

Epping Forest Local Plan

Examination Hearing Statement

Matter 15 – Places and Sites

Prepared by Strutt & Parker on behalf of City & Country (Stakeholder ID 19LAD0020)

April 2019

Context

1. This Hearing Statement is made by Strutt & Parker, on behalf of City & Country (Stakeholder ID 19LAD0020), and in relation to Matter 15 of the Local Plan Examination, in relation to Land at Bowes Field, Ongar (SR-0120) which is proposed to be allocated through the Epping Forest Local Plan (ONG.R2).
2. Strutt & Parker have made representations on behalf of City & Country throughout the preparation of the Epping Forest Local Plan in respect of the above site, including on the Local Plan Submission Version (LPSV) (Regulation 19) consultation (representation ID 19LAD0020-1).
3. This Hearing Statement is made in respect of the Epping Forest Local Plan Examination Matter 15 – Places and Sites, and specifically Issue 2 and Policy P4, which pertains to Ongar. The Hearing Statement seeks to avoid repeating matters already raised within our representations on the Regulation 19 iteration of the Local Plan, and within Hearing Statements provided to the Local Plan Examination on earlier matters.
4. Four appendices accompany this Hearing Statement:

Appendix A: Masterplan showing developable areas

Appendix B: Access Appraisal

Appendix C: Access Note

Appendix D: Arboricultural Assessment

Appendix E: LPSV Supplementary Representations

Issue 2

Are the Plan's policies for the specific places and sites within the District justified, effective and consistent with national policy; and are the specific site allocations they include justified and deliverable?

Policy P4: Ongar

5. Allocation of ONG.R2 for residential development is considered justified, consistent with national policy, and effective. In addition, it is considered that the allocation makes an important contribution to ensuring the Local Plan is positively prepared.

Justified

6. Through the plan-making process, the Council has evidenced that exceptional circumstances exist which necessitate a review of the current Green Belt boundary within the current, out-of-date Development Plan.
7. Separately, the direction of a proportion of the District's growth to Ongar is clearly justified having regard to the settlement's characteristics and position within the settlement hierarchy. The existing Green Belt boundary is drawn tightly around the settlement, severely constraining opportunities for Ongar to grow unless it is amended.
8. Revisions to the Green Belt boundary, and the Green Belt boundary around Ongar in particular, are justified.
9. In respect of the site itself, it represents a logical extension to the existing settlement. Its allocation has been justified through two iterations of the Site Selection Report – 2016 (EB801) and 2017 (EB805) – which have confirmed its suitability and sustainability for development.

10. The site is not subject to constraints or designations which could suggest its proposed allocation is unjustified.

Consistent with national policy

11. The NPPF confirms Green Belt boundaries may be revised where there are exceptional circumstances. Whilst 'exceptional circumstances' are not defined in national policy, case law¹ has made clear that housing need and a lack of sustainable options to meet this without revisions to the Green Belt can constitute exceptional circumstances. As set out within our LPSV representations, the site is not considered to make a significant contribution to the purposes of the Green Belt.
12. Considering issues other than Green Belt, the site is not subject to any designations that suggest its development should be restricted.
13. The NPPF places great emphasis on the need to deliver sustainable development, describing this as being the purpose of the planning system (paragraph 6), and the presumption in favour of sustainable development as being a 'golden thread' running through the plan-making process (paragraph 14).
14. Ongar is clearly a sustainable location to accommodate additional housing growth – the EFDC Settlement Hierarchy Technical Paper (September 2015) suggests it is one of the four most sustainable settlements to accommodate development within the District.
15. The site itself represents a sustainable site to accommodate residential development. In addition to the Site Selection Report (2017) – which assesses the site against a number of factors relevant to its sustainability, and help evidence its sustainability for development – the site represents a logical extension to Ongar, and has a very good relationship to the existing settlement boundary. The site is located in close proximity to the town centre: a range of services and facilities will

¹ *Calverton Parish Council v Nottingham City Council & ors.* [2015] EWHC 1078 (Admin)

be accessible from new homes on the site; and provision of new homes here will assist in sustaining and enhancing the vitality of the town centre.

16. The proposed allocation of the site represents an example of the Council seeking to utilise an opportunity to help meet the development needs of the area, which is a key facet of the presumption in favour of sustainable development as set out within the NPPF.

Effective

17. Proposed allocation ONG.R2 is deliverable as part of a comprehensive development which includes land proposed to be allocated as ONG.R1, as part of the West Ongar Framework Plan Area, as the LPSV proposes. Equally, the site is capable of being deliverable independently of the adjoining proposed allocation.
18. Representatives of both ONG.R1 and ONG.R2 are working collaboratively on the proposed development, as confirmed through a Statement of Common Ground and a masterplan has been prepared which addresses both sites together (Appendix A).
19. The masterplan plan shows developable parcels of land, together with access, and proposed approach in respect of landscaping. As per this masterplan, development can be delivered whilst retaining the trees within the site, as well as those along its boundaries, with the exception of a limited number on the eastern boundary in order to facilitate access, as discussed later within this Hearing Statement.
20. Access appraisal work has been undertaken which demonstrates suitable vehicular access to the site via High Street can be achieved (Appendix B). A further note provided by Vectos as Appendix C confirms the potential for this access to serve the entirety of the West Ongar Concept Framework area development if required.

