

Minutes

Local Plan Sub-Committee

31st October 2016

Present:

Councillors	Present	Councillors	Present
D Bebb	Apologies	Mrs J Money	Apologies
Mrs L Bowers-Flint (Chairman)	Yes	Lady Newton	Yes
G Butland	Yes	J O'Reilly-Cicconi	Yes
T Cunningham	Yes	Mrs W Scattergood	Yes
D Hume	Yes	Miss M Thorogood	Yes

Councillors Abbott, Bowers, Schwier and van Dulken were also in attendance.

30 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

On behalf of Members of the Sub-Committee, Councillor Mrs L Bowers-Flint, the Chairman of the Local Plan Sub-Committee, declared a joint non-pecuniary interest in Agenda Item 5 – 'Braintree Draft Local Plan – Consultation Responses' and specifically:-

- Site ASHE104 – Land to the West of Street Farm, Ashen as Mr N McCrea the owner of the land was known to them as a former elected Member of Braintree District Council.
- Sites at Bulmer and Bulmer Tye as the wife and brother-in-law of Councillor J O'Reilly-Cicconi were the owners of sites which had been submitted for consideration as part of the 'call for sites' and Councillor O'Reilly-Cicconi was known to them as an elected Member of Braintree District Council.
- Sites at Great Maplestead as Councillor P Schwier who was in attendance at the meeting was the owner of a site which had been submitted for consideration as part of the 'call for sites' and Councillor Schwier was known to them as an elected Member of Braintree District Council.
- Sites at Great Yeldham as Councillor Philip Rawlinson, who was speaking at the meeting during Question Time on behalf of Great Yeldham Parish Council was known to some of them as a member of Braintree Conservative Association's Executive Committee.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – 'Braintree Draft Local Plan – Consultation Responses' and specifically Sites ASHE102, Ashen and WISP619, Wickham St Paul as Mr David Smith, who was

speaking at the meeting during Question Time and was the Agent, was known to him.

Councillor Butland declared a non-pecuniary interest also in the same Item and specifically the discussion and decision regarding Silver End as Councillor James Abbott, who was speaking at the meeting during Question Time, was known to him as an elected Member of Braintree District Council.

Councillor J O'Reilly-Cicconi declared a disclosable pecuniary interest in Agenda Item 5 – 'Braintree Draft Local Plan – Consultation Responses' and specifically the discussion and decision regarding Bulmer and Bulmer Tye as his wife and brother-in-law were the owners of land which had been submitted for consideration as part of the 'call for sites'. Councillor O'Reilly-Cicconi left the meeting during the consideration of all sites at Bulmer and Bulmer Tye.

Councillor O'Reilly-Cicconi declared a non-pecuniary interest also in the same Item and specifically the discussion and decision regarding Wickham St Paul as the owner of land which had been submitted for consideration as part of the 'call for sites' was a good friend. Councillor O'Reilly-Cicconi left the meeting during the consideration of all sites at Wickham St Paul.

Councillor Mrs W Scattergood declared a non-pecuniary interest in Agenda Item 5 – 'Braintree Draft Local Plan – Consultation Responses' and specifically Site ASHE102, Ashen as Mr David Smith, who was speaking at the meeting during Question Time, was known to her.

In accordance with the Code of Conduct and for the avoidance of doubt, Councillor P Schwier left the meeting for the consideration of Agenda Item 5 – 'Braintree Draft Local Plan – Consultation Responses' and specifically the discussion and decision regarding Great Maplestead, as he was the owner of a site which had been submitted for consideration as part of the draft Braintree District Local Plan 'call for sites' and he had a Disclosable Pecuniary Interest in the matter. Although Councillor Schwier was not a Member of the Local Plan Sub-Committee and, as such, he did not have voting rights, he was precluded from taking part in the discussion and decision on the draft Local Plan as a whole based on his Disclosable Pecuniary Interest.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Item/sites were considered.

31 **MINUTES**

INFORMATION: The Minutes of the meeting of the Local Plan Sub-Committee held on 5th October 2016 were confirmed as a correct record and signed by the Chairman.

