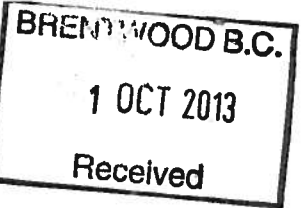


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THE HUTTON MOUNT ASSOCIATION
The Residents' Association of The Hutton Mount Estate

Council Offices,
Ingrave Road,
Brentwood,
CM15 8AY

26th September, 2013.

Dear Sirs,

Changes to Local Planning Policy and Hutton Mount.

I am writing to you as Chairman of The Hutton Mount Association as it has become apparent to us that certain recent changes in national planning policy may jeopardise the current status and identity of the area within the Borough known as Hutton Mount which – until now – has had its own dedicated policy within the Brentwood Replacement Local Plan (2005) (BRLP).

So that I may ensure our members (residents) are fully and accurately informed, I should be grateful if you would provide answers to the questions below. It would be helpful if these could be answered using the same numbering system, and you may find it convenient to insert your answers within the body of a copy of this letter.

The new Brentwood Development Plan (BDP) and the National Planning Policy Framework (NPPF).

We note that the NPPF states that local development plan policies such as BDP must conform to its policies.

Policy H15 in the current BRLP is as follows.

Hutton Mount

3.56 Hutton Mount is an attractive residential area of over 80 hectares that is characterised by the number of large detached houses generally occupying spacious plots. The low density residential development is set within well-landscaped gardens served by attractive tree-lined private roads. Generally the dwellings, which are of individual styles, are set well apart, and it is the generous distance between buildings which is a significant factor in contributing to the character of the area.

3.57 The low (pre-dating planning control) density of the estate stems from the original building scheme which specified 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.

3.58 Notwithstanding, therefore, the desire to increase densities generally to make best use of previously developed land; this mature, well-landscaped and spacious residential area has a distinctive character, which is worthy of retention. Over recent years there has been increased pressure for infill development and there is a danger that this character will be eroded if new development is allowed to proceed without careful regard being paid to its compatibility with the existing properties in terms of plot size, frontage etc. Similarly, the minimum distance required between an extension and the boundary of the property will be greater than elsewhere in the borough and will apply to both single and two-storey extensions.

H15 HUTTON MOUNT

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.

Question 1 – In the Council’s view, are any of the above restrictions compatible with the requirements of the NPPF and therefore, in principle, acceptable in the BLP? If so, which?

Question 2 – Could you please explain why Hutton Mount no longer has its own dedicated policy in the new BLP? Was this decision taken by Members or Officers?

Question 3 – What discussions took place before a decision to exclude all reference to Hutton Mount in the new BLP was made and who took part in these discussions? Is there a written Minute of these discussions available under the Freedom of Information Act? If not, why?

In the draft Brentwood Local Plan for 2015-2030, Policy CB8 Housing Type and Mix provides:-

The Council will seek a mix of dwelling types, sizes and specialist accommodation to provide choice, respond to needs and contribute towards the creation of sustainable, balanced communities. In all new residential schemes the Council will expect a proportion of new homes to be affordable schemes, should be inclusive and designed in such a way that affordable housing is indistinguishable from market housing.

On sites of six units and above or 0.2 hectares or more, a least 50% of total dwellings should be one and two bedroom properties except where this would be detrimental to the character of the area or site constraints prevent this.

In determining the mix for any particular scheme, the Council will take into account local housing market conditions, housing needs, the nature, character and context of the site and specific scheme requirements. The Council may use conditions to ensure a particular housing type provided, such as a bungalow, remains available in perpetuity.

Where

- a. application is made for part development of a larger residential site identified on the local plan policies map or
- b. the proposed residential development is contiguous with one or more other potential residential development sites.

The area to be used for determining whether this policy applies will be the larger site in relation to (a) above and the aggregate area of such contiguous sites in relation to (b) above

In appropriate circumstances a condition will be imposed on smaller units to prevent extensions providing additional habitable floor space.

Question 4 – Is it correct to assume that, once the BLP is in force, in any area in excess of 0.2 hectare on Hutton Mount which is to be redeveloped (e.g. because an existing single

house on a large plot has been demolished) there would, in principle, be no objection by the Council to one and two bedroom properties being built?

