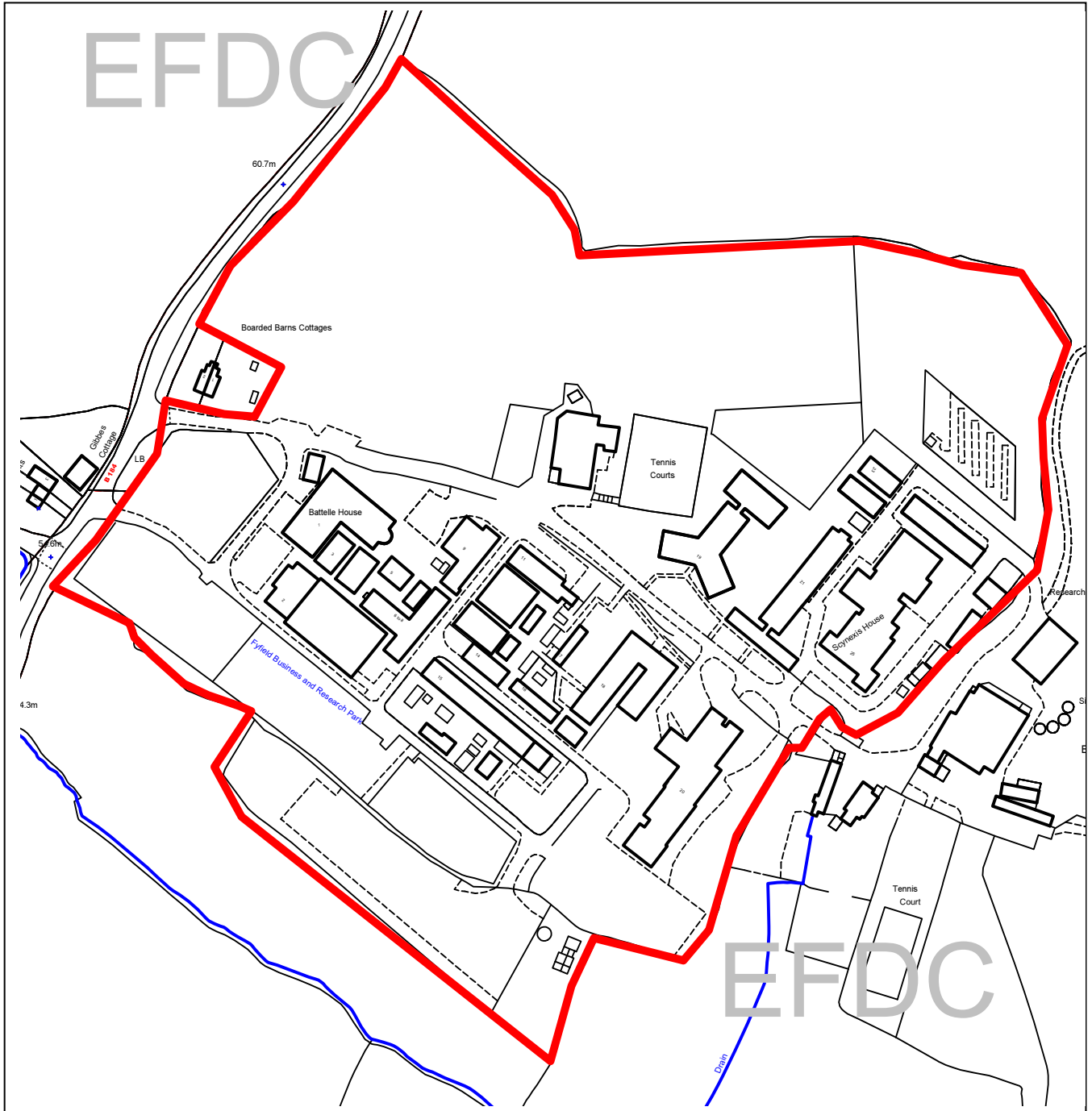




Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/3006/14
Site Name:	Fyfield Business and Research Park Fyfield Road Chipping Ongar CM5 0GN
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/3006/14
SITE ADDRESS:	Fyfield Business and Research Park Fyfield Road Chipping Ongar Essex CM5 0GN
PARISH:	Ongar
WARD:	
APPLICANT:	Fyfield Joint Venture (FJV)
DESCRIPTION OF PROPOSAL:	Outline planning permission for mixed use redevelopment comprising the retention of part of existing business park and community facilities, provision of new car parking to serve retained uses, extension to existing cafe to provide 140m2 new retail space, and provision of recreational facilities including relocated MUGA play area and junior football pitch, and the removal of other existing buildings on site and the erection of 105 no. residential dwellings together with associated car parking, public open space, landscaping as well as construction of a new site access, including a roundabout off Fyfield Road.
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=572613

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
4644 PL100 Site Location Plan
4644 PL101 Existing Site Plan
4644 PL110 P2 Site Layout
4644 PL111 P2 Residential Layout 1 of 2
4644 PL112 P1 Residential Layout 2 of 2
4644 PL120 P2 Refuse Strategy
PR119352-10H Landscape Masterplan

