



BRENTWOOD
BOROUGH COUNCIL

Local Plan 2015-2030
Preferred Options
July 2013
COMMENT FORM

(For official use only)

Comment
No.

Ack. date

You can comment on the Local Plan 2015-2030 Preferred Options online at www.brentwood.gov.uk/localplan. Alternatively, please use this form to share your views on the contents of the Local Plan.

PERSONAL DETAILS

YOUR COMMENTS

Please indicate which section(s) of the Local Plan you are commenting on (please clearly state the Policy reference or paragraph number):

All Sections and Policies S1, S2, CP2, CP8, CP10, CP14, CP16, CP17, DM1, DM11, DM16, DM23, DM24, DM29

Please specify if you Support or Object (tick as appropriate):

Support	<input checked="" type="checkbox"/>	Joy Fook supports the general objectives underlying some policies (but requests some revisions to the wording) and it objects to others (see detailed representations below).
Object	<input checked="" type="checkbox"/>	

Comments (please use additional sheet if required):

The following representations have been prepared on behalf the owners of the Joy Fook Chinese Restaurant, which sits adjacent to Bentley Golf Club, on the Ongar Road, in Kelvedon Hatch. The site is shown on the attached plan.

Policy S1: Spatial Strategy

The Company notes the Council's preferred spatial strategy, which seeks to focus the majority of new development, a) within the existing urban areas of Brentwood and Shenfield, b) at a new strategic allocation at West Horndon and c) on suitable previously developed sites in the Green Belt.

Whilst it 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 NPPF (paragraph 7), it is noted 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, it is considered that 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 need is inconsistent with the Plan's Vision, with Strategic Objective SO8 and with the Council's Corporate Plan, which commits it to broadening, **"the range of housing in the Borough to meet the needs of our population now and in the future ..."**. The

Plan does not identify sufficient land to meet the 'population's' need for good quality, affordable, housing.

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 if it 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

It is again noted 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 needs' makes it all the more important that it maximises, in order of preference, the potential of:

- a) existing developed sites within the urban areas;
- b) suitable undeveloped sites within the urban areas;
- c) suitable existing developed sites in the Green Belt; and,
- d) suitable undeveloped sites in the Green Belt (i.e. sites which fulfil no, or only a limited, Green Belt function and which should be identified for residential development following a limited review of Green Belt boundaries).

It is the Company's view that the Council will need to identify sites falling within all of the above four categories, if it is to produce a 'sound' Local Plan. The Joy Fook Restaurant falls within the third category and should be identified for housing development (see representations made in respect of Policy DM23).

Policy CP2: Managing Growth

Subject to the reservations expressed in relation to Policies S1 and S2, 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.

The Company does, however, consider there is a potential conflict between Policy CP8 and Policy DM24. The latter acknowledges that, whilst the Council will seek to ensure that 35% of all new dwellings are affordable, this target may be reduced, and that, in certain circumstances, it may not be possible to provide any affordable housing, where this threatens the viability of a scheme.

This needs to be reflected in Policy CP8 for, as presently worded, it does not acknowledge the fact that, in some limited circumstances, it may not be viable to provide any affordable housing within a residential scheme. Accordingly, the second sentence of the first paragraph should be amended with wording along the following lines:-

Subject to the requirements of Policy DM24, the Council will seek to ensure that all new residential schemes include a proportion of affordable new homes.

Policy CP10: Green Belt

See reservations expressed with respect to Policies S1 and S2. 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 S1), including the identification of existing developed sites (such as the Joy Fook) 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 CP16: 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 CP17: Provision of Infrastructure and Community Facilities

The Company considers that further guidance should be set out in the supporting text, to the policy, describing how the Council will assess the provision of, or contributions required to, necessary off-site infrastructure, which it will seek from new development, in advance of it adopting a CIL Charging Schedule. Currently, the Council has no mechanism for doing this or for assessing the impact of new development.

Policy DM1: General Development Criteria

As currently worded, this policy is unacceptable in that it states that planning permission will be refused where a proposal has **any** 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.

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 phrase '**no significant unacceptable impact**' (or similar words to that effect) needs 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 for when an ES 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 these definitions.

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: -

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- 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 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 DM16: Reuse and Residential Conversions of Rural Buildings

This policy must be reviewed in order to ensure that it is consistent with NPPF guidance (paragraph 90). The only tests set out in the NPPF, in relation to the reuse of existing buildings in the Green Belt, are that: -

- the proposal should preserve openness; and that,
- the building should be of permanent and substantial construction.

