

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

Stakeholder ID	4618	Name	Sam Hollingworth on behalf of Mr Davies
----------------	------	------	---

Method	Letter
--------	--------

Date	12/12/2016
------	------------

This document has been created using information from the Council's database of responses to the Draft Local Plan Consultation 2016. Some elements of the full response such as formatting and images may not appear accurately. Should you wish to review the original response, please contact the Planning Policy team: ldfconsult@eppingforestdc.gov.uk

Letter or Email Response:

Introduction and background 1. These representations on the Epping Forest District Draft Local Plan 2016 (DLP) are submitted by **Redacted....** in Epping Forest District Council's (EFDC) plan-making process. 2. The site is previously developed land, but allocated as Green Belt in the now out-of-date Development Plan (the Epping Forest District Local Plan, 1998). 3. It measures 3.56 hectares and comprises a range of commercial buildings and areas of hardstanding focused on the southern section of the site; and greenfield land on the northern part of the site assessed by EFDC. 4. It is located within the settlement of Sewardstone with offers some services and facilities. A wider range of services and facilities are available at Enfield Island Village, located approximately 1km to the west of the site. 5. The site was subject to a planning application for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings with ancillary parking, access and gardens, along with the erection of a community building (application reference EPF/1556/14). The application was recommended for approval by EFDC Officers, but was refused by EFDC on 19 November 2014. 6. A subsequent appeal (reference APP/J1535/W/15/3033482) was dismissed, with the Inspector concluding the proposed development of up to 72 dwellings would have a greater impact on the openness of the Green Belt than existing development. Notably, the Inspector did not suggest that residential redevelopment of the site was unacceptable in principle. 7. It is submitted that **Redacted....** should be allocated for residential development as part of the new Epping Forest District Local Plan, for the reasons outlined in this representation. Approach to identifying and meeting housing need 8. The new Local Plan is required to allocate additional land for housing, and to deliver a significant uplift in current housing delivery rates in the District. 9. The National Planning Policy Framework (NPPF) is clear on the importance of housing delivery, and on the need for planning to deliver objectively assessed housing needs. The core planning principles set out in the NPPF include the following: "Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities" (NPPF paragraph 17). 10. At paragraph 47 of the NPPF it is stated that Local Plans should ensure objectively assessed needs for market and affordable housing are met. 11. Furthermore, the NPPF contains an express requirement (paragraph 182) for Local Plans to be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with

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

Stakeholder ID	4618	Name	Sam Hollingworth on behalf of Mr Davies
----------------	------	------	---

achieving sustainable development - a Local Plan cannot be found sound and adopted if it fails this requirement. 12. Given that it is critical the Local Plan to aims to meet objectively assessed housing needs in full, there are concerns in respect of the approach suggested by the DLP, as explained below. 13. Firstly, it is imperative that calculation of housing need addressed by the Local Plan is robust. In relation to the calculation of Epping District's needs, it is noted that this has been determined through the West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA, 2015). The SHMA (2015) identified a need for the housing market area (East Herts, Epping Forest, Harlow and Uttlesford) of 46,100 dwellings between 2011 and 2033, of which 11,300 are required in Epping District specifically (equating to 514 dwellings per year). 14. However, in August 2016 Opinion Research Services (ORS) updated the overall housing need to take into account more recent information, including the more up-to-date 2014-based household projections, and identified a revised objectively assessed housing need for the housing market area of 54,608 between 2011 and 2033. The update goes on to state that the objectively assessed housing need for Epping Forest District is 13,278 dwellings in Epping Forest (equating to 604 dwellings per year). We understand that the Planning Inspectorate has recently confirmed to Uttlesford District Council that Districts should be basing their objectively assessed housing need assessments on the more up-to-date 2014 Sub National Housing Population Projections (as reported to Uttlesford District Cabinet on 1 November 2016); further suggesting that EFDC should be treating 13,278 homes as the minimum target in the Local Plan. 15. The DLP proposes to deliver a total of 11,400 new homes for the period 2011 to 2033. This does not address the District's objectively assessed housing need of 13,278 dwellings for this period. 16. The NPPF not only requires the Local Plan to ensure the District's development needs are met in full, but also that the unmet needs of housing market areas or neighbouring authorities are considered and addressed where it would be sustainable to do so. Whilst the DLP notes at paragraph 3.16 that a Draft Memorandum of Understanding (MoU) between East Hertfordshire, Epping Forest, Harlow and Uttlesford has been produced, it is unclear whether any unmet development needs of other neighbouring authorities has been accounted for, for example in London Borough Enfield and Borough of Broxbourne, both adjoining the District to the west. Draft Policy SP2 District-wide 17. Draft Policy SP2 proposes a total of 11,400 dwellings are delivered in the District between 2011 and 2033. As set out elsewhere within this representation, the objectively assessed housing need for the District for 2011-2033 is 13,278 dwellings. Policy SP2 does not propose to meet objectively assessed need. The policy as currently proposed is therefore contrary to national policy and cannot form part of a sound Local Plan. 18. In addition, it is critical that the Local Plan enables the delivery of housing to meet need in the short, medium and long term; and that policies are sufficiently flexible to ensure a constant supply of housing, regardless of unforeseen circumstances. The NPPF requires Local Planning Authorities to maintain delivery of a five-year supply of housing land to meet their housing target (paragraph 47), and to produce Local Plans which are flexible in this respect, stating: "Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change" (NPPF, paragraph 14). 19. It is noted that Draft Policy SP2's proposal to deliver 11,400 dwellings is based on the view that there is a need for Epping Forest District to accommodate approximately 11,400 new homes between 2011 and 2033. A strategy which seeks to delivery exactly the number of dwellings that is considered to be required cannot be said to be flexible. Such an approach leaves the District's housing supply in a very precarious position and introduces a considerable level of uncertainty as to whether development needs will be met. Approach to rural settlements 20. It is important that the Local Plan directs sufficient growth to rural settlements, to ensure rural communities are sustained and that rural facilities and services remain viable and thus continue to perform an important role for the existing community. The NPPF makes clear that one of the core planning principles that should underpin both plan-making and decision-making is the need to support rural communities: "Planning should.... take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it". (NPPF paragraph 17, emphasis added). 21. The NPPF is clear that Local Plans should seek to support economic growth in rural areas through ensuring retention and development of local services and facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (paragraph 28). 22. Further to the requirements of the NPPF, the National Planning Practice Guidance (NPPG) explains how Local Planning Authorities should support sustainable rural communities. This states (at paragraph: 001 Reference ID: 50-001-20160519): "It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements." And, "A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities."

