

REPRESENTATIONS ON:

The Brentwood Local Plan 2015 - 2030
Preferred Options for Consultation (July 2013)

REPRESENTATIONS MADE ON BEHALF OF
THE TRUSTEES OF THE URSULINE SISTERS, BRENTWOOD

September 2013

The JTS Partnership LLP

Chartered Surveyors • Chartered Town Planners

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URSULINE SISTERS, BRENTWOOD

Client: The Ursuline Sisters, Brentwood

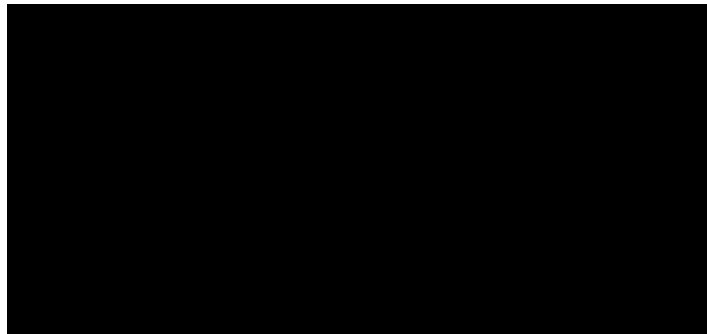
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1.0 INTRODUCTION

- 1.1 The following representations have been made on behalf of **The Trustees of The Ursuline Sisters, Brentwood** ('The Sisters').
- 1.2 The Sisters are a Roman Catholic Charity whose key Charitable objective is the furthering the provision of educational opportunities. They have resided in Brentwood since 1900 and occupied The Grange on Queens Road, as a Convent, since the 1980's.
- 1.3 The Sisters have historically worked in the wider community and in particular within The Brentwood Ursuline Catholic High School. Such associations with the school are now much reduced, largely due to the aging demographic of the order, although connections are maintained at a more administrative level.
- 1.4 They retain a number of land holdings across the Brentwood area, as a legacy of their past involvement in the provision of education, and as a Charity they are required to proactively and prudently manage these assets. In doing so they are able to ensure the Charity's continued presence in Brentwood and provide the ability to look after their congregation.
- 1.5 These representations respond generally on the Policies and Objectives of the Local Plan 2015-2030 Preferred Options Document, but also make specific comment on sites known as:
 1. Land at The Chase, Brentwood
 2. No.5, 7 and Brescia House, Brentwood
- 1.6 These properties are within the ownership of The Sisters.
- 1.7 These representations should be read in conjunction with those also provided, on behalf of The Sisters, under separate cover in respect of **Land at Priests Lane, Brentwood**.

2.0 PLANNING POLICIES

Policy S1: Spatial Strategy

Comment

- 2.1 The Sisters generally support 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.
- 2.2 However, it is noted that in giving priority to protecting the Green Belt, the Council's preferred approach chooses not to plan for 'objectively assessed housing needs', as is required by paragraphs 17, 47 and 182 of the National Planning Policy Framework (NPPF).
- 2.3 In deciding not to meet the objectively assessed housing need it is questionable whether Policy S1 is consistent with **Strategic Objective SO8**, which sets the objective to "*plan for housing to meet the needs of the Borough's population*".
- 2.4 The Council's preferred approach will not supply sufficient land to meet the housing needs of the Boroughs population, as identified in the needs assessment, and, as such, it is questionable whether the Plan can be deemed as 'sound' at the forthcoming Examination.
- 2.5 Paragraph 2.20 of the justification of Policy S1 makes reference to the need for the technical exercise to objectively assess development, to meet the requirements of the NPPF, and such a has been prepared as is referred to in the Evidence section (page 13) as the *Objectively Assessed Needs Assessment (PBA, 2013 forthcoming)*.
- 2.6 However, this key evidence base has not been published or available for view for the purposes of this public consultation and thus no opportunity is provided as part of this consultation to consider the key data and related conclusions that underpin the Council's preferred approach.

