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MM Consultation 2021
Planning Policy
Epping Forest District Council Civic Offices
323 High Road
Epping
Essex CM16 4BZ

The Tooley & Foster Partnership
ARCHITECTS ■ DESIGNERS

Warwick House
116 Palmerston Road
Buckhurst Hill Essex IG9 5LQ
tel: 020 8504 9711
email: architects@tooleystooley.com
www.tooleystooley.com



By post and email

Dear Sirs/Madam,

MM 88, 89, 114, 168, 174 – CHIG.R7 - CHIGWELL CONVENT, 803 CHIGWELL ROAD, IG8 8AU

We are writing on behalf of our Clients, The Sisters of the Sacred Hearts of Jesus and Mary, to object to the removal of part of their land from the site allocation in the emerging local plan and seek its retention in the plan.

The site had been included in several phases of Council site allocation proposals, since at least 2016, but concern about the heritage assets was only raised by the Inspector during the local plan examination process, who advised:

... either more information is needed to demonstrate that it would be possible to achieve a development which preserved the significance of the relevant assets (to include a statement of significance and possible site layouts), or the allocation should be deleted from the Plan. (PINS, EFDC. Examination of the District Local Plan, 2011–2033, 2 August 2019, para. 58)

We have submitted the information called for by the Inspector, but the Council appears to have resolved that the easiest option is simply to delete the allocation, rather than consider any submissions to the contrary.

An Initial Heritage Assessment was submitted to the Council last year (Spurstone Heritage Ltd, January 2020; the IHA). This contained the following: '*Pre-application consultation with EFDC, HE and other statutory consultees and stakeholders is recommended. Early, sustained and meaningful engagement with consultees can be of immense value as it identifies potential risks and how to manage them. Early agreement on significance, key views and development principles reduces the risk of abortive work*' (IHA, para. 4.5). That is the spirit in which we have sought to engage with the Council over the future of CHIG.R7.

In its Response to Inspectors actions the Council states that it has '*engaged with the promoter of the site ... This has entailed the review of detailed heritage information and liaison with the Council's Conservation Officer.*' (EFDC, July 2021, para. 27) In fact, our repeated attempts to engage with the Council have met with limited success and an apparent lack of interest or intent from the Council. There has been one in-person meeting; as far as we are aware no officer has been to the site to assess it in the light of our submissions; there has been no constructive feedback from the Conservation Officer or any other officer.

Here the Council also states that it '*... has considered different iterations of development on the site...*' This must refer to the documents we submitted in an attempt to prompt a discussion about working with the Council on a planning brief to guide future development for the whole Chigwell Convent site. The impression we received from the single meeting that took place and the subsequent, limited correspondence received, is that officers had neither grasped the intent of the engagement nor properly considered the submitted information. The Council maintained that any development of CHIG.R7 would not be considered and it would not support the preparation of a planning brief. (EFDC, 18 May 2021).

The Council concludes that development to the front of the site will ‘... irreversibly harm the setting of heritage assets (Chigwell Manor House, the Forecourt Piers, Gateway and Railings, the Chapel and the Stables and outbuildings).’ This raises several points: -

1. Historic England’s Good Practice Advice in Planning Note 3, The Setting of Heritage Assets, makes clear that ‘*Setting is not itself a heritage asset, nor a heritage designation... Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.*’ (HE 2017; GPA3, para. 9) The contribution that CHIG.R7 makes to the significance of the designated heritage assets at Chigwell Covert as part of their setting was set out in the IHA. The Council has offered no reasoned challenge to this assessment.
2. The IHA states ‘*The open parkland and avenue are at the heart of the Inspector’s concern that any development on the proposed allocation site has the potential to cause significant harm to the listed buildings and their settings. The key question now is, how much open parkland should be retained in front of the listed buildings and to either side of the avenue to preserve the green setting in views of and from the heritage assets and to enable the avenue to be appreciated as a designed feature in the ‘natural’ landscape?*’ (para. 4.15). The Council has not explained exactly how development would undermine the contribution that this part of the setting makes to the significance of the heritage assets, but merely continued to assert that development to the front of the site will irreversibly harm the setting of the heritage assets.
3. The IHA is more generous than Historic England in its assessment of the contribution that CHIG.R7 makes to significance. An Enhanced Listing Procedure carried out by HE considered the Mansion, the Chapel, the stables and outbuildings, and the landscape of Chigwell Covert, in four separate and detailed reports. Three of the reports do not mention setting. The report on the chapel makes two references to setting in relation to the landscape north of the mansion, outside CHIG R7. Their assessment of the whole landscape surrounding the listed buildings concluded that it was not of sufficient significance to warrant inclusion in the Register of Historic Parks and Gardens.
4. The IHA, concluded that there was scope for limited development on the front fields that would maintain key views to the listed buildings and sustain the contribution of the setting to their significance; development would also provide opportunities to improve the immediate setting of these heritage assets. It would appear that the Conservation Officer agrees with this. In a response to HE included in their three notification reports:

‘*The Initial Heritage Assessment supplied by the developer (sic) has been reviewed ... and was felt to clearly lack justification for any large scale development (our underline) to the front of the site.*’ (HE. Notification Reports 8 June 2020 Page 1 last para.)

This implies that small scale development to the front of the site would be acceptable.

5. ‘Irreversible harm’ is not a category of harm recognised in the National Planning Policy Framework (NPPF) or the online National Planning Practice Guidance (NPPG). If a development does cause harm, that harm is either ‘substantial’ or ‘less than substantial’. The NPPG says:

‘*Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply.*’

and:

‘*Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.*’ (Paragraph: 018 Reference ID: 18a-018-20190723. Revision date: 23 07 2019)

The work done for the IHA indicates that limited development to CHIG.R7 could cause less than substantial harm at the low end of the scale, which should be weighed against the public benefits of the proposal.

6. The EHP did not consider the Stables or Outbuildings as structures worthy of heritage designation concluding ‘... *the criteria for listing are not fulfilled.*’ and therefore they should not be included in the text implying otherwise.

It would be wrong for the Council to support the removal of CHIG.R7 from the allocation without having taken proper account of the information provided. The four reports produced by HE as part of their Enhanced Listing Procedure clearly describe the extent of the designated heritage assets, their significance and the contribution to significance made by the setting in the terms set out in the NPPF, NPPG and HE's own guidance. The IHA by an experienced heritage consultant has assessed the development capacity of the site using the same terms and following the methodology set out by HE in GPA3. The Council has ignored this, and seeks instead to justify the removal of CHIG.R7 from the allocation by exaggerating the extent and significance of the designated heritage assets on the site, and describing the extent of potential harm in subjective and emotive language.

The conclusion from the specialist advice to hand is that some limited development on the CHIG.R7 site could be justifiable in terms of the NPPF and other policies and guidance for the protection of the historic environment. We therefore request that the site be retained in the site allocation of the emerging local plan to allow for future proposals to come forward that could be assessed and decided through the normal planning application process.

Yours faithfully

[Redacted]

NIGEL GOULDING
FOR THE TOOLEY & FOSTER PARTNERSHIP
[Redacted]

Copy: Client
Heritage Consultant