

Representations on Epping Forest District Local Plan Submission Document (Regulation 19)

On behalf of 111 Invest Ltd.

Land to the north of Ivy Chimneys Road, Epping

January 2018



1. Background and overview

- 1.1 These representations on the Epping Forest Local Plan Submission Version (LPSV) are submitted by Strutt and Parker on behalf of 111 Invest Ltd, and in respect of land to the north of Ivy Chimneys Road, Epping.
- 1.2 The subject of these representations is land to the north of Ivy Chimneys Road, Epping. Two variations of the site are discussed within these submissions: the first 'Site A' (shown in **Appendix 1**) measures approximately 0.4 ha, comprises previously developed land and benefits from planning permission for residential development (reference EPF/0458/15 and EPF/1690/16). The site is within the Green Belt in the existing, out-of-date Development Plan, which is proposed to be replaced by the emerging new Local Plan. Notwithstanding the fact that the site benefits from a planning permission for residential development and comprises previously developed land, the LPSV proposes it remains allocated as Green Belt. Such an approach is considered unsound, for the reasons set out in this representation.
- 1.3 In addition, a larger area ('Site B') which incorporates the extant permission but also greenfield land to the west of this is also available for development, and considered suitable and deliverable for residential development. This land measuring approximately 2 ha is shown in **Appendix 2**.
- 1.4 In summary, our concerns with the LPSV as currently worded are twofold:
 - a. Firstly, the Green Belt boundary north of Ivy Chimneys Road should be corrected to incorporate Site A given that the land is previously developed and benefits from planning permission for residential development.
 - b. The LPSV (and Policy SP2) does not currently allow for sufficient sites to ensure housing needs are met in full, and there is a particular shortage of smaller sites that are capable of contributing to short-term housing needs. The Local Plan should allocate additional sites, in order to be sound; including Site B.

2. Site A and a correction to the Green Belt boundary

- 2.1. As set out above, Site A measures approximately 0.4 ha and comprises previously developed land.
- 2.2. The frontage of the site comprises a single residential dwellinghouse. To the rear of this house, and on land currently allocated as Green Belt, is an area of existing hardstanding and stables.
- 2.3. The site benefits from planning permission for demolition of stables and hardstanding, excavation over site to reduce levels and removal of all from site. Provision of access road and turning head. Erection of three detached dwellings and garages including ancillary works and landscaping. An outline planning permission was granted in 2015 (EPF/0458/15); followed by planning permission in 2016 (EPF/1690/16).
- 2.4. The outline application was granted permission on 22 April 2015, i.e. when current national policy as set out in the NPPF was in place.
- 2.5. As previously developed land, Site A is fundamentally different in character to that of other, open existing Green Belt land further to the north.
- 2.6. Notwithstanding this difference in character, the LPSV proposes that Site A remains allocated as Green Belt, adjoining the existing settlement boundary. This is considered to be an anomaly in the proposed Green Belt boundary, albeit one that can be readily corrected through a relatively minor modification to the LPSV.
- 2.7. The NPPF is clear (paragraph 85) that when defining Green Belt boundaries, boundaries should be clearly defined using features that are readily recognisable and likely to be permanent. The Green Belt boundary currently proposed by the LPSV would not meet this requirement, and instead would bisect an area of previously developed land which benefits from planning permission.
- 2.8. As demonstrated through the approval of planning application EPF/0458/15 and EPF/1690/16, the Local Planning Authority clearly consider that the site is capable of accommodating

residential development without undue harm to the openness of the Green Belt. This is clearly a function of the site being previously developed.

- 2.9. Given the site adjoins the existing settlement boundary (as opposed to being isolated previously developed land within the countryside) it would be entirely logical to extend the settlement boundary to include it; and thereby create a more logical and robust Green Belt boundary which is in accordance with the NPPF. Indeed, failure to amend the Green Belt boundary in this location would result in a Green Belt boundary the integrity and robustness of which would be highly questionable.
- 2.10. The change in the allocation of Site A would also enable a more effective redevelopment of the site to provide homes. As set out elsewhere within this representation, we have significant concerns that the LPSV as currently proposed would not meet objectively assessed housing needs in full. Furthermore, there is particular concern in respect of the extent of housing delivery in the short-term that the Local Plan will enable, unless alterations are made to the LPSV.
- 2.11. The site is not subject to any physical constraints that prohibit its development for residential use and represents a suitable, sustainable site for development. It adjoins the existing settlement boundary of Epping, which is clearly one of the most sustainable locations to direct additional development to in the District, as recognised by the LPSV.
- 2.12. The site is also available and achievable, and has the potential to make a contribution towards meeting housing need without undermining the Green Belt. The current Green Belt designation – which we consider anomalous and contrary to national policy here – is a constraint to the site’s development and its potential to contribute towards meeting housing need.
- 2.13. In addition to being suitable and sustainable for development, the site is available and achievable. As such, it is very much a deliverable site with the potential to make a contribution to addressing the District’s acute housing needs in the short-term.
- 2.14. It is unclear if Site A has been assessed as part of the Council’s assessment work. The Epping Forest District Local Plan Site Selection Report (2017) purports to explain why sites have been

