




22<sup>nd</sup> January 2019

## NEIGHBOURHOOD PLAN COMMITTEE

TO: MEMBERS OF THE NEIGHBOURHOOD PLAN COMMITTEE

You are hereby summoned to attend a meeting of the **NEIGHBOURHOOD PLAN COMMITTEE** which will be held on **Tuesday 22<sup>nd</sup> January 2019**, at the **Parish Council Offices**, Hainault Road, Chigwell, at 4.00pm, to transact the business shown in the Agenda below.

  
Anthony Belgrave  
Clerk to the Council

### AGENDA

1. **APOLOGIES FOR ABSENCE**

To **RECEIVE** any apologies for absence.

2. **OTHER ABSENCES**

To **NOTE** any absences for which no apology has been received.

3. **DECLARATIONS OF INTEREST** 

To **RECEIVE** any Declarations of Interest by Members.

- *A Member with a personal interest in a matter must consider whether it is a "prejudicial interest" (i.e. prejudicial to the public interest).*
- *A Member must consider him/herself as having a prejudicial interest if it is a personal interest which a member of the public with knowledge of the relevant facts would regard as so significant and particular that it could prejudice the Member's judgement of the public interest.*

Any Member who is unsure if a personal interest needs to be declared should consult the Clerk for clarification



#### 4. EPPING FOREST DISTRICT COUNCIL LOCAL PLAN HEARING SESSIONS – PARISH COUNCIL REPRESENTATIONS



Members are reminded that in accordance with regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, Epping Forest District Council submitted the Local Plan to the Secretary of State for Housing, Communities and Local Government on 21<sup>st</sup> September 2018 for independent examination. An independent inspector has now been appointed to undertake this examination and determine whether the plan has been prepared in accordance with the relevant statutory requirements of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (March 2012) and to prepare a report on behalf of the district council to recommend whether the EFDC Local Plan should be adopted.

As part of this process a 'Provisional Hearing Programme' has been scheduled, to allow representations to be heard, these sessions will take place over a period of 6 weeks in 2019. Further, it has previously been **RESOLVED** that our Planning Consultant will represent the Parish Council at the aforementioned sessions.

Members are now asked to **CONSIDER** and **APPROVE** these representations as shown at *Appendices 1, 2 and 3*.

*Appendix 1:* Draft representation relating to the provisions of policies SP3 and P7 of the Local Plan concerning the Limes Farm Estate.

*Appendix 2:* Draft representation relating to the provisions of policy P7 of the Local Plan as relevant to the Chigwell Convent site.

*Appendix 3:* Draft representation relating to the provisions of policy P7 of the Local Plan as relevant to the Chigwell Convent site.

The Chairman will further advise members on the content of these documents as necessary.

#### 5. DATE OF NEXT MEETING

Members are reminded that the next meeting of this committee is presently scheduled for 12<sup>th</sup> February 2018, at 6pm.

Members are now asked to **CONSIDER** the adjustment of this date.





**6. EXCLUSION OF THE PUBLIC AND THE PRESS**

In the event that the Agenda contains Exempt (blue) pages, to **CONSIDER** the following motion to be proposed by the Vice Chairman:

*"That the public and the press be excluded from the meeting, the Council believing that publicity would be prejudicial to the public interest by reason of the confidential nature of the business about to be discussed."*

**There is one confidential item to be considered.**

Anthony Belgrave  
Clerk to the Council

# Appendix 1

## EPHING FOREST LOCAL PLAN

### EXAMINATION PRE-HEARING STATEMENT BY CHIGWELL PARISH COUNCIL

#### MATTER 7.2.2 (PLACE SHAPING & GENERAL MASTERPLAN APPROACH)

##### Introduction

This short statement by Chigwell Parish Council relates to the provisions of policies SP3 and P7 of the Local Plan as they relate to Limes Farm, a large former public housing estate lying within the Parish.

