

Brentwood Draft Local Plan Consultation
Representation in support of land south of
Redrose Lane, off Woollard Way,
Blackmore



On behalf of Anderson Group

March 2016



Brentwood Draft Local Plan

Anderson Group

Land south of Redrose Lane, off Woollard Way, Blackmore

March 2016

BIDWELLS

Quality Assurance

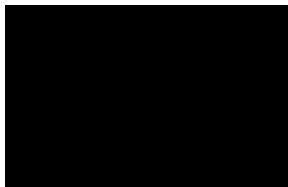
Site name: Land south of Redrose Lane, off Woollard Way, Blackmore

Client name: Anderson Group

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Prepared by: Steven Butler MRTPI

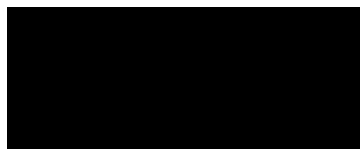
Signed



Date 23 March 2016

Reviewed by: Ray Houghton MRTPI

Signed



Date 23 March 2016



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Appendix 1 Urban Design Framework – land south of Redrose Lane, off Woollard Way, Blackmore

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1 Introduction

- 1.1 This representation has been prepared on behalf of Anderson Group in support of its land interests in the site south of Redrose Lane, off Woollard Way, Blackmore. The full extent of the site is shown on the accompanying plan at Appendix 2.
- 1.2 This representation follows on from representations we have made to previous rounds of the emerging Brentwood Local Plan process in 2013 and 2015.
- 1.3 We object to the Draft Local Plan's spatial strategy insofar as it proposes blanket restraint on growth of the rural villages because there is no substantive evidence, contrary to the requirements of national planning policy. We also object to the totality of the proposed allocation of the Dunton Hills Garden Suburb proposals, also because there is a lack of substantive evidence. These elements of the plan are unjustified, ineffective and contrary to national planning policy. These elements of the Draft Plan are therefore unsound.
- 1.4 In order to make the Plan sound we recommend the redistribution of a meaningful proportion of housing growth away from the Dunton Hills Garden Village allocation to sustainable rural village locations, such as Blackmore. The land south of Redrose Lane, off Woollard Way, Blackmore, is suitable and available.
- 1.5 Anderson Group is a local Essex-based construction and property company with a proven track record of delivering residential-led development in the short-term. Such development of this site would ensure the viable use of Blackmore village's service offer in a manner that would meet community needs and retain local character.
- 1.6 Set out below are our responses to the particular draft policies of relevance to Anderson Group's land interests in the site.



2 Our Responses to the Draft Policies

Policy 5.1 – Spatial Strategy

2.1 We **object** to the spatial strategy insofar as it relates specifically the following:

- Arbitrary blanket restraint to growth in the villages including Blackmore; and
- The totality of development proposed in the Dunton Hills Garden Suburb.

2.2 The National Planning Policy Framework (the “Framework”) requires the Local Plan to satisfy the four tests of soundness, namely that it is *positively prepared, justified, effective and consistent with national policy*. The blanket restraint on growth proposed in the villages is inconsistent with national policy and the totality of development proposed at Dunton Hills is unjustified. We consider that the totality of development at Dunton Hills has been devised as a solution to perceived sensitivities in the rural villages as a way of meeting the Borough’s strategic housing needs, but this strategic choice is unjustified because it has not been based on any firm or robust evidence. Under examination these two individual yet inextricably linked issues would derail the Plan as a whole because it would be unsound.

2.3 In order to make the Plan sound the Council should use its evidence base to redistribute a meaningful co-ordinated proportion of the Borough’s requisite growth needs away from the Dunton Hills Garden Suburb to sustainable village locations within the rural area, such as Blackmore.

Unjustified restraint on rural growth

2.4 The supporting text to policy 5.1 says that growth in the areas defined as the Rural North and Rural South will be limited to retain local character¹. The Draft Plan makes reference to the protection of “local character” throughout the document. Its method of achieving this is by placing a blanket policy of restraint across the rural areas so that no allocations on Green Belt land within these areas are proposed at all. This is because there are no other suitable available brownfield sites, other than the West Horndon industrial estate, to enable major allocations to be made on previously developed land within the Rural North and South.

2.5 The National Planning Policy Framework says that a Local Plan must be based upon adequate evidence², that it must be consistent with national policy and that it must be justified – defined as the most appropriate strategy when considered against the reasonable alternatives³. Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To elaborate upon this, the National Planning Policy Guidance⁴ provides local authorities with a very clear steer on how sustainable rural communities should be supported through their Local Plans. It says:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability and the role of housing in supporting the broader sustainability of villages and smaller settlements;

¹ Paragraph 5.21

² Paragraph 158

³ Paragraph 182

⁴ Paragraph 001 Reference ID: 50-001-20140306

- A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities [Bidwells' emphasis];
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or Neighbourhood Plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence [Bidwells' emphasis].

