



Our Ref: LPL634 21-06-2018

Planning Policy
Civic Offices
High Street
Epping
CM16 4BZ

21st June 2018

Dear Sir/Madam,

Re: Chigwell Neighbourhood Plan – Regulation 16 Publication and Examination

Public consultation

It is understood that in accordance with Regulation 16 of the Neighborhood Planning (General) Regulations 2012, Epping Forest District Council have now published the Chigwell Neighbourhood Plan for consultation, with comments requested no later than 4pm Tuesday 26th June 2018. It is noted that the Council are seeking feedback regarding whether the Plan proposal fulfils the “basic conditions”, as required by paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). This submission will make specific regard to conditions 4 and 5 of the 7 basic conditions that require as follows:

“4. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.

5.the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)”

Following a review of the Chigwell Neighbourhood Plan we wish to support the principles and aspirations of the Plan and welcome the Parish Council’s decision to allow development within the Green Belt, where very special circumstances of local community gain can be demonstrated. However, it is our view that the Plan as drafted may need to be redrafted in part to ensure compliance with the “basic conditions” referred to above.

Instructions

We act on behalf of Stenprop Ltd, who own land at Abridge Road, Chigwell. The site is delineated on the plan included at Appendix 1. It is noted that the site is referred to within the draft Neighbourhood Plan as follows:

“2.18 Towards the edge of Chigwell Village are the detached houses leading to Rolls Park Corner. Travelling along Abridge Road there are open Fields to the North and the Woolston Manor Golf Course, a Virgin Active Centre and The Top Golf range. This has become a popular leisure area which has developed during the last 20 years and incorporates sports and restaurant facilities. There are also 24 duplex apartments being developed facing the 18th Green following an Appeal decision to allow their conversion from what was expected to be hotel facilities serving the leisure site activities.”

As detailed at our meeting with the Parish Council in September 2017, the leisure centre/gym whilst remaining in our clients' ownership, is leased out to the Nuffield Group and is therefore no longer a Virgin site. We do however welcome the support for such uses as set out within the consultation draft as follows:

“2.2 For the local community, there is a strong desire to maintain the Green Belt land as far as possible, as Chigwell's fields are seen to be the very reason the Green Belt was introduced i.e. to prevent the urban outward sprawl of London. While the Parish Council has not been a slave to this philosophy, it has recognised its importance in defining what kinds of communities we seek to develop on the edges of our capital. The importance of community leisure provision has been recognised with the continuous improvement of our village greens and recreation areas.”

Epping Forest Local Plan

In relation to the compatibility of the Neighbourhood Plan with the emerging Epping Forest Local Plan, the consultation document details as follows:

“1.11 As a result, the Parish Council chose to await the publication of the final draft version of the Local Plan to seek to minimise the potential conflict with the Neighbourhood Plan and to focus its own final policies on a smaller range of objectives. Encouragingly, the new Local Plan proposals are, with the exception of Chigwell Convent, broadly acceptable as they avoid major changes in the Green Belt and embrace a proper approach to the longer term regeneration of Limes Farm.

1.12 This final version of the Neighbourhood Plan is now intended to complement the Local Plan. It proposes only one additional housing site allocation (at Rolls Park) for its own merits rather than to meet a housing target. And it makes no counter proposals other than to continue to resist developing the precious and historic Chigwell Convent by designating it as a Local Green Space. The new Local Plan has adopted a more sensible approach to Limes Farm, but the Parish Council requires that any future regeneration proposals are made through a future review of the Neighbourhood Plan.”

“3.6 But, the Parish Council is very mindful that the new District Local Plan to cover the period to 2033 will replace the saved policies of the current Local Plan very early in the lifetime of the Neighbourhood Plan. The Pre-Submission Local Plan was published in December 2017 for examination in 2018 and likely adoption in 2019. Although the Neighbourhood Plan will be examined and made prior to that date, it has taken full account of the reasoning and evidence of the new Local Plan, as explained above.”

