

LOCAL PLAN SUB-COMMITTEE AGENDA

Wednesday, 15 February 2017 at 06:00 PM

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

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**Members of the Local Plan Sub-Committee are requested to attend this meeting to
transact the business set out in the Agenda.**

Membership:-

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

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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PUBLIC SESSION	Page
1 Apologies for Absence	
2 Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3 Minutes of the Previous Meeting To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 15th December 2016 (copy previously circulated).	
4 Public Question Time (See paragraph above)	
5 Braintree Draft Local Plan - Revised Local Development Scheme	5 - 26
6 Braintree Draft Local Plan - Consultation Responses - Halstead Inset Maps	27 - 55
7 Braintree Draft Local Plan - Consultation Responses - Policies	56 - 86
8 Braintree District Strategic Flood Risk Assessment	87 - 91
9 Urgent Business - Public Session To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
10 Exclusion of the Public and Press To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	

At the time of compiling this Agenda there were none.

11 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Braintree Draft Local Plan – Revised Local Development Scheme		Agenda No: 5
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Report Prepared by: Sean Tofts, Emma Goodings		
Background Papers: <ul style="list-style-type: none"> National Planning Policy Framework (NPPF) National Planning Practise Guidance (NPPG) Localism Act (2011) Planning and Compulsory Purchase Act (2004) 		Public Yes Key Decision: No
Executive Summary: <p>The Council is required to keep an up to date Local Development Scheme (LDS) which is the project management document that sets out the programme of work that the local authority will be carrying out on planning policy documents in the next three years. This latest iteration of the LDS covers the three years from January 2017 to December 2019. It updates the timetable for the Local Plan production, Strategic Growth Development Plan Document/s (DPD) and supporting SPDs. The LDS is attached in full in the Appendix</p>		
Recommendation: To approve the Braintree District Local Development Scheme 2017 – 2019		
Purpose of Decision: To agree the project management and timetable for the Braintree Local Plan		
Corporate implications		
Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.	
Legal:	To comply with Governments legislation and guidance.	
Equalities/Diversity	The Councils policies should take account of equalities and diversity.	
Safeguarding	None	
Customer Impact:	There will be public consultation during various stages of the emerging Local Plan.	
Environment and	This will form part of the evidence base for the emerging	

Climate Change:	Local Plan and will inform policies and allocations.
Consultation/Community Engagement:	There will be public consultation during various stages of the emerging Local Plan.
Risks:	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
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1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan.
- 1.2 As part of the suite of documents to support strategic planning, the Council is required to have in place a Local Development Scheme (LDS). This is a project management document which sets out what planning policy development plan documents will be produced in the next 3 years.
- 1.3 Whilst not a requirement, in its LDS, Braintree also sets out progress made on the evidence base to support strategic planning, Supplementary Planning Documents (SPDs) and briefly outlines the progress on Neighbourhood Plans in the District.
- 1.4 If approved at committee, this Local Development Scheme will replace the one which was approved on 5th October 2016.

2 Reasons for Timetable Changes

- 2.1 Since the LDS was approved in October 2016, work on the Local Plan has been progressing, however there were several reasons why it is proposed to move the timetable for the publication of the submission draft Local Plan and hence the accompanying and following documents. These reasons briefly are;
- 2.2 In late 2016, a Peer Review of the North Essex Garden Community Project was undertaken led by Lord Kerslake. The review also included a range of other experts in the fields of planning, infrastructure and architecture. The review team were very impressed by the joint work that is being undertaken as a result of the garden community project, but they suggested that the timetable the Local Plan should be modified to ensure all necessary work was completed prior to submission. This includes ensuring that all the supporting evidence is completed and alternative options are fully considered.

- 2.3 The government had set a timescale of early 2017 for local authorities to have made 'significant progress' on their Local Plans, before central government could potentially intervene in the process. Whilst this position still stands, officers believe the Council has made significant progress in the production of the Local Plan and has government support for the North Essex Garden Communities project. As such officers believe it is low risk that central government would intervene in the Braintree Local Plan. It should also be noted that some neighbouring authorities have a later programme for delivery of their Local Plans.
- 2.4 A White Paper on changes to planning and housing is expected from central government. The exact date of publication is now expected to be early February although it had been expected first in November, alongside the Autumn statement and then in mid-January. The paper could include significant changes to national government policy which would have implications for the Local Plan. The amendment to the timescale will therefore allow time for consideration of the implications of central government policy direction before publication
- 2.5 As a result of the timetable amendment, the Submission Draft Local Plan will now be published after the release of options for widening the A12 in the District and the options for dualling of the A120. Whilst the preferred options for both these schemes are unlikely to be known by the publication date of the Submission Local Plan, it will allow some consideration of the options for both routes and the implications for the Local Plan.

3 The Revised Timescale

- 3.1 The LDS proposes to move the consideration of the Submission Draft Local Plan to June 2017. This would mean the public consultation on the Plan would take place in June and July 2017 and the submission of the Local Plan would take place in the Autumn of 2017.
- 3.2 Following submission, the timetable of the Local Plan is largely within the control of the Planning Inspectorate. However our estimation of the timetable, based on the published timelines from the Inspectorate is that examinations would take place in Winter 2017 and Spring 2018 and the document would be adopted by the Council in September 2018. It should be noted that the final adoption date of the Local Plan is unchanged.
- 3.3 The timetable for the production of the strategic growth DPD/s (containing further details of any allocated garden communities) has also been revised to ensure that they fit in at the appropriate time of the Local Plan timetable.

- 3.4 This timetable is also reflected at Colchester and Tendring authorities to reflect the joint work as part of the North Essex Garden Communities Project.

4 Next Steps

- 4.1 If the LDS is agreed at committee it will be added to the website and progress monitored against the timetable set out within it.
- 4.2 The LDS is reviewed at least every year, but any significant changes to the timetable will require a further update of the document to be brought to the committee.

Recommendation: To approve the Braintree District Local Development Scheme 2017 - 2019



LOCAL PLAN | LOCAL DEVELOPMENT SCHEME

2017 - 2019

January 2017

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1. Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS). This sets out the rolling programme for preparation of planning documents that together will form Braintree District's Local Plan. It identifies the key stages in the preparation of the Council's Local Development Documents.
- 1.2 It also sets out what resources will be required in order to ensure that the work will be completed in accordance with the timetable and identifies the risks that could result in delay.
- 1.3 This is the ninth version of the Local Development Scheme that has been prepared by Braintree District Council. The first was published in September 2005 and the last review was published in January 2015. Progress on the Local Development Scheme has been monitored and the extent to which the milestones identified have been achieved is set out in the Council's Annual Monitoring Reports.
- 1.4 The Braintree Local Development Scheme is therefore a project management document, which informs the public and stakeholders of the planning documents that the Council will produce and the timescale for their production. It includes;
 - A timetable for the production and adoption for all Development Plan Documents within the Local Development Scheme time period (3 years).
 - Identifying background studies and documents, which form the evidence base for the Local Plan.
 - A list of current adopted Supplementary Planning Documents, Material Planning Guidance and Development Briefs.
 - Arrangements for monitoring and review.

2. Planning Context

National Planning Guidance

- 2.1 The Planning Practice Guidance sets out in paragraph 158 that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

County Planning Policy

- 2.2 Essex County Council is the authority responsible for production of the Waste and Minerals Local Plans, which form part of the Development Plan. At present the adopted plan for Essex is;
- The Essex Minerals Local Plan (2014)
 - The Waste Local Plan (2001) (New Waste Plan awaiting final Inspectors report)
- 2.3 More details on the waste and minerals development document can be found on the Essex County Council website www.essex.gov.uk following the links from planning to minerals and waste policy.

Adopted Local Planning Policy

- 2.4 Current adopted planning policy in Braintree is made up of the Core Strategy, adopted in September 2011 and the Braintree District Local Plan Review, which was adopted in July 2005.
- 2.5 The Braintree District Local Plan Review was adopted in July 2005. In July 2008 the Secretary of State for Communities and Local Government decided that the majority of the Braintree District Local Plan Review policies would remain in force with the exception of the following 11 policies, which have either already been implemented, or have been superseded by more recent Government policy guidance;
- RLP23 Provision for Gypsies and Travelling Showpersons
 - RLP43 Atlas Works Site, Earls Colne
 - RLP57 Freeport Special Policy Area
 - RLP66 Flood Risk in Developed and Urban Areas
 - RLP66 Flood Risk in Undeveloped Areas
 - RLP68 Functional Floodplains
 - RLP130 Indoor Sport and Leisure Site, Braintree Retail Park
 - RLP131 Swimming Pool, Millennium Way, Braintree
 - RLP132 Community Swimming Pool, Ramsey School, Halstead
 - RLP156 Community Uses Site, Colchester Road, Halstead
 - RLP165 Monitoring

- 2.6 When the Core Strategy was adopted in 2011, it superseded the following additional policies in the Braintree Local Plan Review 2005;
- RLP1 Housing Provision
 - RLP5 Affordable Housing in New Developments
 - RLP60 Braintree Branch Line Improvement
 - RLP61 New Road Schemes
 - RLP78 Countryside
 - RLP79 Special Landscape Areas
 - RLP88 Agricultural land
 - RLP110 Retail and Town Centre Development
 - RLP111 Retail Development
 - RLP137 Open Space Standards
 - RLP139 Allotments
 - RLP163 Infrastructure and Community Facilities
- 2.7 It was the intention that the remaining policies in the Local Plan Review 2005 would be used, until they were superseded by the adoption of new policies in the Site Allocations and Development Management Plan Document. However, the transitional arrangements following the publication of the NPPF in March 2012 and set out in Annex 1: Implementation of that document state;
- “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given)”.*
- 2.8 This means that after 28th March 2013, policies in the Core Strategy and remaining policies in the Local Plan Review will have different weight depending on their compatibility with the NPPF and the presumption in favour of sustainable development.
- 2.9 The NPPF also allows for weight to be given to relevant policies in emerging plans according to:
- “The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);***
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- The degree of consistency of the relevant policies in the emerging plan to the policies in this (sic) Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).”***
- 2.10 The Council progressed a Site Allocations and Development Management Plan in 2014 and 2015, this was not submitted for examination and has now been superseded by the Draft Local Plan (2016).

3. Local Plan

- 3.1 The Planning and Compulsory Purchase Act 2004 required the preparation of new planning documents to replace the previous planning system. This new suite of documents was part of the Local Development Framework (LDF). However, following the change of government in 2010, a new set of Town and County Planning (Local Planning) (England) Regulations came into force in April 2012 (And amended in November 2012) and these revert to the former terminology of a 'Local Plan'.
- 3.2 The Local Plan will set out how the Council plans for, and makes decisions about, the future of towns, villages and countryside and will set out a strategy for the future development of the District, which is based on a clear and locally distinct vision. This vision will be developed with the involvement of the local community and there should be commitment by all relevant agencies to its delivery.
- 3.3 The Local Plan consists of a number of documents, including Development Plan Documents (DPDs) such as the Local Plan, Supplementary Planning Documents (SPDs), a Local Development Scheme (LDS), the Authorities Monitoring Report (AMR) and a Statement of Community Involvement (SCI). Further details about each document and their progress in Braintree District are given as follows:-

3.4 The Statement of Community Involvement (SCI)

- 3.5 **Purpose:** This document sets out the standards and approach to involving the community and stakeholders in the production of the Local Plan.
- 3.6 **Status:** The Council adopted its SCI in July 2006 following agreement by an independent planning inspector, with a supplement agreed in 2009. A revised draft SCI was published in January 2013, to reflect new national guidance and changes in the way that information is accessed, particularly in relation to electronic media. The revised SCI was approved by Full Council on the 23rd September 2013.

