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Your ref: Fyfield SR-0049  
Our ref: 4262599v1

Local Plan Regulation 19 Representation  
Planning Policy Team  
Epping Forest District Council  
Civic Offices  
323 High Street  
Epping  
Essex CM16 4BZ

26 January 2018

Dear Sir/Madam,

## **EPPING LOCAL PLAN SUBMISSION VERSION CONSULTATION REPRESENTATIONS LAND SOUTH-EAST OF CHIPPING ONGAR ROAD, FYFIELD – SR-0049**

We write to you on behalf of our client, Countryside Properties, in respect of the above Local Plan Consultation currently being undertaken by Epping Forest District Council. This submission relates to land to the south-east of Chipping Ongar Road in Fyfield ("the Site"), with a site reference of 'SR-0049'.

### **BACKGROUND**

These representations relate to the land to the south-east of Chipping Ongar Road, controlled by Countryside Properties, which has been promoted for release from the Green Belt for the purposes of residential development in previous stages of consultation. Given that the site was identified as a suitable and deliverable housing site in the previous iteration of the plan and noting its ability to provide early delivery of much needed housing not only for the village but the wider district itself, we are disappointed that the site has been removed from the submission version of the plan without any prior notification or evidence to justify it.

The Site covers an area of approximately 2.65ha and is currently in use as an agricultural field. To the north, the site adjoins the existing residential area of Fyfield; to the east of the site lies the Fyfield Village Hall and Sports and Leisure Club.

Key facts relating to the site include:

- It has potential for approximately 80-85 residential units;
- It lies within Flood Zone 1;
- The nearest bus stop is within 400m;
- The nearest infant/primary school is less than 1000m away;
- The site is between 1000m and 4000m from the nearest GP surgery; and
- Suitable access to the site already exists.
- Adjoining Fyfield a 'small village' as defined within the draft Local Plan.

### **MASTERPLAN**

Countryside Properties have been working on a masterplan layout for the site (See Appendix 1). The proposed layout has been derived from detailed site analysis and a significant amount of technical studies that have already taken place.

#### **Affordable Housing**

The proposed development would provide policy compliant affordable housing, providing much needed affordable housing for the district and village, at a quantum which would not be provided as part of the Gypsy Mead allocation.

#### **Highway Safety**

A proposed new roundabout could be incorporated at the junction of Ongar Road, Moreton Road and a proposed vehicular access to our site. We have been made aware by our Transport Consultant that after reviewing accident data there has been a number of fatal accidents through Fyfield. Traffic speeds may be higher than the speed limit and traffic calming measures such as a roundabout will improve general safety and improve conditions for crossing the carriageway for any pedestrians.

#### **PROW**

The Public Right of Way along the southern boundary of the site will be retained and will be incorporated within the design. There is also the opportunity to include a number of pedestrian links through the site which will improve access and movement to key village facilities such as the village hall and scout hut.

#### **Landscape**

As with all Countryside schemes the masterplan has adopted a truly landscape led approach. Whilst the site if allocated for residential will be removed from the Green Belt, the rural setting and important wider landscape will need to be respected. Existing tree and hedge rows will be reinforced with native planting to protect views from the south.

#### **Design**

The design and layout of the development would reflect the character of Fyfield and adopt Essex Design guide standards. The design is likely to be traditional with materiality and form referencing the local vernacular.

#### **Open Space**

High quality open space are a key to all Countryside developments. Open space will be incorporated into the design providing new amenity space for both new residents and existing villagers to enjoy.

#### **Technical Considerations**

A suite of technical reports have been carried out for the site which covered contamination, environmental conditions, ground conditions, drainage, highways, utilities etc.

No adverse issues were found on site which would impact delivery of a high quality residential development.

### **KEY CONSIDERATIONS**

The NPPF requires Local Plans to be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning Compulsory Purchase Act 2004 (as amended).

The NPPF (paragraph 182) requires that any Plan submitted to the Secretary of State for Examination must be capable of being found both legally compliant and sound. This places various duties on the Council including, but not limited to, ensuring the Plan is:

- Positively prepared – the plan should be prepared based on the strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and where it is consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with policies in the Framework.

