

The Planning Policy Team,
Directorate of Neighbourhoods,
Epping Forest District Council,
Civic Offices,
323 High Street,
EPPING.
CM16 4BZ

20575/A3/MO/NS/dw

BY EMAIL & POST: ldfconsult@eppingforest.gov.uk

29th January, 2018

Dear Sir/Madam,

**EPPING FOREST DISTRICT PRE-SUBMISSION LOCAL PLAN
RESPONSE ON BEHALF OF HIGGINS HOMES**

We write on behalf of our client, Higgins Homes, in respect of the Pre-Submission Local Plan which is currently subject to consultation until 29th January, 2018. Higgins Homes is promoting land at Luxborough Lane, Chigwell as an allocation for housing during the Plan period.

This site has been given the site reference SR-0108 in the SHLAA and the Local Plan and is referred to in the Local Plan and its evidence base documents as 'Land to west of Chigwell Park Drive and to north of Luxborough Lane, Chigwell' (known hereafter as 'Land at Luxborough Lane, Chigwell'). A Location Plan is submitted with Higgins Homes' response (**see attached**).

Higgin Homes would like to express their support towards the preparation of a Local Plan and agree with the Vision for the District (criterion (ii) on page 19) to ensure that by 2033 the District will be a place where new homes of an appropriate mix of sizes, types, and tenures to meet local needs have been provided and well-integrated communities created. However, we have concerns that the Plan does not look to meet Objectively Assessed Housing Needs (OAHN), which is contrary with national policy, and that further development should be planned at sustainable locations within the District. Please find below our representations in response to the Pre-Submission Local Plan.

Housing Need

The NPPF clearly states at paragraph 47 that local planning authorities should:

"Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area....." (our emphasis)

The September 2015 West Essex and East Hertfordshire SHMA, prepared by Opinion Research Services (ORS) identified the Full OAHN in West Essex and East Hertfordshire as being 46,100 dwellings. The document also concluded that the OAHN for Epping Forest to be 11,300 dwellings.

As confirmed at paragraph 2.43 of the Pre-Submission Local Plan, the latest updates to the 2015 SHMA were published in July 2017 (report prepared by ORS included within the Technical Evidence in support of the Local Plan) which now confirms that the Full OAHN across the Housing Market Area



(HMA) to be around 51,700 dwellings. It also identifies that the OAHN for Epping Forest to be 12,573 dwellings. It is therefore evident that the OAHN has risen in the HMA and Epping Forest District.

Higgins Homes is aware that a Memorandum of Understanding (MoU) was signed in March 2017 between the local planning authorities of East Hertfordshire District Council, Epping Forest District Council, Harlow District Council and Uttlesford District Council. This Memorandum confirms agreement between the authorities of a Full OAHN in the HMA of 51,100 dwellings of which 11,400 dwellings are to be provided in Epping Forest District. This figure of 11,400 dwellings is the housing need requirement identified at Draft Policy SP2 (Spatial Development Strategy 2011-2033) of the Pre-Submission Local Plan.

At paragraph 2.56 of the Pre-Submission Local Plan it states that the work which underpinned the development of the MoU focussed on the housing projections set in the SHMA 2015 but lower than the most recent figure identified in the July 2017 update report. This therefore confirms that the HMA figure agreed in the MoU does not look to meet the most up to date full OAHN which as indicated above is 51,700 dwellings as identified within the July 2017 update report.

Higgins Homes note that SA refers to the August 2016 ORS up-date to the OAHN (paragraph 6.8) which concluded a HMA figure of 54,608 dwellings, of which 13,278 dwellings are distributed to Epping Forest. These figures are higher than what is identified in the July 2017 SHMA update report. At paragraph 6.81 of the SA, it provides a set of bullet points explaining the preferred approach of using the HMA figure of 51,100 dwelling (as agreed within the MoU). The first bullet point states that the 51,100 dwelling need is:

".....lower than ORS' estimated OAHN figure taking into account recent information including the CLG 2014-based household projections (54,608) but nonetheless represents good progress towards this higher figure."

Higgins Homes would like to express their support towards the collaborative work that has taken place to date between the local planning authorities within the HMA, however although the agreed figure of 51,100 dwellings may represent 'good progress' towards the higher ONS figure, fundamentally it does not look to meet the most up-to-date full OAHN for the HMA. On this basis, the housing requirement of 11,400 dwellings for Epping Forest District also does not meet the most up-to-date full OAHN and therefore the Plan can't be considered sound as it is contrary to national policy (i.e. paragraph 47 of the NPPF).