3.7 The Core Strategy Development Plan Document

- 3.8 **Purpose:** The key document in the Local Development Framework, which sets out the key strategic vision and objectives for the District and contains strategic sites, which are essential to the delivery of the plan.
- 3.9 **Status:** The Council adopted its Core Strategy in September 2011, following examination of soundness by an independent planning inspector.

3.10 The Site Allocations and Development Management Plan

- 3.11 **Purpose:** A development plan document, which is in conformity with the Core Strategy. This allocates sites for new housing, employment, retail and other land uses and sets out non-strategic planning policies, by which planning applications are judged, to ensure that they will meet the vision set out in the Core Strategy.

3.12 **Status:** The Site Allocations and Development Management Plan was withdrawn on the 30th June 2014. At a Full Council meeting on the 15th September 2014 the Council agreed that the document would be considered as a material consideration in the determination of planning applications. It has now been superseded by the draft Local Plan.

3.13 Local Plan

3.14 **Purpose:** Sets out strategic and non-strategic allocations for land use, and policies for the determination of planning applications.

3.15 **Status:** Currently un-adopted, the council has completed the public consultation in August 2016. The Document includes the development management policies, site allocations and strategic policies that the council would like to take forward.

3.16 Strategic Growth Development Plan Document(s)

3.17 **Purpose:** For Braintree District these will take the form of area plans for the development of Garden Communities. Each Garden Community; if progressed through the Local Plan Process, will require an Plan. This will be a joint or separate documents depending on the administrative boundaries of the Garden Community.

3.18 **Status:** Early stages of the document preparation are underway and the documents will be subject to public consultation Autumn 2017.

3.19 The Authority Monitoring Report (AMR)

3.20 **Purpose:** To set out the principal characteristics of the District and assess progress in preparing Local Development Documents and monitor progress in housing, employment and other development.

3.21 **Status:** The AMR is published in December of each year and assesses the year from the 1st of April to the 31st of March. The latest report is available on the council website.

3.22 Local Development Scheme (LDS)

3.23 **Purpose:** A project management document to inform stakeholders of the timetable for production of documents.

3.24 **Status:** This draft LDS will replace the 2016 - 2018 document LDS.

3.25 Supplementary Planning Documents (SPDs)

3.26 These are supplementary to the Local Development Documents. Further detail is set out in Section 4.

3.27 Community Infrastructure Levy (CIL) Charging Schedule

3.28 **Purpose:** To set out the standard levy which the local authority will be applying to some developments and to define the infrastructure projects, which it is intended to fund.

3.29 **Status:** Braintree District Council will be considering the Community Infrastructure Levy in the latter part of 2017.

3.30 Local Plan – Timetable for Production

Role and Content	Sets out the detailed allocations of land for housing, employment, retail and other major land uses. Sets out strategic and non-strategic development management policies.
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework.
Geographic Coverage	Whole of Braintree District

Timetables and Milestones	
Evidence Base Update; Update of strategic level evidence base	September 2014 – Summer 2016
Issues and Scoping Consultation	Jan to March 2015
Member Approval of Consultation Document	June 2016
Public Participation of preferred options	Summer 2016
Consideration of Representations and amendment of document	Winter 2016 / Spring 2017
Council Approval of Pre Submission Document and Submission Draft Consultation	Early Summer 2017
Submission to Secretary of State	Autumn 2017
Hearing	Shared Strategic Plan (Part One) - Winter 2017 Braintree District Specific Local Plan (Part Two) – Spring 2018
Receipt of Inspectors Report	Shared Strategic Plan (Part One) - Spring 2018 Braintree District Specific Local Plan (Part Two) – Summer 2018
Date of Adoption	Autumn 2018
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from base budgets.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored on an annual basis and will need to be subject to review, if monitoring highlights a need, or as required.

3.31 Strategic Growth Development Plan Documents – Timetable for Production

Role and Content	The Strategic Growth Development Plan Document will set out planning policies, masterplans and maps to show how they will be developed. Planning applications in the area will need to conform to the DPD.
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework. The document will also be consistent with the Local Plan.
Geographic Coverage	To be confirmed through further studies; maybe prepared with neighbouring authorities.

Timetables and Milestones	
Document Preparation	Autumn 2015 – Spring 2017
Member Approval of Consultation Document	Summer 2017
Public Consultation on Draft DPD	Autumn 2017
Document Preparation to reflect Public consultation	Winter/Spring 2017 / 2018
Member Approval of Final Submission Version	Summer 2018
Public Consultation on submission Version of the DPD	Summer 2018
Submission to Secretary of State	
Submission to the Secretary of State	Autumn 2018
Examination	Winter 2018
Inspectors Report	Spring 2019
Document Adoption	Summer 2019
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from project budget.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored on an annual basis and will need to be subject to review, if monitoring highlights a need, or as required.

4. Supplementary Documents

- 4.1 Supplementary Planning Documents (SPD's) and other guidance documents can provide further detail on particular policies or local issues. SPD's can take a number of forms, but can normally be broken down into 2 categories;
- Area based including masterplans and development briefs, which deal with specific parcels of land; and
 - Topic based which provide additional information on local issues, or policies, such as design guides.
- 4.2 Although supplementary documents are not subject to examination, they are produced in consultation with the community and other interested parties and are still subject to regulations regarding their consultations. Supplementary documents are not required to be listed within the Local Development Scheme, but it is considered appropriate to inform the public of the Council's proposals to produce new documents.
- 4.3 The Council also has a number of approved planning guidance documents and development briefs. These are documents, which have been either produced or consulted upon by another authority, or whilst the public and stakeholders have been involved in their production have not undergone the same strict levels of consultation as is required for an SPD.
- 4.4 A list of the current adopted SPD's, guidance and development briefs are included in the table below;

Title and Subject	Produced by	Status	Date Approved
Affordable Housing. The document sets out the process and mechanisms for the delivery of affordable housing in Braintree District.	Braintree District Council	SPD	May 2006
External Artificial Lighting. It provides advice and guidance on what factors the Council will take into account when determining planning applications.	Braintree District Council	SPD	Sep-09
Open Space. The document sets out the processes and mechanisms for the delivery of open space in Braintree District	Braintree District Council	SPD	Updated in 2014
NW Braintree Masterplan. The masterplan to guide development for the strategic growth location off Panfield Lane in NW Braintree	Mersea Homes and Hills Residential & Braintree District Council	SPD	Dec-12
Masterplan Land west of the A131, Great Notley To guide commercial development on the strategic employment site	Braintree District Council and Countryside Properties	Guidance	December 2012 subject to amendments.
Premdor/Rockways site Masterplan. The masterplan to guide development on the regeneration site at Sible Hedingham	Braintree District Council and Bloor Homes	Guidance	Dec-12

Title and Subject	Produced by	Status	Date Approved
Urban Place Supplement. To build on the Essex Design Guide to provide guidance on producing high quality, attractive developments which are sustainable and reflect the local area. (Braintree District Council did not adopt sections 5.8, 6.2, 7.0, 7.1, 7.2 and 7.3 of the document)	Essex County Council in partnership with Essex Planning Officers Association, East of England Development Agency, Environment Agency and Inspire East	Guidance	Jun-07
Parking Standards – Design and Good Practice Guidance Provides car and cycle parking standards together with design guidance on accommodating parking within various types of residential and commercial development.	Essex County Council working in partnership with Essex Planning Officers Association.	Guidance	Nov-09
Essex Design Guide 2005 Provides guidance on design and layout principles including specific information relating to structure and layout of new developments, garden sizes, building design and form, parking design and road layouts.	Essex County Council working in partnership with Essex Planning Officers Association	Guidance	Nov-10
Land East of the High Street, Halstead Guide to development and regeneration on a site in Halstead	Built Environment Branch of Essex County Council commissioned by Braintree District Council	Development Brief	Jan-05
Riskstones Neighbourhood Centre, Witham	Braintree District Council	Development Brief	Sep-10
Silver End Shops Site Guide to development and regeneration on a site in Silver End village.	Stephen Claydon and Michael Munt approved by Braintree District Council	Development Brief	Jun-06

- 4.5 The Council intends to review and update the 3 topic based SPD's (Affordable Housing, Open Space and External Lighting) following the adoption of the new Local Plan. The level of review will vary from document to document and it may be that interim reviews are proposed to update specific parts of the documents during the production of the Local Plan.

4.6 Timetable for Affordable Housing SPD production

Affordable Housing Supplementary Document	
Preparation of draft document	Spring / Summer 2018
Public Consultation	Autumn 2018
Adoption	Winter 2018 / 2019

4.7 Timetable for Open Spaces Strategy SPD Production

Open Spaces Strategy Supplementary Document	
Preparation of draft document	Spring / Summer 2018
Public Consultation	Autumn 2018
Adoption	Winter 2018 / 2019

4.8 Timetable for External Lighting production

External Lighting Supplementary Document	
Preparation of draft document	Summer 2018
Public Consultation	Autumn 2018
Adoption	Early 2019

5. Neighbourhood Planning

- 5.1 The Localism Act 2011 introduced neighbourhood developments plans which help communities with or without Parish or Town Councils to establish general planning policies for the development and use of land in a neighbourhood. Once completed these plans will form part of the statutory development for the area and will be used in the determination of planning applications.
- 5.2 The first stage of developing a neighbourhood plan is to designate a neighbourhood area. The District has agreed 6 Neighbourhood Areas. Other parish councils are considering developing a neighbourhood plan.
- 5.3 Once a neighbourhood area has been agreed preparation of a neighbourhood plan can be carried out by a parish or town council or in the case of unparished areas a neighbourhood forum.

Area	Stage
Bradwell	Preparation of draft plan
Coggeshall	Preparation of draft plan
Cressing	Preparation of draft plan
Feering	Preparation of draft plan
Hatfield Peverel	Consultation on draft plan (Regulation 14) undertaken Summer 2016
Kelvedon	Preparation of draft plan
Gt Saling & Bardfield Saling	Neighbourhood area approved Jan 2017

6. Evidence Base

- 6.1 The Local Development Documents will establish the Council's planning policies. In preparing these documents and to ensure that the proposals and policies contained within them are soundly based, a number of specialist studies and other research projects have been, or will be undertaken.
- 6.2 The following table illustrates the reports and studies that will be used to provide a robust and credible evidence base for the Local Development Framework. This list will be added to, if additional work is required.

Name	Description	Date
General		
Authority Monitoring Report	The monitoring report aims to assess progress in meeting policy targets and milestones, and to present information on housing trajectories demonstrating the delivery of the provision of new homes.	Published in February 2016 the document pertains to the period 1st of April 2015 through to the 31st of March 2016. The document is reviewed annually.
Economic		
Braintree District Retail Study Update 2012	An update to the previous retail study to enable robust and up to date evidence to support the retail boundaries, allocations and policies in the new Local Plan.	2015
Economic Development Prospectus 2013-2026	The Prospectus sets out how the council intends to create the conditions for economic growth and deliver a prosperous Braintree District from 2013 to 2026.	
Employment Land Needs Assessment 2015	The assessment considers projected Employment Land Needs	August 2015
Rural Services Survey	The survey updates previous work done in 2005 to assess the provision of services within rural parishes.	Completed in 2011.
Retail Study	Sets out retail floor space requirements for comparison and convenience goods, and recommends boundaries for town centres, and primary and secondary frontages.	Updated 2015
Environmental		
Braintree Green Spaces Strategy	Builds on the results of the 2006 Open Space Audit to set standards for the quality, quantity and accessibility of open space together with specific needs, surpluses or deficiencies.	Completed in September 2008.
Conservation Area Reviews & Management Plans	A programme of conservation area appraisals has been undertaken. The process provides further detail about the character of the areas as an update to the original conservation area designations.	Dependant on the area from 2009 - 2014
Dedham Vale - Proposed Search Area for AONB Review	The map shows the current Dedham Vale AONB and the maximum potential extension proposed	Ongoing
Habitats Regulation Assessment and if necessary an Appropriate Assessment - In Progress	The report is to identify any effects the proposed development in this District will have on European Sites of Importance for nature conservation and to suggest ways to mitigate this impact.	Ongoing process; Review through the production of the new Local Plan.

