

**Epping Forest District
Council
Examination**

**Hearing Statement
Matter 15**

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On Behalf of
Hodge, Watt and Wills
19LAD0072

Sworders
April 2019



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1.0 INTRODUCTION

- 1.1 This hearing statement considers Matter 15: Places and Sites (Policies 1-15), specifically Issues 1 and 2, Policy P12. It is submitted on behalf of the landowners of site allocation LSHR. R1 (Hodge, Watt and Wills), which is promoted for residential development.
- 1.2 This Hearing Statement supplements Sworders' Regulation 19 representations made on behalf of the landowners in January 2018 (19LAD0072) and considers the Inspector's Matters, Issues and Questions in relation to Week 5, Matter 15, Issue 2 of the Epping Forest Local Plan Examination.
- 1.3 This hearing statement is accompanied by a Heritage Assessment and an illustrative masterplan layout demonstrating how 14 dwellings can be accommodated on site.
- 1.4 **I confirm I wish to attend the hearing.**

2.0 ISSUE 1: ARE POLICIES P1-P15 JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY IN THE FOLLOWING GENERAL AREAS.CONTENTENTS

- 2.1 In response to **Question 1**, we consider that Appendix 6 should not constitute policy. If the Council intend for it to comprise policy, we have two specific concerns.
- 2.2 Firstly, it is currently unclear whether Appendix 6 is policy or not. It must either be clarified in Part A of each policy P1-P15 or the information included in Appendix 6 should be included in the policy itself. However, it is considered that for Site LSHR. R1, it would be inappropriate for Appendix 6 to provide the detailed site-specific requirements as policy. We note that site specific requirements are set out in Policy SP 4 for the delivery of garden communities, but while this may be appropriate for these strategic scale developments, it is not considered necessary for smaller developments such as Site LSHR.R1 at Lower Sheering.
- 2.3 In response to **Question 2**, we consider that the "Infrastructure Requirements" sections within policies P1-15 do not comply with paragraph 204 of the NPPF 2012. Specifically, Policy P12 Parts E and F.



- 2.4 Whilst we raise no objection to the provision of appropriate infrastructure to accompany development, as drafted, these parts of the policy are unreasonably tightly worded. Contributions should only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind.
- 2.5 The Infrastructure Delivery Plan (IDP) December 2017 and Delivery Schedule (ED1101A and B) form part of the LPSV evidence base which assess the quality and capacity of various forms of infrastructure. These contain estimated and indicative costs, to inform the selection of sites and drafting of policies, stating that these should be updated as more detailed information becomes available. An
- 2.6 IDP Topic Paper: Highways and Education Apportionment Addendum has been recently added to the Examination evidence base (EB1101E) to supplement this and is also clear that the costs included are estimates and likely to evolve/be refined through the Masterplanning/Concept Framework and planning application stages (paras 1.6-1.9, 3.22, 4.2).
- 2.7 In light of the status of the above, we consider it inappropriate for Part E to state that infrastructure requirements “*must be delivered...in accordance with the Infrastructure Delivery Plan*” and for Part F to state that the Council will “*only permit*” planning applications that contribute towards the delivery of those items set out in Part D and in the Infrastructure Delivery Plan.
- 2.8 Non-statutory planning documents, which have not been tested through the Examination process, should not be used to set policies or determine development proposals in the way that Parts E and F require.
- 2.9 We request modifications to Parts E and F of Policy P12, to allow flexibility for infrastructure to be determined through the application process as more information regarding costs and requirements becomes available, as opposed to fixed to the provisions in the IDP.



- 2.10 In response to **Question 5**, the requirement in Policy P12 Part H that development on residential allocations must be located wholly within Flood Zone 1 contradicts the provisions of Policy DM15: Managing and Reducing Flood Risk (as amended by ED29), which allows for new development within Flood Zone 2 and 3a where the Sequential Test and, if necessary, the Exception Test are satisfied.
- 2.11 We request that Part H of Policy P12 is deleted, and Policy DM15 is relied upon, as Part H is unnecessary and overly-restrictive.
- 2.12 Policy P12 G usefully clarifies the threshold at which the residential development sites allocated within policy P12 will need to provide an air quality assessment and notes that all proposals on sites which require a Transport Assessment/Transport Statement will be required to undertake an air quality assessment, rather than the wider requirement set out in paragraph 4.163 and Policy DM22 C which indicates that other developments may also require the submission of such an assessment, where the proposal has the potential to impact on air quality. Deleting Policy 12 G would result in the loss of this useful clarification.