selected / rejected. However, the version of the report which was available during the consultation period did not include Appendix B – Assessment of Residential Sites. This is, in itself, a concern and one which is discussed further elsewhere within this representation.

3. Draft Policy SP2 and proposed growth at Chipping Ongar

- 3.1. Policy SP2 proposes a total of 11,400 dwellings be provided in the District between 2011 and 2033.
- 3.2. The figure calculated as being Epping Forest District's objectively assessed housing need has fluctuated in recent years. The West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA, 2015) identified a need for the housing market area (East Herts, Epping Forest, Harlow and Uttlesford) of 46,100 dwellings between 2011 and 2033, of which 11,400 are for Epping District specifically (equating to 514 dwellings per year). August 2016 Opinion Research Services (ORS) updated the overall housing need to take into account more recent information, including more up-to-date household projections, and identified a revised objectively assessed housing need for the housing market area of 54,608 between 2011 and 2033. The update goes on to state that the objectively assessed housing need for Epping Forest District is 13,278 dwellings in Epping Forest (equating to 604 dwellings per year). Subsequently, a further update was produced in 2017. As reported within the LPSV itself (paragraph 2.43), this latest update identified a housing need of 51,700 new homes over the period 2011-2033 for the housing market area; of which 12,573 are need in Epping Forest.
- 3.3. The justification for proposing to fail to meet objectively assessed housing needs in full appears to be that the lower figure of 11,400 dwellings for Epping Forest was set out in a Memorandum of Understanding (MoU), agreed by the authorities within the housing market area.
- 3.4. The MoU was agreed in March 2017 and predates the latest assessment of housing need (July 2017).
- 3.5. The MoU proposes a total of 51,100 homes be provided across the housing market area as a whole for 2011-2033. However, the latest July 2017 assessment of need suggests the total need for this area is 51,700 homes. As such, it is not the case that an element of Epping

Forest's proposed unmet need will be met elsewhere within the housing market area, and the total housing need met for the housing market area.

- 3.6. The Local Plan as currently proposed does not meet development needs in full, nor is the unmet need met elsewhere within the housing market area. It is therefore contrary to national policy and cannot be considered positively prepared as per the definition at paragraph 182 of the NPPF. As such, the Local Plan in its current form is unsound.
- 3.7. Having regard to the above it is imperative that additional sites are identified and allocated for residential development in the Local Plan.

4. Policy SP2 – accompanying housing trajectory

- 4.1. The housing trajectory which the LPSV and policy SP2 is projected to deliver is set out within Appendix 5 of the LPSV.
- 4.2. There are two potential approaches to address shortfall in housing land supply. The first, the 'Liverpool approach' is where the shortfall is spread across the remaining Plan period and is sought to be met over this period. The alternative, the 'Sedgefield approach', seeks to make up the shortfall within the five-year period.
- 4.3. 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).
- 4.4. The Sedgefield approach is also aligned with the requirements of the NPPF and the need to boost significantly the supply of housing and address under delivery.
- 4.5. Nevertheless, the housing trajectory in Appendix 5 confirms that the LPSV proposes to adopt the Liverpool method to addressing backlog, i.e. by seeking to make up existing shortfall over the entirety of the plan period.

- 4.6. It is considered that such an approach is contrary to national policy; and justification for adoption of this method has not been provided.
- 4.7. Furthermore, we are concerned that the trajectory is somewhat optimistic and that the five-year requirement will not be delivered.
- 4.8. The trajectory in Appendix 5 shows delivery of Local Plan allocation sites from 2018/19. The Local Plan is not scheduled to be adopted until after this year, in May 2019.
- 4.9. Even for sites that are projected to be delivered in the years after 2018/19, the majority of these are large sites which are likely to seek to acquire outline planning permission. Prior to commencement of development it would still be necessary for the prospective developer to secure approval of reserved matters, discharge conditions, meet S106 obligations, and agree S278 requirements. Commencement of development does not result in completions immediately, and time should also be factored into the trajectory to account for this.
- 4.10. Having regard to the above, there are significant concerns that the LPSV in its current form fails to address housing need in the short-term.
- 4.11. The allocation of additional small and medium sized sites which can be delivered relatively quickly and easily represents one way in which the Local Plan should be amended to help address this issue.

