



Our Ref: 1232

26 September 2013

All Members  
Uttlesford District Council  
Council Offices  
Saffron Walden

Dear Member

**Planning Committee 2 October 2013. Item 2.1**

**PLANNING APPLICATION UTT/13/0808/OP, Fairfield, Land at Station Road, Elsenham, Outline application including up to 800 dwellings**

We act on behalf of the Joint Parish Council Steering Group of Elsenham, Henham, Ugley and Stansted Parish Councils (**JPCSG**) which have objected to this application. The Officer's Report has now been published which contains errors of fact, significant omissions and importantly fails to address the overall strategy position - with implications for the many other pending planning applications for housing development in the District and the future of the new Local Plan. We ask that you consider the contents of this letter before taking a decision on the application at the meeting of the Planning Committee on 2 October.

**The JPSCG objection**

1. The JPCSG submitted a 33 page Hives Planning Ltd (**HPL**) Report objecting to the Fairfield planning application on 13 May 2013. The document is referred to by name only in the Officer's Report at paragraph 7.1, but its content is not (although a separate highways report is summarised), and consequently the Officer's Report does not comment on it. This is a serious omission (even if it is a mistake) and unless the Committee is not minded to refuse planning permission against the Officer's recommendation then we ask that further consideration of the application is deferred to a future meeting to allow Members to study the HPL Report and receive Officer comments. Other Reports and objections, both long and short, are not only summarised in the Officer's Report, but previous HPL Reports objecting to other applications have been summarised and the points commented upon in the respective Officer's Reports. This is the only way to proceed if the local community

are to receive the respect that its objection deserves. If there is an attempt to circulate the HPL Report now, with or without Officer comments, it would appear that the Committee have not had sufficient time to properly consider the duly made objections of the Parish Councils. This letter is a comment on the Officer's Report as written - it is not intended to be a summary of the HPL Report.

### **Strategy**

2. UDC does not appear to have a 'strategy' to deal with the several pending applications for major housing development in the District. Ad hoc decisions are being taken on planning applications for housing most of which is not on sites that are identified in the Draft Local Plan (June 2012) nor the Position Statement (March 2013). The record of decisions taken so far seems to be inconsistent. I attach Table 2 of recent major planning applications - these applications are not mentioned in the Report. Even if some are permitted, hundreds if not thousands of dwellings will be on unsuitable sites which then makes the production of the new Local Plan rather a pointless exercise. There is no reference in the Officer's Report of the implications for this 'ad hoc' decision taking on process of preparing the new Local Plan nor its future content.
3. Indeed the Emerging Local Plan (June 2012) and the Position Statement (March 2013) receive little mention (except an assertion that the ELP carries 'little weight' in paragraph 10.9, which I return to below).
4. The Position Statement is not mentioned at all in the Officer's Report. The publishing of the Position Statement in March 2013 was to "*give more certainty and clarify the Council's position*". There is no consideration of the direction of travel of the Council's planning policy: crucially what impact it has on the determination of the application. The Officer's Report therefore completely ignores the "Council's position" as expressed so recently.
5. The Officer's Report correctly says that the proposed development is contrary to the Development Plan (para 10.10) and that Policy S7 is compliant with the National Planning Policy Framework (NPPF) (para 10.11).
6. The Officer's Report acknowledges that the application is contrary to the Emerging Plan (para 10.8) although states that this document can only be given "limited weight" (para 10.9). I disagree - having carried out a public consultation in June 2012, then publishing a Position Statement in March 2013, with the prospect of a Plan being

submitted very soon I would characterise the process as ‘advanced’ rather than as “at a preliminary stage”, so can be afforded significant weight. The NPPF says “*decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)*” (paragraph 216).

7. The NPPF also says that “*planning should ... be genuinely plan-led, empowering local people to shape their surroundings*” (paragraph 17). By permitting these opportunistic housing applications across the District in advance of the Emerging Local Plan, planning in Uttlesford will certainly not be “*plan led*”. If permitted, the massive amount of objection (including objections from Parish Councils and 1,926 letters of objection) is effectively being ignored which would certainly demonstrate that local people are not ‘shaping their surroundings’.
8. The Officer’s Report should deal with these matters at much greater length and make clear the opposing case to that of recommending permission and, importantly, the implications that granting permission would have on the other pending applications and appeals, and critically the impact on the Council’s process of seeking to shape the District through a plan-led system rather than to react to opportunistic applications. This critical assessment is not made or even mentioned. The Council should set out a strategy for how to deal with this situation in the next few months before adoption of the new Local Plan.

