

BIDWELLS

Written Representations to Brentwood Borough Council's Preferred Options Draft Local Plan 2015 – 2030

October 2013



Quality Assurance

Subject: Representations to Brentwood Borough Council's preferred options draft Local Plan 2015-2030 Public Consultation

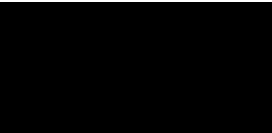
Client name: Crest Nicholson Eastern

Type of report: Written Representations

Prepared by: Emma Deighan BA (Hons) MSc MRTPI

Signed

Date

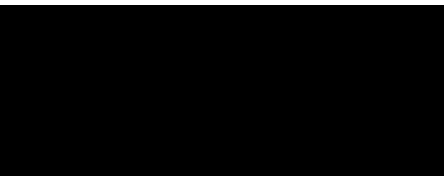


01 October 2013

Reviewed by: Ray Houghton BSc (Hons) DipTP MRTPI

Signed

Date



01 October 2013



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Appendices

Appendix 1: Extract from the Annex attached to the Inspector's letter to Lichfield District Council on 28th August 2013

Appendix 2: Extract from the Inspector's Report on the examination into the Dacorum Borough Council Core Strategy

1 **Introduction**

- 1.1 These representations have been drafted on behalf of my client, Crest Nicholson Eastern, in response to Brentwood Borough Council's (BBC) public consultation of the Preferred Options draft of its Local Plan 2015-2030 (July 2013) and the Sustainability Appraisal (August 2013). They should be read in conjunction with the accompanying Design Development Framework, which provides a visual aid to the comments made within this report and demonstrates how my client's land could be sensitively developed to provide a high quality scheme.
- 1.2 My client **objects** entirely to the Council's proposed strategy in relation to the amount and distribution of growth in the Borough on the basis that it conflicts with the National Planning Policy Framework (the Framework) when taken as a whole and specifically with paragraphs 47 and 182. It should be noted that it also conflicts with the Council's proposed spatial strategy set out in Policy S1 of the draft Local Plan.

2 Objectively Assessed Housing Need

2.1 In preparing Local Plans the Framework advises at paragraph 47 that:

"...local planning authorities should: use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period..."

Brentwood Borough's Objectively Assessed Housing Need

2.2 It should be noted that it is difficult to fully understand the objectively assessed housing need (OAN) for Brentwood Borough because at the time of writing the Council had not published its Objectively Assessed Needs for Brentwood (prepared by Peter Brett Associates) despite the working draft being prepared in March 2013, some five months previous. Although we are able to review the CLG/ONS data and also the Heart of Essex study published by Edge Analytics, it is nonetheless frustrating that we cannot view the study commissioned by Brentwood Borough Council which specifically relates to the up-to-date local application of the relevant data. Paragraph 2.30 of the Local Plan document does identify the OAN figure recommended by the report, however it must nonetheless be considered that this lack of openness seriously undermines the transparency of the plan preparation process and therefore also the robustness of the consultation.

2.3 For example without sighting the report we are unable to determine how Peter Brett Associates justified reducing the OAN from the CLG/ONS data. The only information available to us are the Council's comments at paragraph 2.31 in which it is suggested that updated 2011 population and household projections predict a lower rate of growth than the 2010 projections upon which the ONS/CLG projections are based. If this is the justification we would recommend that the Council review the comments made by the Inspector at the Lichfield District Local Plan examination (see Appendix 1) who confirmed that 2011 projections were impacted by short-term factors such as the economic recession, constraints on housing supply and constraints on mortgage lending and should not therefore justify a reduction in long-term housing targets. He advised that household growth rates are likely to resume their long term rise over the course of the plan period. Whilst the difference between the impacts of these short term factors are likely to be less stark from 2010 to 2011, as between 2008 and 2011 which were the subject of discussion at Lichfield, it is nonetheless worth considering the Inspector's comments that reduction in growth rates during a recession should not be considered indicative of longer term trends when applying to plan periods. This raises concern over the reliability of the Council's OAN, but without the Council's full scope of evidence base documents we are not able to comment on this matter in detail at this stage.

2.4 Notwithstanding my client's reservations over the process and evidence base, it is nonetheless clear that the OAN housing figure for the Borough is substantially higher than the target proposed by the Local Plan at policy S2. Given that we are unable to review the methodology adopted by Peter Brett Associates or the detail of their conclusions, it seems fair to formulate an average between the ONS/CLG figure of 6,000 new dwellings for the plan period and the lower end of the range apparently reported by the Peter Brett Associates study of 4,965 new dwellings (para 2.30) to calculate a reasonable assumption of the Borough's objectively assessed housing need. On this basis Brentwood Borough's need is for approximately 5,483 new homes during the Plan period, which equates to 366 dwellings per annum. When this is compared to the level of housing growth proposed by policy S2 for 3,500 dwellings for the plan period it is evident that not only will the Local Plan not meet the full, objectively assessed needs for market and affordable housing in the Borough, but that it will under-deliver by 36%; a considerable deficit. The importance of meeting housing need has been continually reaffirmed by PINS Inspectors, for example in the cases of Blably, Denbighshire, Kirklees, Lichfield, Rushcliffe, Coventry, Melton and Waverly. In all cases the Inspectorate reinforced that the Framework's key message was to **significantly boost housing supply** (paragraph 47). In this context Brentwood Borough Council's housing target is wholly inadequate and cannot be considered sound.

Constraints to meeting Objectively Assessed Housing Need

2.5 My client appreciates that paragraph 47 of the Framework also allows that housing provision must be "*...consistent with the policies set out in this Framework...*" and it is clear throughout the draft Local Plan that whilst the Council considers there are a number of matters which would prevent the Borough from accommodating a higher level of housing growth (including traffic congestion and infrastructure capacity), the Council's primary concerns are landscape sensitivity, anticipated harm to the Green Belt and the urbanising effect of widespread Green Belt loss.