Site B and its potential allocation for residential development

- 4.12. Land shown within Appendix 2 to this representation ('Site B'), is located to the north of Ivy Chimneys Road and incorporates land benefitting from planning permission for residential development (reference EPF/0458/15 and EPF/1690/16).
- 4.13. The element of Site B which incorporates the previously developed land and area benefitting from planning permission for residential development clearly merits residential allocation, for the reasons set out in this representation.

- 4.14. In addition, and as identified elsewhere in this representation, it is considered necessary for the LPSV to be amended such that it allocates additional, small and medium sized, deliverable sites for residential development in order to meet objectively assessed housing needs in full; and to ensure that the current acute housing shortage can be addressed in the short-term, as per national policy.
- 4.15. Site B represents such a site, and is considered suitable, available and achievable in the short-term.
- 4.16. The site is not subject to any constraints which restrict its development, with the exception of its current Green Belt allocation.
- 4.17. The Local Plan evidence base demonstrates that the existing Green Belt boundary needs to be reviewed in order for development needs to be met.
- 4.18. Site B adjoins the existing development boundary and existing residential development. It represents a logical extension to the existing settlement to help meet housing need.
- 4.19. Epping clear represents a sustainable location to direct additional growth to. Indeed, the LPSV already acknowledges this. The direction of further growth to Epping is further justified by the Epping Forest District Settlement Hierarchy Technical Paper (2015), which identifies Epping as being at the top of the settlement hierarchy. This technical paper further confirms the sustainability of Epping as a location for additional housing, stating:

“Epping is broadly central within Epping Forest District, to the north of the M25 and west of the M11. The Central Line terminates in Epping, and the only general access hospital (no Accident and Emergency) in the District is located to the north east (St Margaret’s).

“The main shopping centre in Epping provides a number of shops, restaurants and associated facilities, with both independent and chain stores. There are a number of bus services that connect Epping to Harlow, Chelmsford, Loughton and beyond. The settlement as a whole **provides the majority of services and facilities that have been assessed in this analysis.**” [Emphasis added].

- 4.20. The site itself is well-located in relation to a number of Epping's services and facilities, including Ivy Chimney Primary School and the area of its potential relocation as part of Policy P1 of the LPSV and the South Epping Masterplan Area; and Epping Station.
- 4.21. The site is in close proximity to the proposed South Epping Masterplan Area, which has been identified through the plan-making process as a sustainable location for growth.
- 4.22. The site is within area 044.1 of the Epping Forest District Green Belt Assessment: Stage 2. In respect of the impact of the allocation of Site B on the strategic purposes of the Green Belt. It should be noted, however, that area 044.1 encompasses a much wider area than Site B. Site B is in fact a very much enclosed, self-contained parcel of land within 044.1 which adjoins the existing settlement boundary. It is contained by dense landscaping to the west and north, and hedgerows to the east. These – together with the existing development to the south – would act as robust and defensible Green Belt boundaries, utilising physical features, in accordance with paragraph 85 of the NPPF.
- 4.23. The reasons for the site's rejection have not been made available alongside the Regulation 19 consultation. The Epping Forest District Local Plan Site Selection Report (2017) purports to explain why sites have been selected / rejected. However, the version of the report which was available during the consultation period did not include Appendix B – Assessment of Residential Sites. The Epping Forest District Local Plan Site Selection Report (2017) confirms at paragraph 1.2 that the detailed write-up of this work was not complete in time for the publication of the report; and that a final, updated version of the Report on Site Selection will be published once these appendices has been completed. We wish to reserve the right to make further representations on this assessment work, upon its completions and publication.
- 4.24. It is unclear if the site has been assessed and justification for the rejection of the site has not been provided.
- 4.25. It is submitted that once assessed, the plan-making process should identify Site B as a sustainable and deliverable site, the allocation of which can make a contribution to addressing areas of concern identified in these representations in respect of housing delivery.

4.26. The allocation of Site B for residential development would be effective, consistent with national policy, justified and would help ensure that the Local Plan was positively prepared, i.e. it would contribute towards a sound Local Plan.