### **Housing Land Supply**

9. The main justification for recommending approval is the lack of a five year housing land supply. Having (wrongly) decided that there is not an adequate supply the Officer’s Report moves swiftly on to reach the conclusion that there is no effective Development Plan and thus the only test is one of sustainability. If the position on housing land supply has been wrongly presented (which it has) then the whole thrust of the Officer’s Report falls apart.
10. The Officer’s Report is critically inaccurate in many respects in paragraphs 10.13 and 10.14. Whilst there is heavy reliance on the ‘Housing Trajectory and 5 - year Land Supply Statement (June 2013 - considered by the Local Plan Working Group on 14.6.13), that Statement is already out-of-date. Since then the Committee has granted permission to many sites and hundreds of dwellings and these must be taken into account to judge the full picture of housing land supply in the relevant (June Statement para 16) 5 year period starting in April 2014.

11. The Officer's Report clearly, but wrongly, states that "the Council still" (i.e. as at 2 October 2013) "*remains without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance of Paragraph 49 of the NPPF*". If the first assertion is untrue the next part of that sentence does not follow. Examination of the June Statement's Appendix 1 shows that only permissions up to the end of May 2013 are included as 'commitments' (and which exclude the Emerging Local Plan allocations not yet permitted).
12. Table 1 attached sets out the calculations and numbers summarised below. Since June planning permissions have been granted for 819 additional dwellings, mostly on sites under 150 dwellings so that early delivery is not in doubt. These must be added to the 1,618 commitments of the Statement (para 16). The East of England Plan has been revoked so that its target of 430 dwellings p.a. is no longer relevant. The Council have adopted an annual completions target of 415 dwellings (Officer's Report para 10.13, AMR 2012 para 25, February 2013,). The NPPF requires an addition of 5% to that (it is acknowledged in the Officer's Report para 10.13 that a higher allowance of 20% is not justified because Uttlesford is not a 'persistently under-performing Authority'). Thus in the 5 years 2014/2019 the District should aim to complete 2,179 dwellings (415 + 5% times 5), the trajectory updated to 1.10.13 shows that 2,437 dwellings (1618 + 819) will be delivered. Consequently as at 1 October 2013 the District Housing Supply is 112% or equivalent to 5.6 years. The main justification for granting permission to the Fairfield application simply falls away.
13. NPPF para 49 states that where a 5 year supply cannot be demonstrated then the Local Plan should not be considered to be up-to-date. As the figures now show that there is 5+ year housing land supply it follows that the Adopted Local Plan is not "absent, silent or out-of-date". In such circumstances the NPPF para 49 'high bar' test (mentioned in the Officer's Report) of showing that the proposals have 'significant' impacts to justify refusal does not apply.
14. A major planning application for 790 dwellings has now been submitted on the Policy 1 Site for Dunmow (West of Woodside Way, UTT/13/2107). This is a much more sustainable site being on the edge of a main settlement with all its facilities, than the Fairfield site on the edge of a key village with much fewer facilities. It has been identified through the Emerging Local Plan process. It is clearly a superior site in all respects and there seems no reason why planning permission will not be granted well before the end of the year. Even if there were not already a 5+ year housing

landbank, surely a choice could be made which favours the Dunmow site even if that were to mean deferral of the Fairfield application until the Dunmow is decided. For the sake of a few weeks the UDC's housing strategy could be kept on track rather than blown apart.

15. Moreover, one of the main reasons for recommending refusal in the Officer's Report (August 2013, UTT/13/1043) on the site to the north of the Policy 1 site was (paragraph 11.2)

*It is considered that the bringing forward of this land at this stage, in advance of the development of the proposed allocated site to the south, does not provide a comprehensive approach to development but instead would lead to a fragmentary approach to the future expansion of Great Dunmow.*

It would now seem possible that with Site 1 approved that objection could be resolved, meaning that major development would be on the edge of the major settlement in the District and not on the edge of one of its villages

16. The Officer's Report acknowledges (para 10.13) that if all Emerging Local Plan sites are included the Housing Land supply increases, but this is understated - not least because the East of England Plan target is used. This needs more emphasis. The NPPF (para 47 and footnote 11) allows inclusion of "deliverable" sites which are "achievable with a realistic prospect that housing will be delivered on the site within 5 years". If the Emerging Local Plan sites which are expected to deliver within 5 years are included as shown in the Annual Monitoring Report 2012 (which is realistic given that some sites are already the subject of planning applications - and some have been granted permission) then the housing land supply is much greater than the 5.6 years of permitted sites. There has been some debate that the NPPF footnote 11 paragraph 47 point 2 means that 'deliverable site' must have planning permission. Careful reading shows that this is not what is meant - certainly sites with planning permission are "to be considered deliverable until permission expires", but this is a sub-category of "sites with a realistic prospect of delivery". If the narrow definition of 'sites with planning permission' were to be suggested as the totality then the NPPF paragraph 48 would not be making allowance for "windfall sites" which by definition would not yet have planning permission.

