

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

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Letter or Email Response:

Epping Forest District Draft Local Plan Consultation – October 2016 The Chisenhale-Marsh Estate Company Land at Coopersale Cricket Club, Brickfield Road, Coopersale

Introduction 1. This Representations Report has been prepared by Carter Jonas LLP on behalf of The Chisenhale- Marsh Estate Company ('the Landowner'), and is a response to the Epping Forest District Draft Local Plan Consultation (October 2016) ('the Draft Plan'). The Landowner owns the freehold to the Land at Coopersale Cricket Club. The site boundary is outlined in red in Annex 1 and will be referred to as 'the Site' from here on in. Additional land within the Landowner's ownership is also shown outlined in blue. 2. The Site is 1.2ha and lies on the south-eastern edge of Coopersale. The Site is referred to as SR- 0405, and is included within the Draft Plan under Policy P 12 A. i) as a site to be allocated for residential development. The Site, together with Coopersale and Theydon Garner Primary School Playing Fields ('the Playing Fields'), is identified for 'approximately 19 homes'. 3. The draft allocation is proposed in order to contribute towards Epping Forest District Council's ('the Council') Objectively Assessed Housing Needs ('OAHN') across its Plan period. The Council has undertaken to provide 11,400 homes between 2011 and 2033 (518 homes per annum), including 3,152 affordable homes (143 homes per annum). 4. The Site lies within the Metropolitan Green Belt ('MGB') (noting that 92% of the district is MGB). The Council has undertaken a staged review of the Green Belt, initially involving a high level review ('GB Review Stage 1') of Green Belt land across the district to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the National Planning Policy Framework ('NPPF'). 5. A Green Belt Stage 2 Report ('GB Stage 2 Report') was then carried out by independent consultants, working on behalf of the Council, to assess land surrounding 22 of the district's settlements, so that individual parcels of land/sites could be considered in detail against their Green Belt function. 6. As part of the GB Stage 2 Report, an overall 'Summary of Harm' assessment was considered, which ranked the Site's potential contribution to harm as 'Low'. Of the 143 Stage 2 parcels that were assessed, only 6 other parcels were assessed as having a Low score (and only 7 assessed as Very Low). Accordingly, the Site is in the best performing 10% of sites in terms of potential impact upon the Green Belt. 7. One of the Council's evidence base documents (Stage 3 Capacity and Stage 4 Deliverability Assessment, September 2016) ('Site Selection Report') identifies the Site for 19 homes. It notes that the scheme being promoted on the Site would not be in conflict with the on-going operation of the Primary School. Therefore, whilst Policy P 12 A. i) includes Theydon Garner Primary School Playing Fields within the allocation boundary, it is assumed that the policy is not proposing new housing on playing fields, which serve a school that is currently in operation. Accordingly, it is assumed