Higgins Homes therefore consider that **Draft Policy SP2** should refer to a housing requirement need for Epping Forest District Council (EFDC) of, at a minimum, 12,573 dwellings (based upon a housing requirement of 51,700 dwellings across the HMA) to reflect the most up-to-date OAHN figure from the July 2017 ORS report. On this basis, we consider that EFDC needs at least a further **1,173 dwellings** beyond the current 11,400 dwellings to ensure that they can meet the housing requirement of 12,573 dwellings.

Spatial Strategy

Higgins Homes agree with criterion (iii) and (iv) of the Vision for the District (page 19), to ensure that by 2033 the District will be a place where development respects the attributes of the different towns and villages; and development needs will be met in the most sustainable locations.

In relation to the overall distribution of housing across the District proposed by EFDC, Higgins Homes considers that Epping Forest's growth strategy should be given further consideration. This is to ensure that the housing needs of Epping Forest are directed to sustainable locations where needs arise and should be met; and can be sustainably accommodated, i.e. the existing settlements (including Chigwell).

It is noted at Draft Policy SP2 3,900 dwellings will be allocated at sites around Harlow to create 'Garden Town Communities'. Our client would like to take this opportunity to state that they have no concern regarding the principles for creating these communities, and would go as far as praising the Council for their cooperative work with Harlow District Council, and other neighbouring authorities, in considering Harlow's growth. However, we consider that any future growth directed towards the edges of that town should be primarily related to the needs of Harlow and to support its regeneration needs. The identification of housing allocations on the edge of Harlow within Epping Forest should not, however, be at the expense of EFDC also allocating sufficient land within its own settlements to meet local housing needs, which have the environmental capacity to do so and can accommodate sustainable development.

EFDC should, therefore, undertake a further review and rebalancing of its housing allocations across the District with further options for additional small to medium sized housing allocations identified in sustainable settlements. This is also relevant to ensure the District is able to meet its full OAHN as explained above.

We note that Table 5.1 on page 115 of the Pre-Submission Local Plan, which is based upon the conclusions of the Settlement Hierarchy Technical Paper (2015), identifies the settlement of Chigwell as a 'Large Village'. This is borne out by the number and range of facilities in the centre of Chigwell which serve the existing population and could serve an increase in the number of residents residing in the village. This marks Chigwell as being a location appropriate for further growth within Epping Forest District.

Higgins Homes agree that the main settlements, in particular Chigwell, are therefore the most appropriate areas for new housing in the District. Indeed, Higgins Homes conclude that there is sufficient, suitable and deliverable land around the edge of Chigwell - not just to the east but also to the west – to be able to accommodate further sustainable growth of the village. To this end, EFDC should give further consideration to allocating further housing sites in Chigwell over and above those sites which currently contribute to the total of 376 dwellings identified in Draft Policy SP2.

- **Land at Luxborough Lane, Chigwell**

In July 2013 Barton Willmore submitted a promotional document to Epping Forest District on behalf of Higgins Homes identifying how land at Luxborough Lane, Chigwell could be brought forward as a sustainable location for development. For reference we have attached this promotional document to this response (**see attached**).

The site is located in close proximity to the centre of Chigwell (which possesses a range of facilities and services), the Underground Station, schools and areas for recreation and leisure. The site is also located in close proximity to a bus route which runs along the High Road. Indeed, as is acknowledged within Site Selection Report (ARUP 2016), the site is free from national and regional ecological constraints, is not located within a Conservation Area and is not within the setting of any listed buildings.

The development options identified by Higgins Homes include two main parcels located fronting onto Luxborough Lane (i.e. Parcels A and B). An additional, medium-scale parcel is located on the fringe of woodland at the end of Chigwell Park Drive (Parcel C) and two small parcels are located within the woodland to the north of Chigwell Brook (Parcels D and E).

Higgins Homes' primary focus is seeking the allocation of Parcels A and B, followed by Parcel C and, subject to addressing possible constraints, followed by Parcels D and E.
In terms of development potential:

- Parcel A (1.7ha) could deliver 30-40 dwellings.
- Parcel B (0.75ha) could deliver 15-20 dwellings.
- Parcel C (0.65ha) could deliver 10-15 dwellings.
- Parcel D (0.5ha) could deliver 5-7 dwellings.
- Parcel E (0.5ha) could deliver 5-7 dwellings.

