



Brentwood Proposed Submission Local Plan (Regulation 19)

Representations made on behalf of Countryside Properties

Land north of A1023 (Chelmsford Road), Shenfield

Site Reference: R03

March 2019



Site Name:	Land north of A1023 (Chelmsford Road)
Client Name:	Countryside Properties
Type of Report:	Local Plan Representation
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Appendix A – Site Location Plan

1. Introduction

- 1.1 These representations are submitted by Strutt & Parker on behalf of Countryside Properties (UK) Ltd in relation to the Brentwood Borough Council Proposed Submission Local Plan (Regulation 19) (PSLP), and in particular with regards to our clients land north of the A1023 (Chelmsford Road), Shenfield, which has been allocated as part of a wider allocation area under Policy R03 of the PSLP. A plan showing the site is provided as Appendix A to this representation.
- 1.2 Countryside was founded in Essex 60 years ago by Alan Cherry and has since established a reputation for delivering high quality developments. With the ethos 'creating places people love', Countryside's achievements are exemplified through having won more Housing Design Awards than any other house builder.
- 1.3 Countryside is a major development and place-maker, having secured planning permission and building out developments in varying scales: from smaller 30 dwelling schemes on the edge of village's through to large urban extensions of 3,500 new homes plus associated community facilities. Countryside has a proven track record of delivery. The company is headquartered in Brentwood and has a proud legacy of local sites such as Clements Park and the Square on Hart Street.
- 1.4 The representations set out Countryside Properties position in relation to the allocation of the site as part of a wider strategic allocation 'R03' Land north of Shenfield and is an important contribution towards BBC's land supply for Brentwood's Draft Local Plan. The representations provide comments on the relevant policies relating to those interests in the Draft Plan.
- 1.5 As the Council will be aware, representations have previously been made on behalf of the original landowner of the site, on the Preferred Options Consultation in October 2013 and the Strategic Growth Options Consultation February 2015, and the Regulation 18 Local Plan in March 2018. As a result of these representations and the discussions that have been held with officers at Brentwood Borough Council alongside the Local Plan process, the site has been allocated as part of a wider allocation proposed for strategic mixed-use development on land north and south of Chelmsford Road in Shenfield, between the A12 to the north west and the railway line to the south west.
- 1.6 Previous representation have included supporting information relating to landscape visual and Green Belt impacts have demonstrated the low value of the site in this respect, which have respectively support its proposed allocation. This representation therefore builds on this and should be read in conjunction with this information provided previously.
- 1.7 Countryside Properties overall position is one of firm support for the PSLP and this is expressed where relevant in these representations, albeit with some overarching concerns, notably in relation to the elements of the Housing, Employment and Development Management Policies and the housing trajectory relating to the delivery of Policy R03 during the plan period.

- 1.8 Where concerns are raised, specific changes to the relevant policies are sought and these are indicated in the following representations in order to assist the Council to make the Plan more robust and improving its soundness in terms of being positively prepared, effective, justified and consistent with national policy.
- 1.9 The site extends to a total area of 4.4ha, albeit the Council have previously defined the net developable area as 3.44ha.
- 1.10 The site is located to the north of Chelmsford Road (A1023) and immediately south of the A12, directly south west of the A12/A1023/B1102 gyratory and westbound A12 slip road. The linear residential development of Chelmsford Road lies to the south of the site.
- 1.11 The PSLP has recognised the sustainability of the site and enclosed character, as has been evidence through previous representations of the site, and have therefore proposed it for removal from the Green Belt and for its allocation to provide housing. We support this allocation but do however have some concerns over other policies in the PSLP that may have implications for the efficient and timely delivery of this site.

