

## Epping Forest District Council

### Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3821	Name	Neville	Surtees	Barton Willmore on behalf of Higgins Homes
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Method	Letter
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Date	12/12/2016
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#### Letter or Email Response:

EPPING FOREST DISTRICT DRAFT LOCAL PLAN CONSULTATION 2016 RESPONSE ON BEHALF OF [Redacted] We write on behalf of our client, [Redacted], in respect of the Draft Local Plan consultation. [Redacted] 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'. A Location Plan is submitted with [Redacted] response (see attached). The Proposal In July 2013 [Redacted] submitted a promotional document to Epping Forest District (EFDC) on behalf of [Redacted] 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 development options identified by [Redacted] 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). [Redacted] 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 used by EFDC in its Site Suitability Assessment, which envisaged the development of 150 dwellings across the whole site. The Response to the Draft Local Plan Question 1: The vision is to ensure an enhanced quality of life for the people of Epping Forest District, to provide new homes, jobs and infrastructure to meet the identified needs of the District, and support the local economy, while protecting Epping Forest District's Green Belt and environment. (3.26, Chapter 3). [Redacted] agree with the Vision for the District, in particular the emphasis placed on development respecting the attributes of the different towns and villages; and development needs being met in sustainable locations. In this regard, we note that the Settlement Hierarchy Technical Paper identifies Chigwell as a 'Large Village', which indicates the sustainable credentials of Chigwell within the District. This 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

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appropriate for further growth within Epping Forest District. Question 2: The Council has considered a range of alternatives (which are detailed in the Draft Local Plan) and has concluded that the main settlements in the District are the most appropriate areas for new housing. The Council is proposing an approach which maximises opportunities for development around Harlow and also in locations within the existing settlements before considering a limited release of Green Belt land (see Draft Policy SP 2). ...Redacted... also agree that the main settlements, in particular Chigwell, are the most appropriate areas for new housing. Indeed, ...Redacted... concludes 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 430 dwelling total identified in Policy SP2. In relation to the overall distribution of housing across the District proposed by EFDC, ...Redacted... 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). As regards Harlow, 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. 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 such as Chigwell. Question 3: In order to support delivery of homes around Harlow, the Council has identified strategic sites to the west, south and east of Harlow. The sites will be comprehensively planned to ensure the provision of a mix of housing, local centres, community and educational facilities, open space and new transport provision (Draft Policy SP 3) Please see ...Redacted... response to Q2. In this regard, we do not wish to comment on the merits or otherwise of potential housing sites around the edge of Harlow (either allocated or unallocated). We do wish to note that any future growth directed towards the edges of Harlow should be primarily related to the needs of the town 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, such as Chigwell. Question 6: The Draft Local Plan has identified our draft strategy for meeting the housing and employment needs up to 2033. We have identified sites for housing which are suitable and available and can be delivered over the next 17 years. Whilst ...Redacted... does not wish to object to the current sites allocated for housing in and around Chigwell, it does note that further consideration should be given to identifying and acknowledging the potential for additional sites to come forward for housing, and not just in locations to the east of the village. Question 9: Do you wish to comment on any specific policies in the Draft Local Plan? Policy H2 (Affordable Housing) - ...Redacted... query the main requirement of Policy H9, 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. We note that East Hertfordshire District Council - which is simultaneously consulting upon its own Local Plan Review and is also within the same SHMA area - is proposing a different approach to the delivery of affordable housing. Indeed, East Herts is only seeking up to 40% affordable housing on sites and only on sites of 15 dwellings and above. ...Redacted... questions how and why EFDC would adopt a different approach to East Herts? Ultimately, ...Redacted... 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 - like East Herts - to adopting a lower percentage requirement and higher threshold for affordable housing provision. Response EFDC's Site Suitability Assessment In support of ...Redacted... 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 ...Redacted... response to those negative points raised by EFDC against the allocation of its site for housing. 2.1 - "Site