2.6 We accept that the Framework attaches great importance to Green Belt and its permanence however it also allows boundaries to be altered in exceptional circumstances through the preparation or revision of the Local Plan (paragraph 83). Due to the considerable deficit between the targeted growth and OAN one would expect that exceptional circumstances exist and therefore a robust assessment of Green Belt boundaries is justified in this instance. A comprehensive review of the entire extent of the Borough's Green Belt must surely be the only means by which any Green Belt release can be justified, to ensure the most appropriate growth strategy is proposed and the least sensitive sites developed. It is also our view that a robust review is the only sound method by which the Council can justify not meeting the objectively assessed housing need.

- 2.7 This position is reaffirmed by Planning Inspector David Hogger at paragraphs 19, 20 and 21 of his report on the examination into Dacorum Borough Council's (DBC) Core Strategy (July 2013) (Appendix 2), in which he states

"...at the time a local plan is being prepared or reviewed consideration should be given to the [Green Belt] boundaries, so that they are capable of enduring beyond the plan period. Among the considerations to be addressed are the level of consistency between the green belt and meeting requirements for sustainable development; whether or not the five purposes of the green belt are being fulfilled; the need to identify safeguarded land; and the need to be confident that the boundaries will not have to be altered at the end of the plan period... Without such comprehensive evidence a robust conclusion on the potential for the identification of additional housing sites, either for the medium/long term... or for beyond the plan period, can not be satisfactorily drawn."

- 2.8 Paragraph 3.36 of the draft Local Plan suggests the Council agree in part, insofar as it states that *"The new Local Plan provides an opportunity to refresh Green Belt boundaries for minor alterations to be made where necessary."* This same diluted approach was taken by DBC and yet the Inspector concluded that this approach is not sufficiently robust and therefore unsound. We understand that BBC has commissioned a *Landscape Sensitivity Testing and Green Belt Assessment* but like many of the Council's evidence base documents this is also not available for public review and is still being finalised. Until this information is available it is not possible to fully appraise the methodology of the review and assess how robust its scope is, nor therefore is it possible to comment on the soundness of the Council's proposed approach to growth. On this basis we maintain a holding objection until this information is available for public scrutiny. Moreover, it should be noted that by virtue of the fact that it remains unfinished we again question the reliability of the Council's plan preparation process whereby the evidence on which strategy and policy is based is not finalised before the preferred policies themselves have been published. This certainly cannot be judged to be sound.

- 2.9 It is interesting to consider the conclusions of the Inspector who examined Dacorum Borough Council's Core Strategy; we acknowledge that whilst the Inspector advised that DBC's approach to its growth strategy was not sound he did in fact recommend its adoption subject to the modifications proposed by the Council; including a Local Plan review within 5 years to address the deficit between OAN and the Council's proposed housing target. We must emphasise that this approach would be wholly inappropriate in Brentwood Borough in accordance with paragraphs 28 and 29 of the Inspector's report. The Inspector concludes that on balance the shortcomings are not

significant enough to justify finding the document 'as a whole' unsound as the issues can be addressed through a review and it is in the local interest to have an up-to-date plan (in accordance with paragraph 12 of the Framework). This approach was the subject of significant criticism amongst consultation respondents who argued that relying on an early review was an inappropriate means of securing a 'sound' document. The Inspector defended his approach on the basis that he had attached weight to two matters unique to DBC; in the first instance the housing shortfall between the OAN and that proposed by the Core Strategy was about 15% which he considered was not a significant shortfall and more importantly there would be a general over-supply of housing in the short to medium term (particularly in the first 3 years of the plan) against the Council's OAN which would allow time for the Council to conduct the additional work necessary to address or robustly justify the deficit and undertake a formal review of the plan.

- 2.10 This would not be the case in Brentwood where the expected deficit is likely to be in the region of 36% - certainly not an insignificant shortfall and the housing trajectory provided at figure 2.2 of the draft Local Plan suggests a considerable under-delivery in the first 3 years of the Local Plan and a persistent under-delivery for at least the first 10 years. In fact the under-delivery would constitute a substantial 5-year housing land supply shortfall even against the Council's proposed low target. This means the draft Local Plan also conflicts with the requirements of paragraph 47 of the Framework which stipulates that local authorities must "*...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.*" Assessed against the Council's OAN this situation would be considered critical.

3 Quality of the Evidence

Planning Inspectorate Advice

- 3.1 The experience of Dacorum Borough Council is compounded by the cases of Halton, Hertsmere, Rushcliffe, and Waverley Councils where PINS Inspectors have highlighted that Green Belt constraint is not in its own right sufficient justification for the failure to meet OAN. In each case the Inspectorate emphasised that it is crucial for robust evidence to be presented which demonstrates that harm caused to the Green Belt by meeting OAN was sufficient to outweigh the significant benefits of meeting housing need. Moreover the Planning Inspectorate has consistently outlined that the OAN should be the **starting point** for local plan making; meaning that all reasonable options to fulfil that need should be explored thoroughly with positive solutions to potential constraints identified where possible before a reduction in a housing target is even considered. This is further supported by paragraph 182 of the Framework which states *that "the Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence..."*

Sustainability Appraisal

- 3.2 A review of the Council's recently published Sustainability Appraisal (SA) gives no confidence that this approach has been implemented by BBC in preparing its draft Local Plan; which instead seems to be a more pre-emptive approach where evidence appears to be retrofitted to the political aims of the Council.
- 3.3 In the first instance we question the omission of a large number of sites which were assessed as suitable, available and deliverable by the Council's Strategic Housing Land Availability Assessment and did not present insurmountable constraints in the published 'Supporting Document: Draft Site Assessment'. In the case of my client's land at Nags Head Lane, Brentwood the Council's reasons for discounting it (and many other sites) are unknown and the draft site assessment merely states *"Discount site, does not meet Draft Plan Spatial Strategy"* despite the rest of the site assessment suggesting it is actually a suitable allocation. This matter is discussed in more detail in Chapter 5 of this report, where we have demonstrated that the site does in fact pass the Council's sustainability test set out at policy S1 and does therefore accord with the Council's spatial strategy.
- 3.4 We are therefore left to assume that the site has been discounted almost entirely on the basis of its designation as Green Belt, despite the advice detailed in the Framework and by PINS set out at 3.1 above. We are confident that a thorough review of the Borough's Green Belt would identify that my clients land no longer performs the functions of Green Belt and therefore constitutes a suitable Green Belt release. To demonstrate this my client has commissioned a detailed Landscape &

Visual Appraisal and Green Belt Review of the site by a suitably qualified Landscape Architect at Barton Willmore LLP. The Report's conclusions are detailed in Chapter 5 of this Report. The Council's Draft Site Assessment (page 23, SHLAA: Suitable?) also supports this, stating that "*Development would have a minimal impact upon the open countryside*".