In total, the above parcels could deliver between 65 and 90 dwellings. However, and taking into account the need to protect TPO trees and the Priority Habitat (i.e. the deciduous woodland), a more conservative estimate of the size of any future allocation could be in the region of 45-75 dwellings.

These development proposals are markedly different from the assumptions within the Site Selection Report (2016) prepared by ARUP, which envisaged the development of 150 dwellings across the whole site (Site Ref: SR-0108).

o **Response to the Site Selection Report**

In support of Higgins Homes request that its land at Luxborough Lane, Chigwell is reassessed and further considered for allocation - to meet the long development needs of the Chigwell and Epping Forest - we have identified below Higgins Homes response to those negative points raised within the Site Selection Report against the allocation of its site for housing.

2.1 - "Site is within Green Belt, where the level of harm caused by release of the land for development would be high or very high"

We are particularly concerned that EFDC has concluded that the harm which the proposed development of land at Luxborough Lane, Chigwell could cause to the Green Belt is a principal reason why it has not been considered for allocation.

We note that the site has been assessed within the Green Belt Assessment: Stage 2 (August 2016, LUC) however forms part of a larger parcel of land (Ref: Parcel 036.2) which includes land to the south east of our site including the existing nursery site off High Road. The Assessment concludes that the resultant harm to the Green Belt purposes if parcel released from the Green Belt would be 'Very High'. Higgins Homes disagree with the conclusions of this Assessment and would like to make the following comments:

- There is a broad swathe of land to the west of the M11 (between the existing urban edge of Loughton/Buckhurst Hill and the motorway) that will remain permanently open. This area includes a very large area of land identified on the Environment Agency's website as being in Flood Zone 3 (associated with the River Roding). In another location closer to Loughton there is the Roding Valley Nature Reserve. Taken together, this swathe of land will maintain in perpetuity a significantly wide corridor of land which will mark a demonstrable and defensible separation between Chigwell and Loughton/Buckhurst Hill.
- On the eastern side of the M11, Higgins Homes notes that its site is well contained by the existing housing to the east, Luxborough Lane to the south, the M11 to the west and the Central Line to the north. The site is also not in the open countryside use and has a semi-urban appearance. The presence of the M11 to the west of the site marks a significant, defensible boundary to the westward growth of Chigwell. The Central Line to the north and woodland immediately to the south of the line further add to the visual containment of the site. These factors contribute to Higgins Homes' conclusion that this particular site does not perform the visual function of being within a gap which is required to retain the separation between settlements and to avoid them merging as a result of future development.
- Indeed, the Green Belt Assessment: Stage 2 (August 2016) assessment of Parcel 036.2 confirms that the M11, Central Line and the body of water to the east of Buckhurst Hill "form strong barriers that would prevent separation". This conclusion is supported by Higgins Homes and considered to be appropriate and relevant to its land at Luxborough Lane, Chigwell.
- In addition, and as part of Higgins Homes proposal to ensure that there is sufficient separation between the edge of its proposed development and the boundary of the M11 - to ensure that noise and air quality amenities are maintained for residents - an additional buffer

of land would be included as part of any proposed allocation of land at Luxborough Lane, Chigwell.

- It is also noted that the Anderson Foundation were granted planning permission for the redevelopment of the former Spurs Training Ground, further to the west of Higgins Homes site on Luxborough Lane which lies within the swathe of land between Chigwell and Loughton/Buckhurst Hill. The Anderson School has since been constructed and is now open. Given the arguments made above about the actual contribution that the site makes to the Green Belt and the separation of Chigwell and Buckhurst Hill and the principle that has been established by the Anderson development, Higgins Homes considers that its site is in a location which is appropriate for development.

In short, taking the above and paragraph 80 of the NPPF, the development of Higgins Homes land at Luxborough Lane, Chigwell would not prejudice the purposes of including land in the Green Belt because:

- (i) The land is well contained by housing and transport networks and thus would not be considered 'unrestrictive sprawl' of a built up area.
- (ii) Due to the site being visually contained, it would not result in the merging of towns and villages into one another.
- (iii) The land is not in countryside use and due to the surrounding character of the area would not be considered as having a rural nature.
- (iv) The town of Chigwell and its neighbours at Loughton and Buckhurst Hill are not historic towns.
- (v) There is a need for housing on greenfield land in the district and around Chigwell to meet long-term growth requirement because there is not sufficient sites being put forward which would involve the recycling derelict and other urban land.