- 2.6 The Draft Plan's supporting material provides no evidence to support its stance that rural growth restraint would retain local character. In instances where rural development is proposed to be capped, in our experience an Inspector examining the Local Plan would expect to see, for example, assessments which compare the effects upon local character with or without development. If "local character" is sufficient to warrant a cap on growth then the Council should be able to quantify and define exactly what the local character is and how the character differs from other localities in order to make robust policy choices concerning its protection. Our review of the available supporting material reveals that this is not the case.
- 2.7 The Sustainability Appraisal raises concerns relating to the limitation of growth at villages and that there is no evidence available to inform a discussion on meeting the Borough's rural housing needs⁵. The scope of reasonable alternatives⁶ considered does not consider a single scenario in which the villages receive any quantum of development. The implications of growth restraint in the rural areas upon wider sustainability objectives are therefore not properly understood.
- 2.8 The Retail and Commercial Leisure Study⁷ identifies the range of shops and facilities in Blackmore Village Centre as "providing an in-demand service" and paragraph 5.80⁸ of the Draft Plan acknowledges the role of the village local centres such as Blackmore as playing a "vital role in providing day to day services". But the Draft Plan's blanket restriction on growth assumes that such development would have negative consequences without evidence to back up the assertion. Again, the policy implications of growth restraint are not properly understood.
- 2.9 The Landscape Character Assessment⁹ makes no such assertion that development would be detrimental in the rural area around Blackmore; it says that "new development should respond to the historic development pattern" and be "well integrated with the surrounding landscape". This landscape approach to the Blackmore Wooded Farmland allows development to be facilitated, contrary to the unqualified policy of restraint.
- 2.10 The Blackmore Conservation Area Appraisal¹⁰ identifies the elements and features which make Blackmore unique and give it much of its character. Land South of Redrose Lane, off Woollard Way, Blackmore is not within or bordering the Conservation Area. The Appraisal recommends that the existing Conservation Area

⁵ Interim SA Report, paragraph 17.1.2

⁶ Interim SA Report, section 6

⁷ Chase and Partners (2011)

⁸ Supporting text to policy 5.4 – Retail and commercial leisure growth

⁹ Chris Blandford Associates (2006) – Area F7 – Blackmore Wooded Farmland

¹⁰ Brentwood Borough and Essex County Councils (2008)

boundary is well considered and does not need to be changed to take account of any additional local features.

- 2.11 The Green Belt review paper¹¹ makes no assertion that the allocation of the promoted sites in the villages would be harmful to local character.
- 2.12 All of the available evidence points to the acceptability of rural housing in line with national policy and practice guidance. But the Plan disregards all of this in favour of a strategy proposing rural restraint which is not led by any evidence. This approach is likely to have serious unintended negative consequences for wider sustainability objectives in the rural but this goes unappreciated by the Draft Local Plan because it has not been drafted with an understanding of such issues.
- 2.13 The proposed policy of rural restraint is therefore unsound because it is not consistent with national policy, not based on adequate evidence and is unjustified, contrary to paragraph 183 of the Framework.
- 2.14 Having regard to the above, we therefore object to the totality of the proposed strategic allocation at Dunton Hills because the spatial strategy is contrived so that it would unduly deprive the villages, including Blackmore, of the sustainable development needed in the rural area over the Plan period.

Policy 7.1 – Dunton Hills Garden Village

- 2.15 We object to the totality of this allocation because there is insufficient evidence available to the Council to ensure that an allocation of such a strategic scale in this location is justified or would be deliverable. This aspect of the Plan is therefore unsound because it is:
- Not effective – it is not deliverable over its period;
 - Not justified – it is not the most appropriate strategy when considered against the reasonable alternatives, because it is not based on proportionate evidence; and
 - Not consistent with national policy – because it is not in accordance with the policies in the Framework.

Not effective

- 2.16 The Framework says at paragraph 154 that Local Plans should be aspirational but realistic. It acknowledges at paragraph 52 that the supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages and towns. But it also advises at 177 that it is important for Plans to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand the district-wide development costs at the time Local Plans are drawn up.
- 2.17 The draft allocation at Dunton Hills seeks to deliver 2,500 new homes across the Plan period. This amounts to 35% of the Plan's total housing requirement, or 66% of the total proposed Green Belt release that would

¹¹ 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 – working draft (2016)



occur on greenfield sites. These figures show that the Garden Suburb allocation forms a substantial part of the Plan's delivery expectations.

