



**BRENTWOOD  
BOROUGH COUNCIL**

## Draft Local Plan

**2013 - 2033**

February 2016

## COMMENT FORM

From 10 February to 23 March 2016 we are consulting on the Draft Local Plan for Brentwood Borough. You can view and comment on the Draft Local Plan online at [www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan)

Alternatively, please use this form to share your views on the contents of the Draft Plan.

All responses should be received by Wednesday 23 March 2016

Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email them to [planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk)

### Data Protection

All personal information that you provide will be used solely for the purpose of the Local Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form you are agreeing to these conditions.

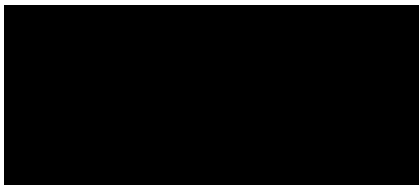
### PERSONAL DETAILS

Title: **Mr**

First Name: **Matthew**

Last Name: **Driscoll**

Address:



Post Code:



Telephone Number:



Email Address:



## YOUR COMMENTS

Please indicate which section(s) of the Draft Local Plan you are commenting on (where applicable please clearly state the Policy reference or paragraph number):

5.1, 5.2, 5.3, 7.1, 7.4, 8.2, 8.9, 9.9, 9.10, 9.11, 9.12, 9.14,

## POLICY 5.1

Please specify if you Support, Object or are providing a General Comment:  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

We generally support the Council's spatial strategy but it is concerned that proposed housing allocations will not deliver the vision or the quantum of dwellings required to meet objectively assessed need. The Partnership is particularly concerned that the allocations are inconsistent with the 'evidence base' that the Council has failed to undertake a comprehensive review of Green Belt boundaries. As such, the Council cannot demonstrate that the proposed strategy and housing allocations minimise the impact on the Green Belt.

We consider that, for the above reasons (and for other reasons highlighted later in this document) the Draft Local Plan is unsound.

The Council should follow a hierarchical approach to identifying land to meet residential need, along the following lines:

1. Existing urban areas
2. Existing developed sites in Green Belt
3. Review of Green Belt boundaries to ensure consistency with para 84 and 85 NPPG guidance. Boundaries to follow clear, recognisable, physical features and Green Belt not to include land which is unnecessary to keep open (such as land surrounded by development or which is part of a settlement).
4. Release of sites on the edge of existing settlements.
5. New settlements (Dutton Garden Suburb).

It is only by following a hierarchical approach, and analysing the impact on the Green Belt at each stage, that the Council can assure itself that the overall impact of the Green Belt will be minimised.

It is noted that on 1<sup>st</sup> March 2016, a document was published on the Council website produced by Crestwood Environmental Ltd., entitled, 'Assessment of Potential Housing, Employment and Mixed Use

Sites in the Green Belt and their Relative Contribution to the Purposes of the Green Belt Designation’.

Whilst a number of sites are assessed, it is evident that the Council have not taken into account the results of this assessment when preparing their Draft Local Plan.

In particular, it is noted that the Council has allocated a number of sites, which have a ‘moderate’ impact to the Green Belt, rather than the smaller, but ‘Low to Moderate’ risk sites.

The Policy also states that limited development, including infilling where appropriate, will take place in villages within rural areas; however this is not evident within the Draft Local Plan allocations as published for consultation.

## **POLICY 5.2**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

The Objectively Assessed Housing Need figure of 7,240 new residential dwellings to be built over the Plan period is supported.

However there is a significant question mark over the deliverability of the Strategic Site at Dunton Hills and its ability to deliver within the Plan period (see response to Policy 7.1).

Whilst the Council has undertaken and published a working draft ‘Assessment of Potential Housing, Employment and Mixed Use Sites in the Green Belt and their Relative Contribution to the Purposes of the Green Belt Designation’ (after the publication of the Draft Local Plan), the results do not appear to have informed policy.

It is noted that the Council has chosen to allocate land which has a ‘moderate’ impact on the Green Belt, rather than the smaller, but ‘Low to Moderate’ risk sites (see response to Policy 7.4).

