



**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: Policies S1, S2, S3, CP2, CP8, CP10, CP14, CP16, CP17, DM1, DM23, DM24, DM27, DM29, DM37.

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

Support * The Company supports the general objectives underlying some policies (but requests some revisions to the wording) and it
Object * objects to others (see detailed representations below).

Comments (please use additional sheet if required):

Preliminary Matters

The following representations have been prepared on behalf Sans Souci Enterprises Limited, which owns the freehold interest in the Wates Way Industrial Estate on the Ongar Road. The Estate is identified as a major residential allocation (128 dwellings) under Policy DM23 of the Draft Local Plan.

Sans Souci, and its advisors, have been in discussions with the Council's planning team, about the future of the site, for the last couple of years. During that time, a number of potential redevelopment options have been considered, including residential, convenience retail, bulky goods retailing and mixed-use.

On Monday 30th September 2013, the Company held a consultation event to gauge the view of local people. Four options were put forward – see summary below. Some 45 people, including the three ward councillors, attended and 39 representations were received on the night, or were subsequently submitted.

The Company is still working through the results, but the initial indications are that the vast majority of people attending the event (who primarily live in the surrounding streets) favour re-development for some purpose - 12 people would prefer to see the site developed in accordance with the allocation in the Draft Local Plan, with 20 preferring to see a supermarket on the site (it is noted that 18 of these respondents (i.e. all but 2)

reside at The Meads).

Option	Votes
1 – Redevelopment for 127 residential units as set out in Policy DM23 of the Draft Brentwood Local Plan	12
2 – Redevelopment for food retailing	20 – all but 2 of which came from ‘The Meads’
3 – Improvements/refurbishment of the existing buildings for commercial and bulky goods retailing	2
4 – Do nothing	5

Policy S1: Spatial Strategy

Sans Souci 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 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, it considers 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.

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 need’ 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.

Policy S3: Job Growth and Employment Land

Sans Souci supports the Council's decision to adopt the growth option underlying this policy and the employment allocations arising therefrom.

In particular, the Company is pleased that the Borough Council had recognised the failings, and inadequacies, of the Wates Way Industrial Estate, as both a site, and location, for 'traditional' employment activities. Accordingly, the Company fully supports the Borough Council's decision to reallocate the site for residential development (Policy DM23) and to make provision, within Policy S3, for the nominal loss of existing employment land that will arise from the reallocation/redevelopment of the site.

Policy CP2: Managing Growth

Subject to the reservations expressed in relation to Policies S1 and S2, the Company generally supports the proposed settlement hierarchy (para's 2.12 to 2.16), together with the role ascribed to each settlement therein.

Policy CP7: Brentwood Enterprise Park

The Company supports the identification of the former M25 Works Compound for development as a new business park.

Policy CP8: Housing Type and Mix

Sans Souci 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, S2 and CP1.

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, with 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 as, 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 redrafted 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, that 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 DM23: Housing Land Allocations – Major Sites

The Company fully supports the Council’s decision to identify the Wates Way Industrial Estate as a major

residential site capable of accommodating circa 128 dwellings.

It is noted, however, that Appendix 2, which is referred to in the policy, indicates that the Council may seek a mixed use development of the site. At the residential density implied by identifying the site for 128 units, the Company does not consider this to be feasible. It, therefore, requests that the policy/appendix be amended to reflect this.

The Company also considers that the policy/appendix should be amended to provide further information about phasing – as it is not clear from either as to when individual sites are to be brought forward.

As the Council is aware, the Wates Way Industrial Estate is more than half vacant, with the remaining leases due to expire within the next 12/18 months. Accordingly, the Estate will be available for development during the first year (if not the first few months) of the Plan period and any phasing provisions should recognise this.

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 welcomes, and 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 in 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 DM27: Mixed Use Development

Please see comments made in respect of Policy DM23 and the suitability, and capacity, of the Wates Way Industrial Estate for this form of development.

The Company welcomes the flexibility built into the policy in the second paragraph and would resist the removal, or the watering down, of this part of the policy.

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.

Policy DM37: Contaminated Land and Hazardous Substances

The Company considers that the Borough Council should give consideration as to how the requirements of the second paragraph relate to the guidance set out in Circular 11/95: Use of Conditions in Planning Permissions. Whilst it may be good practice to request that a Phase 1 Desk-Top Study be submitted with the planning application, Phase 2 and Phase 3 matters can often be dealt with by condition.

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