- 3.5 If this situation is true for many other sites around the Borough it raises serious uncertainty over the soundness of BBC's assertions that the identified OAN cannot be sustainably accommodated, reaffirms our doubt over the process by which BBC has selected its preferred approach and also calls in to question the quality of the Council's evidence base. It does not appear that the Council's OAN was the starting point for housing growth strategy or that all reasonable options were fully explored before it was concluded that the Borough's OAN could not be met.
- 3.6 This is further compounded by the summary attached to Table 16.1 of the SA (summary of appraisal findings: spatial strategy options) where it states that the various spatial options "*...have been appraised on the assumption that the quantum of growth to be accommodated is significant i.e. along the lines of the Council's preferred option (July 2013) of 3,500 new homes over the plan period.*" Surely the aim of the SA is to demonstrate the examination of each option, through which the justifiable preferred approach should emerge. URS agree; at 10.1.3 of the SA they state that the aim of part 2 of the Appraisal is to "*...explain the 'thinking behind' the options that are presented in the consultation document... [and] provide 'outline reasons' for the selection of options with a view to demonstrating 'reasonableness'.*" So we must therefore ask why the spatial growth options were assessed using the Council's preferred housing target? Surely if the Council was to be taking a sound approach as recommended by the Planning Inspectorate (detailed at 3.1 above) it would be most appropriate for the various spatial options to be assessed using the OAN as the expected target or 'starting point' in the first instance.
- 3.7 It is pertinent to also consider the findings of the SA's examination of the various spatial and quantity options for growth and the quality of the evidence on which these recommendations have been made. Tables 16.1 and 17.1 of the SA present these findings and both highlight a number of 'red flag' impacts presented by the various options; the most significant of these impacts are mentioned in the summaries of both tables and in appendices I and II. It is clear there are four recurring potential impacts which are flagged as significant concerns, these are air quality, soil contamination, the "*significant negative effects from a landscape perspective*" of all spatial options (Table 16.1) and the "*...significant negative effects*" on housing need (identified as "*A foremost socio-economic consideration...*" (Table 17.1) caused by the two lower housing targets.
- 3.8 In such circumstances one would expect that in order to make informed, sound decisions about the best growth options for the Borough, a number of detailed borough-wide assessments examining

each of these matters must be undertaken. As previously mentioned we understand that the Council has undertaken a Green Belt and landscape sensitivity assessment to assess this matter, however we question how influential its findings have been in the assessment of the Borough's growth options when it is still not finalised. Moreover we maintain a holding objection to the quality and soundness of this assessment as it is currently unavailable and the thoroughness of its scope has not been explained.

- 3.9 In relation to air quality the SA suggests that this sensitivity is largely owing to the traffic congestion already experienced within the Borough as well as that expected from high levels of growth; it should be noted that the Traffic Modelling report referred to in the Local Plan is also described as 'forthcoming' so it is also difficult to understand how it's conclusions could have informed the Council's assessment of the growth options. The impact on soil contamination owes to the required level of greenfield development, thus we accept that there is little supporting work necessary in this regard.
- 3.10 Finally, and perhaps most critically, the matter that the Council's preferred housing target (option 2 in table 17.1) would result in **significant negative socio-economic effects** seems to have been completely neglected. At the time of writing we are not aware of any study undertaken, commissioned or planned that will quantify and examine these 'significant negative effects' and yet the Council has proposed that this is the preferred option for the Borough. How can this constitute a sound approach?
- 3.11 This suggests that the Council's proposed growth strategy has not been informed by a sufficiently robust evidence base, nor does it appear that the Council used the Borough's objectively assessed need as the starting point when considering its options. It would therefore seem that the Council were not able to consider all the 'reasonable alternatives' (paragraph 182 of the Framework) fully and so we propose that it cannot be considered sound.

4 The West Horndon Option

4.1 Questions must therefore also be raised over the appropriateness of focussing almost half of the Borough's growth in the village of West Horndon. In the first instance it directly conflicts with the Council's concerns over the urbanising effects of Green Belt release, as there are few options that would result in such a significant level of urbanisation as would be resultant of the proposed growth in a village of this size. Whilst we accept that the proximity of the area to mainline train services to London, Basildon and Southend et al and to the Arterial Road (A127) renders the village a sustainable location for growth we have not seen any evidence which examines the impact of such significant growth on the local landscape or on the existing residents of the village nor how these impacts will be managed.

Consideration against 'Reasonable Alternatives'

4.2 The level of growth proposed would almost quadruple the size of the village¹ and is almost equal to that proposed in Brentwood, a regionally significant settlement. It is 7.5 times greater than the growth proposed for all 10 villages excluded from the Green Belt combined, which includes Ingatestone which has a population² almost 4 times that of West Horndon, boasts greater sustainability credentials and is identified at paragraph 2.14 of the Local Plan as the only second category settlement after the main town of Brentwood (including the Shenfield urban area). There is very little commentary within the Local Plan or the SA about why Ingatestone cannot accommodate a larger portion of growth; merely stating at 2.14 of the Plan that "*While Ingatestone has relatively good facilities, a modest level of development is envisaged here, due to infrastructure constraints and a lack of suitable sites.*"

