

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

Stakeholder ID	3835	Name	Richard Clews	Strutt and Parker LLP on behalf of M. Scott Properties Ltd
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Letter or Email Response:

...Redacted... to submit representations in response to the current consultation on the Epping Forest District Council Draft Local Plan 2016 (DLP). These representations focus on Policy P7 - Chigwell, which allocates part of the land at Chigwell Nurseries, High Road, for 66 houses. These representations also comment on Policy D6 - Neighbourhood Planning, and matters relating more generally to Chigwell and the wider strategy of the Draft Local Plan (DLP).

...Redacted... are the promoters of the Chigwell Nurseries landholding, which includes site SR-0478B - Part of Chigwell Nurseries, High Road, allocated as 'Residential Site (ii)' of Policy P7 in the LDP. We support the allocation of the site for residential development. However, we consider that the wider site relating to the Nursery should also be allocated for residential development, as identified in the Chigwell Neighbourhood Plan. Our reasoning in relation to the council's evidence, and clarification of the site area being promoted, are set out below. Site Area The full land holding that is under promotion by our client was submitted to EFDC during the 2016 online site survey, which sought to update the details held on individual sites submitted during the 2008 - 2016 Call for Sites process. The promoted Chigwell Nursery Site is identified on the attached Location Plan, Appendix 1. The area of land assessed by EFDC, as shown in the evidence base, has been separated into two distinct parcels:

- SR0478A: - 7.49Ha - The entirety of the Chigwell Nursery site plus an additional parcel of land, which sits outside the control of **...Redacted...**, as assessed within the EFDC SLAA.
- SR0478B: - 1.66Ha - The parcel of land identified by EFDC for allocation of 66 dwellings in the DLP, as assessed within the EFDC SLAA.

However, during the most recent Call for Sites consultation submission, **...Redacted...** confirmed a site of 5.46Ha of previously developed land. This parcel has also been submitted to EFDC as part of pre-application engagement with officers for its delivery (ref: EF\2016\ENQ\00987). In addition, Chigwell Parish Council in the preparation of a new Neighbourhood Plan have allocated the 5.46Ha site for residential development under reference CV2. For ease of reference, our suggested allocation will be referred to as CV2 for the purposes of this representation. We support the area allocated within the Neighbourhood Plan which represents the correct area under the control of **...Redacted...**. The following plan identifies the differences between the three sites: *ATTACHMENT OF A SITE MAP*

- SR0478A: - 7.49Ha - Light blue line
- SR0478B: - 1.66Ha - Dark blue line
- Scott Properties CV2 - 5.46Ha - Red Line

Notwithstanding our support for the allocation of residential development at Chigwell Nurseries, there are detailed matters regarding this site and the evidence base which we would seek to bring to the Council's attention at this stage, and which we would seek to be taken into account by an Inspector for his/her consideration at any

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

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Examination into the Soundness of the District Plan. EFDC Chigwell Nursery Site Assessment We are concerned at the allocation of only part of CV2, under EFDC reference SR0478-B. Because of the reduced area, EFDC are missing out on the opportunity to deliver dwellings on a larger brownfield site. We suggest that, based on the technical information contained within the EFDC Emerging Local Plan Evidence Base, a highly sustainable development of a greater capacity can be delivered on CV2 without additional impact upon the purposes of the Green Belt or other harms. An overview of the site assessment process undertaken by EFDC in addition to discrepancies and inaccuracies contained within the assessment is set out below. As part of the preparation for the DLP, EFDC appointed ARUP to undertake Site Suitability Assessments for all sites submitted for consideration. As part of this process ARUP undertook two assessments of the Chigwell Nurseries site; both sites are referred to as "Chigwell Nurseries", but one is larger than the other, and not fully reflective of the land submitted to EFDC as part of the 2016 Call for Sites Checking Process (see above). The site assessment for SR0478B concluded that the land at Chigwell Nurseries is one of the most sustainable sites in Chigwell and accordingly it has been allocated. However, the larger site (SR0478A) was not allocated in the Local Plan while the Chigwell Neighbourhood Plan considered a larger site (CV2) to be suitable and sustainable. The majority of the assessment criteria are identical for both SR-478A & SR-478B. However, there are some inconsistencies. Copies of these assessments are appended to this representation. To assist, the inconsistencies within the assessments are provided below, and an explanation follows: *GRID ANALYSING SR-0478A* *GRID ANALYSING SR-0478B*