## **Sustainability**

17. The Officer's Report reaches the conclusion that if the Housing Land Supply is too low then the site should be permitted because it is "sustainable". This is mainly because it is on the edge of Elsenham, includes some employment and sites for community use. This could be copied around the edge of many settlements in Uttlesford. This amounts to looking at the detail but ignoring the bigger picture.
18. For locations to be sustainable they must have access to the services of the largest settlements. Elsenham is a "Key Village" not a main settlement. The Emerging Local Plan rightly identifies Saffron Walden and Great Dunmow as the main settlements to which growth should be directed. They have a range of facilities - including major employment, retailing, schooling and community services. Elsenham is tiny in comparison and most residents (existing and 'proposed') do and would travel out, mainly by car', to reach these facilities.
19. This is not a sustainable location. It lacks local services including a secondary school and adequate convenience shopping. The proposal seeks to facilitate (but cannot actually provide) additional facilities such a primary school site - although there is no apparent agreement with the Education Authority to actually build and run the school. There are suggestions for a doctor and dentist but no agreement with existing local providers. It is acknowledged in the application that main shopping will be accessed at nearby towns.
20. The strategy of the Emerging Local Plan is to allocate 425 extra dwellings (plus 55 'extra care homes' for Elsenham. 425/480 extra dwelling units for Elsenham already represents an increase of over 45%, and far in excess of the allocation for any other key village. Another 800 (even without the further 2,200 'phase 2' proposed by Fairfield - which is not even mentioned in the Officer's Report) would make growth at Elsenham higher than that planned for Great Dunmow (1150) and Saffron Walden (880). Approval of the application (and 'phase 2' which would surely follow) would re-write the spatial strategy for the District and return to the version that has been soundly rejected at least three times
  - in UDC's rejection of the Ecotown in 2008 and 2009
  - the rejection of 'option 4' by the Draft Local Plan 2012
21. Consideration of the wider proposals referred to in the application Planning Statement (para 1.22) making up 3,000 dwellings in total would be compromised if almost a third had already been permitted. Indeed the inadequacy of local infrastructure and services to serve the 800 dwelling proposal could be argued to be 'improved' if there

were only more houses. In reality this is not an application for 'just' 800 dwellings, regard must be had to the implications for another 2,200 houses. Tacking 800 dwellings and over 1,600 people onto small settlements of Elsenham (around 1,000 existing dwellings) and Henham (less than 500 dwellings) - with few services and an inadequate access system - is already unbalanced, but adding the eventual 3,000 dwellings and over 6,000 people verges on absurdity.

22. There are other, more detailed objections - landscape impact, lack of proper school facilities, access via country roads not suitable for a major urban extension, just 200 jobs for 800 potential workers - but it is not the intention of this letter to go into this level of detail, because if the application is determined on the detail rather than having proper regard to the 'big picture' then the planning vision for Uttlesford will have been failed.

The Reasons for Refusal could be:

1. The proposed development is contrary to the Uttlesford Local Plan Policies H1 and S1 which provide for a number of new dwellings on identified sites which do not include the application site.
2. The proposed development is contrary to the Uttlesford Local Plan Policy S7 of the Uttlesford Local Plan and the Framework paragraph 17 both of which seek to protect the countryside. The development by reason of its location, size and scale would have a significantly detrimental impact on the intrinsic character and beauty of the countryside.
3. The proposed development is contrary to the Uttlesford Local Plan Policy ENV5 and the Framework paragraph 112 because it would result in the substantial loss of best and most versatile agricultural land.
4. The proposed development is not in accordance with the Emerging Development Plan which identifies preferred sites for future development in Elsenham which do not include the application site. The application is premature and the possible development of the site should be considered within the context of the plan led system through the production of the Emerging Local Plan. The proposal takes no account of the need for local people to shape their surroundings contrary to the Framework paragraph 17.
5. Inadequate provision has been made for the education needs of the proposed development.

6. No viability assessment has been provided to demonstrate that the level of affordable housing proposed is deliverable, contrary to the requirements of the Framework paragraph 173.
7. The site is within a Groundwater Source Protection Zone 1 where policy sets the tightest controls on human activity.

Please take the content of this letter into account when considering the Fairfield planning application (Planning Committee 2 October 2013 item 2.1) and refuse planning permission against the Officer's recommendation for the reasons given. If this is not the likely outcome then we suggest that until our original Report has been properly considered a decision to approve would be most unfair on the local community. In such circumstances the JPCSG would have to consider taking legal action.