- 2.18 The January 2015 Garden Suburb document was the first consultation in which the proposals were presented for public scrutiny. The only publically available piece of supporting evidence presented at that time was an interim Sustainability Appraisal, which has since been updated to take account of the fact that it is now proposed as a draft allocation. A highways modelling assessment¹² has also been undertaken and this seeks to appraise the capacities of a number of junctions across the Borough which may be affected by strategic scale development. But as the Garden Suburb proposals now form part of a strategic allocation for the Borough in the Draft Local Plan, there is little further evidence available to confirm how development on this scale and of such crucial importance to the Plan's spatial strategy, would be delivered.
- 2.19 No potential means of access into the site is identified in Policy 7.1, its accompanying text or the supporting evidence. It is assumed based on the information available that access would be proposed from the A128/A127 junction but the highways appraisal does not appraise the impact of two junctions which we would expect to be significantly impacted upon by this development; M25 Junction 29 and the roundabout junction between the A127, West Mayne and Dunton Road. The access arrangements for the proposed allocation have not been specified and, therefore, the extent of impact upon each individual junction cannot be determined at this stage. In highways terms these are substantial unknowns which cannot form a sound basis for the proposed draft allocation.
- 2.20 No form of infrastructure delivery plan accompanies the draft allocation to provide any degree of clarity on how the scheme would be delivered. There is no information available on the infrastructure requirements (including access arrangements), costs and existing and potential funding sources. The scope of the available Community Infrastructure Levy material¹³ does not cover the potential or likely range of abnormal infrastructure works necessary to facilitate such an allocation nor does it provide an estimate of the likely CIL receipts that would accrue from such new development.
- 2.21 Without an understanding of these crucial matters of infrastructure delivery the Council cannot demonstrate that Policy 7.1 is deliverable. Policy 7.1 and its 66% share of all greenfield Green Belt housing, forms a cornerstone of the Council's delivery aspirations; without it the Plan would need to take a very different shape in order to accommodate the 2,500 units in alternative locations. Based on the above, we consider that Policy 7.1 is ineffective because it cannot demonstrate that it would be deliverable over the Plan period. It is aspirational but it is not realistic, contrary to Framework policy.

Not justified

- 2.22 Procedural requirements have not been complied with and this renders Policy 7.1 unjustified because it is not based on proportionate evidence. As set out in our response to Policy 5.1 above, the Framework says that a Local Plan must be based upon adequate evidence in order for it to be justified. Planning Practice Guidance¹⁴ says that the evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively...Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations [Bidwells' emphasis].

¹² Peter Brett Associates (2016)

¹³ CIL Viability Assessment (November 2013)

¹⁴ Planning Practice Guidance, paragraph: 014 Reference ID: 12-014-20140306

- 2.23 Policy 7.1 is not justified because there was a substantial lack of publically available evidence available at the time of the Draft Plan's formulation to support the allocation. The draft highways evidence was published at the same time as the Draft Plan, the draft Green Belt review paper was not published until a fortnight before the consultation deadline and we understand at the time of writing that landscape evidence is still forthcoming. Procedurally, the Council cannot therefore demonstrate that the evidence is informing what is proposed in the Draft Plan, contrary to the requirements of national policy guidance.
- 2.24 The content of the evidence is inconsistent with the proposed strategy, contrary to national planning policy. As set out at 2.19 above, the highways evidence informing the Policy 7.1 allocation is incomplete so the Council has no firm or robust understanding that the scheme would be deliverable. The Green Belt review paper attributes the land the Dunton Hills Garden Suburb proposal would occupy with a "high" contribution to the functions of the Green Belt. This the highest level of sensitivity attributed to sites assessed in the paper and is shared with only 7 other sites, or 3%, of the 203 assessed in total. Yet the draft allocation contains no detail on how these fundamental matters might be mitigated.
- 2.25 There are also gaps in the overall scope of evidence we would expect to see supporting a strategic allocation at this stage of the Plan making process. As set out in the preceding section, there is no form of infrastructure delivery plan to demonstrate an understanding of the requirements, sources of funding or costs associated with such infrastructure requirements. For the Plan to adequately demonstrate that Policy 7.1 is the most appropriate strategy in light of the reasonable alternatives, it should be able to demonstrate an adequate understanding of the sustainability implications of the blanket policy of rural restraint allied with such strategic scale growth in this location; paragraph 2.7 above demonstrates that this is not the case.
- 2.26 This leads us to the view that the evidence is being collected retrospectively in order to fit the spatial strategy. Procedurally this approach is not justified because the Plan is not based upon proportionate evidence. This, coupled with the lack of available evidence to robustly support the Dunton Hills proposals, make the allocation unjustified and therefore unsound.