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

(Emphasis added). 23. In light of the above, it is submitted that in addition to the Local Plan being required to provide a much greater number of dwellings in total than proposed through the DLP, a greater number of homes should be directed towards smaller rural settlements. The Local Plan should explore opportunities to provide housing in settlements such as Sewardstone, which is an established rural community with some services and facilities which should be supported through the planning process. 24. It is particularly disconcerting to note that potential development in Sewardstone appears to have dismissed without due consideration. EFDC's site assessment process, details of which have been published alongside the DLP, has clearly been pivotal in determining which sites are preferred for development, and which are rejected. In respect of site SR-0063 it is noted that the Site Suitability Assessment Appendix B.1.4.2 states: "The Council did not consult on a growth location which covers or is near to this site." 25. EFDC's justification for the rejection of site SR-0063 through the site selection process includes reference to it being part of a growth location that was "judged to be less favourable" (Site Selection Report Appendix B1.1). However, as noted above, it is unclear to what extent this area was considered through the Local Plan process. The NPPF requires Local Plans to be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence in order for it to be found sound. In relation to the legal compliance and the Local Plan, the Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) (2004) requires all reasonable alternatives be considered and assessed to the same level of detail as the preferred approach. We trust the Council will take appropriate action to address such concerns to ensure our client's interests in respect of site SR-0063 are not prejudiced. Consideration of site SR-0063 through the plan-making process 26. Site SR-0063 is not proposed to be allocated for residential development in the DLP. It is considered that the rejection of the site is not justified, and its inclusion within the Local Plan will help ensure the plan is positively prepared, effective and complies with national planning policy - i.e. it will assist in ensuring the Local Plan is sound as per the requirements of paragraph 182 of the NPPF. This is explained in detail below. 27. As noted above, the site selection process undertaken by EFDC has been fundamental in determining which sites are proposed for allocation through the DLP, and which have been rejected. 28. The site selection process has assessed site SR-0063 as a single site of 3.56 ha, and appears to have considered only the merits of the development of the site in its entirety - both the southern part of the site comprising previously developed land, and the northern greenfield element of the site. The site assessment considers provision of 150 dwellings on the site. The reason given for the rejection of the site is, in full, as follows: "This site is part of a strategic option which was judged to be a less favourable location for growth. Sewardstone is an unsustainable location and intensification of development would cause significant harm to the Green Belt." 29. In order to reach the above conclusion it is noted that as part of the site assessment process, at the site suitability assessment stage (Appendix B1.4.2), the site is rated as having a 'double- negative' impact in relation to level of harm to the Green Belt, with the commentary stating: "Site is within Green Belt, where the level of harm caused by release of the land for development would be high or very high." 30. It is also noted that the site is assessed within the same part of the process as having a 'double- negative' impact in relation to the brownfield and greenfield criterion (criterion 4.2), with the commentary stating: "Majority of the site is greenfield land that is neither within nor adjacent to a settlement" 31. Furthermore, the site is also scored as a 'double-negative' in relation to impact on agricultural land: "Development would involve the loss of the best and most versatile agricultural land (grades 1-3)." 32. It should be emphasised that only the previously developed element of site SR-0063 is proposed to be developed for housing. It is clear that the potential allocation of the site and redevelopment of the previously developed part has not been considered as part of the process. Equally, it is clear that once the previously developed portion of the site is assessed, the above concerns in respect of agricultural land and loss of greenfield land fall away. 33. In respect of impact on the Green Belt, as previously developed land comprising a number of commercial buildings, the existing development on site SR-0063 already has an impact on the openness of the Green Belt. The NPPF is clear (paragraph 89) that redevelopment of previously developed land within the Green Belt (including for residential use) is not inappropriate where it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. 34. The five purposes of including land in the Green Belt are as follows: • to check the unrestricted sprawl of large built-up areas; • to prevent neighbouring towns merging into one another; • to assist in safeguarding the countryside from encroachment; • to preserve the setting and special character of historic towns; and • to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. 35. The redevelopment of previously development land on site SR-0063 for housing would not undermine any of the above five objectives, given that it is previously developed land and would not entail development projecting beyond existing areas of development. 36. The key issue in respect of the site's redevelopment for residential use is therefore whether such development would have a greater or lesser