Suggestion

- 2.7 It is our opinion that the Council need to undertake a further review of land availability in the Borough to find additional housing sites consistent with the Spatial Strategy.

2.8 In addition, we consider that the Council has been premature in commencing this consultation process without first making publically available all the relevant Evidence relied upon to formulate the policy and strategies set out within the Plan.

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

Comment

2.9 It is again noted that the Council prioritise the protection of the Green Belt over meeting the full objectively assessed need for housing. The policy figure of 3,500 new homes equates to the provision of 200 dwellings per annum in the first 5 years followed by 250 thereafter to 2030. This is well below the 'interim' objectively assessed need of 4,962 to 5,600 dwellings (331 to 373 homes a year).

2.10 In following such an approach it is imperative that the very best use of land consistent with Council's preferred spatial strategy is made. This specifically targets land accessible to public transport, services and facilities having no significant impact on the Green Belt.

2.11 The Sisters consider that in identifying sites within the key location of the Brentwood and Urban Area, brownfield land within the designated Brentwood Town Centre has been overlooked – namely land at Eastfield Road, Brentwood, which was subject to a positive pre-application meeting in December 2012 (reference 12/06147/PREAPP), bringing forward 13 units (further comment on this site is provided in responding on Policy DM23). This omission brings into question the accuracy and reliability of the process undertaken in assessing land availability for housing, and the reasoning behind the allocation selection and projected housing land supply.

2.12 The absence of the **Objectively Assessed Needs Assessment** and the **Brentwood Housing Strategy** at this consultation stage means that stakeholders are unable to fully consider and understand the background data which forms the basis of the draft policies, when responding on them.

2.13 In addition, Policy S2 also refers to the **Policies Map** which identifies major housing sites and, presumably, other policy designations and allocations across the whole Borough. However, this Policies Map is not part of the consultation process leading to those making representations having to having make assumptions about policy designations and boundaries.

Suggestion

- 2.14 In the absence of all the background evidence which has informed the basis of key policies in respect of housing supply and site allocation, and due to the lack of any Policies Map making clear all policy designations and boundaries, it is considered that the Council has acted prematurely in commencing the Local Plan 2015-2030 Preferred Options Consultation. Respondents are not able to provide a fully informed response and therefore the validity of the consultation process is brought into question.

Policy CP1: Sustainable Development

Comment

- 2.15 The Sisters generally support this policy, which reflects guidance set out in the NPPF. However, their experiences at both the pre-application and post submission stage is one of often considerable delays and it is therefore questionable whether such a commitment to “*work proactively with applicants jointly to find solutions ...*” so that “*...proposals can be approved wherever possible...*” is achievable without a significant investment in the department, in particular to provide a greater number of experienced planning officers.

Policy CP2: Managing Growth

Comment

- 2.16 The Sisters generally support this policy for managing growth. However it is considered that the Council should also have regard to the ability of a site to bring forward significant community and other benefits when allocating or granting planning permission. Where such benefits clearly outweigh the harmful impact of the development, planning permission should be granted.

Suggestion

- 2.17 Consequently, the following criteria (h) should be added to Policy CP2:

***“h. The opportunity to secure significant community or other benefits, consistent with the Spatial Strategy and the presumption in favour of sustainable development.*”**

Policy CP8: Housing Type and Mix

Comment

- 2.18 The Sisters have no objection to the principle of this policy but do, however, find it to be inconsistent with Policy DM24: Affordable Housing.
- 2.19 The final paragraph of Policy DM24 provides flexibility in the provision of affordable housing to reflect any local circumstances and/or any particular constraints where its provision would threaten the viability of development.

Suggestion

- 2.20 This needs to be reflected in Policy CP8 as, in its current wording, 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 CP13: Sustainable Transport

Comment

- 2.21 The Sisters are in support of the Council’s policy to ensure future development is located in accessible locations and their commitment to promote improved sustainable transport links, in particular cycling and walking.

