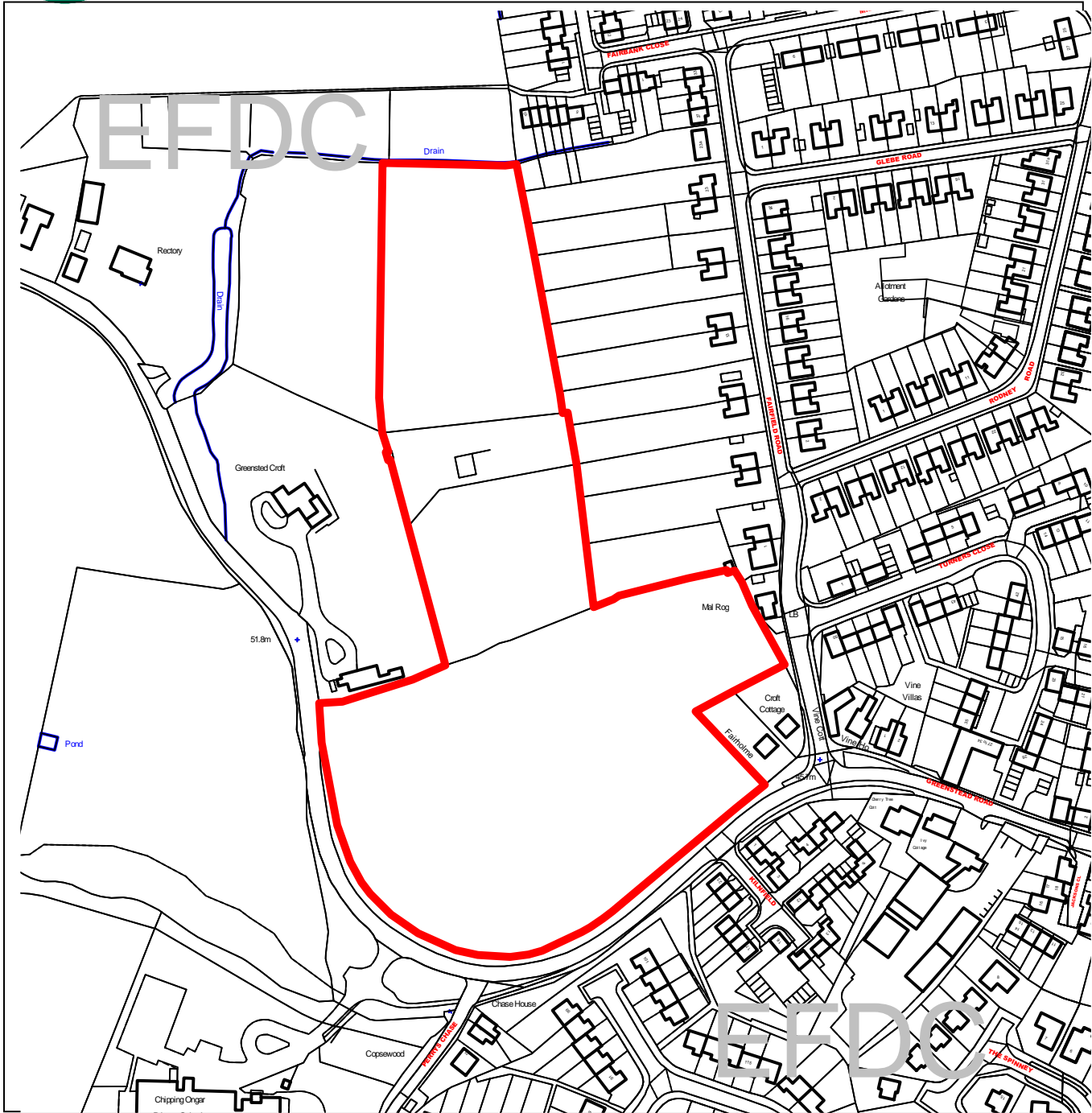




Epping Forest District Council



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Application Number:	EPF/2627/20
Site Name:	Land at Greensted Road Chipping Ongar, CM5 9LA
Scale of Plot:	1:2500

Report Item No:

APPLICATION No:	EPF/2627/20
SITE ADDRESS:	Land at Greensted Road Chipping Ongar CM5 9LA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr and Mrs P Heaney
DESCRIPTION OF PROPOSAL:	Construction of a residential development comprising of 95 units, together with open space, car parking & landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=644596

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: FIH_001, 10, 12, 13, 30, 31, 050, 110H, 105A, 110A, 115A, 120A, 125A, 130C, 135A, 140A, 145A, 200A-215A inclusive, 325B, 326C, 327B, 328, 800, and proposed street views Rev A.
3. Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of the affordable housing units shown on the approved plans and required by the associated legal agreement accompanying this permission.
- 4
 - i. No development or preliminary groundworks can commence until a programme of assessment has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.
 - ii. A mitigation strategy detailing the excavation strategy shall be submitted to the local planning authority following the completion of this work
 - iii. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
 - iv. The developer shall submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-

excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

5. Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
6.
 - A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
 - B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
7. No development shall take place, including any works of demolition, 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:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. Measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution

7.A scheme for recycling/disposing of waste resulting from demolition and construction works.

