

HEARING STATEMENT

In respect of

Epping Forest District Local Plan

Matter 15: Places and Sites (Policy P8: Theydon Bois)

On behalf

CK Properties Theydon Bois Ltd

JLN0243
Hearing Statement
Final
25 April 2019

REPORT

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25 April 2019

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1 INTRODUCTION

- 1.1 This hearing statement has been prepared in relation to Matter 15: Places and Sites (Policy 8: Theydon Bois), which forms part of the examination of the Submission Version of the Epping Forest District Local Plan (December 2017) (“SVLP”).
- 1.2 The hearing statement has been prepared on behalf of CK Properties Theydon Bois Limited (“**CK**”), who are the owners of the Land East of Central Line / North of Abridge Road (including the Old Foresters site), Theydon Bois (“**representation site**”). CK made representations upon the consultation draft of the Local Plan in December 2016 and upon the SVLP in January 2018 and April 2018. This hearing statement concentrates on Matter 15. CK submitted a hearing statement in relation to Matter 4 in January 2019 and a hearing statement in relation to Matter 5 in February 2019.
- 1.3 Matter 15 as identified by the examination Inspector is as follows:
“Places and Sites”
- 1.4 This hearing statement focuses on Issue 2 which is as follows:
Are the Plan’s policies for the specific places and sites within the District justified, effective and consistent with national policy; and are the specific site allocations they include justifiable and deliverable?
- 1.5 More specifically, the statement addresses Policy P8: Theydon Bois and considers the justification and deliverability of the SVLP’s housing allocations for Theydon Bois and their ability to provide for sufficient housing growth in Theydon Bois.

2 THEYDON BOIS BACKGROUND

2.1 Much of the planning background concerning Theydon Bois is set out in CK's hearing statements produced in relation to Matters 4 and 5. However, by way of summary, the following are key considerations in relation to the requirement to provide justifiable and deliverable allocations for Theydon Bois:

- The SVLP designates Theydon Bois as a large village
- Theydon Bois is highly sustainable, especially having the benefit of a Central Line Underground line station
- A key objective of the SVLP is to accommodate housing in towns and large villages and in the most sustainable locations, so as to meet housing requirements
- Theydon Bois has a good range of services and facilities, as confirmed by the Council's Settlement Hierarchy Technical Paper (see Appendix 3, Matter 4 hearing statement)
- Increased growth in Theydon Bois has advantages in terms of sustainability (see Appendix 4, Matter 4 hearing statement)

2.2 Notwithstanding the above, only 57 new homes are allocated for Theydon Bois (360 homes were allocated for Theydon Bois in the consultation draft). Notably, Theydon Bois has experienced by far the largest decrease (84%) of any settlement in the District which has not been subject to any legitimate justification. Furthermore, Theydon Bois has by some margin the lowest housing allocation of any of the District's large villages. (see Appendix 5, Matter 5 hearing statement). It is clear that Theydon Bois, for all the above reasons, is a sustainable location with the capacity to accommodate much higher levels of housing growth.

3 SITE ALLOCATIONS

- 3.1 The SVLP allocates the following sites for housing in Theydon Bois:
- **Land at Forest Drive** – approximately 39 homes (THYB.R1)
 - **Theydon Bois London Underground Station Car Park** – approximately 12 homes (THYB.R2)
 - **Land at Coppice Row** – approximately 6 homes (THYB.R3)
- 3.2 For convenience, the Theydon Bois section of the SVLP is reproduced as **Appendix 1** to this statement. So as to provide further information, relevant extracts from Appendix 6 of the Local Plan are provided as **Appendix 2** to this statement.
- 3.3 Consideration to the above sites, especially with regard to their justification and delivery, is set out below.

Land at Forest Drive

- 3.4 This site is currently in the Green Belt. However, this is not a reason for precluding a housing allocation. Indeed, it is clear from the SVLP and supporting documentation that the Council must release a significant number of Green Belt sites so as to meet housing requirements and indeed more than is currently allocated.
- 3.5 Based on information contained in Appendix 6 of the SVLP (see **Appendix 2** of this statement), it is noted that the Forest Drive site has the following potential constraints:
- Agricultural land (as noted by Arup's – see Appendix B1.4.2 "development could involve loss of the best and most versatile agricultural land (Grade 1-3)")
 - Site has been identified as being at risk of surface water flooding
 - The site includes an existing permissive path
- 3.6 Whilst there may be some justification for this site's release for housing development and that it maybe deliverable in the short term, the site does have two clear disadvantages, especially when compared to potential sites in Theydon Bois. These are as follows:
1. The site contains good quality agricultural land
 2. The site is located to the north of the settlement, separated from the village's services and facilities and notably over 400m from the underground station. Accordingly, it is not as sustainable as other potential sites in Theydon Bois.