Discrepancies in EFDC Site Assessment Criteria 1.5 refers to the ecological impact of development and notes that both sites could potentially sit within the buffer zone of a Biodiversity Action Plan (BAP) identified habitat. The text confirms that the woodland to the north was included in the assessment. However, CV2 does not extend into the woodland to the north of the site, which SR-0478A does. All other aspects are noted as able to be mitigated. The site beyond SR-0478B provides a car park, commercial outbuildings for storing and growing plants, and boundary planting. It is therefore substantially similar to SR-0478B, when the woodland is not included. The delivery of CV2 would include the creation of a green infrastructure network to increase biodiversity within and immediately around the site. Furthermore, an allocation of the whole of CV2 would reflect Chigwell Parish Council's aspirations for a landscape-led scheme to effectively buffer the developable area from the surrounding landscape. It is therefore clear that SR-0478A has been scored negatively due to the inclusion of the Woodland. As this feature is not part of the submission, an assessment of CV2 would be expected to result in the same score as SR-478B, which is neutral. With the acknowledgement by EFDC within the Assessment that mitigation can be implemented on both sites to address any perceived impact, it is considered that both should score neutral, or score positive with mitigation. There should be no difference between the two Scores. Criteria 2.1 considers the level of harm on the Green Belt associated with the allocation of each site. The site assessment sets out that both sites (A & B), if developed, would cause high or very high harm to the Green Belt. Contrary to this assessment, it is important to note that in the EFDC Residential and Employment Site Selection Methodology, with regard to assessing harm to the Green Belt, sensitivity testing was undertaken against purposes 3 & 5 of the five purposes of the Green Belt (as set out in paragraph 80 of the NPPF). EFDC concluded that: 'The Council has undertaken some sensitivity testing in its Stage 2 Green Belt Review to look at how Green Belt performs if purpose 3 is removed from the assessment (and therefore parcels are assessed against purposes 1, 2 and 4). The results of this assessment provide a more nuanced picture of how Green Belt performs across the District. As acknowledged in preceding sections of the SSM, if the Council is to meet its objectively assessed housing and employment needs the case for Green Belt release will need to be considered. It is the Council's view that using the Green Belt assessment which considers the 3 purposes (rather than 4) will provide the Council with a better tool and evidence base upon which to make decisions about the performance of Green Belt across the District and those locations where Green Belt release may be more appropriate.' When considering SR-0478A and SR-0478B against purposes 1, 2 & 4 of the Green Belt it is clear that both sites would have limited to negligible harm on the Green Belt. The following assessment has been informed by a Landscape and Visual Appraisal:-

- Purpose 1: to check the unrestricted sprawl of large built-up areas The site has a frontage onto High Road opposite the golf course and between existing residential areas. There is no visually effective gap separating Chigwell from Woodford Green, although there are some incidental spaces along High Road. The site does not provide one of those visual gaps. It is occupied by a garden centre that extends well into the site. Development on this contained site can be delivered in depth, forming a defensible green belt boundary to the north and west. It would form a natural extension to the urban area of Chigwell and would not produce, or be perceived as, urban sprawl.
- Purpose 2: to prevent neighbouring towns merging into one another The Stage 1 and 2 of the EFDC Green Belt Assessments seek to quantify the extent to which parcels of land meet the purposes of the Green Belt. Site CV2 falls within site ref.036.2 of the Assessment, which is a larger parcel extending from High Road to

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

the M11, the railway line and Luxborough Lane. The assessment does not distinguish the developed part of the site from the larger parcel and consequently does not consider the sites specific contribution to this Green Belt purpose. Our client has undertaken a site specific Landscape and Visual Assessment of the site to understand its contribution to these matters. The Assessment considers the location within the Metropolitan Green Belt, finding that the site itself contains no landscape designations and is considered to have no special landscape value except for the wooded nature of the site's boundaries. The site has extremely good visual containment with a limited number of receptors nearby, and where visible, the proposals would be seen as a replacement for the existing nursery, with development regarded as an area of 'infill' on the settlement edge. Existing boundary hedgerows, internal vegetation and topography of the area help to create visual containment across the site and screen it within the wider landscape. The site would therefore be perceived as part of the urban area due to its current use, and does not provide an important gap between Chigwell Village and Woodford Green, which have gradually merged together. This is in part due to the expansion of the London Borough of Redbridge and in part due to growth within Chigwell. It is considered that SR-0478A and CV2 fulfil no functional role in preventing coalescence between the two settlements. Indeed, the site at present has an active presence on the street scene onto High Road which could be significantly reduced through sensitive landscape planting as part of the delivery of the site.