4.3 This continues to compound the concerns we raised at in Chapter 3 above that the Local Plan appears not to accord with paragraph 182 of the Framework; it seems that full consideration has not been given to Ingatestone as a reasonable option for growth nor does the growth strategy sufficiently consider the likely impacts of the preferred approach. Why for instance are the constraints to development at West Horndon (i.e. Green Belt designation, the loss of agricultural land, potential flood risk concerns and significant infrastructure constraints) considered to be surmountable when similar constraints at Ingatestone are not, despite the town having more existing services and infrastructure? Without the ability to review the majority of the evidence base

¹ West Horndon is listed as having 535 households in 2001 (ONS Housing Stock data 2001) and a population of 1,170 (ONS Population data 2001) [source: <http://www.neighbourhood.statistics.gov.uk/dissemination/>]

² Ingatestone is recorded as having 2,063 households in 2001 (ONS Housing Stock data 2001) and a population of 4,510 (ONS Population data 2001) [source: <http://www.neighbourhood.statistics.gov.uk/dissemination/>]

documents pertinent to this matter we can only continue to raise concern that the draft Local Plan in its current form is wholly unsound.

Affordable Housing

- 4.4 Moreover if the West Horndon strategic allocation delivers a policy compliant 35% of affordable housing, that would equate to 525 affordable homes being delivered in a village which would only comprise a total of 2035 households once the allocation is built out, some 26% of the village. This seems disproportionately high and raises questions over the capacity of the newly provided infrastructure and services to accommodate the likely strain resultant of this. Surely it would be far more sustainable if the affordable provision was more proportionately distributed amongst Brentwood, Shenfield and Ingatestone in accordance with their size and opportunities for local employment, retail, leisure and education.
- 4.5 An equally worrying matter is that the SHLAA appraisal of the West Horndon options raised concern over the viability of development given the level of contributions required to upgrade local infrastructure and services. If this is in fact the case it is likely that the first compromise will be the level of affordable housing provision. Whilst this might reduce the impacts discussed at 4.4 above it raises serious concerns over the Council's ability to meet affordable housing need when it is known at the outset that almost half its housing target is unlikely to provide policy compliant levels of affordable housing delivery. Again we must ask where is the evidence which assesses the socio-economic impact of this strategy?

Timescale for delivery and Five Year Housing Land Supply

- 4.6 We have already explained our concerns that BBC do not appear to have given sufficient consideration to the **significant negative socio-economic effects** suggested in the SA as being resultant of under-delivery of housing. This concern is even greater when the likely timeline for delivery of the strategic allocation at West Horndon is considered. Due to the complex mix of uses proposed for the allocation, the Council's Draft Site Assessment cannot give much clarity about when houses at the site might be delivered. We must therefore assume that given the level of infrastructure improvements that will be necessary to support the substantial growth in the village and the inadequacy of existing services and infrastructure, it is unlikely that any significant number of homes will be delivered until the last 5 years of the Plan at the earliest. This can be seen in the Council's Housing Trajectory at Figure 2.2 of the draft Local Plan where housing delivery is expected to under-deliver on the Council's proposed housing target every year until 2025.
- 4.7 This would surely exacerbate the 'significant negative socio-economic effects' predicted by the SA, as not only would the proposed housing target substantially under-deliver against the Borough's

OAN but it appears likely that even this lower level of housing will not be met for the first decade of the Plan period. Furthermore, it is unclear what impact this significant and persistent under-delivery is likely to have on the neighbouring districts and boroughs. We must therefore maintain a holding objection in this regard until we are able to review the formal comments submitted by the neighbouring authorities and understand their thoughts on the wider implications of the proposed strategy.

- 4.8 We maintain therefore that the amount and distribution of growth proposed by Brentwood Borough Council in the published draft Local Plan conflicts with paragraphs 47 and 182 of the Framework as it does not meet objectively assessed housing need for the Borough. We consider that the Council has not undertaken a sufficiently robust review of sites to demonstrate why this need cannot be met, nor does it not demonstrate that sufficient consideration has been given to the alternative growth options available and there is little proof that the preferred strategy is based on sound and proportionate evidence.

5 Land east of Nags Head Lane, Brentwood

Draft Local Plan Policy S1: Spatial Strategy

- 5.1 In addition to the conflict with the Framework discussed in the previous chapters, the growth strategy detailed in policy S2 also conflicts with the wording of policy S1: Spatial Strategy.
- 5.2 Policy S1 states that development sites will be identified having regard to whether they:
- *are accessible to public transport, services and facilities*
 - *will have **no significant impact** on Green Belt, visual amenity, heritage, transport and environmental quality including landscape, wildlife, flood-risk, air and water pollution*
 - *are likely to come forward over the plan period*

Suitability of the site

- 5.3 In the absence of the necessary evidence base to properly assess the appropriateness of the strategy, we have reviewed the information that is currently publically available; namely the Draft Site Assessment Local Plan supporting document (2013) and the Council's Strategic Land Availability Assessment (SHLAA, 2011). Both documents review a large number of sites and we do not intend to comment on each of these here but we would draw the Council's attention to the site being promoted by our client, site reference 032 (SHLAA ref G087) Land east of Nags Head Lane, Brentwood. It would appear, having read the assessment of this site drafted by the Council (2013), that it's omission from the list of proposed allocations actually conflicts with policy S1 and the assertions of the Local Plan at paragraph 2.32 that a housing target higher than that proposed at policy S2 would result in irrevocable harm. Despite being discounted on the basis that the site does not apparently "*meet Draft Plan Spatial Strategy*" we **contend**, and the Council's Draft Site Assessment appears to agree, that it does.
- 5.4 As you will see from the evidence we have provided my client's site could be developed in accordance with all of the site selection requirements of policy S1, as detailed at 5.2 above.

