

LAND AT OFFICERS' MEADOW, LAND NORTH OF SHENFIELD, ALEXANDER LANE,
SHENFIELD, ESSEX, CM15 8QE

PROOF OF EVIDENCE
OF
COUNCILLOR PHILIP MYNOTT

ON BEHALF OF

BRENTWOOD BOROUGH COUNCIL

Introduction

1. I am Cllr Philip Mynott. I have served on Brentwood Council continuously since 2010; was a member of its Local Plan Working Group from approximately 2012 up until the adoption of the current Local Development Plan; and have been a member of its Planning Committee since 2013. I was the only Brentwood Councillor to participate in the Inspectors' hearings prior to the approval and adoption of the Local Development Plan. I am currently the Chair of Planning in Brentwood, and have been Chair since May 2023.
2. I have attended every Planning site visit for the Policy R03 site and, furthermore, know it personally having walked both Chelmsford Road and the PROW (alongside the railway line, and Arnolds Wood), on several occasions.
3. I raised numerous objections to the Local Plan when it was in preparation (some of these being on aspects which will have altered later on), and voted against it at a number of meetings. However, I abstained when it came to the vote at the meeting which decided to adopt the Plan since I was fully aware that, despite its many flaws, having an approved Local Plan would be to the benefit of the Council. Furthermore, I do not have any objection to the development of the Policy R03 site in principle. Indeed:

- a. I seconded the motion for Approval of Planning Application No. 23/01159/OUT (the application for the proposed school on Croudace land) at the 9.7.24 meeting, which motion was unanimously approved; and
 - b. Subsequently, at the 26.11.24 Planning meeting, I also moved for Approval of Application No. 22/01324/FUL, the Redrow part of the overall Policy R03 site, which motion was agreed with eleven votes in favour and two abstentions.
4. At the meeting on 9.7.24, I proposed a motion of Deferral regarding Planning Application No. 23/01164/FUL (the Appeal application), which motion fell by three votes in favour with eight against, and two abstentions. I then abstained on the subsequent motion for Refusal, which passed with eleven votes in favour, and two abstentions. However, I also made it very clear that I did see problems with the Appeal application as presented, and specifically highlighted the issue that this application apparently contravened the Council's Development Plan Policy BE14 1.e) in terms of the excessively high buildings being proposed at the junctions of its new spine road with both Chelmsford Road and Alexander Lane. This was then adopted by Cllrs Marsh and Naylor, who moved and seconded the successful motion for Refusal, as one of their reasons for refusing the Appeal application.

Officer Report

5. The Officer's Report ("OR") into the Appeal application states as follows at paragraph 9.9:

"9.9 In line with the DF¹, the areas towards the centre of the site are higher density, being surrounded predominantly by buildings and defined by the primary road. Areas towards the development edges are lower density and form a 'green edge' to the development."

¹ Meaning the "Development Framework".

6. This, however, is not borne out by the Appeal application, since (as well as clusters of three-storey blocks entirely internal to the site (referenced for the School Plaza and Primary Streets areas in OR paragraphs 9.20, 9.21, 9.25), three-storey blocks have been specifically located in both the Western Gateway and Southern Gateway areas of the development.
7. For the Western Gateway, the argument is made as follows in OR paragraphs 9.11, 9.12 and 9.13:

“9.11 During the officer review of the DF the Western Gateway was identified as a key location for the allocated site, as it defines the vehicular, cycle and pedestrian entrance into the R03 site for those travelling along Chelmsford Road. In line with LP Policy R03, the DF clearly states that the Western Gateway has potential for higher density and taller buildings, to create a sense of arrival, mark vistas and create definition in the urban fabric.

9.12 In accordance with the above requirements, it is proposed to deliver 3 and 2 storey buildings in this location, providing a strong continuous frontage to the eastern side of the entrance: from the corner with Chelmsford Road, where a new roundabout will be located, into the Croudace site.

9.13 A 3-storey block of flats (Block A) acts as the focal point of the Western Gateway, delivering a way-finder building, assisting with legibility towards the new school. The formal terrace along the entrance road, at 3-storeys high, will complement the apartment block and guide residents and visitors into the site.”

8. It is not at all clear how the reported statement within the DF² that “the Western Gateway has potential for higher density and taller buildings, to create a sense of arrival, mark vistas and create definition in the urban fabric,” is “in line with Policy R03.” If this argument hangs on the comment in Policy R03 2.b) that “[Development should] be of a design quality and layout that reflects its key

² *Ibid*, at Fig. 22, the Indicative Built Form Strategy Plan, P.59

gateway location, particularly on land near to Junction 12, A12”, that argument should be supported by the conclusions of the Essex Quality Review Panel. However, in very stark contrast (see below), the opposite is the case. Furthermore, there are other good reasons to doubt this (see below under Local Development Plan).