8. A construction environmental management plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. This should include, but is not limited to, precautionary working methods enabling mitigation of any potential impacts on retained habitats hedgerows and trees, nesting birds, bats, reptiles, great- crested newts, badgers and Priority species (Hedgehog).

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

9. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

10. No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with the Flood Risk assessment accompanying the application, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- ii. In case the infiltration is proven to be unviable the peak discharge from the site is limited to 3l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. The surface runoff from northern catchments would be limited to 1.2l/s and peak discharge from southern catchment would be limited to 1.8l/s for all storm events up to and including 1 in 100 year plus 40% climate change allowance. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- iii. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- iv. Final modelling and calculations for all areas of the drainage system.
- v. Detailed engineering drawings of each component of the drainage scheme.

- vi. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- vii. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented in accordance with the agreed details prior to occupation.

11. No works shall take place until a scheme of enhancement measures until a detailed survey of the watercourse at the northern site boundary to ascertain its condition and any local flood risk issues, and details of enhancement measures inclusive of natural flood management to the existing watercourse crossing the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
12. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Hedgerow Regulations Assessment Report (D F Clark, November 2020), Great Crested Newt Impact Appraisal (Greenwillows Associates Ltd, June 2021), Ecological Impact Assessment: Reptiles (Greenwillows Associates Ltd, June 2021) , Ecological Impact Assessment Bats (Greenwillows Associates Ltd, October 2021), The Technical Note: Biodiversity Metric v3.0 Calculations for Change in Hedgerow Biodiversity Units (Greenwillows Associates Ltd, October 2021) and the Site Plan Amended 22/09/2021 (BB Partnership LTD) as already submitted with the planning applications and agreed in principle with the local planning authority prior to determination.
13. Prior to the commencement of development other than groundworks, confirmation shall be provided that either:
 1. Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.
14. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

15. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
16. Prior to commencement of commencement of slab level works, A Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal and Hedgerow Regulations Assessment Report (D F Clark, November 2020), Great Crested Newt Impact Appraisal (Greenwillows Associates Ltd, June 2021), Ecological Impact Assessment Bats (Greenwillows Associates Ltd, October 2021), The Technical Note: Biodiversity Metric v3.0 Calculations for Change in Hedgerow Biodiversity Units (Greenwillows Associates Ltd, October 2021) and the Site Plan Amended (BB Partnership Ltd). The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long- term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

17. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
18. Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
19. Prior to the commencement of above ground works, details of the position, design, materials and type of all boundary walls, fences and other means of enclosure to be

erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

20. Prior to commencement of any above ground works, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter be installed without prior consent from the local planning authority.
21. Prior to the commencement of above ground works, full details of provision for cycle shelters and refuse storage shall be submitted to and approved by the local planning authority. The works as agreed shall be fully implemented prior to the occupation of the dwellings the facilities serve, and shall be thereafter retained in perpetuity for the intended purpose.
22. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority.
23. No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
24. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
25. All material excavated from the below ground works hereby approved shall be removed from the site, unless retention and re-use is agreed as part of any landscaping scheme approved for the site.
26. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of any dwelling in the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five- year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

28. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
29. Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.
30. Prior to the first occupation of the development the developer shall implement the works as shown in principle on RPS drawing no.JNY9376-04Rev A, with all details being agreed with the Highway Authority, and to include but not limited to the following:
- i. Undertake reasonable endeavours to relocate the 30mph speedlimit approx. 55- 60m to the north, to coincide with the start of the development, with new signage and gateway features either where it is now or at the new location;
 - ii. The provision of a new bellmouth access, with a minimum of 6m radii and new 2m wide footway from the site to tie into the existing footway to the east;
 - iii. Minimum 75m visibility splays, clear to ground level, to be provided from the access and all the uncontrolled pedestrian crossing points;
 - iv. The implementation of a pair of pedestrian dropped kerb crossing points, with tactile paving, across the bellmouth of Fairfield Road/Greensted Road and a pair across Greensted Road between the new access and Kilnfield; Provision of a shared pedestrian/cycle access to the east of the site onto Fairfield Road;
 - v. Provision of a new uncontrolled pedestrian crossing point to the south west of the site with new footway to the school;
 - vi. Provision of any TROs considered relevant for the site e.g. Parking restrictions around the new bellmouth etc.

The approved details shall be fully implemented in consultation with the local highway authority in accordance with a phasing plan to be submitted and approved by the Local Planning Authority prior to said first occupation.

31. Prior to the first occupation of any dwelling within any individual phase indicated on drawing number FIH_145A, the vehicle/cycle parking and turning areas to the properties in that phase as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
32. Prior to the first occupation of the proposed development, the Developer shall submit a residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,500 (one thousand five hundred pounds index linked) to be paid to Essex County Council.
33. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling -of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, for use with the relevant local public transport operator. This will be at no cost to the occupier.
34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes B, C, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written agreement of the Local Planning Authority.

