



## **Epping Forest Local Plan**

### **Examination Hearing Statement**

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**Matter 6 – Housing Supply, including Sources of Supply; the Housing Trajectory; and the Five Year Supply**

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**Prepared by Strutt & Parker on behalf of Scott Properties (Stakeholder ID 19LAD0086)**

**February 2019**

## Context

1. This Hearing Statement is prepared by Strutt & Parker on behalf of M Scott Properties Ltd (Stakeholder ID 19LAD0086) hereon referred to as 'Scott Properties', who have engaged in the preparation of the Emerging Local Plan (eLP) throughout the plan-making process.
2. Scott Properties' specific interest is in land at Chigwell Garden Centre, Chigwell, which is proposed to be allocated for 65 dwellings (CHIG.R5) in the Local Plan Submission Version (Regulation 19) (the LPSV).
3. As per our representations on the LPSV (reference 19LAD0086-1 to 6), the principle of the allocation of land for development at this location is sound; but the extent of the site boundary is not. The LPSV has artificially divided the built form found on the site; by taking this approach the Local Authority has failed in its sequential approach to prioritise the release of land that is of lesser value, particularly that which contains previously developed land or considerable built form, prior to releasing green field Green Belt sites.
4. A modification to CHIG.R5 on this basis has been the subject of discussions with EFDC (see correspondence in Appendix 1). The proposed modification is supported by a Landscape and Green Belt Assessment and Strategy, included at Appendix 2. A planning application for a high-quality 100 bed care home is currently under consideration by EFDC that is identical to the modifications suggested in our client's submissions, and contains a number of reports that support the redevelopment of the built form excluded from CHIG.R5.
5. Not to allocate the remaining built form associated with the Garden Centre would result in an unsatisfactory situation of redundant garden centre buildings, a car park, and a dwelling, remaining on land directly adjacent to new homes, which will go into disrepair. There are clearly issues for health and safety, effective place making, and proper planning to consider. This has led to the subsequent submission of the active planning application for C2 Care Home use in order to highlight and elevate these points, and ensure that effective use is made of a site that contains built form and is sequentially closest to the village centre and Central Line Tube Station, whilst also addressing an acute unmet need in the Local Area and District as a whole.<sup>1</sup>

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<sup>1</sup> Planning application reference: EPF/3195/18

6. Our principle concern with the LPSV is its failure to ensure the District's specialist accommodation needs are met, given the acute unmet need in the District. This is demonstrated in the Needs Assessment attached at Appendix 3 which has been prepared in support of the planning application referenced in paragraph 5 above.
7. As set out within our LPSV representations, we consider that modifications can be made to the LPSV to ensure a sound Local Plan.
8. This Hearing Statement addresses Matter 6 of the Local Plan Examination. We have sought not to repeat points made in our LPSV representation, but do expand upon these here where relevant.
9. Four appendices accompany this Hearing Statement:
  - Appendix 1: Letter to EFDC (21 January 2019) regarding CHIG.R5 Site Assessments
  - Appendix 2: Landscape and Green Belt Strategy Note and Plan by Lockhart Garratt
  - Appendix 3: Needs Assessment by Carterwood
  - Appendix 4: Alternative Site Assessment by Carterwood
10. The LPSV was submitted for examination before 24 January 2019 – the deadline in the 2018 National Planning Policy Framework (NPPF) transitional arrangements for Local Plans to be examined under the 2012 NPPF. As such, these representations are made within the context of the 2012 NPPF; references to the NPPF refer to the 2012 version, unless stated otherwise; and references to the PPG refer to that which accompanied the NPPF 2012.

## **Matter 6 - Issue 1**

### **Will the Plan provide a land supply sufficient to deliver the housing requirement of at least 11,400 dwellings over the Plan period?**