32 **QUESTION TIME**

INFORMATION: There were seven statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

33 **BRAINTREE DRAFT LOCAL PLAN – CONSULTATION RESPONSES**

INFORMATION: Consideration was given to a report summarising the comments submitted to the Council following public consultation on the draft Local Plan which had taken place between 27th June 2016 and 19th August 2016. The report included information about proposed new sites which had been put forward and, where applicable, recommended amendments.

The report related to the villages of Ashen, Bulmer, Bulmer Tye, Gainsford End, Gosfield, Great Maplestead, Great Yeldham, Little Yeldham and North End, Panfield, Pebmarsh, Ridgewell, Shalford, Church End Shalford, Silver End, Stambourne Parish – Chapel End Way Stambourne, Dyers End, Stambourne, Steeple Bumpstead, Terling, Tilbury Juxta Clare, and Wickham St Paul. Maps of the sites which had been put forward for consideration and the proposed Inset Maps for each village and settlement to be contained within the Pre-Submission Local Plan were included in an Appendix to the report.

The Plan included 68 strategic and non-strategic policies set around the key themes of ‘A Prosperous District’; ‘Creating Better Places’; and ‘The District’s Natural Environment’. The report summarised the comments submitted in respect of the ‘Vision and Objectives’ and ‘Design and Heritage’ sections of the Plan and it set out proposed amendments to the text and policies relating to these.

In discussing the ‘Vision and Objectives’ section of the Plan, Members of the Sub-Committee agreed that the word ‘positive’ should be deleted from the third sentence of the second paragraph of the ‘Vision’ text and that the amended sentence should read ‘Two new garden communities are being built within the District at West of Braintree and West of Colchester providing new communities within a high quality environment’.

In discussing the ‘Design and Heritage’ section of the Plan, it was reported that there were two typographical errors in ‘Policy LPP 46 – Layout and Design of Development’, namely that the word ‘appropriate’ in paragraph ‘b)’ should be amended to ‘appropriately’; and that a semi-colon should be inserted after ‘C or D’ in paragraph ‘r)’ (now paragraph ‘p’).

DECISION:

- (1) That the Inset Map for Ashen remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (2) That the Inset Map for Bulmer remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (3) That the Inset Map for Bulmer Tye remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (4) That Gainsford End remains as a settlement within the countryside with no development boundary.
- (5) That the Inset Map for Gosfield remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (6) That the Inset Map for Great Maplestead remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (7) That the Inset Map for Great Yeldham be amended by the removal of the informal recreation designation from Site GRYE625 – land North of Toppesfield Road and West of High Street, Great Yeldham, as shown in the Appendix.
- (8) That the Inset Map for Little Yeldham and North End remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (9) That the Inset Map for Panfield remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (10) That the Inset Map for Pebmarsh remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (11) That the Inset Map for Ridgewell remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (12) That the Inset Map for Shalford remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (13) That the Inset Map for Shalford Church End be amended to include a revised development boundary at Site SHAL374 - land West of Little Gables, Church End, as shown in the Appendix.
- (14) That the Inset Map for Silver End remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (15) That the Inset Map for Stambourne Chapel End Way remains unchanged from that in the draft Local Plan, as shown in the Appendix.

- (16) That the Inset Map for Stambourne Dyers End remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (17) That the Inset Map for Steeple Bumpstead remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (18) That the Inset Map for Terling, specifically the designation of formal recreation space at The Dismals and land shown as allotments, be amended as shown in the Appendix.
- (19) That the Inset Map for Tilbury Juxta Clare remains unchanged from that in the draft Local Plan, as shown in the Appendix.
- (20) That the Inset Map for Wickham St Paul be amended to include an area of approximately 0.6 hectares, considered to be brownfield land at Site WISP619 - rear of Church Road and Old Road, Wickham St Paul within the development boundary, as shown in the Appendix.
- (21) That the updated 'Vision' text under the 'Vision and Objectives' policy section of the draft Local Plan be approved as follows:-

Vision

'By 2033, the District will be the most successful in Essex. Jobs and businesses will have increased in both quantity and quality, making the District a desirable place to live and work.'