Question 5 – What does the phrase “except where this would be detrimental to the character of the area” mean, and who decides and how whether one and two bedroom properties would be/would not be detrimental? Notwithstanding that Councillors might determine that such infilling within Hutton Mount would be “detrimental” what support is there for this view in the NPPF or other ministerial document(s). In Officers’ view, is there likely to be support from the Planning Inspectorate (on appeal against a refusal by Members of planning permission)?

Policy DM3 in the draft Brentwood Local Plan for 2015-2030 is as follows

Policy DM3 Residential Density

Proposals for new residential development should take a design led approach to density which ensures schemes are sympathetic to local character and make efficient use of land.

Residential densities will be expected to be 20 dwellings ha net or higher unless the special character of the surrounding area suggests that such densities would be inappropriate.

Higher densities, generally above 65 dwellings ha net, will be expected in town and district centres or other locations with good public transport accessibility.

Question 6 – Policy DM3 largely replicates H14 Housing Density in the existing BRLP “H14 – RESIDENTIAL DENSITIES WILL BE EXPECTED TO BE NO LESS THAN 30 DWELLINGS PER HECTARE NET UNLESS THE SPECIAL CHARACTER OF THE SURROUNDING

AREA DETERMINES THAT SUCH DENSITIES WOULD BE INAPPROPRIATE” except that Hutton Mount was excluded from this density requirement by virtue of H15 above. Why, then was it clearly accepted in 2005 that Hutton Mount had a “special character” where such densities would be inappropriate, has the situation changed?

Question 7 – Reference in the draft BDP is to *minimum* density requirements, i.e. 30 dwellings per hectare. How, in the opinion of Officers, could a new density of this magnitude (or greater) result in scheme “sympathetic to local character” when currently all properties enjoy spacious plots in accordance with H15 above?

Question 8 – What is the maximum density for Hutton Mount which, in principle, might be acceptable under the criteria of the draft BDP?

Question 9 – If no part of existing policy H15 is replaced in the BDP would, in future, the construction of flats and subdivision of existing plots and houses on Hutton Mount be acceptable?

Neighbourhood Planning and Neighbourhood Development Orders (NDOs)

In the Ministerial Foreward to the NPPF, Greg Clark states

“In recent years, planning has tended to exclude, rather than include, people and communities. In part this has been the result of targets being imposed and decisions taken by bodies remote from them. Dismantling the unaccountable regional apparatus and introducing **neighbourhood planning** addresses this.”

Question 10 – Would setting up a Neighbourhood Forum/acquiring a Neighbourhood Development Order enable Hutton Mount to retain ANY of the criteria (i.e. restrictions on development, currently secured by policy H15 (which is to be abandoned))?

Question 11 – if the answer to Question 10 above is negative, what *restrictions* (if any) on development within Hutton Mount would be acceptable in the Order. Would these restrictions be imposed by the Council in any event (should no order be sought)?

Question 12 – Would acquiring an NDO in any way help Hutton Mount to retain and preserve its existing character? If so, please elaborate.

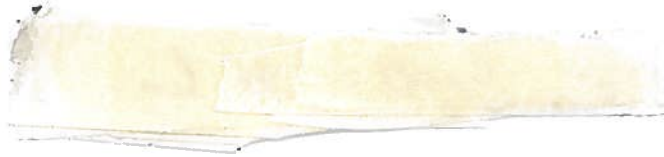
Question 13 – Is our understanding correct – that should Hutton Mount acquire its own NDO no planning applications to the Council would then be required for new development except where there was a departure from the Order?

Question 14 – Is our understanding correct – (1) that an NDO is, in reality, a device for extending Permitted Development rights within the area it encompasses, and encouraging and facilitating (rather than restricting or controlling) new development and (2) that the Council's planners would not generally be monitoring such development, only investigating complaints of breaches (as in the case of Permitted Development)?

Question 15 – Has the Council taken Counsel's advice (or other independent legal advice) relating to any of the above questions? If so, is such advice available to the public on request or by means of an application under the Freedom of Information Act?

I look forward to your responses to the above, which I shall be passing on to residents.

Yours faithfully,



Jan Weller
Chairman
The Hutton Mount Association

ps – Since typing I have had a brief and rather interesting meeting with Mr. Pickles. I have written to him confirming my interpretation of the points outlined at the meeting (copy enclosed) and look forward to receiving his response.