Yours sincerely  
**HIVES PLANNING**

*Geoff Gardner*

Geoff Gardner  
Director

Cc John Mitchell, Chief Executive



**Table 1**  
**UDC 5 Year Housing Land Supply at 1.10.13**

|                          |                    | decision date | dwelling numbers | comments                                   |
|--------------------------|--------------------|---------------|------------------|--|
| Statement June 2013      |                    |               | 1618             | 2014 - 2019 commitments as at end May 2013 |
| major permitted          |                    |               |                  |  |
| 0142/12                  | Elsenham           | 9.5.13        | 55               | extra care units not included in Statement |
| 13/0847                  | Dunmow             | 4.7.13        | 68               |  |
| 13/1393                  | Takeley            | 23.8.13       | 100              |  |
| 13/1790                  | Elsenham           | 25.9.13       | 165              |  |
| 13/1937                  | Saffron Walden     | 25.9.13       | 52               |  |
| 13/1618                  | Stansted M         | 25.9.13       | 160              |  |
|                          |                    |               | 600              | total                                      |
| minor permitted          | Planning Committee | 5.6.13        | 89               | June sites not in Statement                |
| all figures net          |                    | 6.6.13        | 19               |  |
|                          |                    | 3.7.13        | 14               |  |
|                          |                    | 4.7.13        | 5                |  |
|                          |                    | 31.7.13       | 6                |  |
|                          |                    | 28.8.13       | 77               |  |
|                          |                    | 25.9.13       | 9                |  |
|                          |                    |               | 219              | total                                      |
| requirement pa           |                    |               | 415              | as agreed by UDC                           |
| plus 5%                  |                    |               | 436              |  |
| Statement                |                    |               | 1618             |  |
| pp major July Sept       |                    |               | 600              |  |
| pp minor June Sept       |                    |               | 219              |  |
| commitments 1.10.13      |                    |               | 2437             | total                                      |
| requirement pa           |                    |               | 415              | as agreed by UDC                           |
| plus 5%                  |                    |               | 436              |  |
| years at 415             |                    |               | 5.9              |  |
| <b>years at 415 + 5%</b> |                    |               | <b>5.6</b>       |  |

**Table 2**
**Uttlesford major planning applications**

| ref                                 | site  | ELP site     | units      | comment   |
|-------------------------------------|---|--------------|------------|---|
| <b>applications determined UTT/</b> |   |              |            |   |
| 1500/09/OP                          | The Orchard, Elsenham   | no           | 53         | appeal allowed 25.11.10, under construction                           |
| 0142/12                             | Stansted Road, Elsenham Crown Estate                              | yes          | 210        | ELP Policy 1 permission 9.5.13  |
| 13/0177/OP                          | West of Hall Road, Elsenham Canton                                | yes          | 130        | ELP Policy 2 resolution to grant permission 10.4.13 (subject to S106) |
| 13/0386/OP                          | Elms Farm Stansted  | no           | 58         | refused 6.6.13  |
| 13/0847/OP                          | Land at Brick Kiln Farm, St Edmunds Lane, Great Dunmow            | no           | 68         | permitted 4.7.13  |
| 13/1043/OP                          | West of Woodside Way, Great Dunmow Land Securities Barton Wilmore | no           | 700        | submitted 22.4.13, refused 1.8.13                                     |
| 13/1203                             | Bentfield Green, Stansted Mountfitchet                            | no           | 149        | refused 31.7.13 contrary to rec for approval                          |
| 13/1393/OP                          | Land South of Dunmow Road, Brewers End, Takeley                   | no           | 100        | application submitted 24.5.13 approved 23.8.13                        |
| 13/1618/OP                          | Walpole Farm, Cambridge Road, Stansted Bloor Homes, Pegasus       | no           | 160        | application submitted 20.6.13 approval 25.9.13                        |
| 13/1790/OP                          | Stansted Road, Elsenham Gleeson                                   | yes          | 165        | ELP Policy 3 application submitted 5.7.13 approval 25.9.13            |
| 13/1937                             | Old Cement Works, Thaxted Road, Saffron Walden                    | yes          | 52         | approval 25.9.13  |
| <b>applications pending UTT/</b>    |   |              |            |   |
| 13/0808/OP                          | <i>Land at North East Elsenham (Fairfield)</i>                    | <i>no</i>    | <i>800</i> | <i>submitted 2.4.13 rec for approval 2.10.13</i>                      |
| 13/1684/OP                          | West of Chelmsford Road, Great Dunmow Crest Nicholson, Savills    | yes Policy 2 | 370        | application submitted 24.6.13   |
| 13/1769/OP                          | Land at Burywater Lane, Newport                                   | yes Policy 1 | 84         | application submitted 2.7.13  |
| 13/1207                             | West of Woodside Way, Dunmow                                      | yes Policy 1 | 790        | application submitted 8.8.13  |