has adequately demonstrated that the proposed re-engineering of the river channel and floodplain is achievable without increasing flood risk elsewhere and therefore have no objections to the proposal provided that appropriate conditions are attached to any planning permission. As such, and subject to the amended Sequential Test being acceptable, it is considered that the development complies with Policy GEN3.
- 10.66 The Phase 1 Geoenvironmental Assessment highlights potential contamination issues arising from the operation of the farm and the location of the railway line and sidings. It is considered that these matters could be adequately addressed by condition and that the proposals comply with Policy ENV14 of the Local Plan.

I Other Material Considerations

- 10.67 An extended Phase 1 Habitat Survey has been submitted which does not identify the presence of any protected species on the site and provides mitigation and ecological enhancement measures. These are considered to be acceptable and there are no objections on biodiversity grounds.

10.68 The Parish Council has advised that planning permission should be granted subject to a legal agreement to protect the remainder of the parkland from any development in perpetuity. It is not considered that this is an agreement that the District Council could enter into or that it would be reasonable and justified to do so. The restriction on all development within the park in perpetuity would be unreasonable and disproportionate to the development proposed in this application.

11. CONCLUSION

11.1 The application represents a revised application to address concerns and the reasons for refusal of the previous application. The site is located within the Metropolitan Green Belt and the proposals represent inappropriate development and are therefore harmful to the Green Belt. The amendments incorporated within the revised application have removed the 10 dwellings which extended into the parkland to the south and which would have been both prominent and visually intrusive. This area of land is now to be provided as part of the public open space, increasing and enhancing the provision and therefore the community benefits. It is considered that the location of the development is unique in that it can bring forward the opening up of Stansted Park to the community. This area is one of the most prominent and attractive visual amenities within the village.

11.2 In addition, the Council cannot demonstrate a five year supply of housing and insufficient sites have been granted planning permission since April 2013 to significantly reduce this shortfall. Recent case law has confirmed that a lack of a five year supply can be considered to be very special circumstances. It is considered however, that the benefits that the development would provide to the community, combined with the lack of a five year supply amount to very special circumstances which warrant the setting aside of Green Belt policy in this instance and outweigh the harm to the Green Belt by virtue of being inappropriate development.

11.3 The application would provide additional housing and affordable housing and the proposal would result in the removal of the 'fallback' position in relation to the lawful office development on the site. The revised application is considered to be acceptable in all other respects and complies with the policies of the Development Plan and the NPPF.

RECOMMENDATION - CONDITIONAL APPROVAL- SUBJECT TO A S.106 LEGAL OBLIGATION

- (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 23 October 2013 the freehold owner enters into a binding obligation 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 of 40% affordable housing**
 - (iii) Provision and transfer of open space**
 - (iv) Provision and transfer of allotments**
 - (v) Transfer of land to provide footpath link**
 - (vi) Provision of Permissive Footpaths**
 - (vii) Contribution towards maintenance of open space for 20 years**
 - (viii) Revocation of the Lawful use for the Office development.**

- (ix) **Pay Council's reasonable costs**
- (II) **In the event of such an agreement being made, the Assistant Director of 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 Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:**
 - (i) **Lack of community payment for education**
 - (ii) **Lack of provision of 40% affordable housing**
 - (iii) **Lack of provision and transfer of open space**
 - (iv) **Lack of provision and transfer of allotments**
 - (v) **Lack of transfer of land to provide footpath link**
 - (vi) **Lack of provision of Permissive Footpaths**
 - (vii) **Lack of contribution towards maintenance of open space for 20 years**
 - (viii) **Lack of revocation of the Lawful use for the Office development.**

Conditions

1. Approval of the details of the 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. 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. 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. Prior to the commencement of the development hereby approved full details of the proposed finished floor levels of the dwellings 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 order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005).