Housing growth has been achieved, with the expansion of the main town of Braintree providing sustainable attractive new homes within a market town setting. Witham, Kelvedon and Feering have also continued to expand making the most of their excellent transport links to provide high quality homes and new community facilities. Two new garden communities are being built within the District at West of Braintree and West of Colchester providing new communities within a high quality environment. Smaller scale growth will continue in other areas of the District, including Halstead, meeting the local needs of smaller rural communities.

The strategic transport routes of the A120, A12 and rail routes from Braintree and Witham have been improved allowing fast and reliable connections to London, London Stansted Airport, the east coast ports and other key regional centres.

Developments in the District will have been designed and built to the highest quality, making the best use of new technologies to ensure suitability and sustainability now and in the future. High speed reliable broadband is accessible for all homes and businesses.

All residents in the District will have access to the highest quality community facilities including health and education provision. Outstanding leisure facilities continue to be provided to ensure residents can make healthy choices, and retail and other community needs are met. The unique natural and historic environment continues to be protected and enhanced.

Braintree District continues to be an aspirational place to live with a successful economy, wide range of affordable, sustainable homes situated within a high quality urban and rural landscape, all within easy reach of London and the wider region.'

- (22) That the updated 'Key Objectives ' text under the 'Vision and Objectives' policy section of the draft Local Plan be approved as follows:-

Key Objectives

'Creating a Successful Economy

To promote a local economy which supports the growth of existing businesses and encourages new entrepreneurial enterprises and employers to locate in the District, by providing high-quality land and buildings in sustainable locations, to meet the needs of businesses., and seeks to reduce travel outside the District to work.

Retail and Town Centres

To support the changing role of town centres as a location for retail, employment, community services and cultural facilities by encouraging new development and regeneration schemes to support the function of the towns as major service centres. The major regional shopping destination of Braintree Freeport and Retail Park continues to be supported. Shops and retail facilities will also be provided on new developments where appropriate.

Housing Need

To provide a range of housing sizes, types and tenures which meet local need, including affordable homes, starter homes, and those residents with specialist accommodation needs. New homes will be created in balanced sustainable communities.

Transport Infrastructure

New developments must contribute towards the improvement of the road network in the District, including schemes to ensure safety and reduce congestion. Developments will make appropriate provision for public transport, walking and cycling, both within developments and connections to the wider network.

Broadband

To work with Essex County Council and service providers, to secure the earliest availability of universal broadband coverage and the fastest available connections speeds in the District and to ensure that these are made available to all new developments, along with measures to futureproof development for additional technologies.

Education and Skills

To facilitate the best possible education system for District residents of all ages, by supporting the construction of new schools and other educational buildings which support life-long learning and skills development in the District providing the skills necessary for businesses to thrive.

Protection of the Environment

To protect and enhance the natural and historic environment and varied landscape character of the District, promoting local distinctiveness and character. Development will be planned with high quality green infrastructure and space for flora and fauna, with no net loss of biodiversity. The Council will seek to minimise the impact of all forms of pollution on the health and amenity of local communities and the natural and built environment.

Good Quality Design

All new developments in the District will be of high-quality design, easily maintainable and will respect the scale, style and setting of the site with reference to historic townscapes, natural landscapes and existing infrastructure. Development should use materials which respect and enhance their setting and contribute to local character.

Healthy Communities

All residents of the District are able to keep active and make healthy choices by ensuring outdoor community areas are preserved and enhanced and appropriate new areas to enable sports and recreation are created. Cycle ways and pedestrian links are also to be provided in all new developments to encourage walking and cycling. Land will be made available to support the expansion of local physical and mental health facilities to support new and growing communities.

Social Infrastructure

Residents of the District should have access to the best local and community facilities which provide inclusive places for communities to meet, play and learn. New developments will make contributions to existing facilities or provide land and contributions for new facilities.

Sustainability

To ensure that all development takes place in the most well-connected areas, making the best use of sites that have been previously development. The use of natural resources should be minimised and developments should encourage the use of renewable energy and energy efficiency measures.