There is no justification within either the Assessment or the Draft Local Plan, as to the reason why those ‘low-moderate’ sites have not been allocated and whilst it is appreciated that some of those 50 sites within the ‘Low’ or ‘Low to Moderate’ criteria are not appropriate for housing development, being either in employment use, or having already been developed, the Council’s failure to explain why the Evidence Base does not influence the housing strategy makes the Plan, at present, unsound.

## **POLICY 5.3**

**Please specify if you Support, Object or are providing a General Comment:**

(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Support is given to the provision of employment land to benefit the creation of new jobs within the Borough and to the allocation of existing employment sites within the Green Belt. Paragraph 5.56 acknowledges that there needs to be further work undertaken to “identify the exact loss of employment and the extent to which this needs to be replaced” and it is considered that this work should have been undertaken prior to the publication of this Draft Local Plan.

## **POLICY 7.1**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Serious questions remain in regard to the deliverability of the Dunton Hills Garden Village proposals and the cooperation between Basildon Borough Council and Brentwood Borough Council appears to have ceased following the consultation on the Strategic Growth Options and Dunton Garden Suburb Consultation in early 2015.

Basildon Borough Council is also in the process of consulting upon its Draft Local Plan and the matter of the area of the Dunton Hills Garden Village falls within proposed Policy H10 – Mixed Use Development Site – West Basildon Urban Extension. The site is identified on the Council’s Policy Map with the notion H10a and H10b, with H10a identified to provide around 1,000 dwellings, a residential care/nursing home and at least 5.5 hectares of employment land.

Policy H10b promotes the safeguarding of land for the provision of a further 1,350 dwellings, a residential care/nursing home and a primary and secondary school. This land is not proposed to be allocated or the development to be undertaken in the before 2034.

The fact that the area annotated H10b is not to be allocated until after 2034 is of serious detriment to Brentwood’s own allocation and would result in Dunton Hills Garden Village sitting as an isolated development. It is highly unlikely, given the land ownership, infrastructure and other essential requirements

and to ensure that this does not come forward as piecemeal development that the allocation could feasibly be delivered within the Plan period. As a result, the figures set out within Policy 5.2 do not meet the Objectively Assessed Needs of the plan period.

The Council's own designated review of sites has commented that the proposed development would effectively harm three of the four purposes of the Green Belt – it would result in unrestricted sprawl of an urban area; significantly reduce the gap between West Horndon and Basildon; and encroach on the countryside. Its only positive attribute is that it does not impact on the setting or special character of historic towns.

It is noted that representations were made to the Council during the last consultation which raised serious doubts over the deliverability of a proposed station at Dunton due to the proximity of other stations, Network Rail's technical requirements and viability issues. This does not appear to have been resolved within this version of the Draft Local Plan. Without a station, the site is solely dependent on travel by car, resulting in a highly unsustainable development.

The development at Dunton would not assist in meeting existing settlement specific housing and socio-economic needs in the Borough, especially in the villages throughout Brentwood.

The key characteristics of a garden village are that it forms the expansion of existing small settlements, is within the catchment of a town, located on an existing transport corridor and is partly or mostly self-sufficient in terms of local social infrastructure. The Dunton Hills proposal cannot meet three of the four characteristics identified above.

There is no evidence, or hint of research having been undertaken to the financial viability of the Dunton Hills development. Whilst it is acknowledged and accepted that the proposal will prove to be a vital source of housing, the ability to fund significant new capital infrastructure - in the form of new schools, public transport, and roads will be extremely limiting. The Council should be aware that the recent consultation on the Lower Thames Crossing included a proposed Route 4, which passes through the Dunton Hills area. However, this is unlikely to come forward as a result of the A127 and the junction with the roundabout at the M25 being at capacity. Essex County Council has already acknowledged that the A127 is one of the busiest non-trunk roads in the Country, with regular extensive and widespread delay and disruption to traffic and on the local road network.