Transport Impact and Accessibility to Public Transport, Services and Facilities

- 5.5 The site is considered to be accessible by non-car modes of travel with many local facilities close by, including public transport, local schools, shops and services. This is reaffirmed by the Council's 'Draft Site Assessment' which states the site is "*located close to services on London Road, which is served by public transport*".
- 5.6 The closest bus stops serving the site are located at Brook Street, east of the junction with Nags Head Lane. The westbound bus stop is a 6 minute walk from the centre of the site and the

eastbound bus stop is a 4 minute walk from the centre of the site. These stops are served by the 498 route which operates half hourly Monday to Sunday and provides convenient access to Brentwood Town Centre, Harold Wood, Gidea Park and Romford. These centres provide excellent access to opportunities for employment, education, leisure, recreation and retail. Brentwood rail station is 2.5km due east of the site and provides excellent links to London Liverpool Street, Stratford, Ilford, Romford and Shenfield where connecting trains can be caught to Chelmsford, Southend, Southend Airport, Colchester, Ipswich and Norwich. The metro services between London and Shenfield run every 10 minutes at peak times.

- 5.7 Nags Head Lane comprises a footway along the entire extent of the proposed development site, which provides pedestrian access to Brook Street and London Road with its local bus stops, convenience store with post office, public houses and restaurants. Along this route access can also be gained to Brentwood town centre which is some 2.2km due east.
- 5.8 There is an opportunity to provide a controlled pedestrian crossing facility across the eastern arm of Brook Street at its signalled junction with Nags Head Lane and Wigley Bush Lane. This would significantly enhance pedestrian connectivity to local bus routes and the facilities along this part of Brook Street/London Road.
- 5.9 The closest primary school is c.1.2km walking distance from the site. The catchment secondary school is Brentwood High School which is located approximately 3.5km from the site. Although it should be noted that Brentwood Ursuline RC Covent School for Girls and The Brentwood School (Independent) are both approximately 3km to the east. There is a school bus route (608) which stops along Brook Street.
- 5.10 There is scope to provide development funding towards the provision of the proposed cycle route extension along the A1023 Brook Street to Chelmsford Road, which is detailed in the adopted Local Plan.
- 5.11 Any planning application at this site would of course be accompanied by a comprehensive Transport Assessment which would assess the development traffic impact on the operation of the Brook Street/Nags Head Lane/Wigley Bus Lane signalised junction and other sensitive local junctions as required by the highway authority. Necessary junction improvements will be provided if required.

Impact on the Green Belt, landscape, visual amenity and heritage

Landscape Sensitivity

- 5.12 My client has commissioned Barton Willmore to undertake a Landscape & Visual Appraisal and Green Belt Review of the site. The report concludes that the site does not "*reflect a high value or*

quality landscape". It also advises that, from a landscape and visual perspective, the trees and hedgerows at the site are of intermediate to poor quality and the site is generally in need of reparation, however it is these arboricultural features which make the greatest contribution to the site and are considered the most sensitive landscape features. On this basis the report recommends that the site can be suitably developed but the retention and enhancement of the trees and hedgerows where possible will ensure that any impact on the local landscape is kept to an absolute minimum.

Visual Impact

- 5.13 The Barton Willmore report highlights that whilst there are long views from the site, views into the site are "*extremely limited*". Although the local topography is undulating in nature the wooded character of this part of the Borough has created layers of trees and hedgerows which form a visual curtain and reduce views into the site. The greatest visibility into the site is from the properties located along Brook Street and Mascalls Gardens as well as nearby roads, however, the site is not generally visible from longer distances. Ultimately the site is considered to have low-medium visual sensitivity when trees are in leaf.

Green Belt

- 5.14 The report has also reviewed the site in relation to the five purposes of Green Belt land as detailed at paragraph 80 of the Framework:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent nearby towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.15 In relation to the matter of urban sprawl it should be considered that the proposed development would actually be in line with the current extend of development on the northern side of Nags Head Land and at this point does not extend the built area of the town further west. In terms of urban sprawl the impact of releasing the site from the Green Belt should therefore be considered limited. It should also be noted that the Green Belt boundary at this location is not currently defensible, being the rear gardens of the Mascalls Lane and Brook Street properties. The area's "*...physical features that are readily recognisable and likely to be permanent*" (paragraph 85 of the Framework) are Nags Head Lane and the railway line. We therefore recommend that its release would in fact

solidify the Green Belt boundary in this location without creating development pressure on neighbouring greenfield sites, ensuring its longevity beyond the end of the Plan period (paragraph 85 of the Framework).

- 5.16 The nearest town to the Brentwood urban area in this location is Romford, which is currently some 1.55km due west beyond the M25. The proposed development is likely to reduce this gap by a maximum of 100m at the south-west extremity of the site, although along Brook Street and the A12 (the main access routes between the town) this separation will appear unchanged. The barrier posed by the M25 should also be a significant factor in the consideration of this matter, as it provides a distinct division between the two settlements which the release of land to the east of Nags Head Lane should not noticeably impact upon. We therefore assert that the release of the site from the Green Belt will not cause the two towns to merge.
- 5.17 Furthermore, the development of this site will not notably increase visual intrusion into the neighbouring countryside. This is reaffirmed by the SHLAA and the Council's 'Draft Site Assessment' which both state that *"Development would have a minimal impact on the open countryside"*. My client's Landscape and Visual Impact Appraisal has reaffirmed this, by concluding that the development of the site would have a negligible visual impact in the summer months and only a slightly greater impact during winter. The boundaries of Nags Head Lane, the railway line and the M25 form strong boundaries to development and will protect the countryside from further encroachment in the future.
- 5.18 The urban area which surrounds the site is predominantly modern with some nearby historic building further east along Brook Street/London Road. In its current undeveloped form the site makes no contribution to the setting of these buildings, the historic core of the town or on the character of the town in this part of the Borough. We suggest therefore that the site does not perform the function of preserving the setting and special character of a historic town or any assets of historic value, and therefore its removal from the Green Belt would have no impact in this regard.
- 5.19 In relation to the purpose of including land in the Green Belt to encourage urban regeneration principles and the recycling of brownfield land, I would refer back to our comments in chapters 2-4 of these written representations. We have explained in some detail that there are insufficient suitable sites to meet the Council's objectively assessed housing need; brownfield, urban or otherwise. On this basis the release of this site from the Green Belt will have little or no impact on the principle of encouraging urban regeneration, but will assist the Council to meet the considerable local housing need.