Empowering Local People

Creating a planning environment in which local residents and businesses feel fully involved and empowered to engage in shaping the future of the District. Documents are written in a way which is accessible and decisions are taken in a transparent way.'

- (23) That the updated 'Built and Historic Environment' text and 'Policy LPP 42 - Built and Historic Environment' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Built and Historic Environment

The built and historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand. The values of the historic built environment lie in defining and enhancing that connection of people to a place. The built environment can enhance regional and local distinctiveness and it forges connections between people and the places where they live and visit. Good planning policy takes into account and is sensitive to the historic built environment when assessing new development applications.'

Policy LPP 42 - Built and Historic Environment

The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to:

- a) Respect and respond to the local context, especially in the District's historic areas, where development may affect the setting of listed buildings and other buildings of historic or architectural significance, conservation areas, registered parks and gardens, and areas of high archaeological and landscape sensitivity including designated heritage assets*
- b) Promote and encourage the contribution that heritage assets can make towards driving regeneration, economic development, tourism and leisure provision in the District*
- c) Actively encourage local groups to formulate Local Lists of buildings and structures of historic or architectural significance*
- d) Create built environments which are safe and accessible to everyone and which will contribute towards the quality of life in all towns and villages*
- e) Create good quality built environments in commercial and business districts and in the public realm as well as in residential areas*
- f) Be capable of meeting the changing future needs of occupiers*
- g) Promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the delivery of sustainable development and regeneration.*

- (24) That the updated 'Creating High Quality Spaces' text and 'Policy LPP 46 – Layout and Design of Development' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Creating High Quality Spaces

'Where people live has a major effect on their life. If where people live is well-planned, appropriately designed and effectively managed, their environmental quality of life is more likely to be of a good standard. This chapter establishes the link between planning and design to help produce improved living environments which results in a better quality of life for all.

The objective is to encourage and assist those involved in the planning of new developments to think more imaginatively about the best possible design and layout.

In general, an effective approach to planning, design and development is one which:

- Makes efficient use of the available land and buildings and reduces the demand for green field development*
- Provides homes which are attractive and environmentally friendly*
- Encourages well laid out urban areas with good quality buildings, well-designed streets and good quality public open spaces*
- Allows people to get to work easily and to the services they need like local shops and health and leisure facilities and*
- Makes good public transport viable and makes walking and cycling attractive options.*

The Council is committed to ensuring high standards of planning, design and layout in the District as well as recognising the importance of the quality of the environment and its heritage assets. The NPPF emphasises that it is important to plan positively for the achievement of high-quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. In accordance with the NPPF, the Council will require good development design and also the protection and enhancement of the historic environment, including in its historic market towns, conservation areas, listed buildings, scheduled monuments, factory garden village (Silver End), historic parks and gardens, rural landscapes and archaeological assets.

The Essex Design Guide has been adopted by Braintree District Council, and is a useful starting point for a development and provides guidance regarding amenity standards, layouts and separation distances for dwellings. The guide should be used flexibly particularly when being applied to brownfield sites, but it should not prevent innovative layouts or design proposals.

In the context of this chapter, development includes that which would require planning permission, conservation area consent, listed building consent, has an impact on archaeological deposits, advertisement consent or consent resulting from an Article 4 direction.

It is recognised that there is an ageing population in the Braintree District with the proportion of residents aged over 65 being higher than the national average. Understanding and planning for demographic change and an ageing population is an important consideration in sustainable planning and design and can assist in creating an inclusive society. It is a requirement to ensure that the needs of our ageing population are met through provision of appropriate housing and easy access to public transport and facilities such as health care.

Noise category C and D in the policy below, refers to noise situations such as development adjacent to trunk roads or railway lines, and is noise level which would not permit the opening of windows.

Flood Resilience and flood resistance are defined in National Planning Guidance.”