Theydon Bois London Underground Station Car Park

- 3.7 The merits of this site has already been addressed by CK in their Matter 5 statement. However, relevant points can be summarised as follows:
- The Underground Station car park provides 65 spaces. It is the only dedicated car park that directly serves the station. There is no other public car park in Theydon Bois. The car park is very well used, there are very rarely spaces available during working days.
 - The loss of any dedicated car parking for commuters will be highly undesirable. Plus, the loss of spaces for a temporary period will be undesirable, adding to pressure to park elsewhere in the village during that time.
 - The deliverability of the proposals are questionable. For example, the viability of 12 unit scheme is not clear especially in light of the requirements to retain car parking and provide for affordable housing.
- 3.8 In addition, it is noted that the site has other constraints, as set out in Appendix 6 of the SVLP (see **Appendix 2** of this statement):

- The site is identified as being at the risk of surface water flooding
- Development proposals should consider incorporating retail uses at ground floor level
- Development may impact upon the setting of the Grade II listed Bull Public House, which lies to the west of the site
- Development proposals should incorporate the re-provision of the existing number of car parking spaces for London Underground customers. Such car parking spaces may include surface or decked parking in areas, subject to surface water flooding or basement or undercroft car parking
- Development proposals should limit the provision of on-site residents' car parking

3.9 Based on the above, there remains real doubt as to whether a housing allocation on this site can be justified in planning terms and indeed whether a housing development on this site is viable and therefore deliverable.

Land at Coppice Row

3.10 This site is small, being only 0.15ha. Even based on the Council's assessment, it can only accommodate six dwellings. It is arguable whether the site should be the subject of a housing allocation or whether it should be regarded as a windfall site. In any event, it should be noted that the site is already in residential use, accommodating two bungalows. In other words, it will only bring forward at best a net increase of four dwellings. On this point, Arup's note in their report on site selection (see Appendix B1.6.6) that there is "uncertainty around the timescale for residential uses to cease".

3.11 Accordingly, notwithstanding the site's limited potential to contribute to housing requirements, its deliverability, certainly in the short term, has to be questioned.

Conclusion

3.12 The SVLP's housing allocations for Theydon Bois will only provide for approximately 75 units. There are real doubts as to whether the Underground Station car park site and the Coppice Row site are either viable and/or deliverable. In which case, the 75 unit figure is reduced to 39 homes. Land at Forest Drive maybe available, but it suffers from disadvantages in terms of good quality agricultural land and proximity to services, facilities and the London Underground stations.

3.13 This level of housing allocations for Theydon Bois and the likely delivery of housing, especially in the short term, is contrary to the Spatial Development Strategy of the Plan and does not comply with the principles of sustainable development. Accordingly, it is necessary to reassess and significantly increase the level of housing allocations in Theydon Bois given its sustainable location, in order that the SVLP can be made sound and properly plan for the necessary level of housing growth.

4 REPRESENTATION SITE

- 4.1 The assessment of the three Theydon Bois housing allocations only reaffirms previous submissions (including hearing statements) prepared by CK, which clearly demonstrate that there is a requirement to allocate additional sites for housing in Theydon Bois. Notably, the assessment provides further justification to CK's request for Land East of Central Line / North of Abridge Road (including the Old Foresters site) to be reinstated as a housing allocation. For convenience, the benefits of the representation as a housing allocation can be summarised as follows:
- Relatively unconstrained in planning terms (for example, not subject of a landscape or wildlife designation and not designated as Epping Forest Buffer Lands).
 - Immediately adjacent to built up area of Theydon Bois.
 - Immediately adjacent to Theydon Bois Underground Station. Notably, the ability to provide direct access to the Underground Station is a clear benefit.
 - The site is able to benefit from an existing access point off Abridge Road.
 - The site is large enough to provide for a range and mix of housing, plus provision of open space.
 - Limited harm to the Green Belt, as accepted by the Council's consultants.
- 4.2 The representation has the ability to make meaningful contribution to the Councils housing requirements, both for market and affordable housing, unlike other sites in Theydon Bois, including those allocated in the SVLP. Notably, the representation site is deliverable and available for development within the first five years of the plan period.

Appendix 1

Extracts of Submission Draft Local Plan (Theydon Bois Section)



Epping Forest District Local Plan

Submission Version 2017



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Theydon Bois

- 5.111 Lying to the north of Loughton and south west of Epping, Theydon Bois is a village with a strong rural feel.
- 5.112 The settlement benefits from an attractive parade of shops offering local convenience retail, whilst a station on the London Underground network provides a direct link with London.
- 5.113 The village operates a unique 'dark skies' policy (i.e. no street lighting), which has traditionally been supported by the majority of residents.

Vision for Theydon Bois

Theydon Bois will continue to maintain its local feel and character and preserve its rural setting, adjacent to Epping Forest, while providing a mix of housing, key local services and high quality independent retail. Theydon Bois will also enhance its leisure facilities and social infrastructure to support existing and future residents.

Residential Sites

- 5.114 Policy SP 2 sets out the number of homes the Council will plan for in Theydon Bois over the Plan period. The provision of approximately 57 homes has been informed by the aspiration for Theydon Bois to maintain its local feel and character.
- 5.115 The Council considered the possible spatial options to accommodate new homes at Theydon Bois and concluded that there is one appropriate spatial option which comprises intensification within the existing settlement with a small expansion to the north. This option provides opportunities to focus development in the most sustainable locations within the settlement, to use previously developed land, and will minimise any harm to the wider landscape and Green Belt around the settlement. The small northern expansion provides a natural extension to the settlement and is the least harmful to the Green Belt.
- 5.116 Following an assessment of the suitability, availability and achievability of Residential Sites located within this spatial option, the Council has identified three sites for potential allocation

to meet the identified housing requirement, as set out in Policy P 8.