At the time of drafting these representations it is noted that Epping Forest District Council are still awaiting the outcome of a Judicial Review of the emerging Local Plan. As such, until the Local Plan itself is ready for Submission and Examination (and in all reality adoption), it

is not possible to comment on the compatibility of the draft Neighbourhood Plan with the Local Plan.

Given the need for Neighbourhood Plans to be in compliance with the wider development plan, there is therefore a risk that the Neighbourhood Plan as drafted could be perceived to be premature and could potentially be inconsistent with the Local Plan should elements need to be reviewed. Whilst it is noted that the Parish have made reference to the issue of consistency with the emerging Epping Forest Local Plan at paragraph 3.6 above, the potential impact of the Judicial Review has thus far not been referred to, and the impact the Challenge, if successful, could have on the Neighbourhood Plan and its compliance (or otherwise) with the Local Plan needs to be addressed. Failure to pay due regard to the current Legal Challenge and the associated potential impact on compliance with the development plan could mean the draft Neighbourhood Plan may fail condition 5 of paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

The points made above on consistency and compatibility of the Neighbourhood Plan with the emerging Local Plan, and the potential impact on the future of the Neighbourhood Plan should the current Judicial Review be upheld, is further highlighted at paragraphs 3.10 and 3.11 replicated below:

“3.10 In general, the proposed vision and policy for the Parish match the goals and preferences of the local community as consistently expressed through the preparation of the Neighbourhood Plan. There is therefore no need for the Neighbourhood Plan to identify any additional land for housing within the built-up areas and no scope for the Plan to remove land from the Green Belt.

3.11 However, there remain two issues on which there continues to be a disagreement between the two Plans. Firstly, the proposed housing allocation at Chigwell Convent is inconsistent with the desire of the community to protect this precious and historic open space from development. And secondly, the District Council’s Infrastructure Delivery Plan has failed to acknowledge the longstanding ambitions and plans of the Parish Council to create a new Community Hub for the Parish. This means the allocated sites will not be required to help meet the cost of the project, requiring the Neighbourhood Plan to resolve the matter.”

Community Gain

It is clear from a review of the Chigwell Neighbourhood Submission Plan that the Parish Council appear to be supportive of development which can provide wider community benefits. In fact, the consultation report states one of its four objectives is to improve community facilities and services to be able to properly serve existing and new residents.

The Parish Council are noted to justify the importance of wider community planning gain as ‘very special circumstances’ to propose development within the Green Belt which otherwise would be found to be unacceptable. It is noted that the development proposals at Rolls Park are to be justified on this basis with the Neighbourhood Plan advising:

“4.13 This 4.91 Ha site lies just to the north of the former Grange Farm site and behind an established group of buildings at Rolls Farm. The proposed developable area off 2Ha is enclosed on all sides by significant mature trees and hedgerows. In this respect, the Report concludes that the development of this specific parcel of land (as distinct from the larger area) will have a less than moderate impact on the essential purposes of the Green Belt. As the site does not adjoin the proposed redrawing of the Green Belt boundary, it will remain in the Green Belt. In which case,

it is necessary to show that there are 'very special circumstances', the benefits of which outweigh the harm to the Green Belt to comply with national policy.

4.14 The policy proposes that there is an enabling housing scheme, a community park scheme and an off-site community facilities scheme, the combined and essential delivery of which provide the 'very special circumstances' justification for development in the Green Belt. These circumstances are considered to deliver a scale of public benefit that outweighs the less than moderate harm to the Green Belt."

We would outline our support to justify the development of Green Belt land in Chigwell where wider community gain can be achieved. In this regard we would remind the Parish Council of our clients' development aspirations on Abridge Road, and would ask them to give further consideration to the 'very special circumstances' which exist for the provision of housing to meet the needs of older persons with associated on site care and support. This development could include provision of facilities, classes and services made available to the wider local community. Further, the development would be supported with a mini bus service, which again, where feasible could be made available to the wider public, or monies made available to extend the soon to be implemented local mini bus service which is noted to also be available to serve the development at Rolls Park.