Policy LPP 46 - Layout and Design of Development

The Council will seek a high standard of layout and design in all developments in the District and encourage innovative design where appropriate. Planning permission will only be granted where all the following requirements are met:

- a) The scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline and the building line*
- b) Buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, comprise details and materials that complement, but not necessarily replicate, the local architectural character.*
- c) There shall be no unacceptable impact on the amenity of any nearby properties including on privacy, overshadowing, loss of light and overbearing impact*
- d) The public realm including buildings, open areas, circulation spaces, and other townscape and landscape features shall be of a high standard of design and materials and they shall be consistent with affordable long term maintenance which is appropriate to the character and historic value of the area*
- e) Designs shall be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to heritage assets*
- f) Development proposals will incorporate measures for environmental sustainability throughout the construction, occupation and demolition of the development; in relation to energy conservation, water efficiency, waste separation (internal and external), climate change, flood resilience and resistant construction and the use of materials with low overall energy requirements*
- g) Designs shall incorporate details of waste storage and collection arrangements, including provision for recycling, within the site to ensure that the impact on amenity and character are considered and recycling is optimised*
- h) Designs and layouts shall promote a safe and secure environment, crime reduction and prevention, and shall encourage the related objective of enhancing personal safety with the maximum amount of natural surveillance of roads, paths and all other open areas and all open spaces incorporated into schemes*
- i) Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic*

environmental assets. The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent interference with highway sight lines and root damage to roads, pavements and properties

- j) The design and level of any lighting proposals will need to be in context with the local area, comply with national policy and avoid or minimise glare, spill and light pollution on local amenity, intrinsically dark landscapes and nature conservation*
- k) Use of sustainable modes of transport are promoted in the design and layout of new development, the highway impact shall be assessed and the resultant traffic generation and its management shall seek to address safety concerns and avoid significant increases in traffic movement, particularly in residential areas*
- l) Proposals for the long-term maintenance of public areas, and landscaping*
- m) The development proposed should not have a detrimental impact on the safety of highways or any other public right of way and its users*
- n) Developments shall be legible and accessible to all and create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming Developments shall be permeable and well-connected to walking and cycling networks, open spaces and facilities*
- o) Residential developments shall provide a high standard of accommodation and amenity for all prospective occupants.*
- p) Developments should avoid single aspect dwellings that are: north facing; exposed to noise categories C or D; or contain three or more bedrooms. Where single aspect dwellings are proposed, the designer should demonstrate how good levels of ventilation, daylight and privacy will be provided to each habitable room*
- q) Private outdoor amenity space shall be provided in accordance with the standards set out in the Essex Design Guide and shall be accessible, usable and well-related to the development.*

- (25) That the updated 'Conservation Areas' text and 'Policies LPP 47 – Conservation Areas'; new Policy 'Demolition in Conservation Areas'; LPP 48 – Shop Fronts, Fascias and Signs in Conservation Areas' and LPP 49 – Illuminated Signs in Conservation Areas' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Conservation Areas

'Conservation Areas are designated under the Planning (Listed Building and Conservation Areas) Act 1990. There are 39 Conservation Areas within the District, which are identified on the accompanying Proposals Map and Insets. These areas make an important contribution to the high- quality of the built environment. The Council has a duty to preserve and enhance these areas and to ensure that development preserves or enhances the character and appearance of Conservation Areas in the District. Such areas should be regularly monitored and reviewed from time-to-time in order to ensure that they are of sufficient architectural or historic value to justify their status. The

Council will encourage enhancement works in Conservation Areas where opportunities arise through development proposals.

Residential properties within Conservation Areas have additional restrictions on what can and cannot be done without consent from the Council. This includes reduced permitted development rights for domestic buildings, demolition, and work to trees and the positioning of satellite dishes. Persons living within Conservation Areas should check with the Council prior to commencing any works which may require consent. Parts of Silver End are covered by additional restrictions and further guidance is available from the Local Planning Authority on this.

Development proposals in Conservation Areas should be of a quality that respects the historic and architectural character of the area.