Name	Description	Date
Heritage Assets Impact Assessment	Heritage Assets Impact Assessment for Potential Growth Locations within Braintree District	May 2016
Historic Environment Characterisation Project	Report characterising the historic environment of the district.	2010
Mid Essex Strategic Flood Risk Assessment	The document identifies in more detail areas of existing or proposed development which are at risk from flooding.	Completed in October 2007; review to be completed in 2017
Opens spaces Sport Recreation Strategy (Playing Pitch Strategy)	The open space strategy will set out the Councils strategy with regards to open space including the strategy for the Sports, Leisure and Recreation.	In progress
Protected Lanes Study	Commissioned by Braintree District Council to assess the protected lanes within the district	2013
Strategic Environmental Assessment and Sustainability Appraisal	Makes an environmental and sustainability appraisal of each document to report on likely impacts of the proposed policies and plans.	Ongoing process. To be undertaken as part of the production of Development Plan Documents
Strategic Flood Risk Assessment	An assessment of the flood risk within the district; in progress to be completed late 2016.	
Water Cycle Study Update	Stage 1 also includes the water system around Haverhill and Clare within the St Edmundsbury District. The study looks at the provision of water and waste water infrastructure to serve proposed LDF growth and highlights any constraints and possible solutions.	In progress, to be completed 2017.
Residential		
Affordable Housing Viability Study	Assesses whether the proposed affordable housing policies are viable and achievable in terms of dwelling threshold and percentage of affordable housing that is required by development.	Completed in 2009. Review completed 2015.
Brownfield land study - In Progress	This study will demonstrate the potential for brownfield (previously developed) sites in the district to accommodate redevelopment.	In progress
Demographic projections 2013-2037 Phase 7 Main Report May 2015	Considers the Demographic projections for 2013-2037	May-15
Demographic projections 2013-2037 Phase 7 Macro Areas accompanying Profiles		
Essex Design Guide (The)	Provides guidance on design and layout principles including specific information relating to structure and layout of new developments, garden sizes, building design and form, parking design and road layouts.	Nov-10
Essex Wide Gypsy and Traveller Accommodation Needs Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of gypsy and traveller pitches to be provided	The current assessment (2014) will be reviewed to be completed in 2016.
Gypsy and Traveller and Travelling Showpersons Accommodation Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of gypsy and traveller pitches to be provided	The 2014 document is currently being reviewed.
Objectively Assessed Housing Need Study	Commissioned by Braintree, Chelmsford, Colchester and Tendring. Determines the Housing Market Area and OAN.	Completed July 2015. Further update 2016 completed.

Name	Description	Date
Strategic Housing Land Availability Assessment (SHLAA) 2016	This document builds on the work completed in the Urban Capacity Study but includes an assessment of a sites viability and likely timescale for the site to be developed.	Ongoing process. To be undertaken as part of the production of Development Plan Documents
Strategic Housing Market Assessment (SHMA) and Housing Needs Study	Was commissioned jointly by Braintree, Colchester and Chelmsford Councils. Includes an assessment of the local housing market and recommends a level of affordable housing, along with tenure splits and the situation in the private rental market.	Completed in 2015. Update completed December 2015
Transport and Infrastructure		
Community Halls Consultation Report March 2016	Report on the consultation undertaken for Braintree District Council with community halls in Braintree, Halstead and Witham	March 2016
Cycling Strategy	Strategy for cycling in Essex	In progress
Development Boundaries Review Methodology	Proposes a methodology and a series of criteria that will be used in reviewing the development boundaries for the settlements in the District for the emerging Local Plan	Jun-15
Garden Communities - Charter	Evidence base documents that scope the development of the Garden Communities	June 2016
Garden Communities - Baseline Compendium		
Garden Communities - Opportunities and Constraints		
Garden Communities - Options and Evaluation		
Highways and Transport Assessment	Identifies key issues with the highways and transportation network, in order to determine capacity and any improvement required to transport networks.	Two pieces of work were completed in 2015; further work is in progress.
Infrastructure Plan	A study of key infrastructure capacity, constraints and future improvements.	To be produced prior to the public consultation of the pre-submission draft of the local plan.
Local Transport Plan - Essex County Council	Published by Essex County Council	2011
Parking Standards	The document sets out the required parking standards for the District.	2009
Viability Assessments	This document will seek to demonstrate that the Local Plan is viable.	Ongoing process. To be undertaken as part of the production of Development Plan Documents

6.3 In addition an Equality Impact Assessment is to be undertaken as part of the production of the Local Plan Document to ensure that all policies and documents are free from discrimination and promote equality of opportunity.

6.4 The Local Plan must also have regard to a number of other strategies and policies produced both by the Council and by partners. These include;

- Braintree District Climate Change Strategy and Action Plan 2014-2018
- Braintree District Economic Development Prospectus 2013-2026, (September 2013)
- Essex Biodiversity Action Plan 2011
- Essex Local Transport Plan 2011
- Essex Minerals Local Plan 2014
- Essex and Southend on Sea Waste Local Plan 2001 (To be replaced by Essex Waste Local Plan)

7. Monitoring and Review

Monitoring

- 7.1 The LDS and the development plan documents that it includes will be monitored on an annual basis, in the Monitoring Report with a reporting period of 1st April – 31st March.
- 7.2 Each year the report will set out;
- How the Council is performing against the timescales set out within the previous year's Local Development Scheme.
 - Provide information on housing and employment completions and land availability.
 - Provides a housing trajectory and shows the Council's 5 year supply of housing land.
 - Any required update to the Local Development Scheme as appropriate.
- 7.3 The Local Plan programme will be managed through the Sustainable Development Service reporting to the Cabinet Member for Planning and Housing and the Local Plan Sub-Committee. This will include considering progress on the preparation of Local Development Documents and identifying action to be taken if there are variations from the project programme.

Review

- 7.4 Following the initial adoption of each Local Plan as set out in the Local Development Scheme, it is anticipated that any subsequent reviews will be in the form of a rolling programme. Reviews may also be necessary as a result of changes in national guidance, as an outcome of the monitoring in the Monitoring Report, or pressures for development or regeneration.

8. Resources and Risk

Resources

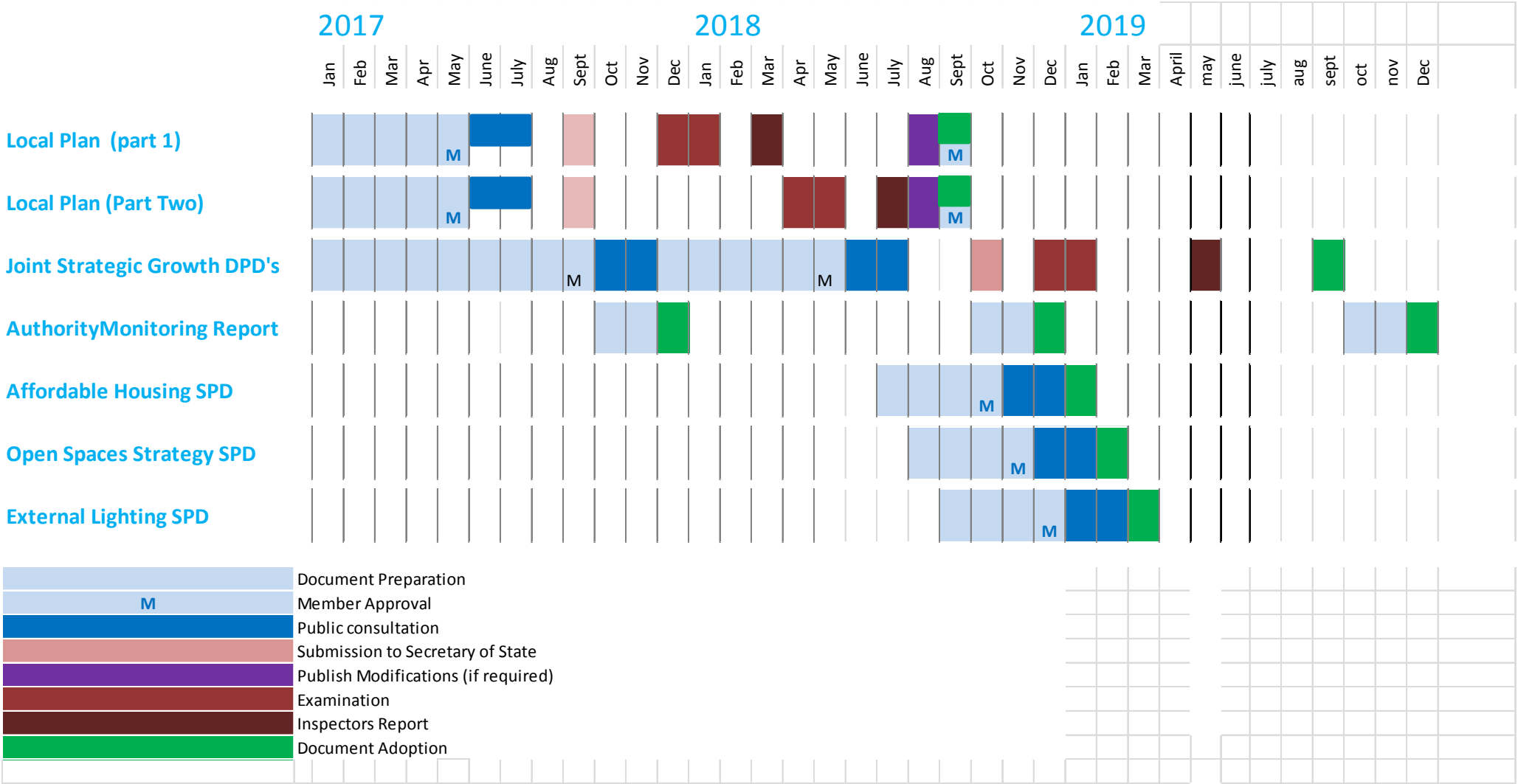
- 8.1 The Local Plan process will be led by the Planning Policy team, part of the Sustainable Development Service at Braintree District Council.
- 8.2 The timetable contained within this document is based on using the full resources of the Planning Policy team at the Council, which consists of a team manager who will be responsible for the overall project, planning policy officers, technical and administration staff.
- 8.3 Additional resources, particularly to provide specialist input on various technical matters will be sought from time to time as required from other teams within the Council including Housing Policy and Economic Development, and other organisations including Essex County Council and the Highways Agency. In addition, external consultants may be commissioned to develop elements of the evidence base, or supplementary planning documents.

Risk

8.4 There are several factors which may impact on the achievement of this timetable. The table below considers and deals with the main risks.