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

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that all 19 of the homes proposed in the policy are intended to be provided on the Site. 8. Notwithstanding this, it is also noted that the Site Selection Report suggests that a density of 17.47 dwellings per hectare would be appropriate, based on a 'Mixed Use Density' discount of 25%. It is not clear why the Site is subject to this discount. Other sites (both greenfield and those that are utilising existing open space) are not subject to the same 'discount' e.g. SR-0071 for 115 homes, SR-0113B for 244 homes. We therefore contend that the discount should be removed and that the Site should be considered for the provision of additional housing. In using a similar approach to that taken in the Site Selection Report i.e. starting at a baseline density of 34.5 dph, applying a 25% Constraints density adjustment, and a further 10% gross to net adjustment, this would leave a target density of 23dph. Based on a site of 1.2ha, this would equate to 28 homes. 9. A Development Framework Document (December 2016) ('DFD') accompanies this Representations Report. This has been informed by a number of technical assessments, including highways, drainage, trees and ecology. These reports are also available as part of this submission. It is considered that there are no insurmountable constraints to development. Two schematic options have been proposed within the DFD, firstly a 'policy-compliant' scheme for 19 homes on the Site (net density of 17 homes per hectare), and secondly a 'policy-enhanced' scheme of 28 homes (net density of 23 homes per hectare). 10. Accordingly, whilst we are in general support to the proposed allocation of the Site for 19 homes, we consider that there is an opportunity to deliver a greater amount of development on the Site (including affordable housing), which is capable of mitigating impact, whilst maximising the development efficiency of a site that is proposed for release from the Green Belt. 11. The Landowner currently leases the Site to Coopersale Cricket Club and consideration is being given to possible relocation sites for the Cricket team in the future. The Landowner owns a significant amount of land around Epping and Coopersale, and all are being assessed for their suitability. 12. It is considered that the Site could be made available within a five year period, it is suitable and developable for housing, and is therefore deliverable for the proposed residential use. 13. A completed questionnaire form has been prepared and submitted and should be read in accordance with this Representations Report, the DFD and associated technical documents. REPRESENTATIONS Question 2 - Do you agree with our approach to the distribution of new housing across Epping Forest District? 14. There is clear recognition from the Council that it must achieve a balance between the Government's requirements to deliver an identified and evidenced need for economic and housing growth, and the need to protect the greenness of its district. 15. The government-published National Planning Policy Framework ('NPPF') states in paragraph 14 that 'at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. 16. It goes on to add that 'for Plan-making' (as in the draft Plan process that the Council is currently consulting on) 'this means that: ? Local planning authorities should positively seek opportunities to meet the development needs of their area; ? Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: i. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii. Specific policies in the NPPF indicate development should be restricted.' 17. In order to firstly identify 'the development needs of their area', the Council jointly formed a Co- operation for Sustainable Development Member Board ('Co-op') in October 2014 with neighbouring authorities including East Hertfordshire District Council, Harlow Council, Uttlesford District Council, Hertfordshire County Council and Essex County Council. It undertook to review the economic and housing needs that had previously been identified in the Strategic Housing Market Assessments ('SHMA') 2010 and 2012, and then prepared an update of the SHMA in 2015. It considered there to be a need for 46,100 new homes in the plan period to 2033. 18. The Office of National Statistics and the Department for Communities and Local Government then published demographic data in 2016 which indicated that the OAHN for the SHMA area should instead be 54,600. The Co-op has reviewed this requirement against infrastructure and environmental factors and has determined that the full OAHN for the SHMA cannot be fulfilled. In reaching this conclusion, the Co-op tested six options, ranging from housing targets of 48,300 to 57,100 homes, and a range of spatial distributions. It concluded that a revised target of 51,100 could be achieved, split across the various administrative boundaries, resulting in a housing target of 11,400 homes for the Epping Forest district. 19. In identifying the housing development needs of the district (housing is the immediate focus of our consideration here, given the promotion of the Site for the provision of new homes) through the Co-op/SHMA, it is considered that the Council has then, in general terms, followed an appropriate approach in identifying land that can support that level of development envisaged. 20. The selected distribution of growth must be based on the delivery of sustainable development including meeting identified development needs in full, and taking into account any environmental and infrastructure constraints that may restrict development in certain locations. 21. Paragraph 7 of the NPPF identifies

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

the three dimensions of sustainable development, which are economic, social and environmental roles. Paragraph 9 makes the connection between sustainable development and making positive improvements to the quality of the built, natural and historic environment, as well as people's quality of life. Paragraph 17 identifies the core principles of the planning system. The principles of meeting development needs, protecting the environment and heritage assets, and making the fullest possible use of public transport, walking and cycling are particularly relevant to these representations. Paragraph 28 seeks to support a prosperous rural economy, including the retention of services and facilities in villages. Paragraph 34 expects developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, but acknowledging that different solutions will be required for urban and rural areas. Paragraph 47 seeks to boost significantly the supply of housing, by meeting the full objectively assessed need for housing. Paragraph 55 seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.

22. The settlement hierarchy, as shown in Figure 5.1, is broadly supported. Utilising work from the Settlement Hierarchy Technical Paper (2015) ('SHTP'), this identifies the four key towns in the district including Epping, Chipping Ongar, Loughton and Waltham Abbey. It then identifies a 'Large Village' category, followed by a 'Smaller Village' category, for which Coopersale is included within. There is then a final category of 'hamlets' below this. A Smaller Village is explained as comprising of few facilities (between 7 – 13 facilities) and with limited access to public transport.