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

impact on the openness of the Green Belt. The key issue in consideration of the site's allocation for residential development through the Local Plan is whether the site can be redeveloped for housing without having a greater impact on the openness of the Green Belt. 37. It is pertinent to note that the redevelopment of the site for housing has already been considered through the planning process, in the form of a planning application (reference EPF/1556/14) and subsequent dismissed appeal (reference APP/J1535/W/15/3033482). The proposal in this instance was for 72 dwellings with ancillary parking, access and gardens, along with the erection of a community building. It is further relevant to note that EFDC Officer's recommended the application for approval. It was nevertheless refused by EFDC, and was subject to an appeal. 38. As set out within the Appeal Decision, the proposed development would have a combined building footprint of 3,169 m²; whereas the existing development has a combined footprint of 2,539 m². The Inspector went on to conclude that, in respect of the specific development proposed through application EPF/1556/14, the proposal would have a greater impact on the openness of the Green Belt than existing. It is clear from the Inspector's report that this was the reason for the dismissal of the appeal. The appeal was not dismissed in relation to the principle of the site's residential development, suggesting that - subject to an appropriate scheme - residential development of the site would be very much acceptable. 39. It is therefore evident that redevelopment of the site could suitably accommodate residential development through a revised scheme. It is suggested that 50 dwellings could be comfortably achieved on the site without a greater impact on the openness of the Green Belt than existing development. A development of such a quantum would not exceed the existing footprint of development on the site; and would not be greater in bulk, mass or height than the existing commercial buildings. 40. EFDC does not have an up-to-date assessment of the suitability of existing employment sites in the District, and there is no evidence to suggest that this site should be retained for employment use. It should be recognised that in consideration of appeal APP/J1535/W/15/3033482, the Inspector felt that only limited weight could be attached to the retention of the site as employment land, noting the general unsuitability of existing buildings for modern requirements. In any case, the land is allocated as Green Belt, not for employment use. 41. In respect of site SR-0063 and the new Local Plan, there are two potential approaches EFDC could take: 1. Retain the site's Green Belt allocation, notwithstanding the fact that it is previously developed land and is being actively promoted for residential development. The site could still achieve planning permission for redevelopment for housing (as noted earlier, paragraph 89 allows for the redevelopment of previously developed land in the Green Belt, including for residential use). However, there would not be an opportunity for EFDC to set out how it wished to see the developed, and an opportunity to provide certainty for the site through the Local Plan would be missed. In addition, it would not be appropriate for EFDC to include the site within its housing trajectory (due to lack of certainty), and its development for housing would count as windfall, rather than directly assisting in meeting the District's housing land supply requirements; or 2. Allocate site SR-0063 for residential development through the Local Plan, with policies to ensure an appropriate scheme is delivered on the site. This would provide certainty in respect of the site, and it would be able to form part of the District's housing land supply, reducing the pressure to allocate less suitable sites in order to meet housing needs. 42. It is considered that the option to allocate the site through the Local Plan is far more effective and justified, and more in-keeping with the requirement for Local Plans to be positively prepared. It would also address a current concern with the DLP - namely that the site has not been considered in relation to the potential for only the previously developed land to be redeveloped, and the DLP's rejection of the site is not justified. Overview and summary 43. The DLP does not seek to meet objectively assessed housing need. As such, in its present form the Local Plan cannot be found to be sound. Additional sites are required to be identified for residential development. 44. There are concerns in respect of the DLP's approach to the District's rural communities, and the lack of growth being directed to communities such as Sewardstone. It is unclear how the Local Plan proposes to support the vitality of rural communities, as required by the NPPF. 45. The site assessment process has unjustifiably rejected site SR-0062 from consideration as a residential allocation, failing to acknowledge the potential to utilise previously developed land and to account for the details of Appeal Decision APP/J1535/W/15/3033482. 46. Site SR-0062 could potentially still be redeveloped for housing even if it were to remain in the Green Belt, as the NPPF allows for this. However, allocation for housing through the Local Plan would help meet the District's housing need, utilising previously developed land. Its allocation would be effective and justified, and would be in accordance with national policy. It would also help ensure the Local Plan is positively prepared by helping to meet the District's development needs.

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