2. Brentwood Local Plan Regulation 19 Consultation

Housing Need

- 2.1. Paragraph 4.13 of the PSLP states that the Borough's housing requirement is 350 dwellings per annum. Paragraph 4.12 confirms that this figure is calculated using the Standard Method (as per the NPPF and respective Planning Practice Guidance(PPG)). We note that the PPG now confirms that the 2014-based subnational household projection should be used to calculate housing requirements using the Standard Method (Paragraph: 004 Reference ID: 2a-004-20190220).
- 2.2. On this basis, the relevant subnational population projections indicate an average annual increase of 293.2 households in the Borough between 2019 and 2029. The latest (2017) ratio of median house price to median gross annual workplace-based earnings for the Borough published by the ONS is 11.23. Once the Standard Method is applied using these figures this results in a requirement of 452 dwellings per annum.
- 2.3. The NPPF requires Local Plans to meet this need as a minimum, whilst also allowing sufficient flexibility to be able to respond to rapid change.
- 2.4. At paragraph 4.16 the PSLP considers it appropriate to apply a 20% uplift to the identified housing target of 350 dwellings per annum, resulting in a proposed target of 456 dwellings per annum. The rationale for this buffer is unclear with separate references to the buffer advising that it allows for an additional housing land supply to be maintained, but also that it serves to safeguard against any potential uplift to the standard methodology for calculating housing need, pending the outcome of the Government's 'Technical consultation on updates to national planning policy and guidance'.
- 2.5. Despite the outcome of the technical consultation now having been confirmed, the proposed annual housing target of the PSLP only fractionally exceeds the minimum housing requirement derived from the Standard Method, and therefore does not provide any flexibility or Green Belt protection. Moreover, the figure does not allow provision for unmet need from neighbouring authorities in addition to the minimum requirement.
- 2.6. At 4.18 the PSLP confirms the Council have not been able to identify a five-year housing land supply to deliver the annualised requirement. Further to this, at 4.19 the PSLP confirms that there is a high proportion of designated Green Belt within the Borough, making it extremely difficult to achieve a five-year supply due to the fact that sites on the edge of settlements, currently within the Green Belt are not available for development purposes until the adoption of the Plan.
- 2.7. The Borough has a limited amount of previously developed land within its authority to provide for short term delivery, as such Green Belt release is required in order to meet the Authorities housing need and deliver within the short, medium and long term, as stated at paragraph 2.54 of the PSLP. The approach to amend the Green Belt boundaries is therefore supported.

- 2.8. Despite the outcome of the technical consultation now having been confirmed, the proposed annual housing target of the PSLP only fractionally exceeds the minimum housing requirement derived from the Standard Method, and therefore does not provide any flexibility, Green Belt protection or unmet need from neighbouring authorities in addition to the minimum requirement.
- 2.9. In respect of the above, whilst the current PSLP and associated housing allocations seek to go some way in delivering housing that will support the recognised needs of the Borough over the next 15 years, there is clearly a need to increase this provision. Whilst this could be helped through the identification of additional sites, ensuring the delivery and efficient use of the sites that are allocated for housing will also provide a degree of buffer. Further commentary and recommendations in this regard are provided later within this representation.

Five-year Housing Land Supply and Housing Trajectory

- 2.10. The Council is required to demonstrate a five-year housing land supply at any point in the plan period (Paragraph: 038 Reference ID: 3-038-20180913).
- 2.11. The NPPF (Paragraph 73) confirms that a 20% buffer should be applied to the initial calculation for a five-year housing land supply requirement, in the event that the results of the Housing Delivery Test show that there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. From November 2018 significant under delivery indicates that delivery was below 85% of the requirement for the Borough. The PPG (Paragraph: 037 Reference ID: 3-037-20180913) also confirms that the requirement for a 20% buffer also applies where a Local Planning Authority are seeking to confirm their five-year housing land supply through a recently adopted Local Plan.
- 2.12. The results of the 2018 Housing Delivery Test confirmed that Brentwood have delivered just 50% of the housing requirement over the last three years and this is therefore well below the threshold for the 20% buffer requirement.
- 2.13. The Borough's most recent reported five-year housing land supply (Five Year Housing Land Supply Statement as at 31 March 2018 (November 2018) ('HLSS') is 4.1 years. This is predicated on a requirement which, when considered in relation to the latest guidance, understates need; and a supply which, again when considered in relation to latest guidance, overstates supply. As such, the actual housing land supply is noticeably less.
- 2.14. Looking at this in detail, the HLSS considers an annual need of 343 dwellings, resulting in a total requirement once the 20% has been applied of 2,058 dwellings. However, applying the latest guidance and the Standard Method, the Borough's housing requirement is 452 dwellings per annum. Applying the 20% buffer, this results in a five-year requirement of 2,712 dwellings.