#### **Summary**

11. The LPSV does not provide a sufficient supply of land against the housing requirement with specific regard to the need for specialist care accommodation for older people identified in the 2015 SHMA. This requirement should be added to the identified dwelling requirement and a supply identified.
12. The need for this accommodation has not been recognised in the housing requirement or the updates. However, it is identified as a source of supply in the Monitoring policies of the LPSV. If such accommodation is included in the monitoring of supply, the need must also be added to the housing requirement. Failure to provide a supply of land will result in a failure to deliver on this requirement.
13. In addition, any of the current evidence base used to generate a specialist housing figure should be regarded as a minimum, due to the majority of the information being over 4 years old.
14. Further, the proposed policy to deliver specialist accommodation is unsatisfactory, for the reasons set out in the paragraphs below. To correct this defect, sites should be identified to meet the institutional housing need and the requirement added to the housing target. To supply sufficient accommodation, modifications to the plan should require the identification of appropriate sites to supply specialist accommodation (Class C2), which may be identified through a review of the corrected SSR<sup>2</sup>, and should include the remaining built form associated with the Chigwell Garden Centre, which is subject to the current planning application for a 100-bed care home to be operated by Signature Senior Lifestyles.<sup>3</sup>
15. We welcome the amendment to the Council's Housing Implementation Strategy (January 2019; EB410A) in regards to the early delivery of the 65 dwellings allocated at CHIG.R5. We remain concerned that there has not been an effective discussion between the Council

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<sup>2</sup> Our objections due to errors and inconsistencies within the SSR are noted elsewhere.

<sup>3</sup> Planning application reference: EPF/3195/18

and our client in relation to matters other than delivery rates, including the delivery of much needed specialist care accommodation at CHIG.R5.

## Detailed Comments

16. Our representations to the Local Plan and in relation to Matter 3 (The Quantitative Requirements for Development) identified a failure in the LPSV to identify the housing need correctly in relation to specialist care accommodation for older people. This Statement for Matter 6 builds on those earlier concerns.
17. Focussing on the delivery of specialist accommodation, the LPSV states that it supports the provision of such accommodation but we dispute the effectiveness of the LPSV in this regard. The provision of new specialist accommodation is supported at para 3.6 of the LPSV, which states that the loss of specialist accommodation for older people will be resisted and that new accommodation will be supported, where appropriately located and designed. Policy H1(Part E) supports the delivery of new specialist accommodation but only where there is an identified local unmet need and where local infrastructure is appropriate. Policy H1 has a preference for “*larger scale new residential developments to incorporate specially designed accommodation for people with support needs, including for older people and housing with care*”.<sup>4</sup>
18. There are no other policies in the LPSV that seek to address the institutional accommodation needs of older people, despite there being a projected increase of 30% in the over 65 population from 2017 to 2035, which would equal 37,400 residents. Of this number, 3,284 are predicted to have dementia, whilst 13,652 will be unable to manage at least one self-care activity on their own (such as feeding themselves, taking medicine, dressing and washing).<sup>5</sup>
19. Appendix 3 of the LPSV<sup>6</sup> states that the delivery of specialist housing will be a measure of whether the Council is meeting its five-year supply of homes and overall housing supply (LPSV p.218-9). If the delivery of such accommodation is to be included in the five-year supply, it must also make up part of the housing need and be given the prioritisation it deserves. At present, the LPSV is completely ineffective in supporting meeting the needs

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<sup>4</sup> LSPV p.57

<sup>5</sup> Projecting Older People Population Information System, 2019

<sup>6</sup> LPSV Appendix 3 - List of measures to monitor the effectiveness of policies in the Local Plan

of older people, but if any housing was to come forward, then EFDC would seek to benefit from that delivery and include such accommodation in their five-year supply and general housing delivery calculations.

20. The 2017 SHMA (EB407) does not include any uplift for institutional accommodation, which was specifically identified in the 2015 SHMA as being separate from the housing need. The institutional need has not been added to the Housing need.<sup>7</sup>
21. Our concerns are that the requirement for specialist care accommodation for older people will not be met in Epping District.
22. In addition to not seeking to identify the quantitative need correctly, the LPSV compounds this by also failing to deliver care accommodation at the right time or in the right places. It seeks to deliver specialist accommodation only on longer-term major development sites<sup>8</sup>. These will only deliver in the medium and long-term, against an immediate, short-term need (see: 2015 SHMA (EB405) para 6.18 - 6.24; and Appendix 3 – Caterwood Need Assessment). This would also mean that anyone in need of specialist accommodation would either have to wait a considerable amount of time for it to be constructed, leading to a further deterioration in their condition, and/or to move away from friends and family in search of more appropriate accommodation; which although must be assessed on a case by case basis, has been proven to increase the levels of depression as a result of loneliness. This approach fails to meet the immediate need and does not provide the opportunity for people to remain in an area which they are familiar, close to friends and family.
23. The PPG which accompanied the NPPF 2012 confirms that an assessment of housing need should specifically consider the need to provide housing for older people, including specialist accommodation, and should set out the need for residential institutions (Use Class C2). It describes the need to provide housing for older people as being “critical”, noting the projected increase in this aspect of the population.<sup>9</sup>