Furthermore, because the site benefits from its close proximity to transport infrastructure (i.e. the Central Line) and close proximity to the services in the centre of Chigwell, it is therefore considered to be a sustainable location for housing.

4.2 - "Development would involve the loss of the best and most versatile agricultural land (grades 1-3)"

We are concerned that this particular issue is cited as a reason for the site not being progressed to the final stages of assessment and allocation. The agricultural quality of the land being promoted by Higgins Homes at Luxborough Lane is - according to information available under Open Government Licence from Natural England - predominantly Grade 3. Although a very small part of the site could be Grade 1, that particular land is situated within the wooded area where residential development is not proposed by Higgins Homes. To illustrate the ALC of the site, we have produced plan 1300-RG-M-01 (see attached).

6.2a - "Some 40% of the site is in the HSE inner consultation zone running along the middle of the site. Due to the location of the consultation zone mitigation would be difficult. Sensitivity level 3. HSE guidance is advise against development for affected area"

We are concerned that this particular issue is cited as a reason for the site not being progressed to the final stages of assessment and allocation. In particular, we wish to note that the site development options presented by Higgins Homes to EFDC in April 2013 all take into consideration the requirement to avoid building residential accommodation within the pipeline corridor which crosses the site. Secondly, Higgins Homes contests the identification of the inner HSE consultation zone being used by EFDC as a constraint to the allocation of its wider landholding for development. The width of consultation zones could be varied subject to mitigation. In the case of high pressure gas pipelines, initial buffer zones can be reduced if pipelines are 'sleeved' with a protective cover or cap. In this case, the level of significance of this potential constraint should be reviewed and further technical input sought from specialist engineers to confirm that the proposals identified by Higgins Homes can be delivered.

6.3 - "The extent of the protected tree cover on or adjacent to the site would be likely to have a significant adverse impact on the suitability of the site for development"

We are concerned that this particular issue is cited as a reason for the site not being progressed to the final stages of assessment allocation. The development options identified by Higgins Homes in its Site Promotion Document (April 2013) confirm that individual parcels of land can be allocated which do not result in the loss of TPO trees, particularly in locations most closely related to Luxborough Lane.

With regard to the other points raised by the Site Selection Report in relation to land promoted by Higgins Homes at Luxborough Lane, Chigwell, the following is also noted:

1.1 "Impact on Internationally Protected Sites":

Although it is noted that the site is within 2km of the Epping Forest SAC, it should not be a reason why the site has not been allocated. Indeed, the site assessment should reflect this fact and acknowledge that other sites which are within a similar proximity of the SAC have been allocated for housing.

1.5 "Impact on BAP Priority Species or Habitats":

Similar to our response to point 6.3 (see above), the development options identified by Higgins Homes in its Site Promotion Document are capable of being delivered without the loss of deciduous woodland, particularly if development were to be focussed upon development parcels identified by Higgins Homes closest to Luxborough Lane.

1.8b "Impact on archaeology":

Higgins Homes is concerned that EFDC refers to "existing evidence and/or a lack of previous disturbance indicates a high likelihood for the discovery of high quality archaeological assets on the site". This concern is because no indication has been given by EFDC as to what this evidence is. Indeed, parts of the site have experienced significant disturbance in the past. Without such evidence, the Site Assessment criteria should be amended to be at least neutral and not a negative factor.

1.9 "Impact of air quality":

It is questioned as to whether there is an actual risk of poor air quality in the vicinity of the site as no evidence has been provided by EFDC to support this (such as in relation to traffic using the M11). In any event, it is noted that EFDC considers that mitigation measures are likely to be required and the Higgins Homes development options include a buffer alongside the M11 to provide for the amenities of future residents.

4.1 "Brownfield and Greenfield Land":

The identification of the site as being 100% greenfield, and being adjacent to an existing settlement is identified as a negative factor in the allocation of this site. However, it is noted that a large number of greenfield sites are proposed for allocation - within and outside settlement boundaries.

5.1 "Landscape Sensitivity":

It is noted that "the site falls within an area of medium landscape sensitivity - characteristics of the landscape are resilient to change and able to absorb development without significant character change". Whilst this point is identified by EFDC as being a negative factor, we consider that this particular assessment supports Higgins Homes argument that the site is capable of supporting a housing allocation.

