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23rd April 2018

Our Ref : JT/Ninnings

LPA Site Ref: SR-0300a & SR-0300b

Planning Policy Team
Epping Forest District Council
323 High Street
Epping
Essex
CM16 4BZ

By email to: LDFConsult@eppingforestdc.gov.uk

Dear Planning Policy

Epping Forest District Local Plan Submission Version 2017

Land surrounding Ninnings, Middle Street, Nazeing, EN9 2LH

Thank you for your email sent 26th March providing opportunity to add to our Regulation 20 representations in respect of the above land. It is noted that this opportunity is limited to the published information contained within **Appendices B and C** of the Site Selection Report published in March 2018.

Appendix B1.6.6 (Results of Identifying Sites for Allocation) contained the following justification for the Council's decision not to proceed with the draft Site Allocations at SR-0300a and SR-0300b;

*"It was noted that the eastern parts of the site would be available in the short term, but it was considered that **highways** constraints may affect the deliverability these parts. Responses received through the Regulation 18 Draft Local Plan consultation indicated that the eastern parts of the site are **less preferred by the community**. In addition, **Historic England** recommended that this area should not be allocated as a result of its location in the Nazeing and South Roydon Conservation Area and the number of surrounding Grade II listed buildings. Thus, SR-0300a and SR-0300b are not proposed for allocation."*



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In respect of this newly published information our client would respond to the key matters of highways, community views and Historic England comments as follows;

Highways

The reference to highway constraints is not understood. Any comment made specifically by Essex County Council (ECC) as highway authority cannot be found with the Regulation 18 comments on the Council's website, but the general representation (submitted by ██████████) confirms "ECC has also undertaken transport modelling for 'nonstrategic' sites to assess local-level issues". No specific issue relating to the highway at this site is raised within this representation. As would be anticipated, Highways England confirmed in their Regulation 18 representation that Nazeing is unlikely to affect the strategic road network. Accordingly, the suggestion that there are highway issues appears to be unsupported by the evidence base. The District Council does not employ any persons with highway qualifications as highway powers are exercised by the County Council, thus, with no response from the County Team indicating highway concerns, no provision of an evidence base document assessing relative highway merits of sites and with no qualified engineer of their own, it is not understood how the site could be excluded on the basis of highway concerns.

The proposed access points in the Site Concept Framework submitted in November 2017 incorporate two access points onto Middle Street serving the entirety of the site, in locations where adequate visibility and sight splays can be achieved and close to existing highway access positions. The County have confirmed no strategic issues in relation to highways and the site is located on the preferable side of the busiest junction in the Parish (the cross roads between St Leonards Road and Nazeing Road), thus would benefit from access to the surrounding highway network, particularly in the M11 and M25 directions and the main settlements of Epping, Harlow and Waltham Abbey, without loading this junction further.

Community Views

The Parish Council provided the following comment in relation to the Regulation 18 consultation and Residential Development within the Parish;

In relation to the sites referred to in Draft Policy P P10 Nazeing Parish Council comments as follows:-

RESIDENTIAL

(i) Notwithstanding that it will result in a loss of Green Belt land in principle Nazeing Parish Council will accept development in St Leonards Road. Nazeing Parish Council would however prefer the plans previously submitted by a private developer which include sports and other facilities since these would be for the general benefit of the Village.

Accordingly Nazeing Parish Council would agree to residential development on the sites identified as SR-0300c and SR-0011 but not on site SR-0473 which is considered to be too far away from the village envelope and would create a corridor of development.

(ii) Development on the site identified as SR-0150 is acceptable to Nazeing Parish Council.

(iii) Nazeing Parish Council would object to any residential development on the sites identified as SR-0300b and SR0300a which are located in a conservation area. In any event development of these sites should not be required if all the other proposed sites are utilised.

In addition to the above Nazeing Parish Council propose residential development on part of the site identified as SR-0151 namely the wood-yard and the adjacent glasshouses.