- 5.117 Proposals for residential development will be expected to accord with site specific requirements as set out in Appendix 6.

Sites for Traveller Accommodation

- 5.118 Policy SP 2 sets out the Council's approach to Traveller Sites within the District. There are no allocations for Traveller Accommodation in Theydon Bois.

Employment Sites

- 5.119 Policy E 1 sets out the Council's preferred approach to identifying sites for employment (B use class) uses.
- 5.120 There are no existing Employment Site designations or new Employment Site allocations in Theydon Bois identified in the Local Plan.

Infrastructure Requirements

- 5.121 The supporting text to Policy SP 2 confirms the importance of identifying and delivering key infrastructure to support residential and employment growth across the District. The infrastructure needs for Theydon Bois will be set out in the Infrastructure Delivery Plan.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.

Policy P 8 Theydon Bois

- A. Proposals for development on allocated sites should accord with the site specific requirements set out in Appendix 6.

Residential Sites

- B. In accordance with Policy SP 2 the following sites are allocated for residential development:
- (i) THYB.R1 Land at Forest Drive – Approximately 39 homes
 - (ii) THYB.R2 Theydon Bois London Underground Station car park – Approximately 12 homes
 - (iii) THYB.R3 Land at Coppice Row – Approximately 6 homes

Infrastructure Requirements

- C. Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan. Specifically, development in Theydon Bois will be expected to contribute proportionately towards the following infrastructure items:
- (i) Highways and junction upgrades;
 - (ii) Local upgrades to the existing waste water network and drainage infrastructure; and
 - (iii) The improvement of open space throughout the settlement.
- D. The Council will only permit planning applications that contribute towards the delivery of those infrastructure items set out above and in the Infrastructure Delivery Plan, unless subsequent iterations of the Infrastructure Delivery Plan or discussions with providers determine that these items are no longer required.

Air Pollution

- E. The development of the allocated sites within Theydon Bois have the potential to produce air pollution that could impact upon air quality in the District, including Epping Forest. In accordance with Policy DM 2 and Policy DM 22, all proposals on sites which require a Transport Assessment/Transport Statement will be required to undertake an air quality assessment that identifies the potential impact of the development, together with contributions towards air quality monitoring.

Recreational Pressure

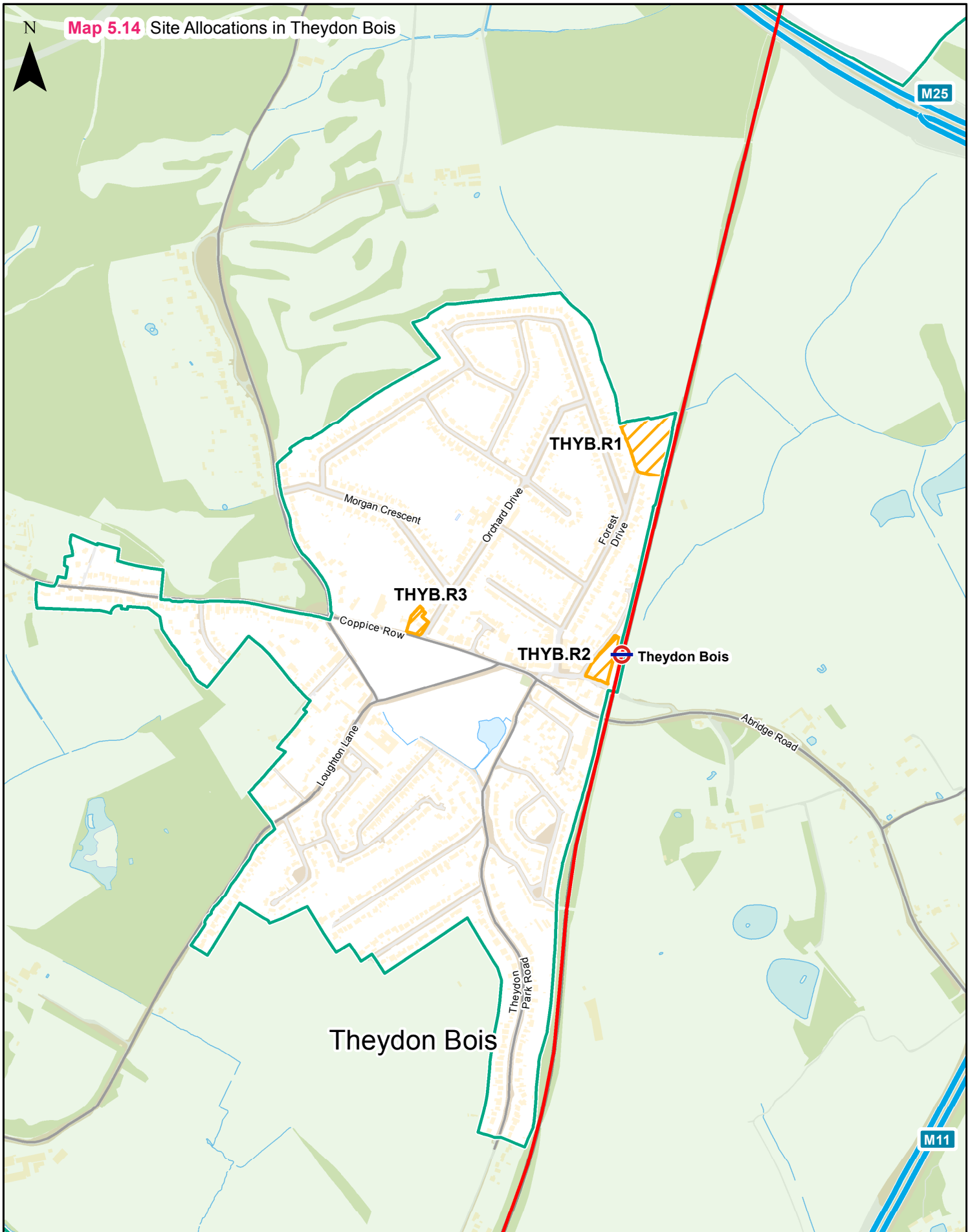
- F. Due to their proximity to Epping Forest,

development of the above allocated sites within Theydon Bois will be required to make a contribution to the access management and monitoring of visitors to the Forest in accordance with Policy DM 2.

Flood Risk

- G. In accordance with Policy DM 15, development on residential allocations must be located wholly within Flood Zone 1.

The Local Plan should be read as a whole. Proposals will be judged against all relevant policies.



<div>Epping Forest District Local Plan</div> <div>Submission Version December 2017</div> <div> Epping Forest District Council</div>	<div>Drawing No. EFDC-SP-0015-Rev2</div>	<div>Map 5.14</div> <div>Site Allocations in Theydon Bois</div>	<div>Legend</div> <div><div> Residential site allocation</div><div> Residential and traveller site allocation</div><div> Green Belt Boundary</div></div> <div><div> Employment site allocation</div><div> Masterplan Area</div><div> District Open Land</div></div> <div><div> Traveller site allocation</div><div> Concept Framework Plan Area</div><div> Local Authority boundary</div></div> <div><div>This legend shows only the key Local Plan policy designations.</div><div>A full legend can be found in Appendix 6: Site Specific Requirements for Site Allocations.</div></div>		
	<div>Date: December 2017</div>		<div><div>Contains Ordnance Survey & Royal Mail Data</div><div>© Crown Copyright & Database Right 2016</div><div>EFDC Licence No: 100018534 2016</div></div>		
	<div>Scale: 1:10,000 @ A4</div>	<div><div>The Local Plan should be read as a whole.</div><div>Proposals will be judged against all relevant policies.</div></div>			

Appendix 2

Extracts from Submission Draft Local Plan (Appendix 6)



Epping Forest District Local Plan

Appendix 6 Site Specific Requirements

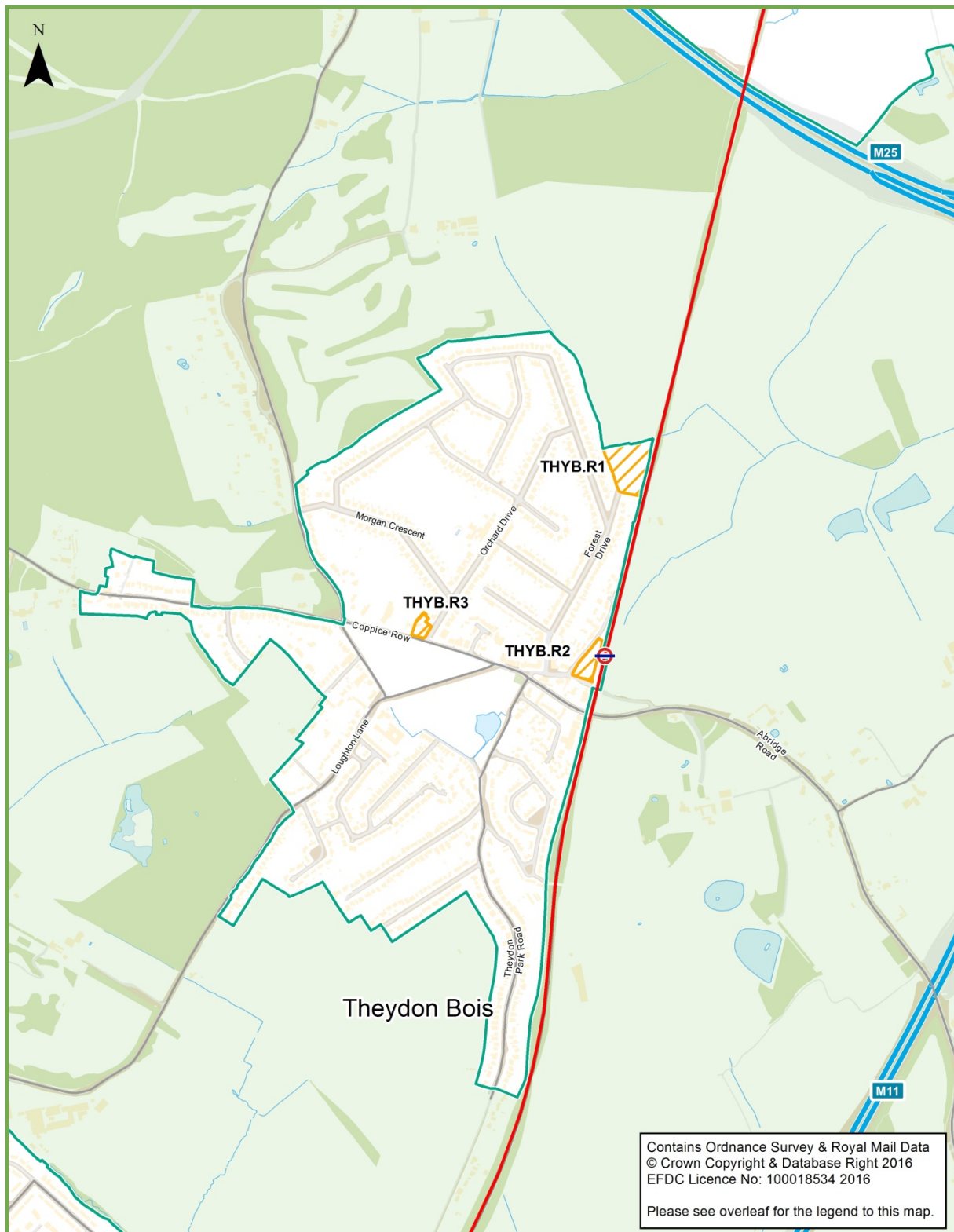
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

























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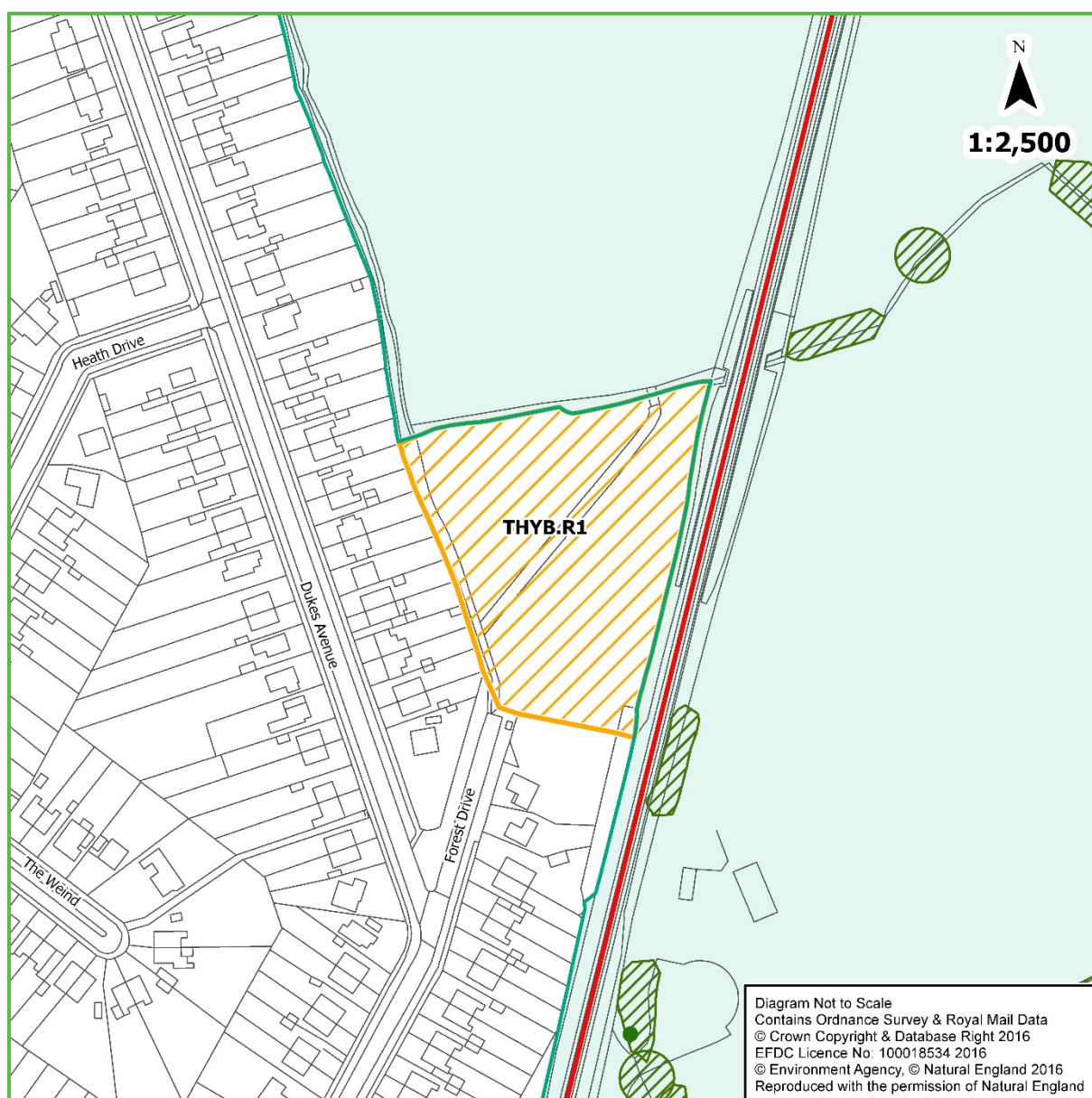
Theydon Bois



Legend

	Residential site allocation	Environmental Designations	Road network	Basemap
	Employment site allocation	 Ancient Woodland	 Motorway	 Roadside area
	Traveller site allocation	 Ancient Tree	 A Road	 Roadway
	Residential and traveller site allocation	 Veteran Tree	 Minor Road	 Railway line
	Rural residential site allocation	 Flood Risk Zones 2 & 3	Rail infrastructure	 Woodland
	Rural employment site allocation	 BAP Habitat	 London Underground Central Line	 Watercourse
	Rural traveller site allocation	 Tree Preservation Order	 London Underground station	 Waterbody
	Masterplan Area		 Railway	 Built-up area
	Concept Framework Plan Area		 National Rail station	 Local Authority boundary
	Green Belt		 Epping Ongar Heritage Railway	
	District Open Land		 Epping Ongar Heritage Railway station	

THYB.R1 Land at Forest Drive



Site Address: Forest Drive, Theydon Bois, CM16 7EZ

Settlement: Theydon Bois		Proposed Use: Residential
Size (Ha)	0.94	Site Description: The site is agricultural/greenfield land. It is bounded by residential development to the west and south of the site, the London Underground Central Line to the east and agricultural land to the north.
Indicative Development Area (Ha)	0.89	
Indicative Net Density (DpH)	44	
Approximate Net Capacity (Dwellings)	39	

When bringing forward development proposals, regard should be had to the Local Plan as a whole. This includes any relevant policies as well as any site specific guidance provided in this appendix. Planning applications should also comply with the Council's approved Validation Requirements.

THYB.R1 Land at Forest Drive**Development Guidance****Flood Risk**

This site has been identified as being at risk of surface water flooding. The design and layout of any development proposals should reduce the vulnerability and consequences of surface water flooding to the site and its surroundings. Development proposals should incorporate appropriate surface water drainage measures in order to achieve this.

Ecology

Development proposals will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. Such contributions will be in accordance with the measures identified in the Action Plan developed and agreed with Natural England.

On-site Constraints

The site is identified as being at risk of noise impacts due to its proximity to the London Underground Central Line. Development proposals should mitigate noise impacts through careful design and layout. This could include orientating built development away from areas most affected, providing planting and earthworks to provide screening, and/or ensuring noise-insulating building materials are used.

The site includes an existing permissive path, which runs from the south-west corner to the northern boundary of the site. Subject to discussions with Epping Forest District Council who granted the right for the permissive path, development proposals should seek to integrate it within the development layout and maintain and where possible improve connectivity to the wider Public Rights of Way network.