- 2.15. In terms of supply, the HLSS includes sites without detailed planning permission and without evidence such sites will be delivered within five years. As per the Glossary contained within Annex 2 of the NPPF, such sites cannot be considerable deliverable for the purposes of the five-year housing land supply. Table 1 of the HLSS suggests that *at least* 1,042 dwellings in the reported supply did not have planning permission. Once these are removed from the supply calculation, the five-year supply comprises 653 dwellings. It is unclear if and how many of the dwellings categorised as having extant planning permission are on major sites which only benefit from outline permission. Such sites would also have to be discounted. As such, the figure of 653 dwellings may overstate housing supply.
- 2.16. A five-year supply of 653 dwellings compared to a requirement of 2,712 represents a 1.2-year housing land supply. This acute housing land supply shortage demonstrates the importance of allocating sites through the Local Plan which can delivery early in the plan period, and support the existing supply of housing. It also emphasises the need to avoid over-reliance on large strategic sites which inevitably take longer to deliver.
- 2.17. The housing trajectory provided as Appendix 1 to the PSLP projects that it will enable completion of 2,305 dwellings between 2019/20 and 2023/24.
- 2.18. Having regard to the Standard Method and the need to apply a 20% buffer to the housing requirement, the total five-year requirement for the Borough is 2,712 dwellings. Therefore, even before critical review of the supply, the PSLP will not provide a five-year supply of housing.

Policy R03 – Land North of Shenfield

- 2.19. Policy R03 deals with land to the north of Shenfield, known as Officer's Meadow and surrounding land. The entire allocation area comprises an area of 58.2ha and it is intended that the area will provide around 825 new homes; land for a co-located primary school, early years and childcare nursery; residential care home; 5% self-build and custom build; and 2ha of land for employment purposes across a net developable area of 28.2ha.
- 2.20. We are of the understanding that the majority of these primary facilities will be provided within the main portion of the allocated area, to the south/ south west of Chelmsford Road, which immediately adjoins the existing settlement boundary and will therefore be directly accessible and central to the strategic development as a whole.
- 2.21. Countryside Properties land is also known as site 158, as assessed by the Council within Brentwood Borough Council's Housing and Economic Land Availability Assessment (2018). The site measures 4.4ha (gross area) and was considered by the Council to comprise a net area of 3.44ha and capable of delivering 100 dwellings. The site forms one of a number of sites that together form the Strategic Allocation under Policy R03, Land north of Shenfield.

Employment Land Provision

- 2.22. Policy R03 refers to the provision of 2ha of employment land across the site allocation as a whole. However, it is noted that Figure 7.6 of the PSLP identifies a new employment land

allocation of 2ha at land north of A1023 – the site the subject of this representation, and a more specific reference than that contained within the PSLP policy wording.

