

LAND ADJACENT TO 375 ROMAN ROAD, MOUNTNESSING

BRENTWOOD LOCAL PLAN – REPRESENTATIONS OCTOBER 2013

The following representations have been prepared on behalf of CLM Ltd, who have an interest in Land adjacent to 375 Roman Road, Mountnessing. CLM Ltd seek revisions to the draft Local Plan, in order to reflect guidance set out in the National Planning Policy Framework, and in order to identify the site, adjacent to the old vicarage for the development for a dwellings.

Policy S1: Spatial Strategy

The Company generally supports the Council's preferred spatial strategy, which seeks to focus the majority of new development within the existing urban areas of Brentwood and Shenfield, together with a new strategic allocation at West Horndon and the redevelopment of suitable sites in the Green Belt.

Whilst the Company acknowledges the difficult balancing act that the Council has to perform, in preparing a Local Plan that fulfils the economic, social and environmental roles ascribed to the planning system by the National Planning Policy Framework (paragraph 7), it notes that the overriding priority given to protecting the Green Belt means that the Council has chosen not to plan for 'objectively assessed housing needs', as is required by paragraphs 17, 47 and 182 of the NPPF.

As such, the Borough Council may find it difficult to convince an Inspector, at the forthcoming Examination, that the Plan is 'sound'. It is also noted that the failure to make provision for full housing needs is inconsistent with the Plan's Vision, Strategic Objective SO8 and the Council's Corporate Plan, which commits the Council to broadening, **"the range of housing in the Borough to meet the needs of our population now and in the future ..."** The 'population's' need for housing will not be fully meet as the Plan does not identify sufficient land.

It is the Company's view that the Plan would be more robust if the Council could find additional housing sites, consistent with the Spatial Strategy set out in the policy and, also, undertook a limited review of the Green Belt, in order to remove that land which clearly serves no Green Belt function (as defined in paragraph 80 of the NPPF).

Policy S2: Amount and Distribution of Residential Development 2015-2030

The Company again notes that the Borough Council has decided to place greater emphasis on the need to protect the Green Belt, than the need to provide for 'full objectively assessed housing needs'. As a result, the policy makes provision for 3,500 new dwellings (at an annual average build rate of 200 new dwellings), as against an 'interim' objectively assessed need of 4,962 to 5,600 dwellings (331 to 373 homes a year).

The fact that the Council has decided to plan for a figure well below 'objectively assessed housing need' makes it all the more important that it maximises the potential of land/sites, which is/are consistent with its preferred growth option and the spatial strategy as expressed in Policy S1. In this respect, Policy S1 indicates that the Council will direct new development to:

1. land within the existing urban areas;
2. a new strategic allocation, partly in the Green Belt, at West Horndon; and
3. other existing developed sites in the Green Belt.

Given the previous planning history of the site, it is considered that land adjacent to 375 Roman Road falls within the last category and should be identified for housing development (see representations made in respect of Policy DM23).

Policy CP1: Sustainable Development

The Company generally supports this policy, which is reflective of relevant guidance set out in the NPPF.

It is, however, of the opinion that it will take a 'sea change' in the culture of the planning department, and an injection of significant additional resources (particularly in terms of manpower), if it is to deliver the commitment to, "**work proactively with applicants jointly to find solutions ...**", so that, "**... proposals can be approved wherever possible ...**".

Policy CP2: Managing Growth

Subject to the reservations expressed in relation to Policy S1, the Company generally supports the proposed settlement hierarchy (paragraphs 2.12 to 2.16), together with the role ascribed to each settlement therein.

Although the Company does not express a view either way, it again notes the potential inconsistency between criterion c and the NPPF requirement to plan for 'objectively assessed housing need'. In that respect, there is also a potential conflict between criteria c and g.

Policy CP8: Housing Type and Mix

The Company generally supports the objectives underlying this policy, which it considers to be NPPF compliant, whilst, at the same time, providing sufficient flexibility for schemes to take account of local circumstances and any particular constraints appertaining to a proposed development.

Policy CP10: Green Belt

See reservations expressed with respect to Policies S1 and CP1. Given the inability of the Council to make provision for 'objectively assessed housing need' the Council must seek to maximise the amount of housing land it can allocate in accordance with its preferred spatial strategy (as expressed in Policy CP1), including the identification of existing developed sites in the Green Belt.

Whilst not advocating a 'root and branch' review of the Green Belt, the Council should also review its boundaries and remove that land which clearly does not serve one of the Green Belt functions as set out in paragraph 80 of the NPPF.

