

19 March 2019

Planning Policy  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
CM15 8AY

Our ref: 562

Dear Sir

## **Representation to pre-submission version of Brentwood Local Plan**

Smith Jenkins Ltd act for McColl's Retail Group plc.

On behalf of our client we are instructed to make representations to the pre-submission draft of the Brentwood Local Plan, which we understand has been publicised for comment under Regulation 19 of the Town and Country Planning (Local Plan) Regulations.

### **The site**

McColl's headquarters are located on Ashwells Road, Brentwood. The site accommodates a range of office buildings, car parking, servicing and grounds. The site's planning history consists of several applications made in the 1990s for extensions to car parking and buildings, the retention of a satellite dish, and the change of use to a day nurse (the latter of which was refused). The site is known to have accommodated companies such as the Eastern Electricity Board prior to McColl's Retail Group acquiring the freehold, and as such is a well-established area for commercial use that has not been formally acknowledged in the Development Plan until recently.

### **Local Plan**

The site is identified in Figure 7.6 pre-submission Local Plan under the "existing employment sites in the Green Belt", which is duly covered by Policy PC03. Our client considers that Policy PC03 of the pre-submission Local Plan is "unsound" as it is not positively prepared, effective, justified, or consistent with national policy as required by Paragraph 35 of the NPPF.

It is common for Local Authorities to seek to retain control over employment land by restricting its loss with reference to certain criteria. However, at least three of the four criteria contained in Policy PC03 are unduly onerous and should be reconsidered, particularly in the context of Paragraphs 120 and 121 of the NPPF with which the Local Plan must be consistent.

### **Evidence**

Paragraphs 120 and 121 explain how alternative uses of land should be encouraged to reflect changes in demand and the circumstances of high housing demand, which is commonly accepted as severely affecting the Borough. This context is important given the Borough's recent performance of 51% against the Housing Delivery Test and land supply of just 4.1 years. Our client's site at Ashwells Road is not presently allocated for a specific purpose, although would be in due course by the emerging Local Plan. Paragraph 121 explains that in this instance a positive approach to alternative uses should be taken where this would not undermine key economic sectors or sites. The Council has not produced any analysis of the role our client's site plays in the Borough's economy and it is assumed that it has simply been identified in Figure 7.6 for completeness rather than any meaningful contribution. Indeed, there is no reference to the site in the 2010 Employment Land Review although it is noted that the site was identified in the 2018 Economic Futures report prepared by Lichfields. Nevertheless this appears to have simply been a 'cataloguing' exercise of all sites in lawful employment use. There is no regard to the site's usefulness for this purpose; an analysis that would have been carried out in the Employment Land Review, were the site to have identified in that document.

In reality the office space at Ashwells Road is out-dated, under-occupied and ill-suited to the demands of modern business. McColl's Retail Group plc are actively seeking an alternative headquarters and are concerned at the manner in which Policy PC03 would restrict their ability to achieve this. We therefore request that the site be removed from Figure 7.6 given it has not been formally analysed in accompanying analysis and that there is a surplus of employment land in the plan anyway.

It is also unclear where why the Council have disaggregated existing employment sites not previously allocated into those that are in the Green Belt and those that are not. The Green Belt should be irrelevant to whether employment land is protected or not and indeed the Lichfields report does not distinguish along these lines. It is unknown whether the Local Authority consider that our client's site shares characteristics with other employment sites in the Green Belt. This therefore also requires further justification.

### **Policy PC03**

Notwithstanding our client's wish to see their site removed from Figure 7.6, we have serious concerns as to the soundness of the criteria in Policy PC03. We explain these concerns in detail as follows. Clause (a) of Policy PC03 comprises an exceptionally narrow range of circumstances where a non-B-class use may be acceptable on an existing employment site. This part of the policy is not effective because, in reality, there is very limited likelihood of a non-B-class employment-generating use being

able to demonstrate that it cannot be located elsewhere in the Borough. Furthermore there is no indication of what is meant by “significant employment”; this requires justification as sites such as Ashwells Road are under-occupied yet are theoretically capable of accommodating a much greater number of employees.

Clause (b) is unsound because it is not positively prepared. Using a criteria that allows wholly affordable schemes to be brought forward on vacant employment sites represents a very poor approach to the social aspect of sustainable development. Paragraph 62 of the NPPF explains that affordable housing should contribute to the objective of creating mixed and balanced communities. Allowing wholly affordable developments on sites that are, by their nature, often enclosed and distinct from existing residential areas risks creating communities that are highly imbalanced and segregated. Grouping lower-income households together in this way should be strongly discouraged and certainly not explicitly encouraged as it is in clause (b) of Policy PC03. Furthermore, the policy is not effective as the existing use value of vacant employment sites will be prohibitive to the developers of 100% affordable housing schemes, particularly as such sites are likely to have abnormal costs associated with remediation.

Clause (c) of the Policy is, in principle, sound and it is very common for Local Plan policies to set out marketing requirements to ensure that employment stock is not lost unnecessarily. However, the supporting text for clause (c) of Policy PC03 (paragraph 7.22) reveals that in this instance the Policy is neither effective nor justified. Requiring 24 months of marketing is grossly excessive without justification. The policy is not effective as it puts the Borough at risk of its employment sites deteriorating indefinitely whilst valuable redevelopment opportunities are put on hold due to the excessive marketing requirements. We would suggest that 12 months is a more than adequate time for robust marketing to be undertaken and would allow the Local Plan to be more adaptive to windfall opportunities.

Clause (d) is not justified in setting an unrealistically exhaustive approach for proving unsuitability for employment. In particular, applicants should not be forced to speculate on whether wholesale redevelopment would improve the prospects of a site. This is an enormously costly exercise compared with the other identified approaches of re-use, adaptation, and refurbishment. Clause (d) should therefore be restricted to these options and not include reference to redevelopment being explored.

We would suggest that in order to be sound, the above changes to the clauses within Policy PC03 should be made. The general provisions of the policy should read similar to the following:

*“Within allocated employment areas, the Council will resist the loss of B-class uses. Redevelopment or change of use will only be permitted where one or more of the following criteria apply...”*

**Summary**

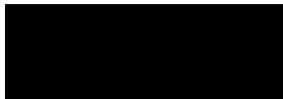
Smith Jenkins act on behalf of McColl's Retail Group plc, who wish to highlight significant concerns in respect of the soundness of the pre-submission draft of the Brentwood Local Plan.

Our client's headquarters on Ashwells Road have been identified as an existing employment site to be protected under Policy PC03. This is despite no site-specific justification as to the role the site plays in the Borough's employment stock. In reality the site is a poor form of employment development that does not require any particular protection. Our client is concerned that the policy as currently drafted would prejudice the possibility of them securing a new headquarters better suited to modern employment. We therefore respectfully request that their site is removed from Figure 7.6 of the Local Plan.

Notwithstanding this request, each clause within Policy PC03 requires modification in order to be sound. Our clients have no substantive comments on the remainder of the draft Local Plan but respectfully request that either the Local Authority or the Inspector modify Figure 7.6 and Policy PC03 in order to address the soundness concerns we outline above.

Please do not hesitate to contact me at this office should you require any further information.

Yours faithfully

A solid black rectangular box used to redact the signature of Samuel Dix.

**Samuel Dix MRTPI**  
**Principal Planner**