



**BRENTWOOD  
BOROUGH COUNCIL**

# Brentwood Pre-Submission Local Plan (Regulation 19)

January 2019

## COMMENT FORM

From Tuesday 05 February to Tuesday 19 March 2019 we are consulting on the next stage of the Brentwood Local Plan: Pre-Submission Local Plan (Regulation 19). You can view and comment on the consultation document 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 document.

All responses should be received by 5PM Tuesday 19 March 2019.

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

### **How to complete the representation form:**

This form consists of two sections – Section A: Personal Information, and Section B: Your Representation. Please note that your representation cannot be accepted without completing information identified in Section A.

The Local Plan Pre-Submission (Regulation 19) consultation consists of more formal and technical questions focused on the four Tests of Soundness and whether the Local Plan is compliant with relevant legislation. Comments are to be focused on three core areas – is the Plan positively prepared (referred to as ‘soundness’), does the Council adhere to the Duty to Cooperate, and is the Plan legally compliant (addressed by question 3 of this comment form). These terms are defined below:

- a) **Soundness:** Local Planning Authorities must prepare a Local Plan based on relevant and appropriate evidence base. They are required to publish these documents on their website. The evidence used to develop the Brentwood Local Plan can be found on the Council’s website under Evidence Base.
- b) **Duty to Cooperate:** Throughout the plan-making process discussions have taken place with various statutory consultees and neighbouring authorities. A summary of these meetings can be found within the Duty to Cooperate Statement, published as part of the Regulation 19 consultation. This is a live document and will be updated prior to being submitted to the Secretary of

State.

- c) **Legally Compliant:** Local Planning Authorities must prepare a Local Plan which adheres to the requirements as set out in the National Planning Policy Framework (NPPF), planning practice guidance, and other relevant planning regulations & legislation.

Question 4 of this comment form asks for further information on your opinion of the Plans 'soundness'. According to the National Planning Policy Framework (NPPF) para 35, Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line [www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan)

#### **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 the above conditions.

**Section A: Personal Details**

Title	Mr
First Name	Nicholas
Last Name	Pryor
Job Title (if applicable)	Planning Consultant – Senior Partner
Organisation (if applicable)	The JTS Partnership on behalf of The Ursuline Sisters
Address	44 St Peters Street Canterbury Kent
Post Code	CT1 2BG
Telephone Number	01227 456633
Email Address	Nick.pryor@jtspartnership.co.uk

## Section B: Your Representation

Please complete a separate sheet for each representation that you wish to make. You must complete 'Part A – Personal Details' for your representation to be accepted.

Representations cannot be treated as confidential and will be published on our Consultation Portal. Any representations that are considered libelous, racist, abusive or offensive will not be accepted. All representations made will only be attributed to your name. We will not publish any contact details, signatures or other sensitive information.

Full Name	Nicholas Pryor on behalf of The Ursuline Sisters
-----------	--

Question 1: Please indicate which consultation document this representation relates to?

The Local Plan

Sustainability Appraisal

Habitat Regulations Assessment

Question 2: Please indicate which section of the indicated document identified above that you are commenting on (where applicable please clearly state the section / heading or paragraph number).

We support the strategic objectives of the Local Plan as set out in paragraphs 3.15-3.19 this particular submission is in relation to the specific housing site allocation R19-Land at Priests Lane, Shenfield. It has been a site of continued discussion and cooperation with the Local Authority since the last Local Plan review and publication of the Brentwood Replacement Plan 2005.

It is open land currently given the designation of Protected Urban Open Space. It was land associated with use by The Ursuline School and handed back to the Sisters as too remote from the school in 2000 when it had then generally only been used on a limited basis for summer athletics and sports day. That use is now shared with Brentwood School and its athletics track facility.

At the last Local Plan review the Inspector acknowledged that the site had no public amenity contribution but the Local Authority were awaiting the results of their leisure audit. The Sport Leisure and Open Space Assessment final report August 2016 and related appendices for protected urban space identifies the site ID as 40 with limited or no public accessibility, no recreational value and low scoring as amenity value.

The Sustainability Appraisal supports the site as one of the most sustainable potential development sites within the Borough.

We support Policy R19: Land at Priests Lane but as one of the most recognized sustainable sites consider within the policy that it is too restrictive. The evidence base had shown that the site was capable of accommodating some 130 homes which had originally been brought forward in consultation on an earlier version of the Plan. This had been reduced to 95 in the light of unfounded local objection in relation to highway and traffic congestion.

We had provided the potential indicative masterplan layout that addressed drainage and responded to objections and showed approximately 95 dwellings attached. As highlighted below it is one of the few sites that can deliver housing immediately and within the first two-three years of the Local Plan.