- 2
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) appearance;
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The maximum number of dwellings permitted by this consent is 105 units of the mix specified on drawings 4644 PL110 P2, 4644 PL111 P2, 4644 PL111 P2 and 4644 PL112 P1. These dwellings permitted shall not exceed 9m in height.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, C or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The garages, car ports and parking spaces hereby approved shall be retained in perpetuity and kept free from obstruction at all times so that they are permanently available for the parking of vehicles.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No development shall take place, including any ground works or 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 the following all clear of the highway:
- safe access into the site
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
- 13 Prior to first occupation of the development, the provision of the access arrangements, as shown in principle on drawing PL110 Rev P2, shall be implemented, to include but not restricted to:
- The provision of the roundabout access
 - Bus stops either side of the B184 to ECC specification, to include shelters if possible.
 - Provision of a footway link from the site to tie into the existing to the south. All details to be agreed with the Highway Authority.

- 14 The existing southern access shall be permanently closed and replaced with full upstand kerbs and full depth verge, the existing northern access shall be closed to vehicular traffic with the exception of emergency vehicles, by way of bollards or other means as agreed with the Highway Authority, immediately the proposed new access is brought into use. All details to be agreed with the Highway Authority.
- 15 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation 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.
- 16 There shall be no discharge of surface water onto the Highway.
- 17 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 18 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation.
- 19 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 unless the Local Planning Authority gives its written consent to any variation.
- 20 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed proposal for the creation of the wildlife/conservation area (including the pond) in the north-eastern area of the site. This will include mapping and species lists.
 - ii) A five-year management plan detailing the development and monitoring proposals of the north-eastern wildlife/conservation area over five years including scheduling and responsibilities.
- And the development shall be carried out in accordance with the approved details.

- 21 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description including mapping of the creation, position, species planting lists and future maintenance of the attenuation ponds.
And the development shall be carried out in accordance with the approved details.
- 22 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A detailed description of the type of lighting, positioning and recommended minimal timings of use of lighting, if any is to be used for the football pitch in the northwest area, in order to be sensitive to badgers.
And the development shall be carried out in accordance with the approved details.
- 23 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A proposal to address the issue of the ventilation unit on the roof of Unit 25 to avoid bats being killed recklessly.
 - ii) A copy of the application made to Natural England for a European Protected Species licence. Such application will cover the bat mitigation scheme, timing issues, material usage in the new build and details of soft-felling of trees.
 - iii) A copy of the European Protected Species licence from Natural England allowing buildings to be demolished that are being used by bats.
 - iv) Details of an artificial lighting plan to be used during and post development to include type and timings and following Natural England's guidelines.
And the development shall be carried out in accordance with the approved details.
- 24 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) Detailed schedule of the method, timing and location of any tree felling in order to avoid the bird breeding season and details of procedure should any nests be found and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 25 Prior to the commencement of demolition/construction, the following should be submitted to, and approved in writing by, the Local Planning Authority:
- i) A methodology including timings of the vegetation clearance and soil scraping of the northwest area of the site in order to be sensitive to reptiles and details of the responsible contractor.
And the development shall be carried out in accordance with the approved details.
- 26 The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (Royal HaskoningDHV, Ref: 9Y1364/R0006/310055/Egha, dated 19 December 2014) has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 27 The development be carried out in accordance with the flood risk assessment (Fyfield Business Park, Fyfield Road, Chipping Ongar Flood Risk Assessment and Surface Water Management Plan, Ref 9Y1364, 19 December 2014) and drainage strategy, including drawing no. 9Y1364/FRA/01 Revision D2 and subsequent calculations provided by Royal Haskoning DHV on 05.02.2015 submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.

- 28 Prior to the commencement of works the developer shall supply the Local Planning Authority with details of surface water drainage. This should include the method of flow control with associated discharge rate, all permeable paving subbase depths, definitive volumes of the attenuation features and pipe sizes throughout the development. These details should then be approved in writing before works start and the development should be carried out in accordance with the approved details.
- 29 No development approved by this planning permission shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the letter dated 6th February.
- 30 All main highways and turning areas within the application site required for refuse collection shall be constructed to a standard sufficient to accommodate the weight of a fully loaded 32 tonne refuse vehicle.
- 31 Prior to the commencement of works the developer shall submit details for the proposed playing pitch layout on the proposed playing field. This shall be approved in writing and the development shall be carried out and maintained thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 32 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:
(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
(b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 33 The playing field and pitches shall be constructed and laid out in accordance with the submitted details and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first occupation of the development hereby permitted.
- 34 The artificial grass pitch hereby permitted shall not be constructed other than in accordance with the design and layout details set out in the planning application EPF/3006/14 unless otherwise agreed in writing by the Local Planning Authority.
- 35 No development shall commence until details of the design and layout of the artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details and shall be maintained thereafter in accordance with the agreed details.