The proposal for the Dunton Hills Garden Village is not sustainable and insufficient justification for its allocation has not been provided.

Of principle concern to the delivery of the Dunton Hills Garden Village is the location of the designated Flood Zone 2 that runs through the centre of the allocated site. The identification of the site fails to comply with Paragraph 100 of the NPPF, which requires that Local Plans are submitted by Strategic Flood Risk Assessment and that Local Plans should apply a sequential, risk-based approach to the local development. The Strategic Flood Risk Assessment found in the Evidence Base was published in 2011, prior to the identification of the Dunton Hills Garden Village site. The SFRA provides a list of

recommendations within Paragraph 7.1 in regard to the inclusion of sites. It states that “should the Council wish to allocate sites with an identified flood risk, then the policy should either be to avoid the areas of flood risk or to assess the risk in more detail through either Level 2 SFRA work or on a specific site level”.

## POLICY 7.4

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Support the proposed housing allocations within the urban area as set out within Table 7.2; however there remains a question mark over the housing numbers for Wates Way Industrial Estate, which has been sold to Lidl, which does not generally provide for residential within its development. In addition, the figure of 200 dwellings appears very optimistic for the Baytree Centre and further investigation should be undertaken to ascertain whether this number is achievable.

Support the redevelopment of brownfield land within the Green Belt; however there are far more sites than those stated within Table 7.2 that are suitable for redevelopment for housing. This matter is addressed in greater detail in our comments to Policy 9.11.

Our response to Paragraph 7.1 has raised significant doubt over the deliverability of the Dunton Hills Garden Village strategic site allocation and the figure of 2,500 is unrealistic.

Of the five sites that have been identified for release from the Green Belt, site 079A is considered to have a ‘Low-Moderate’ assessment rating, sites 022, 023 and 032, 087, 235 are considered to have a ‘Moderate’ rating, whilst 034 has a ‘Moderate-High’ rating. A ‘Moderate’ rating is defined as being where “development of the site will moderately affect the site’s contribution to the purposes of the Green Belt” and where either: -

- *“Three, or all, Green Belt Purposes is assessed to a Moderate Level; or*
- *One Purpose of the Green Belt is assessed to a High Level and at least two Purposes are assessed to a Moderate Level; or*
- *Two Purposes are assessed to a High Level and the other two Purposes limited to a Low level.”*

Given that the Assessment also lists 50 sites that are either within the ‘Low-Moderate’ or the ‘Low’ assessment rating, the Council has failed to take into account their own Evidence Base in identifying sites and when informing their Local Plan strategy. As a result, it is considered that the Local Plan, as it stands, is unsound.

## POLICY 8.2

Please specify if you Support, Object or are providing a General Comment:  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Whilst the provision of additional employment space is supported, the Council need to justify the allocation of the former M25 Works Site. It is understood that the M25 works site was created as a temporary facility under the General Permitted Development Order and the Highways Act 1980 and has a requirement to be returned to its original state at the completion of the works, which ceased several years ago and the land should now be in agricultural use. As a result, the site should not be noted within the Draft Local Plan as previously developed land, or brownfield land.

## POLICY 8.9

Please specify if you Support, Object or are providing a General Comment:  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Changes set out within Schedule 2, Part 3 of the General Permitted Development Order 2015 has resulted in the permitted change of use from A1 to either A2, A3 or mixed use without requiring planning permission. Whilst it is accepted that there is no guarantee that permitted development rights will remain throughout the course of the plan period, it is at least expected that the Policy acknowledges the existing rights.

The plan also fails to comply with the criteria within the NPPF and appears to be based upon the existing Replacement Local Plan policy, which is overly restrictive.

## POLICY 9.9

Please specify if you Support, Object or are providing a General Comment:  
(tick as appropriate)

Support

Object

**Comments** (please use additional sheet if required):

Firstly, there is the repetition of the bullet point e, whilst 'm.' appears under bullet point l.