- Purpose 4: to preserve the setting and special character of historic towns SR-0478A sits in an area characterised by twentieth century development, the High Road and Tudor Close supporting large detached properties. The site is not within the Conservation Area, the southern boundary of which lies some 900 metres to the north of the site. Further, the ability to utilise the topography of the site as an advantage in partnership with a landscape-led scheme will prevent any harm to the setting and special character of Chigwell Village. In summary, the EFDC Site Selection Methodology recognises that all releases of land designated as Green Belt, will result, to at least some extent, in harm due to the loss of land from the Green Belt. Despite this, EFDC set out through sensitivity testing that sites could be assessed with a negligible impact (0) on the Green Belt provided the site benefits from characteristics that would significantly negate harm. It is strongly considered that development at site CV2 would result in no harm to the Green Belt and should be scored (0) accordingly. With mitigation and good design, the site can in fact contribute to the purposes of the Green Belt compared to the current development across the site, and make use of a larger brownfield redevelopment opportunity. Criteria 3.1 assesses sites against their accessibility to rail and tube stations. Chigwell Tube Station is situated on High Road, approximately 400 metres from SR-0478A's (CV2's) northern boundary, making it highly accessible to the site. Despite this, SR-0478A is incorrectly assessed as being located 'between 1,000m and 4,000m from the nearest rail or tube station.' In a further contradiction, SR-0478B which sits in the south west corner of SR-0478A (further from the tube station), is correctly identified as being situated 'less than 1000m from the nearest rail or tube station' and accordingly scores positively within the site suitability assessment. One of the key criteria for EFDC to select sites is the proximity of sites to transport nodes. Both sites should score the same, and identified as being less than 1,000m from the tube station (+). Criteria 4.1 examines the character of sites with regard to Greenfield and Brownfield land classification. The EFDC Site Selection Methodology considers sites on the following basis:- Ref. 4.1 Criteria- Brownfield & Greenfield Land Land Use Applicable- Housing and Employment (B Class Uses) Score (++) Majority of the site is previously developed land within or adjacent to a settlement (+) Majority of the site is greenfield land within a settlement (0) Majority of the site is previously developed land that is neither within nor adjacent to a settlement (-) Majority of the site is greenfield land adjacent to a settlement (--) Majority of the site is greenfield land that is neither within nor adjacent to a settlement SR-0478B scores highly (++) in terms of Greenfield / Brownfield land classification on the basis that the majority of the site is previously developed land within or adjacent to a settlement. The assessment adds that the site is '75% brownfield within an existing settlement (Chigwell)'. Conversely, SR0478A receives a negative (-) score with regard to Greenfield/Brownfield land on the basis that the majority of the site is Greenfield and adjacent to a settlement. The assessment considers SR0478A to be '100% Greenfield adjacent to an existing settlement (Chigwell)'. As mentioned earlier in this representation, SR0478A does not represent the extent of the site submitted to EFDC as part of the Call for Sites Checking process. The submitted site is smaller than SR0478A and contains a greater proportion of brownfield land. Nevertheless, the EFDC site assessment conclusion that SR0478A is 100% Greenfield is incorrect, given the substantial buildings and car parking present on the site. Further, given that Site A includes Site B, which is '75% brownfield', it is clearly incorrect to consider it '100% greenfield'. In the pre-application response from EFDC, which sought development on the eastern parcel, it is confirmed that there is no dispute that parts of the site constitute previously developed land. We consider that brownfield represent the majority land-type across CV2 and that the Assessment should be reviewed. Further, in assessing both sites, EFDC identified SR-