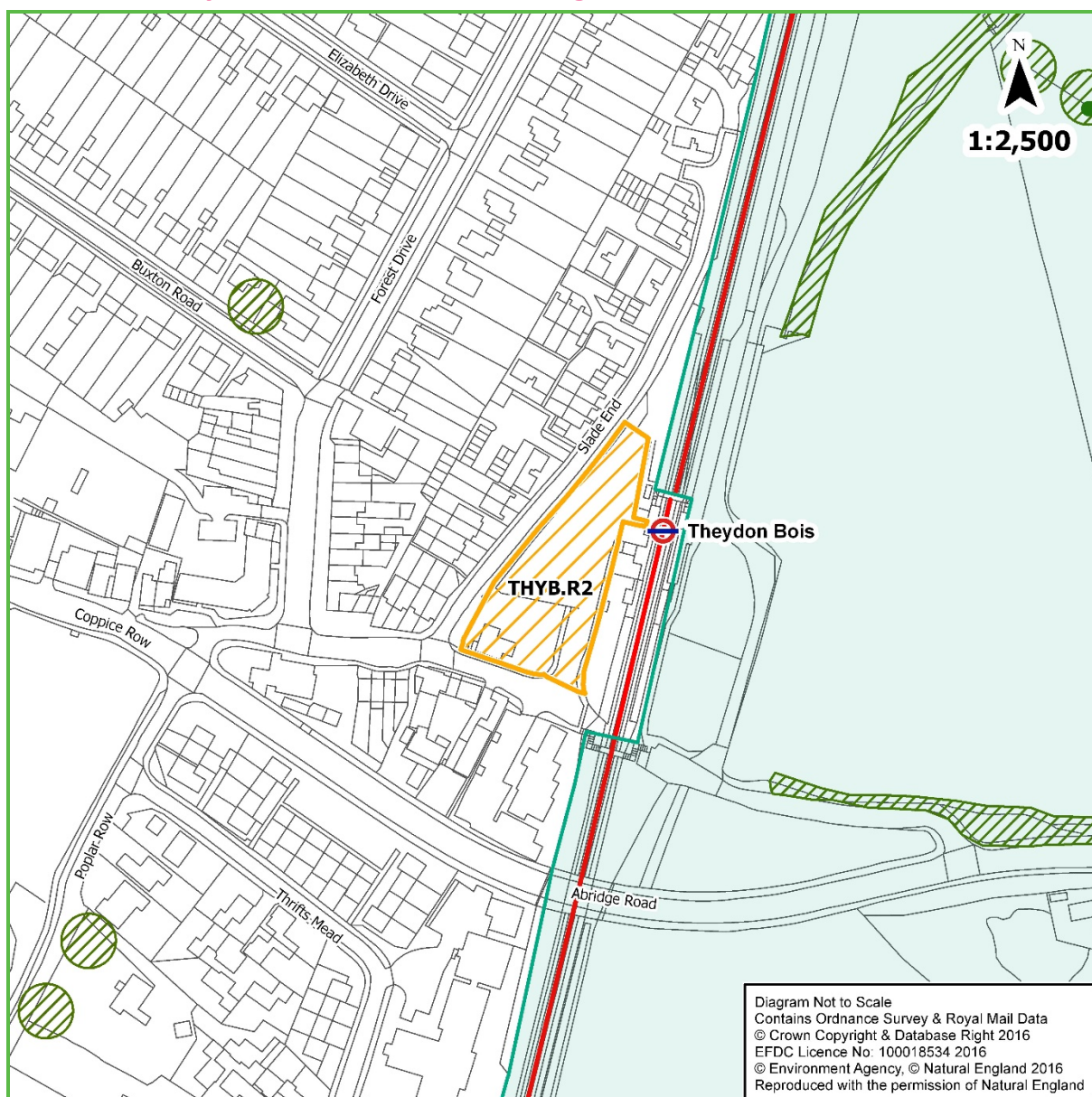
Infrastructure

This site is identified as being within a 400m radius of a London Underground Station. To promote sustainable transport modes and encourage active transport, development proposals for residential development should limit the provision of on-site residents' car parking to that required to service the essential needs of the development. Provision should be made on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders. Contributions will be sought for implementing Controlled Parking Zones in the vicinity of the site.

Green Belt Boundary

An existing feature in the landscape should be used as the new defensible boundary to the Green Belt. As part of the development proposals the existing feature along the northern edge of the site will need to be strengthened.

THYB.R2 Theydon Bois London Underground Car Park



Site Address: Station Approach, Theydon Bois, Essex, CM16 7HR

Settlement: Theydon Bois

Proposed Use: Residential

Size (Ha) 0.30

Indicative Development Area (Ha) 0.30

Indicative Net Density (DpH) 40

Approximate Net Capacity (Dwellings) 12

Site Description:

The site is a car park. It is bounded by the London Underground Central Line to the east of the site and residential development to north, south and west.

When bringing forward development proposals, regard should be had to the Local Plan as a whole. This includes any relevant policies as well as any site specific guidance provided in this appendix. Planning applications should also comply with the Council's approved Validation Requirements.

THYB.R2 Theydon Bois London Underground Car Park**Development Guidance****Flood Risk**

This site has been identified as being at risk of surface water flooding. The design and layout of any development proposals should reduce the vulnerability and consequences of surface water flooding to the site and its surroundings. This could include developing the southern parts of the site which are at most risk for less sensitive uses such as car parking and incorporate appropriate surface water drainage measures.

Ecology

Development proposals will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. Such contributions will be in accordance with the measures identified in the Action Plan developed and agreed with Natural England.

Design

Development proposals for this site should be considered and informed by the Quality Review Panel.

Development proposals should consider incorporating retail uses at the ground floor level in close proximity to the Theydon Bois London Underground Station. If provided, any planning application should demonstrate how such retail floorspace will be serviced.

Heritage

Development of the site may impact upon the setting of the Grade II listed Bull Public House, which lies to the west of the site. Development proposals which may affect the setting of this Listed Building should sustain or enhance its significance including the contribution made by its setting. Development proposals should preserve the special architectural or historic interest of this Listed Building through appropriate layout and high quality design/materials.