Not consistent with national planning policy

- 2.27 Having regard to the Draft Plan's lack of justification and lack of effectiveness, it is contrary to the policies of the National Planning Policy Framework and Planning Practice Guidance. It therefore also fails this test of soundness.

Lower Thames Crossing

- 2.28 The Lower Thames Crossing is a nationally significant infrastructure project currently subject to consultation. The Framework says at paragraph 162 that local planning authorities should work with other authorities and providers to take account of the need for strategic infrastructure including nationally significant infrastructure within their areas. Of the shortlisted route alignments, option "Route 4" would cross directly through the Dunton Garden Suburb site on its alignment between the A13 and the A127 on route to M25 junction 29. The Draft Plan presents no evidence of cooperation with Highways England in respect of this matter leading up to the respective consultations, contrary to national planning policy. We consider that the Council should not therefore progress matters relating to Policy 7.1 until the outcome of the Lower Thames Crossing is determined because they could be prejudiced and become ineffective, contrary to national planning policy.

Summary of objection to Policy 7.1

- 2.29 The sheer scale of development proposed under Policy 7.1 makes it a cornerstone of the Draft Plan's housing growth expectations but it has not been formulated on the basis of a sound understanding of evidence, because there is a lack of adequate evidence, contrary to national planning policy. The Policy is unjustified because it has been formulated ahead of the necessary evidence, contrary to national planning

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policy. The proposed allocation of the Dunton Garden Suburb is made in the context of a lack of wider understanding of the sustainability and policy implications of growth restraint in the villages.

- 2.30 Policy 7.1 is not effective, it is not justified and it is not consistent with national planning policy. It is aspirational but it is not realistic, so it is therefore unsound.
- 2.31 In order to make the Plan sound the Council should use its evidence base to redistribute a meaningful proportion of the Borough's requisite growth needs away from the Policy 7.1 area to sustainable village locations within the rural area, such as Blackmore.

3 Planning Merits of the Site

- 3.1 The land south of Redrose Lane, off Woollard Way is an appropriate site for residential development and should be released from the Green Belt because it is suitable, available and deliverable. It would provide the Rural North of the Borough with a proportion of the sustainable growth it needs to maintain the viable use of its services and facilities in a way that retains local character, in accordance with the evidence.
- 3.2 Anderson Group is a local Essex-based construction and property company which would be able to deliver a residential led development in the short term on the site.
- 3.3 Accompanying this representation at Appendix 1 is an Urban Design Framework prepared by Bidwells' Urban Design Studio. It identifies that the site has the capacity to deliver between approximately 40 and 56 dwellings, taking account of public open space, infrastructure requirements and density preferences. Development could be delivered in a manner that would not cause harm to its Green Belt function, the local landscape, heritage interests, natural resources or other local sensitivities.
- 3.4 The site is attributed reference number "076" in the Council's supporting evidence but the extent of site depicted by the Council's documentation does not fully cover the extent of the site the subject of these representations and within the Anderson Group's control. For a full representation of the extent of the site please refer to the accompanying site location plan at Appendix 2.
- 3.5 Having regard to the above and the attached, there is no sound planning justification for the non-allocation of this site.

4 Conclusion

- 4.1 This representation has been prepared on behalf of Anderson Group in support of its land interests in the site to the south of Redrose Lane, off Woollard Way, Blackmore.
- 4.2 Our representation focuses on Policies 5.1 – Spatial Strategy and 7.1 – Dunton Hills Garden Suburb. We object to Policy 5.1 insofar as it proposes blanket restraint on rural growth, together with the extent of development proposed at Dunton Hills. We object to the totality of development proposed under Policy 7.1.
- 4.3 The blanket restraint on growth proposed in the villages is unjustified and inconsistent with national planning policy. The totality of development proposed at Dunton Hills is unjustified, ineffective and inconsistent with national planning policy.
- 4.4 The Dunton Hills allocation has been devised as a solution to perceived but unquantified sensitivities in the rural villages as a way of meeting the Borough’s strategic housing needs, but this strategic choice is not based on any firm or robust evidence.
- 4.5 The sheer scale of development proposed at Dunton Hills under Policy 7.1 makes it a cornerstone of the Draft Plan’s housing growth expectations and because of its fundamental shortcomings it makes the Draft Plan unsound as a whole, contrary to the requirements of the National Planning Policy Framework.
- 4.6 In order to make the Plan sound the Council should use its evidence base to redistribute a meaningful proportion of the Borough’s requisite growth needs away from the Dunton Garden Suburb to greenfield Green Belt sites in sustainable village locations within the rural area, such as Blackmore.
- 4.7 This representation demonstrates that the land south of Redrose Lane, off Woollard Way, Blackmore is suitable, available and can deliver development in a manner that would retain local character. The site should therefore be allocated, in accordance with the evidence.



