

# **MATTER 15 – P7 CHIGWELL**

## **Further Statement**

### **Meridian Hill (Chigwell) Ltd**

# 1. INTRODUCTION

- 1.1 This Statement is submitted by Meridian Hill (Chigwell) Ltd (Participant Ref 19LAD0102) and relates to Matter 15: Places and Sites (Policy P7 Chigwell).
- 1.2 Meridian Hill (Chigwell) Ltd have an interest in the former landfill site at Hill House Farm, Chigwell. The site abuts the existing built up area and it is in close proximity to existing local facilities, services and public transport. It is owned by Essex County Council. This site is promoted for residential development of c100 dwellings, provision of a Care Home and community uses, including public open space. The site is available, and is deliverable in the short term.

## 2. MATTER 15: PLACES AND SITES (POLICY P7)

**Issue 2: Are Policies P1-P15 justified, effective and consistent with national policy in the following general areas?**

*Policy P7: Chigwell*

*1. Paragraph 5.104 indicates that the Plan makes twelve residential allocations in Chigwell, but only eleven are included in the Policy. Does this require correction?*

- 2.1 Paragraph 5.104 should be amended to reflect the specific number of allocations contained with Policy P7. Policy P7 and Appendix 6 only highlight eleven allocated sites (CHIG.R1 – CHIG.R11).

*2. What is the significance of the “Community Hub” referred to by Chigwell Parish Council? Should Part C refer to this, or is it to be delivered in some other way? Should reference to the Hub be made in the vision on page 147?*

- 2.2 The Parish Council’s aspirations for a new Community Hub are supported, however it is not clear how this would be delivered and the current approach in the plan is flawed. The proposals for the new community hub were included in the Parish Council’s Neighbourhood Plan. However, the Examiner’s report determined that the Chigwell Neighbourhood Plan did not meet the basic conditions, and that the delivery of the community hub would not pass the tests of Regulation 122 of the Community Infrastructure Levy (CIL) Regulation 2010, or comply with the Secretary of State’s policy on planning obligations.

- 2.3 In addition to the Neighbourhood Plan, outline planning permission with all matters reserved (Ref EPF/2662/17) was refused by EFDC on 28th March 2018, for ‘*proposed construction of replacement Parish Council offices, multi-use hall, Chigwell members Club and a Public Library*’. The reason for refusal states a Community Right to Build Order was not obtained prior to the submission of the application, and the proposal falls outside of all other exceptions to inappropriate development listed within paragraphs 89 and 90 of the NPPF.

- 2.4 The Committee Report identifies a number of options to move forward with the community hub. This included any future proposal remains in the built up area of the site; or the development is brought forward under a Community Right to Build Order; or representations are submitted through the Local Plan Review requesting the boundary of the Green Belt is changed to allow for the development. The development includes buildings which will reduce the openness of the Green Belt and therefore we do not see how they can be considered to be “not inappropriate”, and therefore could not be brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 2.5 Given the nature of Chigwell and the lack of availability of land within the existing built up area, it is inevitable that if such a facility is to be delivered for the benefit of the local community, it will need to be accommodated on land currently within the Green Belt. There are 2 means by which that can happen:

- It being demonstrated through the development plan process that there are exceptional circumstances for such a development, the land being removed from the Green Belt and allocated for that use in the development plan; or

- A planning application on the grounds of “Very Special Circumstances”.

2.6 It is clear that a local plan should not anticipate nor pre-judge whether “Very Special Circumstances” exist for a development. If exceptional circumstances are to be demonstrated to the Examination then a thorough assessment of all the potential sites needs to be undertaken, including sustainability appraisal and a site identified through the local plan. The Hill House Farm is a suitable location for such a facility and should be considered as part of any exercise. We do not object to the Local Plan identifying the need for a Community Hub as part of the vision for Chigwell at this stage, but if the Local Plan is unable to allocate a site because exceptional circumstances do not exist or because sites have not been assessed for removal from the Green Belt, then it would not be sound to identify a site which would remain in the Green Belt as a location for its development.

*3. CHIG.R6 (Limes Farm Masterplan Area): Do the requirements of Parts G-J adequately reflect the aims of the Chigwell Neighbourhood Plan in preparation? Is this allocation justified in respect of its impact on open space provision in the locality? Were smaller scale alternatives which might have avoided the loss of open space considered, and why were they rejected?*

2.7 As set out above, the Neighbourhood Plan has not passed to the basic conditions tests, and therefore it is not considered appropriate for the policy to reflect the Neighbourhood Plan at this stage. Notwithstanding this, there are significant concerns regarding the deliverability of Limes Farm, and it is clear from Neighbourhood Plan preparation, that there is a high level of resident objection to the proposed allocation.