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

0478B as being situated 'within' Chigwell as opposed to SR-0478A as being 'adjacent to' Chigwell, which is a clear discrepancy considering the shared landholding between both sites. Against this background, on the basis that the site contains majority brownfield land and is located adjacent/within Chigwell the site assessment should be amended to (++) to reflect the characteristics of the sites. Criteria 4.2 considers the impact of development allocation on agricultural land. Both SR-0478A (CV2) and SR-0478B receive a strong negative score within the EFDC site suitability assessment, on the grounds that their development would result in the loss of 'the best and most versatile agricultural land'. It is important to note that neither site presently, nor in recent history, have fulfilled an agricultural function or have been used in agricultural capacity. CV2 comprises an urbanised site with a combination of built form, tarmac hard standing and scrubland in the grounds of the commercial nursery. The allocation of CV2 for development will therefore not result in any harm to agricultural land. It is considered that the Neighbourhood Plan correctly recognises a local understanding of the site history and does not reference any agricultural use. The EFDC Assessment should reflect the local knowledge and correctly assess the site as having no impact on agricultural land (++) . Criteria 5.1 considers the landscape sensitivity of sites. The EFDC Site Assessment acknowledges that both SR-0478A and SR-0478B sit within a landscape area that is 'resilient to change and able to absorb development without significant character change'. It is therefore not clear why both sites have received a negative assessment in landscape terms. Criteria 6.1 relates to topographical constraints. The larger Site A scores negative (-) and Site B scores very negative (--), stating that 'topographical constraints in the site may preclude development'. We disagree that the topography results in a negative assessment of the site. The landform within the site is at its highest point (40m AOD) in the north eastern corner, which rises up from the brook which sits at 30m AOD. This landform is replicated to the south of the brook, creating a valley-type topography, which gives a natural containment to the site and allows the proposed developable area to recede into the wider eastern valley slope of the River Roding. The topography of the site coupled with significant mature boundary planting ensure that views both within the site and towards the site are heavily screened, and as such impacts on the surrounding environment are limited. The natural features are clearly defined at the boundaries, leaving a large developable area. It is therefore considered that the topography of the site represents a benefit to development, enabling built form to come forward without constraint. The LV Statement prepared by Nigel Cowlin is provided as Appendix 4 confirms the site has the ability to absorb changes without undue harm to the landscape setting or visual amenities of the area. It is considered that the score for both sites should be the same, and that the score should be neutral or positive. Summary of EFDC Chigwell Nursery Site Assessments Against the background set out above, we strongly consider that there are inconsistencies and inaccuracies in the assessments of sites SR-0478A and SR-0478B. Both Assessments should be reviewed to remove these anomalies. Alternatively, and more appropriately, we consider that an assessment of CV2 should be prepared in order to support the preparation of the DLP and to correctly assess the available site area. When considered in relation to a more detailed understanding of the site and its characteristics, an assessment of CV2, based on the ARUP Site Assessments and Methodology, is considered highly likely to conclude that the entire site is suitable for development in the short term and in a very sustainable location. CV2 can be delivered by [Redacted] to help meet the districts housing needs. Accordingly, an amendment to the allocation of SR-478B should be made for the next stage of the DLP, to reflect site CV2. An appropriate increase in the capacity of the site for residential development should be provided. With regards to the indicative density in the Assessments, we consider that this should reflect the character of Chigwell, while being mindful of part B of Policy SP4 - Place Shaping. We support the allocation of 66 units on site SR478B and consider that the density, house types and layout should reflect the character of Chigwell as per Policy SP4 - Place Shaping, and the criteria proposed in the Neighbourhood Plan. By including SR- 478A, the site has the ability to accommodate additional units and uses. A mixed use development of, for example, elderly care and residential dwellings, would be suitable for this site. It is imperative that the next iteration of the Local Plan is amended to include additional sites for residential development that are capable of contributing relatively quickly towards the current housing need. The allocation of CV2 would provide a deliverable, sustainable site that would be able to contribute both the dwellings and additional uses towards the Council's objectively assessed needs. Housing delivery and accounting for shortfall Appendix 5 of the DLP sets out the housing trajectory that the DLP will deliver. It also reports the number of dwelling completions since 2011 (the point from which the objectively assessed needs assessment for the District has been calculated). This shows a total of 1,173 dwelling completions between 2011 and 2016. The housing need during this period (based on the 2016 update of need) totalled 3,020 dwellings. As such, the total shortfall in housing provision during this period was 1,847 dwellings. There are two potential approaches to addressing this shortfall in housing land supply. The first, the 'Liverpool approach' is where the shortfall is spread across the remaining Local Plan period and is sought to be met