- 36 Prior to commencement of works details shall be submitted to and approved in writing by the Local Planning Authority for the detailed design of the sports pavilion. The facilities shall be designed in accordance with Sport England's Pavilions and Clubhouses guidance note and the FA's Changing Accommodation guidance.
- 37 Prior to the commencement of works the developer shall submit to the Local Planning Authority and have approved in writing details of the car parking provision dedicated for supporting the use of the sports facilities. The details should include the layout of the car park, confirmation of the spaces dedicated to sports use and details of how the car parking will be managed. The development shall then be carried out and maintained thereafter in accordance with the approved details.
- 38 No development shall commence until details for the phasing of the development, including the provision of the playing pitch, artificial grass pitch and sports pavilion, have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the development hereby permitted ensures a continuity of sporting provision on site and provision of sporting facilities prior to residential occupation. The development hereby permitted shall not be carried out other than in accordance with the approved details and shall be maintained in accordance with these details thereafter.
- 39 Prior to the commencement of works the developer shall provide details regarding the provision and retention of fire hydrants on the application site, the location of the fire hydrants and confirm the associated water capacity. These details shall be approved in writing by the Local Planning Authority and the development shall be carried out and maintained thereafter in accordance with the approved details.
- 40 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. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 41 No development shall take place until details of levels 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.
- 42 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 43 Notwithstanding the detail on the approved plans, Prior to the commencement of works the developer shall provide details of provision for 44 affordable units (42% of the development) on the application site of a mix and tenure and location to be

agreed in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the agreed details.

Subject to the applicant entering into a Section 106 Legal Agreement within 6 months for the developer contributing in respect of the following:

- 1. Financial education contribution of £116,726.00 towards early years and childcare provision, £245,700.00 towards Primary School Transport and £79,852.00 towards Secondary School Transport.**
- 2. Provision of on site affordable housing comprising 44 homes and 42% of the development with a mix reflective of on site provision with the exception of 4 bedroom units and a tenure of 70% affordable rent and 30% shared ownership.**
- 3. Provision of highway alterations comprising the stopping up of existing accesses and provision of the proposed roundabout. Provision of new bus stops on both sides of the B184 and a footpath link to Ongar.**
- 4. Provision of sporting provision as per recommendations from Sport England.**
- 5. Appointment of a residents based maintenance company for the maintenance of open spaces within the development.**

This application is before this Committee since

- i) it is an application contrary to other approved policies of the Council, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(b))*
- ii) it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))*
- iii) it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*
- iv) the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

Description of Site:

The application site covers an area of 9.35 hectares, of which 5.65 hectares is developed, located entirely within the Metropolitan Green Belt, to the north east of Ongar. The site is occupied by Fyfield Business Park. It is surrounded by and includes many mature and established trees, which are notable in their contribution towards the character of the site. There are no Tree Preservation Orders on the site.

Land to the immediate north and south of the site is used for agriculture and there are residential properties to the west and east (on the opposite side of the B184).

The business use of the site evolved from its original use for agricultural research and development. As a result not all buildings of the site are purpose built, or indeed suitable for occupation by businesses. However, a number of employment uses are now well established on the site.

Description of Proposal:

The proposed development seeks outline permission for a mixed use redevelopment of the site comprising retention of the existing business park on the northern side of the site, community facilities, provision of new car parking to serve these uses, extension to the existing café to provide new retail space and provision of a junior football pitch and MUGA (multi use games area) play area. Other buildings on the southern side of the site are to be removed to permit the erection of 105 residential dwellings, associated parking, open space and landscaping. The proposals include the formation of a new site access and roundabout.

As an outline application the applicant seeks permission for access, landscaping, layout and scale. Matters regarding appearance would be determined at Reserved Matters stage.

Relevant History:

The site has an extensive planning history, most relevant being;

EF\2014\ENQ\01266 – Paid pre-application advice regarding the proposed scheme.

EPF/0916/14 – EPF/0920/14 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Prior Approval Required and Granted.

EPF/1976/13 – EPF1981/13 (x6 applications) Prior Notification for Change of Use from Offices (B1a) to Dwelling (C3) – Withdrawn

EPF/0207/11. Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing buildings except 2 no. office buildings, a Grade II stable block and a crèche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m². Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces. - ALLOWED on appeal after it was refused for the following 2 reasons:

- 1) *The proposed development is inappropriate development, by definition harmful to the Green Belt. Whilst it is accepted that some redevelopment may be justified due to the history and circumstances of the site, the case put forward by the applicant is not sufficient to outweigh the very real harm to openness that would result from the significant intensification of development proposed within the site. The proposal is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to Government Guidance.*
- 2) *The applicant has failed to show that the amount of floorspace envisaged could be achieved without the construction of two storey buildings in a position that would be visually prominent and intrusive when viewed from Fyfield Road. The development would therefore be harmful to the rural character, openness and visual amenity of the area contrary to policies GB7A and LL2 of the Adopted Local Plan and Alterations.*

EPF/2200/06. Outline application for mixed use development comprising 90 no. new dwellings, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused for the following reasons (and appeal dismissed):

