

Minutes

Local Plan Sub-Committee

14th January 2016

Present:

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

Councillors Bowers, Horner, Mitchell, Ramage and Schwier were also in attendance.

30 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

31 **MINUTES**

INFORMATION: The Minutes of the meeting of the Local Plan Sub-Committee held on 2nd December 2015 were confirmed as a correct record and signed by the Chairman.

32 **QUESTION TIME**

INFORMATION: There were no questions asked, or statements made.

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

33 **DRAFT DEVELOPMENT MANAGEMENT POLICIES – HOMES, TRANSPORT AND INFRASTRUCTURE, COMMUNITY FACILITIES AND PROTECTING THE ENVIRONMENT**

INFORMATION: Consideration was given to a report on proposed development management policies for inclusion in the new Local Plan. These policies would guide development in the District up to 2033. It was proposed that the policies should be contained in Chapters and divided between three sustainable development themes entitled 'A Prosperous District', 'Creating Better Places' and 'Protecting the Environment'. The National Planning Policy Framework recommended that Local Plan policies should be focused, concise and accessible,

that they should not repeat each other or national policy, and that they should show how critical areas would be dealt with.

The report set out proposed policies for inclusion within the Chapters entitled 'Homes', 'Transport and Infrastructure', 'Community Facilities' and the theme 'Protecting the Environment'. The report set out also further changes to policies which had been considered at the last meeting of the Local Plan Sub-Committee.

It was reported that the 'Homes' Chapter dealt with detailed policies which would be used in the determination of planning applications for new homes, extensions and alterations. It established principles such as density and house types which would be applied to all developments. The Chapter included two policies relating to affordable housing, which were subject to change pending the outcome of Government consultation. The draft Chapter was set out at Appendix 1 to the report.

The 'Transport and Infrastructure' Chapter dealt primarily with all aspects of access and transport arrangements which were not covered by policies of the Highways Authority. It included also a policy on broadband provision. The Chapter would incorporate a policy and specific references to projects relating to the A12, the A120 and any other new, or improved road schemes proposed for the District once this information was available. The draft Chapter was set out at Appendix 2 to the report.

The 'Community Facilities' Chapter related to the provision and enhancement of local community facilities including schools. The draft Chapter was set out at Appendix 3 to the report.

The 'Protecting the Environment' theme included sections on biodiversity, landscape character, agriculture, land, water and air quality, energy, flood risk and climate change. Policies relating to sustainable drainage and renewable energy had been drafted following consultation with Essex County Council, the lead flooding Authority and to reflect current guidance. The 'Protecting the Environment' theme was set out at Appendix 4 to the report.

It was proposed to make further changes to five policies contained within the 'A Strong Economy', 'Shops and Services' and 'Creating High Quality Spaces' Chapters, which had been considered by the Sub-Committee at its meeting on 2nd December 2015. The five policies were 'Rural Enterprise', 'Town Centres, Retailing and Regeneration', 'Primary Shopping Areas', 'District Centres' and 'Layout and Design of Development'. These policies were set out at Appendix 5 to the report.

Members noted that the policies to be contained within the 'A Healthy and Active District' Chapter of the Plan would be reported to a future meeting of the Sub-Committee pending the completion of an 'Open Space and Playing Pitch Review'.

The policies submitted to the Sub-Committee on 2nd December 2015 and 14th January 2016 would be considered by full Council on 25th January 2016. Following this, the draft Preferred Options Local Plan and accompanying sustainability

appraisal would be considered by full Council in June 2016, prior to extensive public consultation.

DECISION:

- (1) That full Council be **Recommended to approve** the 'Homes' Chapter and policies as set out in Appendix 1 to the report, subject to the 'Housing Type and Density' policy, 'Residential Alterations, Extensions and Outbuildings in the Countryside' policy, 'Replacement Dwellings in the Countryside' policy, the sixth paragraph of the supporting text to the 'Rural Workers Dwellings in the Countryside' policy, and the 'Residential Conversion of Buildings in the Countryside' policy being amended to read as follows and to the 'Previously Developed Sites in the Countryside' policy being deleted:-

Housing Type and Density (Policy)

'Development should seek to create sustainable, inclusive and mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects the local need.

The density and massing of residential development will be related to;

- The character of the site and its immediate surroundings, as well as the wider locality
- The adequacy of the access and the local road system to accommodate the traffic likely to be generated
- The existing vegetation, including trees on the site and the necessity for further landscaping
- On site amenity space to be provided in accordance with the adopted guidance
- An appropriate standard of residential accommodation is provided for the occupants

Housing sizes should be broadly in line with the identified local need as set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise.

All new development should be in accordance with the national technical housing standards.

10% of new homes on sites of 10 or more dwellings must meet category 2 or 3 of Part M of the Building Regulations 2015 as appropriate. The provision should be across all house types and tenures.'