It is within walking distance of Brentwood town centre and walking distance of Shenfield station.

It is close to a wide choice of schools both Education Authority and private.

The site itself has no physical constraints and no ecological issues. In accordance with the NPPF it is exactly the sort of site that should comply with NPPF policies making effective use of land and achieving appropriate densities as well as ensuring delivery of a sufficient supply of homes. (NPPF Chapters 11 and 5).

The highway evidence base has shown it is capable of delivering up to 130 dwellings.

The Local Planning Authority had on the 8<sup>th</sup> November an Extraordinary Planning Committee Meeting to review the recommended planning strategy and Draft Local Plan document to proceed to the final stage of the Local Plan Review seeking authority to publish the Regulation 19 pre-submission document.

There are other policies within the Plan on which the Ursuline Sisters should be making some comment but I will deal with those as a separate paper.

### **Chapter 3 Spatial Strategy Vision and Strategic Objectives**

Draft Policy SP01: Sustainable Development is such that it can be seen that the Priests Lane land will fall directly in accordance with that Policy.

Chapter 5 is under title the 'Resilient Built Environment'. It is explained in Paragraphs 5.1 to 5.7 that design and layout of our built environment provides for opportunities to live a healthy lifestyle and draws on key paragraphs in relation to this within the NPPF and in relation to climate change. Part of that Chapter relates to transport and connectivity. Reference is made to Policy BE11: Strategic Transport Infrastructure.

Part of that policy is maximising the value of railway connectivity and Elizabeth Line (Cross Rail) and addresses the need to improve pedestrian and cycle infrastructure. I draw briefly on sub-criteria (b):

*“Development in proximity to the railway stations will demonstrate how the schemes connect to the surrounding walking, cycling and public transport links to the station. The proposed schemes must offer direct routes as well as easy effective orientation and navigation to the stations”.*

The policy highlights that developments close to schools and early years and child care facilities should seek to encourage walking and cycling to address the impacts of school run traffic.

This is recognised by ourselves and Officers and in their selection of the Priests Lane site as part of their housing delivery.

#### **Site Allocations**

I comment further on the delivery which is seen within other Council evidence base documentation. Delivery in early years of the Plan, i.e. 21-23 is very important as it is one of the few sites where this can be assured and has been a main plank of our submissions to the LPA. Part of the housing evidence base has shown that the LPA currently does not have a 5-year housing supply and that this will continue during the early part of the Plan. Thus, the position remains that there must be substantial and demonstrable harm to refuse any planning application even where such application was submitted at an early date.

#### **Highways Traffic Congestion**

The general text paragraph 9.172 refers to the main vehicular access from Priests Lane and its expectations to mitigate likely impacts on the performance on the local strategic road network.

Paragraph 9.173, opportunities to create improved pedestrian and cycle connections are expected to be provided within the site and to the wider area. These have already been discussed with the LPA, including speed control platforms and safer pedestrian crossing points close to the site entrance to provide a good and easy pedestrian access along Worrin Road into Shenfield rather than just using Priests Lane.

The general text Paragraph 9.174 expects residential travel information packs which should be

produced in consultation with the Highway Authority. This is a standard requirement for major new developments and is straightforward to provide, in the context of this development.

### **The Endeavour School**

Agreement has been reached with Endeavour School, a special needs school.

### **Appendix 1 Local Development Plan Housing Trajectory**

The Plan identifies the approximate housing delivery over the Plan Period. It is highlighted that page 310 shows the site as being at the fore front of housing delivery.

### **Appendix 2**

Provides the plans for residential-led site allocations identified on Page 315 R19 Land at Priests Lane, Shenfield. The Site Allocation Plan at page 335 treat the land comprehensively with part Endeavour School land and land adjacent to Bishops Walk.

## **PART 2: SUSTAINABILITY APPRAISAL**

The Sustainability Appraisal supports the Brentwood Local Plan and as a document sets out the various strategies that have been considered for delivery of the necessary housing employment and infrastructure needs of Brentwood.

Following the 8<sup>th</sup> November 2018 Extraordinary Council Meeting, the document sets out some seven options which centred around delivery of West Horndon East, West Dunton Hills Garden Village and Brentwood Urban Centre. The focus and overall conclusion is development on the A127 Corridor and the strategy involving DHGV Option 3. In these comments I concentrate on the housing delivery and reference to Priests Lane. Table 8.2, Page 46, refers to the proposed housing allocations and land at Priests Lane, Shenfield, Page 47.

Paragraph 9.2.4, Page 49, the statement is made with regards to the 8<sup>th</sup> November 2018 decision to delete Honeypot Lane and reduce the quantum of homes at Priests Lane by 20 homes (there was also a reduction at Priests Lane between the 2016 Draft Plan and the 2018 Preferred Allocations Stages). This is supported from an air quality perspective .....