21. An Arboricultural Assessment (Appendix D) has been undertaken in respect of the site. When the proposed access is considered in relation to this, it is evident that access could be achieved with the loss of just four (T37, T38, T39 and T40) of the 53 trees on. Of these four, three are category B (moderate value) and one is category C (low value). None are category A (high value).
22. The site is not subject to any physical constraints which suggest it could not be delivered.
23. The site is controlled, and being actively promoted, by an established house-builder with a track record of delivering homes within the region. City & Country are well-placed to deliver homes on the site and will seek to do so as quickly as the Council's plan and decision making processes will allow.
24. Subject to progress of the Local Plan and timely determination of Concept Framework plans and / or planning applications, completions from 2022/23 (as per the Council's trajectory (EB410B)) is very feasible.

Positively prepared

25. In order to meet the requirement of being positively prepared, the Local Plan must be based on a strategy which seeks to meet objectively assessed development requirements (NPPF paragraph 182). The Council has confirmed the LPSV does not meet such needs over the early years of the plan period. As such, it is particularly important that development of sites which have been identified as sustainable and deliverable within the early years of the plan period, such as ONG.R2 / SR-0120, continue to be supported through the Local Plan.

Question 4. ONG.R1 & R.2 (West Ongar Concept Framework Area): Having regard to representations 19LAD0020 and 19LAD0070, is there any reason to be concerned that a Concept Framework for a comprehensive scheme cannot be achieved? Would the sites be deliverable as separate entities? Is it justified to require a single, shared vehicular access to serve both sites?

Concept Framework and comprehensive development of the site

26. As set out within our representations on the LPSV (19LAD0020), we support the LPSV's objective of seeking to ensure comprehensive development of ONG.R1 and R2.
27. The respective parties in relation to ONG.R1 and R2 are committed to working with one another to realise the comprehensive development of these two adjoining sites, as confirmed within both our LPSV representations (19LAD0020) and those on behalf of the adjoining landowner (19LAD0070). A Statement of Common Ground has been entered into between representatives of both sites, as well as the Council, and is to be provided to the Examination by the Council. This , confirmis the parties' stance and commitment to a coordinated approach.
28. We remain of the view that a suitable, high-quality, sustainable and comprehensive development can be delivered either with or without the preparation and endorsement by the Council of a formal Concept Framework for the development of the two sites. Such an approach could entail, for example, preparation of an outline planning application for both sites combined, or through outline applications for each site through which integration with the adjoining site is planned.
29. Our concerns as to how a decision-maker will be expected to determine a planning application for the development of the sites in the event that a Concept Framework has not been endorsed by the Council, as set out at paragraph 7.6 of our LPSV representations, remain.
30. We consider that evidence presented through the Local Plan Examination (including by the Council through the publication of a Housing Implementation Strategy (2019) (EB410A) has further emphasised the need to minimise the risk of delay to the delivery of sites for housing, and the importance of avoiding putting in

place additional processes required to be gone through prior to development unless necessary.

31. We set out proposed modifications to the LPSV to ensure that Policy P4 can respond to circumstances in which a Concept Framework has not been endorsed at paragraph 7.9 of our LPSV representations. Specifically, the addition of Part L to Policy P4, with the following:

Where a Concept Framework is absent, development proposals in relation to sites ONG.R1 and ONG.R2 should comply with the site-specific requirements set out in Appendix 6 and should be accompanied by a Layout and Design Statement to address the place shaping principles as defined in Policy SP3, as appropriate to the scale of development proposed.

32. We consider the above would ensure the objectives of the policy relating to the requirement to produce and have approved a Concept Framework are met, regardless of whether this additional formal process has been fully completed.
33. A masterplan which addresses both sites and, in effect, treats them as one, has been prepared and is provided as Appendix A to this Hearing Statement.
34. This masterplan shows how an integrated development with pedestrian and cycling interconnectivity encompassing both sites can be delivered, and in a way that entails the provision of additional landscaping to further strengthen the new Green Belt boundary. It also shows how development can respect the character of the High Street, with the retention of tree along this part of the application site; along with the provision of additional public open space and landscaping within the site.

Development of the sites as separate entities

35. Proposed allocation ONG.R2 was assessed as site SR-0120 through the Council's plan-making process, including as part of the Site Selection Report 2018 (EB805).