Issue	Level of Risk	Impact and Mitigation
Delays to the production of background studies	Medium	Would delay the preparation of development plan documents. The resources for any further studies should be in place to ensure they are commissioned at an early stage
Changes to national guidance in relation to Braintree	Medium	Could delay the preparation of development plan documents or require an early review of those documents already produced. Review the time table for the preparation and review of documents within the Annual Monitoring Report and review of the LDS if necessary.
Supporting Neighbourhood Planning	Medium	Staff time and other resources being diverted to support neighbourhood planning. Resource and timetable planning with neighbourhood plan groups needed.
Problems or difficulties engaging with stakeholders and the community	Low	May delay the preparation of development plan documents. Ensure stakeholders and the community are involved at an early stage of the process, as outlined in the Statement of Community Involvement. Lack of agreement with other Local Authorities regarding the duty to co-operates. Need to maintain a close working relationship with neighbouring authorities.
Inability of the Planning Inspectorate to deliver hearings/ reports to the timetable.	Medium	Would delay the adoption of development plan documents. Agree early with the Planning Inspectorate that the timetable laid out for each document is acceptable. If slippage occurs this should be identified in the Monitoring Report and amendments made to the timetable.
Insufficient staff resources due to staff turnover or volume of work greater than anticipated	Medium	Would delay the production of development plan documents. Consider use of consultants if financial resources allow. Revise timetable for the production of documents through the Monitoring Report and review of the LDS if necessary.
Government New Homes Bonus, neighbourhood planning funds insufficient or no longer available.	Medium	Would delay the production of evidence base and development plan documents which need specialist advice from consultants. Increased budget bids may need to be made if Government New Homes Bonus or neighbourhood planning funds are insufficient or no longer available. Revise timetable for the preparation of documents through the annual monitoring report and review of the LDS if necessary.
Local Plan is found unsound	Low	Would delay the adoption of development plan documents as they would need further work and then resubmission. Undertake self-soundness test and maintain a close working relationship with key stakeholders.

9. Timetable of documents for production



Braintree Draft Local Plan – Responses Received to the Draft Local Plan		Agenda No: 6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Report Prepared by: Julie O'Hara		
Background Papers: <ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Localism Act (2011) • Planning and Compulsory Purchase Act (2004) • Local Plan Review (2005) • Core Strategy (2011) • Settlement Boundary Review Methodology (2015) • New Draft Local Plan (2016) 		Public Report: Yes Key Decision: No
Executive Summary: <p>This report looks at the Main Town of Halstead. It also looks at the text of the Local Plan in relation to the representations on the Draft Local Plan and further evidence base. The report takes each site in turn and sets out the summary of comments received and considers any new sites which have been put forward. Based on this an officer recommendation for any further changes to the Plan is then set out. Maps of the sites and the proposed Inset maps to be contained within the Pre Submission Local Plan are contained within a separate Appendix.</p> <p>The policies and supporting text are set out in full in italics in the report with changes in text highlighted, with deletions in strikethrough and additions in bold and underlined.</p>		
Recommendation <p>Recommendation 1 - The indicative line of a Halstead bypass shall be shown on Inset Map 34 as set out in the Appendix.</p> <p>Recommendation 2 - HASA654A and HASA654B, Land adjacent north of and to Bluebridge Industrial Estate are not allocated for development</p> <p>Recommendation 3 - GGHR284A - Proposed School Site, Ravens Avenue remains allocated for a school</p> <p>Recommendation 4 - GGHR 639 – Land East of Tidings Hill GGHR284 Land</p>		

at Ravens Avenue and GGHR 430 Land at Tidings Hill (east Firwood's Road), Halstead are not allocated for development.

Recommendation 5 – That site HATR298 Halstead Business Centre is not allocated for a comprehensive redevelopment area and that policy LPP23 and its supporting text are also removed.

Recommendation 6 – HASA293 - Land east of Sudbury Road (The Sleights) adj Churchill Ave and GGHR283 - Land adjoining the cricket ground, Sudbury Road to remain unallocated for residential development.

Recommendation 7 – HASA293 and GGHR283 the recreation allocation on land south of the cricket club shall be removed.

Recommendation 8 – HASA291 - Land adjoining Cherry Tree Close and Beech Ave, Halstead is not allocated for development

**Recommendation 9 – HASA286 Greenways, Balls Chase, Halstead remains allocated for residential development.
GGHR307 - Land Off Oak Road, Halstead**

Recommendation 10 – GGHR307 Land Off Oak Road, Halstead remain allocated for residential development

Recommendation 11 –The three proposed development proposals represented by HATR308 and HATR309 Blamsters, Mount Hill are not allocated for residential development or specialist housing development.

Recommendation 12 – HATR 304 Land West of Mount Hill is not allocated for housing.

Recommendation 13 – HASA287, Land East of High Street. The site retains its allocation as a comprehensive redevelopment area support by a site specific policy which is set out in this report.

Recommendation 14: HATR296 - Land North of Sloe Hill Halstead is not allocated for housing and ancillary nature area.

Recommendation 15 – HASA290 - Land between Mill Chase and Sudbury Road is not allocated for housing development.

Recommendation 16 – That the employment allocation at COLE188 Land East of Bluebridge Industrial Estate is redrawn to remove its northern and eastern extent as shown in the Appendix.

Recommendation 17 – That Inset Map 34 Halstead Town and Inset Map 35 Halstead Town Centre are approved.

Purpose of Decision: To consider the responses to the Draft Local Plan consultation in relation to these villages and chapters and make any changes as a result of the comments.	
Corporate implications	
Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
Legal:	To comply with Governments legislation and guidance.
Equalities/Diversity	The Councils policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be public consultation during various stages of the emerging Local Plan.
Environment and Climate Change:	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
Consultation/Community Engagement:	There will be public consultation during various stages of the emerging Local Plan.
Risks:	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
Officer Contact:	Emma Goodings
Designation:	Planning Policy Manager
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set out in the National Planning Policy Framework.
- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred Inset Map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.

- 1.4 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan sub-committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.5 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.
- 1.6 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20th June 2016.
- 1.7 The Local Plan was subject to an 8 week public consultation which started on the 27th June and concluded on the 19th August.
- 1.8 A total of 3,101 comments have been received from 1,244 individuals. These are all available in full on the website at www.braintree.gov.uk/consultLP and we would ask all Members to read these comments.
- 1.9 An update to the Sustainability Appraisal (SA) has been undertaken to include new sites submitted to the Local Plan. To maximise the contribution that the Local Plan makes to the achievement of sustainable development and minimise any potential adverse impacts, members should have regard to the SA and consider any reasonable alternative options to the chosen policy or allocation. The Council will need to show how environmental considerations have been integrated into the plan and how the SA has been taken into account.
- 1.10 The settlements and chapters are now considered individually below, including a summary of the comments received. Policies and supporting text are set out in full in italics and changes can be seen with strikethroughs for deletions and underline for new text.

2 Halstead

- 2.1 Halstead is the main service centre for the north of the District and is identified in the Core Strategy (2011) as a Main Town. This strategy allocated growth of 300 dwellings within its existing urban area. The expansion of existing

employment locations and community service has been supported and town centre regeneration promoted and supported.

- 2.2 Local Plan Sub Committee has agreed the broad spatial strategy for settlements within the District. Halstead was classed as a town which is the highest settlement.
- 2.3 Halstead's relatively remote location from rail links and distance from other larger settlements mean that the settlement is less sustainable for large scale growth than other settlements. Reliance on road for transport, together with the road layout within its historic core, make congestion a problem. This area is covered by a Conservation Area and there are many attractive and listed buildings. Opportunities for highway improvements here are limited and there is heavy congestion. Halstead has retained its attractive market town character and has an attractive landscape setting. The protection of this character should guide allocations as far as practicable. Given the constraints of the towns setting and more limited facilities, it is desirable to allow for some smaller scale growth and regeneration to occur.

3 Halstead Bypass

- 3.1 The Halstead Town Inset Map 34 shows a line of search for a road bypass and this was also previously shown on the Site Allocations and Development Management Plan and Local Plan Review 2005.
- 3.2 Whilst initial comments by Essex County Council indicated that removal of the existing reference to the bypass would be appropriate, these comments have been superseded by a request for its retention made at the end of 2016. The County Council has requested alteration of LLP40 New Road Schemes and with accompanying supporting text as below.

Supporting Text

- 3.3 *The Halstead Bypass (A131) is a longer term proposal aimed at supporting the integrity of the A131 Primary Route, which runs from Chelmsford to Sudbury catering for longer distance traffic travelling from mid Essex and south Suffolk, and in combination with other Primary Routes, such as the A130 and A134 connects the A12 with the A14. As a result of combining the A131 route with other road improvements (such as the A120 at Braintree) only Halstead remains as a town that the A131 has to pass through.*
- 3.4 *The New Anglia Local Transport Body has agreed funding to develop the business case for a Sudbury Western By-Pass, and which will enable the progression of design work, together with traffic modelling and environmental assessment. The delivery of this scheme and other planned infrastructure improvements in the area is likely to have a significant impact on traffic flows in the area.*
- 3.5 *The road at present is a single carriageway with a major pinch-point at the two mini roundabout junctions of the A131 Head St / A1124 Hedingham Road / A1124 Colchester Road intersection within Halstead town centre. The junction*

currently operates at capacity, and will be further exacerbated in the plan period, with minimal opportunities for mitigation. There will be a significant need to encourage modal shift measures such as improving public transport and cycling, and which are being considered by the A131 Braintree to Sudbury Route Based Strategy and Braintree Cycling Action Plan.

- 3.6 *The Halstead bypass scheme was first developed and protected from development in the 1990's. Whilst the scheme has not come forward in the intervening time it remains a priority for the County Council and it is likely that growth on the corridor from North Chelmsford, Braintree and at Sudbury will result in a need to commence development work on the scheme during the plan period.*
- 3.7 Policy LPP 40 – suggested amendment
*'A131 Halstead Bypass (the route has not been subject to recent survey or design and is therefore shown as a diagrammatic corridor only, which ~~would~~ **will** be subject to change).'*

Officer Response

- 3.8 This response indicates that the bypass remains a priority for the County Council particularly in view of recent circumstances elsewhere within the road network. It is appropriate therefore to support the retention of its indicative route within Inset Map 34 and alteration to policy LPP40 and supporting text.
- 3.9 Whilst identified on the map, the bypass runs through several Wildlife Sites. If the road were to be progressed it is likely that it would not follow the exact line shown on the plan. The notation should make clear that the shown route is indicative.

Recommendation 1 - The indicative line of a Halstead bypass shall be shown on Inset Map 34 as set out in the Appendix.

4 Environment Agency Comments on proposed sites affected by the Anaerobic Digester

- 4.1 Following end of the public consultation, the Environment Agency has made comments relating to proposed allocations in the vicinity of the Anaerobic Digester at 6th Avenue, (Bluebridge Industrial Estate). The Environment Agency is responsible for regulating this site. These comments have implications for the following sites:
- 4.2 The Environment Agency have made comment that new development within 500m of an existing anaerobic digester can result in people being exposed to noise and smell, and within 250m pests also. The severity of the impact will depend on the facility size, how it is operated/managed, weather conditions and the nature of the waste. Even at low levels the impact can be severe. Between July 2014 and Sept 2016 the hotline received 400 reports from this site and reports continue to be received. New development close to the plant

is likely to experience the above impacts and affect Tamar's ability to operate according to their licence.

- 4.3 If the operator can demonstrate that they have taken all reasonable measures to mitigate odour impacts, the facility and community will co-exist, with some remaining residual impacts. In some cases these residual impacts may cause local residents or employees concern. They must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.
- 4.4 It is requested that these impacts might be apparent at the above sites and are taken into account when they are considering for allocation.

