

Part A

Making representation as Buckhurst Hill Residents' Society

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Job Title (where relevant)		
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Part B

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 1.3

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Effective, Justified

Complies with the duty to co-operate? Don't Know

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

1.3

This paragraph states that the Local Plan will guide decision making on planning applications.

As far as we can see, this is the only reference in the entire Plan to planning applications.

In our response to the Draft Version of the Plan, we objected to a statement which said that inclusion of a Site in the Plan would be a material consideration in the decision making for planning applications.

We proposed that this sentence should read 'NOT be a material consideration'.

At various meetings discussing the Draft Plan, Cllr Philip, the Planning and Governance Portfolio Holder, stated that even if the Plan were approved, developments would still need to go through the normal planning procedures. We agree; but the original statement in the Draft Plan would have biased the planning procedure in favour of acceptance, undermining his assurances, and we welcome its removal.

However, the wording in the Submission Version, 'guide decision making' is vague and open to misinterpretation by developers and planning committees.

We therefore request that a strong statement is included in the Plan that planning applications will be considered according to the policies included in the Plan, and that inclusion of a site will NOT bias the outcome.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See above

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral part of the oral examination

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To make sure that all objectors are aware of our points

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: BUCK.R1

Policy: None of the above

Policies Map:

Site Reference: BUCK.R1

Settlement: Buckhurst Hill

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Effective, Justified, Consistent with national policy

Complies with the duty to co-operate? Don't Know

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

BUCK.R1 Land at Powell Road

After the close of Public Consultation on 12th December 2016, we became aware of significant additional information about each of the three proposed sites in Buckhurst Hill, chiefly contained in Appendix B1.6.4 Results of Stage 3 Capacity and Stage 4 Deliverability Assessments, found in Technical Documents / Site Selection Report attached to the Draft Local Plan on the EFDC website.

We wrote again to EFDC in January 2017, strongly objecting that this information was not included in the Draft Local Plan itself, and was therefore not available to residents during the Public Consultation.

From Appendix B1.6.4

"Development should be limited so that it does not extend beyond the existing line of development; this equates to approximately two thirds of the site. Capacity reduced accordingly."

It is welcome that the Submission Version of the Local Plan has been amended so that the site designation on the map now reflects that intention, and the area for development has been reduced from 1.23ha to 0.84ha (though as these figures include the existing house at St Justs, the actual area available for development will be smaller, say by 0.3ha).

It is also welcome that the Plan says that a defensible boundary to the Green Belt will need to be established. The Plan does not say what should happen to the undeveloped part of the garden of 1 Powell Road, but the logical conclusion would be to enlarge the Linder's Field Nature Reserve. A defensible boundary strongly infers that the boundary should be

solid and the area should not remain as gardens for any development; this should be a condition of approval of any planning application.

Nevertheless the whole site is currently designated Green Belt. We do not consider the Local Plan constitutes the exceptional need required to remove this status, and oppose this proposal to change it, even in part.

In 2017 planning permissions were approved for 19 new homes in Buckhurst Hill. By 2022 therefore there may have been approvals for around 80 new homes on windfall sites. It cannot therefore be argued that removing the Green Belt status on this site is necessary to satisfy housing need in Buckhurst Hill. The Plan itself states that this is one of the exceptional conditions needed to justify removing Green Belt status, and therefore this site should not be developed on the Council's own admission.

Last year we joined nearby residents and Buckhurst Hill Parish Council in opposing the application by McCarthy & Stone to build a Care Home on this site.

The National Planning Policy Framework (NPPF) permits as an exception, limited infilling under policies set out in a Local Plan. EFDC rejected the McCarthy & Stone application because it was far in excess of limited infilling. 31 flats on the same site fails the same test, and by a large margin.

It was also ruled by EFDC that any development must not adversely affect the setting of St Justs, and that indeed is also emphasised in the Local Plan. That implies that approval for a block of 31 flats in a similar configuration would also be refused. Even if the site remains in the Local Plan therefore, it may yield just 6 houses say, not 31 flats.

No satisfactory traffic survey was conducted at the time of the McCarthy & Stone application. To build 31 flats rather than a Care Home would result in much higher car usage.

From Appendix B1.6.4

"The Council's SLAA suggests that there is a restrictive covenant associated with the site. However, given the age of this restriction the site promoter is of the view that it may be unenforceable and therefore would not constrain development."

What is the covenant referred to? Why is the site in the Local Plan without an opinion by EFDC's legal advisers?

For various reasons therefore, the continued inclusion of this site in the Local Plan is unsound, and it should be completely removed.

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You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove site from Plan

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

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To allow all objectors to be aware of our points

REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: 2.3

Policy: None of the above

Policies Map:

Site Reference: None of the above

Settlement:

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Effective,Justified

Complies with the duty to co-operate? Don't Know

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Table 2.3

The number of Windfall homes is severely underestimated, leading to an inflated figure for the number of sites required.

The estimate is for an average of just 35 over 11 years in the whole of Epping Forest.