- 1) *The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2 A of the adopted Local Plan and Policy C2 of the adopted Replacement Structure Plan for Essex and Southend on Sea. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use, or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries or similar uses which are open in character. The application for 90 proposed new dwellings fails to comply with Policy GB2A, resulting in considerable harm to the Green Belt. No very special circumstances have been put forward by the applicant which are considered to outweigh the harm to the Green Belt.*
- 2) *The site is an isolated site to the north of Ongar in an rural area. The scheme will see the loss of employment land, promote commuting, and will not enhance the rural environment. It is poorly served by public transport and most access will be by private motor vehicle notwithstanding the proposed bus service. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policy CS1 and CS4 of the adopted Replacement Structure Plan for Essex and Southend on Sea, and CP1, 2, 3, & 9 of the Adopted Local Plan*
- 3) *There will be an unacceptable loss of employment land on the site contrary to policy BIW4 of the adopted Replacement Structure Plan for Essex and Southend on Sea and E4A of the adopted Local Plan.*
- 4) *The application contains insufficient information on highway efficiency/capacity, safety and accessibility to enable the Highway Authority to assess whether or not it complies with Structure Plan Policies CS5, T1, T3, T6 & T8*

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development

DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
HC12 – Development affecting the setting of Listed Buildings
ST1 - Location of Development
ST2 - Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Summary of Representations

67 neighbouring consultations have been sent out and three site notices were erected on 25th February 2015. Officers have visited the site on a number of occasions during paid pre-application discussions and again on 25th February to erect site notices. A press advert was also provided for this application.

The following properties have submitted objections:

BOARDED BARNs FARM, TEES LAW (ON BEHALF OF BOARDED BARNs), FOLYATS, LITTLE FOLYATS, SHELLEY LODGE, GIBBS COTTAGE, WALSHAWs, ALISHA TOOT HILL, UPPER HERONS AND CULPEPER HOUSE IN QUEEN STREET.

The objections raised are:

Urbanisation of the Green Belt, urban sprawl, cramped development, overdevelopment of the site, proposals have small gardens and fail to increase any employment benefits on the site. The site has a dangerous absence of a safe pedestrian route to Ongar, and provision of a safe route would be a problem with ownership issues, repositioning of drainage ditches and lighting harming the Green Belt. The grid layout of the development is unsuitable in a rural area, the site is contaminated, the proposed roundabout is dangerous, the proposals would result in an increase in traffic movements locally, the road in this area floods during periods of high rainfall and in winter this is prone to freezing. The area has inadequate sewage capacity and there are concerns if the pumping station fails. There are also generic surface water concerns. Light, air and noise pollution arising from 105 homes. Inadequate infrastructure locally in terms of schools, doctors and transport. Proposed street lighting out of character in rural area (existing columns are less than 10ft), provision of housing can not ever meet demand so the cycle of provision should not be

pursued. Vehicle access issues in relation to Boarded Barns Farm, no security fencing around the residential estate and insufficient parking. A similar development in 2007 was refused and the appeal dismissed. The area does not have adequate service infrastructure and the provision of such infrastructure in a rural area is unacceptable.

The principle of redevelopment of the site is noted and the existing permissions and prior approvals from 2012 and 2014. However it is requested the setting of the listed building, Boarded Barns Farm, is carefully considered. The scale and spread of development is greater than should be permitted under paragraph 89 of the NPPF (notwithstanding the footprint), existing open areas will become enclosed gardens and the buildings extend closer to the site boundaries having a greater impact on the Green Belt. 40% of affordable housing provision on a site so isolated is inappropriate. Trees retained would be under future pressure for trimming or removal due to location in garden areas. A reduced scheme should be submitted.

A resident from Heron's Lane has raised concern that residents of this street were not consulted for this application. There is also concern that residents in Clatterford End and Fyfield were not notified. By this neighbour's own admission, the site is separated from these neighbours by approximately a mile. At this distance whilst construction or highway works may impact on vehicle movements of these residents in the short term, and these properties may be able to see the proposed development, the separation distance negates any possible significant impacts to these properties by way of overlooking, overshadowing or loss of privacy. For this reason Officers are satisfied it is not necessary to notify properties this widely of the application. Members are reminded that in addition to neighbouring letters issued, three site notices were erected around the site and advertisements were made in the local paper.

ONGAR TOWN COUNCIL: Ongar Town Council do not oppose residential development at this brownfield site and do not adopt all of the reasons for refusal suggested by some objectors, especially those concerning social rather than planning considerations. The Council do however strongly object to the application in its current form. It is anticipated that many of the issues raised concerning environmental and infrastructure issues may be resolved or be capable of resolution by way of conditions applied to any approval. The Council does not feel that the current layout and style of building are necessarily appropriate and would like to see some flexibility in any permission granted so as to retain the maximum freedom of decision making at the detailed planning stage.