- 2.23. We note the combined requirement for employment land set out in Figure 7.5 of the PSLP, which confirms that the maximum level of employment land expected to be required over the plan period is 45.96ha. This is a maximum, with the lower expectation falling to 33.76ha, dependent on the forecasting scenario use. Respectively, Figure 7.6 recognises a predicted total of 47.39ha of employment land to be delivered through the new Local Plan and this provision therefore currently exceeds even the highest level of forecasted need.
- 2.24. We are aware that previous representations and the submission to the Regulation 18 Consultation in particular did consider the potential for the delivery of up to 2ha of employment uses on the site. Since this time however, Countryside Properties have now taken on the promotion of the site. This has been supported by an additional level of due diligence which, alongside further discussions with Brentwood Borough Council officers, have identified a need to discount an employment-led development on this site.
- 2.25. Discussions with Brentwood Borough Council have confirmed that the site presents an opportunity to provide a key gateway into Shenfield and onto Brentwood in this location, our client is confident of the ability to deliver this either through exemplary residential and landscape-led design at the entrance to the site, or through a smaller provision of employment land which is respective of the current market and likely demand in this location, and not necessarily accommodating 2ha of land.
- 2.26. Considering the employment uses referred to in Policy PC02, it has been agreed during discussions that an entirely B1 office frontage for the site would not be suited to this role, given that such a use would be unlikely to generate a visually prolific building or a flagship/feature. It would also generally be expected for offices to be located in a more urban and/or town centre location as opposed to this edge of settlement siting, and therefore doubt exists as to the likely interest in B1 premises in this location.
- 2.27. B2 industrial or B8 storage uses would not be consistent with the desire for this location to act as a gateway to the area also, and also the implications that such a use could have on the A12 gyratory through the associated movements of HGVs and other vehicles.
- 2.28. We are aware that there has been interest in the use of the site for other employment generating and commercial uses which would not fall under B-class uses and may be able to play a better role in the formation of a key gateway in this location. It is recognised however that the spatial requirements of such uses are again unlikely to meet a full 2ha of land.
- 2.29. The proposed provision of employment uses on this site has not been justified and is not effective. The provision of 2ha on this site is not required to meet the Borough's identified employment need and conflicts with the deliverability of new homes on the site to meet the Council's housing need. As such, the provision of 2ha of land for employment purposes should be removed from the policy.

- 2.30. In the interests of ensuring effective delivery, the Council should also consider the benefits of extending the provision of existing or larger proposed employment sites to account for flexibility that may be required on smaller allocations in response to market fluctuations and the viability of mixed use schemes.
- 2.31. Countryside Properties are supportive of the land north of Chelmsford Road, Shenfield (ref. 158) being identified as an opportunity to deliver a key gateway to Brentwood from the southbound A12. However, Countryside Properties consider the objective of a key gateway needs to be achieved through careful design in consultation with key stakeholders.
- 2.32. In order to make Policy R03 effective, it is proposed that the wording in part (e) of the Policy is removed in its entirety, and for part A of Policy R03 to read:
- a) Amount and type of development
 - b) Provision for at least 825 new homes of mixed size and type, including affordable housing
 - c) Provision of land (circa 2.1 hectares) for a co-located primary school and early years and childcare nursery (Use Class D1)
 - d) Provision for a residential care home (around 60 bed scheme as part of the overall allocation)
 - e) Provision for 5% self-build and custom build across the entire allocation area
- 2.33. Whilst the site may have the potential to provide employment generating uses, a large scale provision of B-use class uses as required under Policies PC02 and PC03 is unlikely to be suitable for the site and the respective restrictive nature of this current wording. Countryside would however support the reintroduction of the wording presented to members which included:
- e) consideration for provision of appropriate new employment development on land north of Chelmsford Road.
- 2.34. Figure 7.6 of the PSLP should be amended to reflect the proposed changes detailed above. The table included as this figure should therefore remove reference to Part of R03 – Land north of A1023 as a new employment allocation for 2ha.

Unit Numbers

- 2.35. The wording of allocation policies such as Policy R03 should take the requirement for housing delivery flexibility into account, and therefore be worded to provide “at least 825 new homes”, as opposed to “around 825 new homes”. We consider that this would provide greater certainty on the number of homes to be delivered as part of each allocation for Brentwood Borough Council, and also allows for the delivery of additional units where appropriate opportunities may arise.
- 2.36. For land north of A1023, a significant amount of feasibility work has been undertaken to establish any site constraints, and as a result of this, Countryside are confident in the ability for the site to provide at least 150 homes. We have concerns that the respective policy’s current format may be interpreted to confirm the optimum use of the site, rather than a lower

limit. In fact, the 100-unit figure has been produced by Brentwood Borough Council with far less rationale and technical justification than has been undertaken by Countryside Properties and may lessen the ability of this site and other policies with similar wording to support Brentwood's need for a buffer and flexibility in their housing land supply.