23. The Council has not provided an indicative maximum size threshold for development within the various tiers of settlement, and again this is broadly supported, as the Council has instead chosen (through the Site Selection Report) to assess the capacity for locations for growth/specific sites on their individual merits. This approach is evidenced by some settlements in the Smaller Villages category accommodating large-scale growth, including 218 homes in Lower Nazeing, 124 homes in Thornwood, and 117 homes in Sheering. In terms of the SHTP, these settlements scored broadly the same as Coopersale, with scores of 10, 8 and 9, respectively (Coopersale scored 8). This suggests that the size of Coopersale, or the facilities it can offer, should not be a limiting factor to the quantum of development that can be achieved within it. The quantum is instead separately determined by the constraints and opportunities assessment taken in the Site Selection Report.

24. We support the proposed growth in the Coopersale/Epping area, which will be aided by the spatial relationship to transport networks, notably the Epping Underground connection with the Central Line, and proximity of the M11 (via Loughton) and M25. Epping is one of only seven other tube stations in the district, along with Buckhurst Hill, Theydon Bois, Debden, Loughton, Chigwell and Grange Hill (in addition to a national railway station at Roydon).

25. Proposed residential growth at Coopersale could therefore be supported by its proximity to Epping tube station, in terms of providing a mode of sustainable travel that is within a reasonable travel distance (the Site is approximately 2 miles from the station, which equates to a travelling time of c.11 minutes).

26. New housing on the Site could also be supported by access to local bus connections, which offer services to Epping, Waltham Abbey and Harlow. The closest bus stop is located on Coopersale Common, approximately 380m to the north-west of the Site. This is within the desirable 400m distance stipulated in the Highways and Transportation's 'Providing for Journeys on Foot' guidance.

27. A fundamental issue for the Council in identifying locations for growth is the presence of Metropolitan Green Belt ('MGB'). Approximately 92% of the district lies within the Metropolitan Green Belt and a Green Belt Review has not been undertaken since the 1998 Local Plan was adopted.

28. Paragraph 83 of the NPPF states that 'Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period'.

29. In terms of 'exceptional circumstances', paragraph 3.85 of the Draft Plan states that 'the evidence suggests that if the Council is to deliver the Vision and Objectives of the Local Plan as set out in Chapter 2, provide the development needed to support the long term sustainability of the District and the wider area as identified in Draft Policies SP 2 and SP 3, then there is a need to review the extent of the Green Belt within the District. In addition, the current Local Plan was adopted before the publication of the NPPF (which makes it clear that Local Plan policies should avoid repeating national policy) and prior to changes to nationally set Permitted Development Rights. As such a number of the policies are either out of date or are no longer applicable.'

30. As noted in paragraph 3.90 of the Draft Plan, the Council is pursuing a strategy which seeks to minimise the use of Green Belt land whilst focusing development in sustainable locations.

31. The Council has undertaken a staged review of the Green Belt, initially involving a high level review of Green Belt land across the district to identify the contribution of the Green Belt towards national Green Belt purposes as set out in the NPPF.