Policy CP14: Sustainable Construction and Energy

Whilst the objectives underlying this draft Policy are to be welcomed, greater recognition needs to be given to the fact that the incorporation of sustainable construction and renewable energy technologies, within a scheme, can significantly increase the cost of new development and can, therefore, in certain instances, threaten viability. Accordingly, greater

flexibility needs to be built into the policy, with the third paragraph being reworded as follows:-

Where development viability is compromised by these standards, the developer/applicant will need to provide evidence as to why the targets cannot be met (either in their entirety or in part).

Policy C16: Enjoyable and Quality Public Realm

The Company considers that this policy should be reworded. Whilst no objection, in principle, is raised to any of the matters to which it relates, only larger development schemes will need to, and will be capable of, addressing all the matters set out therein. As currently drafted, the Policy applies to **'all new development'**, whether it is a strategic site or a small scale extension to an existing property. Accordingly, the second sentence of the policy should be re-drafted to read:-

New development must be based on a thorough site and contextual appraisal, which is appropriate to the form, nature and scale of the development being proposed, and it should be sensitive to its context, and where appropriate, incorporate:

Policy DM1: General Development Criteria

As currently worded, this policy is unacceptable in that, on a literal interpretation, any development proposal that has an adverse impact on matters such as visual amenity, the character or appearance of the surrounding area, highway conditions or highway safety, health, environment or amenity etc. would have to be refused planning permission.

There are very few forms of development that do not have some form of adverse impact, whatever benefits they may bring, on some interest of acknowledged planning importance. Good planning is all about weighing the benefits to be derived from a proposal, against the dis-benefits, so that a balanced decision can be made.

The policy needs to be reworded to reflect this and the words **'no significant unacceptable impact'** (or similar words to that effect) need to be added to each of the criteria. As an example, criterion a should be reworded to read:-

"have no significant unacceptable adverse effect on visual amenity or the character or appearance of the surrounding area."

The penultimate paragraph also needs to be reworded in order to reflect the presumption in favour of sustainable development (as set out in the NPPF) and the commitment set out by the Council in Policy CP1 to, **"always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible"**. An alternative form of wording could be:-

"Where the Council considers the need for the development, or the benefits to be derived from a development, outweigh any harm caused, it will seek to negotiate suitable compensatory measures."

The final paragraph of the Policy must be omitted in its entirety. The Town & Country Planning Environmental Impact Assessment Regulations set out when an Environmental Statement will be required. The Council cannot circumvent European and national policy and guidance and set its own criteria when for when an Environmental Statement will be needed. This part of the policy is unsound, legally flawed, and will lead to many judicial reviews and appeals.

Policy DM11: New Developments in the Green Belt

The Company generally supports this policy but considers that it needs to be amended where it is inconsistent with NPPF guidance.

Section 9 of the NPPF sets out, in detail, what is appropriate development in the Green Belt. Local Plan policies cannot, and should not, seek to change that definition.

In particular, the third paragraph of the policy is inconsistent with paragraph 89 of the NPPF, which provides that the following categories of development may be appropriate development in the Green Belt: -

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; and
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have not a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Furthermore, paragraph 90 of the NPPF also provides that the following additional categories of development may be appropriate in the Green Belt, provided that they preserve its openness:-

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate the requirement for a Green Belt location;
- the reuse of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a community right to build order.

The Council needs to review Policy DM11 in order to make sure it is entirely consistent with the NPPF definitions of appropriate and inappropriate development. As the policy currently stands, there is a conflict and it is unsound.

Furthermore, the test used to judge impact on 'openness' should be that set out in the NPPF (i.e. 'preserve openness') and the policy should be amended where a different form of wording is used.

Policy DM12: Established Areas of Development

The Company generally supports this policy, which it finds to be consistent with some of the categories of development identified in paragraph 89 of the NPPF as potentially being appropriate in the Green Belt. However it is considered that the restriction of the policy to specific frontages, noted at the end of the policy, is inconsistent with the NPPF and the final sentence of this policy should be deleted, with emphasis instead placed upon "**established areas of frontage ribbon development**".

Policy DM23: Housing Land Allocations – Major Sites

The Company takes no issue with the sites identified for residential development in this policy but considers that the Council should look again to see if there are any further sites, falling within the following categories, which have potential capacity for housing development: -

- existing developed sites in the Green Belt; and
- existing undeveloped Green Belt sites which serve no Green Belt function.

The land adjacent to 375 Roman Road, Mountnessing falls into the former category. It is a site in the Green Belt which, has a previous planning history of development, is in a sustainable location in that it is reasonably well served by public transport, running along the Roman Road, and is in close proximity to existing services and facilities in Mountnessing and Ingrave.