

Planning Policy Team
Brentwood Borough Council
Town Hall
Brentwood
Essex
CM15 8AY

01 October 2013

Our Ref: 13-745
BY POST/EMAIL

Dear Sir / Madam,

BRENTWOOD BOROUGH LOCAL PLAN 2015-2030 – PREFERRED OPTIONS CONSULTATION

We are writing on behalf of Hutton Mount Limited in response to the consultation on the Brentwood Local Plan Preferred Options (the Plan).

Hutton Mount Limited is the owner of the roads on the Hutton Mount Estate. Its responsibilities include the management of all aspects of the estate, ranging from maintenance of the roads and the enforcement of covenants to the enhancement and protection of the unique character of the area through its involvement in approving development on the Estate. It seeks to maintain the special environmental qualities of the area including the sense of space afforded by the generous plot sizes and the serenity afforded by mature vegetation, tree lined roads and grass verges.

These representations relate primarily to density and the need to preserve the special character of the Hutton Mount area.

a. Replacement Local Plan 2005 – Policy H15

The Replacement Local Plan (2005) describes Hutton Mount as an attractive residential area characterised by detached houses, generally occupying spacious plots. The low density-residential development is on tree-lined private roads and the generous distance between buildings is identified in the adopted Plan as a significant factor in contributing to the character of the area.

The Local Plan confirms that retention of the character of the area is considered important, despite the desire to increase the density of development on brownfield land in the borough as a whole. In addition, the Council identified the increased pressure for infill development in this area and the risk of eroding the character and as a result a specific policy was included to prevent this (Policy H15).

It confirms that the purpose of Policy H15 is to guide development in order that it reflects the character and density of the Hutton Mount area. It is significant that the policy was saved by the direction of the Secretary of State in August 2008.

The full wording of Policy H15 is included below for ease of reference:

“WITHIN HUTTON MOUNT ANY NEW DEVELOPMENT SHALL REFLECT THE CHARACTER AND DENSITY OF THE SURROUNDING AREA AND SHALL HAVE:

a) A MINIMUM NET PLOT SIZE OF 0.1 HECTARES PER DWELLING

- b) BUILDING LINE FRONTAGES OF NOT LESS THAN 18.3M
- c) NO PART OF ANY BUILDING SHALL BE CLOSER THAN 1.2M TO THE PLOT BOUNDARY

IN THE CASE OF INFILL DEVELOPMENT INVOLVING THE SUB-DIVISION OF EXISTING DWELLING PLOTS, THE PLOT REMAINING WITH THE EXISTING DWELLING(S) WILL BE REQUIRED TO MEET THE CRITERIA FOR NEW DWELLINGS."

The supporting text to the policy (paragraph 3.57) also confirms that:

"The low (pre-dating planning control) density of the estate stems from the original building scheme which specified a 60ft. (18.3m) minimum plot frontage with a covenant restricting development to one dwelling per quarter acre plot. In subsequently drafting a policy for the area, the Council considered that it was important to retain these standards, which had been adhered to over time and resulted in the attractive character of the area."

It is also significant that Appendix 5 of the Local Plan contains specific residential design guidelines for Hutton Mount.

The policy, its supporting text and the standards contained within Appendix 5 have combined to assist Hutton Mount Limited in discharging its duties in relation to the control of planning and development within Hutton Mount.

b. Replacement Local Plan 2005 – Inspectors’ Report

The Inspectors’ Report into the Replacement Local Plan 2005 provides an objective assessment of the justification for the inclusion of Policy H15 (referred to in the Inspectors’ Report as policy H17) in the Local Plan. It confirms that, in response to objections from the former Government Office for the East of England (GO-East) that no modifications were made to the plan in response to the objections.