The Town Council has great concern about road safety and transport issues and does not feel that the present application effectively addresses these. It is noted that the reasons cited in the developers marketing report show these as cogent reasons for the failure to attract commercial tenants. The same issues are exacerbated for residential occupation and while it is accepted that the pressure for housing means the present proposal could be financially successful, it should not go ahead without soundly developed and effectively applied measures to assure the safety of future residents who will include children and possibly disabled or vulnerable persons in numbers far greater than is the case for industrial or commercial use.

Until the access and transport issues are fully addressed the Town Council has no option but to strongly oppose this application.

Issues and Considerations:

Principle of development in the Green Belt

Development within the Green Belt is defined as inappropriate in principle as it inevitably impacts on openness and the purposes of including land in the Green Belt. The proposals are therefore inappropriate unless falling under one of a number of identified exceptions from the NPPF and local policy. Paragraph 89 of the NPPF permits the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land

within it than the existing development.

In this instance it needs to be considered that the proposed development extends closer to the south and west boundaries than the existing built form therefore it can be argued this has a greater impact on openness than the existing development, contrary to paragraph 89 of the NPPF. However, Members should consider that the proposals already permitted at appeal in 2012 extend to a similar location on the western boundary.

The applicant has submitted details as follows in respect to the scale of the buildings onsite:

	Footprint (sqm)	Gross External Area (sqm)*	Volume (cubic m)
Existing site	12,105	16,148	59,867
EPF/0207/11 approved at Appeal in 2012	10,575	18,950	71,762
Proposed scheme (new buildings plus those to be retained)	9,648	17,842	58,879

** Gross External Area is the area of a building measured externally at each floor level and is a measurement used by the RICS.*

From this information it is clear that the proposed new development results in less structures onsite than currently exists and less than was previously approved.

For Members ease of reference in 2006 the appeal inspector deemed that the proposal being considered at that time would result in around a 40% increase in volume of buildings. Full figures are not available for comparison as this was an outline application accompanied by less information. The 2006 proposals also sought a larger development area to accommodate the larger volume of buildings. The Planning Inspector that dismissed this appeal placed significant weight on this increase, the associated impacts to local views into and around the site and the unsustainable nature of the site. This decision was however reached prior to the adoption of the NPPF, the presumption in favour of development and the increased pressure to make provision for a 5 year supply of housing. At the time this application was also considered to result in an increase in vehicle journeys on the existing use of the site. Since this application was dismissed at appeal a greater number of traffic movements have been permitted to retain a solely employment function at the site, the need to retain employment sites is less fundamental in the NPPF and the proposals currently being considered, whilst being for a greater number of properties, result in a smaller overall volume increase than that considered in 2006. This arises from a combination of smaller buildings proposed and more demolition being involved.

Reviewing the history associated with the site and the requirements of paragraph 89 of the NPPF, it must be considered that as the development proposed extends further towards the southern boundary of the site than existing buildings and the previous consented scheme, then the proposals have a greater impact on openness and therefore should be considered contrary to paragraph 89 and policy GB2A. Consistent with the Inspector's decision in 2012, Officers conclude that as the proposed development would extend into greater areas of the site, the development would have a greater impact on openness than the existing business park or the previous approval and as a result the proposed development would constitute inappropriate development in the Green Belt. We therefore need to assess whether other factors amount to very special circumstances sufficient to outweigh this harm.

Green Belt other considerations and sustainability

When assessing impact to the Green Belt and the principle harm as established, other merits of the scheme must also be considered. Weighed against the harm to openness arising from the sprawl in the footprint of the buildings is the benefit from the clear reduction in the overall scale, volume and bulk of buildings as demonstrated by the figures above. In addition, the proposals would make effective use of a currently underutilised site which is previously developed land. This adds significant weight in favour of the scheme, this view concurs with the previous Inspector's decision in 2012.

The Council as a whole is currently seeking provision of new homes to contribute to a 5 year supply of land that is currently not met. The Council has agreed that the best way to secure such land provision is through the use of brownfield sites first. The redevelopment of this site would contribute to this wider Council objective and contribute to the Council's 5-year land supply.

The proposals must also be considered in the context of the golden thread of Sustainability underpinning the NPPF. This means that sites should be brought forward for development where they are sustainable (the presumption in favour of sustainable development paragraph 14 of the NPPF). A site is considered Sustainable if the development and site meet social, economic and environmental objectives, namely a neutral or positive balance. In this instance, the provision of housing where a 5 year land supply is absent and a development that makes provision for both market and affordable housing also meets the Council's social objectives. In respect of economic considerations, the retention of existing businesses on site, provision of structures to allow relocation of businesses where required and the ability to introduce alternate development (residential) where business units are under used, contributes to the local economy in terms of productivity and spending power locally, thus meeting economic objectives.