9. I am also struck by wording on p.58 of the DF which states, under ‘Built Form’:

“Buildings backing on to existing onto existing[sic] residential plots or adjacent to Arnold’s Wood to be a maximum of 2 storeys to protect privacy of existing dwellings and minimise the impact and protect the environmental quality of the retained landscape impacting on environmental quality respectively.”

10. This would appear to contradict the Western Gateway three-storey block, proposal since, although there is an application for a close of new properties on the neighbouring plot in Chelmsford Road, it is also an “existing residential plot” and indeed has an existing property on it, whether that is going to be demolished or not.

Development Framework

11. A heavy emphasis on the DF runs throughout the OR. However, there is nowhere any acknowledgement that the DF is a highly problematic document:
- a. Firstly, it is problematic in that it runs counter to Local Plan Policy R03 in specific ways. Notably, it does so by failing to support Policy R03. 1.e)’s requirement to provide “around 2ha of land for employment purposes ... (within class E) or other *sui generis* employment uses which are compatible with the residential development.”
 - b. Secondly, it ignores paragraph 9.103 of the Local Plan’s supporting text, which clearly emphasises that a “**wide range of new** community services and facilities including a new co-located primary school and early years and childcare nursery, open space and play facilities **are required**” on site – “new” means additional; and “including” does not mean “limited to.”

- c. Thirdly, the DF adds in multiple aspects for the Policy R03 site which, whilst they were discussed between officers and developers, had no member or resident input whatsoever.
12. There is nothing wrong, in principle, with having a DF – its role is to fulfil Local Plan Policy R03 2.d)’s entreaty that development on site “should be accompanied by a comprehensive masterplan and phasing strategy to inform detailed proposals as they came forward.” Indeed, even had this paragraph not been present, one would have expected such an approach from a site of this size and complexity.
13. However, the final form of the DF was arrived at, and signed off, without any open consultation or any public discussion. This is in stark contrast to the simultaneous process, involving comprehensive public and member engagement over several years, which has been conducted with relation to the Local Plan’s Policy R01 site, the Dunton Hills Garden Village, which is the only other Local Plan residential provision policy comparable in size and complexity to the Policy R03 allocation.
14. It is appreciated, of course, that Policy R01 had a specific requirement for consultation and adoption of a masterplan, unlike Policy R03, but a similar approach could properly have been adopted for a site of this size and complexity, as a matter good planning practice, involving at least some degree of engagement with, and involvement of, Ward Councillors, other members of two different administrations, and residential neighbours, alongside the “key stakeholders”³ with whom it was discussed.
15. In any event, and in direct consequence, the drawing up of the DF appears to have been a process which is at odds with the intentions of NPPF paragraph 137 – viz., that:
- a. Early discussion between Applicants, the Local Planning Authority and local community, about the design and style of emerging schemes, is

³ Alongside “technical consultees”.

important for clarifying expectations and reconciling local and commercial interests; and, accordingly

- b. Applicants “should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”

Officer Report on the Western Gateway

- 16. The OR states as follows at paragraph 9.75, with regard to the so-called “Western Gateway”:

“The 3-storey apartment building and formal terrace have been designed as a distinct focal/gateway into the development. They take design cues from the (Shenfield School) Brentwood School (Shenfield High School), located further south on Chelmsford Road, to create brick-clad focal buildings. The Western Gateway is characterised by gable roofs with a red brick and slate roof tile combination, with extruded feature brick work and brick patterning, including brick window surroundings. Light green cladding is used to accentuate the importance of the entrances to the units and to balconies fronting the Chelmsford Road corner, to add interest and variation to this key location.”

- 17. The confusions as to which school is being referred to, and where it might be, are highly significant and pertinent. The printed version of the agenda in my possession reads: “They take design cues from the Brentwood School located further south on Chelmsford Road”. However:

- a. Brentwood School is ***not*** on Chelmsford Road, but is on Ingrave Road in Brentwood;

- b. Shenfield High School, by contrast, ***is*** the near neighbour of the Policy R03 allocation; its grounds lie immediately opposite the Croudace site on the western side of Alexander Lane, in Shenfield.
 - c. Shenfield High School's design has ***not***, however, been used to inform the design of the Appeal application - rather, the design cues have indeed been taken from *Brentwood School*, not Shenfield High School.
18. As I said in the meeting, this (arguably) shows a commendable ambition since Brentwood School has significant design qualities. However, unfortunately for the Applicant/Appellant, it also has major flaws as a design reference on the Policy R03 site. In particular, Brentwood School is:
- a. Some two miles distant from the nearest part of the Croudace site (as the crow flies, moreover, let alone by road);
 - b. In a different settlement to the entirety of the Policy R03 site, not just the Croudace part of the allocation (there is Green Belt designated land between Brentwood and Shenfield);
 - c. Situated in Brentwood town centre, and within a couple of hundred yards from Wilson's Corner - its primary junction (by way of very stark contrast, the Policy R03 allocation extends to the edge of Shenfield's built-up area, fronts open farmland (across the A12) to the north west, and adjoins Arnold's Wood - not only a Local Wildlife Site, but also Ancient Woodland, to the east); and
 - d. Like Shenfield High School, Brentwood School is - of course - not a complex of residential buildings.