5. The glazing and ventilation specifications, in conjunction with the layout of the development, shall be designed to protect the residential premises from noise from the railway, with provision for ventilation, to the following targets:
- Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB L_{Amax}.
 - Living Rooms (07.00-23.00 hrs) 35 dB LAeq
 - Gardens (07.00-23.00 hrs) 55 dB LAeq

REASON: To protect occupiers from excessive environmental noise in accordance with Policies GEN2 and ENV10 of the Uttlesford Local Plan (adopted 2005).

6. 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 dwelling is 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).

7. The plans and particulars submitted in accordance with Condition 1 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).

8. 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).

9. 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:
- (a) the parking of vehicles of site operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials used in constructing the development
 - (d) the control of noise from construction including the hours of working
 - (e) wheel washing facilities
 - (f) measures to control the emission of dust and dirt during construction

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

10. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (a) a survey of the extent, scale and nature of contamination;
 - (b) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

11. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan (adopted 2005).

14. No development approved by this planning permission shall take place until such time as a scheme to provide floodplain compensation has been submitted to, and approved in writing by, the local planning authority. Details of the design, location and maintenance regime of the floodplain compensation area should be submitted. The effectiveness of the compensatory storage should be demonstrated at all return periods through an approved model that has undergone appropriate sensitivity testing. The phasing of the development should

ensure that compensatory storage is provided before work begins to raise the development plateau.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure there is no increase in flood risk downstream of the development in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

15. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Ardent Consulting Engineers, July 2013, reference K701-01 E, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. Finished floor levels are set no lower than 67.06m above Ordnance Datum (mAOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

16. No dwelling shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

17. No development shall commence until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include provision for habitat creation and management during the life of the development hereby permitted and in accordance with the general principles outlined in the Extended Phase 1 Habitat Survey (dated 7/2/2013) and the Outline Landscape and Nature Conservation management Strategy (Appendix B of the Landscape Appraisal and Strategy Report dated July 2013) and shall include;
- (a) Aims and objectives of mitigation;
 - (b) Extent and location of proposed works
 - (c) A description and evaluation of the features to be managed, including but not restricted to the wetland corridor, 'green fingers', public open space and new planting;
 - (d) Sources of habitat materials;
 - (e) Timing of the works;
 - (f) Selection of specific techniques and practices for preparing the site and/or creating/establishing vegetation including the specific native wildflower seed mix that will be used for the open space as recommended in Paragraph 4.2.6

of the Extended Phase 1 Habitat Survey and the native species that will be used for tree-planting;

- (g) Details of the location, height, design and luminance of all fixed lighting for both construction and occupation phases of the development to minimise impacts on foraging bats
- (h) Detailed descriptions of biodiversity enhancement measures that will be taken on-site and in the Wider Areas as outline in Section 4.2 of the Extended Phase 1 Habitat Survey
- (i) Prescriptions for management actions, both short and long term;
- (j) Provisions for the long-term management of the area demonstrating the feasibility of delivery of biodiversity enhancement and long-term management, including details of funding for the management.

The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with local plan policies

18. Should the development hereby approved not have been commenced within 3 years of the date of existing surveys, a further biodiversity survey of the site shall be carried out to update the information previously submitted with the application, together with an amended Biodiversity Mitigation and Enhancement Plan to mitigate/compensate the impact of the development upon any identified priority or protected species. The new biodiversity survey and Biodiversity Mitigation and Enhancement Plan shall be submitted to and be approved in writing by the Uttlesford Planning Authority prior to the commencement of the development and thereafter the development shall be implemented in accordance with the approved biodiversity survey and Biodiversity Mitigation and Enhancement Plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