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

32. A Green Belt Stage 2 Report was then carried out by independent consultants, working on behalf of the Council, to assess land surrounding 22 of the district's settlements, so that individual parcels of land/sites could be considered in detail against their Green Belt function. 33. As part of the GB Stage 2 Report, an overall 'Summary of Harm' assessment was considered, which ranked the Site's potential contribution to harm as 'Low'. Of the 143 Stage 2 parcels that were assessed, only 6 other parcels were assessed as having a Low score (and only 7 assessed as Very Low). Accordingly, the Site is in the best performing 10% of sites in terms of potential impact upon the Green Belt. 34. In tandem with this work, the Council commissioned a Settlement Capacity Study (SCS) to estimate development capacity on non-Green Belt land, specifically considering the availability of brownfield sites at non-traditional densities. 35. The SCS reviewed developable sites within 9 identified settlements using the data gathered as part of the SLAA as well as other local and nationally available datasets. Capacity was tested under four scenarios which included varying assumptions regarding the size and pool of sites. The 9 settlements selected were based on the Council's settlement hierarchy and included the largest settlements in the district; those with the most capacity to accommodate new growth. 36. The study identified the potential for around 7,600 dwellings as being theoretically deliverable within the settlement boundaries of the 9 settlements over the plan period. This included sites with extant planning permission and excluding these sites the study revealed capacity for up to around 6,000 dwellings within the boundaries of the 9 settlements identified. 37. The deliverability of the sites in the study was assessed at around 4,000 dwellings within the first 10 years of the plan. The SCS stated that the density required to achieve these yields would be much higher than what had traditionally been delivered in the district and that the assumed densities took no account of housing mix. The SHMA identified an OAHN of 46,100 dwellings across the market area with 11,300 needed in Epping Forest District. The 2014 SLAA identified a capacity of 1,928 units within areas that may be suitable for development under the current development plan. 38. In tandem with the Green Belt Review, a detailed site selection exercise was completed for sites that were known to be potentially available for employment, housing, traveller and employment growth. The methodology used in site selection incorporated a clear hierarchy of approach to the location of new development, giving preference for sites outside the Green Belt in accordance with the below: 1. Allocating sites around Harlow to support the London Stansted Cambridge Corridor 2. Sites on land within settlements (Green Belt boundaries used as a proxy). 3. Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement 4. Previously developed land within the Green Belt 5. Land of least value to the Green Belt assessed through Green Belt Review 6. Land of greater value to the Green Belt if the land meets other criteria for development 7. Land of most value to the Green Belt if the land meets other criteria. 39. In seeking to deliver the most sustainable form of development across the District, the Council has sought to focus an element of future growth around the periphery of Harlow. This makes best use of the services and facilities available in this large settlement. 40. Under Category 5, the Council has also identified the Site in Coopersale. 41. We support the approach taken by the Council in its two-stage approach to Green Belt review and the findings made in respect of the Green Belt function that the Site provides. We therefore support the proposed release of the Site from the Green Belt in the Draft Plan, in order to facilitate the delivery of housing that will contribute towards the Council's OAHN requirement in the Plan period. 42. Boundary alterations will result in approximately 500 hectares or around 1.5% reduction in the Green Belt. We contend with the Council that exceptional circumstances exist to justify revisions to the Green Belt. We support the reference by the Council in paragraphs 3.87 - 3.93 of the Draft Plan in seeking to provide a clear policy statement demonstrating why exceptional circumstances exist. 43. In the case of *IM Properties Development Ltd v Lichfield DC* [2014] EWHC 2440 (Admin), Patterson J "What is clear from the principles distilled in the case of *Gallagher*" (*Gallagher Homes Ltd v Solihull Borough Council* [2014] EWHC 1283 (Admin), Hickinbottom J) "is that for revisions to the green belt to be made exceptional circumstances have to be demonstrated. Whether they have been is a matter of planning judgment in a local plan exercise ultimately for the inspector." Question 6 - Do you agree with the proposed sites in your area (Chapter 5)? Do not feel that you have to comment on all of the areas. 44. We broadly support the draft policy P 12 A. i) to revise the Green Belt boundary to remove the designation from the Site, and to allocate the Site for residential development. The Site, together with Coopersale and Theydon Garner Primary School Playing Fields ('the Playing Fields'), is identified for 'approximately 19 homes'. 45. The Site Selection Report identifies the Site for 19 homes. It notes that the scheme being promoted on the Site would not be in conflict with the on-going operation of the Primary School. Therefore, whilst Policy P 12 A. i) includes Theydon Garner Primary School Playing Fields within the allocation boundary, it is assumed that the policy is not proposing new housing on playing fields, which serve a school that is currently in operation. Accordingly, it is assumed that all 19 of the homes proposed in the policy are intended to