In the context of the Site, the Council has failed to justify the decision to remove the site, a decision which could bring into question the Plans legal compliance and soundness. In this context, the following matters are significant:

### **DCLG Standardised Methodology for Housing Requirements**

On 14<sup>th</sup> September 2017, the Department for Communities and Local Government (DCLG) published a consultation on their proposed reform to the methodology for the calculation of local authorities' housing need. In addition to this consultation, a table detailing every Local Authority's amended housing need figures was published. Many Local Authorities have experienced extremely large increases or decreases in their identified housing requirements when compared to their previously defined Objectively Assessed Need (OAN).

Of particular importance is the increase in housing needs that Epping Forest has experienced. The Epping Forest OAN is predicted to increase from 514 dwellings per annum to 923 dwellings per annum when the Standardised Methodology comes into effect. This represents an increase of 409 dwellings per annum.

It has been noted that the Council intends to proceed with an accelerated plan production programme in order to ensure the plan is capable of submission before 31 March 2018. However, the Council will be aware that it has a legal duty to only submit a plan for examination that it believes to be legally compliant and capable of being found sound. At this stage, in light of the inherent under delivery of housing in Epping Forest, we have concern that the approach taken by the Council to the potential for an increased housing target arising from the Standardised Methodology may put the future of the Local Plan at risk.

### **Lack of Justification**

The Site was identified for allocation within the Epping Forest Draft Local Plan (2016) for approximately 85 homes. Its identification was justified by evidence such as Site Selection (Sept 2016), the SLAA, and the GB Review. The Site has since been removed from the current consultation on the submission version of the Local Plan.

In line with paragraph 83 of the NPPF, the Council should take this opportunity through the preparation of the emerging Local Plan to ensure that the amended Green Belt boundaries are capable of enduring beyond the Plan period and therefore ensure their intended performance in the long term. Since the Council should be seeking to identify additional sites to ensure it is capable of addressing existing and future growth requirements, there appears to be a lack of evidence to justify the removal of the Site from the submission version of the Plan.

Appendix B of the Site Selection Report 2017 (assessment of residential sites) has not been made available as part of technical supporting information; this is a key piece of analysis and we have been advised by the Council that this is not going to be made available until 6 weeks after the consultation on the submission version of the Local Plan closes. We believe that the Site remains suitable, available and deliverable, and we are not aware of any objections to the proposed allocation of the site in the draft Local Plan.

## Green Belt

Epping District is largely rural and over 92% of the land is currently designated as being in the Metropolitan Green Belt. Whilst continuing to protect the Green Belt, the Council has acknowledged that there is very little land remaining in the District within the settlements that is not already developed. As such, in order to meet future needs, a District-wide review of the Green Belt has been undertaken to identify the potential for future development.

Countryside Properties recognises the need to preserve the Green Belt and as a result, sensitively develop sites in accordance with their surroundings, but also the requirement to ensure the sites that are put forward for development are available, deliverable and achievable. Epping Forest District Council has undertaken a Green Belt Review, which consists of two stages.

The Stage 1 Green Belt Review concludes that the site, which is identified as being within the wider Parcel 'DRS 016' (North East of Chipping Ongar), has a relatively weak/ weak contribution to the Green Belt. It was, however, acknowledged within the review that there are particular areas of the parcel which performed less well than the rest of the parcel and therefore more detailed assessment was recommended; as such, the Site has been included within the Stage 2 Green Belt Review.

In the Stage 2 Green Belt Review the site is identified as being located within the wider Parcel '016.3'. The report concludes that the Site assists in safeguarding the countryside from encroachment and therefore assesses the resultant harm to the Green Belt purposes to be very high if the parcel is released from the Green Belt. There is a clear discrepancy between the conclusions of the Stage 1 and Stage 2 Green Belt Reviews; our understanding of the Green Belt Review is that Stage 2 should provide a finer detailed assessment of smaller land parcels, however the principle point raised at Stage 1 has been reviewed and an alternative conclusion has been provided. The clear discrepancy between the conclusions reached in the two stages of the assessment present a concern as to the efficacy of the approach taken by the Council.