Impact on Ecology

- 5.20 An Ecological Appraisal was undertaken by Aspect Ecology in 2012 which determined that there no major constraints to development at the site in ecological terms. The assessment did recommend the retention and protection of key habitat features such as the hedgerow along Nags Head Lane, the central scrub and tree line and the wooded vegetation along the railway embankment. Further survey work would need to be undertaken if an application was to be submitted to detect if the trees at the site are being used by bats.
- 5.21 The Appraisal also recommended that a survey is undertaken to determine whether reptiles are present at site and quantify the population if they are. Should any animals be found at this stage a detailed relocation and mitigation strategy will be agreed with the Council as part of the planning application. Finally the Appraisal also recommended that local wildlife would significantly benefit from biodiversity enhancement, which can be secured by the development.

Flood Risk

- 5.22 The Environment Agency consider the site to be in Flood Zone 1, with an annual risk of coastal and river flooding of less than 1 in 1,000. Within the National Planning Policy Framework, residential development is considered as 'More Vulnerable' and is acceptable within Flood Zone 1. Any residual risk to the development from overland flows or groundwater flooding can be addressed by designing roads and gardens at a lower level than the finished floor levels of the dwellings and providing filter drains or swales around the perimeter of the development.

Noise Impact

- 5.23 Local noise sources have been considered in a preliminary desk top assessment commissioned by my client and undertaken by Ardent Consulting Engineers. The primary local noise sources were identified as the road traffic from the M25, A12, A1023 and Nags Head Lane, and railway noise from the adjacent Great Eastern Mainline.
- 5.24 The preliminary assessment shows that no single noise source is dominant and that with appropriate layout and noise treatments to the most exposed properties, both internal and external ambient noise levels will be within the desirable range and will meet with applicable standards.

Delivery

- 5.25 Our client is a long-established and well-respected house builder within the Eastern, London, South-Eastern and South-Western regions and we can confirm they are committed to delivering much needed housing at the site east of Nags Head Lane in Brentwood within the first 5 years of the Plan period.

5.26 On the basis of the information provided above, we maintain that the site can pass the sustainability criteria set out in the draft Local Plan policy S1 and/or does not cause any '*significant impact*' (policy S1) or pose any constraints that could not be overcome. It constitutes one of the most sustainable growth options in the Borough not currently proposed for allocation. Its development would represent a logical and sensitive rounding off of the town and would form strong defensible Green Belt boundaries. Therefore in accordance with the advice of planning inspectors set out at paragraph 3.1 above, this site should be considered as a suitable release from the Green Belt and allocated for housing; the Local Plan in its current form could not be found sound without doing so.

6 Conclusion

- 6.1 For the reasons outlined above it is difficult to understand how Brentwood Borough Council can justify that the growth strategy proposed in the draft Local Plan is at all sound. We suggest that in its current form the Plan could not be recommended for adoption by an Inspector and as such proceeding with the current strategy is not in the public interest as it will unnecessarily delay the adoption of the Local Plan, encourage a culture of planning by appeal and waste public money. We recommend that the Council's growth strategy and evidence base are comprehensively reviewed, Green Belt sites which accord with Policy S1 are reconsidered for allocation and an appropriate housing target is proposed.
- 6.2 We also urge the Council to accept that the delay in publishing the Sustainability Appraisal and the absence of other crucial evidence base documents renders the process of consultation unacceptably obscure. As a result the Plan appears to be underpinned by an assertion-led strategy, with the evidence base still to be finalised long after the policies on which they are based have themselves been published. Whilst the late publication of the SA does not strictly contravene regulations it does undermine the Council's Statement of Community Involvement (2012) which states at paragraph 6.6 that "...a Sustainability Appraisal will **accompany** each of the DPDs at appropriate stages, with **concurrent** consultations." BBC's SA was published more than 6 weeks after the draft Local Plan, leaving little over 3 weeks for consultees to consider both documents simultaneously. This severely undermines the thoroughness of representations submitted before this date.
- 6.3 Absolute transparency is particularly critical at this stage of the Brentwood Borough Local Plan preparation process given the 'preferred' growth strategy, which proposes almost half of the Borough's growth to be accommodated at West Horndon, has not been consulted on at any of the previous consultation stages. We are very concerned that the lack of transparency of the Council's evidence base seriously undermines the soundness of the entire Plan and creates considerable doubt over the appropriateness of the Council's process of preparing local policy.
- 6.4 It is abundantly clear from the evidence we have provided that in its current form the Council's draft Local Plan is unsound, in particular the Council's housing growth strategy. In order to make positive changes we maintain that the Council will need to revisit its evidence base and consider a larger number of suitable housing allocations. As Chapter 5 explains my client's land at Nags Head Lane, Brentwood provides a prime opportunity to make a sizeable contribution to the identified under-supply of housing land, within a sustainable location, at a site that is well contained by strong physical boundaries that will provide longer term security to the Green Belt in this part of the Borough. The development of the site will complete the built extent of Brentwood sensitively and

Crest Nicholson Eastern

Preferred Options draft: Local Plan 2015-2030
October 2013

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with inspiring landscape and architectural design can achieve significant local enhancements at an important gateway to the town.