It is our view that this special needs housing, as opposed to open market housing, would secure sufficient wider community planning gain to justify very special circumstances. Given that the Parish have sought to allocate the site at Rolls Park on this basis, without an identified housing need, we would be grateful for confirmation that the land fronting onto Abridge Road could also be supported for the same reasons.

Neighbourhood Plan Policies and Allocations

The vision as laid out in the Neighbourhood Submission Plan states:

"4.1 The vision for Chigwell parish in 2033 is:

"By 2033, the visual character of Chigwell will be largely unchanged and will remain distinctive so that the enjoyment gained by residents from living there has been protected. The essential character of the Green Belt has been preserved, with new homes having been successfully absorbed within and on the edge of the villages. The new Community Hub, Community Park and Parish bus service are all very popular with local people. The comprehensive regeneration of Limes Farm has begun, delivering new homes, as part of its economic, social and environmental transformation. And the historic character of the urban area and its open spaces have been protected from harmful infill development."

We consider that our client's site on Abridge Road can offer the Parish an opportunity to address the development needs of the local community, and whilst this would require the release of a small portion of Green Belt land, the scheme could offer significant wider community gain which would justify allocating this site for growth, whilst preserving the essential character of the Green Belt.

Draft Policy CHG1

It is noted that the Chigwell Neighbourhood Plan does not have a specific policy relating to our client's site, however attention is drawn to the following draft policies which are of particular interest:

Policy CHG1: A Spatial Plan for the Parish

The Parish will continue to be defined by the Metropolitan Green Belt. Development will therefore only be appropriate within the urban area of the Parish within the Green Belt inset settlements of Chigwell Village and Chigwell Row and within the urban area of Grange Hill, unless it is suited to a countryside location.

Proposals for the redevelopment of previously-used land, for infill development and for plot subdivision in these three locations will be supported, provided their standards of design accord with other relevant policies of the Neighbourhood Plan and the Epping Forest Local Plan. Proposals for development of existing public open land or private open land that acts as an effective visual break in the urban form in these three locations will be resisted.

Mitigation for the potential adverse effects of any development proposal on the Epping Forest Special Area for Conservation will be applied in accordance with the provisions of the Epping Forest District Local Plan including the creation of alternative natural green space and the financial contributions in the emerging SAC mitigation strategy.

The provisions of draft Policy CHG1 are supported, however it is noted that the Submission Plan has omitted the inclusion of a policy regarding Housing (previously included as Policy CHG6 Housing Mix). Failure to include a policy in relation to the housing needs of the Parish, and in our view the specialist housing needs including affordable housing, homes for older persons etc fails to ensure that the Plan as drafted can be seen to be meeting the needs of the community. The omission of such an important policy or proposal for specialist needs housing will mean that the Parish has no specific policy on which to advise or determine planning applications, thus creating a policy vacuum on one of the central issues of national planning policy. For the reasons set out above we do not therefore currently agree with the wording in the following paragraph:

“4.5 The plan deliberately avoids repeating existing national or local planning policies. The proposed policies therefore focus on a relatively small number of key development issues in the area that complement the proposals of the emerging Local Plan.”

It is our view that a specific policy on housing needs, including reference to the ever growing need for older persons accommodation, affordable homes and other special needs housing would not be repeating local planning policies, but would in fact set clear guidance as to how the Parish view this key development issue. Failure to provide such a policy could also raise questions on the compliance with the Regulations.