We do not consider the Stage 2 Green Belt Review conclusion to be valid since the assessment groups the site with land which displays somewhat different characteristics; the Site lies adjacent to the settlement of Fyfield and unlike other sites, is bounded by urban features including the residential dwellings to the north, and the Village Hall and Sports and Leisure Field to the east. These features do not provide a rural setting for the site and therefore it is considered that the development of the Site would not result in encroachment into the countryside. Thus conclusions relating to the parcels' Green Belt purposes cannot be guaranteed to be of relevance to the land south-east of Chipping Ongar Road.

Therefore, when the Site is assessed against the five purposes of the Green Belt (as set out in paragraph 80 of the NPPF) it is possible to establish that:

- The development of the site would not result in the unrestricted sprawl of large built-up areas. Put simply, the site is a small contained site within a small settlement. It is contained within the wider built parameters of the settlement and would deliver new housing to support the local community. It would not result in unrestricted sprawl nor is it located within a large built up area. Therefore, the development of the site would not harm this purpose;
- The development of the site would not result in neighbouring towns from merging into one another. The site is small and contained within the wider built parameters of the settlement. It is not located between towns; it is situated circa 2.7km from the closest settlement of Ongar therefore its development would not result in any coalesce of settlements. As such, the development of the site would not harm this purpose;
- The development of the site would reduce pressure on the need to release more sensitive sites for development. It is well contained and surrounded to the north, east and west by urbanised features and its development would not encroach into the open countryside. As such, the development of the Site would play a significantly less harmful role when compared to alternative sites identified in the emerging Local Plan;

- The development of the site would not damage the aim of preserving the setting and special character of historic towns. The settlement of Fyfield has no statutory heritage allocations and the development of the Site would assist in protecting the setting and special character of other settlements by reducing the quantum of development that needs to be identified within them; and,
- The development of the Site would assist in the future viability and vitality of Fyfield. Its contribution to urban regeneration would be limited, but the need for Green Belt releases to identify sufficient land for housing growth is established in the Local Plan. As such it is incumbent on the Council to maximise the opportunities available.

This assessment confirms that the Site, when objectively assessed against the above five purposes of the Green Belt, plays a very limited role. As such, the decision to remove the proposed allocation of the site in the current Local Plan is not justified in the context of its role in the Green Belt.

### **Delivering Sustainable Development**

The National Planning Policy Framework (NPPF) defines sustainable development through the interaction of three pillars: social, economic and environmental. Sustainable development is therefore achieved through the proposals' ability to provide benefits aligned with each of these three pillars.

The following sub-sections assess how the redevelopment of the Site will provide benefits in line with the pillars, therefore representing sustainable development.

#### *Social*

The NPPF identified at paragraph 7 that socially sustainable development involves proposals that support strong, vibrant and healthy communities, where there is a supply of housing to meet the identified needs, and future needs of the area, to support the health, social and cultural well-being of the community.

We understand that there is concern amongst local residents regarding the need for affordable housing in the village; this was highlighted within the Fyfield Parish Appraisal Questionnaire & Action Plan (2008). Our site could provide the much needed affordable housing in Fyfield, which is unlikely to be wholly provided by the proposed allocation for 14 units at Gypsy Mead.

#### *Economic*

In terms of economically sustainable development, the NPPF identified that this involves developments contributing to building a strong, responsive, and competitive economy, through ensuring sufficient land of the right type at the right time is released for development to support growth and innovation.

Fyfield is identified as a 'Small Village' within the draft Local Plan and it is stated that the Council supports the rural economy in the District. We are aware that the village shop and post office in Fyfield, which provide a key service to this village, is having viability issues. Furthermore, there is evidence that the local school is under capacity and is having to bring in pupils from Ongar. The increase in population in the area, associated with the allocation of our Site, will help to sustain local services and businesses by increasing the customer base and viability of the local services.

#### *Environmental*

Paragraph 7 of the NPPF outlines that environmentally sustainable development contributes to the protection and enhancement of the natural, built, and historic environment, using natural resources prudently, minimising waste, pollution and contributing to a low carbon economy.

Whilst development of the Site would involve the loss of the agricultural land, it has been acknowledged that there would not be any significant environmental harm as a result of such development.