Policy LPP 47 - Conservation Areas

The Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the buildings, open spaces and areas, landscape and historic features and views into, out from and within the constituent parts of designated areas. Built or other development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that all the following criteria are met:

- a) The proposal does not detract from the character, appearance and essential features of the Conservation Area*
- b) Details of existing buildings which make a positive contribution to the character and appearance of the Conservation Area will be retained*
- c) Building materials are authentic and complementary to the building's character and appearance of the Conservation Area.*

New Policy - Demolition in Conservation Areas

Demolition of an unlisted building or structure will only be granted in the most exceptional circumstances, where all the following criteria are fully satisfied:

- a) Its removal would not have a negative impact on the street-scene*
- b) The structure to be demolished makes a negative contribution to the character or appearance of the Conservation Area*
- c) Its removal would be beneficial to the local environment or infrastructure*
- d) A detailed redevelopment scheme is included and approved as part of the demolition proposal which would preserve or enhance the character and appearance of the area*

Policy LPP 48 - Shop Fronts, Fascias and Signs in Conservation Areas

The Council will apply all the following policies for the control of fascias and signs in Conservation Areas:

- a) Large or unduly deep fascias will be discouraged as they tend to assume bold proportions, which detract from the vertical emphasis of historic and other buildings, particularly if applied across more than one frontage without an interval*
- b) Lettering and symbols should be in scale with both the building and any board or structure on which they are located. They should avoid enlarged type-faces and cramped spacing. Individual cast metal or cut-out serif letters are considered appropriate since they should not detract from the major focal interest of the facade and they have the added advantage of strong definition*
- c) Dominant or overpowering signs and those which appear unnecessary and repetitive will be resisted. In particular, many national identity signs are disruptive to domestic scale and inappropriate for conservation areas. Hanging signs may be acceptable where fascia signs are inappropriate*
- d) Any undue proliferation of advertisement displays will be opposed and signs above ground- floor level will normally be refused*
- e) All advertisements should be designed as an integral part of the host building, of a size and design, which is in harmony with the character of the Conservation Area*
- f) Display windows should be sub-divided into areas which create proportional harmony and relate to the character and features of the building*
- g) Traditional materials should be used wherever possible*
- h) Inappropriate division of the buildings behind their facades will not be permitted*
- i) Stall risers should always be provided: They should be between 450mm and 700mm high and have a moulded projecting sill, to provide a strong junction with the glass*

Policy LPP 49 - Illuminated Signs in Conservation Areas

The Council will apply all the following criteria for the control of illuminated fascia and projecting signs in Conservation Areas:

- a) Well-designed and proportioned fascia signs will be considered favourably, depending upon the building and the setting, provided that the lettering only is illuminated*
- b) Wholly illuminated fascia signs, which are badly designed, using high glossed materials and large lettering out of keeping with the character of the area or the building on which they are to be displayed, will not be permitted*
- c) Well-designed hanging signs using traditional materials and lettering will be considered on their merits in relation to the buildings and the setting. Any illumination necessary shall take the form of discreet external down lighting*
- d) Projecting and hanging signs should be non-illuminated and at, or just below, fascia level*

- e) *Where illumination is proposed for shop fronts it should always be provided externally, internally illuminated signage will be resisted.*
- (26) That the updated 'Heritage Assets' text and 'Policy LPP 50 – *Heritage Assets and their Settings*' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Heritage Assets

The National Heritage List for England shows that in 2016 the District had 3,237 heritage assets including 3,189 listed buildings of all grades, 40 Scheduled Ancient Monuments, 39 Conservation Areas and 8 Historic Parks and Gardens.

Buildings listed as being of special architectural or historic significance are subject to additional legislative controls, due to their intrinsic significance and their contribution to the character and appearance of their setting. Listed buildings often dominate the character of Conservation Areas, lying at the historic core of towns and villages. A number of listed buildings in the District are in rural locations, where their settings can affect wider tracts of land.

A number of historic parks and gardens (many of which are associated with surviving or demolished manor houses) have been identified by Historic England as worthy of protection and included in its register. Although inclusion does not convey any additional powers over development, the protection of their special character is a material consideration, to be taken fully into account in any development proposals affecting registered parks or gardens, or their settings.