The Parish Council have objected as identified above to the development of sites SR300a and SR300b only on the basis of location within a Conservation Area. The Parish Council also objected to site SR-0473 due to distance from the village centre and creation of a corridor of development. Site SR-0473 has continued through to allocation in the Regulation 19 Submission version of the Plan despite the Parish objection, indicating that objection alone is not sufficient to prohibit allocation. The Objection raised in respect of SR300a and SR300b was merely on the basis of location within a Conservation Area, there was no clear identification of harm, and it appears the Parish was under the impression that Conservation Areas prohibit new development or change. This is not the case and a number of recent developments have been successfully implemented in Conservation Areas locally. Powdermill Lane in Waltham Abbey provided 83 new homes and was approved under EPF/0823/94 within a Conservation Area. Willow Tree Close, Abridge (EPF/0027/00), provided 28 new homes in the Conservation Area and 4 new dwelling were permitted in Bumbles Green Nazeing as recently as 2016 under EPF/1956/16. Thus Conservation Area status clearly does not prohibit development. If designed well, development in a Conservation Area can reinforce design styles, complement and enhance the built environment. Thus the Parish Council views do not explain the absence of the site in the Regulation 19 submission and the Council has inconsistently assessed the sites in relation to community views.

Historic England Comments

Historic England made the following Regulation 18 representations in respect of the draft allocation:

“Both of these sites lie within the Nazeing and South Roydon Conservation Area. There are also a number of grade II listed buildings (Small Drinks, Shadwalkers and Ninnings) on or near the sites. We would therefore advise against the allocation of these sites for residential development. However, if the Council is minded to continue to bring this allocation forward, any development of this site will need to protect and enhance the Conservation Area and listed buildings and their settings. The development should be of high quality design. These requirements should be included in the policy and supporting text of the Plan.”

In respect of a neighbouring allocation, Historic England made the following representation:

“Sites SR-0473, SR0011 and SR-0300c Whilst there are no designated heritage assets within these sites, there is a grade II listed building, Cutlands, to the west of the sites. Any development of this site will need to protect and enhance the Conservation Area and listed buildings and their settings. The development should be of high quality design. These requirements should be included in the policy and supporting text of the Plan.”

Within both sets of comments, Historic England accept that development can come forward in a manner sympathetic to heritage assets and whilst they have recommended against the allocation of sites SR-300a and SR-300b they have also recognised the potential for utilising supporting text of the Plan to ensure the protection/enhancement of those heritage assets and to secure a high quality of design. Such approach has been adopted in the Regulation 19 version of the Local Plan in respect of sites SR-0473, SR0011 and SR-0300c. Furthermore, the Council has previous experience of successfully delivering development in heritage settings (notably, The Gunpowder Mills, Waltham Abbey; Great Stony Park, Ongar). It is therefore argued that the comments of Historic England do not justify excluding the draft Site Allocation in the context of the ability to secure, through carefully worded policy and supporting text, a high quality development capable of protecting and enhancing the heritage assets. Similarly The Council has allocated ONG.R2 for 135 on land surrounding Bowes Farm a Grade II listed building and its neighbouring listed properties and curtilage listed buildings. This allocation joins the former farmhouse to the settlement in a manner akin to that proposed at Ninnings, albeit a farm typically enjoys a larger setting than would be anticipated around a dwelling. Similarly the extensive development proposed at North Weald Airfield will need to mitigate to construction surrounding an important historic asset with ties to WWII. These allocations clearly show the Council is not strategically prohibiting development around heritage assets or Listed Buildings and as such removal of the site on this basis is inconsistent.

Within our previously submitted Site Concept, we have demonstrated how sympathetic development may be achieved through development of the site and at no time throughout the process has the Council requested

additional information or dialogue regarding how development may be achieved, or whether the scale of development should be adjusted. Thus my clients have invested time and resource into demonstrating how development may be achieved in a Conservation Area and around the Listed Building.