The whole basis for the policy at odds with the guidance set out at Paragraph 89 of the National Planning Policy Framework. The Draft Policy takes the presumption that the construction of new buildings is inappropriate, whereas the NPPF states that there are exceptions, of which, both the replacement and extension/alterations of buildings are included, subject to criteria. In accordance with the NPPF, both the extension or re-use or replacement of existing buildings should be stated as appropriate development.

There is no requirement within the NPPF to provide justification for the provision of appropriate facilities for outdoor sport and recreation, only that it "preserves the openness of the Green Belt and does not conflict with the purposes of including land within it". Again, such a provision is considered as appropriate development in the context of the NPPF.

The Policy clearly states that the "expansion or intensification (including extensions) of existing inappropriate development within the Green Belt will not be permitted". It is not clear what is meant through this wording. The NPPF allows for the "extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building" and under Paragraph 90 of the NPPF, "the re-use of buildings provided that the buildings are of permanent and substantial construction". It is not understood how a building can be an "existing inappropriate development" unless it itself is unlawful and requires planning permission. In which case, unless it met the exceptions of Paragraph 89 or the other forms of development in Paragraph 90, it would need to demonstrate 'very special circumstances'. An existing lawful building should be able to be extended or re-used, in accordance with Paragraphs 89 and 90 of the NPPF and would not be considered as inappropriate development.

In regard to the 30% of the habitable floor space referred to throughout the Policy, there is no justification either within the Policy or the subtext as to how this figure has been calculated, or why this is considered an acceptable figure in the definition of disproportionate, as set out within the NPPF.

The Policy also refers to the removal of permitted developments rights through the use of conditions to prevent the habitable floorspace limitation from being exceeded. Reference is made to the July 2014 appeal decision at Brambleberry Farmhouse in Middlesex (Ref: APP/Q5300/A/14/2217664). The application/appeal sought the removal of two conditions relating the removal of permitted development rights for extensions and the erection of outbuildings following a 1990 permission for a dwelling replacing a mobile home, which was located within the Metropolitan Green Belt.

The Inspector is very clear in his decision and quotes Paragraph 17 of the NPPG, where he states: -

*"Paragraph: 017 states that conditions restricting the future use of PD rights will rarely pass the test of*



*necessity and should only be used in exceptional circumstances. It also states that blanket removal of freedoms to carry out small-scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”*

The Inspector concluded that *“in light of the Government’s growth agenda and in the absence of Government advice to restrict PD rights within the Green Belt, I consider that there are no exceptional circumstances to justify the continued prohibition of PD rights at the appeal site. Therefore I find that neither of the conditions are necessary or reasonable.”*

Bullet point k. refers to visual mass “no greater than that of the existing dwelling”, but the Policy states that the replacement dwelling can be “no larger than 30% above the original habitable floor space”. There is a conflict between the wording of these notations – a 30% increase in habitable floor space will result in an increase in mass of the replacement/existing dwelling.

The same argument for the removal of permitted development applies to bullet n. as stated above.

## **POLICY 9.10**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

The policy effectively removes those frontages from Green Belt designation, in which case there should be no need for the policy and they should be removed from the Green Belt. The principle or basis behind this policy is not supported within the NPPF. The Green Belt boundary should be established on a strong defensible line. This should be a clearly defined and reasonably permanent physical feature in the landscape, such as a river, road or railway. Drawing the boundary across the middle of fields or gardens is totally unsatisfactory and even field boundaries may not be sufficiently permanent to form a reliable long-term boundary. At the very least, the Green Belt boundary should exclude existing residential development and this exclusion must extend to the whole of the residential curtilage. What is required is not a straight line but a clearly defined and readily defensible boundary.

Paragraph 89 is very clear in regard to the development of infill plots and considers that limited infilling in villages is appropriate development. The relevant frontages set out above are not defined areas of a village. The Council do not have a justified case to “continue to resist strong(ly) pressure to allow new development”.

## **POLICY 9.11**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Paragraph 89 of the NPPF provides that “the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development” can be appropriate development in the Green Belt. Where the draft policy is generally consistent with this guidance it needs to introduce warranted and justified additional criteria (particularly relating to ‘sustainability’).

