



**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 neighboring 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:

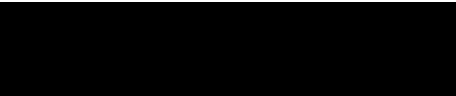

- a) **Positively prepared** – providing a strategy which as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighboring areas is accommodated where it is practical to do so and consistent with achieving sustainable 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.

<b>Section A: Personal Details</b>	
Title	Mr
First Name	Nick
Last Name	Hardy
Job Title	Principal
Organisation	Avison Young (on behalf of Lidl GB Ltd)
Address	3 Brindleyplace, Birmingham
Post Code	B1 2JB
Telephone Number	
Email Address	

**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	Nick Hardy
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Question 1: Please indicate which consultation document this representation relates to?	
The Local Plan	<input checked="" type="checkbox"/>
Sustainability Appraisal	<input type="checkbox"/>
Habitat Regulations Assessment	<input type="checkbox"/>

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).
<b>Policy R15 – Wates Way Industrial Estate</b>

Question 3: Do you consider the Local Plan is:		
Sound?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Legally Compliant?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Compliant with the Duty to Cooperate?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

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 that the Local Plan is unsound, is not legally compliant, or fails to comply with the Duty to Cooperate

Lidl GB Ltd is the owner of Site R15 and is promoting its mixed use redevelopment for a foodstore and residential use, in accordance with draft Policy R15. Lidl will submit an application for redevelopment after the expiry of the consultation period on the Pre-Submission Draft Local Plan.

The application will be a hybrid with the foodstore element submitted in full, and the residential element in outline. The application will promote Class C2 or Class C3 use (with any C3 use likely to be for retirement living). Based on architectural studies, this will generate a site capacity of around 60 units for C3 use, or up to 80 units if developed for C2 use. In reaching conclusions on capacity Lidl has had regard to relevant design and parking standards, the draft 'Design Plan' and the policies in the Pre-Submission plan.

Lidl is concerned that a proposal for the mixed use development of Site R15 for a foodstore and C2/C3 use would be in accordance with the objectives of Policy R15, and would promote the objectives of the Local Plan for the delivery of retail and housing within the Brentwood Urban Area (and on Site R15), but might fall nominally short of the "around 80" dwellings aspiration for site R15. The significance of this for the decision-making process will depend on (i) the final content of the application; (ii) the interpretation of the word "around" in Policy R15 and (iii) the extent to which the housing strategy might in due course incorporate greater flexibility than in the Pre-Submission draft.

At the same time, Lidl will be promoting a foodstore of a scale that will promote an important objective of the Local Plan, by virtue of the delivery of new convenience floorspace on a preferred site allocated for retail use, in addition to housing.

There are a number of references in the retail evidence base (the 2014 NLP Retail Study) which inform the content of draft Policy PC07 and the mixed use policies in the Pre-Submission Draft Plan including R14 (William Hunter Way Car Park) and R15 (Wates Way Industrial Estate).

- Para 3.112 notes there is only one large food store in the Borough (Sainsbury's at William Hunter Way) which it is said *"dominates shopping patterns within the Borough"*
- Para 3.115 confirms that *"The discount food sector is not currently represented in the Borough with the closest Aldi and Lidl stores located in Romford and Basildon"*. This has not changed.
- Para 3.116 confirms that there was surplus convenience goods expenditure in Brentwood at 2014 and recommends that *"the priority for short to medium term food store development should be within Brentwood town centre, where the Sainsbury's store dominates the convenience retail provision"*.
- In relation to the William Hunter Way Car Park, NLP note that the permission to develop the site to include 7,340 sqm of convenience and comparison goods floorspace would no longer be progressed and suggest that it *"may be more appropriate for the focus to be on providing a greater proportion of comparison goods floorspace within the amended proposals for the site, strengthening the town's high street offer"*.
- NLP note at para 5.21 that Lidl had purchased Site R15 and say that while any application for retail development on the site would need to be properly assessed, *"it would benefit the convenience retail offer of Brentwood town centre if another supermarket is provided. Based on a typical Lidl store size, this could potentially absorb around 1,500 sqm of the identified convenience goods floorspace requirement for Brentwood"*. They conclude also that within the rest of the town centre, development options are limited.
- Table 6.1 set out NLP's convenience goods floorspace projections for Brentwood town centre, including 2,913 sqm (gross) for the period 2014-2020. Table 6.4 suggests how that may be absorbed by *"developments that may come forward in the town centre over the Plan period"*. This includes specific reference to Wates Way.

Paragraph 20 of the NPPF confirms that strategic policies in Local Plans should set out an overall strategy for the pattern, scale and quality of development, *"and make sufficient provision for"* housing, employment, retail, leisure and other commercial development.

Paragraph 35 note that 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"*. The same tests of soundness will be applied to non-strategic policies *"taking into account the extent to which they are consistent with relevant strategic policies for the area"*.

Under the heading 'Ensuring the vitality of town centres' the NPPF advises that policies should allocate suitable sites to meet the scale and type of development likely to be needed, looking at least ten years ahead. Para 7.47 goes on to note that the Council's policy approach should aim to *"at least fully meet retail needs"*. In this context there are no other sites in Brentwood Centre identified in the evidence base or Submission Draft local plan that could accommodate the identified retail needs.

The Pre-Submission Plan explains (para 9.2) how the site specific allocations should be read. Each includes reference to the *"Amount and type of development"* which is to be read as setting:-

*"an approximate number of new homes considered appropriate for a site according to certain characteristics, such as surrounding density and character, and the amount of land considered to be developable.... In addition any land/floorspace requirements for employment and retail provision are included"*.

Policy R15 states that land at Wates Way is allocated for housing and retail development and that proposals should “consider” the following:

- “a. provision for around 80 new homes of mixed size and type, including affordable housing; and*
- b. provision for retail/ commercial use”.*

Lidl is keen to contribute to the delivery of the housing and retail development targets set out in the Submission Draft Local Plan. The need for convenience floorspace in the Town Centre is clearly expressed in the evidence base, and through draft Policy PC07, and would be met by the delivery of a foodstore on a site proposed for mixed retail and housing use. In the absence of any other means of accommodating the identified need, the plan would be ‘positively prepared’ if it stated support for a foodstore on Site R15.

The reason for the reference to “around” 80 dwellings is understood. Lidl agrees that the policy should not be prescriptive, particularly as the site is also to accommodate retail development to support the delivery of Policy PC07. There is however a risk that reference to “around” 80 dwellings will be applied as a minimum, and a consequent risk that the delivery of one objective relating to retail need may be compromised if the development delivers fewer than 80 dwellings.

To avoid this conflict, and to ensure that the plan is positively prepared in its approach to meeting identified retail and housing needs, Lidl proposes that Policy R15 be revised to refer to “up to” 80 units within use Classes C2 and/or C3, or to a range with an upper limit of 80 dwellings.

**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 plan would be positively prepared if it stated support for a foodstore on Site R15 of a scale and type that could address the need identified in the evidence base.

Lidl proposes also that Policy R15 be revised to explain that the eventual number of dwellings on the site will be determined having regard to the expectation that it will also accommodate a foodstore to meet a proportion of the retail need set out in Policy PC07, but that it is expected to be able to accommodate up to 80 units within Use Classes C2 or C3.

**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

<input type="checkbox"/>	
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Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

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.