AND SUBJECT TO A SUITABLE LEGAL AGREEMENT to deal with matters set out in detail in the report in relation to financial contributions relating to education, library and health care provisions, open space and green infrastructure enhancement, community facilities, air quality mitigation in the EFSAC, highway improvements and monitoring fees.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Additional comments:

The application was previously put forward to Area Planning Sub-Committee East on 09 March 2022, however was deferred for a Site Visit. This has been arranged for 26 March 2022.

Description of Site:

The application site comprises around 3.45ha of open land to the west of Ongar. The site comprises mostly scrubland with areas of hedging along the boundaries and through the centre of

the site. There is a gated access into the site from Fairfield Road, but otherwise road frontage is enclosed by established hedging.

The area to the east of the site lies within the designated settlement, at this point adjoining properties comprise predominantly two storey houses, as do the more modern developments to the south. Built development to the west is more sparse with a limited ribbon of dwellings immediately west and Chipping Ongar Primary School to the south west.

The site lies on moderately sloping ground, falling west to east. The site and much surrounding land currently lies within the Green Belt, but the site is allocated for residential development as site ONG.R5 in the Local Plan Submission Version. One oak tree on the northern part of the site is subject to a Tree Preservation Order, and an intermediate pressure gas pipeline runs east-west across the main southern half of the site.

Description of Proposal:

The application has been amended on a number of occasions since submission. The scheme now before Members comprises 95 dwellings of which 76 are houses and 19 are flats in blocks of no more than 6 units. The overall dwelling mix consists of 29 x 1 bed, 21 x 2 bed, 30 x 3 bed and 15 x 4 bed, with buildings no taller than three floors. The scheme delivers an agreed, policy compliant, affordable housing provision of 39 dwellings comprising affordable rental dwellings (18 x 1 bed, 8 x 2 bed and 5 x 3 bed) and affordable intermediate dwellings (5 x 1 bed, 3 x 2 bed).

Built form takes its influences from the local area and the Essex Design Guide. Materials include a broad mix of finishes common to the area – brick, cladding and render to main walls, slate and tiles to roofs. A broad mix of house types seeks to provide variety across the site in form and finish, buildings are configured to provide maximum natural surveillance of the roads and public areas.

The site layout is informed by a number of site constraints including existing on site infrastructure and landscape, drainage and biodiversity requirements, and accessibility. A new vehicle site entrance is proposed on the Greensted Road frontage which creates a north south primary route through the site with dwellings fronting the northern section, the southern end is more broken by shorter internal routes. Pedestrian and cycle access is proposed on the eastern and western boundaries to create a route through the site designed as a shared surface to link existing routes to the east to the town to the Primary School and wider rights of way beyond.

Other key elements include sustainable drainage features including a balance pond at the lowest part of the site and enhancements to the existing drainage channel including a biodiversity area. Play areas are proposed in the eastern corner of the site and in the northern area, and the pedestrian cross route will feature seating and social spaces – dwellings around such public spaces are designed to include an element of natural surveillance. Wider landscape proposals include new hedgerows and management of existing hedgerows with native species and tree planting and landscape improvement to public areas.

The applicant's submission includes commitments to incorporating measures to meet sustainability objectives, including measures to minimise energy and water use, minimise external lighting impacts and to accord with energy conservation objectives.

The application is accompanied by a number of supporting documents which have evolved through the application process. These include:

- Arboricultural Assessment
- Archaeological Assessment
- Agricultural Assessment

- Contaminated Land Assessment
- Ecological Impact Assessment (including Hedgerow review, reptile surveys and bat surveys)
- Energy and Sustainability Statement
- Flood Risk Assessment
- Habitat Regulations Assessment
- Health Impact Assessment
- Landscape Design Statement
- Transport Assessment

Relevant History:

None

Policies Applied:

Adopted Local Plan:

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP5	Sustainable buildings
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
CP9	Sustainable transport
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB16	Affordable housing
NC1	SPA's, SAC.s and SSSI's
NC3	Replacement of lost habitat
NC4	Protection of established habitat
NC5	Promotion of nature conservation schemes
RP4	Contaminated land
RP5A	Adverse environmental impacts
H3A	Housing Density
H5A	Provision of affordable housing
H6A	Thresholds for affordable housing
H7A	Levels of affordable housing
H8A	Availability of affordable housing in perpetuity
H9A	Lifetime Homes
U1	Infrastructure adequacy
U2B	Flood Risk assessment Zones
U3A	Catchment Effects
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas

DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public open space
DBE8	Private amenity space
DBE9	Loss of Amenity
LL1	Rural landscape
LL3	Edge of settlement
LL7	Planting protection and care of trees
LL10	Adequacy of provision for landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking
I1A	Planning Obligations

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

2	Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
5	Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
8	Promoting healthy and safe communities – paragraphs 92, 97
9	Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
11	Making effective use of land – paragraphs 119, 122, 123, 124
12	Achieving well designed places – paragraphs 126, 130, 131, 132, 135
13	Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
14	Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types

