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MM Consultation 2021
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23 September 2021

Dear Sirs,

**Epping Forest District Council New Local Plan Main Modifications Consultation
Representations submitted on behalf of PA Finlay – 32 Bower Terrace, Epping
Site SR-0827**

We write in connection with the above to submit Representations on behalf of PA Finlay to the Council's Local Plan Main Modifications ('MM') consultation.

The following Enclosures are also provided:

- Design brochure and addendum prepared by Stockwool Architects
- Transport Pre-application Note prepared by Motion

This site (SR-0827) represents an opportunity to insert an additional housing site (mixed-use) which would respond to the high level of housing need at a time when the supply has fallen, for Green Belt and other environmental reasons.

This is a brownfield site in a sustainable location which could deliver around 40 residential units as part of a mixed-use scheme, all in accordance with the principles of the NPPF. The site was mistakenly excluded at an earlier stage in the plan process due to landowner challenges (none exist). The site sits next to a draft housing allocation (EPP.R9). As a mixed-use opportunity, new employment floorspace would also be provided in the scheme thereby protecting the Council's employment land strategy.

BACKGROUND

PA Finlay is a maintenance and construction contractor, and owner of the existing commercial premises at 32 Bower Terrace. The site is unfettered from a landlord and tenant perspective.

For background, 32 Bower Terrace is currently occupied by a warehouse building of 1,022 sqm which is separated into two units, catering for two small businesses; Crown Hill Garden Furniture, and Allen Pharma. The total numbers employed amounts to around 15 people.

The site area is a total of 0.23 hectares. It has a frontage onto Bower Terrace, a short cul-de-sac providing access to the site itself and the Bower Hill Industrial Estate (see Figure 1 which follows).



Regulated by RICS



Figure 1: Site Location

The Site is close to Epping Underground Station which provides direct links into central London via the Central Line. The site is also situated close to Epping High Street, which houses local amenities and facilities.



- | | |
|---------------------------------|-------------------------------------------------|
| ① EPPING STATION - CENTRAL LINE | ⑤ ADJACENT DEVELOPMENT SITES (RESIDENTIAL) |
| ② EPPING STATION CAR PARK | ⑥ UTILITIES SITE |
| ③ SITE | ⑦ GARAGE SITE (FUTURE DEVELOPMENT) |
| ④ EMPLOYMENT USES | ⑧ EXPANSE OF EXISTING TREES (GREEN BUFFER ZONE) |

Figure 2: Land Use Context

None of the buildings on-site are listed, either statutorily or locally, and neither does the site fall within a Conservation Area.



The Environment Agency's Flood Map indicates that the majority of the Site falls within Flood Zone 1 (Low Probability), and as such it is not considered that the site poses a flood risk. It should be noted that beyond the southern boundary the flood risk increases to Flood Zone 3 (High Probability).

The adopted Proposals Map (1998) shows that the site lies within the Bower Hill Industrial Estate and is allocated as an existing employment area (Ref: E1).

The emerging Policies Map allocates the site for employment use (Ref: EPP.E4). Land to the north is shown as residential use (Ref: EPP.R9).

The site was considered within the Council's Site Selection process (Site SR-0827 of Arup Site Selection study 2016) as part of the Local Plan evidence gathering process – this is explored in more detail later in this letter.

The site represents an opportunity for redevelopment to provide mixed use development, and PA Finlay has carried out pre-application discussions with EFDC for a development of 637sqm of commercial floorspace (Class B8 Use) and 42 residential (Class C3) units, together with landscaping, access, car parking and cycle parking.

In support of this Representation, we enclose a design brochure and addendum prepared by Stockwool Architects that illustrates how a mixed use redevelopment of the site could be successfully achieved.

The proposals would bring significant benefits including the provision of modern high-tech industrial floorspace (for use by PA Finlay), and the provision of much needed market and affordable housing in a sustainable and easily accessible location on previously developed land. The delivery of employment floorspace would not undermine the Council's employment land strategy.

Also provided at Appendix A of this letter is a feasibility sketch plan showing how the site could be developed alongside the Car Wash Site immediately to the east, and the Old Laundry Site to the north.

REPRESENTATION

This Representation:

- raises concerns with the outputs produced through the Main Modifications, and
- proposes the allocation of the Site for mixed-use redevelopment (employment and residential) to increase the housing supply in order to meet local housing needs.

