

## **Brentwood Replacement Local Plan 2005:**

### **Assessment of consistency with the National Planning Policy Framework**

#### **Background**

The [Brentwood Replacement Local Plan](#) was adopted by the Council on 25 August 2005. It remains the Borough's development plan until replaced by the emerging Local Development Plan in late 2017/2018.

In 2008, 28 local plan policies were considered to be longer necessary due to changed circumstances and deleted. [The full list of policies not saved beyond 24 August 2008.](#)

In March 2012 the Government published the [National Planning Policy Framework](#) (NPPF), replacing many national policy and guidance documents. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The NPPF states that from March 2013 due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

#### **Consistency**

The Council has assessed its saved development plan policies for consistency with the NPPF and much of the plan is considered to be NPPF compliant. For the sake of brevity the approach taken is to take the policies in the development plan as compliant unless stated. This document identifies those policies not considered to be NPPF compliant and provides an indication on how the Council will consider those issues in an NPPF compliant manner. This document should help those preparing planning applications to understand the implementation of local policy until the Council's new Local Development Plan is adopted.

#### **Status**

The status of this document is as unadopted officer advice offered without prejudice as an informal guide to interpreting local policies when considering future applications. This document does not consider the aspects of the NPPF relevant to plan making or amend explanatory text to the policies.

## **Other material**

In addition to development plan and the NPPF, planning decisions should be informed by [Planning Practice Guidance](#), which is a regularly updated web-based resource to accompany the NPPF.

## **Chapter 1: Introduction - Considered to be consistent with NPPF**

## **Chapter 2: Core Policies**

### **CP1 General Development Criteria**

The NPPF goes further. With regard to the criteria in the policies the following should also be considered:

#### **Policy CP1 criteria i), ii) and vii):**

“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. (NPPF Paragraph 17)

#### **Policy CP1 criterion iii):**

“planning should take account of the different roles and character of different areas” (NPPF paragraph 17)

#### **Policy CP1 criterion iv)**

“safe and suitable access to the site can be achieved for all people. (NPPF Paragraph 32)

#### **Policy CP1 criterion v)**

“Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. (NPPF Paragraph 34)

“Developments should be located and designed where practical to

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport. (NPPF Paragraph 35)

#### **Policy CP1 criterion vi)**

The NPPF does not specifically refer to loss of housing. Increasing housing supply and meeting objectively assessed needs are key aspects. Local Plans should identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a

clear explanation' arguably this restriction is justified throughout the Borough. (NPPF Paragraph 157)

### **Policy CP1 criterion vii)**

See Policy CP1 criteria i), ii) above.

### **Policy CP1 criterion viii)**

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. (NPPF Paragraph 118)

## **CP2 New Development and Sustainable Transport Choices**

With regard to the criteria in the policies the following should also be considered:

### **Policy CP2 criterion i)**

Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas. (Paragraph 34)

### **Policy CP2 criterion ii)**

The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. (NPPF Paragraph 29)

**Policy CP2 criterion iii)**

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

**CP3 Transport Assessments**

The NPPF glossary defines two types of Comprehensive Transport Assessment:

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.

**Chapter 3: Housing**

Policy	Implementation to achieve consistency with NPPF
<p><b>H9 Affordable Housing on Larger Sites</b></p>	<p>Criterion 1) to be superseded by definition of affordable housing being “Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market.”</p> <p>Last paragraph referring to on/off site development superseded by “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial</p>

	contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.”
<b>H10 Affordable Rural Housing</b>	NPPF has a preference for brownfield development, but this does not preclude other land.  “Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.”
<b>H16 Lifetime Homes</b>	Lifetime homes has been retired as a planning requirement in favour of the optional requirements of part M of the buildings regs M4(2) and (3). Parts (2) and (3) are mutually exclusive.

**Chapter 4: Employment** - Considered to be consistent with NPPF

**Chapter 5: Shopping** - Considered to be consistent with NPPF

**Chapter 6: Transport** - Considered to be consistent with NPPF

**Chapter 7: Greenbelt**

<b>Policy</b>	<b>Implementation to achieve consistency with NPPF</b>
<b>GB1 New development</b>	The types of development considered inappropriate development in the greenbelt are as set out in NPPF Chapter 9: ‘Protecting Green Belt land’.
<b>GB5 Extensions to Dwellings</b>	Gives measurement of 37sqm but does not consider original size of building. Use measure of ‘disproportionate’ additions over and above the size of the original building rather than specific floorspace.
<b>GB6 Replacement Dwellings</b>	Use measure of ‘not materially larger’ than the existing dwelling rather than specific floorspace or reference to the original dwelling
<b>GB9 Haverings Grove</b>	Use measure of ‘disproportionate’ and design basis as set out in NPPF Chapter 7 : Requiring Good Design.
<b>GB11 Temporary Siting of Mobile Homes</b>	Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside (NPPF paragraph 55)
<b>GB12 Permanent dwellings for agricultural workers</b>	Criterion i) PPS7 no longer exists Criterion iii) The NPPF regards as inappropriate in the