Officer Response

- 4.5 Only sites COLE 188, HASA 289 and HASA 295 were included in the draft plan and fall within the potential impact area. The Environment Agency imply that there may be noise and more particularly smell impacts on these properties as even where a plant operates satisfactorily using all reasonable steps to mitigate noise and smell, some emissions will still be inevitable and that these may be sufficient to be a cause of concern to some.
- 4.6 In judging a loss of amenity it is usual to consult with the Environmental Health Department, however this facility is regulated not by the Braintree District Council but by the Environment Agency. Whilst they have some concern that nearby properties will be impacted by emissions they do not object to the allocation of the sites. Indeed during site HASA 289 now has the benefit of planning permission the Environment Agency did not raise any issues. Plant and neighbouring uses are expected to co-exist if the plant is operated such that all reasonable measures are taken to mitigate noise and odour problems.
- 4.7 As such the concerns of the Environment Agency are noted, but there is no change in allocations as a result of them. However developers may wish to have regard to the Environment Agencies concerns and take appropriate mitigating steps in the design of new homes.

5 Comments received as a result of the public consultation

- 5.1 Thirty five representations were received to Halstead Inset Maps 34 (Halstead) and 35 (Halstead Town Centre) combined, as a result of the public consultation. 4 comments were made by statutory bodies, 12 by agents, 3 by local groups and 16 by members of the public. The majority of representations received from members of the public related to one allocation, HASA 287, Land East of High Street (10 representations).

New and enlarged sites

5.2 HASA654 a) and b) – Land north of Bluebridge Industrial Estate. This proposes two new sites north east and north west of the industrial estate.

5.3 Summary of Representations

- Objection to the Employment Policy Area's north west boundary. Expand the Employment Area westwards to include vacant land which could accommodate additional B2/B8 units.
- The would continue Halstead's growth and prosperity
- Suitable access can be gained from the existing estate
- Well screened by existing tree belt
- Supporting landscaping report considers this to be a suitable location
- Object to land identified as Structural Landscaping within the Employment Policy Area and included as part of site reference COLE 188.
- The Structural Landscaping should be changed to Employment Policy Area
- The Landscape Statement supports this view.
- The tree belt to the north remains important, but this Structured Landscape area 'could be developed as part of the wider allocation.'
- Land south of proposed residential site HASA 295 could be designated as landscape buffer. It is owned by East Anglian Group and would benefit the proposed residential allocation and its surroundings, including the Employment Policy Area.

5.4 Town Council Comments

None received at the time of writing the report.

5.5 Officer Response

HASA654A lies on land outside the development boundary on land sloping towards the valley floor. Part of the site is covered by a hazardous substance zone. The site lies in an area of medium low landscape capacity according to the Halstead Settlement Fringes Landscape Area Evaluation. There are small areas of surface water flood risk around the northern boundary of the site.

5.6 This site would be highly visible from Fenn Road and although the industrial estate is prominent this proposal would increase its presence in an exposed position. There are likely to be less exposed site on which to accommodate employment uses within the District.

5.7 HASA654B lies within the settlement boundary and hazardous substance zone and aerodrome outer limits. Within this site there is a block allocated as structural landscaping. This landscaping is well established and mature. The site lies in an area of medium to low landscape capacity. The east and

particularly the southern areas of the site have substantial areas of surface water flood risk according to the Environment Agency Surface Water Drainage Mapping.

- 5.8 HASA654B would be highly visible to walkers using the right of way PROW_89_22 (Newfield 22) to the north west. This field is open and flat. This proposal would increase the visual presence of the industrial estate on the neighbouring countryside which presently retains its rural character. HASA654B would result in the loss of a substantial area of landscaping which forms part of the landscaping for the anaerobic digester and screens it from the surrounding countryside. It would take a long time for any replacement planting to achieve a similar level of screening and a replacement would be of lesser width. It is not known whether or not there are any protected species present.
- 5.9 It is not clear that satisfactory access could be delivered from the industrial estate as it appears that access would need to go through the site of the Anaerobic Digester or through a site to the south. It should be noted that there are various planning conditions relating to use of the access to the Anaerobic Digester which might need to be considered.

Recommendation 2 - HASA654A and HASA654B, Land adjacent north of and to Bluebridge Industrial Estate) are not allocated for development

GGHR 639 – Land East of Tidings Hill GGHR284 Land at Ravens Avenue, Halstead and GGHR 430 Land at Tidings Hill (east Firwood's Road), Halstead

- 5.10 These areas received comments from Historic England and the applicant which are summarised below;
- Historic England - These sites have significant archaeological potential. Excavations on land to the east revealed 3/4th century Roman pottery kiln 2 – 4th century building remains including hypocaust suggesting a Roman Villa, a hut associated with Iron Age or Saxon pottery and nearby oblong crop mark. Further assessment of potential impacts is necessary and any site allocation will need to be justified in terms of heritage impacts.
 - No objection to the housing strategy which focuses growth in main settlements.
 - There would be lost decade with no new homes being delivered during 2023 – 2033 with no anticipated growth and this would be unsound.
 - Feeding a lower order town will accommodate at least 1,000 new homes and is therefore counter to the growth strategy
 - The spatial strategy depends on timely delivery of new settlement communities within the plan period and this is likely to be problematical.

- Difficulty for road networks to accommodate new settlement growth and lack of public transport mean that it would be better to locate growth near established settlements
- Due to lead in times with new settlements more short/medium term sites should be included in the mix such as land south east of Halstead.
- This site is owned by one family committed to delivering the development
- A sustainable urban extension is proposed following the principles of a new garden suburb.
- The sites close proximity to the economic hub means non allocation would be a missed opportunity to serve settlement growth needs.
- The scale of development proposed would ensure delivery of a neighbourhood link road, shops employment health care and improve public transport.
- Would provide approximately 25% of route safeguarded for Halstead Bypass thereby saving an estimated £4 million
- Further consideration should be given to allocating the scheme outlined in the Vision for Halstead document.

Halstead Town Council

5.11 Object on highway and unsuitability grounds.

GGHR284A - Proposed School Site, Ravens Avenue

Two Representations were received from Essex County Council and Historic England and are summarised below;

- Support. A new primary school site is needed, capable of expansion to 2 forms with Early Years provision. This will help to rebalance the geographical spread of primary school provision within Halstead
- These sites have significant archaeological potential. Excavations on land to the east revealed 3/4th century Roman pottery kiln 2 – 4th century building remains including hypocaust suggesting a Roman Villa, a hut associated with Iron Age or Saxon pottery and nearby oblong crop mark.

Officer Response

- 5.12 Historic England in their response to GGHR284 and GGHR284a have commented that this area has potential for archaeological remains. Such interest is not likely to be confined to sites GGHR284 and GGHR284A. If the sites were to be allocated it would be subject to a condition requiring a scheme of archaeological investigation prior to works commencing on site.
- 5.13 GGHR284 has not been allocated in the draft Local Plan though GGHR284A is allocated for educational purposes. Development on either of these sites would be subject to LPP53 relating to Sites of Archaeological Importance and

which seeks to investigate, record and protect remains in a way proportionate with their importance.

- 5.14 Land to the north alongside the river has been included in the proposals previously considered by Local Plan sub-committee. This land lies in an area of low landscape capacity (parcel 4d) according to the Halstead Settlement Fringes Landscape Area Evaluation. The additional area to the east and south is of medium landscape capacity. A large extent of the land included beside the river lies in floodzone 2 and 3 including zone 3b where development (other than water compatible) should be avoided. There are some areas of surface water flood risk and areas of risk of inundation upon reservoir failure in the environs of the floodzones 2 and 3. There are other smaller areas of some surface water risk around the site. Account would also need to be taken of the impact on climate change on these areas of flood risk. A considerable part of the eastern area is classed as an archaeological site and there is at least one public right of way passing through the site.
- 5.15 Access is an issue as there are concerns about the impact on the character of Tidings Hill, a quiet residential street. The increase in traffic represented by this scale of growth is likely to adversely affect the character of this street particularly the residential amenity of those properties close to any junction.
- 5.16 Tidings Lane connects to a 'protected lane' close to the site at a point south of the Tidings Hill Oak Road junction. Oak Road is itself a mainly single track lane of very rural character which connects with the A131. Increased use of Oak Road is likely to lead to vehicle conflict and likely increased use of the protected Lane. The nearby White Horse Avenue is also a modest residential street connecting Tidings Hill to the A131. The scale of growth proposed is likely to lead to an increase in traffic and vehicle manoeuvring with consequent significant increases noise and disturbance in these areas to the detriment to their character.
- 5.17 Access to the north on to the Colchester Road could add to congestion and depending on precise location and design might adversely impact on the setting of the listed Bluebridge House.
- 5.18 A substantial area of the site lies close to the river within areas of higher flood risk. A sequential approach to development within the site would render some of these areas unsuitable for built development. A site specific Flood Risk Assessment would be required.

Recommendation 3 - GGHR284A - Proposed School Site, Ravens Avenue remains allocated for a school

Recommendation 4 - GGHR 639 – Land East of Tidings Hill GGHR284 Land at Ravens Avenue and GGHR 430 Land at Tidings Hill (east Firwood's Road), Halstead are not allocated for development.

HATR298 Halstead Business Centre

- 5.19 The main site specific issue highlighted by the Strategic Flood Risk Assessment relates to site HATR298 Halstead Business Centre, Factory Lane West. The study has found that 94% of this site lies within floodzone 3b. The Government's Planning Practice Guidance describes zone 3b as functional flood plain i.e. an area where water has to flow or be stored in times of flood. The guidance describes the only acceptable uses in this zone as "water compatible" uses and essential infrastructure (which has passed the exception test). Even then, such development must remain operational and safe for users in times of flood, result in no net loss of floodplain storage and not impede water flows and not increase flood risk elsewhere. Development categorized as "more vulnerable", and this includes residential, is not considered appropriate.
- 5.20 Government strategy seeks to guide non water compatible development away from areas at greatest risk of flooding and it would be inappropriate to include HATR298 as an allocation. This would not prevent appropriate redevelopment of the site where appropriate proposals were to come forward.
- 5.21 HATR299 Harrison Works, Kings Road, lies in close proximity to HATR289. Much of its area lies on floodzone 2 with a maximum modelled flood depth of between 0.1 to 0.5m in depth with a hazard rating of moderate (danger for some). The Flood Risk Assessment considers that development at this site could be designed to comply with the exception test.
- 5.22 Following the results of the SFRA the Environment Agency have confirmed that they would object to the allocation of this site for redevelopment. As such officers are proposing to remove the allocation of comprehensive redevelopment area and accompanying policy from the Local Plan. The site would return to white land within the development boundary. Development would be considered on an application by application basis and land owners are strongly advised to consult with the Environment Agency before considering any alternative uses for the site.

Recommendation 5 – That site HATR298 Halstead Business Centre is not allocated for a comprehensive redevelopment area and that policy LPP23 and its supporting text are also removed.

- 5.23 **HASA293 - Land east of Sudbury Road (The Sleights) adj Churchill Ave and GGHR283 - Land adjoining the cricket ground, Sudbury Road**
- 5.24 Summary of representations
- Subject to market conditions, around 4-50 market dwellings would be completed per annum, depending in the number of house builders developing at any one time on site. The delivery of affordable housing will take place simultaneously alongside market dwellings.
 - Halstead is a main town in a sustainable location for growth. The site is close to key services and facilities, with good public transport links.

- Part of the site is currently designated as formal recreation under RLP136 Braintree Local Plan (2005) but is used for agriculture. Its development would allow public open space provision with formal recreation alongside residential development.
- Essex Wildlife Trust - The woodland should be retained and protected by a minimum 5 – 10m buffer of native wildlife wildflower and shrubby planting. An ecological management plan to enhance the woodland and stream should be secured by planning condition

Town Council Response

- 5.25 This site was not supported due to its visual prominence and the potential implications for the cricket club

Greenstead Green Parish Council Response

- 5.26 Not Supported. The capacity of the landscape to accommodate development is medium (there is some screening from trees) while the scale of development is medium. There is poor access. Star Stile is a protected lane. There is potential for adverse impacts on historical buildings in Star Stile Lane. This site forms part of the wedge of undeveloped land between Star Stile and Halstead.