5.2 "Settlement Character Sensitivity":

Higgins Homes acknowledges that its site is located on the edge of the settlement of Chigwell. It is also noted that the site is in close proximity to the centre of Chigwell, which hosts a range of facilities and services that make the village capable of supporting sustainable new development. That said, Higgins Homes is concerned that its site has been assessed under this criterion based on the assumption that "the proposed number of houses is at a higher density than the neighbouring developments. Therefore, development is likely to affect the character of the area". As stated above, Higgins Homes is not promoting the complete development of the whole site or at the density envisaged by EFDC. In fact, the proposed development will be at a much smaller scale than envisaged by EFDC and at a density which responds to and respects the densities of the surrounding residential areas.

6.1 "Topography constraints":

Although EFDC refers to topographical constraints, albeit that there is potential for mitigation, Higgins Homes notes that the development parcels it has selected for development are already suitable in terms of topography for development.

6.4 - "Access to site":

There is no third party land alongside Luxborough Lane which would prevent Higgins Homes from achieving access to the site. In addition, it is important to note that, as a result of the development and opening of the Anderson School on the site of the former Spurs Training Ground, improvements have been made to Luxborough Lane (including the widening of the access onto Chigwell High Road, widening of the lane itself and the extension of the footway alongside the lane) which could serve any future development of Higgins Homes' site.

6.5 - "Contamination constraints":

Higgins Homes confirm that, should contamination be found on site it could be mitigated against in order to ensure that the development options it has identified could be delivered.

On the basis of the above, we consider that this site is an appropriate location for a sustainable residential development and therefore could assist the Council in meeting its full OAHN of 12,573 dwellings. Higgins Homes therefore consider that **Draft Policy P7** (Chigwell) should be revised to include Land at Luxborough Lane as a residential site which could deliver in the range of 45-75 dwellings.

Draft Policy H2 (Affordable Housing)

Higgins Homes query the main requirement of Draft Policy H2 (Affordable Housing), which identifies a threshold of 11 dwellings above which EFDC will seek a minimum of 40% of dwellings to be affordable. Although the policy goes on to address viability and that EFDC will, if viability evidence is accepted, take a flexible approach to tenure mix, other planning obligations and the proportion of affordable housing, it is of concern that the policy starts from the basis of requiring at least 40% affordable housing and reduces the size of the threshold from 15 (see Policy H6A of the adopted Local Plan) to 11.

Insufficient justification is given by EFDC as to why it has made its affordable housing target significantly more onerous, particularly in terms of presenting evidence that this new policy will deliver a significant uplift in the number of affordable dwellings in Epping Forest over the Plan period.

East Hertfordshire District Council is situated within the same SHMA area however they are proposing a different approach to the delivery of affordable housing within their Local Plan¹ seeking

¹ East Herts Pre-Submission Version Local Plan. The Local Plan is currently being considered at Examination.

up to 40% affordable housing on sites and only on sites of 15 dwellings and above. Higgins Homes questions how and why EFDC would adopt a different approach to East Herts?

Ultimately, Higgins Homes is concerned that the higher level of affordable housing provision and reduced size threshold will result in more developments having difficulties demonstrating that they will be viable. Even though EFDC proposes a viability clause in Policy H2, the length of time that would be required to prove that developments are unviable if this high percentage and threshold were adopted would add unnecessary delays to potentially a large number of applications - which, in turn, would delay the delivery of housing.

It is instead requested that further consideration is given to adopting a lower percentage requirement and higher threshold for affordable housing provision.

Summary of Main Objections

We trust that the points made in Higgins Homes response to the Pre-Submission Local Plan consultation will be given further consideration by EFDC. As indicated above we are concerned that the Plan does not look to meet its full OAHN (which is, at a minimum, 12,573 dwellings), which is contrary to national policy, and therefore there is need to allocate further residential sites to meet this need. Given that Chigwell is acknowledged by EFDC to be an appropriate and sustainable location for development in Epping Forest, we consider that Land at Luxborough Lane could assist the Council in meeting this housing need with the opportunity to provide in the region of 45-75 dwellings.

We would be grateful for confirmation that these representations have been received, that they have been registered as duly made. We trust this submission is clear and helpful but should there be any queries in relation to any element of the above and attached, please do not hesitate to contact the writer.

Yours faithfully,

.....Redacted.....

MARK OWEN
Senior Planner

Encs.

cc. W. Higgins / S. Hancocks / J. Leedham - Higgins Homes