##### Inspector Matter

*Issue 2: Are the Plan's requirements for master-planning (as explained in paragraphs 2.89-2.102 and set out in Policies SP4, SP5 and certain Place policies) justified; and will they be effective in securing the timely delivery of comprehensively planned schemes?*

*2. Paragraph 2.94 explains that Strategic Masterplans will be produced by the landowners/promoters of the sites in partnership with the Council and relevant stakeholders. Is this process justified in cases where a Neighbourhood Plan is in preparation for the same area (see specifically 16 Chigwell Parish Council and Site CHIG.R6, the Limes Farm Masterplan Area)? How will duplication and/or policy conflict be avoided?*

##### Statement

Policy P6A(iii) of the Draft Local Plan of October 2016 proposed the allocation of the majority of the public open space at Limes Farm (Reference: SR 0557) to deliver approx. 210 homes in the plan period and identified the remainder of the estate for residential redevelopment beyond the plan period.

By contrast, the supporting text to the policy (§5.127) noted that “the provision ... has been informed by the aspiration for Chigwell to support small scale development to meet a wide variety of local housing needs, while retaining and enhancing the character of the distinctive communities which make up the settlement”. This is reflected in the ‘Vision for Chigwell’ that “the Village will meet a wide variety of local housing needs through small scale development”.

There was no reference to the selection of Limes Farm in the supporting text and the Plan did not contain provisions for the preparation for ‘strategic masterplans’. The evidence for the site was contained in the Site Suitability Assessment report of September 2016. That report notes that “the Council did not consult on a growth location which covers or is near to this site”. It also accepts that “additional dwellings proposed will predominantly be delivered through development on existing public open spaces. Although small areas of public open space could be retained in the development, this will not be equivalent to the public open space lost.” Inaccurately, it described it as a “100% brownfield site, within an existing settlement”.

Not surprisingly, the local community became very concerned at the potential loss of most of the open space on the estate and at the longer term threat of demolition and the redevelopment of their homes. The Parish Council and many local people objected to this provision as unsound, being inconsistent with a series of national planning policies relating to sustainable communities and public open space.

The decision by the District Council to modify its proposals for Limes Farm in the Submission Local Plan of December 2017 was welcomed although there were a number of important issues that remain unresolved or confused. The representations made by the Parish Council in January 2018 sought modifications to policies SP3 and P7 to make provision for a future neighbourhood plan to plan for the future of Limes Farm.

However, the Site Selection report (and its appendix B1 6.4 and 6.6) published since (in March 2018) is of considerable concern, as it indicates that the draft proposals of 2016 remain, i.e. to develop the public open spaces within the plan period and to seek some compensatory provision of new open space within the redeveloped estate area beyond the plan period. Specifically, the table on p20 of Appendix B1 6.4 (Site Deliverability Assessments) states that, “comprehensive masterplanned redevelopment of the Estate would mean only existing open space parts of site will come forward within the Plan period, with a capacity of 100 net dwellings”.

The Parish Council, although sceptical, accepts that there may be a case for comprehensive redevelopment as part of a regeneration programme for Limes Farm. Hence, it wishes to be proactive and to enable the local community to play a key role in examining the options for any future programme. It is very mindful of the many failures of estate regeneration schemes and the recent shift away from comprehensive redevelopment as a sustainable, deliverable solution. Here, it is unaware of any serious examination by the District Council of the need for regeneration to the extent that it can commit to delivering 100 homes in the plan period, even though Policy P7 indicates that masterplanning will not commence until towards the end of the plan period.

In addition, Limes Farm is unique in the proposed list of strategic masterplans of §2.90 in being a major existing residential area. All the other sites in the list are greenfield or other forms of brownfield land (e.g. North Weald Airfield). The emphasis on community engagement and enfranchisement in determining the outcome of the masterplan must therefore be very different. With the London Mayor now requiring a ballot of affected communities as a condition of public funding, and other authorities like Milton Keynes Council doing the same, the legitimacy of enfranchising communities for this purpose is no longer in doubt.