Residential Alterations, Extensions and Outbuildings in the Countryside (Policy)

'Planning permission will be granted for the extension of a habitable, permanent dwelling in the countryside and for the erection of outbuildings

ancillary to the residential use, provided that they meet all the following criteria:

- The siting, design and materials must be in harmony with the countryside setting
- They are compatible with the scale, appearance and character of the original dwelling
- Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height, width and position
- New outbuildings should be well related to the existing development on the site
- There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, and loss of light or an overbearing impact.

The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.'

Replacement Dwellings in the Countryside (Policy)

'Proposals to replace an existing habitable, permanent dwelling of conventional construction in the countryside, with a single new dwelling, will be acceptable if all the following criteria are met:-

1. The existing dwelling is not a building of architectural or historical value, which makes a positive contribution to the locality
2. The replacement dwelling and any outbuildings, would not have a more harmful impact, or be more intrusive in the landscape, or countryside setting, than the original dwelling, by virtue of its siting, scale, height, character and design
3. Any new replacement dwelling should be positioned on or close to the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity or other environmental grounds indicate that a more appropriate location on the plot can be justified
4. The size of the replacement dwelling should not be significantly larger than the original dwelling, irrespective of any outbuildings demolished on the site and should be appropriate to the countryside setting

Exceptions may be made to criteria 2 and 4 above where a truly outstanding or innovative design is proposed which reflects the highest standards of architecture and energy efficiency. Applications considered under this policy would be expected to provide a detailed analysis of the visual impacts of the new dwelling on the landscape or countryside setting.

Increases in plot size to form additional garden, parking or amenity land will not be permitted.'

Rural Workers Dwellings in the Countryside (Supporting text - sixth paragraph)

‘A financial test will also need to be passed to ensure that the rural enterprise is economically viable. The Council will take a realistic and robust approach to the level of profitability, noting that some rural enterprises, particularly where there are wider benefits, can be sustained on relatively low financial returns. The financial test will also assess whether the proposed dwelling can be sustained in the long term by the agricultural activity. It should be noted that it is the agricultural enterprise, rather than the owner or occupiers personal circumstances, or preferences that are relevant in determining the size of the dwelling that is appropriate.’

Previously Developed Sites in the Countryside (Policy) - Deleted

Residential Conversion of Buildings in the Countryside (Policy)

‘The conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re-building to residential use will only be permitted where they meet all the following criteria:

- The location of the site is accessible and sustainable in the terms of the Framework
- There is no unacceptable impact on protected species or the historic environment
- The site is served by a suitable existing access
- There is no unacceptable impact on residential amenity
- There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.

Applications for such proposals must be supported by a frame survey, structural survey and, where listed, a heritage statement setting out the implications of the development on the special architectural or historic interest of the subject building/s and their setting.’

- (2) That full Council be **Recommended to approve** the ‘Transport and Infrastructure’ Chapter and policies as set out in Appendix 2 to the report, subject to the seventh paragraph of the supporting text to the ‘Transport and Infrastructure - Strategic Policy’, and the ‘Broadband’ policy being amended to read as follows:-

Transport and Infrastructure - Strategic Policy (Supporting text - seventh paragraph)

‘Essex County Council is responsible for roads and public transport in the District, whilst Highways England is responsible for the major routes of the A120 and A12. Braintree District Council has a good relationship with these

organisations and will need to continue to work in partnership with them and our neighbouring authorities to deliver the required projects.'

Broadband (Policy)

'The Council will work with the telecommunications industry to maximise access to super-fast broadband, wireless hotspots and improved mobile signals for all residents and businesses, assisting them in delivering their investment plans and securing funding to address any infrastructure deficiencies or barriers.

All new properties (both residential and commercial) must be served by a high speed and reliable broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading.

Exceptions may be made to the above, in exceptional circumstances where applicants must show through consultation with broadband infrastructure providers, that this would not be possible, practical or economically viable. In these cases an equivalent developer contribution towards off site works will be sought which could enable greater access in the future.'

- (3) That full Council be **Recommended to approve** the 'Community Facilities' Chapter and policies as set out in Appendix 3 to the report, subject to the 'Educational Establishments' policy and the first paragraph of the supporting text to the 'Retention of Services' policy being amended to read as follows:-

Educational Establishments (Policy)

'Sites proposed, or in current educational use, are protected on the Proposals Map for that use. The change of use, or re-development of educational establishments and their grounds, will not be permitted unless:

- It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational, or community use can be found
- Satisfactory alternative and improved facilities will be provided
- The area of the site to be redeveloped is genuinely in excess of Government guidelines for playing field provision, taking into account future educational projections.

The Council will respond positively to and support appropriate and well-designed applications regarding the creation of new school and education facilities. As expressed in the NPPF, the Council will use a presumption in favour of the development of state-funded schools and educational uses.

The Council will engage in pre-application discussions with promoters to develop a collaborative approach to applications. Where necessary, the Council will utilise planning obligations to help to mitigate any adverse

impacts of an educational development and assist in delivering development that has a positive impact on the community.

The Council recognises the differences in location and design requirements between rural and urban based education proposals in the District, and will assess applications accordingly. For example, a rural based school application in particular must promote adequate and reliable public transport provision for its students.'

Retention of Services (Supporting text - first paragraph)

'In existing communities, the local planning authority seeks to protect existing community facilities and will aim to ensure new facilities are created with the establishment of new communities. These facilities can include village and community halls, shops, public houses, post offices, banks, places of worship, doctor's surgeries and other services. Together they provide facilities to meet local needs, create sustainable communities and reduce the need to travel. The provision and enhancement of these facilities, or their diversification to support their ongoing viability, will be supported wherever possible, subject to other policies within this document.'

- (4) That full Council be **Recommended to approve** the policies contained in the 'Protecting the Environment' theme as set out in Appendix 4 to the report, subject to the 'External Lighting' policy being amended to read as follows:-

External Lighting (Policy)

'Proposals for external lighting will be permitted where all the following criteria are met:

- The lighting is designed as an integral element of the development;
- Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors and time controls;
- The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky;
- The lighting intensity is no greater than necessary to provide adequate illumination;
- There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users;
- There is no harm to biodiversity, natural ecosystems and/or heritage assets;

Consideration is given to time management and limiting the hours of use for external lighting of all development.'

- (5) That full Council be **Recommended to approve** the 'Rural Enterprise', 'Town Centres, Retailing and Regeneration', 'Primary Shopping Areas', 'District Centres' and 'Layout and Design of Development' policies contained in the 'A Strong Economy', 'Shops and Services' and 'Creating High Quality Spaces'

Chapters as set out in Appendix 5 to the report, subject to the 'Layout and Design of Development' policy being amended to read as follows:-

Layout and Design of Development (Policy)

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

- The scale, layout, density, height and massing of buildings and overall elevation design should reflect, or enhance the areas 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;
- There shall be no unacceptable impact on the amenity of any nearby properties;
- 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 ;
- 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;
- Both the overall planning and detailed design shall 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;
- 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;
- 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;
- Landscape 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;
- 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;
- 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;
- Proposals for the long term maintenance of public areas, landscaping and highways are included;
- Development will be planned to minimise vulnerability to climate change impacts and that such development will not exacerbate vulnerability in other areas;
- The development proposed should not have a detrimental impact on highway, footpath and cycleway safety;
- External alterations to buildings will be supported where they do not have a detrimental impact on heritage assets;
- 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, well connected to walking and cycling networks, open spaces and facilities;
- Residential developments shall provide a high level of accommodation and amenity for all prospective occupants. Single aspect units will be discouraged;
- 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.'

34 **CHELMSFORD CITY COUNCIL LOCAL PLAN ISSUES AND OPTIONS - BRAINTREE DISTRICT COUNCIL RESPONSE**

INFORMATION: Consideration was given to a report on Chelmsford City Council's Local Plan Issues and Options document which had been published for consultation as part of the Council's review of its Local Plan. The current Local Plan would expire in 2021 and the new Plan would guide growth and development up to 2036. Comments on the document were required by 21st January 2016 and Braintree District Council's proposed response was set out at Appendix 1 to the report. There would be two further stages of public consultation on the proposed Local Plan before it was submitted for Examination.

The Issues and Options document included information about the proposed number of homes and jobs to be provided within the Chelmsford City area during the Local Plan period and it set out three options for the spatial distribution of growth. Each option included residential development at Great Leighs which could have implications for key services and facilities provided in Braintree including highways, education, health, retail and leisure. New development was also proposed close to Chelmsford City's boundary with Hatfield Peverel and it was important that the effect of such development on the village and the A12 corridor should be considered, particularly in terms of highways, health, education and community facilities. It was important that both areas of development should be assessed in conjunction with development proposals for the Braintree District. Close working arrangements between Braintree District Council and Chelmsford City Council about issues affecting both Authorities' areas, and with relevant service providers, would be required.

Whilst proposed improvements to the A12 were included within the Issues and Options document, it did not refer to potential improvements to the A120 which would benefit residents of Chelmsford City and it was suggested that the Local Plan should be amended accordingly.

DECISION: That Braintree District Council's response to Chelmsford City Council's Local Plan Issues and Options consultation document as set out at Appendix 1 to the report be approved, subject to it being amended to require the retention of a 'green buffer' between Black Notley, Great Notley and Great Leighs and to greater emphasis being given to closer collaboration between Braintree District Council and Chelmsford City Council in view of the significant impact of proposed developments at Great Leighs and Hatfield Peverel on the Braintree District and the A12 corridor, particularly in terms of secondary education, health and highways.

The meeting commenced at 6.00pm and closed at 7.20pm.

Councillor Mrs L Bowers-Flint
(Chairman)