3.0 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 P12: COOPERSALE, FYFIELD, HIGH ONGAR, LOWER SHEERING, MORETON, SHEERING AND STAPLEFORD ABBOTS

- 3.1 In response to **Question 1**, we believe that sufficient school places are available to meet needs arising from development in Sheering and Lower Sheering.
- 3.2 Site LSHR.R1 at Lower Sheering lies close to the border between Essex and Hertfordshire, but within the county of Essex. Although the site is close to primary schools across the border in Sawbridgeworth, Essex County Council's admissions policy confirms that properties at Sheering Lower Road, on which the site lies, fall within Essex County Council's priority admission area (catchment area) for Sheering primary school, and within the area for Mark Hall academy in Harlow. Children living on the site could therefore attend a primary or secondary school in Sheering or Harlow.
- 3.3 The IDP Topic Paper: Highways and Education Apportionment Addendum states that growth at Lower Sheering will be served by the new primary school at East of Harlow.
- 3.4 The Essex County Council Guide to Infrastructure Contributions - Developers' Guide – paragraph 2.3 calculates demand from new housing developments. It anticipates that 30 primary school aged children and 20 secondary school children will be generated from 100 homes. The proposed development of 14 homes at LSHR.R1 is therefore likely to generate, on a proportional basis, approximately 4 primary school children and 2-3 secondary school children.
- 3.5 The Essex County Council 10 year plan – Meeting the demand for school places in Essex 2019–2028 - groups together Hatfield/Roding and Sheering primary schools in its planning for school places. It notes that these primary schools have surplus places in reception year until 2024.



- 3.6 Beyond that time, there is no capacity at present, but the plan notes that this is actually as a result of new housing planned east of Harlow, which falls in the planning area of Sheering Primary School. Harlow East will provide two primary schools, one within Epping Forest District. The education authority therefore has no additional projects in the pipeline for these schools, indicating that there is likely to be sufficient capacity.
- 3.7 For secondary provision, there is currently a deficit in Year 7 places in Harlow. However, the report notes that Sir Frederick Gibberd College (SFGC), a secondary free school approved by the DfE is due to open in September 2019. It will accommodate an 8 form entry secondary school and a 6th form, which will fully offset this deficit to 2024.
- 3.8 The Statement of Common Ground (ED21) between EFDC, Harlow District Council and Miller Homes identifies that approximately 10ha land will be provided at East Harlow to accommodate a new secondary school, in addition to any necessary contributions. A new secondary school south of the town at Latton Priory will also be accommodated, as set out in the Statement of Common Ground between EFDC, Commercial Estates projects Limited and Hallam Land Management (ED23). Both these new schools will provide capacity in the Harlow area later in the Plan period.

The table below sets out the capacity identified:



Hatfield/Roding/Sheering Primary Schools		Secondary Schools – year 7 place forecast	
Year of entry	Surplus/deficit	Surplus/deficit	SFGC provision
2020-2021	+10	-122	+120
2021-2022	+10	-109	+60
2022-2023	+6	-133	+60
2024-2025	+2	-179	
2025-2026	-2	-172	
2026-2027	-6	-261	

- 3.9 In response to **Question 4**: Historic England had submitted representations to the LPSV, citing their concerns about the effectiveness of the Plan, on the basis of the effect of development on our client’s site on the setting of the Grade II* Listed Lodges at the southern entrance to Great Hyde Hall.
- 3.10 Historic England and EFDC have now signed a Statement of Common Ground (ref ED24) which identifies areas of agreement and matters not yet agreed. Historic England has agreed to withdraw their representation in relation to Site LSHR.R1, subject to agreed amendments to the site specific requirements set out in Appendix 6 (addition in italics): ‘Development of this site may impact upon the setting of the Grade II listed Little Hyde Hall, and the Grade II* listed Lodges at the south entrance to the Park of Great Hyde Hall’.
- 3.11 We draw the Inspector’s attention to the reference to Little Hyde Hall, which we believe to be incorrect. Little Hyde Hall lies over 1km east of our clients’ site, and there is no visual or other relationship between the site and the heritage asset, or its setting. We request that this reference is removed from the Plan.
- 3.12 The proposed addition to the policy notes that development may impact on the setting of the Grade II* listed Lodges at Great Hyde Hall.
- 3.13 Our clients have commissioned heritage consultants to assess the effect of development on the setting of the Grade II* listed lodges at the south entrance to the park at Great Hyde Hall.
- 3.14 The consultant’s report is based on documentary evidence, a map search and a site inspection in February 2019, and is appended to this statement for reference; paragraphs 4.15 – 4.20 provide the assessment of impact on the lodges.



3.15 The report finds in paragraph 4.17 that:

'The nature of residential development, and the small scale of the development (LSHR R.1), suggests that further residential development appropriately designed to avoid dominating or competing with the Lodges, overwhelming the Lodges through density or proximity, should be achievable without affecting present perceptions of their historic or architectural importance. Development in the context of the existing modern housing stock, which lies south of the Lodges, will add to the suburban character of the area but is not of such a scale that it would overwhelm the Lodges subsuming them within a suburban settlement as they will remain on the periphery of Lower Sheering.'