H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM17	Protecting and enhancing watercourses and flood defences
DM18	On site management of waste water and water supply
DM19	Sustainable water use
DM20	Low carbon and renewal energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P4	Site selection process – Ongar
D1	Delivery of Infrastructure
D2	Essential facilities and services
D3	Utilities
D4	Community, Leisure and Cultural Facilities
D5	Communications Infrastructure
D6	Neighbourhood Planning

Ongar Neighbourhood Plan

The Ongar Neighbourhood Plan has recently completed Regulation 16 consultation and examination of the plan would be expected to take place soon. The Council has made representations under the consultation after extensive discussions with the Ongar Neighbourhood Plan Community Group (ONPCG). As such the plan can be given some weight in determining the application. The following specific policies have been considered:

- ONG-RR3 Housing Mix and Standards
- ONG-RR4 Broadband
- ONG-ED1 Local Character and Design
- ONG-ED4 Sustainable Design
- ONG-ED5 Natural Environment
- ONG-ED6 Landscape and Amenity Buffer Zones
- ONG-CT3 Transport and Movement
- ONG-CT4 Infrastructure priorities
- ONG-CT5 Footpaths and Cycle Routes

Consultation Carried Out and Summary of Representations Received

Date of site visit: Various
Number of neighbours consulted: 145
Site notice posted: 03 December 2020
Responses received: Objections have been received from 52 identified addresses and 11 who gave e-mail addresses only. In addition, a petition signed by 568 people has been received. Properties submitting objections have been identified as under:

Great Basons, BANSONS LANE

10 BANSONS WAY
59 COOPERS HILL
5, 6, 9, 10 17A and 27 FAIRBANK CLOSE
1, 5, 9, 17, 19, 23, 23a, 28 and 29 FAIRFIELD ROAD
1, 8 and White Cottage GREENSTED GREEN
Chase House and The Orchard GREENSTED ROAD
192a HIGH STREET
18 and 48 KETTLEBURY WAY
8 and 18 KILNFIELD
26 LONGFIELDS
24 and 36 MILLBANK AVENUE
1 and 8 OAKLAND MEWS
40 and 46 ONSLOW GARDENS
Oakwood and Willow Cottage, PENSONS LANE
190 RIVERSIDE CLOSE, LONDON
1, 2, 4, 6, 32 and 34 RODNEY ROAD
11 THE MOAT, TOOT HILL
13, 14 and 47 TURNERS CLOSE
46, 61, 67 and 85 WOODLAND WAY

Objections have also been received from Fairfield and Fairbank RA, CPRE Essex and Ongar Neighbourhood Plan Community Group. Comments cover a range of issues:

- Surface water, drainage and flooding issues – comments on existing surface water flooding issues in low lying areas to the east and concerns that development will exacerbate this. Concerns are raised at the capacity of the wider drainage network to accommodate additional demand.
- Ecology concerns – concerns at the loss of existing ecological assets from the site and the adequacy of measures to secure appropriate replacement and net gain.
- Green Belt issues – existing status of the site within the Green Belt and, the impact on the wider Green Belt both in terms of the impact on the openness and precedent for future development.
- Affordable housing provision – comments recognise the need to provide an appropriate level of affordable housing in a development of this scale, at the time responses were made, objects were unclear that such provision would be made.
- Density and built form – there are concerns that the development is not consistent with the settlement, and amounts to urbanisation.
- Building heights – the building typology, of two and half and three storey is not consistent with the wide area, concerns that the development would be prominent due to its elevated position.
- Housing Mix – the development is not consistent with the local housing mix where demand is predominantly for 3 bedroom homes, the proposals are not consistent with this.
- Parking – concern that the scheme is under provided for parking, falling below the Essex Design Guide parking standards, in a location not well served by public transport and may lead to ad hoc parking causing hazards to pedestrians, emergency vehicles and overspill parking.
- Traffic movements – concerns around sightlines at the site entrance and impact of increased traffic volume, particularly at main junctions. Volume of traffic may also cause conflict with school activity at peak times.
- Neighbour amenity – issues around direct amenity impacts (overlooking and overshadowing, loss of outlook etc, and noise and disturbance from future occupiers.
- Pressure on local services – concerns that development would place additional pressure on local schools, surgeries and public spaces.
- Conflicts with Ongar Neighbourhood Plan – housing mix, character, sustainable design. habitat protection, movement

- Matters relating to issues outside material planning considerations – construction disturbance, property values etc.

Officers have sought to address these matters in the Main Issues section of the report below.

In addition, 3 responses supporting the application have also been received, from 18 FAIRBANK CLOSE, Fairholme GREENSTED ROAD AND 59 KETTLEBURY WAY. These residents support the provision of new housing, one commenting on existing high house prices in particular. The balancing pond and green spaces are seen as thoughtfully paced seen as a positive addition to the site, and the measures to reduce traffic speeds approaching the town, both through the relocation of the speed limit and the visible presence of housing.