Officer Report on the Southern Gateway

19. The further concentration of three-storey development in the Southern Gateway area is covered in OR paragraphs 9.32 and 9.33, as follows:

“9.32 The access into the site from Alexander Lane, the Southern Gateway, forms part of the Green Edge (The Lanes) character area and is traversed by the primary road (Green Streets (Boulevard Streets) character area). As a consequence, it is a multifaceted area comprising:

- 3-storey blocks of flats (Blocks F and G), one on either side of the Alexander Lane entrance, to signpost the entrance into the site.*
- A 2-storey block of flats (Block H) to the east of the entrance, providing a transition between the existing Alexander Lane buildings and the taller gateway entrance.*
- 2-storey buildings with green verges along the primary road, providing a formal, regular frontage.*

9.33 The design approach to the Southern Gateway accords with the principles of the DF.”

20. This is immediately contradictory since OR 9.9 makes it clear that the “green edge” area (see paragraph 5 above) is proposed to be “lower density” “in line with the DF”; and yet it now comprises “3-storey blocks of flats (Blocks F and G), one on either side of the Alexander Lane entrance, to signpost the entrance into the site.” Nevertheless, we are ***still*** told that, in doing so, it “accords with the principles of the DF.”

21. Furthermore, the OR contains the following at paragraph 9.80:

“This gateway location presents slightly taller buildings than those in the rest of the Green Edge character areas, with house types reflecting those of the Primary Streets, designed as a modern take on a traditional Essex barn.”

22. The above statement reads oddly on a number of levels:

- a. These “slightly taller buildings” are as tall (in storey terms) as any buildings across the whole site.

- b. Why would anyone expect to find variants on an Essex barn on any housing development's Primary Street?
- c. And what Essex barn is three-storey and residential?
- d. It is also very clearly skirting around the contradictions encompassed by the Green Edge area designation of the Croudace site (see also above).

The Character of Alexander Lane

- 23. DF Appendix 2 'Contextual Analysis' Fig.14 Character Area Locations Plan (p.95) quotes Alexander Lane/Rayleigh Road as, presumably, a "character area." This characterises the building heights in this area as "2-3 storeys, primarily 2 – 2.5."
- 24. However, lumping together Alexander Lane (a currently still semi-rural back road) with Rayleigh Road (the A129 main road east west out of Shenfield/Hutton), is without justification. These two roads have quite different characters. Indeed, Alexander Lane itself, north and south of the railway line, has two different characters:
 - a. As far as I know Alexander Lane north of the railway has no 3-storey buildings and only one 2.5-storey building - it is "primarily" 2-storey, and rural;
 - b. South of the railway, however, it is not rural at all, and redevelopment has now added some larger 2.5 storey properties to it, and possibly 3-storey.
- 25. That is unsurprising:
 - a. A continuous road, with the same name, does not necessarily entail one consistent character throughout its length; and
 - b. That this will be particularly, indeed necessarily, true of any road which starts inside a settlement but continues outside it.

26. Rayleigh Road, for instance, has one character near its junction with Alexander Lane, but a quite different character in between Hutton and the outlying settlement of Haverings Grove. What would be appropriate development in terms of design, character and appearance, in one section would not be in another.
27. Alexander Lane is shorter, and the distance between the different characters is also shorter, but it, too, as things have stood, has one end in the built-up area (with one character), whereas the other end goes into open countryside, although then bends back and (now) has the further development of Chelmsford Road beyond it. Psychologically, I have always thought of those as two different roads (and indeed been unclear as to what the name of the Rayleigh Road end is), and they plainly do have very different characters.
28. Put shortly, Alexander Lane is precisely that, a 'Lane, and its character and appearance reflects this, and needs to be respected in any adjacent development, thereby complying with Policy B14 1.e) (see 'The Local Development Plan' below). Three-storey bulky buildings are alien to a Lane; and whilst there are taller buildings closer to the Town Centre, they provide a very different role and function.

The Local Development Plan

29. Paragraph 5.126 of the Local Plan's supporting text states as follows:

"An important part of making successful places is to ensure that new buildings are attractive, appropriate in their setting and fit for purpose. Their massing, scale and layout should enhance, activate and appropriately frame the public realm, complement the existing streetscape and surrounding area."