### **Land at Gypsy Mead**

In contrast to the Site, a neighbouring site in Fyfield, 'Land at Gypsy Mead' (Ref: FYF:R1), which did not have an allocation in Draft Local Plan (2016), has now been identified for allocation for the development of approximately 14 residential units. As explained above, without the publication of Appendix B of the Site Selection Report 2017 (assessment of residential sites), we remain unclear as to the justification for this new allocation.

Whilst not wishing to undermine the allocation at Gypsy Mead, we believe that our Site performs considerably better than the land at Gypsy Mead in sustainability terms. As such, its development would provide a greater range of benefits for the future of the settlement. The allocation of our site for approximately 85 residential units would make a more meaningful contribution to housing numbers in Fyfield as well as the wider borough than the allocation for 14 units at Gypsy Mead.

Furthermore, our Site could provide the much needed affordable housing in Fyfield, as highlighted within the Fyfield Parish Appraisal Questionnaire & Action Plan (2008), which is unlikely to be wholly provided by the limited unit numbers on the land at Gypsy Mead. Policy H2 'Affordable Housing' of the Submission Local Plan explains that 40% affordable housing will be required on sites of 11 or more homes, or residential floorspace of more than 1,000sqm. Should a planning application be submitted on the land at Gypsy Mead, it is likely that the number of units could be 10 or less, therefore providing no affordable housing.

In the context of the position the Council has adopted on the Standardised Methodology, the opportunity to deliver development at the Site (alongside Gypsy Mead site if necessary) would provide the Council with greater flexibility to deliver the growth closer to the levels required.

## CONCLUSIONS

The above representations oppose the decision of Epping Forest District Council to remove the 'Land south-east of Chipping Ongar Road' from the submission version of the Local Plan. We believe that the Site remains suitable, available and deliverable, and we are not aware of any objections to the proposed allocation of the site in the draft Local Plan. It is our view that the absence of any representations (to our knowledge) confirms that there can have been no matters raised in the consultation on the draft Local Plan by third parties of sufficient weight to warrant its removal. We must conclude therefore that the Council has come to this conclusion on its own evidence. It is therefore a significant concern that we are unable to review the reasons for the removal of the site or provide any comment at this critical stage in the consultation process.

As such, it is possible to conclude that the site should be identified for housing development within the draft Submission Local Plan, for the form and scale of development identified in the Draft Local Plan (2016), for the following summary reasons:

- The removal of the Site from the submission draft Local Plan has not been justified with evidence;
- The site does not play a significant role in the Green Belt;
- The assessment of the sustainability of the site identifies that the proposed scheme would represent a highly sustainable development that would deliver significant benefits;

As such, the Local Plan should be amended to include the allocation of the site for 85 residential units within the proposed draft Submission Local Plan. On the basis that the site was identified for residential development within the Site Selection (Sept 2016) and the SLAA, the site should, as a minimum, be considered a reasonable alternative.

- The site will provide a high quality landscape led development that will have policy compliant affordable housing provision.
- Generous open space will be provided on site which will benefit new residents and existing village residents.
- The site will provide an appropriate number of houses that would ensure that the village and its services would remain sustainable and viable supporting the vital rural economy.

We would be very grateful for confirmation that these representations have been received and confirm that we would like to be involved in future states of the Local Plan process including the examination of the Plan and the assessment of future evidence base documents.

We trust that the information provided above is clear, however if you require further clarity on any of the comments made please do not hesitate to contact us; we would be willing to meet with you to discuss our client's aspirations for the site, if this is deemed to be of assistance.