Parish Council: Ongar Town Council have submitted a detailed response, reproduced in full below:

The Council main concern is that this development has been insufficiently publicised, and a development of this magnitude must have public consultation and more than twenty one days to comment. OTC are concerned that this development will be out of character with the rural setting of Ongar and will exacerbate flooding and traffic/highways issues.

*This development is not in line with Emerging Ongar Neighbourhood plan;
Policy ONG RR3 Housing Mix and Standards,
ONG-ED1 - Local Character,
ONG-ED3 Sustainable Design,
ONG-ED4 Environment, with the loss of habitat being a real concern,
ONG-CT3 - Movement*

The key points are;

*Density
Height, Housing Mix/type
Insufficient Parking
Flooding Increased
Traffic*

Density

The density of housing on this site is not in keeping with other residential areas in Ongar, with the character of Ongar and the rural setting. The average density in Ongar is 24 dwellings per hectare. Some areas of this development have a density of 150 dwellings per hectare which raises the average to an unacceptable rate.

Height, Housing Mix and type

The 3-storey tall buildings are not in keeping with the character of Ongar and the rural and open setting. The site is on a hill and the height and massing of the development will be very visible and overbearing on the rural setting and neighbouring properties and would appear very urban.

The housing mix is not in keeping with the demand for housing in Ongar as stated in the EFDC local plan. There are not enough family sized homes to suit local need which is for 3 bedroomed family sized houses with parking and a garden. There is a lack of reasonably sized private amenity space. Single occupancy flats/dwellings are not suited to be among family homes due to different lifestyles. Ongar has little employment, poor public transport, and limited night life to suit young people or singletons.

Insufficient Parking

There are insufficient car parking spaces for the proposed occupancy. Parking allocation has reduced from 1.75 per dwelling on the original proposal to 1.67 despite the original advice in the Design and Access statement, the First Quality Review, that there should be a Parking allocation of 1.8. The Essex Design Guide and National parking standards gives an allocation of 2 spaces per 2 bedroomed property. The lack of parking spaces would lead to cars being parked in places not intended for car parking, spoiling the street scene and causing possible hazards to pedestrians, difficult access for emergency vehicles and refuse collection lorries, and the likelihood of parking in neighbouring streets which would cause problems for neighbouring residents and highway safety issues.

There is no additional allocation for visitor parking.

There needs to be better understanding of the reliance on cars for residents of Ongar due to the poor public transport provision and lack of local employment.

Flooding

There will be an increased risk of flooding. Ongar regularly has flooding issues on most roads used to enter or exit the town. Greensted Road is often impassable for those in a standard vehicle. Neighbouring properties experienced flooding of their gardens and this will be exacerbated. The removal of vegetation and the concreting of this site will surely lead to increased flooding unless mitigation measures are included, and a full assessment carried out. There is nothing to show that the developer has addressed the provision for overflow of the water drainage into the pond nor its protection to prevent children falling into it.

Increased Traffic

There are serious concerns regarding the increased traffic using Greensted Road, which is very narrow and has poor visual sightlines in places, due to trees and hedges. The development is close to the school, and associated pedestrians and parked cars. The road is regularly used by cyclists and horse riders. Lorries and vans, too large for the road width, often use the road as a cut through causing numerous problems for other road users. The increase of up to 200 additional vehicles from the development using a road and junction where there are already safety concerns has not been addressed.

Conclusion

OTC wish to oppose this development in its current form for the above reasons. Additionally, there was very little time given to residents and local bodies or organisations to examine the very many documents accompanying this application. There was no public consultation or consultation with Ongar Town Council which would have prevented some of the key points regarding the fact this development does not support the character of Ongar and the rural location.

As with similar resident comments above, these matters are addressed below.

Main Issues and Considerations:

Submission Version Local Plan (LPSV)

In considering the merits of the application, Members should have in mind the significance of the site in the Submission Version Local Plan in broad terms, and in respect of future development in Ongar in particular.

Members will be aware of the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority

of most local plan policies. This leaves the Council vulnerable to development coming forward in locations where it should otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Council has worked with neighbouring authorities to establish how these needs can be met while recognising differing environmental, policy and infrastructure constraints to arrive at a local requirement of around 11,400 homes. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies around 590 of the required homes are identified as being delivered in Ongar.

The site allocation process seeks to meet these targets across the District. These allocations take account of the location of each site and its surroundings in terms of built character. If all of the allocated sites delivered the number of dwellings identified, this would meet the allocation. Of itself, this is significant in the context of Ongar as it would relieve any pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted. There will of course be flexibility in this, some sites may not quite deliver the full allocation (as is the case with this application), but minor shortfalls may be balanced by small scale windfalls from redevelopment of previously developed land within or adjacent to the settlement, thereby strengthening controls outside the settlement.

Thus, the early delivery of an allocated site, particularly with a level of development that is close to the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

Ongar Neighbourhood Plan

Consultees raise the issue of the consistency of the development with the Ongar Neighbourhood Plan (ONP). As referred to above, the ONP is at a relatively early stage of its process and in accordance with paragraph 48 of the NPPF should be given limited weight. Any Neighbourhood Plan is required to be consistent with the statutory development plan for the District, in a similar way in which the District Councils Local Plan document is required to be consistent with national planning policy. The Council's representations under the Regulation 16 consultation raise some issue around the reliance in the ONP on the existing adopted Local Plan and Alterations and the resultant need to give greater priority to the LPSV.