Response to the Draft Local Plan Consultation 2016 (Regulation 18)

be provided on the Site. We would ask that the Council clarifies the position with regards to the current inclusion of the School playing fields within the site boundary. 46. Notwithstanding this, it is also noted that the Site Selection Report suggests that a density of 17.47 dwellings per hectare would be appropriate, based on a 'Mixed Use Density' discount of 25%. It is not clear why the Site is subject to this discount. Other sites (both greenfield and those that are utilising existing open space) are not subject to the same 'discount' e.g. SR-0071 for 115 homes, SR-0113B for 244 homes. We therefore contend that the discount should be removed and that the Site should be considered for the provision of additional housing. In using a similar approach to that taken in the Site Selection Report i.e. starting at a baseline density of 34.5 dph, applying a 25% Constraints density adjustment, and a further 10% gross to net adjustment, this would leave a target density of 23dph. Based on a site of 1.2ha, this would equate to 28 homes. 47. A DFD and technical evidence base including reports on highways, drainage, trees and ecology accompanies this Representations Report. 48. The DFD notes that the Site is located outside the adjacent Nature Reserve (which includes the Gurnon Bushes Site of Special Scientific Interest ('SSSI')). 49. The development of the Site should not therefore incur upon the SSSI and the overall site layout as presented in the Vision part of the DFD shows that a suitable set-back to existing trees and vegetation within the SSSI can be appropriately accommodated. 50. The Site is well contained and 'nestled' within a definable boundary to its south and east by woodland (also in the ownership of the Landowner). As such, development of the Site is suitable contained by the surrounding forest landscape and will not intrude on the character of the nature reserve/SSSI. 51. Whilst there would be a loss of usable public open space within the boundary of Coopersale through the loss of the cricket pitch, residents will have good access to green space in the form of the adjacent nature reserve and forest walks. 52. The DFD provides illustrative schemes showing how a 'policy-compliant' development of 19 homes could be achieved, and a second scheme of 28 homes (referring to the opportunity to make efficient use of a site that is proposed for release from the Green Belt). 53. Both schemes can achieve the following: ? Single dwelling plot sizes which are similar to those found in other parts of Coopersale, ranging from as large as 400sqm plots to 200sqm. All plots are served using on-plot car parking; ? A balancing pond at the south-westerly corner of the Site to provide on-site drainage; ? Buffer hedge/tree planting along property boundaries to existing neighbouring properties immediately north to provide a 'soft' buffer and help mitigate potential overlooking. Building orientation of dwellings near this boundary to be east-west orientation to avoid direct overlooking into neighbouring properties; ? A 25-metre deep plots on the eastern and southern boundaries of the Site to provide a sufficient buffer to buildings for existing tree roots and canopies; ? Low order shared streets, akin to mews surfaces/characteristic to promote low vehicle speeds and encourage cycling and walking; ? Vehicular access from Brickfield Road, but with flexibility to utilise other means of access if required; ? Relocation of the Essex Way onto land immediately south of the Site. Question 9 - Do you wish to comment on any other policies in the Draft Local Plan? 54. Draft Policy H 2 Affordable Housing seeks provision for a minimum of 40% affordable homes on development sites that provide 11 or more homes. 55. We would comment that the Council has not adequately justified why a 40% (minimum) target is required. In noting the SHMA requirement of 3,152 affordable homes for the district through to 2033, this represents a 28% contribution of the 11,400 homes that are proposed across the district during the same Plan period. 56. Paragraph 4.13 of the Draft Plan states that 'the Council needs to take into account the fact that not all development sites will contribute to the provision of affordable housing'. This could be for a number of reasons, including some sites that are too small (i.e. 10 units and below). 57. However, in assessing all of the proposed housing sites within Chapter 5 Places, it is noted that 11,147 homes will be on site allocations involving 11 or more homes i.e. only a very small proportion of the 11,400 home district target appears to involve sites below the affordable housing threshold. When the SHMA affordable housing target of 3,152 is divided into the 11,147 total, it still results in a 28% overall contribution. 58. Given the high land values achievable within the district we would also question whether viability issues will materially affect the number of schemes that are able to provide affordable housing. Other site-specific factors may still nonetheless have a role in increasing the percentage overall contribution, but arguably not to the level currently proposed in the Draft Policy. Accordingly we would suggest that the Council reviews its suggested minimum percentage threshold. We believe that a target of 35% affordable housing would be more appropriate. Carter Jonas -December 2016 Annex 1 - Site Plan Suitable access can be provided into the site and low level congestion is expected on adjacent roads at peak times;

Response to the Draft Local Plan Consultation 2016 (Regulation 18)