Officer Response

- 5.27 This site was not allocated for development in the Draft Local Plan.
- 5.28 Comments on the estimated delivery rate of dwellings, on the site is noted as are comments on Halstead's position in the settlement hierarchy.
- 5.29 GGHR283 includes an area designated for formal recreational. Part of the recreational allocation shown on the Draft Local Plan covers the cricket club and agricultural land to the south. However the area to the south does not form part of any specific recreational proposals and its deliverability is in question. It also lies separated from the settlement boundary and would consolidate development between this area and the cricket club. Recreational provision within the district is the subject of further investigation and will be provided on the basis of policy derived from the updated evidence base. Part of the recreational allocation south of the cricket club should be removed as an allocation as it is not currently nor is it likely in the future to be used as such.
- 5.30 Halstead is classified as a main settlement. Nevertheless, it has no railway connection and is therefore less well connected than the other main settlements. The road network is heavily congested and the Head Street junction is at capacity with little improvement possible according to the Local Plan Highways Options Assessment.
- 5.31 This particular site whilst being considered as medium landscape capacity (with low landscape capacity on the eastern edge), provides an important function in retaining the rural setting of Halstead and the separation between the very urban edge of the settlement and the very rural area around Star

Stile, include a number of very narrow and protected lanes and rural style properties set in generous grounds.

Recommendation 6 – HASA293 - Land east of Sudbury Road (The Sleights) adj Churchill Ave and GGHR283 - Land adjoining the cricket ground, Sudbury Road to remain unallocated for residential development.

Recommendation 7 – HASA293 and GGHR283 the recreation allocation on land south of the cricket club shall be removed.

HASA291 - Land adjoining Cherry Tree Close and Beech Ave, Halstead

5.32 Summary of representations

- Well related to built up area and adjoins Cherry Tree Close (HASA295) and Land off Fenn Road/Brook Street (HASA295) both proposed for allocation
- Access should not be prejudiced to HASA291 the two allocated sites and the proposed Bluebridge extension (COLE188)
- Combining HASA289 and 295 with at least part of HASA291 would provide a larger whole allowing landscaping along its eastern countryside boundary

Town Council Response

- 5.33 Not supported. Impact on Colne Road is of serious concern. There are existing highway issues.

Officer Response

- 5.34 This site was not allocated in the Draft Local Plan.
- 5.35 This is a very large prominent site on one of the approach routes into Halstead. The landscape analysis identifies this site as being of medium to low landscape capacity with low landscape capacity near the river. The scale of the proposal is large and would be prominent from Brook Street and would extend the boundaries of Halstead far into the countryside, harming the quiet rural character of its landscape setting. It is unclear where satisfactory access could be achieved. Brook Street is a narrow road where traffic moves fast downhill and is partly single lane.
- 5.36 There is a visual separation between HASA291 and the Cherry Tree Close site rather than a close relationship. This arises from HASA291's location on the upland plateau at the top of the hillside as opposed to the valley slopes which face the Cherry Tree Close area. There is also a strong line of trees and vegetation at this upper edge and site is not visible from the valley bottom at Cherry Tree Close.
- 5.37 Given that it is not proposed for allocation it would be inappropriate insist that allocated sites safeguard access to it. Although it would be possible for the respondent to approach other landowners independently.

Recommendation 8 – HASA291 - Land adjoining Cherry Tree Close and Beech Ave, Halstead is not allocated for development

HASA286 Greenways, Balls Chase, Halstead

5.38 Summary of Representations

- Outline planning permission was refused on grounds of access, surface water runoff and no S106. To allocate would contradict this decision. These issues
- The same issues relate to another outline application now being considered.
- Access via Balls Chase is dangerous (pavement on only one roadside downhill of site)
- Pedestrian access is dangerous and this proposal will increase that danger
- Balls Chase/Ravens Avenue junction is site of near misses exacerbated by parked vehicles
- The site contains underground springs making it unsuitable for development and could cause more subsidence of nearby properties. Remove allocation.
- Water runoff is a problem and in winter there is a danger of ice in the context of a steep gradient
- Will add to the need for open space in an overdeveloped area
- Many residents share these views

Officer Response

- 5.39 Many of these issues, particularly those concerning access and surface water were considered when allocating the site. It was considered that the site was suitable for allocation for housing in principle
- 5.40 Since the draft plan was approved by committee, planning application 16/00802/out was submitted and which most of the issues raised in representations above are being examined in some detail. The application has not yet been determined.
- 5.41 The Lead Local Flood Authority does not object to the principle of housing development on the site subject to further investigations of springs within and flooding from outside the site, as well as suitable SUDs schemes and maintenance arrangements being agreed.
- 5.42 Access arrangements have not yet taken a satisfactory form. Nevertheless, it is considered that an scheme is possible which will satisfy the Highway Authority.

Recommendation 9 – HASA286 Greenways, Balls Chase, Halstead remains allocated for residential development.

GGHR307 - Land Off Oak Road, Halstead

5.43 Summary of representations

- Well contained site with clear defensible boundaries
- Adjacent to existing development
- Existing mature boundary vegetation and trees
- Vehicular and pedestrian links to services/facilities
- Close to schools
- No harm to heritage assets
- Good public transport links
- The site is viable and available for development at the earliest opportunity
- Outline planning permission was granted in June 2016
- Brownfield sites HATR 304, HATR308 and HASA290 with school places available in walking distance, then HASA288 and HASA291 should be used in preference to GGHR307

Officer Response

- 5.44 Support for this proposal noted. Planning permission has already been given for housing development on this site.

Recommendation 10 – GGHR307 Land Off Oak Road, Halstead remain allocated for residential development

HATR308 and HATR309 Blamsters, Mount Hill

- 5.45 Three representations were made relating to this site including one by the applicant in further support of their proposals.
- 5.46 Representations by the applicant in support of their proposals have highlighted that there are three alternative schemes proposed for allocation as follows. These three schemes were reported verbally to Committee at its meeting on the 25th May 2016.
1. HATR309 - Specialist Housing to Area 3, 1.7 hectares
 2. HATR308 - Specialist Housing to all 3 areas, 2.47 hectares
 3. HATR308 - C3 residential and Supported Living of approximately 40 individual units, 2.47 hectares.

5.47 Summary of Representations

- The representation acknowledges the Council decision to allocate (in 2014) site HATR 309 for Specialist Housing,
- HATR 309 and HATR 309 also put forward for C3 residential to include supported living. Supporting this was a Planning Statement dated 5th April 2016.
- Council is obliged to provide for the full objectively assessed need for market and affordable housing

- Failure to meet their published housing needs because of an undersupply of housing from 2013 and including this year. (shortfall of around 1400 dwellings).
- A buffer 5% or 20% should be applied
- Further land to account for the following factors
- Failure to account for an undersupply from 2010/11 and 2011/12
- The 5 year supply will not be met as the Council's estimated rate of delivery is over optimistic
- Given the largest area on site is for specialist housing, the presumption in favour of sustainable development and this is a sustainable site HATR 308 should be allocated.
- HATR 309 is not a joint venture with TLC and if allocated, the new care accommodation will be operated independently of Blamsters Farm.
- The only reason this site is being promoted in this location is because the promoter owns the land.
- Current national policy for care accommodation (including for elderly, the young or vulnerable, those with learning or other disabilities) promotes the independence of individuals to live within the community as much as possible with equal access to services. For this reason, most TLC residents live away from Blamsters Farm in conventional houses within settlements across Essex. The properties do not need any particular adaptations and as such, there would be no need to construct additional "care" properties, in what is a rural location, remote from the settlement of Halstead. There are no locational advantages to this site and the need can be catered for within existing settlement or growth allocations.
- HATR309 would result in an unnecessary concentration of care accommodation in a rural and largely unsustainable location
- The "specialist housing" allocation, HATR 309 will be conventional housing clustered together and located in a remote and unsuitable position in the rural area.
- Care provision is staff intensive with many change overs. To locate it in an unsustainable location with poor access to good public means most staff will rely on transport by car.
- This allocation is in conflict with LPP26 (which provides criteria relating to extension of care facilities in the countryside)
- LPP26 states that new specialist housing on unallocated sites in the countryside will not be supported but there seems to be no logic or evidence to support HATR309
- New specialist housing should be provided as a percentage of general housing as is affordable housing to ensure needs are met in sustainable locations as part of an existing/expanding inclusive community.

Halstead Town Council

- 5.48 No comments were received on this representation however the council's comments to the Draft Local Plan supported the allocation for special needs housing. Market housing was not supported.

Officer Response

- 5.49 The applicant has clarified that they wish committee to consider three schemes each of which relates to slightly different site size and outlines at this location. These schemes had been reported verbally to committee when it considered them for inclusion within the Draft Local Plan (committee meeting 25th May 2016).

1. HATR 309 (1.7ha). Specialist housing (Area 3). This proposal was considered acceptable to Committee at its meeting of the 25th May 2016. The site had previously been accepted as an allocation in the Site Allocations and Development Management Plan (as HTR3) where. It was considered that the specialist nature of the housing provided had been considered to weigh against other concerns.
2. HATR 308 (2.47 ha) This proposal related to the whole of the site (all 3 areas) specialist housing. A number of concerns were raised by officers including its greenfield location at some distance from the town centre (hence distance from facilities), the effect on the setting of a listed building, impact on agricultural land and the negative impacts of concentrating specialist provision and the proposal was not allocated.
3. Included under HATR308: Residential (C3) and Supported Living of approximately 40 individual units, 2.47 hectares

- 5.50 Since Committee considered these proposals at its meeting of 25th May 2016, a planning application has recently been submitted (16/01646/OUT). It proposes residential development at the site to include 21 market and affordable homes and 4 supported living homes (Class 3C). The application site corresponds to the boundaries of Draft Local Plan Allocation HATR309 (specialist housing). A decision on this application is still pending. Several issues have arisen from consideration of the planning application:

- (i) A site of archaeological importance will be affected. As well as the Listed Blamsters Farmhouse and any curtilage listed buildings evidence for the earlier settlement may be preserved on the site. Excavations to the south provided evidence of medieval settlement and industry.
- (ii) Comments have been made by Essex County Council in relation to the planning application, which though not made as a Local Plan representation are relevant to consideration of this proposal.

Essex County Council state that the site is already over developed in terms of accommodation for adults with learning disabilities (34 registered

beds). Whilst there is demand for supported living in the Braintree area they would have concerns about concentrating so much supply in such a small area if all 25 dwellings were supported living. The County aim is to support adults with learning disabilities to integrate into their local communities, and such large developments can create “ghettos” which do not aid integration.

- (iii) Braintree District Council Landscaping section note that the approach to Halstead from Braintree is punctuated by a significant number of mature oaks; some of these are veteran trees (i.e. great age and high conservation value) which make a valuable contribution to the character and setting of the road as it enters the main part of the town. The proposed entrance is likely to harm one of these trees and should be moved.