Notwithstanding, officers have assessed the relevant policies in the ONP and consider development would be consistent with the broad principles of the plan as they are currently set out, including policies on pedestrian access and movement, sustainable development, enhancements to the natural environment and landscape, infrastructure provision and broadband provision. Other matters are for more subjective judgement as part of the application process, but the more advance LPSV should be given primacy in those considerations.

Green Belt

As members consider the application at this meeting, the existing adopted Local Plan and Alterations remains the statutory development plan until such time as the LPSV formally replaces it. It is necessary therefore to address the broader context of the existing site allocation within the Green Belt.

In this context, the key issues are relatively clear – a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt and would have an

adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 148 and 149 of the NPPF 2021 which state that such development should only be approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The Green Belt Review as part of the Local Plan process recognised the need to review Green Belt boundaries in order to meet other plan objectives for housing delivery. The removal of sites and allocation for development recognises opportunities to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlements. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, there are no changes to the allocation of the application site before the Inspector in the main modifications submissions, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site's removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is critical to the Council's obligation under the NPPF in maintaining provision of a five year housing land supply.

Drainage

Local flooding issues have been raised in consultations responses and there are identified issues particularly on lower ground to the east around Cripsey Brook, but concerns around surface water run-off as a result of alterations to the character and form of the land are recognised. The site lies within Flood Zone 1 (outside extreme flood extent) features an existing ditch which runs east across the wider southern part of the site and along the eastern boundary which drains surface water from Greensted Croft and agricultural land to the west, A drainage channel also extends along, but outside the northern site boundary and is culverted immediately east of the site.

A detailed Flood Risk assessment and Drainage Strategy accompanies the application. This records that around 65% of the site area is retained as permeable soft areas, and that opportunities exist to use permeable materials on some of the hard surface areas (parking spaces in particular). The report notes that there are established routes where surface water crosses the site which is at low risk of flooding, other than in the extreme south-eastern corner.

In order to address concerns a number of measures are incorporated into the application proposals. These include finished floor levels to buildings designed to prevent water penetration; retention and enhancement of the existing ditch to include a culvert where the access road crosses this ditch, and incorporating natural flood management measures to provide depressions to slow the flow of surface water through the channel; attenuation storage through the formation of

a no-build swale at the lowest point on the site to provide water storage capacity at peak times, with appropriate flow control measures.

These measures have been developed in extensive consultation with Essex County Council as Lead Local Flood Authority and the Council's Environmental Protection and Drainage Team subject to conditions, which are included within the officer recommendation.

Design, scale and built form

The development has been the subject of a lengthy design process which has included two Quality Review Panels. The site layout is influenced by a number of specific constraints – a gas main crossing the site, highway access requirements, drainage issues above and ecology considerations amongst them. The site also presents a number of opportunities, principally the opportunity to provide a safe pedestrian route across the site to Chipping Ongar Primary School for those living north east of the site and also providing a connection to existing public rights of way which abut the school entrance. These factors, taken cumulatively with on site infrastructure requirements limits the developable area.

Notwithstanding, the application proposes a development which reflects the local character and built form. Properties primarily comprise two storeys, some with rooms in the roof space in the form of both dormers and gabled roof spaces and a limited amount of three storey flatted blocks are included mainly in the centre of the site. A broad mix of detached, semi-detached and terraced housing is proposed across 12 different house styles with a mix of brick, render and cladding finishes, introducing variety in built form across the site. All dwellings are designed to meet National Prescribed Space Standards. Houses have private gardens, the central flatted blocks include balconies in addition to ground level communal areas. Public amenity areas include open spaces at strategic points including play areas, a larger area at the centre of the site and a smaller local provision in the northern section. The cross route for pedestrians is designed to incorporate suitable seating areas for pedestrians using the route.

Officers are persuaded that the proposals represent an appropriate response to the site constraints. The overall scale of the buildings is not inappropriate to the location either in terms of the overall site levels and the general scale and character of the surroundings. The pattern of buildings, including detached, semi-detached and terraced housing and some flats is entirely consistent with the wider settlement, and in the immediate vicinity (including some examples at higher density – Turners Close, Kilnfield for example).

Parking and access

Provision of a new vehicle access from Greensted Road has been recommended by the Highway Authority. The existing entrance in Fairfield Road is constrained and could not provide adequate turning and visibility splays to safely serve this level of development. The siting of the access has been carefully designed to maximise sightlines and will entail some removal of the existing hedgerows for visibility – this is considered further below.

Associated highway works are required which can be secured through conditions and s106 contributions (see below). In highway safety terms, this includes relocating the existing 30mph speed restriction on Greensted Road (which current starts around 25m west of the school entrance) to a point some 60 metres further back, to a point sufficient far from the site access and the pedestrian access from the development site.