36. The Site Selection Report 2018 confirmed site SR-0120 as being suitable for residential development. The allocation justification is set out at Appendix B1.6.6 (ED805P) and there is nothing to suggest that its suitability is dependent on it being delivered in conjunction with any other site. Rather, it confirms the site is suitable in its own right. Delivery of site SR-0120 is not dependent on delivery of ONG.R1.
37. The Site Selection Report 2018 confirms the suitability of the site for development, and – as noted within our Supplementary LPSV representations (copy provided as Appendix E) – it does so whilst overlooking a number of characteristics of the site suggest it is more suitable still.
38. We consider that the two sites could be developed as separate entities, whilst in a manner which still ensured they appropriately accounted for one another and ensured that the site coming forward earlier would subsequently fully integrate with that coming after. It is common for two neighbouring sites to be developed separately from one another, but for their integration / potential future integration with one another to be ensured through the development management process.
39. Notwithstanding the above, and the fact that ONG.R2 *could* be developed as a separate entity to ONG.R1 we nevertheless recognise the merits of developing both sites in a comprehensive manner and remain committed to such an approach.

Single, shared vehicular access to serve both sites

40. The LPSV proposes that ONG.R1 and ONG.R2 are to be served by a single vehicular access point.
41. Firstly, it is unclear why it is felt necessary for the LPSV to seek to specify the number of vehicular access points at this juncture. Such a matter should be left to preparation of a Concept Framework or planning application.

42. Secondly, on seeking to specify the number of vehicular accesses, there is no justification that this be limited to just one; and nothing to suggest that a decision-maker should automatically seek to reject a Concept Framework plan / planning application for the development of the sites which proposes more, regardless of any benefits / justification for this.
43. The arbitrary imposition of the requirement to limit vehicular access to a single point is not only unjustified, but also serves to limit options for the development of the site. This can only limit the potential for benefits of the sites' development to be realised.
44. The removal of the requirement within the LPSV for a single vehicular access point would not, of course, necessarily mean that more than one would ultimately be provided. It may well be the case that through the Concept Framework plan / planning application process, and crucially in conjunction with the Highways Authority, it is determined that a single access point would be the most suitable approach. Removal of the proposed limit within the LPSV would not prevent this.
45. The sites *can* be accessed through a single vehicular access point. As noted earlier within this Hearing Statement, suitable vehicular access off High Street is deliverable, as confirmed through accessibility work undertaken. An update to this confirms that this access alone could serve the total quantum of development envisaged for both sites. This does not of course preclude an additional vehicular access (and any potential associated benefits) being delivered elsewhere to serve the sites.

Question 8: What effect would the development of the following sites have on the purposes of the Green Belt: ONG.R1 – R7? In particular, would R1 & R2 close an important gap between two separate parts of the settlement?

46. As set out within our LPSV representations and our Hearing Statement in respect of Matter 4 (at paragraphs 22-29), exceptional circumstances exist in Epping Forest District which necessitate alterations to the Green Belt. In addition, as set out at paragraphs 6.7-6.14 of our LPSV representations, ONG.R2's contribution to

the strategic purposes of the Green Belt are very much limited, particularly given existing development located to the east, north and south of the proposed allocation.

47. In relation to the gap between two parts of the settlement which ONG.R1 and ONG.R2 are located within, the NPPF confirms that one of the purposes of the Green Belt is to prevent the merging of neighbouring towns (paragraph 134).
48. In this instance the gap in question is between two parts of the same settlement, and two parts which are both clearly functionally part of Ongar. The existing development to the north, south and east of the proposed allocation ONG.R2 is clearly part of the same settlement with the same identity, and which are all connected with one another by existing development.
49. It is not the purpose of the Green Belt to seek to maintain all existing gaps within settlements. On the contrary, the NPPF confirms that limited infilling within the Green Belt is an appropriate form of development. Indeed, the fact that the proposed allocation ONG.R2 is within a small gap with existing development to the north, south and east means that its contribution to the Green Belt is limited, and its development would be of far less harm than that of an open site projecting into the countryside.
50. Furthermore, the size of the gap in question is relevant. Between Marks Avenue and the A414, the gap extends to approximately 200m across the site. It narrows, however, and between the built form at The Pavilions (dwellings to the south of the proposed allocation ONG.R2) and 1 Bowes House (existing dwelling to the north of the proposed allocation, part of the small group of dwellings immediately to the south of Epping Road), to approximately 55m.
51. To put this into context, to the east of the proposed allocation are existing dwellings set around a small area of green space (Stony Park). The distance between these dwellings across the green space is over 100m. The gap between existing development to the north and south of proposed allocation ROYD.R2 is far from strategic, and is in fact less than the gap between existing dwellings, with

the existing settlement, and on the same street as one another to the east of the proposed allocation.

52. There is nothing to suggest that the proposed allocation lies within an important gap, the maintenance of which is required in the interests of supporting the identity or character of the settlement, or to maintain separation of two different settlements.
53. If the Local Plan were – unjustifiably – to seek to maintain this gap, this would necessitate loss of Green Belt elsewhere in order to help meet development needs. It would be highly probable that such an alternative would be relate less well-related to the existing settlement, less sustainable, and result in greater harm to the purposes of the Green Belt than ONG.R2.