On-site Constraints

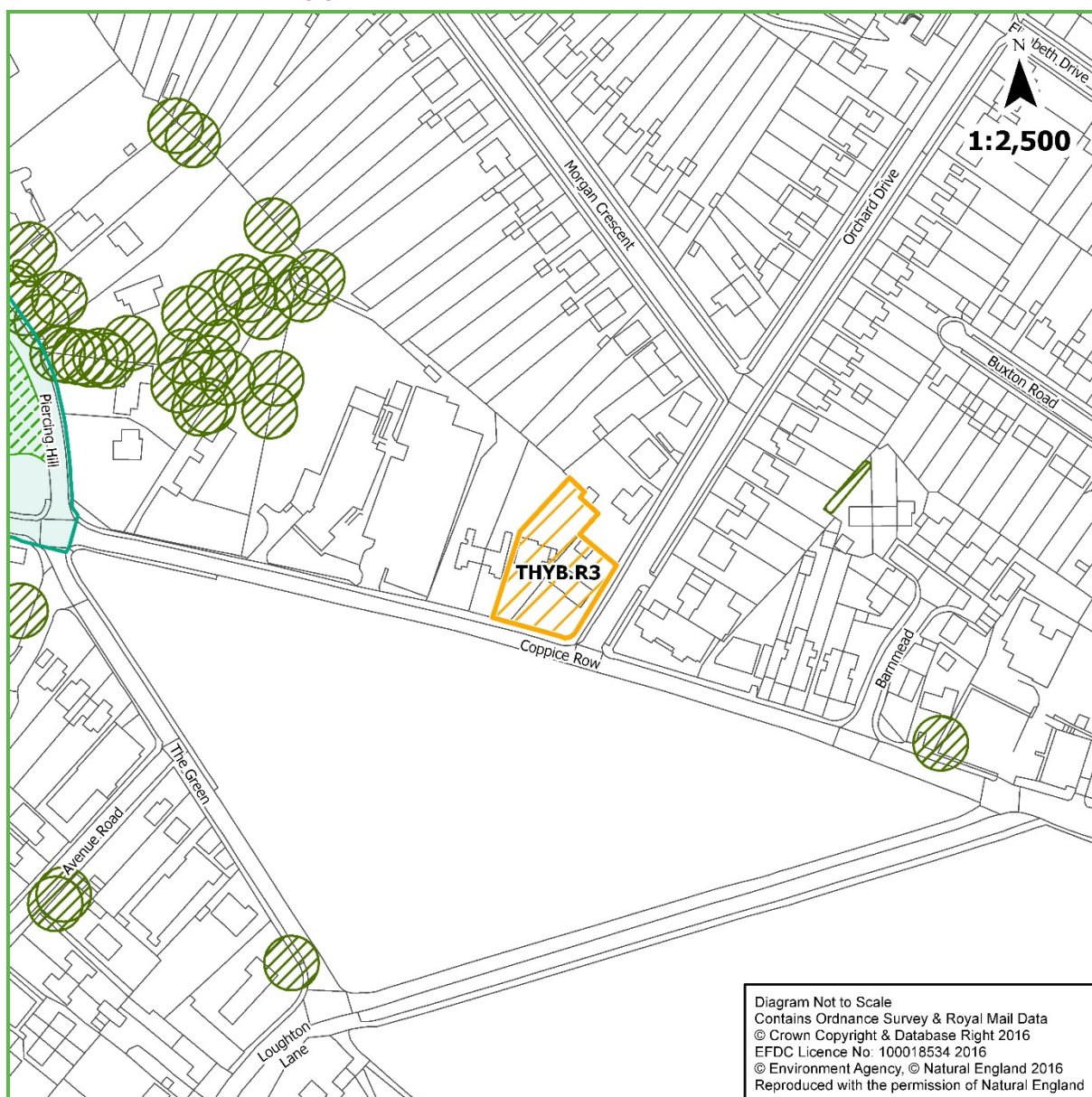
The site is identified as being at risk of noise impacts due to its proximity to the London Underground Central Line. Development proposals should mitigate noise impacts through careful design and layout. This could include orientating built development away from areas most affected, providing planting to provide screening, and/or ensuring noise-insulating building materials are used.

Infrastructure

Development proposals should incorporate the re-provision of the existing number of car parking spaces for London Underground customers in the development. Such car parking spaces should be integrated into the development through careful design and layout, which may include surface or decked parking in areas subject to surface water flooding, or basement or undercroft car-parking.

This site is within 400m of a London Underground Station. To promote sustainable transport modes and encourage active transport, development proposals for residential development should limit the provision of on-site residents' car parking to that required to service the essential needs of the development. Provision should be made on-site for car clubs/car sharing or pooling arrangements, visitor parking and blue badge holders. Contributions will be sought for implementing Controlled Parking Zones in the vicinity of the site.

THYB.R3 Land at Coppice Row



Site Address: Wain, Coppice Row, Theydon Bois, Epping, Essex, CM16 7ER

Settlement: Theydon Bois

Proposed Use: Residential

Size (Ha) 0.15

Indicative Development Area (Ha) 0.15

Indicative Net Density (DpH) 59

Approximate Net Capacity (Dwellings) 6

Site Description:

The site contains two residential dwellings, outbuildings and gardens. It is bounded by residential development to the west and north, Coppice Row (B172) to the south and Orchard Drive to the east.

When bringing forward development proposals, regard should be had to the Local Plan as a whole. This includes any relevant policies as well as any site specific guidance provided in this appendix. Planning applications should also comply with the Council's approved Validation Requirements.

THYB.R3 Land at Coppice Row

Development Guidance

Ecology

Development proposals will be required to make a financial contribution to access management and monitoring of visitors to the Epping Forest Special Area of Conservation. Such contributions will be in accordance with the measures identified in the Action Plan developed and agreed with Natural England.