In terms of traffic generation, the Highway Authority has reviewed the submitted Traffic Assessment and accepts the analysis therein which concludes the development would not have a significant impact on traffic generation and congestion in this location or on the wider highway

network, such that development is not considered detrimental to highway safety, capacity or efficiency.

The provision of parking includes minimum of one allocated space for each dwelling, with the larger units being allocated two spaces. All properties with allocated spaces will be provided with access to electric vehicle charging points. A total of 8 visitor parking spaces are provided, and a total of 84 cycle parking spaces are indicated, principally for flats and in public spaces.

This provision falls short of what would be recommended by the Essex Parking Standards but that shortfall is relatively modest, around 10% in residents parking, but the Highway Authority is not opposing this aspect of the application. The Highway Authority also see measures such as a residential travel plan, residents travel pack and improvements to local bus stops, including introduction of real time bus information displays, as appropriate means of addressing such a shortfall.

Officers agree with this approach, management of parking expectation is a key way in which to promote more sustainable travel patterns in new development. The scheme proposes a balance between primary vehicle access and development quality. Additional parking within a development which accords the site allocation in terms of unit numbers can only be provided at the expense of other key elements of the development in the wider context.

Neighbour amenities

In terms of direct amenity impacts, built development is located in such a way that immediate neighbours are not significantly impacted. Two dwellings abut the south east corner of the site, fronting Greensted Road, which are surrounded by open land, the balancing swale to the west and open space to the north. Properties to the south in Kilnfield present their flank elevation to the main road, and in Kettlebury Way are screened by existing trees as this road has no access at this end.

Properties in Fairfield fall into two groups – those at the southern end with short gardens abut open space. Those abutting the northern end of the site benefit from long rear gardens which were extended onto former agricultural land abutting the site, subsequently being granted planning permission in 2018. As a result, these gardens are some 60 metres long, sufficient to minimise any potential concerns around overshadowing, overlooking and overbearing appearance. A new hedgerow is to be planted along the entire length of this boundary and the flatted blocks are a minimum of 12 metres from this boundary.

In broader terms, the site is allocated for development and comments about loss of general outlook and visual impact would apply equally to any built development. Concerns at noise from dwellings and play areas would also equally apply to any scheme, the play areas have a limited local impact as would any such area, these are not intended to include lighting.

Noting that some form of development on the site is likely to come forward, officer cannot support that this scheme raises particular issues of harm to neighbouring occupiers.

Trees, landscaping and ecology

The principle tree within the site is the oak tree located on the northern part of the site. Measures are in place for its retention.

The principle change to the site will be in the removal of a section of the existing boundary hedgerow to provide the correct sight lines potentially has a significant effect unless adequate compensatory planting is introduced. The Landscape Strategy accompanying the application establishes a wide range of replacement landscaping particularly on the public entrances to the

site, and in the wider ecological improvements areas. The scheme has developed, such that greater hedgerow retention than was first suggested is now proposed, including along the sections of the road boundary abutting private gardens.

The site also has a significant ecological function in the local context. The application includes a Preliminary Ecological Appraisal and Hedgerow Assessment, and further assessments and site surveys have been undertaken during the life of the application in relation to protected species. These submissions have been reviewed on the Council's behalf by the County Council Ecological Consultant.

The reports identify evidence of activity by Great Crested Newt primarily on the site peripheries. Protection measures are advocated during construction, and enhancement of habitat in any biodiversity enhancement scheme.

Bat surveys identified only one occasion when bats were present, principally using hedgerows for commuting and foraging. Any proposals will need to include enhancement of hedgerows to compensate those sections being removed for access purposes.

Hedgerow assessment includes proposals that will result in a net gain in hedgerow biodiversity of around 14%, particularly through introduction of new hedging towards the northern end of the site. Protection measures are included to prevent residents removing these. Further biodiversity gains are identified through the works at the centre of the site around the drainage channel and in the area of the balancing swale. Proposals for external lighting will also need to be considered in the context of the impact on established wildlife and biodiversity interests.

The Ecological advice is that development can make sufficient positive contribution to mitigate the impact of the development on local ecological interests. A series of conditions are recommended to achieve these objectives including detailed submission of enhancements, construction management plan to protect wildlife interests, and adoption of a landscape and ecology management strategy.

Impact on EFSAC

The site lies around 6.8km from the outer boundary of the core EFSAC area. As a result, it falls to be considered principally in terms of its air quality impact. A habitat Regulations Assessment was submitted to support the application. This identifies that development will result in increased vehicle movements through the protected area. This has been reviewed by the Council's consultants who confirm this increase in vehicular movements through the EFSAC would be as a direct result of the development proposals. However it is expected that the impact can be addressed through the EFDC contribution mechanisms for residential developments, including EV charging and the contributions per unit. In this context the Council has completed its Appropriate Assessment under the Regulations, as under.