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<sup>7</sup> The 2015 SHMA (EB405) para 6.18 - 6.24 concerns a growth in the institutional accommodation of 1,773 older people and describes whether this need should be added to the OAN, of 46,100, or not. The 2017 SHMA (EB407) confirms that updates to the OAN have adjusted the 46,100 figure in relation to migration, household size, formation rates and market signals. The institutional population has never been added to the housing need.

<sup>8</sup> LPSV Policy H1

<sup>9</sup> Paragraph: 021 Reference ID: 2a-021-20160401

## Supply of Specialist Accommodation

24. The LPSV does not deliver sufficient land to meet the identified specialist housing need. Our own needs assessment produced by Carterwood (Appendix 3) found: *“the provision of elderly care home beds within the catchment area as of 2019, considering all planned schemes, shows a significant unmet need of 829 bedspaces. However, only one of the four planned schemes are currently being developed and a more realistic measure of demand and supply sees this shortfall increase to 962 standard bedspaces”*.
25. Policy H1 is the only policy that directly references specialist accommodation for older people, despite being specifically referenced as a Housing Objective of the Plan.<sup>10</sup> Without the identification of specific sites, the housing supply will not meet the housing requirement. With regards to Policy H1, this is considered to be ineffective at meeting this need, contrary to PPG<sup>11</sup> and is explained further below.
26. The overlap between the Housing Supply and Policy H1 is important in respect of the supply of institutional accommodation and is therefore covered briefly in this statement. Policies should be clearly written and unambiguous, so that it is evident how a decision maker should react to a proposal.<sup>12</sup> Policy H1 would be applied as part of a balancing exercise to determine whether specialist accommodation should be approved or not. As presently written, H1 is conditional in its support for such accommodation and provides no clear indication of whether that support could outweigh other policies, such as Green Belt policies.<sup>13</sup> The association with Green Belt is important as the LPSV should identify sufficient land to meet the full housing need, and at present it fails to satisfactorily do so in relation to C2 accommodation. Accordingly, on the presumption that all available and appropriate sites have been identified in the LPSV, there will be no obvious sites for specialist accommodation to be delivered upon.

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<sup>10</sup> Objective B(ii); LPSV p.20

<sup>11</sup> Paragraph 006 ID:12-006-20150320 - *Where local planning authorities do not consider it appropriate to allocate such sites, they should ensure that there are sufficiently robust criteria in place to set out when such homes will be permitted. This might be supplemented by setting appropriate targets for the number of these homes to be built.*

<sup>12</sup> NPPF para.16e

<sup>13</sup> Recognising that Very Special Circumstances could be demonstrated in some situations, this is not a satisfactory situation to meet the needs recognised in the LPSV and the SHMA for specialist accommodation.

27. Green Belt sites are therefore likely to be the subject of planning applications during the lifetime of the LPSV, where no suitable sites have been identified in the LPSV. Alternatively, the delivery of such developments would be on sites identified for some alternative use, reducing the delivery of, for example, housing.
28. In principle, it is considered that H1 is not be capable of outweighing the protection afforded to the Green Belt without very special circumstances being demonstrated. Accordingly, it is difficult to understand how the council are going to meet this element of the identified housing need without identifying additional sites. This is further supported by the Alternative Site Assessment (Appendix 4) which demonstrates there are no sequentially preferable sites available in favour of the Chigwell Garden Centre, and as such a site which can make a meaningful contribution towards the supply of specialist accommodation should be given significant weight in the allocation process.
29. The lack of any specific allocations of specialist housing may therefore result in this much needed form of accommodation not being delivered, or delivered only later in the Plan and on major development sites, or result in the loss of other much needed development. This is an unsatisfactory situation than can be remedied by the identification of suitable sites.