All other criteria should be omitted from the policy for the matters covered are either out with NPPF guidance or are covered by other policies in the plan (i.e. Policy DM1).

In particular, the requirement to first demonstrate, where a residential conversion is proposed, that every reasonable effort has first been made to secure a suitable business or commercial reuse, is entirely inconsistent with both NPPF policy and also the significant shortfall in land needed to meet 'objectively assessed housing needs'. A residential conversion, of an existing rural building, can make a small, but valuable, contribution to meeting 'objectively assessed housing needs' and, accordingly, the policy should set out a preference for residential conversion before commercial (because of the size of the residential land shortfall).

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 needs to identify additional land, consistent with the approach set out in the comments relating to Policy S2.

The Joy Fook falls into the third category. It is an existing developed site in the Green Belt which, although not attached to any existing settlement, is in a sustainable location in that it is reasonably well served by public transport, running along the Ongar Road, and is in close proximity to existing services and facilities in Kelvedon Hatch, Doddinghurst, Pilgrims Hatch and Brentwood.

It is also a more sustainable option, and performs better against SHLAA criteria, than the Green Belt sites which the Council has identified in Policy DM23 (i.e. sites 20 and 21).

Policy DM24: Affordable Housing

Whilst the Company recognises the need to provide affordable housing within the Borough, it welcomes the Council's understanding that such provision can potentially impact upon the viability of a scheme. Accordingly, it supports the final paragraph of the policy.

It also considers that the policy should not seek any affordable housing provision on sites of less than 15 units. On smaller sites (14 units and below) it is often physically, or logistically, difficult, or financial disadvantageous, to include affordable housing on site. These problems become more acute, the smaller the site gets.

With small sites, that provide a small element of affordable housing (for example 2 affordable units on a development of 8 units), the need to secure agreement with a Registered Social Landlord (RSL), will very significantly reduce the value of the land. Indeed, such sites are not attractive to the vast majority of RSLs (they are too small to efficiently manage) and the policy could, therefore, sterilise many small sites.

The final sentence of the first paragraph of the policy, and the subsequent thresholds for contributions, (a) to (e), should be deleted.

In the alternative, and only if the Council's evidence base shows that the necessary level of affordable housing will not be delivered from sites over 15 units in size, then, and only then, should a financial contribution (towards off-site affordable housing provision) be sought. In any event, sites of less than 5 dwellings should not fall within the policy.

In this alternative, criteria (a), (b), (c) & (d) should include the following wording at the end of each paragraph, "...or a financial contribution for each new dwelling towards the provision of affordable housing

elsewhere in the Borough”, together with the deletion of (e), so for example criteria (a) would read as:

“a. At least four affordable homes on sites which have 12 to 14 dwellings or a financial contribution for each new dwelling should be made towards the provision of affordable housing elsewhere in the Borough”

Any alterations should not override the provisions of the final paragraph of Policy DM24, which enable negotiation on the level of provision (financial or on-site provision) where viability is compromised. This provision is critical to ensuring the deliverability of all sites and, in particular, small sites (the economic viability of which is often more sensitive to additional costs - whether from planning contributions, economic conditions or physical site constraints).

The Council also needs to set out a clear basis for determining the level of financial contribution to be sought in lieu of on-site affordable housing provision. Currently no guidelines exist and nor does the general text of the draft Local Plan give any indication of how such contributions are to be calculated. Lack of clarity will lead to significant delays so affecting the deliverability of housing sites.

Finally, the Council also needs to give consideration as to how the affordable housing requirements for sites of 14 dwellings, or under, relate to other policies set out in the Plan.

For instance, Policy DM3, whilst setting out target densities for new residential development, also requires that the density of a scheme should be sympathetic to the character of the local area. Other policies (such as Policy CP1) require that the siting, design and layout of a scheme should respond to, and be in keeping with, its locality and context.

Accordingly, and if criteria (a), (b) , (c) & (d) are retained, the policy should be flexible enough to take account of the situation where a small housing development comes forward in a low density area. There will be cases where it is determined that a low density development, comprising large family housing, is appropriate to the character of the area. Large family housing does not make good affordable housing and the policy needs to be sufficiently flexible to recognise this.