Draft Policy CHG2

It is noted that the Parish Council are proposing to allocate a large site outside of the settlement of Chigwell and within the Green Belt for development. The land is identified on the plan extract included below:



It is noted that site is allocated as follows:

Policy CHG2: Enabling Development at Rolls Park, Chigwell

Proposals for a mixed development scheme at Rolls Park, as shown on the Policies Map, will be supported, provided:

- i. The scheme comprises a housing scheme, a community park scheme and the delivery of an off-site community facility scheme;
- ii. The housing scheme comprises the minimum number of homes to enable the financing in full of the off-site community facility scheme of Policy CHG5, subject to an agreement with the planning authority on the approach to delivering affordable housing and to the provision of a viability appraisal at the planning application stage;
- iii. The housing scheme accords with the following principles:
 1. The layout is confined to no more than 2Ha on that part of the site adjoining the existing Rolls Park complex of buildings and divides the scheme into three small development zones within that part of the site;
 2. the landscape scheme retains the existing mature trees on the edge of the developable area as part of an effective landscape buffer; and
 3. the layout, the landscape scheme and the public park are arranged in a way to prevent any future extension of the scheme into the Green Belt;
- iv. The community park scheme will comprise:
 - a. a new public park and footpaths laid out in the form of a Natural Green Space to complement the adjoining Grange Farm Country Park to contribute to the Epping Forest SAC mitigation strategy; and
 - b. a new Scout Hut with ancillary outdoor recreational uses;
- v. The delivery of the off-site community facility scheme proposed in Policy CHG5, which will be completed and available for occupation at a time during the delivery of the housing scheme that is agreed with the local planning authority; and
- vi. A satisfactory highways access is achieved.

We have no objection to the principle of the above proposed development and support the justification of the development on the basis of community gain representing very special circumstances. The allocation does however raise a number of points which the Parish may wish to give further consideration to as the Neighbourhood Plan progresses towards adoption, namely:

- **Open Market Housing:** It is noted that the development is based on the delivery of open market housing, with a current lack of clarity in relation to the provision of affordable homes for the local community. It is our view given the age profile and population projections within Chigwell, that the Parish should be giving greater consideration to the needs of older persons and the provision of specialist housing accommodation, which in itself would be delivering wider community planning gain. As drafted, the Plan is failing to address these needs and could therefore be challenged on the basis of failing to meet the needs of sustainable development, and therefore failing the basic conditions set out within the Regulations.
- **Access:** It is noted that the matter of site access to the proposed allocation has yet to be resolved given the content of criteria vi. Failure to ensure that the proposed allocation is both viable and deliverable does raise questions on the ability of the plan to meet the basic conditions. Further, it is therefore imperative that the Neighbourhood Plan is prepared with additional flexibility to ensure that the 'community gains' being proposed can be secured elsewhere should the site not come to fruition. If for any reason this site cannot be brought forward during the Plan period, the much justified community gain could also fail to be delivered. The plan therefore needs to ensure a greater range of sites could be brought forward to meet the various needs of the community.
- **Assessment of Alternatives:** When sites are brought forward for development on sites which are not usually deemed to be appropriate for development e.g. Green Belt land, sites at risk of flooding etc the onus is on the Applicant to demonstrate that all alternative sites have been considered and discounted. In fact, in the preparation of Local Plans there is an expectation that the Council has assessed the alternatives prior to determining the proposed allocations. Given that there would appear to be a question mark over the delivery of this site given the outstanding issues on site access and affordable housing, there may be legitimate requests for the Parish to provide evidence that alternative sites, including those within the Green Belt, have been assessed and not found to be more sustainable.

The potential impact of development viability on the delivery of the scheme is highlighted in the paragraph below:

“4.17 A detailed proposal for the Community Park scheme has yet to be estimated, but it will cost only a fraction of the Hub. An initial viability assessment by the owner indicates that a scheme of approx. 40 homes may be sufficient to enable these requirements to be met in full, assuming the scheme meets the normal affordable housing provision. Without the affordable housing element, the total number of homes may be lower than 30. A more detailed scheme and a full viability appraisal will be prepared at the planning application stage. The District Council can then assess the viability effect of addressing affordable housing in the proposals and agree the timing of the provision of the Hub funding. “

Draft Policy CHG7

The Parish Council set out a positive pro-growth and business agenda within the draft Neighbourhood Plan and state as follows at draft Policy CHG7:

“Policy CHG7: Supporting Local Businesses

Development proposals to create new businesses within a built-up area will be supported, provided they are of a scale that is appropriate to a village location and are responsible for implementing any mitigation measures necessary to avoid harm to the amenities of adjoining residential areas.