The Master Plan below was submitted to the District Council in November 2017 and has no mention in the District Council's site appraisals. This clearly demonstrates a retained buffer around the Listed 'Ninnings' and shows a layout that provides large detached properties fronting the Conservation Area, akin to surrounding properties, and incorporates smaller properties behind the outline of these frontage units.



Assessment Concerns in Appendices B and C

The Council had originally considered a large swathe of land on the southern side of Nazeing (SR-0300) for allocation as part of the initial Strategic Land Availability Assessment (SLAA). This larger area was subsequently reduced to the consideration of sites SR-0011, SR-0300a, SR-0300b, SR-0300c and SR0473 in the Draft Plan. When progressing from Regulation 18 to Regulation 19 the District Council has for reasons unknown assessed the entirety of the South of Nazeing (SR-0300) again as oppose to the selected sites consulted upon in Regulation 18. This is inconsistent. The site appraisal within the now Published Appendix B1.1 assesses the entire southern area under SR300 and concludes the site is proposed for allocation. There is no mention of piecemeal allocation at this point.

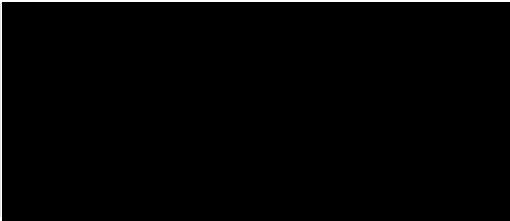
The Council Appendix B1.6.6 cites the deliverability concerns for sites SR-300a and SR-300b, however no such concerns or queries have ever been raised with my clients. Given this Appendices Report is dated December 2017 and my clients submitted a Site Concept Framework in November 2017, some consideration of this document should have been expected, and this demonstrates how highway matters among other issues would be addressed. The Appendix B suggests community responses prefer other allocations, but it is unclear and not quantified whether these are District or Parish wide views and whether they are raised by the Parish or general responses overall. Thus we are unable to fully respond on this matter. Historic England have objected to a number of sites, yet this has not prohibited progression to allocation. The Listed Buildings and Conservation Area are designations that were assessed and considered prior to the Draft Local Plan being published, therefore it is unclear why these statuses now represent an obstacle.

Through assembly of the smaller sites, the Council has failed to fully consider the allocation potential of a reduced site, as initially proposed through the call for Sites, around Ninnings and has disregarding submitted information in the Site Concept Framework (enclosed for ease of reference).

The housing allocation for Nazeing reduced significantly between the Regulation 18 and Regulation 19 versions of the Plan – 220 homes were initially proposed, reducing to 122. Policy P10 of the Regulation 19 Plan states that *“development in Nazeing will be expected to contribute proportionately towards the following infrastructure items: (i) Primary school expansion; (ii) Highways and junction upgrades; (iii) Local utilities upgrades; and (iv) The improvement of open space throughout the settlement”*. It is questioned whether sufficient funding can be achieved to deliver these aspirations through planning obligations attached to only the 122 homes proposed for allocation within the Village. The published Infrastructure Delivery Plan identifies that the cost of the explanation of the primary school alone will be in the region of £1.5 million and costs for matters such as utilities are stated

as unknown. The Council's own Housing List identifies significant demand for Social Housing alone in the area and with only 122 units allocated, it is clear this social housing demand will not be met. The Council has rushed to complete a submission plan before the adoption of a Standard Method for Calculating Housing Need and has allocated significantly less homes than the standardised approach would recommend and less than the Draft Plan identified. This course of action has resulted in a rushed appraisal that is inconsistent and as such unsound. In conclusion, the justification for omission of the draft site allocation is considered weak and unsupported by the newly published evidence base. The site is available and deliverable. A Site Concept Framework has been submitted to demonstrate that a sustainable development may be achieved without harming the setting or significance of the heritage assets. The quality of development is capable of being controlled through the policies and supporting text of the Plan, as is the case with other site allocations.

Yours sincerely,



Jenny Thompson BSc MSc MRTPI
Director – Thompson Planning
Chartered Town Planner

Enc. Site Concept Framework, submission November 2017