	<p>Green Belt the extension or alteration of a building that would result in disproportionate additions over and above the size of the original building (para 89). The NPPF does not comment on the size of agricultural dwellings.</p>
<p><b>GB15 Re-use and Adaptation of Rural Buildings for Small-scale Employment, Tourism, Leisure and Community Uses</b></p>	<p>Criterion ii) NPPF supports the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (Para 89)</p> <p>Criterion iii) NPPF supports the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building (Para 89)</p>
<p><b>GB16 Residential Conversions</b></p>	<ul style="list-style-type: none"> <li>• unnecessary to seek a business reuse first;</li> <li>• unnecessary to be subordinate to a business use;</li> <li>• unnecessary to be for occupation by agricultural or forestry worker</li> <li>• NPPF supports the re-use of buildings provided the buildings are of permanent and substantial construction (para 90)</li> <li>• NPPF supports the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building (Para 89)</li> </ul>
<p><b>GB17 Conversion or change of use of listed buildings</b></p>	<p>In addition to the matters covered by the policy the NPPF covers further matters:</p> <p>In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. (Para 128)</p> <p>In determining planning applications, local planning authorities should take account of:</p> <ul style="list-style-type: none"> <li>• the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation</li> <li>• the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality</li> <li>• the desirability of new development making a positive contribution to local character and distinctiveness. (Para 131)</li> </ul>

	<p>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (Para 134).</p>
<b>GB18 Existing Inappropriate Development Sites</b>	<p>Criterion i) Although the NPPF does not refer to enjoyment of the countryside this policy aim is supported by various NPPF statements. These include: A core planning principle “recognising the intrinsic character and beauty of the countryside” (17). See also 81, 116 and 123.</p> <p>The NPPF does not regard as inappropriate in the Green Belt “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.” (Paragraph 89)</p>
<b>GB19 Farm Shops and Retailing</b>	<p>In addition to the matters covered by the policy the NPPF covers further matters:</p> <ul style="list-style-type: none"> <li>● support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;</li> <li>● promote the development and diversification of agricultural and other land-based rural businesses;</li> <li>● promote the retention and development of local services and community facilities in villages, such as local shops</li> </ul>
<b>GB22 Outdoor Sports facilities</b>	<p>In addition to the matters covered by the policy the NPPF covers further matters:</p> <p>The NPPF regards as not inappropriate the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it (paragraph 89).</p>
<b>GB27 Access to the countryside</b>	<p>In addition to the matters covered by the policy the NPPF covers further matters:</p> <p>Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails (Long distance routes for walking, cycling and horse riding.) (Para 75)</p> <p>Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access.(Para 81)</p>



**Chapter 8: Sport & Leisure, Tourism & Community Services -**  
 Considered to be consistent with NPPF

**Chapter 9 - Conservation & Protection of the Environment**

Policy	Implementation to achieve consistency with NPPF
<p><b>C4 Management of Woodlands</b></p>	<p>In addition to the matters covered by the policy the NPPF covers further matters:                      Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. (Para 118)</p>
<p><b>C14 Development Affecting Conservation Areas</b></p>	<p>In addition to the matters covered by the policy the NPPF covers further matters:</p> <p>When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. (Para 132)</p> <p>. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:</p> <ul style="list-style-type: none"> <li>●the nature of the heritage asset prevents all reasonable uses of the site; and</li> <li>●no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li> <li>●conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li> <li>●the harm or loss is outweighed by the benefit of</li> </ul>

bringing the site back into use. (Para 133)

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (Para 134)

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. (Para 137)

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. (Para 128)

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. (Para 129)

Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. (Para 130)

**Chapter 10: Infrastructure & Resources** - Considered to be consistent with NPPF

**Chapter 11: Pollution Control** - Considered to be consistent with NPPF

**Chapter 12: Brentwood Town Centre** - Considered to be consistent with NPPF