Policy C16: Enjoyable and Quality Public Realm

Suggestion

- 2.22 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 & Community Facilities

Comment

- 2.23 The Sisters consider that greater detail must be provided to set out how the Council intend to “*assess all development proposals*” when seeking “*the provision of, or contribution to, the necessary on or off-site infrastructure*” in the period up to the adoption of a new CIL Charging Schedule.
- 2.24 Currently, no Planning Obligations Supplementary Planning Document (SPD), or similar, is in existence to either assess the impact of new development or provide a mechanism for determining the level of contribution. The absence of clarification may well lead to uncertainty for any developer and protracted negotiations between the Council and applicant, to the detriment of delivering housing development.

Policy DM1: General Development Criteria

Comment

- 2.25 The Sisters object to the wording of **DM1(a)** which will likely have the effect of precluding almost all forms of new development. Very few forms of development will have “*no adverse effect on visual amenity, the character or appearance of the surrounding locality*” and it is incumbent on the Council, in seeking to achieve good planning, that all impacts of new development, whether positive or negative, are weighed against each other to reach a balanced decision.

Suggestion

- 2.26 Accordingly, 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.”

2.27 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.”

Policy DM3: Residential Density

Comment

2.28 The Sisters generally support the provisions of Policy DM3, however consider that greater flexibility should be built in to reflect where site constraints prevent the expected densities from being achieved. Such constraints being, *inter alia*, topography, the presence of trees or ground conditions.

Suggestion

2.29 Accordingly the 2nd paragraph of the policy needs to be reworded in the following way:

“Residential densities will be expected to be 30 dwellings per hectare net or higher unless the special character of the surrounding area suggests that such densities would be inappropriate or where other constraints make such densities unachievable”

Policy DM23: Housing land Allocations – Major Sites

Comment

2.30 The Sisters, under separate representation in relation to their land ownership and unused land at Priests Lane, have raised objection to the failure of the Council to allocate such land as a preferred housing site. Also spelling out that the site is highly sustainable and would perform better in terms of accessibility and proximity to facilities than many of the smaller sites identified.

2.31 This representation also highlights the Council’s further failure to consider an existing town centre site at Eastfield Road, Brentwood which has capacity for up to 13 units, achieving a density of approximately 68 dwellings per hectare.

- 2.32 Details of the extent and location of the site are contained at **Appendix A**. While no submissions were made on this site to the Call for Sites consultation (SHLAA), the site has subsequently been raised in a formal pre-application consultation with the Council (Reference: 12/06147/PREAPP). Meeting notes produced by the Council are contained at **Appendix B**.
- 2.33 The site comprises three parcels of land. No.7 is a vacant residential plot where the former bungalow property was condemned and demolished 8 – 9 years ago. No.5 is an existing detached dwelling, now vacant, and formerly occupied by the Ursuline High School caretaker. Brescia House is a redundant and significantly dilapidated former office building which was originally constructed to provide additional bedroom accommodations for The Sisters.
- 2.34 As an overall parcel of land, the site has very high sustainability credentials given its brownfield nature and town centre location within walking distance of the public transport network (including Brentwood Station and future Cross Rail Improvements), shops, services, public open space, leisure facilities and employment opportunities. It provides an excellent opportunity to make a much more intensified use of the site for residential purposes.
- 2.35 In addition, the land is in the single ownership of The Sisters, is surplus to their requirements and deliverable in the short term. It is previously developed land, is in part vacant and derelict and its release will provide much needed housing in the right location.
- 2.36 It is concerning to The Sisters that such a site, which has been brought to the attention of the Council during a formal pre-application procedure, has been omitted, through oversight, from the Council's Allocations of Major Housing sites.
- 2.37 The site is currently the subject of an outline planning application (reference 13/00970/OUT) but in the absence of any planning consent there remains no certainty about its use as a residential site for up to 13 units. It should therefore be included amongst the allocated sites and counted towards meeting the housing supply targets for the plan period from 2015 to 2020.