- 5.51 Essex County Council comments lend more weight to officer concerns raised in earlier considerations of these proposals including HATR309. Officers had previously identified concern about over concentration of specialist housing provision. Other concerns included its greenfield location at some distance from the town centre, negative impact on a listed building and loss of agricultural land. Committee had considered at that time that the specialist nature of the housing provided, weighed against other concerns raised by officers were sufficient, subject to a satisfactory scheme, to overcome those concerns.
- 5.52 The planning application shows a scheme to provide predominately market housing on with only a few specialist units. Whilst the applicant argues that this would aid integration, the County Council consider that integration can also occur within existing communities. The operator of the existing Blamsters facility identifies no intention for the expansion of this facility and that many of their clients live elsewhere.
- 5.53 Market and specialist housing on the larger site (HATR309) had not been considered appropriate for inclusion within the Draft Local Plan and representations received do not alter that view. It would adversely affect the countryside character which is a characteristic and valued feature of this approach into the more central area of Halstead. Also affected would be glimpses of the listed former Blamsters Farmhouse. A dense scheme could be particularly damaging to this character. The site is poorly related to the existing settlement edge and is separate from the built up area to the north east. Its allocation would inappropriately leave a large area of unallocated open land at Mount Hill which would itself come under pressure for development and which is being promoted for inclusion within the Draft plan for residential development. There are also site specific concerns that the proposed development may harm a veteran tree.
- 5.54 Such concerns would mitigate against designation of the larger area for specialist housing as an over concentration of such facilities in one location

and are also considered relevant in the reassessment of the present specialist housing allocation.

- 5.55 Officers recall that Members allocated this site on the basis of it being an exemption due to its proposal for specialist housing. However the current planning application suggests that the owner is no longer considering this as the primary use for the site. In addition to this, responses from Essex County Council, whilst acknowledging the support for specialist care, do not support it in this location due to the concentration of such uses in the vicinity.
- 5.56 As such officers consider this site should be considered as a standard residential allocation. The site is on the main road into the town from the south and this site together with its neighbouring site provide an important green lung which adds to the rural market town character as one travels down the hill into Halstead. As such officers do not recommend that the site is allocated for development.

Recommendation 11 –The three proposed development proposals represented by HATR308 and HATR309 Blamsters, Mount Hill are not allocated for residential development or specialist housing development.

HATR 304 Land West of Mount Hill

- 5.57 Summary of representation
- Should be considered in conjunction with those submitted by Edward Gittens and Associates
 - If HATR308 and 309 (specialist housing) are approved this site would be landlocked within Halstead.
 - Impact on the listed building and the undeveloped nature of the site making an important contribution to the landscape are not cogent reasons to oppose a residential allocation.
 - Site makes only a marginal contribution to Halstead's setting
 - Halstead's key feature is its position on the valley floor with only glimpses of the setting.
 - Land west of the site lies within the settlement not countryside and is not visible from the town centre nor is it a prominent site on the northward approach while HATR309 and GGHR (off Oak Road) are being allocated
 - The site is capable of accommodating 67 houses from an access off Mount Hill. Lower northern areas would remain as open space. Market and affordable houses are proposed.
 - The town centre is accessible on foot and buses pass along Mount Hill
 - Reasons for rejecting this site are not sufficiently strong to withhold an allocation.
 - It is unreasonable to retain the site as an island of undeveloped green space within the settlement

Town Council Response

- 5.58 No response received on this representation however Town Council earlier comments on the sites inclusion on the Draft Plan were as follows
- 5.59 Not supported. Would lead to the loss of an attractive “Green lung”.

Officer Response

- 5.60 Notwithstanding the arguments put forward to the contrary, officers opinion is that this site makes a positive contribution to the character of the town and its openness gives a sense of the countryside extending into the settlement and in doing so retaining something of its character as a market town and relationship with the countryside. It is a sizable site whose development which would be apparent from the main route to Braintree and would have negative impacts on the approach into Halstead.

Recommendation 12 – HATR 304 Land West of Mount Hill is not allocated for housing.

HASA287, Land East of High Street, Halstead

- 5.61 Summary of Representations
- Essex County Council - There are significant levels of surface water flood risk along the length of the area indicated for redevelopment. Any future development would be expected to provide significant betterment. In addition, the northern area highlighted as a potential special employment area may be at significant risk of surface water flooding.
 - Should be used for open space, wildlife and community use
 - Attempts to develop have failed confirming the severe site constraints
 - Preserving one air raid shelter is not in the interests of the town.
 - Air raid shelters as a group could be made into a tourist attraction eg forest school, and education resource
 - Urbanisation would be difficult to achieve without harming the appearance of this part of the Conservation Area
 - Provides a green corridor/woodland solving the lack of green space in Halstead town centre (Open Spaces Action Plan)
 - Due to site constraints (access problems, water table issues, nearby listed buildings) it may take time to develop alternative scheme.
 - Ideal wooded habitat with water for wildlife.
 - Wet land as seven springs and a clay base and surface water runoff impacts
 - Development would add to High Street congestion.
 - Use as a green space would not increase traffic, would add to foot traffic which would benefit the town
 - Harm to the visual impact in this prominent position
 - Development should complement listed buildings

- Rare for air raid shelters to survive in such a large group and deemed important by many organisations and individuals. Save British Heritage lists them as in their buildings at risk register. The loss of heritage to the community would be serious
- This site has been neglected and should not be allowed to degrade further
- Would benefit various sectors of the community and boost Halstead in bloom
- Sites on the outskirts should be developed in preference. These have better access
- LLP42 requires the Council to respect and respond to the local context. They should do so here given the great attachment of residents to the site
- Demolition of the 15 of 16 shelters would result in demolition of curtilage listed shelters and this would fail LPP 42, 27 and 50 and should not happen except in exceptional circumstances
- The woodland is an important backdrop to the town centre
- Preference should be given to the least destructive plans
- NPPF paragraph 17 requires local plans should conserve heritage assets in a manner appropriate to their significance using up to date evidence. This should include up to date archaeological evidence (earlier report 2004)
- LPP44 seeks to remedy open space deficiencies yet this loss of open space will worsen Halstead's existing open space deficiencies
- Coggeshall Glebe has similar features and been designated as open space
- Contrary to LPP51 there is no plan to explore more sympathetic uses for the shelters. The proposed conservation reuse under management of a community partnership trust has not been discussed meaningfully
- Planning applications should only be considered if developers have discussed the points raised with Halstead 21st century group or other community organisations
- The allocation is undeliverable due to physical site constraints and evidenced by years of proposals not coming to fruition
- Legal mechanisms exist for protecting ownership while permitting community organisation site management. Such arrangements allow such organisations apply for grants for development
- Willingness and owner collaboration can deliver the vision
- Site can be used to improve mental and physical health of citizens
- Develop some air raid shelters into buildings with visitor centre above ground, some for bats, some for schools, WW2 experiences and stores/exhibition spaces, no café so that visitors use the town centre and boost the economy

5.62 Town Council Response

None received at the time of writing

Officer Response

- 5.63 The site is located to the rear of properties on Halstead High Street and as such is in a central location which is within close proximity to the main town facilities and is therefore considered a highly sustainable and well connected site. However, as is raised in many representations, the site does have a number of constraints including the proximity of the conservation area and listed buildings, the historic air raid shelters, the need to retain important views including to the church, the presence of protected trees on the site, wildlife habitats drainage, water and levels issues. The vehicle access in particular is also not straightforward. The proposals for the site would need to accord with the criteria set out in other policies of the Local Plan including investigating the flooding and wildlife constraints of the site.
- 5.64 However, officers believe that a suitable and sympathetic scheme for the development of the site should be able to be found which could incorporate a range of uses including homes, employment, parking and open space. It is therefore proposed to continue to allocate the site as a comprehensive redevelopment area with a supporting policy.
- 5.65 Whilst the District Council owns part of the site, the majority lies within private ownership. There has been no indication that these landowners would be willing to provide the site for community uses and the site is not currently open or safe for members of the public to use.
- 5.66 There may be several combinations of uses which could be acceptable on this site but any final scheme is likely to be one heavily influenced by site constraints. The comprehensive redevelopment allocation is flexible enough to enable a suitable mix of uses.
- 5.67 Historic England have made no comment on the retention of the air raid shelters, nevertheless, it has been considered appropriate to retain at least one example. The site has been vacant for some time and during that time these air raid shelters are deteriorating.
- 5.68 The policy itself requires the developer to address many of the concerns raised by objectors, e.g. protected trees, habitat, important views, relationship with Listed buildings and the conservation area, pedestrian and vehicular access, parking, open space and community space. As such no changes are proposed to the policy wording.

Recommendation 13 – HASA287, Land East of High Street. The site retains its allocation as a comprehensive redevelopment area support by a site specific policy which is set out in this report.

Policy – “Comprehensive Development Area - Land East of Halstead High Street

Land east of Halstead High Street between The Centre, and Factory Terrace is allocated as a Comprehensive Redevelopment Area which could include new homes, retail and commercial space, open space and community uses.

Redevelopment of the site will need to address the following issues;

- Satisfactory vehicular, servicing and pedestrian access to the site from the adjoining streets*
- Appropriate provision of parking, open space and community space*
- Protection of the setting of listed buildings and enhancement of the Conservation Area, including the retention and refurbishment of at least 1 air raid shelter*
- Retention of protected trees and habitat for protected species*
- Protection of important views into the site, including those from across the valley.”*

HATR296 - Land North of Sloe Hill Halstead

5.69 Summary of representations

- Allocate Local Wildlife Site BRA150 (Sloe Cottage Meadow) for housing (10 units) and wildlife. Housing would be confined to one area leaving the remainder for improved habitat.
- This site no longer conforms to the selection criteria.
- Hedgerows were species poor but 56m of this would be removed and replaced.
- Grassland quality too poor to merit protection under Essex Biodiversity Action Plan.
- The site no longer holds many of the significant species that were there when the site was designated
- Given that the grassland does not support many of the features that fulfil the Local selection criteria it is not considered that the development would negatively impact the site as a Local Wildlife Site.
- Retention of around half of the site as a nature reserve gives opportunity to enhance the biodiversity value of the site. This enhancement would be retained long term following an ecological management plan.
- The site would be allocated for development as the Council's reasons for not doing so are (as set out in earlier representations) unsound.
- Essex Wildlife Trust - Object to any development which would harm a designated LoWs. Such sites should be robustly protected for their important contribution to the overall biodiversity resource of the district

Town Council Response

- 5.70 No comments made on these representations at the time of writing but comments regarding the draft plan are as follows; Not supported. This is a wildlife site and the access is dangerous.

Officer Response

- 5.71 The site is a designated Local Wildlife Site (Bra 150) and there are a number of TPO protected trees and public right of way on the north western boundaries. The site comprises unimproved neutral grassland.

5.72 Local Wildlife Sites (LoWs) are Wildlife sites of County importance and is a non-statutory designation which according to the Local Wildlife Selection criteria (2010) play a significant role in meeting biodiversity targets.

5.73 The Essex Biodiversity Action Plan, states the following

As indicated in the Habitat Statement included in Biodiversity: the UK Steering Group Report, Vol 2 (1995), unimproved neutral grassland habitat has undergone a remarkable decline in the 20th century, almost entirely due to changing agricultural practice. It is estimated that by 1984 in lowland England and Wales, semi-natural grassland had declined by 97% over the previous 50 years to approximately 0.2 million ha. Losses have continued during the 1980s and 1990s, and have been recorded at 2 -10% per annum in some parts of England.

5.74 It is possible for the respondent to seek to have their site deselected. This would need to be carried out before the site could be considered for alternative uses. They should contact the Wildlife Trust stating the reasons and providing evidence. A site would not normally be deselected unless it could be shown that it could not be rehabilitated to a good condition.

5.75 This site was previously considered in relation to the Site Allocations and Development Management Plan under reference HAS8. It has not been allocated either there or in the draft plan because of its status as a Local Wildlife Site, that and it is of large size at the edge of town. The landscape assessment classes this area as having medium landscape capacity.

Recommendation 14: HATR296 - Land North of Sloe Hill Halstead is not allocated for housing and ancillary nature area.