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the

EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: Appropriate Assessment

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Appropriate Assessment Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Other mitigation requirements

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site specific matters considered above. The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate

contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

Discussions in relation to such impacts arising from the proposed development have resulted in a comprehensive range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

EDUCATION -Contributions sought by Education Authority to provide for increased demand for school places comprising:

- early years and childcare £197,934
- primary education £449,125
- secondary education £363,963

TOTAL £1,011,022

LIBRARIES – Contribution sought by County Council to improve Chipping Ongar library - £ 7,235

HEALTH – Contribution sought by Care Commissioning Group towards upgrade of Ongar Health Centre and provision of additional services - £45,870

OPEN SPACE & GREEN INFRASTRUCTURE – Range of measures to upgrade local facilities comprising:

- parks and gardens £36,456
- provision for young children £76,167
- natural and semi natural greenspace £36,456
- upgrade of LEAP facility adjacent to Primary School £3,895

TOTAL £152,974

COMMUNITY FACILITIES – provision of improvements to existing community facilities within Ongar, works to be determined as a result of similar pro rata contributions arising from other development sites - £96,162

EPPING FOREST SAC – contribution to delivery of air quality mitigation strategy - £31,825

HIGHWAYS MATTERS

- upgrade of A113 – £157,635
- improvements to bus stops at southern end of High Street to include raised kerbs, real time passenger information to northbound bus stop and new bus stop flag / pole – actual cost to be met.
- relocation speed limit to north including new signage / gateway features – actual cost to be met
- Travel Plan – annual monitoring fee of £1,500 (until one year after final occupation).

AFFORDABLE HOUSING – 39 units comprising Affordable rent: 5 x 3 bed, 8 x 2 bed, 18x 1bed and Intermediate: 3 x 2 bed, 5 x1 bed

MONITORING FEES – District and County Council monitoring fees

Delivery of the matters above will address concerns raised in consultation on local service pressures, and will ensure delivery of local facilities to serve the existing and future community.

Other matters

The Town Council raised a specific concern around the adequacy of consultation, particularly around the 21 day consultation period. Members will be aware that this 21 day period is the statutory minimum required to be given by law during which the Council cannot issue a decision. In practice, any response received during the life of an application is given the same consideration as any received during the initial period.

In terms of the applicants own pre-application consultations, these were compromised somewhat by the pandemic restrictions which prevented a public exhibition being held. The applicants report that a leaflet drop to 600 homes within a 400m radius of the site took place in October 2020 (ie immediately prior to submission) and produced 18 responses raising issues consistent with those submitted on the application consultation. The scheme was also subject to two Quality Review Panels, and the applicants advise discussions were held at an early stage with the ONP Community Group. Officers consider therefore that consultation has been sufficient for the application, and all substantive issues have been considered.

Initial assessment of historic records indicate the potential for multi-period archaeological deposits to be present on the site. As a result, an initial excavation of trial trenches followed by targeted open area excavation is called for, evidently at the early stages of site clearance. These requirements can be adequately addressed through condition.

An initial study for potential contaminants have not found any initial evidence other than superficial deposits at the southern end of the site. Records do not indicate any commercial uses on the site other than a former brickworks to the south east. The assessment has not considered any possible agricultural and livestock uses which may also present contamination potential, and a condition is recommended to allow for further assessment of this risk.

Thames Water have made a number of detailed comments which may impact the design of drainage, these matters can be dealt with by condition and informative. It should be noted that Thames Water have not objected to the development in terms of overall capacity within the wider drainage network.

Cadent Gas Ltd are responsible for the intermediate pressure gas pipeline crossing the site. Works in the easement zone for access to the pipeline are not permitted to include any structures. Initial concerns in this regard around Unit 8 and cycles stands in the public area have been dealt with through revisions and the scheme fully accounts for the location of the known pipeline.

Sport England were consulted on the application but noted the development was outside their remit as it does not involve any sport facility. Improvements to existing sports facilities in Ongar are considered in the contributions set out above.

The Crime Prevention Design Officer at Essex Police has advised that there are no major concerns from a designing out crime perspective and would be prepared to offer further advice on matters of details as the design progresses.

Conclusion:

The application brings forward an allocated site in the draft Local Plan with a level of development which meets a number of objectives in terms of housing delivery in the Ongar settlement and the wider District. Although the Plan has not been finally adopted, modifications currently before the Inspector do not propose any amendments to the site allocation, either in terms of housing numbers or site boundaries, so should be given significant weight. The delivery of this site at an early stage in the life of the plan will significantly reduce pressure for development on other, less suitable sites around the settlement.

Any development on a large site has the potential to create benefits and enhancements which need to be balanced against the compromises. Benefits arise from provision of a policy compliant level of affordable housing, the mix for which has been agreed with by Housing Officers, improvements to surface water drainage including flow control measures to manage discharge from the site, biodiversity, ecological and hedgerow improvements, and an agreed mitigation package to ameliorate impact on wider community infrastructure. Compromises arise from more subjective judgements on built form and parking. The shortfall in parking in comparison to the Essex Design Guide standards is only around 10% and is not opposed by the Highway Authority. The scale and density of the built form is not inconsistent with a site of the edge of an established town which features two to three storey buildings within the existing townscape. While the site lies at the higher end of the settlement, the scale of buildings are considered appropriate.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day preceding the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk