

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

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Method	Letter				
Date	12/12/2016				

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Letter or Email Response:

Introduction These representations to the Draft Regulation 18 Local Plan are submitted on behalf of our clients, **Redacted....** Ltd, who have an interest in the proposed residential site allocation site **Redacted....** In accordance with previous representations to the Local Plan & Call for Sites submissions, we continue to support the proposed allocation of this site, and remain committed to their effective delivery in accordance with the provisions of the emerging Local Plan. The following sections will in addition to outlining our support for the allocation of **Redacted....**, also respond to matters raised both within the Draft Local Plan itself, and in particular to the evidence base. Our main response will be to chapter 5 in relation in providing more background to work undertaken since the previous draft of the Local Plan, and in response to the Arup site assessment in order to demonstrate that the site does not have any insuperable constraints and is deliverable within a quick timescale, ensuring the District's housing needs are met without delay. The Council has set 9 questions as part of this consultation, which we respond to in the following chapters within this report under the following Chapter headings. Chapter 3 Section 2 - Q1. Do you agree with the overall vision that the Draft Local Plan sets out for Epping Forest District? (See paragraph 3.26, Chapter 3). Section 3 - Q2. Do you agree with our approach to the distribution of new housing across Epping Forest District? (See Draft Policy SP 2, Chapter 3). Section 4 - Q3. Do you agree with the proposals for development around Harlow? (See Draft Policy SP 3, Chapter 3). We have seen the points made by the HBF in their response of 9th December and endorse their comments. However, in addition we would also state the following. The draft Local Plan identifies the Housing Market Area for Epping Forest District Council (EFDC) to include the four local authority areas of East Hertfordshire District Council (EHDC), EFDC, Harlow District Council (Harlow) and Uttlesford District Council (UDC). The 2015 SHMA prepared by Opinion Research Services (ORS) indicated an OAN of 46,100 new dwellings of which 11,300 (24.51%) were attributed to EFDC for the period 2011 to 2033 (514 per annum). However, based on an updated OAN, provided by ORS to take account of DCLG 2014 household projections, the OAN for the HMA is considered to be 54,608, of which ORS assigned 13,278 to EFDC (604 per annum). In setting EFDC housing requirement paragraph 3.45 of the draft Local Plan explains that various options for housing delivery and distribution were considered by the Co-op Member Board in a range from 48,300 to 57,400 new dwellings (the latter we presume to be the 2016 SHMA OAN of 54,608 plus 5% buffer as required by paragraph 47 of NPPF) as set out in the Strategic OAHN Spatial Options Study for the West Essex and East Herts authorities (AECOM, August 2016). Under the higher range of dwellings tested AECOM attributed 14,152 new dwellings

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to EFDC for the plan period (643 per annum). From the information contained in the draft Local Plan it is difficult to identify what the Council believes to be its Objectively Assessed Housing Need (OAN), and we have concerns that the adoption of a Housing Target at 51,100 is not justified - although the explanation at paragraph 3.35 of the draft Local Plan states blanket reasons of infrastructure, environment and policy considerations for not meeting the full HMA OAN but this is not explained in detail. In order for the Plan to be robust and defensible at the Examination, this needs more specific justification. Spatial Strategy Epping Forest District Council has acknowledged that "exceptional circumstances" do exist to justify the release of land from the Green Belt in order to meet its OAN (paragraph 3.87 of the draft Local Plan). The next step is to select the most sustainable sites in the most suitable locations. We support the identification of Sheering as a "Small Village" within the settlement hierarchy set out in Figure 5.1. The Spatial Strategy is also absent of any flexibility and contingency to address non-delivery or delay of larger allocations within the Local Plan. For example the Local Plan is centered around delivering 3,900 dwellings on the edge of Harlow under the duty to co-operate. However, the implications of Harlow's recent decision at the Special Council Meeting on the 31st August 2016 to reject sites to the south and west of the town at Latton Priory, West Sumners, and West Katherines puts at risk the supply of 3,100 dwellings. Again, this needs specific justification for the Plan to be robust. Chapter 5 Section 7 - Q6. Do you agree with the proposed sites in your area? (See Chapter 5) The draft Local Plan makes clear that the ARUP Site Selection Report 2016 has informed key decisions in respect of site allocations. We have noted that the stage 2 assessment appears to suggest that the site can accommodate both residential and employment uses, although we note from the draft Plan page 174 that residential only is proposed. We endorse this, as the site is not of a size to accommodate mixed use; would not achieve the 71 dwellings indicated; and indeed would affect the viability of the scheme. We have reviewed the criteria, scores and qualitative assessment and these appear to be accurate. However, **Redacted...** have commissioned further reports both before and subsequent to the Report, which will be provided to the District Council under separate cover in a disc format in due course, but can be summarised under the following headings. Ecology We note that a number of scores within the Arup assessment are neutral under this category. As such a Preliminary Ecological Assessment report was prepared by SES in November this year, and concludes that all potential adverse impacts from the proposed development upon specific protected species/habitats/designated sites can be mitigated for in accordance with chapter 11 of the NPPF (DfCLG, 2012) and local planning policies. Trees A Tree Report by Ruskins was also prepared in November this year. This concludes that the quality of the existing tree resource is fair to low, and that with regard to the site size, number of dwellings proposed, the quality and location of the tree resource and the topography of the site it is their opinion that the proposed development can be designed to retain the significant vegetation and enhance the long-term future of the tree resource by new planting. They note that the proposed development has followed the British Standard BS5837:2012 by:

- Seeking arboricultural advice to inform the layout and design of the proposed development.
- Assessing the quality of the trees and considering the benefits and constraints to development of the site in relation to the quality of the tree resource.
- Continuing to take advice on all aspects to the proposal that may impact upon trees.

They suggest that the proposed development will be designed to retain the better quality trees, and that the retained trees have merit within the site and have the potential to contribute to the area for many decades. The protection of retained trees can be secured by use of a standard planning condition at application stage, although it will be the intention at this stage to make clear within the proposals the trees to be retained. Archaeology An Archaeological Desk Based Assessment was prepared by **Redacted...** in November this year, which notes that in terms of relevant designated heritage assets, no World Heritage Sites, Scheduled Monuments, Historic Battlefield or Historic Wreck sites have been identified within, or in close proximity to, the study site. The site is not located within an archaeological notification area. It goes on to conclude that the site is considered likely to have a modest archaeological potential for remains associated with the Later Prehistoric and Late Medieval periods, and a low potential for all remaining periods, and that Medieval and Post-Medieval agricultural activity is considered likely to have had a low, but widespread, negative impact on below ground archaeological deposits. Overall, it concludes that there is no overriding archaeological constraint to any proposed allocation of the site for development. Highways The Arup assessment notes that there are no issues on highways. However, highways advice has been sought and discussions held with ECC Highways. This concludes that subject to the suitability of the site for residential development being confirmed by District Council the policy presumption relating to accesses outside defined settlements does not apply since the built-up extent of the village would be extended to the west as a result of the development. Therefore access from the B181 would be appropriate. Noise A noise report undertaken in 2014 noted that the M11 is already within significant cutting, therefore the introduction of an additional bund and/or acoustic fence would be of limited efficiency in terms of noise

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attenuation to cost ratio, and advised that for this development noise will be most efficiently be controlled at façade using specialist acoustic or triple glazing and mechanical ventilation for the most exposed properties and façade. Where properties are shielded from the motorway by adjacent proposed buildings or are on the opposite façade to M11. The glazing and ventilation specification may be reduced. This will be dependent on the final proposed layout and detailed calculation/assessment. The report recommended that the development includes a buffer from the M11. Careful consideration will be given to the positioning of buildings, gardens, public open spaces etc to ensure acceptable noise levels. Countryside have experience with designing high quality developments which incorporate noise mitigation.

Flooding As correctly identified within the Arup report, the Environment Agency mapping show the site within Flood Zone 1 (low risk) and outside of any groundwater protection zones. Foul Drainage Based upon an initial review of the topographic survey, it appears that level raising (of a maximum of around 1.0m) will be required to drain the site by gravity, and that it is likely that the discharge will be split between the sewers within The Street and the sewers within Primley Lane to the east of the site.

Surface Water Drainage The British Geological Survey maps show the site located in an area of Lowestoft Formation, underlain by London Clay. Local borehole results show around 300mm of topsoil over a layer of silty/sandy clay, proven to a depth of around 25m depth. The geological information available indicates that infiltration drainage will not be suitable on this site, on this basis it is anticipated that a discharge to the adjacent watercourses will be required. The Environment Agency records show no landfill locations within the vicinity of the site. The topographic survey shows a watercourse to the north of the site within highway land, and watercourses within the north east and southern boundary of the site. There is a watercourse running through the site in a northerly direction, this watercourse appears to begin within the site however the survey terminates in this area due to dense vegetation. There is a pond on the eastern extent of the site, which appears to straddle the boundary with the adjacent site. On this basis, Countryside have been advised that the layout seeks to accommodate the watercourse within the site, which can be improved and used for conveyance of surface water flows.

Landscape and Impact of Character We note that the Arup report concludes that the site is almost entirely within a low sensitivity Green Belt parcel, and that if the site was released it would have limited harm to the wider Green Belt. It goes on to conclude that the relevant site character context is urban and development is unlikely to adversely affect the wider landscape character given that the site is along M11 next to existing housing developments with similar density. We therefore agree with the Arup conclusions therefore, that development is not likely to have an impact on the character of the area.

Design and Layout In 2014 a Master Plan document was prepared by Rummey Architects and submitted to the Council. This showed both the high design quality of developments undertaken elsewhere by Countryside, but also showed the design approach to the scheme which will be developed through discussion with the District Council as part of the preparation of the DAS.

Chapter 6 Section 8 -Q7. Do you agree with the approach to infrastructure provision being proposed in the plan? (See Chapter 6). We have no concerns with the approach suggested within the draft Plan. Our clients have investigated fully utility services provision and there are no capacity constraints. If upgrades are required then funding will be provided. A summary of service provision investigations will be provided to the District Council.

Other Sections Section 10 - Q9. Do you wish to comment on any other policies in the Draft Local Plan?

Draft Place Shaping policy (Policy SP4) The draft policy is detailed and includes a number of place shaping criteria for allocations in the local plan and also a policy on density. With respect to density, in areas outside of town and large village centres the policy stipulates a density of 30-50dph. With regard to the place shaping part of the policy, there are 14 criteria the majority of which are not onerous or overly problematic. However, we would respond on the following criteria:

- Criterion iii - "provide mixed-tenure homes and housing types that are genuinely affordable for everyone". In our view the policy wording and supporting text is ambiguous and does not specify what affordable for everyone means or how this would be implemented. It is therefore unclear whether this would effectively cap house prices or is meant more generally for a whole development. Greater clarity is therefore required.
- Criterion ix - "deliver strong local cultural, recreational, social (including health and educational where required) and shopping facilities in walkable neighbourhoods". In our view the wording is open to a degree of interpretation as to whether specific sites should include shopping provision to be incorporated into a masterplan. Greater clarity is therefore required into which allocations are required to provide shopping facilities.

Draft Housing Mix and Accommodation Types policy (Policy H1) This is a draft overarching policy on housing development and is separated into a number of parts, the majority of which are not particularly onerous. There are however two aspects of the policy which we would like to respond to as follows:

- Part B - "Development proposals will be required to provide evidence, proportionate to the scale of development proposed, to justify the mix of housing proposed". Historically many Councils have specified a prescribed housing mix. In this case the need to justify a mix adds

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uncertainty and risk to any application. It is also not clear what evidence the Council will require to justify a mix. Whilst flexibility is welcomed the implementation of this policy needs to be clearly spelt out.

- Part D - "Where there is evidence of an identified unmet need in the local area and the location is appropriate in terms of access to facilities, services and public transport, larger scale new residential developments should incorporate specially designed housing/specialist accommodation for people with support needs (including older people) and for self- build/custom build schemes. The Council will require affordable housing on all such developments that fall within Use Class C3, in accordance with Policy H2 (Affordable Housing)". There is no definition of large scale new residential development and this therefore needs clarification. The implication here is that any scheme that fits the threshold needs to include both provision for self-build and specialist accommodation in addition to affordable housing. In combination this would be onerous and potentially significantly reduce the private sales part of any site / allocation. Draft Affordable Housing policy (Policy H2) This is a largely standard affordable housing type policy. However we would make the following comments:
- Part A - "On Development sites which provide for 11 or more homes, the Council will seek a minimum of 40% of those homes for affordable housing". In our view the justification for 40% is extremely limited in the background text and interestingly contradicted at Figure 2.22 on page 22 which shows that the affordable housing need for EFDC is 34%. There are also a number of inconsistencies in these numbers and the requirement for 3,152 affordable units is not made proportional to the over allocation of housing in the plan. Representations should therefore be made on the affordable housing proportion and its justification in the context of these discrepancies.
- From a first review, there appears to be no reference to providing Starter Homes in the Plan Draft High Quality Design policy (Policy DM9)
- Part J - Includes requirements to provide adequate daylight and privacy and not create development that would result in being over-bearing. This part of the policy is helpful and does not stipulate specific standards and therefore provides design flexibility and allows for design solutions. We are therefore supportive of this part of the policy. Draft Housing Design and Quality policy (Policy DM10) One part of this draft policy is noted as follows:
- Part B - Stipulates that "Ground floor family housing must provide access to private garden / amenity space, and family housing on upper floors should have access to a balcony and/or terrace". It is assumed that the text about upper floor family housing is meant to refer to flats or apartments but it could also be taken to mean the upper floors of family housing. We would therefore request clarification on the interpretation of the wording to avoid confusion and future dispute. Essential Facilities and Services policy (Policy D2) Part D of this policy stipulates that all C2 and C3 residential use class development in excess of 50 units will be required to prepare a "Health Impact Assessment, which will measure wider impact upon healthy living and the demands that are placed upon the capacity of health services and facilities arising from the development". This is in our view a potentially onerous additional application requirement but could also be used to fix healthcare contributions earlier in the process.

Summary and Conclusions We therefore support the allocation of site SR-0073 Land to the east of the M11 and west of Sheering for residential development, on the basis that:

- Sheering is correctly identified as a small village with a range of services;
- The site is well contained by the M11 and well related to existing development such that it makes no contribution to the landscape character of Sheering, and has no perceivable green belt purpose;
- There are no constraints to development that cannot be overcome by appropriate mitigation if required at planning application stage;
- The site can deliver housing within a short period of time, as well as contribute positively to the Council's community needs.

We support the Site Deliverability Assessment for site SR-0099 prepared by Arup on the basis of 100% residential development, and the qualitative assessment conclusions, which have been reinforced by the findings of reports prepared on behalf of Countryside Properties, and supplied with these representations. We trust the above comments will be taken in to account as the draft Local Plan is progressed.

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