A schedule has been kept since 1882 of monuments considered to be of national importance by the Government. The Ancient Monuments and Archaeological Areas Act 1979 supports a formal system of Scheduled Monument consent for any work to a designated monument.

The NPPF makes it clear that great weight should be given to the conservation of heritage assets. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should also be considered subject to the policies for designated heritage assets. Heritage assets should be conserved for their contribution to the quality of life of local residents and visitors as they offer significant social, cultural, economic and environmental benefits. Substantial harm such as the total or partial loss of an asset or its setting, or loss of Grade II heritage assets should be exceptional and in the case of designated heritage assets of the highest significance (Grade I or II, registered parks and gardens, and scheduled monuments), should be wholly exceptional. As such, applications for total or partial demolition of listed buildings and other heritage assets will not be permitted unless there are very clear circumstances indicating that there are no practical alternatives to demolition and that the intended development will produce substantial public benefits, including design and built environment benefits.*

The Council will support the preparation of a local heritage list by local community volunteers to be based upon selection criteria in accordance with the Historic England Good Practice Guidance. This local list would be used to identify significant local heritage assets and would strengthen their role as a material planning consideration.

Policy LPP 50 - Heritage Assets and their Settings

Development involving internal or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will only be permitted when all the following criteria are met:

- a) The works or uses do not harm the significance of the setting, character, structural stability, and fabric of the building or structure*
- b) The works or uses do not result in the substantial harm, or damage to the building or structure's historic and architectural elements which are considered to be of significance or special importance*
- c) The works or uses include the use of appropriate materials and finishes*
- d) The application submitted contains details of the significance of the heritage asset, within a Heritage Statement, which should include any contribution made by their setting*
- e) There may be a requirement for appropriate specialist recording to be carried out prior to the change of use, demolition or conversion of a listed building or associated historic building*

The Council will seek to preserve and enhance the immediate settings of heritage assets by appropriate control over the development, design and use of adjoining land

- (27) That the updated 'Demolition of Listed Buildings or Structures' text and 'Policy LPP 51 – Demolition of Listed Buildings or Structures' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Demolition of Listed Buildings or Structures

'Proposals for the demolition of listed buildings will only be considered appropriate in exceptional circumstances. The preservation of all heritage assets will be the default position of the Council'.

Policy LPP 51 - Demolition of Listed Buildings or Structures

Consent for the partial or total demolition of a listed building or structure will only be granted in the most exceptional circumstances where all the following criteria are fully satisfied:

- a) The demolition is demonstrably unavoidable for structural safety reasons*
 - b) The redevelopment of the site would provide an extraordinary benefit for the local area which would decisively outweigh the loss resulting from demolition*
 - c) Demolition works are made conditional upon planning permission being granted and a contract agreed for when redevelopment is intended*
 - d) Appropriate specialist recording is carried out prior to demolition*
 - e) All reasonable efforts have been made to sustain existing uses, find viable new uses through appropriate marketing or secure preservation through a form of charitable or community ownership and that these efforts have failed*
- (28) That the updated 'Enabling Development' text and 'Policy LPP 52 – Enabling Development' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Enabling Development

'Enabling development is defined as development within the vicinity of a heritage asset for the claimed purpose of assisting its repair, restoration or improvement.

The NPPF requires local authorities to assess whether the benefits of a proposal for enabling development (which would otherwise conflict with planning policies, but would secure the future conservation of a heritage asset) outweigh the disadvantages of departing from those policies. Historic England's Enabling Development Guidance (updated in 2012) provides further guidance on this matter and this will help the Council determine the suitability of 'enabling development proposals'.