Planning Policy Context - National Planning Policy Framework (2012)

Given that the draft Local Plan was submitted prior to 24 January 2018, it needs to be tested against the original NPPF (March 2012), as set out in the up-to-date NPPF (July 2021).

The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the NPPF (2012) sets out three dimensions to sustainable development: economic, social and environmental:

- *'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy' [our emphasis].*

Paragraph 14 of the NPPF (2012) sets out that for plan-making, the application of the presumption in favour of sustainable development 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:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.'* [our emphasis].

Footnote 9 of the NPPF (2012) in relation to the 'specific policies' mentioned above, highlights certain designations which meets this criteria. This includes Green Belt which covers wide parts of the District. However, the Site itself is not covered by any of these designations.

Housing Needs

It is clear from the emerging planning policy context that there is a very strong and pressing need for new homes in the borough. Recent appeal decisions have confirmed that the Council cannot currently demonstrate a five year housing land supply against its needs, notably appeal ref: 20/3258787 determined in June 2021, where the Inspector indicated that the Council had a housing land supply of only 2.4 years. The Ministry for Housing, Communities and Local Government (MHCLG) Delivery Test: 2020 measurement demonstrates that over the past three year period 2017/18 to 2019/20, the Council has delivered only 1,213 of the 2,468 homes required (49%).

The continuing failure to deliver new housing in the District could have a number of adverse social and economic impacts on the area. At its most extreme, a lack of housing can contribute to social problems including overcrowded housing or residents living in poor quality accommodation. A range of physical and mental health problems are associated with such conditions, and evidence also points to poorer educational outcomes amongst children. More generally, providing a lack of housing decreases housing affordability, and can result in unfulfilled economic potential as a result of skills shortages.

The Council's Strategic Housing Market Assessment (2015) highlighted a need of 12,573 new homes in the borough in the plan period, although the emerging Local Plan proposes a housing requirement of 11,400 homes (518 homes per annum), which factors in constraints such as Green Belt land.

Housing Delivery in Epping

Sustainable Distribution of Growth

Epping is one of the main settlements within the District, being one of the most populous towns, and benefiting from a broad range of services and high accessibility, including connectivity to the Central Line at Epping Station. Consequently, Epping as a town (and in particular those areas close to the Town Centre) represents one of the most sustainable locations for growth in the borough.

And yet, the proposed allocations for Epping total only an approximate 710 new dwellings, as set out in the MM consultation. This is a significant reduction from the approximate 1,305 new dwellings set out in the originally submitted Local Plan. It represents only 6.2% of the total housing requirements for the borough (11,400 homes). Only 2.3% of the total growth of the borough is proposed on previously developed land allocations in Epping.

Programme of Housing Delivery and Epping Forest Special Area of Conservation

It is important that the Local Plan makes provision for an appropriate number of new homes throughout the plan period. Accordingly, it is important that it makes appropriate allocations for new housing on sites which are deliverable within a short time period, to meet the acute housing need right now.

Pertinent to this point are the issues surrounding the Epping Forest SAC, firstly from disturbance from recreational activities as a result of additional nearby residents, and secondly from atmospheric pollution as a result of increased traffic.



Whilst we note the contents of the Epping Forest Interim Air Pollution Mitigation Strategy (December 2020), it is clear in relation to the second element that greenfield developments in general have greater propensity to cause adverse effects to the Epping Forest SAC.

This could cause uncertainty to the programme for the delivery of any greenfield land allocations. For instance, whilst PA Finlay does not object to the allocation of strategic greenfield land at South Epping, it is clear from Appendix 5 of the MM Local Plan that the majority of the homes planned for Epping in the plan period are due to be delivered from 2028 onwards.

This compounds the case for the provision of additional residential allocations on previously developed land to complement the proposed greenfield sites – previously developed sites by definition usually have an existing lawful use against which proposed vehicle movements can be compared (and which therefore are less likely to result in a net increase in vehicle movements). Moreover, these sites are typically positioned in sustainable locations within established urban areas, where potential residents would be less reliant on private vehicles and more reliant on sustainable modes of transport (thus reducing vehicle traffic movements).

Summary

To summarise, at present the submitted Local Plan only allocates a small level of growth proportionately to Epping town, one of the most sustainable settlements in the district. Moreover, the majority of the proposed homes planned for Epping would be on greenfield land, and programmed for later in the plan period.