30. Consistent with the above, Policy BE14 1.e) reads thus:

"[Proposals should] respond positively and sympathetically to their context and build upon existing strengths and characteristics, and where appropriate, retain or enhance existing features which make a positive contribution to the

character, appearance or significance of the local area (including natural and heritage assets)."

31. The Appeal application does nothing of the kind. It does not build upon the characteristics, or complement the existing streetscape, of either Chelmsford Road or of Alexander Lane. In particular:

- a. As explained in paragraphs 23-27 above, the neighbouring 'character area' of Alexander Lane, beyond the railway line which forms the settlement boundary for Hutton, contains no existing three-storey buildings whatsoever;
- b. The only three-storey building of which I am aware in Chelmsford Road is approximately one mile away, even as the crow flies, from those proposed at the Chelmsford Road "gateway"; and
- c. Paragraph 2.6 of the OR characterises Chelmsford Road as:

"... largely 2-storey detached and semi-detached houses. There are various architectural styles, with no uniform character."

31. Moreover, the one-sided design of the Chelmsford Road gateway (which is responding to the specific challenges presented by flood risk and drainage on the Policy R03 site) means that:

- a. The excessively high and solid block proposed on the north eastern corner of the development's spine road is at its most visible when passers-by along Chelmsford Road are just about to pass out of the settlement of Shenfield, towards the more rural character of Roman Road in Mountnessing, and would be expecting a gradual diminution of built form.

- b. Whereas passers-by approaching Shenfield from the A12, and therefore arriving in the new built-up area, only get the opportunity to see the rear of this incongruously high block.
- c. Accordingly, it sends the wrong message in the wrong direction at the wrong location, which is, in terms both of layout and design quality, also to ignore R03 2. b), whose requirement is that: “[Development should] be of a design quality and layout that reflects its key gateway location, particularly on land near to Junction 12, A12.”

The Essex Quality Review Panel

- 32. The Essex Quality Review Panel (“QRP”) of 28th June 2023 had already specifically commented, of the site “gateways,” that:

“Although the idea of a visual ‘gateway’ was supported, the Panel feel these locations are an inappropriate location for increased height as opposed to density, mainly as a result of the periphery of the site being much more sensitive.

The Panel would encourage the design to look at more creative and progressive ways to design around the landscape character of the site rather than apply standard development design solutions.

Regarding the ‘Gateways’, the Panel suggest locating taller buildings away from the ‘gateway spaces’ as indicated in the Development Framework, preferring to see ‘gateways’ indicated by subtle design changes and continuous built form where sound barriers are required.”

- 33. Not only are the first and third paragraphs essentially ignored in the Appeal application as submitted, but the second paragraph is also pertinent. In these regards, I am not aware of existing completed developments anywhere in Brentwood borough, not just Shenfield, which have taken the approach of highlighting “gateways” by means of higher (particularly three-storey) units.

Suggestions have been made that this is often done elsewhere, but that would appear to fall into the category of “standard development design solutions” which, again, the 2023 QRP specifically advised against. It certainly does not reflect the existing landscape character or design surroundings of the site, and does not respect the sensitivity of the site periphery, as stressed by the QRP.

34. Whilst other aspects of the development as proposed, particularly those where it has to accommodate areas of significant flood risk around the Critical Drainage Area, do appear to have taken this advice to heart, the same cannot be said of the treatment of the site gateways on Chelmsford Road or Alexander Lane. Similarly, whilst attention has been paid to the point in the third paragraph above about the advisability of locating taller buildings away from “gateway spaces” in the sense that the School Plaza Area and the Primary Streets area do offer three-storey units, taller buildings have continued to be used to define the gateways.

Conclusion

35. In conclusion, I am prepared to welcome any application on the Policy R03 site, or other Local Plan sites, which abides by site-specific and general Local Plan policies, but applications should not simply be approved because they are for sites allocated in the Local Plan for development without proper consideration of the Local Plan – both its site-specific policies, where relevant, and as a whole. It is a statutory imperative, after all, to decide applications in accordance with the Development Plan unless material considerations indicate otherwise.
36. At the time of the meeting on 9.7.24, however, it was very easy to show how Planning Application 23/01164/FUL was failing to abide by general Local Plan policies in relation to Policy BE 14 1.e), and its supporting paragraph 5.126.
37. Attempts were made during the course of the meeting to square the circle of an application with an officer recommendation for approval which diverged from the Local Plan (in the view of various members) under several headings. I had then, and still have now, straightforward objections to the failure of such a major application to abide by such a pivotal Local Plan policy (BE14 contains much of

what used to be Policy CP1 (Core Policy 1) in the previous Brentwood Local Plan, which illustrates its importance). Further investigation and considerations have not altered my opinion.

38. I would, of course, welcome a further application on the Policy R03 site which could be shown to respect the site specific and general policies of Brentwood's Local Plan.