Further, Figure 2.1 on p35 of the Local Plan illustrating the strategic masterplanning process is ambiguous. It indicates that neighbourhood plans may be an input to the masterplans, although there is no explanation given in the supporting text. It also shows that the masterplans will be adopted as supplementary planning documents and the supporting text acknowledges that some masterplans will be delivered through Garden Town and Developer Forum bodies.

For these reasons, the Parish Council continues to consider that using a neighbourhood plan to shape the future of Limes Farm is the most sustainable option, when assessed against the alternative of relying on the Local Plan alone. It proposed in its Submission Neighbourhood Plan Policy CHG4 that the strategic masterplanning function of Local Plan Policy P7 should

be incorporated into a future neighbourhood plan. The approach is consistent with national planning guidance promoting neighbourhood plans as means of using non-strategic policies to shape the future regeneration of places like Limes Farm and will properly engrain community participation in the planning process, with regulated engagement obligations and a referendum to validate the outcome of that process. Importantly, too, the resulting policies will carry the full weight of the development plan, rather than being left to supplementary planning guidance, as proposed in Policy SP3.

The District Council objected to that provision on the basis that the masterplanning function could only be served by its Local Plan (although it was not able to explain why others had successfully done so) and that there was no confidence that a neighbourhood plan would come forward in time to deliver a regeneration scheme (although the Local Plan proposes the new homes will come forward at the end of the plan period, ten years hence). The examiner of the neighbourhood plan, who was unfamiliar with the Local Plan history on this site, came to the view that neighbourhood plan cannot serve such a purpose. However, he misunderstood the purpose of the policy and how it would be applied and gave no evidence to support his view that neighbourhood plans cannot be used in such a way. Given he was recommending that the plan not proceed to referendum for other reasons, his report on the matter was very brief and the policy was not discussed at the public hearing and no correspondence was exchanged on this matter. The Parish Council disagrees with his findings in this respect and does not see the lack of a currently made neighbourhood plan as an impediment to securing a modification to the Local Plan in this respect.

Perhaps unbeknownst to the examiner and the District Council, neighbourhood plans have been used as the basis for shaping major estate regeneration projects in England. Although in its infancy, there is precedent in Milton Keynes, Wolverhampton, Leeds and London Borough of Newham (and probably others not known to the Parish Council) of plans being used for this express purpose.

The Parish Council therefore sees no reason why, with it having committed to prepare a neighbourhood plan to shape the future of Limes Farm in a timely manner, that Policy P7 of the Local Plan cannot be modified to make such provision. A neighbourhood plan would have to be in general conformity with the provisions of P7 and SP3 in terms of securing a net additional number of new homes and of adopting the required strategic masterplanning principles respectively. The Parish Council will also ensure that the neighbourhood plan will focus on Limes Farm only to ensure that the referendum franchise relates only to that area. If it has succeeded in making a neighbourhood plan for the whole Parish before then, then it will commit to not using that plan for this specific purpose, but to bring forward a focused review for Limes Farm.

It will also agree with the District Council a deadline by which the process of preparing the neighbourhood plan for Limes Farm must start. If it decides it no longer wishes to do so, then the District Council can proceed using the supplementary planning guidance route.

In addition, given the March 2018 report was published after the Parish Council's Regulation 19 representations were submitted, the Parish Council now wishes to object to Policy P7 in respect of Limes Farm on the grounds that is undeliverable and prejudices what may be the most sustainable solution to the regeneration of the estate.

To resolve this objection, the Parish Council requires that, in addition to the modifications already proposed to Part G of the policy, Part I(i) specifying a minimum housing target should be deleted and replaced with:

- (i) a regeneration scheme comprising proposals for the refurbishment of existing homes and, where shown to be economically necessary, the redevelopment of existing homes with a mix of housing types and tenures that do not result in the net loss of existing social rent units;

This modification will ensure that the masterplan does not have to prejudge the choice of regeneration strategy and does not have to be bound by a specific housing target, for which there is no current evidence. It also ensures that there will be no net loss in the stock of the most affordable form of housing that is crucial in Chigwell Parish, which is one of the most unaffordable areas in the District.