Appendices

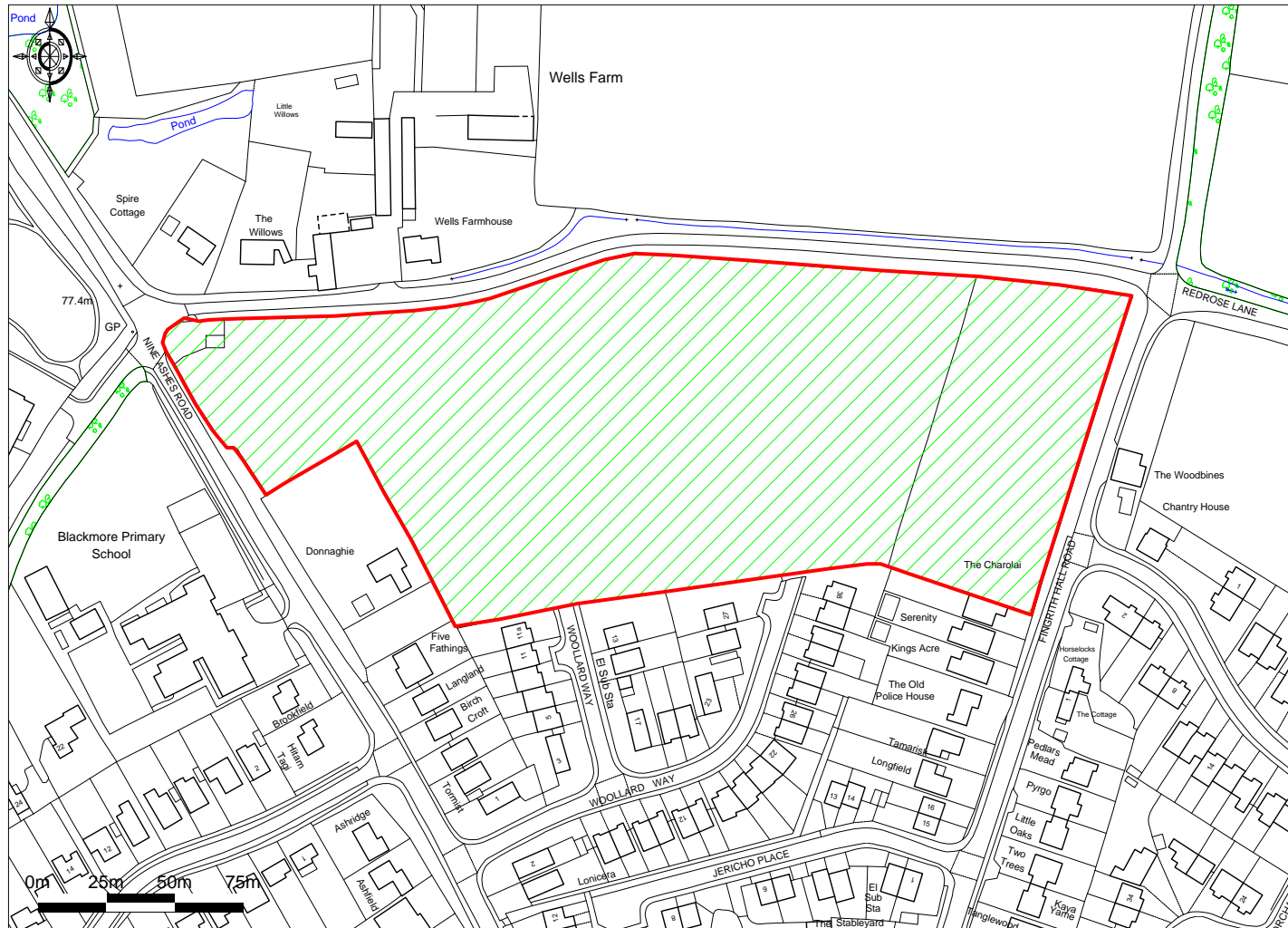
Appendix 1

Urban Design Framework – land south of Redrose Lane, off Woollard Way, Blackmore

Appendix 2

Site Location Plan

Land south of Redrose Lane, off Woollard Way, Blackmore



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