Suggestion

- 2.38 It is suggested that Policy DM23 is amended, in the following way, to include the subject site as site number 23 on the list of Allocated Housing Sites:

“23. Land at numbers 5, 7 & Brescia House, Eastfield Road, Brentwood - (13 dwellings)”

2.39 The extent of the Site is shown on the site location plan provided at **Appendix A** at a scale of 1:1250.

Policy DM24: Affordable Housing

Comment

2.40 The Sisters recognise the need to provide affordable housing within the Borough and welcome the Council’s acknowledgement that the provision of affordable housing can impact upon the economic viability of a development. The Local Authority have chosen to adopt a low threshold for on-site provision, as low as a five units. It is considered that the minimum threshold should be maintained at 15.

2.41 On smaller sites (14 units and below) it is often physically or logistically difficult or financial disadvantageous to include affordable housing on site. This becomes more acutely the case the smaller the site.

2.42 With small development sites that provide a small element of affordable housing, for example 2 affordable units on a development of 8 units, the attractiveness of the site to a purchaser/developer in the open market is often reduced given the need to secure and reach agreement with a Registered Social Landlord (RSL). This can have an effect on the deliverability of the site especially when dealing with small sites and small housing developers.

Suggestion

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

2.44 If this is not accepted, in the alternative, if the Council’s evidence base shows that affordable housing will not be delivered from the selected sites then, and only then, to consider contributions from smaller sites. In any event, for sites less than 5 dwellings there should be no contribution.

2.45 A greater flexibility should be written into the policy to enable, as an alternative, the provision of a financial contribution in lieu of on-site provision.

2.46 Therefore each of criteria DM24 (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 towards the provision of affordable housing elsewhere in the Borough”

2.47 Such additions 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 small sites in particular, the economic viability of which are often more sensitive to additional cost, whether from planning contributions, economic conditions or physical site constraints.

2.48 In any event, the Council need 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 affecting the deliverability of sites for new housing.

Policy DM31: Protection & Enhancement of Open Space, Community, Sport & Recreational Facilities

Comment

2.49 An objection is raised to this policy on the basis that it is not possible to assess its full impact until the Proposals Map, which identifies Open Space, and Local Green Space has been published. This is particular the case as the terminology used between the Adopted and Emerging Local plans has seemingly changed.

2.50 The Sisters can also see no justification as to why the Council would have a starting position of protecting (i.e. set a presumption against the development of) “**other previously undeveloped land**” within urban areas. Given the shortage of housing land, which is in-built into the draft Plan (see representations with respect to Policy S1), the Council needs to make the best use possible of all land within the urban area whether previously developed or previously undeveloped

2.51 The Sisters landholdings include a number of sites contained within the Adopted Protected Urban Open Space designation, and this Statement should be read in conjunction with that provided separately, on behalf of The Ursuline Sisters, for **Land at Priests Lane, Brentwood**.

2.52 It is the Sisters opinion that not all land currently designated a PUOS within the Adopted Plan is justified as being such and, thus, any replication of such designation in the forthcoming Policies Map is similarly unjustified. The Open Space Audit (2007) considered all open space within Brentwood and categorised it into the following groups:

- Parks & Gardens
- Natural & Semi-natural
- Amenity Green Space
- Children & Young People
- Sports Facilities
- Allotments and Community Gardens
- Cemeteries & Church Yards
- Green Corridors and Civic spaces

2.53 Each is provided with a specific definition within the Audit report, identifying its value based on the contribution it makes to communities, the environment, recreation/leisure and the character and appearance of areas.