In addition, it requires that Part I(vii) is deleted and replaced with:

- (vii) a green infrastructure strategy for the delivery of high quality and multi-functional public open spaces, the provision of which must be secured prior to any redevelopment of existing public open space.

This modification brings the policy more in to line with Policy DM6 on Designated and Undesignated Open Spaces. The existing wording is imprecise and will enable a masterplan to propose the redevelopment of existing public open space within the plan period.

## Appendix 2

### EPPING FOREST LOCAL PLAN

### EXAMINATION PRE-HEARING STATEMENT BY CHIGWELL PARISH COUNCIL

#### MATTER 5.1.4 (SITE SELECTION METHODOLOGY)

##### Introduction

This short statement by Chigwell Parish Council relates to the provisions of policy P7 of the Local Plan as it relates to Chigwell Convent, an area of open space that forms the setting to two listed buildings/structures on the southern edge of Chigwell Village.

##### Inspector Matter

*Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?*

*1. The Council should provide a summary of the process by which the Plan's housing allocations were selected. In particular: What is the relationship between the SSM and the sequential approach to site selection set out in Policy SP2(A)?*

*4. Having regard to Question 1c above, is the sequential approach to site allocation set out in Policy SP2(A) justified, particularly in respect of the value placed upon open spaces within settlements? How was the adequacy of remaining open space within a settlement measured (Policy SP2(A)(iv))?*

##### Statement

Policy P7B(vii) of the Submission Local Plan proposes to allocate all of the open space between Chigwell Convent and High Road (1.64 Ha) for residential development of approx. 28 dwellings. The Site Specific Requirements for Site Allocations (Appendix 6 to the Local Plan) states (p133) that:

*“Development of the site may directly impact upon the Grade II listed Forecourt Piers, Gateway and Railings to the north-west of Chigwell Manor House and impact the setting of the Grade II listed Chigwell Manor House, located to the south of the site. Development proposals which incorporate and may affect the settings of these heritage assets should sustain or enhance their significance, including the contribution made by their settings. Development proposals should preserve the special architectural or historic interest of these Listed Buildings and their settings, including through appropriate layout, avoiding the siting of development immediately in front of the heritage assets and focussing development along the sides of the site, and high quality design/materials.”*

The subsequent Site Deliverability Assessment report of March 2018 identified the heritage constraint on the site, informed by the evidence presented in support of the Parish Council's Submission Neighbourhood Plan, seeking to designate the same land as a Local Green Space.



Prior to that, the Site Suitability Assessment report of September 2016 failed to acknowledge the constraint and considered the site having the capacity for 60 dwellings. In doing so, it noted that “development may improve settlement character through redevelopment of a run down site or improvement in townscape” and that the “site is located within the settlement area and provides an opportunity for intensification. Therefore, redevelopment could enhance the character of the area”. It is noted therefore that the allocation has been made on the basis of the 2016 report and that the March 2018 report has been used to attempt to retrofit the evidence to the policy.