The Inspectors’ reasons for coming to this recommendation are clarified below (paragraphs 2.102 and 2.103):

"The Government Office seems to have a short memory. This policy and its supporting paragraphs are identical to Policy H15 and its explanatory text in the current adopted Local Plan. They were amplified to meet an objection from the Department of the Environment. According to the previous Inspector’s report, at paragraph 1.1.49, this objection was conditionally withdrawn when the past history of Hutton Mount was explained more fully in a pre-inquiry change that was incorporated into the adopted Local Plan.

*I accept that paragraph 58 of PPG3, requiring local planning authorities to avoid granting planning permission for densities of less than 30 dwellings per hectare, is important. However, the Government Office appears to have conveniently overlooked paragraph 56. This says that **local planning authorities should adopt policies which create places and spaces with the needs of people in mind, which are attractive, have their own distinctive identity, but respect and enhance local character. I am satisfied that Policy H17 and its supporting text meets all those requirements. It maintains a place with spaces that is attractive with its own identity but permits further development to take place that respects the original character of the locality.** Consequently, I see no reason to alter the Local Plan in response to this objection." **[our emphasis]***

Whilst PPS3 has since been replaced by the National Planning Policy Framework (NPPF), the fundamental principles established by paragraph 56 have been carried through to, and amplified by, the NPPF.

c. Current Planning Policy Guidance

Further to the conclusions of the Inspector in relation to Policy H15 of the Local Plan and prior to the publication of the NPPF, PPS3 was revised to remove the provision of minimum densities for residential developments and to refine the definition of previously developed land to exclude residential gardens. These changes have been carried through into the NPPF. In particular:

- Paragraph 48 specifically states that gardens should not be included in any assessment of 5 year housing land supply, and gardens continue to be excluded from the definition of previously developed land in the glossary. Furthermore,
- Paragraph 53 confirms that local planning authorities should consider including specific policies in their local plans to resist inappropriate development on residential gardens for example where development would cause harm to the local area;
- Paragraph 56 confirms that great importance is attached to the design of the built environment and should be used to contribute positively to making better places for people;
- Paragraph 58 confirms that quality of development policies should be based on stated objectives for the future of the area and an understanding of the defining characteristics of the area including: the overall quality of the area; the sense of space; the creation of attractive and comfortable places to live; the incorporation of green space; and the local character and history of the area;
- Paragraph 60 confirms that it is proper to seek to promote or reinforce local distinctiveness; and
- Paragraph 62 confirms that local planning authorities should put in place arrangements for local design reviews to provide assessment and support to ensure high standards of design.

The NPPF provides clear justification for the Council to carry Policy H15 forward into the emerging Local Plan, or include a policy of similar form, to ensure that Hutton Mount is protected from the inappropriate development.

A failure to protect Hutton Mount from inappropriate development that fails to protect its special character and history would cause significant harm to the character of the local and wider area.

d. Policy DM3

The removal of minimum density requirements from national planning policy is carried through by Paragraph 47 of the NPPF which encourages local planning authorities to set their own density standards in order to ensure that local circumstances are reflected.

Hutton Mount Limited supports the inclusion of density standards for the Hutton Mount area that accord with the historic density standards applied to the estate when it was constructed. The imposition of a minimum density for residential development should be avoided, and instead the character of the existing areas should be allowed to guide the density of development, with some areas higher density than others, as set out in the alternative approaches (option 1).

In addition, Hutton Mount Limited requests the re-insertion of Policy H15, or a similarly worded policy, and its supporting justification within the emerging plan. There is no justification for the exclusion of similar policies and guidance within the emerging Local Plan, nor is its exclusion justified with reference to the history of Hutton Mount or the guidance contained within the NPPF.

It is important also to note that Hutton Mount is not in an area identified as suitable to accommodate growth in the emerging Local Plan or its evidence base, and the changes identified above would not compromise the ability of the Plan to meet the strategic objectives of the Borough, or its Spatial Strategy.

Thank you once again for the opportunity to respond to the Local Plan Preferred Options consultation. We would be very grateful for confirmation that these representations have been received and request that we remain involved in the future stages of the process.

Yours sincerely,



David Churchill
DIRECTOR