Proposed Approach – Mixed Use Allocations

The Local Plan would be more effective and sound if:

- given the pressing need for new homes and environmental constraints, that the Council considers all potential options, including the potential for mixed-use allocation of previously developed land;
- brownfield opportunities are complemented with the Council's proposed strategic greenfield allocations;
- the Council increases its new 'mixed use' allocations MM80 (Policy P2) *'to better define a small number of sites in the Plan which were allocated to comprise a substantial quantum of non-residential uses.'* This approach would help with the deliverability of additional housing and is an approach specifically encouraged within the NPPF (2012) at Paragraphs 17 and 69 (mixed-use development).
- it recognised the benefits of encouraging the development of accessible brownfield sites when considering the EFSAC issues. As indicated previously, such sites invariably comprise previously developed land positioned in sustainable locations where potential residents are less reliant on private vehicles and more reliant on sustainable modes of transport (thus reducing vehicle traffic movements).

Proposed Allocation for 32 Bower Terrace/ Site SR-0827

32 Bower Terrace

As highlighted previously, the site at 32 Bower Terrace was previously considered within the Arup Site Selection Assessment (2016), which supported the Local Plan. It was considered as part of the wider Site SR-0827 together with the commercial land to the east (the 'Car Wash Site' at the junction of Bower Terrace and Bower Hill) and two residential properties to the north of that (fronting Bower Hill).

Site SR-0827 was discounted at the site selection stage in 2016 seemingly only due to perceived site ownership/availability issues as evidenced in the Arup Report (included at Appendix B of this letter). However, our understanding is that (with the exception of the two residential properties to the north on Bower Hill) there are only two landowners involved in site SR-0827, both of whom have expressed an interest to develop the land for mixed-use development. The two residential properties to the north were also themselves subject to a planning application and appeal (as part of the wider Old Laundry Site) for redevelopment for residential use (LPA ref: EPF/3174/18). As such,



despite the conclusions in relation to site SR-0827 from the Arup assessment, it is held that Site SR-0827 is available for development, and would be deliverable within a short timeframe.

The proposals set out in the enclosed design brochure and addendum prepared by Stockwool Architects demonstrate that a scheme could come forward which would redevelop the site at 32 Bower Terrace to provide 637 sqm of commercial floorspace (Class B8 Use) and 42 residential (Class C3) units.

Saliently, the proposed replacement commercial and residential use is likely to result in a significant decrease in the number of vehicular trips to the site, on both a peak hour and daily basis, as evidenced in the Transport Pre-application Note prepared by Motion, which is included as an enclosure to this letter. Consequently (noting that any disturbance to the SAC from recreational activities can be mitigated through off-site contributions), it is held that the proposed development of 32 Bower Terrace would have no detrimental effects on the EFSAC.

The design approach taken has sought to strike an appropriate balance between providing an efficient use of this sustainable site, but reflecting the character and nature of the surrounding locality. The proposal would provide the optimum contribution to Epping for this previously developed, accessible, and sustainable site, and ensure an effective contribution to commercial and housing delivery within the District.

Site SR-0827

The feasibility study included at Appendix A also shows how such a development could facilitate and co-exist with redevelopment of neighbouring sites to the east and north, including enhancements to pedestrian connectivity. These three sites together could deliver up to around 130 homes. This would of course be subject to detailed design considerations and consideration of commercial floorspace re-provision, but demonstrates the potential site capacity.

CONCLUSIONS

There is an acute housing need within the District, and EFDC should provide sufficient land use allocations for housing to ensure that new homes are delivered across the plan period. In particular, the additional mixed-use allocation of previously developed land in sustainable urban locations would deliver significant benefits and complement the overall spatial development strategy.

In the emerging planning policy context, it is clearly evident that there are overwhelming benefits to demonstrating that the site at 32 Bower Terrace should be allocated as a mixed use development, as has been done elsewhere in the Local Plan MM.

32 Bower Terrace is under a single ownership, as is the adjoining site to the east, which was also considered under Site SR-0827. Both sites are developable, available, and achievable, and could be developed for mixed use within a five year period.

It is suggested that the Council identifies 32 Bower Terrace within Policy P1 as: *'Approximately 42 homes and appropriate (B2 and/or B8) use'*. A similar allocation could be assigned to the site to the east.

We would be pleased to meet to discuss further the merits of the proposal in detail.