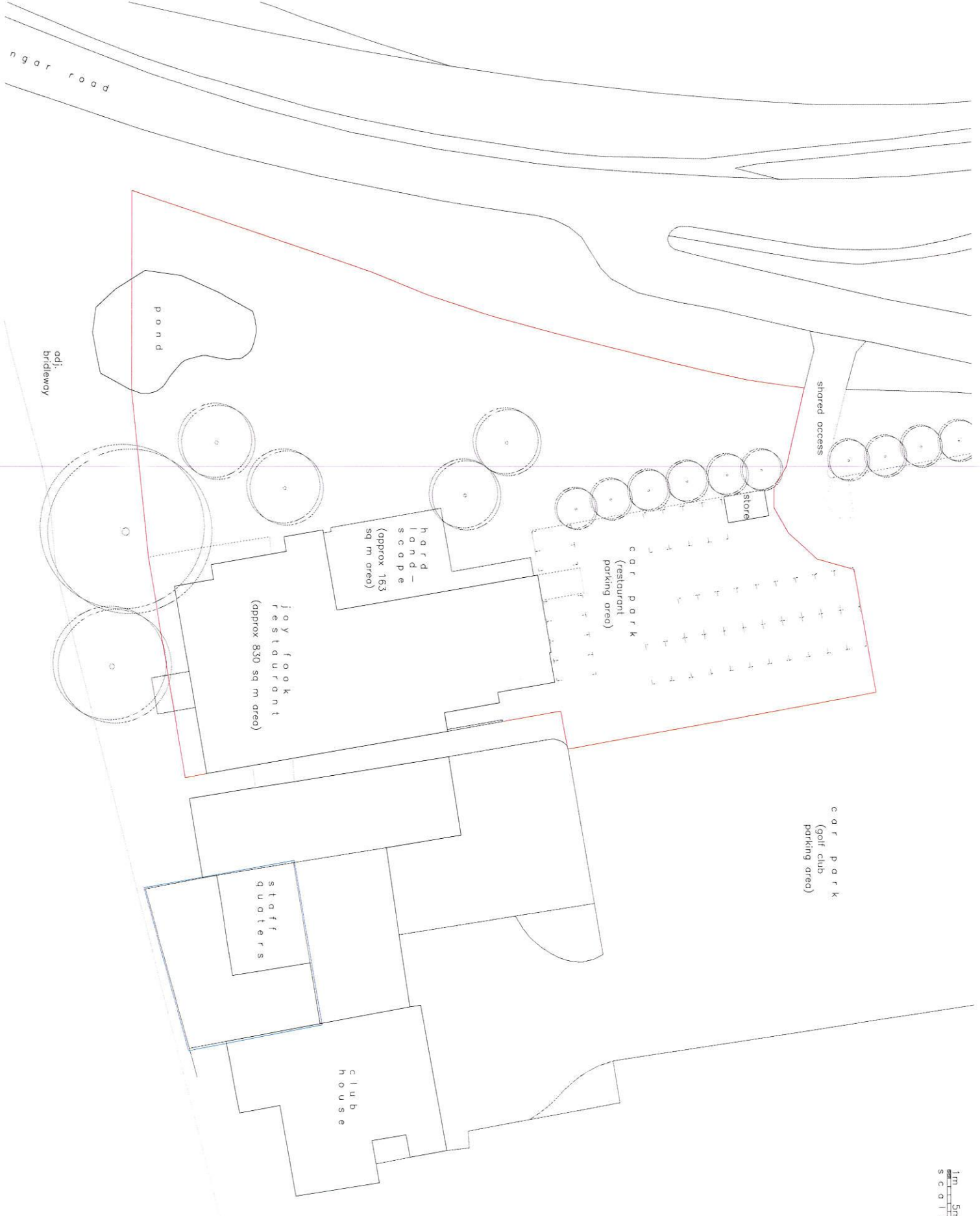
Policy DM29: Accessible, Adaptable Development

As with affordable housing policy DM24, the need to provide 5% Lifetime Homes dwellings, in all new developments of 20 dwellings or more, should be subject to a viability assessment.

Please return to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY, or alternatively attach completed form and email planning.policy@brentwood.gov.uk

Please note that all responses will be published online. More information can be found at www.brentwood.gov.uk/localplan

All responses should be received by Wednesday 2nd October 2013



STEVEN MAN

Project: [Redacted]
 Project Name: Edging Block 7/10

Scale:	1:200 (BA1)	Checked:	Project:
Date:	20/12/2013	Drawn:	Project:
Revised by:		Project:	