In Buckhurst Hill alone in 2017, planning permissions were approved for 19 new homes. So the allocation of 87 new homes for Buckhurst Hill can be achieved without developing any of the three sites in the Plan.

Moreover, development of the three sites in addition to the windfall rate will place an additional and unplanned strain on infrastructure requirements such as schools, doctors, transport, etc.

The Local Plan requires a plan for infrastructure development to be provided before permissions are granted for any sites. It must be a condition written into the Local Plan that consideration must be given as to what additional infrastructure is required for the expected windfall homes before the 87 allocated in the Local Plan.

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Put in a more accurate estimate of expected Windfall Sites, ie double it

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: BUCK.R2

Policy: None of the above

Policies Map: No

Site Reference: BUCK.R2

Settlement: Buckhurst Hill

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Effective, Justified

Complies with the duty to co-operate? Don't Know

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BUCK.R2 Queen's Road Car Park

We believe that the concept of combining flats and car park on the station sites owned by TfL is unviable, and particularly so on the site in Buckhurst Hill.

We refer you to the list of objections in our submission to the Public Consultation in December 2016.

The Local Plan itself argues against construction of basements except under very strict conditions, and this site will not pass the tests.

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REPRESENTATION

To which part of the Pre Submission Epping Forest District Local Plan does this representation relate?

Paragraph: BUCK.R3
Policy: None of the above
Policies Map:
Site Reference: BUCK.R3
Settlement: Buckhurst Hill

Do you consider this part of the Pre Submission Local Plan to be:

Legally compliant: Don't Know

Sound: No

If no, then which of the soundness test(s) does it fail? Positively prepared, Effective, Justified

Complies with the duty to co-operate? No

Please give details either of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate; or of why the Submission Version of the Local Plan is legally compliant, is sound or complies with the duty to co-operate. Please be as precise as possible. Please use this box to set out your comments.

BUCK.R3 Lower Queen's Road

After the close of Public Consultation on 12th December 2016, we became aware of significant additional information about each of the three proposed sites in Buckhurst Hill, chiefly contained in Appendix B1.6.4 Results of Stage 3 Capacity and Stage 4 Deliverability Assessments, found in Technical Documents / Site Selection Report attached to the Draft Local Plan on the EFDC website.

We wrote again to EFDC in January 2017, strongly objecting that this information was not included in the Draft Local Plan itself, and was therefore not available to residents during the Public Consultation.

From Appendix B1.6.4

* Proposal to redevelop existing medium density housing site would require an uplift in density above the

baseline. Site capable to accommodating significantly higher density.

* Number of existing flats 24, net capacity another 11

* Site is in single ownership

* There are existing leases on the site which end within 5-10 years.

* Epping Forest District Council, the freehold owners of the site, confirmed that there are no known restrictions on the site.

* Site expected to be available between 2021 and 2025

* Site is being actively marketed for development or enquiries have been received from a developer

It is a clear statement that both blocks on the site will be considered for redevelopment, unlike the text in the Local Plan itself.

None of this information was on public display at the Consultation in Loughton in November 2016, but some of it was admitted by Council staff present after questioning. When it was subsequently revealed at a public meeting held by Buckhurst Hill Parish Council, it caused outrage.

Lower Queens Road is one of the few sites listed in the Plan which is already occupied by flats and businesses, and the treatment of these residents and businesses by Epping Forest District Council has been deplorable.

In regard to this site, it has been established that EFDC

- failed to deliver their leaflets about the plan to some of those residents, so they were unaware of the threat to their homes and businesses, until attending the public meeting at the end of November 2016.
- failed to describe either in that leaflet or in the Local Plan exactly what they propose for this site
- failed to describe even in the online background papers exactly which flats in the area of the site will be affected
- failed to actively inform or consult residents or businesses that their properties were at risk of redevelopment
- intend to prolong uncertainty about the site for at least the length of assessment of the Plan, perhaps 2 years
- if the site remains in the plan, uncertainty may remain for a further 15 years
- seem unaware that some flats are owned leasehold, and owners will be unable to sell because the site is now blighted.

The Society called on EFDC to urgently consult with local people whose properties it blighted through its insensitive and mismanaged actions in publishing its Local Plan without considering the consequences. Our comments to EFDC were not only ignored at the time, but the Submission Version of the Local Plan is unchanged from the Draft Version.

Taken together, the overwhelming criticisms of the Local Plan and the way in which the Public Consultation was conducted, leads us to conclude that it should be withdrawn, rewritten, and properly republished for a further consultation.

If and when the Plan is approved, will Councillors be approving the Plan alone, or the Plan with its Appendices? This would materially affect consideration of future Planning Applications.

The differences between what is in the Local Plan and what is in its technical appendices effectively invalidate the public consultation on the Draft Plan, making it unsound. That the

Submission Version has not been changed from the Draft, despite many protests to EFDC, can only be the result of continuing gross incompetence or indifference.

Please set out what change(s) you consider necessary to make the Pre Submission Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To ensure all objectors are aware of our points

Please let us know if you wish to be notified when the Epping Forest District Local Plan is submitted for independent examination

Yes

Signature: Jennifer Page Date: 16/01/2018