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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 taken through all four stages of site selection assessment and considered for allocation. There are a number of reasons (as explained below) why ...Redacted... considers EFDC's Site Suitability Assessment of its land at Luxborough Lane, Chigwell to be an inappropriate and unsuitable basis for not taking forward the site for allocation: EFDC's method of assessing the contribution which land at Chigwell makes to achieving the purposes of Green Belt is too simplistic. Whilst the inclusion of land within 2 large polygons (as identified in Drawing No. EFDC-S3-0003- Rev1 of Appendix B1.5.2 of the Stage 3 Assessment for Residential Sites in Chigwell) could be used as a general starting point for identifying sites which could be allocated for housing, it should not be used to dismiss sites. This is especially so if it can be demonstrated that individual land parcels do not perform the functions of the Green Belt. In addition, sites (such as at Luxborough Lane, Chigwell) that include land both within and outside of defined polygons, which (de facto) could be judged not to perform a Green Belt function, should merit further assessment in order to explain whether further land in that vicinity could form a logical development boundary which could accommodate a development allocation. It is also disappointing to note that very little is stated in the evidence base documents explaining why the subject site, in particular, has been rejected as part of the assessment. In addressing the summary conclusions stated in Appendix B1.5.2, ...Redacted... argues that its site is not in an unfavourable growth direction. 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 by EFDC in its Site Assessment, 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. ...Redacted... also argues that the development of its site for housing - on the basis of the development capacities identified above (and not as proposed by EFDC in its Site Assessment assumptions) - would not " cause significant harm to the Green belt, risking the coalescence of Chigwell and Loughton/Buckhurst Hill' (as concluded by EFDC in the Results of the Stage 3 Assessment for Residential Sites). In this regard, it is noted that: 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, ...Redacted... 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 ...Redacted... 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 EFDC Green Belt Review Stage One (September 2015) confirms in relation to Green Belt Assessment Parcel DSR-036 (Land south of Chigwell) that the M11, Central Line and the body of water to the east of Buckhurst Hill " form very strong boundaries between the settlements of Chigwell and Buckhurst Hill' . Indeed, the same Green Belt Review also states that " depending on the scale and location of development there could be a reduction in the gap in visual terms. Some development adjoining the urban areas could be considered appropriate provided the visual openness of the gap is not affected'. This conclusion is supported by ...Redacted... and considered to be appropriate and relevant to its land at Luxborough Lane, Chigwell. In addition, and as part of ...Redacted... 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 ...Redacted... site on Luxborough Lane. Although the Summary Note included in the Site Proforma for the Developer Meeting with ...Redacted... refers to the Local Plan not taking the Anderson planning permission into consideration, and the Local Plan taking a forward-looking approach to distributing growth across the district to the most appropriate locations, we consider that it should. Given the arguments made above about the actual contribution that the site makes to the

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Green Belt and the separation of Chigwell and Buckhurst Hill and the principle that has been established by the Anderson development, ...Redacted... 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 ...Redacted... 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 Laughton 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 ...Redacted... 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 ...Redacted... To illustrate the ALC of the site, we have produced plan 1300-RG-M-01 (see attached). 6.2 a - "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 ...Redacted... 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, ...Redacted... 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 ...Redacted... 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 ...Redacted... 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 EFDC in its Site Suitability Assessment relation to land promoted by ...Redacted... 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 SAP Priority Species or Habitats": Similar to our response to point 6.3 (see above), the development options identified by ...Redacted... 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 ...Redacted... closest to Luxborough Lane. 1.Bb "Impact on archaeology": ...Redacted... 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 ...Redacted... 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

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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 ....Redacted.... argument that the site is capable of supporting a housing allocation. 5.2 "Settlement Character Sensitivity": ....Redacted.... 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, ....Redacted.... 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, ....Redacted.... 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, ....Redacted.... 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 ....Redacted.... from achieving access to the site. In addition, it is important to note that, as part of Anderson Foundation's redevelopment 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 ....Redacted.... site. 6.5 - "Contamination constraints": ....Redacted.... 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. The Request We trust that the points made in ....Redacted.... response to the Draft Local Plan consultation will be given further consideration by EFDC, given that EFDC's Site Suitability Assessment has been based only on a broad brush assessment of the Green Belt in this locality which fails to acknowledge the site-specific characteristics of the site; and on a set of development assumptions which are inappropriate for the site and markedly different to those identified by ....Redacted.... Indeed, we would be pleased to discuss Higgins Homes proposals for its land at Luxborough Lane, Chigwell in more detail with you with a view to it being the subject of further assessment and allocated for small to medium scale residential development - given that Chigwell is acknowledged by EFDC to be an appropriate and sustainable location for development in Epping Forest. Appendices: - Site Location Plan (20575/01); - Promotional Document (20575/1b); - Agricultural Land Designations Plan (1300/RG-M-01). - Call for Sites Submission Form.

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