Suggestion

2.54 It is The Sisters opinion that the Council must look again at their designation of such land in producing their Policies Map, to critically assess whether all land currently designated as PUOS meets the purposes for its inclusion, as defined by any of the 8 categories of open space set out within the 2007 Open Space Audit. Any land not meeting the objectives of preserving it as open land should be removed from the designation. The Local Authority have a duty of care and requirement under the NPPF to look critically at the Boroughs long term needs and function of current designated urban open space.

2.55 The Sisters specifically refer to a parcel of land known as **Land at The Chase, Brentwood**. This is given greater consideration from paragraph 2.60 below.

2.56 In the absence of any such review, and in any event, greater flexibility must be provided in the policy to allow, in individual cases, for a detailed assessment of the contribution that land makes in open space terms, to be balanced against potential benefits of its redevelopment, in meeting other planning objectives.

2.57 Accordingly the policy should be reworded to see the inclusion of a 4th exception criteria, as set out below:

“iv) that the contribution the open space makes in terms of its function, use and to the character and amenity of the area, and any harm from its loss, is clearly outweighed by benefits arising from its redevelopment that meet other objectives of the Plan.”

2.58 In addition, it is considered that the further text of the policy (paragraph 3) which refers to the presumption against any development that involves any loss of open space should also include the following words at the end of the paragraph, as a further exception:

“...or that contribution made by the open space is clearly outweighed by benefits arising from its redevelopment that meet other planning objectives of the plan.”

2.59 This will enable, in individual cases, a debate to take place on the contribution made by the open space, giving it appropriate weight to be balanced against the benefits that its development would bring forward.

Land at The Chase, Brentwood

2.60 As referred to above, The Sisters own a small parcel of land of approximately 0.19 hectares at the end of the private road known as The Chase. The land is identified on the Location Plan contained at **Appendix C**

2.61 The land is currently designated as Protected Urban Open Space in the Adopted Plan and although the emerging plan and Policy DM31 does not make it clear whether this land will continue to be designated as such, it is assumed for the purposes of this representation that it will.

2.62 Representations were made at the time of the last Local Plan review (2004) for the release of the land from the PUOS designation. The case was made at that time, and remains valid now, that this small parcel of land, in private ownership at the end of a private road serving a small development of housing, and well screened from view made no contribution as open land.

- 2.63 This small piece of land is viewed in the context of the adjoining, substantial Ursuline High School playing fields, which it formerly formed part of providing a grounds maintenance area. It is no longer part of the School's demise and serves no purpose or active function.
- 2.64 The Inspector in responding at the 2004 Inquiry concluded that in the absence of an Open Space Audit it would be premature to recommend that such space is deleted from the Protected Urban Open Space designation.
- 2.65 Since that conclusion the Open Space Audit has been completed and published. The Audit gave no consideration to this small piece of land. It was not identified on any of the plans as making any contribution under any of the defined open space categories.
- 2.66 The land is extremely well located, within walking distance of the Town Centre to the north, and the train station to the west and public open space and other services to the east and is thus highly sustainable. The Plan provided at **Appendix D** sets out the site in the context of the wider location, identifying its proximity to key areas.
- 2.67 It is the Sisters strong opinion that in defining the extent of the protected Open Space boundary on the forthcoming Policies Map, as referred to in Policy DM31, land which makes no significant contribution to the purposes of protecting it as Open Spaces, should be deleted. This specifically is the case with the subject site at The Chase which also brings forward the opportunity for major public benefit through the creation of a link from Rose Bank to The Chase.
- 2.68 However, there is no Policies Map included in this consultation and designation boundaries have not been clearly defined.
- 2.69 In the absence of the Policies Map, the Sisters reiterate their opinion that greater flexibility is necessary in the wording of Policy DM31, to provide a further exception that allows for development where the benefit derived from development clearly outweighs any harm caused by the loss of open space – see paragraphs 2.57 and 2.58 above.
- 2.70 Such an exception would naturally trigger an assessment, on an individual site basis, where a pre-application or planning application comes forward to the Council, enabling weight to be given to the contribution made to open space and balanced against any benefits that meet other planning objectives.