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

over this period. The alternative, the 'Sedgefield approach', seeks to make up the shortfall within the first five-year period. The PPG is clear that the Sedgefield approach should be applied where possible, stating: "Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to cooperate'" (PPG, Paragraph: 035 Reference ID: 3-035- 20140306) Applying the Sedgefield approach, the initial calculation of housing need for Epping Forest District for 2016- 21 is 4,867 dwellings. The NPPF requires that a buffer of (at least) 5% is applied to this figure. Adding a 5% buffer gives a total requirement for the District for 2016-21 of 5,110 dwellings. However, Appendix 5 of the DLP suggests the current proposed strategy will only deliver 3,541 dwellings between 2016 and 2021. This entails a shortfall of 1,569 homes against the requirement. Furthermore, we are concerned that even the figure of 3,541 dwellings represents an optimistic assessment. It includes 1,186 dwellings to be provided through existing commitments. It is unclear what the status of these commitments is, and whether a lapse rate of 5-10% (as established as being appropriate for sites with planning permission / resolution to grant planning permission) (1) has been applied. There is a reliance of 163 dwellings placed on windfall. If EFDC is to make an allowance for windfall, it is required to demonstrate that there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply. However, no such evidence appears to have been provided. It is also noted that the DLP's stated housing delivery rate assumes completions from 2017/18 from sites proposed to be FOOTNOTE 1 Appeal reference APP/J3720/A/14/2217495 allocated. This is considered to represent an extremely optimistic view, the feasibility of which we would question given likely timescales for planning-making, planning applications and the development process. Having regard to all of the above we are concerned that the DLP will deliver fewer dwellings than Appendix 5 suggests. Even if this DLP's stated housing trajectory were to be realised, this would still represent a significant shortfall when assessed against need, rendering the Local Plan contrary to national policy and unsound. Accordingly, it is imperative that the next iteration of the Local Plan is amended to include additional small and medium-sized sites for residential development - sites that are capable of contributing quickly towards the current and acute housing need. The allocation of CV2 would provide a deliverable, sustainable site that would be able to contribute a greater number of dwellings towards the Council's housing supply than SR-0478B alone. It is considered that suitable, sustainable sites as identified through the evidence base, such as CV2, should be allocated in order for the Plan to be considered effective, justified and in accordance with national policy. Policy D6 - Neighbourhood Planning The Council will be aware of the preparation of the Chigwell Neighbourhood Plan (CNP) and its recent consultation. Within the draft CNP our clients' site was identified as CV2 for the delivery of residential development. We note that Policy D6 of the DLP supports the preparation of neighbourhood plans and therefore there is synergy between these representations and the CNP. However, given the Council's concerns for the CNP, as set out in its response to the CNP Consultation, we would encourage the Council to primarily consider the suitability of our clients site in relation to the evidence base, which clearly demonstrates it can provide a sustainable location for residential development with no harm to the character of the area, the Green Belt or the local landscape. The site is extremely close to the tube station, reducing impact on the highway network. Conclusions Our clients,Redacted..., support the proposed allocation of land at Chigwell Nurseries, Chigwell for residential development. The allocation of site CV2 reflects the evidence prepared to support the DLP. The site is an ideally located brownfield site that can provide a highly sustainable form of development for new residents, within walking distance of the tube station, high street, schools and other local services. It is able to deliver mitigation to secure improvements to biodiversity, a defensible Green Belt boundary and attractive landscape enhancements. However, we consider that the evidence prepared for the larger site should be reviewed and amended to reflect the submitted site, CV2, and address each of the points set out in this representation. A number of the conclusions in the Assessment are considered to be inconsistent with the smaller, allocated site, and do not reflect the actual character and facts of the sites condition and location. With these points addressed, we consider the Assessment would have found CV2 suitable, available and deliverable for a sustainable form of development. A correct Assessment is considered to identify all of CV2 as appropriate for allocation. These matters should be addressed in order for the Plan to be considered Justified by the evidence and, therefore, Sound. We therefore seek an amendment to the Plan. The allocation identified in Policy P7(ii) and as shown on the Draft Proposals Map should be adjusted to reflect the evidence and the suitability, extent and capacity of the site for development as per the Neighbourhood Plan.Redacted... are preparing a scheme to demonstrate how residential and care accommodation could be delivered successfully on the site, meeting the design ambitions of both the Parish Council and Local Authority. We look forward to discussing these proposals with the LPA.

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