19. No development, or preliminary groundworks, of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

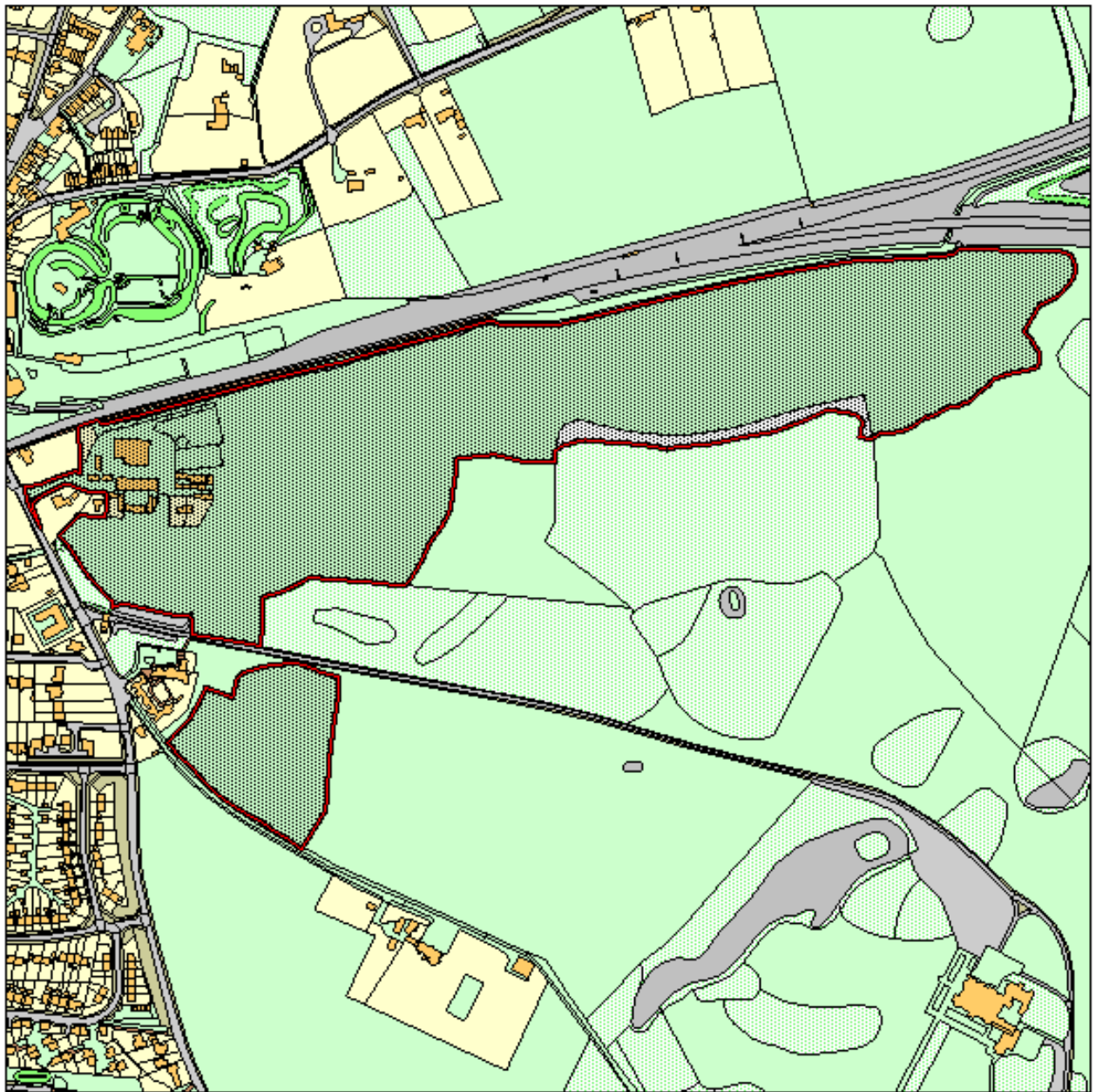
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

20. Prior to the occupation of any dwelling hereby approved, the access to Church Road as shown on Drawing No. K701-009 Ref B dated 16 March 2013, shall be formed at right angles and shall include visibility splays with dimensions of 54m to the south by 2.4m by 56m to the north, as measured from and along the nearside edge of the carriageway. The visibility splays shall be retained free of any obstruction in perpetuity.

REASON: to provide highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

UTT/13/1959/OP

Elms Farm Church Road Stansted



Scale : 1:5000

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Organisation	Uttlesford District Council
Department	Planning and Building Control
Comments	
Date	16 September 2013
SLA Number	Not Set