Considering environmental impacts, the site location is such that the separation distance from the main settlements is not desirable. The access road has no pedestrian link and as outlined above there is a sprawl across the site with the proposed buildings when compared with the existing layout. However, balanced against the harm in terms of spread is the gain in terms of the reduction in structures, the opportunity to make housing provision on brownfield land as opposed to needing to potentially release open land elsewhere in the District and the proposals to incorporate a pedestrian link along the B184 (Fyfield Road) and introduction of a bus stop, make every possible effort to improve the sustainability credentials of the site. Whilst it is appreciated the distance to Fyfield and Ongar main centres cannot be changed, the accessibility of goods and services in the Ongar centre are improved as much as possible. Considering all the above matters, Officers consider the proposals to accord with the requirement to be sustainable development and as such, the presumption in favour of development should be applied, due to the wider benefits to openness in the Green Belt and the effective use of the site making a significant provision towards housing targets and in the context of the still extant previous approval, Officers consider the wider benefits of the proposals to outweigh the in principle harm identified.

This conclusion differs from that of the Planning Inspector considering the scheme for 90 homes in 2006 and thus requires clear explanation. The Inspector in 2006 determined that the distance of the site from Ongar, even with a pedestrian footpath, was sufficient to result in dependence on private vehicles. The result being the proposals would result in an unsustainable increase in vehicular journeys. Furthermore the separation of the site from schools, shopping areas or leisure facilities was considered sufficient to result in more car journeys, thus on balance the Inspector considered the site not sustainable. Officers consider this balance to have shifted now in favour of the merits of the site. Clearly the site location and proximity to Ongar is unchanged, however the existing use onsite now has a differing baseline of vehicle movements against which the proposals should be measured. In addition weight should be given to the currently extant permission for the commercial redevelopment of the site that would increase this threshold of vehicle movements to a greater degree than the residential use now proposed. The current scheme includes a small retail unit and the site contains an established crèche.

Finally, the sports pavilion building is noted to extend into the Green Belt to the north of the site, with the proposed shop building infilling between existing buildings. Infilling development accords with policy objectives and small scale structures for open sport and recreation are appropriate within the Green Belt.

Visual Impact

The applicants have submitted information accompanying their application regarding visual impact. The proposals have been assessed by the Council's Landscaping Officer and no concerns have been raised. The proposed development would inevitably be visible from a distance, however the existing development on site is visible to the same if not a greater degree. Therefore, Officers consider there is no greater harm to local landscapes from the proposed development than currently arises.

Officers also considered concerns raised regarding lighting impacts on the Green Belt from the estate proposed and from the roundabout and associated street lights. However, were the business park fully operational and the permission as extant implemented, then impacts in respect of lighting and the Green Belt would be as great if not greater than the impacts that would arise from smaller residential properties. In addition the benefits from lighting at junctions (and roundabouts) for safety purposes outweighs any concerns in respect of the Green Belt due to being required for infrastructure. Columns had been requested at a lesser height by neighbours, however this is not possible as the columns need to meet British Standards required. Notwithstanding this, a condition could be required regarding lighting within the estate in relation to the layout.

Housing need and affordable housing

Issues relating to housing need and the 5-year supply of housing are considered above. In respect of affordable housing, the Council seeks a provision of 40% of new residential development for affordable housing under policy H7A. This amounts to 42 units. The mix of affordable units should reflect the mix of units provided on site.

In this instance the proposed development includes the provision of 4 bedroom dwellings. Demand on the housing list for 4 bedroom homes is low, and accordingly the Council's housing team have instead asked for a greater number of smaller units in lieu of the 4 bedroom units. As such the proposals would require 42% affordable housing provision amounting to 44 units. As larger homes are clearly more profitable than smaller units, this should not impact on the viability of the scheme.

The Housing team have asked that the affordable units be 70% social rented and 30% shared ownership in accordance with Council policy. They have asked that the council's standard housing terms be applied to the S106 agreement to secure this provision.

Design

The proposals allow determination of layout, scale and landscaping but matters relating to appearance are reserved.

The proposals are designed to split the site along the existing central access, retaining and providing commercial elements to the north of the site, with residential dwellings on the southern side. This divide would ensure suitable amenity provision for future occupiers and separate traffic flows to the differing uses on site in a manner that is generally desirable.

There has been some criticism of the layout suggesting that it is grid like and unsuitable in a rural area. The proposals are of a scale where it is appropriate that an approach akin to that of the Essex Design Guide is adopted and the layout proposed has been demonstrated to retain existing views through the site, namely by retaining existing open corridors. The main access route through the centre of the site and indeed the proposed tree lined avenue into the residential area are both

identified as key strategic views for retention. The grid- like form referred to then derives itself from these spinal routes that intersect the site. The Essex Design Guide encourages a layout akin to that which is proposed as making a good use of space, being easy to navigate and providing parking areas to the rear of properties to permit overlooking and easy access but preventing the streets being dominated by parking. The layout proposed is considered acceptable, to follow design guide principles, provide garden and parking areas for all units and achieve a good landscaping provision. The proposals do result in a compact, dense development, but on an isolated site without immediate visual comparison aside from scattered isolated properties, this character is not unreasonable. As proposed the layout and form provides a robust independent character that is clearly discernible from neighbouring rural plots that are more generous in scale and the opposite commercial area.