Appendix 1

**Extract from the Annex attached to the Inspector's letter to Lichfield District Council on
28th August 2013**

Lower Housing Figures

21. Those who argued for lower housing figures mention the importance of not derailing the regeneration agenda in Birmingham and the Black Country. They also referred to the increase in out commuting that would accompany housing growth in Lichfield District and the adverse consequences of this. They drew attention to the effect of the 2011 CLG household projections¹⁶ and lower migration trends¹⁷.
22. To my mind, however, while such factors may point to a figure towards the middle or lower end of the range of between 410 to 450 dpa ultimately selected in the Housing Needs Study, they do not provide evidence for a figure below that proposed in the Plan.
23. There are three reasons for this. Firstly, selecting a figure below that range would be to fly in the face of the policy of boosting significantly the supply of housing land, an aim that, as has already been established, should be a dominant consideration in any housing forecast.
24. Secondly, although the household representation rates in the 2011 CLG household projections are lower than those in the 2008 projections, this is a result of poor economic conditions that the latter projection took account of. However, over the longer term household representation rates have been rising and the fall in these rates identified in the 2011 projection is likely to have been driven by short term factors such as the impact of the recession, constraints on housing supply and constraints on mortgage lending. It is reasonable, therefore, to assume that beyond 2021 (the end of the period covered by the 2011 projection) household representation rates will resume their long term rise.
25. Thirdly, in migration is the key driver of population growth and hence household growth in Lichfield District. There is limited evidence to suggest that migration levels over the Plan period will fall significantly below past levels. Indeed the emerging evidence that Birmingham may not be able to accommodate its housing needs within its own borders gives credence to the argument that past in migration rates are likely to continue.
26. It is also the case that Lichfield District is and will remain an attractive place to live for local people and in migrants. In such a situation there would need to be strong evidence for abandoning long term migration rates with all of the implications this could have in terms of people who want a house not being able to afford one. No such strong evidence has been put forward.
27. For these reasons I do not consider the housing figures in the Plan should be reduced.

Higher Housing Figures

28. The reason put forward most strongly by representors arguing for increased housing numbers relates to the question of how the Plan deals with cross boundary provision. Briefly the argument put is as follows. The Plan seeks to deliver 8,700 homes over the period 2008-2028 (435 dpa) and on the face of it these figures sit within the 410-450 dpa range identified in the Housing Needs Study, a range that amounts to 8,200 – 9,000 dwellings over the plan period.
29. However, the 8,700 dwellings referred to in the Plan includes 1,000 dwellings to meet the needs of Tamworth and Cannock Chase Councils and when this figure is taken out, the Plan only provides 7,700 dwellings to meet the needs of Lichfield District (385 dpa) over the plan period – a figure that is below the range set out in the Housing Needs Study.
30. At the hearings the Council accepted that that the 410-450 dpa range in the Housing Needs Study did not include the 1,000 dwellings for Tamworth and

¹⁶ CD5.5. Lichfield, Tamworth and Cannock Chase Housing Requirement Update.

¹⁷ CD5.5a. Addendum.

Appendix 2

**Extract from the Inspector's Report on the examination into the Dacorum Borough Council
Core Strategy**

that the housing trajectory (as up-dated in the January 2013 Minor Modifications document) represents an accurate reflection of likely development rates for the short to medium term, especially when taking into account past completion rates and the pool of outstanding commitments.

Phasing, Delivery and Management of Development

16. The Council has explained the role of strategic sites and local allocations¹⁰ and the terminology used is not a matter of soundness. The Council's approach has been satisfactorily justified in the context within which the plan has been prepared. However, in order to ensure that the CS is effective it is recommended that policy CS3 be amended to establish the timing of the delivery of the local allocations and also to refer to the mechanism through which the release date of a local allocation may be brought forward **[MM3]**. MM3 makes it clear that the release of local allocations would be brought forward if required to maintain a five year housing land supply and the Council will take action based on the findings of the AMR. In these circumstances housing supply would not be held back. The proposed phasing is adequately reflected in the Housing Trajectory. In order to provide advice on how development would be facilitated and managed throughout the plan period additional supporting text is recommended which would provide clarity and ensure effectiveness **[MM2]**.
17. In order to further clarify the Council's approach towards the management, phasing and release of housing sites, additional text and an amendment to policy CS17 are required to ensure that the CS is effective. **MM12** and **MM14** are therefore recommended in the interests of soundness.
18. The CS must be effective and justified and the Council's approach to the release of development sites over the plan period should be clear. To provide this clarity the insertion of a new paragraph on this matter is recommended **[MM13]**.

The Green Belt

19. Paragraph 8.28 of the CS (as proposed to be amended) confirms that a strategic review of green belt boundaries was not required by the RS. Nevertheless some 'small-scale releases' (i.e. local allocations) are proposed by the Council. The NPPF confirms that great weight should continue to be attached to the protection of the green belt and it is clear that boundaries should be established in the local plan¹¹. However, at the time a local plan is being prepared or reviewed consideration should be given to the boundaries, so that they are capable of enduring beyond the plan period. Among the considerations to be addressed are the level of consistency between the green belt and meeting requirements for sustainable development; whether or not the five purposes of the green belt are being fulfilled; the need to identify safeguarded land; and the need to be confident that the boundaries will not have to be altered at the end of the plan period.
20. The Council's most recent consideration of the green belt was not a comprehensive assessment, encompassing all the elements referred to above

¹⁰ Response to Inspector's question 2A (during the hearing sessions)

¹¹ Paragraph 83 of NPPF

but was part of a wider assessment of potential sites¹², which considered a range of issues, including infrastructure capacity, transport and accessibility, economic development opportunities and conformity to established New Town principles. The 'Assessment of Alternative Growth Scenarios for Hemel Hempstead' is accurately described as a 'politically neutral assessment of options'. However, at no stage is the assessment balanced against the need to accommodate somewhere in the region of 13,500 dwellings. Similarly there has been no detailed reconsideration of all the 17 potential development sites on the edge of the Hemel Hempstead that were considered in 2006¹³ (the 'blue blobs'), although it is acknowledged that some have been re-assessed.

21. In order to make the greatest contribution to meeting objectively assessed housing need as referred to above, the Council has confirmed that it is undertaking a rigorous and comprehensive review of the green belt in order to ensure that a justifiable balance between meeting housing need and protecting the green belt can be secured. Without such comprehensive evidence a robust conclusion on the potential for the identification of additional housing sites, either for the medium/long term (as potential sites within the urban areas decrease) or for beyond the plan period, can not be satisfactorily drawn.
22. In order to reflect advice in paragraphs 89 and 90 of the NPPF it is recommended that the Council's position with regard to the re-use of existing buildings and the redevelopment of previously developed land in the green belt is clarified **[MM4]**.