Attention is drawn to the text at Paragraph 9.2.10 appraisal of the proposed submission plan refers to the Draft Plan (2016 appraisal) highlighting some concerns but concluded no significant effects ....., On balance, **significant negative effects are not predicted at the current time**. However, there is considerable uncertainty, with growth at the main urban area and elsewhere set to increase traffic congestion in the AQMAs .....

Under the heading of 'Biodiversity' and commentary from the Spatial Strategy, Paragraph 9.3.2, the Preferred Allocations Consultation document then proposed a notably increased focus of growth at the **main urban area**, before the decision was taken to reduce the focus of growth at the 8<sup>th</sup> November Extraordinary Council Meeting (see discussion in 5.5).

Similar comments continue under the sub-heading of Climate Change Mitigation, Section 9.4.

### Section 9.9 Housing

It explains that the proposed housing land supply proposes to be monitored against a housing trajectory that involves provision for 456 dpa on average across the 17 year Plan Period. There will be a stepped trajectory involving a monitoring target of 310 dpa for the period to 2023 and for the period thereafter to 2033, 584 dpa. However, there is a recognised Local Housing Need (LHN of at least 350 dpa). The Sustainability Appraisal sets out that for the strategy they are adopting, there is a continued risk of slippage. The conclusions on the emerging Draft Plan, as a whole, recognise that there is a risk against updated housing figures that LHN could increase to a figure as high as 454 dpa (Paragraph 9.9.10).

It is helpful to note that in considering landscape, Section 9.10, the comment:

*“Decisions taken at the 8<sup>th</sup> November Extraordinary Council Meeting – the decision to reduce the quantum of homes at the Priests Lane site is not supported from a landscape perspective recognising that this site falls outside the green belt and within the defined settlement boundary”*

I turn to the Climate Change Mitigation and Community and Well-Being Section within Appendix 2 context and Baseline Review.

Under the sub-heading of Community and Well Being, there is reference to the Brentwood Borough Sport, Leisure and Open Space Assessment 2015, highlights there are relatively good levels of access to green space and sports provision ..... A review of that document has established that the Priests Lane site is of limited value to such leisure provision and, in particular, sports playing field provision.

### Policy Amendment

The general thrust of Policy R19 is supported. It is recommended that criteria A Amount and type of development be changed to increase numbers and wording to *provision for around 100 new homes of mixed size and type including affordable housing.*

Question 3: Do you consider the Local Plan is:

Sound?

YES

NO

Legally Compliant?

YES

NO

Compliant with the Duty to Cooperate?

YES

NO



Question 4: If you consider the Local Plan unsound, please indicate your reasons below (please tick all that apply):

The Local Plan has not been positively prepared

The Local Plan is not justified

The Local Plan is not effective

The Local Plan is not consistent with national planning policy

Question 5: Please provide details of either:

- Why you consider the Plan to be sound, legally compliant, or adheres to the Duty to Cooperate; or
- Why you consider that the Local Plan is unsound, is not legally compliant, or fails to comply with the Duty to Cooperate

The Plan is unsound with respect to Policy R19 for the reasons set out above. The subject housing site is in a highly sustainable location and the evidence base does not conclude that it is not able to take anything more than 75 houses. We have set out that it should include for more housing. It is only political expediency that had reduced the numbers of housing.

Please continue on a separate sheet if necessary

Question 6: Please set out what modification(s) you consider necessary to make the Local Plan sound or legally compliant, having regard to the matters that you identified above.

You will need to say why this modification will make the Local Plan sound or legally compliant. Please be as accurate as possible.

The amendment to Policy R19 will achieve the policy requirements of the NPPF to make the most efficient use of land and to deliver a sufficient supply of homes. This is an important housing site capable of delivering a small but significant number of houses in the early part of the plan period.

**Policy Amendment**

It is recommended that criteria A Amount and type of development be changed to increase numbers and wording to:

*“provision for around 100 new homes of mixed size and type including affordable housing”.*

Please continue on a separate sheet if necessary

Question 7: If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination in Public (EiP)?

NO, I do not wish to participate in the oral part of the EiP

YES, I wish to participate in the oral part of the EiP

**Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.**

It is an important policy for one of the most sustainable sites within the Borough Plan, it is anticipated that there will be a large number of objections and the arguments in favour are many which would best be promoted orally.

Please continue on a separate sheet if necessary.

Please note that the Inspector (not the Council) will determine the most appropriate procedure to hear those who have indicated that they wish to participate in the oral part of the Examination.