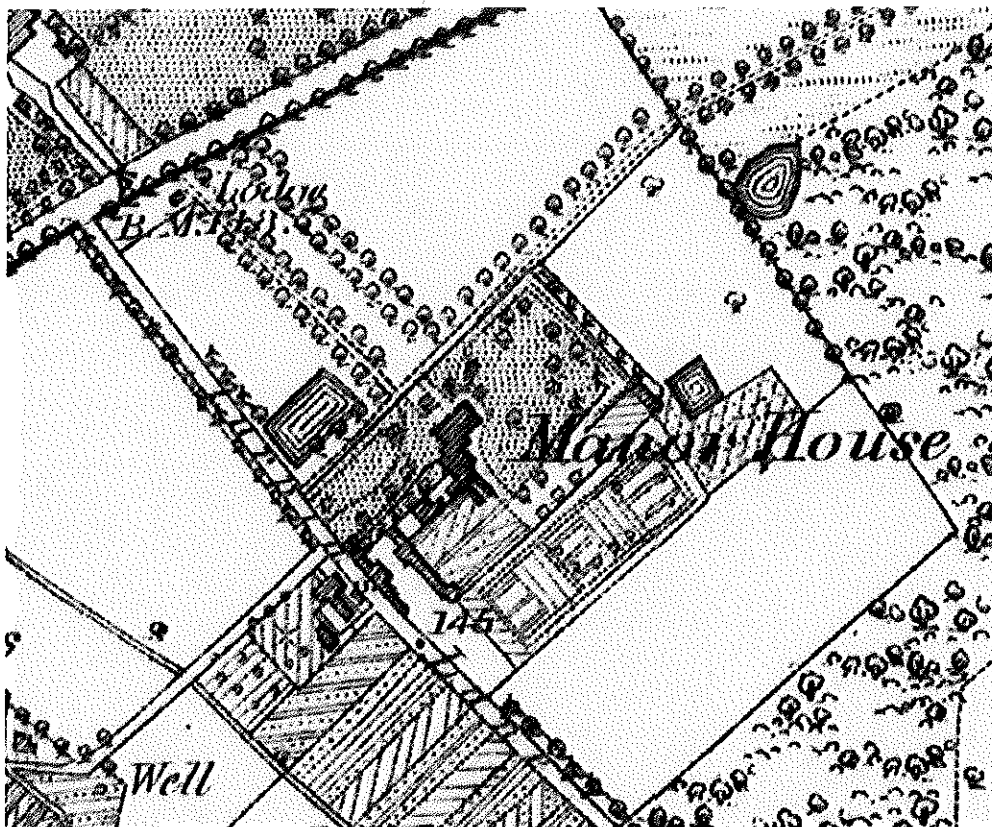
The 2018 report states that “a reduction in density (of 50%) is required to mitigate impacts on the setting of the Listed Buildings and views, and in particular protection of listed piers, gateway and railings”. So, although the boundary and gross site area remain unchanged, the policy requirement effectively makes provision for development on the northern and southern ‘quarters’ of the site, leaving the central half as open space, assuming that the developable areas total 0.8 Ha and are built at the standard 35 dph density to deliver 28 homes.

The Parish Council is not aware of any heritage statement having been prepared for the site that demonstrates how such an allocation proposal and site requirements accord with “the desirability of sustaining and enhancing the significance of heritage assets” objective of NPPF 2012 §126. Although the NPPF 2012 policies are then focused on development proposals, §129 is relevant to proposals to allocate land for development, and there is no evidence to “identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)”.

The Parish Council notes from its research of the Historic Environment Record that the Grade II listed Chigwell Convent is one of very few Listed Buildings in the urban parish outside of the Chigwell Conservation Area. Dating from the eighteenth century, the grandeur of the former Chigwell Manor House is still understood and enjoyed from both High Road and Turpin’s Lane in views across the space that create an essential setting to the building and to the separately listed forecourt piers, gateway and railings (see plan below). The combination of this space and the green space opposite at West Hatch School) also create the first space on leaving London and entering Essex along Chigwell Road/High Road.

In the view of the Parish Council, it is therefore not possible, as a matter of principle, to develop any of the 1.64 Ha site without causing harm to the setting of the former Chigwell Manor and its boundary railings and gate piers. The open land plays an essential role in defining the significance of the former Manor, set back from the historic route through Woodford Bridge to Chigwell Village with the tree-lined drive from High Road to the gates very much still intact. Views across the site from Turpin’s Lane and High Road to the building, the gates and railings and tree-lined drive give the site a visual integrity.

It does not seem plausible that that integrity can be maintained if almost all the land fronting on to Turpin’s Lane and backing on to the drive is developed. Similarly, developing the northern or north-eastern edge of the site (as has already taken place with the St. Mary’s Way scheme of recent years), will prevent anything other than a glimpse view from High Road to the building.