Yours faithfully,

A black rectangular box redacting the signature of Jeff Field.

Jeff Field MA MRICS MRTPI
Senior Director
Head of London Planning

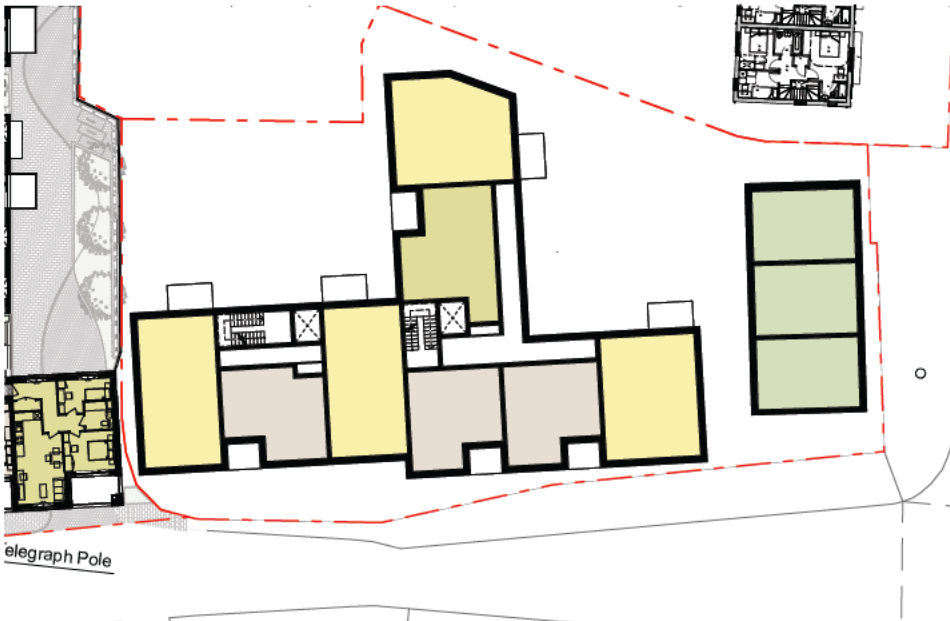
Appendix A - Feasibility Sketch Plan of Adjoining Land Parcels

BOWER TERRACE, EPPING

CAR WASH SITE FEASIBILITY - SKETCH PLANS



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Accommodation Key

- 1B2P
- 2B3P
- 2B4P
- 3B5P
- Commercial



SCHEDULE OF ACCOMMODATION	STATUS	PROJECT	DATE	REV
BOWER HILL - CAR WASH SITE	FEASIBILITY STUDY	3458	31/08/2021	

TOTALS OF THE SCHEME
26 Homes
72 Habitable rooms
0.18 HA

HOUSING MIX	STUDIO	1B	2B	3B	TOTAL UNITS
	0	9	14	3	26
	0.0%	34.6%	53.8%	11.5%	100.0%
ACROSS TENURE	0	9	14	3	26
	0.0%	34.6%	53.8%	11.5%	100.0%

BOWER TERRACE, EPPING

MASTERPLAN OVERVIEW



Summary Schedule
32 Bower Terrace

1B2P	19
2B3P	7
2B4P	12
3B5P	4
	42

SITE AREA: 0.23 HA
DENSITY - DWELLINGS: 180

Summary Schedule
Car Wash Site

1B2P	11
2B3P	1
2B4P	11
3B5P	3
	26

SITE AREA: 0.18 HA
DENSITY - DWELLINGS: 143

Summary Schedule
Old Laundry Site

1B1/2P	33
2B3P	7
2B4P	16
3B5P	6
	62

SITE AREA: 0.47 HA
DENSITY - DWELLINGS: 132

Site Deliverability Assessment

Site Reference:

SR-0827

Settlement:

Epping

Address:

Industrial site north of Bower Terrace, Epping, Essex

Notes:

Development site constructing one residential unit. Previously a field.