3.16 Paragraph 4.19 states that:

'The development will be prominent in comparison to the scale of the Lodges but the difference in topographical location and the lower topography of the development site due to the 19th century quarrying will ensure that residential development will remain subordinate to the Lodges. This can be enhanced by design to ensure that the architecture of the residential development does not challenge by height or discordant design the present gateway character of the Lodges.'

3.17 Paragraph 20 states that:

'Design and location in this form can ensure that Lodges' connection with the Hall is not affected and that further development will not disrupt any existing relationships between the Lodges and their immediate settings within which they are best be appreciated. Consequently, by employing the design principles set out above, the construction of new residential dwellings should not have an adverse effect on the Lodges through development within their setting. Development need not constitute harm for purposes of the NPPF.'

3.18 We therefore conclude that the site could be developed without harm to the significance of the Lodges.



- 3.19 In response to **Question 6**; The Epping Forest Green Belt Assessment Phase 2 technical annex (EB705B) sets out the effect of development on the purposes of the Green Belt. Site allocation LSHR.R1 is located within Stage 1 Assessment Parcel DSR 002 – East and South East of Lower Sheering – and within this area, in the north western corner of Parcel 002.1.
- 3.20 Parcel 002.1 covers an area of 43.19ha; our client’s site covers an area of only 0.64ha, so forming a small part of the site, immediately adjacent to the Sheering Lower Road. The assessment finds that the parcel makes no contribution to purposes 1, 2 and 5 of the Green Belt, but that it makes a relatively strong contribution to purposes 3 and 4 of the Green Belt.
- 3.21 Purpose 3 – to assist in safeguarding the countryside from encroachment notes that: ‘Dwellings to the east of Sheering Lower Road form a consistent settlement edge, but one which lacks a strong boundary feature.’
- 3.22 Although the wider parcel of land is considered to make a relatively strong contribution to this purpose of the Green Belt, the effect of the development of site LSHR R.1 would not have an effect on the ability of the remainder of parcel 002.1 to contribute to that purpose.
- 3.23 Development of site LSHR.R1 would simply continue that settlement edge, rounding off the settlement, and would provide a strong, defensible boundary to the east and to the north. There is already mature planting of trees and a hedgerow along the eastern and northern boundaries, and this could be strengthened still further.
- 3.24 The assessment also notes there is:
- ‘A sense of separation between settlement on the floor and western side of the valley, and open countryside within the parcel.’* Our client’s site lies within the valley floor, and not within the open countryside higher up the valley slopes, so is perceived as part of the settlement, not the open countryside.
- 3.25 The assessment of the parcel against purpose 4 of the Green Belt, to preserve the setting and special character of historic towns, notes that:



'The open hillside and Quickbury Farm form part of the setting of the historic town of Sawbridgeworth. Development that reduced the openness of this hillside would detract from the setting of Sawbridgeworth and, in the northern part of the parcel, from the setting of the Lower Sheering Conservation Area which, whilst not part of Sawbridgeworth, can be considered to have a strong association.'

3.26 As stated above, Site LSHR R.1 does not lie on the hillside, but in the valley bottom.

3.27 The heritage report appended to this statement considers that development will not detract from the setting of the Lower Sheering Conservation Area. The report identifies a number of design principles which development of the site should adhere to, and paragraph 4.22 states that:

'The application of the design principles..., the distance and the intervening Lower Sheering Road suggest that the development will not visually intrude so as to harm the heritage values of the Conservation Area.'

3.28 Paragraph 4.23 states that:

'Development will constitute a minor change to the setting of the heritage asset but not one which challenges the principal heritage significances of the buildings or Conservation Area... and ... there are no key outward views from the Maltings which enhance or support its heritage significance and further residential development in its setting represented by LSHR.R1 will not materially affect or detract from its architectural value and historic survival.'

3.29 It is therefore considered that parcel LSHR R.1 does not contribute to the purposes of the Green Belt, and its development would not affect the ability of the remainder of the parcel to do so.

4.0 SUMMARY

4.1 This hearing statement is made on behalf of the landowners of LSHR.R1, who support the proposed allocation of the site. Specifically, they confirm that:



- There is likely to be a small number of pupils generated by the development. Essex County Council pupil place plans confirm that development on Lower Sheering Road pupils lies in the priority admission area for primary and secondary schools in Essex, and that there is capacity at both primary and secondary schools;
- Development of the site could take place without harm to the significance of the Grade II* lodges at the south entrance to the park at Great Hyde Hall; and
- Development of the site would have a minimal impact on the purposes of the Green Belt to assist in safeguarding the countryside from encroachment and to preserve the setting of historic towns. The site lies on the valley bottom, would form a natural extension to the existing settlement along Sheering Lower Road and, by applying the design principles set out by Historic England and the Local Plan, would not harm the setting of the Lower Sheering Conservation Area.