*Chigwell Manor House in 1887*

*(Source: NLS Ordnance Survey <http://maps.nls.uk/view/102341990>)*

As it stands, the policy only requires that development avoids the ‘immediate’ frontage to the heritage assets, allowing for development around the remaining three sides of the site and thus leaving only glimpse views. The choice of building materials can play no part in mitigating such harmful effects, nor can building form, height or layout.

The decision to allocate land highlights a weakness in the definition and application of the ‘sequential approach’ as well as in the evidence base. The approach, as set out in Policy SP2A, allows for “sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement in its fourth stage, i.e. before consideration is given to Green Belt release. Although the Parish Council supports the overall sequence, this specific stage is too narrow in its valuing of urban open space solely in quantitative terms and, as is evident in the allocation of Chigwell Convent, can lead to ‘town cramming’.

This stage cannot turn off other important policy considerations – heritage in this case – and solely rely on maintaining the provision of ‘adequate’ open space ‘within the settlement’. This suggests that the land must be publicly accessible and serve a formal role and that as long as a settlement as large as Chigwell Village retains on overall quantum of such land, then the loss of precious open land can be justified.

And even on this unsatisfactory measure, as the Inspector has raised on this Matter, there is no evidence that a meaningful calculation of ‘adequate’ open space in Chigwell Village has been undertaken. It is therefore not consistent with NPPF policy on protecting the local amenity value of land (NPPF 2012 §110).

Had the fourth stage been defined to capture the wider value of open space in dense urban areas like the edge of Chigwell Village and Woodford Bridge, and especially its value in protecting the setting to heritage assets, the Parish Council very much doubts that the sequential approach would have led to the proposed allocation of Chigwell Convent. But even if it had, the Parish Council would expect to see clear evidence to demonstrate that the heritage constraints could be successfully addressed in the evidence base. In the absence of any such evidence, it continues to seek the deletion of the site from Policy 7.

## Appendix 3

### EPHING FOREST LOCAL PLAN

#### EXAMINATION PRE-HEARING STATEMENT BY CHIGWELL PARISH COUNCIL

##### MATTER 5.1.1 (SITE SELECTION METHODOLOGY)

###### Introduction

This short statement by Chigwell Parish Council relates to the provisions of policy P7 of the Local Plan as it relates to Chigwell Convent, an area of open space that forms the setting to two listed buildings/structures on the southern edge of Chigwell Village.

###### Inspector Matter

*Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?*

*1. The Council should provide a summary of the process by which the Plan's housing allocations were selected. In particular:*

*e. Was any other evidence taken into account in the site selection process? In particular, how has the historic environment been taken into account? Have Historic Impact Assessments been undertaken as recommended by Historic England and, if not, is this necessary?*

###### Statement

The Parish Council Pre-Hearing Statement on Matter 5.1.4 sets out its case for requiring the deletion of the proposed allocation of land at Chigwell Convent in Policy P7. In its view, the site has been disadvantaged in the selection process by a flaw in the sequential approach of Policy SP2A, which takes no account of heritage value in its part (iv) stage, and by the absence of any heritage impact assessment in the evidence base.

The District Council has not carried out such an assessment to support this allocation and has not explained why an assessment has not been necessary. From its own research of the Historic Environment Record and analysis of the heritage significance of the former Chigwell Manor and its setting, the Parish Council is confident that had such an assessment been completed, it would not have been possible for the Site Suitability Assessment report of September 2016 to ignore heritage assets as a constraint on development. It is also very unlikely that the Site Deliverability Assessment report of March 2018 could have drawn its conclusions on the ease with which that constraint could be mitigated.

The Parish Council considers that if proposals are to be made to develop open land of this heritage value in a dense urban area like Chigwell and Woodford Bridge, then there is an obligation on the District Council to give these matters proper consideration at the plan making stage. Once the principle of development is accepted by an allocation, there is no opportunity to make up for its weaknesses at the planning application stage, other than in seeking to 'make the best of a bad job'.