At this stage appearance details are limited but the applicant has indicated an intention to provide typical height two storey dwellings. The Design and Access Statement supplied suggests the development height on site would range from 8-9m to allow for architectural variation and interest. Similarly, outlook from units can only be assessed once full plans are provided at Reserved Matters stage, however based on the layout proposed, there is no reason adequate outlook could not be achieved.

Heritage

The site itself contains one listed building; a grade II listed late 18th century/early 19th century stable block, which was converted to a laboratory in the 1940s when the site was developed into an agricultural research centre. The immediate setting of this building will remain unchanged and, as at present, its wider setting will be as part of a larger group of buildings. The proposal will, therefore, not have any further detrimental impact on the already eroded setting of this building.

Around the edges of the proposal site are six other listed buildings, or clusters of listed buildings. These include Gibbs Cottage (grade II, 18th century cottage) and 1-3 Church Lane Cottages (grade II 16th century with 18th century alterations) to the west, and the complex of buildings forming Boarded Barns Farm to the east. It is noted the proposed built form of the development will encroach further towards the listed cottages to the west, but they still remain visually distinct from the site given their location on the opposite side of Fyfield Road and the 'buffer' of green space between the road and the proposed housing development. The proposed houses are also of a scale comparable with the cottages and will not dominate their setting. For these reasons, the settings of the cottages will not be compromised.

As described in the Heritage Assessment, other than the stable block which was incorporated into the Business Park, the complex of agricultural buildings forming Boarded Barns Farm were sold into separate ownership in the 1950s. The buildings are listed at grade II and include the 17th century farmhouse, a late 18th century stable block to the north of the farmhouse, outbuildings dating from the 18th and 19th centuries to the north east of the farmhouse (including stables, a barn and a stallion shed), and a 16th century granary and early 19th century kennels to the west of the farmhouse. Given the established difference in ownership and uses of the Business Park and Boarded Barns Farm, a distinction between the two sites already exists. This will be maintained through the retention of the existing buildings in closest proximity to the listed farm buildings. In addition, the proposed removal of the building immediately to the west of the granary and kennels buildings will improve their setting, particularly as the proposed houses will then be positioned further away from the listed buildings.

Although the proposed development will increase the number of buildings on the site, the character of the development, due to the smaller and more sympathetically designed buildings, improved landscaping, and the introduction of visual breaks in the bulk of the building forms on site, will not cause harm to the settings of the listed buildings. The local authority will also have control over the palette of materials of new buildings, which will likely enhance the current setting which comprises functional larger buildings.

Archaeology

Historic Records demonstrate the proposed development is within the historic farmstead of Boarded Barns, other finds including a Roman farmstead are known in the vicinity and there is a possibility of palaeoenvironmental deposits from the stream to the south of the site. For these reasons there is a potential for there to be archaeological deposits on the site and Essex County Council have requested a condition to secure adequate investigations before and during construction.

Neighbouring Amenity

The application site has a number of immediate neighbours, namely 1 and 2 Boarded Barn Cottages adjacent the existing site entrance, Boarded Barn Farm to the rear of the application site, and opposite the site access, Gibbs Cottage and Church Lane Cottages.

Other neighbouring properties are located further along Fyfield Road but these are more isolated from the site and whilst may be able to view the development proposed, would not be directly impacted upon in respect of immediate outlook, access matters, overshadowing or privacy.

Gibbs Cottage and Church Lane Cottages are located opposite the proposed development, near to the existing site entrance. Whilst the proposed dwellings would encroach closer than the existing built form, to a position similar to that approved at appeal in 2012, these neighbouring properties opposite would still retain good outlook and suffer no adverse impacts by way of overshadowing or loss of privacy.

Boarded Barns Cottages at the site entrance would conversely benefit to a limited degree from the proposed development. Adverse impacts arising would not differ from other properties considered above. There would clearly be some construction inconvenience associated with any development, but the proposals would relocate the main entrance to the site, installing an emergency only barrier across the existing access. This means all traffic movements associated with the retained commercial enterprises and the residential development would be better separated from Boarded Barns Cottages, meaning less noise and disturbance to these occupiers. Whilst the existing access is acceptable in policy terms, there would be clear benefit to this relocated access. For Members reference, the closest distance between the existing front corner of 1 Boarded Barn Cottages and the closest proposed new dwelling is 26m (measured building to building).

Boarded Barns Farm to the rear of the site is likely to be the property most impacted during construction as the sole access to the property is through the application site. However, as the northern side of the site is intended to remain and operate during construction, access to the site at all times is desirable. The central access road through the site is being retained, and whilst there will inevitably be some disruption during works, there is no reason the neighbouring Boarded Barns Farm could not be accessed throughout works. In respect to impacts to outlook, privacy and overshadowing, the proposed development would introduce residential uses in close proximity to the Farm and dwelling as opposed to commercial uses. This in itself is not contrary to any policy. The existing property would still be afforded more than reasonable outlook, and the development as set out, whilst likely to provide a perception of overlooking, would not result in any significant loss of privacy or overshadowing due to separation distances. This neighbour is noted to have raised concerns regarding absence of fencing preventing access over land associated with the Farm. Whilst Officers note that as a former research and development site, and now a commercial premises, security would indeed have been tight historically, however, the majority of farms around the District do not benefit from or indeed require a perimeter fence. The close relationship between the housing proposed and the farm is noted, however pest control via shooting and other methods are controlled by other laws beyond planning, and farms on the edge of settlements are not unusual elsewhere in the District. It would not be reasonable or indeed appropriate to require a

residential estate to be securely fenced. For Members reference the closest new dwelling to the closest structure on the Boarded Barns Farm site is 35m (measured building to building).