In determining development proposals to create new businesses within the Green Belt, very special circumstances will be justified for inappropriate development if:

- i. the proposals are located on land that has been assessed as making only a low to moderate contribution to the essential purposes of the Green Belt;
- ii. the applicant can demonstrate there is no suitable and available land within the built-up area for the specific business use; and
- iii. the applicant can demonstrate that the direct economic benefits of the proposal to the local community outweigh the scale of harm to the Green Belt.

Proposals that result in the loss of an existing business use will be resisted, unless it can be demonstrated that its continued use is no longer viable. Proposals to expand an existing employment or business use will be supported, provided their impact on flood risk, local amenity, traffic and landscape can be satisfactorily mitigated and they are consistent with Green Belt policy.

Proposals to enable working from home that require planning permission will be supported, provided the business use remains ancillary to the main residential use and there is no significant harm caused to local residential amenity by way of car parking, traffic movements or noise.”

The policy is supported in part with the following reasoned justification:

“4.37 This policy is an expression of the Parish Council’s positive attitude to economic development. It replaces the current Local Plan policy E12 as it applies in this Area, which is considered to be too restrictive of rural employment in not allowing for employment uses in the Green Belt at all and confines them only to existing employment areas. In this Parish, there are one or more small, village-scale business uses that are useful sources of local jobs and they need not compromise the essential purpose of the Green Belt in locations that have been assessed by the District Council as making only a low to moderate contribution to that purpose. The policy therefore establishes three criteria by which such proposals that are defined as ‘inappropriate’ in the Green Belt as a matter of principle, may still be consented, and is therefore consistent with new Local Plan Policy E1 and with national Green Belt policy.”

We welcome and support the recognition of the Parish Council that to meet varied business needs over the life of the Neighbourhood Plan, there is a need for flexibility in relation to the application of Green Belt policy. The provisions of draft policy CHG7 are therefore supported. Clarification is however sought that the assessment of Green Belt land, and its classification as making a low to moderate contribution to the Green Belt, will be on a parcel by parcel basis, as per the justification for Rolls Park, as opposed to the assessment on the basis of larger land parcels evaluated within the Epping Forest Green Belt Review.

Conclusion

For the reasons set out above we have no desire to object to the provision, policies and aspirations contained within the draft Chigwell Neighbourhood Plan. There are however a number of issues and proposals which would need further clarification and consideration in order to ensure that there is compliance with the basic conditions set out within the Regulations. Furthermore, we would ask that the Parish Council give further consideration to the potential allocation of the land fronting onto Abridge Road for an older persons housing scheme with on site support and facilities. With a well thought out proposal this site, like Rolls Park, could well offer the local community a valuable community asset and significant community gain.

The provision of specialist housing for older persons on this site such as that shown at Appendix 2, with the supporting infrastructure which could benefit the wider Chigwell community, could well assist in reducing the current under-provision of elderly care within the district, address any criticism in relation to the lack of housing provision within the Neighbourhood Plan, generate opportunities for employment and enhance the sustainability of this part of Chigwell, with a development designed such that it does not undermine the openness of the Green Belt and could therefore be justified on the basis of very special circumstances.

We would therefore kindly request that the Parish Council give further thought to our clients' aspirations and the benefits the proposed development would bring to the local community as they progress towards adoption of the Neighbourhood Plan.

Yours faithfully

Mrs Rebecca Booth
BSc (Hons) MSc (Dist)
Associate Planning Director

Enc