Conclusion on Issue 1

23. Paragraph 3.50 of HG16 encapsulates the Council's position in that it recognises that difficult decisions would have to be made if housing need was to be met more fully, with consequences for the settlement strategy and/or an acceptance by a neighbouring local authority that it could accommodate some of Dacorum's growth.
24. Using the CLG projection of 13,457 dwellings and the Council's target of 11,320 dwellings, there would currently be a shortfall in supply over the plan period of just over 2,130 dwellings or 85 a year (15%). The divergence between the figures is not overwhelming but there is insufficient evidence to enable me to conclude that at least a proportion of that shortfall could not be satisfactorily accommodated. For example the evidence is not sufficiently conclusive with regard to the role that Hemel Hempstead in particular could play in accommodating a higher level of growth.
25. According to the Council's up-dated trajectory, with the exception of 2017/2018, the shortfall in supply (when measured against the figure of 540 dwellings a year) would not become significant until 2024/2025. Against this shortfall in meeting housing need over the plan period, I have balanced the potential for sustainable growth over the short to medium term and I conclude that over this period there is potential for land supply to meet a level of demand that broadly matches the 2008 projected household growth. In any event the adoption of the CS (incorporating the partial review) is timetabled for September 2017, so any potential shortfalls could be addressed in a timely

¹² HG10 and HG15

¹³ CS5

fashion.

26. NPPF paragraph 48 advises that an allowance for windfall sites may be made in certain circumstances. The Council did not include a windfall element in the figures in policy CS17 (for the first 10 years following adoption of the CS). There is no reason to conclude that windfall development will not continue to occur, thus strengthening the conclusion that the CS provides a sound basis for the growth of the Borough in the short to medium term.
27. In order that the concerns identified above will be fully addressed it is recommended that a section be included in the CS entitled 'Future Partial Review' **[MM28]**. This confirms that the Council is committed to a partial review of the CS, to be adopted by 2017/18. This will identify the full objectively assessed needs for market and affordable housing, assess whether or not those needs can be met (including in neighbouring local planning authority areas) and if not draw robust conclusions as to where the balance between meeting full needs and the other NPPF sustainability considerations should lie. As part of this work it is agreed by the Council that a review of the green belt should be undertaken, including the potential for the identification of safeguarded land and I am told that this work has already commenced.
28. I have attached great weight to the guidance on soundness in the NPPF but paragraph 13 confirms that it is guidance and not statute. I have also balanced the advice that decisions need to take local circumstances into account (paragraph 10) and that it is highly desirable that local planning authorities have an up-to-date plan in place (paragraph 12). Weighing all these elements in the balance I am satisfied that the shortcomings in the submitted document are not of such significance to justify finding the document as a whole not sound. The issues can best be addressed through the preparation of an early review because in the short to medium term the Core Strategy will provide a sound basis on which planning decisions can be taken.
29. A number of respondents to the MM consultation raised concerns regarding the appropriateness of relying on an early review of the CS as a means of securing a sound document. In other circumstances I may well have attached more weight to these concerns but at Dacorum there are two important factors. First the housing shortfall is about 15% and, more importantly, there would be a general over-supply of housing in the short to medium term, especially over the next three years (as identified in the up-dated Trajectory). This over-supply would broadly be the equivalent to meeting the annualised CLG projection figure of 538 dwellings. The Review of the CS would therefore deal primarily with the likely shortfall towards the end of the plan period and as such the current CS housing target would be interim in nature. In order to further encourage housing delivery the overall total currently being proposed by the Council should be seen as a minimum provision, pending the outcome of the review, although this should not be interpreted as a justification for speculative proposals in the green belt prior to the conclusion of the current partial review of the CS.
30. The approach encapsulated in MM28 is pragmatic, rational and justified. The alternative would be to find the document not sound and in those circumstances the Council would in effect be starting the process again which

would take time and may threaten the level of house building that is anticipated in the next few years. This approach is compatible with the Government's overall aims of securing an increase in housing supply and would broadly meet the objectives of the NPPF and in that respect the plan as modified would be sound.

31. The Council has confirmed that work has already commenced on the partial review, for example in relation to the green belt, and that it proposes to eventually combine the Core Strategy, the Site Allocations DPD and the Development Management Policies DPD into a single local plan. This approach should ensure that a comprehensive framework will be in place to boost further the supply of housing and secure sustainable economic growth, particularly towards the latter part of the plan period.
32. I conclude that, subject to the recommended modifications, the Council's overall approach to housing provision is sound.

Issue 2 – the Council's approach to Affordable Housing and meeting the needs of Gypsies and Travellers

Affordable housing

33. It is clear that the Council is taking measures to secure an improved supply of affordable housing and it is estimated that about 3,900 affordable dwellings will be delivered over the plan period through the application of the 35% target in policy CS19. The Housing Needs and Market Assessment Update¹⁴ (2012) concludes that the need before new delivery is at least 730 affordable dwellings a year. This equates to a need for about 13,870 such units over the next 19 years. There is therefore a mismatch between supply and need. It would not be realistic to expect all such need to be met but the review of the CS should enable a better match between supply and need to be achieved, thus meeting more fully a key corporate and planning priority of the Council.
34. Although the measures being taken by the Council to boost supply are to be welcomed they will not be sufficient on their own and the Council will fall well short of meeting the full objectively assessed needs for affordable housing¹⁵. In order to achieve a closer match between supply and need, the potential for a higher level of overall residential growth should be pursued. This finding adds weight to the conclusion on Issue 1. In order to provide flexibility (thus ensuring effectiveness) and to clarify the Council's strategy with regard to the level, mix and tenure of affordable homes provision, it is recommended that the wording of policy CS19 is amended **[MM15]**.

Gypsies and Travellers

35. The CS establishes the broad approach to accommodating the needs of the gypsy and traveller communities in the Borough. Criteria are set out in policy CS22 against which the suitability of sites can be assessed. The identification and provision of sites will be progressed through the Site Allocations DPD,

¹⁴ HG17 – paragraph 7.5.8

¹⁵ Paragraph 47 of NPPF

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