Policy SP03 Health Impact Assessments

- 2.37. The Policy requires planning applications for developments of 50 or more to be dwellings, non-residential development of 1,000sqm or more or schemes for C2 class developments to be supported by HIAs. The HBF response to this policy is unsupportive and they consider the policy to be unsound as it is not consistent with national policy and is ineffective.
- 2.38. We are in agreement with the HBF's response, dated 17th March 2019, in relation to the requirement for HIAs to be provided for 50 or more dwellings and consider the requirement to be unnecessary and an additional burden on applicants. Referring to the PPG we note that HIAs may be useful tools, however the PPG also expresses the importance of the local plan needing to consider the wider health issues in an area and ensuring the policies respond to these concerns. The guidance is provided below for completeness.
- 2.39. Paragraph: 002 Reference ID: 53-002-20140306 confirms that provision of the required health infrastructure should be supported and taken into account at local and neighbourhood plan making, and when determining planning applications.
- 2.40. Referring to National policy, paragraph 20 states that Strategic Policies should set out an overall strategy for the pattern, scale and quality of development, this includes infrastructure and community facilities.
- 2.41. In order for the local plan to be consistent with national policy, the Local Plan should already consider the impact of development on the health and wellbeing of the communities and any identified infrastructure should be addressed in policy. Therefore, whilst Countryside support the important consideration of health and wellbeing of communities where development is in line with the policies contained within the development plan a HIA should not be necessary. The requirement for a HIA should only be triggered where there is a departure from the plan, enabling the Council to assess any impacts on the health and wellbeing of the community as a result of said proposals.

Policy SP05 Construction Management

- 2.42. The Policy expects all major development schemes/developers to sign up to the Considerate Constructors Scheme, or equivalent. The scheme is a non-profit making, independent organisation which monitors construction sites signed up to the scheme, with the aim of managing and mitigating impacts arising from construction. This requirement is considered unjustified and inconsistent with national policy.
- 2.43. Whilst we recognise the importance of managing the potential impacts on construction sites, we consider this policy to be unsound because it is unjustified and not consistent with

national policy. We would suggest that consideration for the scheme is best dealt with through planning applications and development management without it being written into formal planning policy.

- 2.44. We are not aware of any other adopted or emerging Local Plan which requires applicants and developers of major sites to enter into a specified construction management scheme and therefore question the reasonableness of this policy. The matter of construction management should be assessed on a case by case basis and should not be a matter for a strategic policy to prescribe. How a construction scheme is managed and mitigated should be an item for consideration by the decision taker and assessed on a case by case basis.
- 2.45. The imposition of Policy SP05 requires all major developments to be signed up to the Considerate Constructors Scheme regardless of the site or proposal details. It is recommended that this policy is removed.

Policy BE02 Sustainable Construction and Resource Efficiency

- 2.46. We consider the policy to be unsound as it is inconsistent with national policy. Part (f) of Policy BE02 requires the inclusion of renewable and decentralised energy as part of a new development, this is not consistent with national policy. Whilst Countryside recognise the importance of sustainable construction, a policy approach to such requirements does not allow for the appropriate flexibility in this regard, as recognised in the NPPF.
- 2.47. Paragraph 153 of the NPPF states that local plans can expect development to meet such provisions, however the NPPF also states that they are only required to comply with such policies where it is either feasible or viable. To ensure consistency with national policy part (f) of Policy BE02 should be amended to reflect this position.