The Council will be aware of the Housing and Planning Bill, which is currently progressing through the House of Lords. The Bill requires Local Planning Authorities to put together a Brownfield Register, which is to be updated annually. The assessment/criteria for inclusion on the Brownfield Register, is based upon the SHLAA process. Firstly, the site must comply with the NPPF definition of previously developed land and the site must be: -

- Deliverable;
- Free of constraint (that cannot be mitigated);
- Capable of development;
- Capable of supporting 5 or more dwellings on sites 0.25 ha and above.

Sites that meet there criteria must be placed on the register. As a result, there are a large number of sites which will come forward for development within the Green Belt and this policy is contradictory to that register and the intentions of the Government to ensure that 90% of brownfield land is redeveloped for housing by 2020.

## **POLICY 9.12**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support

Object

General Comment

**Comments** (please use additional sheet if required):

Whilst the principle of the de-allocation of Green Belt land for housing within the Local Plan is supported, it is not considered that the policy has considered sufficient sites to de-allocate to successfully achieve the

Councils housing need requirements. Further case for the inclusion of sites for housing development has been set out in our response to Policy 7.4

It is considered that, whilst the Draft Local Plan currently seeks the de-allocation of fairly large parcels of land, which can provide community facilities, the Council should also be de-allocating smaller sites, which will not be able to achieve such provision due to viability and size restraints.

Whilst the Council has recognised that some Green Belt land will have to be released in order to meet objectively assessed housing needs and whilst a very limited review of some Green Belt sites has been undertaken, a comprehensive review of Green Belt boundaries should be commenced as a matter of urgency. There are quite a few examples, for instance, of the Green Belt boundaries cutting across the middle of a residential curtilage or wrapping around a single site.

The Green Belt boundary should be established on a strong defensible line. It should be clearly defined and reasonably permanent physical feature in the landscape, such as a river, road or railway. Drawing the boundary across the middle of fields or gardens is totally unsatisfactory and even field boundaries may not be sufficiently permanent to form a reliable long-term boundary. At the very least, the Green Belt boundary should exclude existing residential development (except, where acknowledged, the Green Belt 'washes over' an entire village) and this exclusion must extend to the whole of the residential curtilage.

The Council should follow a hierarchical approach to identifying land to meet residential need, along the following lines:

1. Existing urban areas
2. Existing developed sites in Green Belt
3. Review of Green Belt boundaries to ensure consistency with para 84 and 85 NPPG guidance. Boundaries to follow clear, recognisable, physical features and Green Belt not to include land which is unnecessary to keep open (such as land surrounded by development or which is part of a village).
4. Release of sites on the edge of existing settlements.
5. New settlements (Dutton Garden Suburb).

It is only by following a hierarchical approach, and analysing the impact on the Green Belt at each stage, that the Council can assure itself that the overall impact of the Green Belt will be minimised.

## **POLICY 9.14**

**Please specify if you Support, Object or are providing a General Comment:**  
(tick as appropriate)

Support	<input type="checkbox"/>
Object	<input checked="" type="checkbox"/>
General Comment	<input type="checkbox"/>

**Comments** (please use additional sheet if required):

The principle of this policy is supported. However, in regard to the conversion to residential, the criteria requiring evidence to business or alternative uses is not supported. Firstly, reference is made to Paragraph 90 of the NPPF, which states that “the re-use of building provided that the buildings are of permanent and substantial construction” is appropriate development. It does not set out the criteria as stated within Policy 9.14 and as such, is considered inconsistent with the NPPF and unsound.

In addition, recent Government changes to permitted development for the change of use from agricultural to residential sets out the Government’s intentions in regard to the re-use of such buildings. In addition, the Government has introduced temporary permitted development rights for the conversion of light industrial to residential under the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. Given the need for housing within the Borough, this policy appears heavily restrictive and not in the best interests or Government intentions.

Thank you for taking the time to respond. Please return forms to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed forms and email to **[planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk)**