2.8 It is not considered justified to allocate the site, not only due to the loss of open space in this area, but also it is not clear at this stage the deliverability of the proposals, and that the additional new homes will come forward as expected. The Site Selection Report identifies difficulties already, and it is likely to be a complex process to bring forward. Earlier versions of the Local Plan identified the site for an additional 200 units, however this was subsequently reduced to 100. Appendix B1.6.6 of the Site Selection Report (ARUP, 2018) states that the number of dwellings decreased due to the complex patterns of leases across the site. This is also reflected in when the allocation is expected to come forward, as it is pushed back until later in the plan period. Despite this Appendix B1.6.6 refers to no on-site restrictions or constraints were identified as part of the assessment, however this is clearly not the case. Further certainty is required to demonstrate that this allocation is deliverable and can be achieved in the plan period.

*4. CHIG.R7 (Chigwell Convent): Is this allocation justified in light of the proposal to designate it as a Local Green Space in the emerging Chigwell Neighbourhood Plan (NP)? How has the Council worked positively and proactively with the NP body to seek to address this potential conflict between the Plan and the NP as set out in the Planning Practice Guidance (Paragraph: 009 Reference ID: 41-009-20160211)? Is this allocation justified in respect of its effect upon the setting of heritage assets? (Reps Chigwell PC).*

2.9 The site is adjacent to two heritage assets, however no details are available on how the heritage impacts could be mitigated particularly given the degree of open views. It is noted the Site Selection Report reduces density of the site by 50% to mitigate impacts on the setting of the Listed Buildings and views. However there are no details on how this is considered sufficient to mitigate the harm to the heritage assets.

- 2.10 Furthermore, appendix B1.4.2 of the Site Selection Report (site SR-0588) identifies topographical constraints which could preclude development, however there are no details on what the constraints consist of, and no evidence how it would be overcome.
- 2.11 Similar to the Limes Estate, the Site Selection Report Appendix B1.6.6 states '*No on-site restrictions or constraints were identified...*' for the site. It is not clear how this conclusion was reached, given the heritage, and potential topographical, constraints.

*5. CHIG.R8 (Fencepiece Rd) and R11 (Hainault Rd): Are the development requirements in Appendix 6 concerning access accurate? Do they reflect the conclusions of previous appeal decisions and the Highway Authority? (Reps 19LAD0046)?*

- 2.12 A previous appeal for the proposed allocated site CHIG.R8 (Appeal ref: APP/J1535/W/16/3162357) was dismissed in relation to the harm to living conditions of existing occupiers. It is recognised there is a current application for the site (Ref EPF/1798/18) for the development of 4 flats. However this was submitted last year, and there has been no decision. Given the very minor nature of the development, it is not clear why this site is allocated as it will make no contribution to infrastructure or affordable housing needs. Furthermore, it is not clear how the previous concerns from the appeal could be overcome.
- 2.13 Planning permission was allowed at appeal on site CHIG.R11 (Hainault Road) for the development of 11 flats (Appeal Ref: APP/J1535/W/17/3190595). Therefore whilst the site may be deliverable, this permission confirms the allocation will not make any contributions towards infrastructure or affordable housing.

*6. What effect would the development of the following sites have on the purposes of the Green Belt: CHIG.R1; R2; R4; and R5? Has the supply of brownfield sites been exhausted, including the potential for conversion of larger dwellings?*

- 2.14 It is recognised that sites CHIG.R1 and CHIG.R2 have planning permission already. However CHIG.R1 has planning permission for 100% market housing, with no affordable provision. CHIG.R2 relates to an allocation for a care home and retirement apartments only. Whilst outline planning permission has been granted, there are no affordable housing units (with a financial contribution only), and a local early years contribution. In relation to CHIG.R4, there is a current application for 105 units, however this is solely for C2 retirement living apartments. This is still pending a decision.
- 2.15 In relation to CHIG.R5, we previously raised concern with this site, as it is not clear why the local authority are satisfied it is no longer suitable for its current use. Furthermore, the wider site surrounding CHIG.R5 was assessed in the Site Selection Report (site SR-0478B) and scored very negatively in terms of the impact of development of the site on the Green Belt. There is not sufficient evidence to suggest how this would be mitigated, and it is not considered that the allocation of this site is justified.

2.16 Overall, it is not considered that Policy P7 and the proposed allocations in Chigwell are justified, effective and consistent with national policy. It is not considered the Plan has sufficiently evaluated reasonable alternatives, particularly in relation to the spatial options, the Green Belt, and distribution for individual settlements. The proposed allocated sites will make a limited contribution to meeting future infrastructure requirements or affordable housing needs. Therefore, it is clear that the small minor nature of the majority of the proposed allocations are unlikely to make any significant contribution to meeting the current, and future needs, of Chigwell.