Yours sincerely

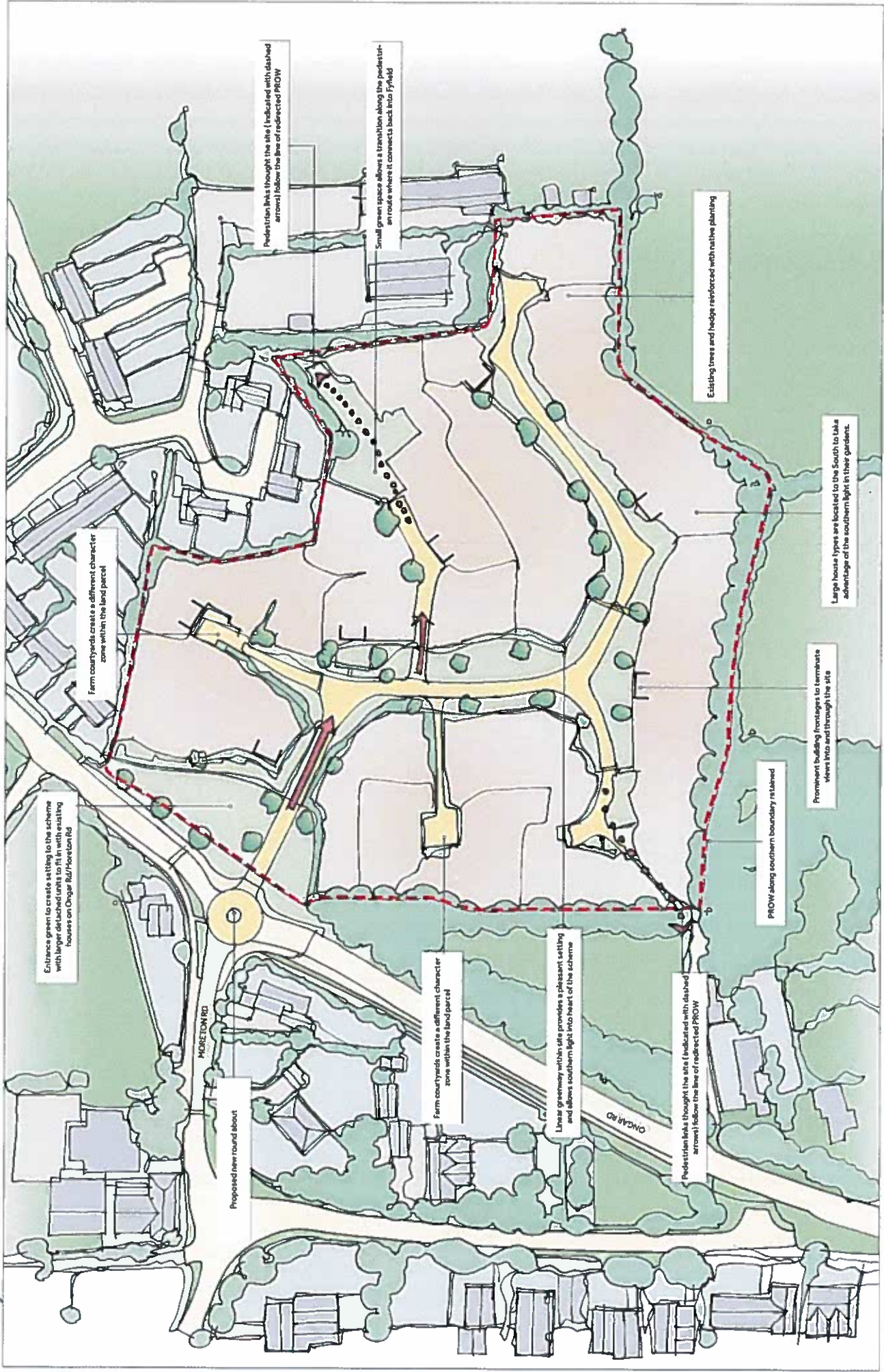


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**APPENDIX 1 – SITE LAYOUT PLAN**





Entrance green to create setting to the scheme with larger detached units to fit in with existing houses on Ongar Rd/Hornton Rd

Farm courtyards create a different character zone within the land parcel

Proposed new round about

MORFORD RD

Pedestrian links thought the site (indicated with dashed arrows) follow the line of redirected PROW

Small green space allows a tree/shrub to connect back into 'Field'

Farm courtyards create a different character zone within the land parcel

Linear greenway within site provides a pleasant setting and allows southern light into heart of the scheme

Pedestrian links thought the site (indicated with dashed arrows) follow the line of redirected PROW

PROW along southern boundary retained

Prominent building frontages to terminate views into and through the site

Large house types are located to the South to take advantage of the southern light in their gardens.

Existing trees and hedge reinforced with native planting