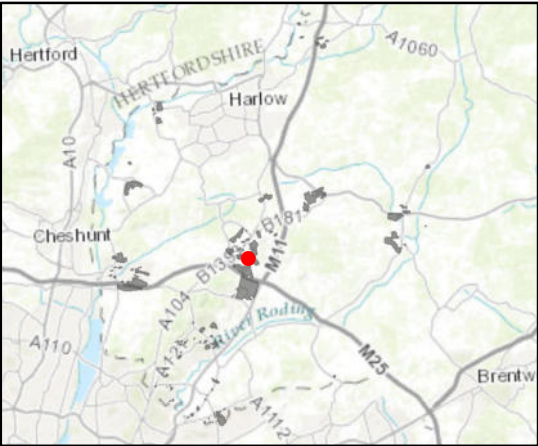
Land type:

Brownfield urban site

Primary use:

Housing





Client

Epping Forest District Council

Job Title

Epping Forest District Local Plan

Drawing Status



Issue

Drawing No

SR-0827

Issue

P1



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Indicative Site Capacity Assessment

Site boundary amendment:

No amendment made to site boundary.

Site constraints affecting extent of developable area

Site area (ha):

0.46

On-site major policy constraints:

None

Area of site subject to major policy constraints (ha):

0

On-site non-major policy constraints:

Area of site subject to non-major policy constraints (ha):

0

Unconstrained site area (ha):

0.46

Establishing indicative baseline density

Site located in:

Town

Site setting is:

Other

Site is near a commuter hub:

Yes

Indicative baseline density (dph):

67.5

Indicative baseline yield (units):

31

Refining the indicative site density

Identified density constraints:

TPOs

Constraints density adjustment:

0%

(dph): 67.5

Justification for adjustment:

TPOs not likely to constraint capacity. No capacity adjustment made.

Local setting:

No adjustment made for local setting.

Local setting density adjustment:

0%

(dph): 67.5

Incorporate mixed use development:

Site proposed for solely residential use.

Mixed use density adjustment:

0%

(dph): 67.5

Gross to net adjustment:

0%

(dph): 67.5

Existing on-site development or commitments (units):

1

Indicative net site capacity (units):

30

Availability and Achievability Assessment

Criteria	Score		Qualitative Assessment
1.1 Ownership	(-)	Site ownership is unknown or is in multiple ownership and the other owners are either unknown, oppose the development or are promoting another conflicting scheme	A enquiry through the Land Registry has confirmed that the site has a complex ownership pattern, with a large number of titles returned for a small area.
1.2 Existing uses	(-)	Existing uses on-site where the use could cease in more than 10 years or the timescale for on-site uses ceasing is unknown	Based on a desk-top review of site characteristics, the site is an industrial site. An enquiry through the Land Registry returned a large number of titles across a small site, and the timescale for these uses to cease is unknown.
1.3 On-site restrictions	(+)	Site is not subject to any known restrictions	No data is held on on-site restrictions.
1.4 Site availability	(-)	Site not expected to be available until at least 2026 or site availability is unknown	The availability of the site is unknown.
2.1 Site marketability	(-)	Site is not being actively marketed	An enquiry through the Land Registry returned a large number of titles across a small site and it is assumed that the site is not being marketed.
2.2 Site viability	(+)	No viability issues identified	
2.3 On-site and physical infrastructure constraints	(+)	There are no known on-site constraints which would impact upon deliverability	No data is held on on-site constraints.
2.4a Primary schools (Planning area)	0	Site is located in a school planning area with a current or forecast deficit but schools have potential to expand	
2.4b Primary schools	(-)	Site is located more than 1km from a primary school	
2.5a Secondary schools (Planning area)	0	Site is located in a school planning area with a current or forecast deficit but schools have potential to expand	
2.5b Secondary schools	(-)	Site is located more than 1km from a secondary school	
2.6 Access to open space	0	Site is located 400-600m from existing publicly accessible open space.	
2.7 Health	(-)	Site is located more than 1km of a health facility (GP)	
2.8 Impact on mineral deposits	(+)	None of the site is located within a minerals safeguarding area	
3.1 Cumulative loss of open space in settlement	0	The site has not been included in the assessment as it is not proposed for allocation	
3.2 Cumulative impact on primary school (Planning area)	0	The site has not been included in the assessment as it is not proposed for allocation	
3.3 Cumulative impact on secondary schools (Planning area)	0	The site has not been included in the assessment as it is not proposed for allocation	
3.4 Cumulative impact on the green infrastructure	0	The site has not been included in the assessment as it is not proposed for allocation	
3.5 Cumulative impact on sewage treatment work capacity	0	The site has not been included in the assessment as it is not proposed for allocation	
3.6 Cumulative impact on Central Line capacity	0	The site has not been included in the assessment as it is not proposed for allocation	