Landscaping

The proposed development has been accompanied by appropriate tree protection information and arboricultural reports. The Council's landscaping Officer has assessed the submission and is satisfied that the proposals are acceptable subject to standard conditions for tree protection during construction and hard and soft landscaping. The Landscaping Officer has also assessed the Landscape Visual Impact Appraisal and has no concerns.

Ecology

The application is accompanied by an Ecological Assessment. The Council's Country Care team have assessed the proposals and the Ecological Assessment supplied and accept the findings. The view of Officers is that the ecological merits of the proposals are acceptable subject to conditions.

Drainage

A number of interested parties have expressed concern regarding flooding both of surface water in general and of the road outside the development. The Environment Agency and the Council's Land Drainage Team have both been consulted for this application due to the scale of the development proposed. The size of the development has also resulted in consultation with Essex County Council's new SuDS (Sustainable Drainage Systems) team.

The Environment Agency has no objection subject to a surface water drainage condition. The Council's Land Drainage team have reviewed the proposals and have raised no objection, instead requesting conditions.

The County SuDS team expressed a desire for more information and objected in the interim in the absence of such information. Following submission of appropriate information the SuDS team have withdrawn their objection and sought a condition regarding surface water drainage.

The conditions proposed are considered sufficient to improve the existing surface water run-off on site and as a result, whilst surface water flooding will likely remain locally as this is an issue affecting an area wider than the application site, the proposals should result in an improvement beyond the existing local conditions.

Highways (access and parking)

The Highway Authority has been contacted regarding the proposed development and have raised no objections to the proposed development subject to conditions and the provision of a legal agreement to secure the highway alterations. The Highway Authority are satisfied that the proposals would secure highway improvements and result in a lesser volume of traffic movements that are better distributed through the day, than the extant permission for office uses. The Highway Authority have also supported the provision of a footpath along the verge of the B184 (Fyfield Road) and by supporting this application the County Council indicates the proposed road layout meets the necessary highway safety standards.

Officers have liaised to discuss the potential for reduced height lighting columns in this area as suggested by neighbouring properties. The County Council has confirmed, as set out above, that reduced height columns are not possible as they would not meet the required British Standard.

Other Matters

The Fire Services have been consulted on the application and are satisfied that the proposed access is sufficient for emergency service vehicles. More detailed arrangements for water provision and sprinklers within buildings would be dealt with under building regulations. A later more detailed response has been received from the Fire Services querying the retention of

existing hydrant points and if they are not to be retained, the provision of new hydrants. This information can be secured by condition and provision would be made as part of a mains water services for the new properties.

The Council's Contamination Officer has reviewed the proposals and concluded that it should be feasible to remediate worst case non-radioactive contamination on this site and the Radiological Feasibility Study submitted in support of the application has concluded that it is considered to be practically feasible and economically viable to remediate radioactive contamination at the site. For this reason standard contamination conditions are requested.

The Council's Refuse team have been consulted on the application. Subject to the highway being constructed to accommodate the weight of a refuse vehicle, the development is able to make adequate provision for refuse storage and collection.

Sport England have been consulted on the application due to the provision of playing pitches. Originally the provision set out fell short of the requirements of Sport England's policies. The applicant has subsequently worked with Sport England to improve the age range of the facilities on offer and make revisions to parking allocation and pitch provision sufficient for Sport England to now accept the proposals subject to matters being secured by condition and/or legal agreement.

Conclusion:

The assessment above identifies that this site and application clearly has a detailed history and range of issues to be considered. Officers have assessed the merits of the scheme and concluded that whilst there is limited additional encroachment into the Green Belt beyond that which currently exists or has been approved before, the very special circumstances of this application in respect of the benefit to openness arising from a smaller overall volume of development and the provision of much needed housing on a brownfield site outweigh any harm.

The applicant has worked extensively with Officers at the Council to provide a development that achieves best use of the site whilst reflecting most recent policy requirements and the history of the site. The proposals are noted to result in a denser form of development than other residences along Fyfield Road and in the area. The application site provides smaller plots and closer relationships between buildings. As explored above, the layout adheres to the Essex Design Guide and this approach is desirable to make the best use of the site. Officers consider this approach does not harm surrounding rural character that will still be clearly discernible from the proposed development. Mindful of the above assessment, Officers are satisfied the proposed scheme provides a suitable layout and form of development for the site and results in no significant adverse impacts sufficient to justify refusal and thus approval is recommended.

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

***Planning Application Case Officer: Ms Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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