Policy LPP 52 Enabling Development

Development proposals to secure the future of a heritage asset will be considered on their merits and assessed on the basis of the need to preserve the heritage asset. Such proposals will only be permitted subject to meeting all the following criteria:

- a. It will not materially harm the heritage values of the place or its setting*
- b. It avoids detrimental fragmentation of management of the heritage assets*
- c. It will secure the long-term future of the place and where applicable its continued use for a sympathetic purpose*
- d. It is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the present owner or the purchase price paid*
- e. Sufficient subsidy is not available from any other source*

- f. *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and that its form minimises harm to other public interests*
 - g. *The public benefit of securing the future of the significant place, through such enabling development, decisively outweighs the dis-benefits of breaching other public policies.*
- (29) That the updated 'Sites of Archaeological Importance' text and 'Policy LPP 53 – Archaeological Evaluation, Excavation and Recording' under the 'Design and Heritage policy section of the draft Local Plan be approved as follows:-

Sites of Archaeological Importance

'A Historic Environment Characterisation Report (HECR) has been produced for the Braintree District which outlines the sensitivity, diversity and value of the historic environment within the District. It provides a comprehensive account of the character of the District's historic environment and the heritage assets that contribute towards that character.

Braintree has a rich and varied historic environment with evidence of human activity dating back to the Palaeolithic period between 500,000 and 10,000 years BC. As such, it is important to assess areas within the District for their archaeological potential as and when opportunities arise to do so. The Historic Environment Record contains 6,622 records relating to the historic environment in the Braintree District. The majority of archaeological sites are not designated; however, it is recognised that many are of a similar significance to designated assets.

Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interests the applicant should describe the significance of any heritage assets affected. As a minimum, the Historic Environment Record should have been consulted and an appropriate assessment produced.

Although it may not always be feasible to retain archaeological remains where they are found there will be presumption in favour of retaining such remains wherever possible. Proposals will be encouraged which incorporate any archaeological or historic features that are discovered within the development'.

Policy LPP 53 - Archaeological Evaluation, Excavation and Recording
Where important archaeological remains are thought to be at risk from development, or if the development could impact on a scheduled monument or historic park and garden, the developer will be required to arrange for an archaeological evaluation of the site to be undertaken and submitted as part of the planning application. The Essex Historic Environment Record should be the primary source for assessment for archaeological potential. The evaluation will assess the character, significance and extent of the archaeological remains and will allow an informed decision to be made on the planning application. Such assessments should be proportionate to the

importance of the site and a programme of archaeological investigation may be necessary for sites likely to contain significant archaeology.

Planning permission will not be granted if the remains identified are of sufficient importance to be preserved in situ and cannot be so preserved in the context of the development proposed, taking account of the necessary construction techniques to be used.

Where archaeological potential is identified but there is no overriding case for any remains to be preserved in situ, development which would destroy or disturb potential remains will be permitted, subject to conditions ensuring an appropriate programme of archaeological investigation, recording, reporting and archiving prior to development commencing. There will be a requirement to make the result of these investigations publicly accessible.

The meeting commenced at 6.00pm and closed at 8.08pm.

Councillor Mrs L Bowers-Flint
(Chairman)

APPENDIX

LOCAL PLAN SUB-COMMITTEE

31ST OCTOBER 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Ashen

Statement by Mr Neil Hendry, Longways Cottage, The Street, Ashen (Objector)

2 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Ashen

Statement by Councillor Colin Hainsworth, for Ashen Parish Council, Tooleys, The Street, Ashen (Objector)

3 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Site ASHE102, Ashen

Statement by Mr David Smith, Percival and Co, High Street, Earls Colne (Agent)

4 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Great Yeldham

Statement by Councillor Philip Rawlinson, for Great Yeldham Parish Council, c/o Mrs T Wigmore, Clerk to Great Yeldham Parish Council, Parish Office, Reading Room, High Street, Great Yeldham (Objector)

5 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Little Yeldham

Statement by Mr Peter Gentry, for residents of Little Yeldham, 68 Little Yeldham Road, Little Yeldham (Objector)

6 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses – Silver End

Statement by Councillor James Abbott, District Ward Councillor for Silver End and Cressing, 1 Waterfall Cottages, Park Road, Rivenhall (Supporter of Officer Recommendation)

7 Statement Relating to Agenda Item 5 – Braintree Draft Local Plan - Consultation Responses - Wickham St. Paul

Statement by Councillor Derek Stokes, for Wickham St. Paul Parish Council,
address not supplied (Part objection, part in principle support)