Policy BE03 Carbon Reduction, Renewable Energy and Water Efficiency

- 2.48. It is Government policy to seek to deliver improvements to emissions from buildings through the building regulations regime. As such we do not consider it necessary to include the table at part (a) of this policy. Should a national zero carbon policy be introduced it will be achieved and applied through building regulations, as noted at paragraph 5.33.
- 2.49. We therefore echo those comments of the HBF's consultation response, dated 17th March 2019, and suggest that if the building regulations are updated then the Council should revisit the policy through a local plan review at that stage, but that such matters are dealt with through building regulations in the meantime to prevent unnecessary duplicate consideration of such matters through both planning and construction stages.

Policy BE04 Establishing Low Carbon and Renewable Energy Infrastructure Network

- 2.50. It is acknowledged that the Government support the transition to a low carbon future in a changing climate, including support towards renewable and low carbon energy and associated infrastructure. Countryside support these intentions.

- 2.51. Part (b) of Policy BE04 expects sites of over 500 dwellings, including where there are clusters of neighbouring sites that total over 500 units, shall incorporate decentralised energy infrastructure in line with a hierarchy however.
- 2.52. We raise concerns in relation to the deliverability of part (b) of the policy in relation to sites within a cluster of 500 or more dwellings given that neighbouring sites will not necessary come forward by multiple landowners and developers at similar times. The coordinating and implementation of a heat network to serve smaller scale sites as separate applications but adjacent to other similar sized sites in the locality, is unreasonable and unjustified and could result in a delay in delivery of new homes, resulting in an ineffective local plan.
- 2.53. It is recommended that the requirement for new development located where 'clusters' of neighbouring sites totals over 500 units should be removed from the policy in order to make the policy effective.

Policy BE10 Connecting New Developments to Digital Infrastructure

- 2.54. It is Government policy to support the expansion of electronic communications networks. However, we would draw the Council's attention to the Written Ministerial Statement, 25th March 2015, which announced that local planning authorities preparing Local Plans, "should not set any additional standards or requirements relating to the construction, internal layout or performance of new dwellings."
- 2.55. The Local Planning Authority are only allowed to adopt the three optional technical standards, in relation to construction, internal layout and performance, subject to evidenced need and viability. As such, the Council should not seek higher standards than Building Regulations, as already referred to in our response to Policy BE03. Therefore, Policy BE10 is considered unsound because it is unjustified and contrary to national policy.
- 2.56. We are also unaware of National Policy requiring benches and bins to be connected to mobile digital infrastructure. As such the policy is unjustified and contrary to national policy.
- 2.57. Countryside are committed to ensuring that all developments go as far as is practical to meet national intentions to ensure the quality, practicality and future-proofing of new housing developments. We have concerns however that by introducing a wealth of additional planning policies in these areas, there will be unnecessary duplication to building regulations, and potentially delays to planning applications which will in turn impact on the timely delivery of new homes.

3. Summary

- 3.1. Countryside Properties generally support the plan, however alterations to the PSLP can enforce the soundness of the Plan, ensuring it has been positively prepared, justified and effective and consistent with national policy. The proposed allocation of land north of A1023 as part of the wider R03 strategic allocation within the PSLP is supported. Countryside do however raise concerns about the soundness of the Plan in relation to the approach taken to development management policies and timing of delivery of the site proposed for allocation.
- 3.2. Policies mentioned above, appear to be based on an idealistic approach which does not account for different site constraints and flexibility in development management which would in turn help to protect the Council's supply of housing and robustness of the PSLP.
- 3.3. The proposed amendments to the employment provision within Policy R03 will make the approach taken justified and effective. The proposed alterations will help to ensure that this policy is positively prepared and a justified approach for the site has taken into account the recognised constraints and the site is delivered in accordance with the expected delivery timescales, and that Brentwood can therefore meet housing needs as planned. The proposed amendments will also allow for flexibility over unit numbers in the event that the site can support the recognised need for a greater buffer and flexibility towards housing delivery over the Plan period.