HASA290 - Land between Mill Chase and Sudbury Road,

5.76 Summary of representations

- Should be considered in conjunction with those submitted by Edward Gittens and Associates
- This site is well related to the built up area
- Would provide an attractive development partly inside the Conservation Area
- Suitable for specialist housing which would generate low traffic
- Limited visual impact on neighbouring countryside (low/medium landscape capacity)
- Ample space available for landscaping.
- Good sustainability appraisal score being readily accessible to central Halstead, schools employment and public transport.
- Essex Wildlife Trust - A watervole survey would be required along the ditch. If water voles are found to be present, appropriate mitigation would be a legal requirement. A minimum 5 – 10m buffer zone along the ditch should be incorporated, and an ecological management plan to protect the water voles should be secured by condition.

Town Council Response

- 5.77 No comments at the time of writing. Previous comments on proposed inclusion in the draft plan. Not supported. Poor access

Officer Response

- 5.78 The site lies in an area of medium/low landscape sensitivity. Although adjacent to the edge of settlement it is considered a large backland development with poor vehicular access opportunities.

Recommendation 15 – HASA290 - Land between Mill Chase and Sudbury Road is not allocated for housing development.

COLE188 - Land east of Bluebridge Ind Est

- 5.79 Summary of representations
- Support this designation
 - This is the most appropriate site for employment development for Halstead, taking into consideration the alternatives put forward
 - Logical extension to the employment area
 - This site allocation is supported by the Employment Land Needs Assessment Aug 2015
 - This will support the plans objectives of ensuring a better balance between jobs and housing and bring high quality jobs to the district
 - Employment allocations in a range of locations required.
 - Should not over rely on garden settlements to deliver employment growth especially as there may be delays in provision. This site can come forward sooner.
 - The safeguarding of the bypass imparts uncertainty around timing of the site coming forward. It does not feature in County highways programme.

Town Council Response

- 5.80 Comments made to inclusion within the draft plan: Not supported unless road improvements are an integral part of the proposal

Colne Engaine Parish Council Response

- 5.81 Earlier comments made in response to the inclusion of the site within the plan
- 5.82 The Parish Council is concerned that the inclusion of this site as part of the wider proposal for the eastern extension of Halstead will cause increased traffic movement in the local area and a transference of vehicular movements into Colne Engaine. Roads between Halstead and Colne Engaine are rural and narrow with very few pavements, making it necessary for residents including children to have to walk on the roads that run through our village. Increased traffic will present an increase in environmental and safety risk if residents in Halstead seek to bypass central Halstead by coming cross country to access major routes like the A120.

- 5.83 In addition, the Parish Council expects that a buffer or Green Gap would be identified between any proposed development to the East of Halstead and Colne Engaine Parish. It is noted that one is shown on the plans between Halstead and Greenstead Green to the South. The Parish Council requests that to preserve the rural nature of Colne Engaine, a specific policy is included to this effect in the Plan

Officer Response

- 5.84 COLE188 was allocated for employment use in the Draft Plan. Nevertheless development was only considered appropriate on that part of the site between the eastern edge of the industrial estate and the western edge of the line of the bypass. At present the line of the bypass is indicative as further work is needed to finalise its precise location. It was considered appropriate to exclude land to the south of the site which is classed in the Landscape assessment as having less capacity to accommodate development.
- 5.85 It remains important that the line of the bypass is not prejudiced by development and as a result the western and southern allocation edges should be understood as indicative. It is not considered appropriate that the allocation should lie to the west of the proposed road and land to the south has been identified in the Landscape Character Assessment as being more sensitive (medium to low capacity). The landscape impact of the northern area on the landscape is greater and particularly along the northern boundary where boundary development would be visible from distance views and the approach from Colne Engaine.
- 5.86 The applicant has submitted representations in support of the allocation and the Council's reasons for doing so. They mention the issue of the bypass noting that it introduces an element of uncertainty in when the site can be delivered.
- 5.87 Restricting the size of the employment allocation COLE188 as shown on inset map No 34 will allow some employment growth whilst minimising the traffic impacts on central Halstead. COLE188 previously measured 11.3ha whilst the area now proposed is 3.4ha. There are benefits in landscape terms which are mentioned below.
- 5.88 Other reason for allocating on the southern extent of the allocation include the impacts on the public right of way to the north of the site. In spite of this path's location close to the industrial estate it still retains a predominantly rural character. This has occurred through efforts in the past to contain the industrial estate's impact within substantial landscaping and this has been carried through, more recently, to the incorporation of landscaping for the anaerobic digester and the lowering of land levels within this site to accommodate this facility. Development at the northern boundary would also be glimpsed from the approach road from Earls Colne where it would be viewed as an isolated industrial development in the countryside and out of character with its immediate surroundings.

- 5.89 The whole site as put forward forms one parcel in the Landscape Character Assessment and is described as follows:

“Visibility of the lower valley slopes within the Parcel is limited by the presence of the field hedge along the southern boundary, beyond which vegetation in the south-western corner of Parcel 4b screens potential views from the Colne Valley Path that runs along the edge of the floodplain. More open views are possible from the footpath that runs along the northern boundary of the Parcel, which are focussed on both the landscape of the River Colne directly south of the Parcel and the built-up eastern fringes of the town. The lower valley slopes on the southern boundary are concealed in views from this footpath by the curvature of the slopes in northernmost parts. The entire field is visually prominent from Parcel 4e which lies on the valley slopes on the opposite side of the river corridor.”

- 5.90 The site is separated from the industrial estate by an unbroken area of mature substantial boundary vegetation and trees. This landscape feature is substantial enough to screen the estate from the neighbouring countryside.
- 5.91 Nevertheless, in order to support economic expansion within the town, it would be appropriate to allocate an area to the south of the proposed site but which excludes the more sensitive area identified in the landscape analysis
- 5.92 Most of the site lies within an area of medium landscape capacity with the southern area being more sensitive and of medium/low capacity. This site is one of 3 sites mentioned in the Employment Land Needs Assessment as providing a choice of locations for employers for B1/B2/B8 mixed use. This site lies on the area of least landscape sensitivity of the three.

Recommendation 16 – That the employment allocation at COLE188 Land East of Bluebridge Industrial Estate is redrawn to remove its northern and eastern extent as shown in the Appendix.

Other General Representations

- Population growth has already strained local infrastructure and services eg congested road and difficulty accessing GP services. Future development must incorporate appropriate infrastructure growth.
- Sites should be developed on the outskirts in preference to town centre sites with difficult access
- Local infrastructure is already overstretched, e.g. congestion and difficulty accessing health service. Future growth must be accompanied by infrastructure improvements.
- Object to expansion of Halstead
- District growth should be located not only in Braintree but other settlements such as Halstead.
- Object to development on edges of town
- Loss of natural habitat is already of serious concern

- 5.93 The above comments are noted and have been taken into account when considering the site specific allocations in this report.
- 5.94 No comments have been made any other proposed allocations in the Local Plan and there is no new information to be considered on these sites. As such no further changes are proposed to the Local Plan.

Recommendation 17 – That Inset Map 34 Halstead Town and Inset Map 35 Halstead Town Centre are approved.

Braintree Draft Local Plan – Responses Received to the Draft Local Plan to Policies		Agenda No: 7
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Gary Sung Report Prepared by: Gary Sung and Alan Massow		
Background Papers: <ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Localism Act (2011) • Planning and Compulsory Purchase Act (2004) • Local Plan Review (2005) • Core Strategy (2011) • Settlement Boundary Review Methodology (2015) • New Draft Local Plan (2016) 		Public Report: Yes Key Decision: No
Executive Summary: This report looks at policies in relation to the Employment, Rural Enterprise, Tourist Developments, Equestrian Facilities, Educational Establishments, Community Facilitates and Inclusive Design, including the responses which have been received on these during the Draft Local Plan consultation. The policies and supporting text are set out in full in italics in the report with changes in text highlighted with deletions in strikethrough and additions in bold and underlined.		
Recommendation 1 – Policy 4 Design and Layout of Employment Policy Areas and Business Parks and its supporting text to be amended in accordance to the changes shown in this report. Recommendation 2 – Policy 5 Rural Enterprise to be amended in accordance to the changes shown in this report. Recommendation 3 – Policy 6 Tourist Development within the Countryside and its supporting text to be amended in accordance to the changes shown in this report. Recommendation 4 – Policy 45 Equestrian Facilities and a new paragraph added to the supporting text to be amended in accordance to the changes shown in this report. Recommendation 5 –No changes are made to the Chapter preamble for		

Community Facilities.

Recommendation 6 – Policy 54 Educational Establishments and its supporting text to be amended in accordance to the changes shown in this report.

Recommendation 7 - Policy 55 Local Community Services and Facilities to be amended in accordance to the changes shown in this report.

Recommendation 8 - Policy Cemeteries and Churchyards to be adopted in accordance to the policy shown in this report.

Recommendation 9 - Policy An Inclusive Environment to be adopted as shown in this report.

Purpose of Decision:

To consider the responses to the Draft Local Plan consultation in relation to these villages and chapters and make any changes as a result of the comments.

Corporate implications

Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
Legal:	To comply with Governments legislation and guidance.
Equalities/Diversity	The Councils policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be public consultation during various stages of the emerging Local Plan.
Environment and Climate Change:	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
Consultation/Community Engagement:	There will be public consultation during various stages of the emerging Local Plan.
Risks:	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.

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1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set

out in the National Planning Policy Framework.

- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred Inset Map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.
- 1.4 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan sub-committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.5 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.
- 1.6 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20th June 2016.
- 1.7 The Local Plan was subject to an 8 week public consultation which started on the 27th June and concluded on the 19th August.
- 1.8 A total of 3,101 comments have been received from 1,244 individuals. These are all available in full on the website at www.braintree.gov.uk/consultLP and we would ask all Members to read these comments.
- 1.9 An update to the Sustainability Appraisal (SA) has been undertaken to include new sites submitted to the Local Plan. To maximise the contribution that the Local Plan makes to the achievement of sustainable development and minimise any potential adverse impacts, members should have regard to the SA and consider any reasonable alternative options to the chosen policy or allocation. The Council will need to show how environmental considerations

have been integrated into the plan and how the SA has been taken into account.

- 1.10 The chapters are now considered individually below, including a summary of the comments received. Policies and supporting text are set out in full in italics and changes can be seen with strikethroughs for deletions and underline for new text.

2 Employment Chapter

- 2.1 The employment chapter sets out detailed policies in relation to the provision, design and retention of employment in the District. The policies below relate to the non-site specific policies. Policies LPP1, 2 and 3 will be dealt with at a later committee.

3 LPP4 Design and Layout of Employment Policy Areas and Business Parks

- 3.1 A framework for additional control on design and layout specifically for employment areas is set out in this policy. A problem with parking, and the wider environmental impact of car use, has been observed at existing employment areas.
- 3.2 The policy also promotes sustainable transport as well as managing parking provision at existing employment areas. This means providing additional parking when below standards or encouraging sustainable transport solutions that also reduce greenhouse gas emissions, reduce congestion and contribute towards health objectives.
- 3.3 Two comments were received on the policy and supporting text. These were general comments; there are no objections or support comments.
- One response noted that better public and cheap transport would help with car parking problems, congestion and pollution.
 - The other response noted that the NPPF can be relied upon for ensuring high quality, well designed sites with suitable access that are sympathetic to neighbouring areas.
 - For parking, the Council should consider revising the parking standards for employment areas rather than seek additional, unquantified, overspill parking at Business Parks as this provides an uncertain requirement for employment proposals. Alternatively, an indication of the level of overspill parking the Council would seek, should be included in the Policy and supported by evidence.

- 3.4 No statutory comments were received.

Officer's Comments

- 3.5 This policy seeks to guide the design and layout for a particular use in specific locations. It is based on Policy RLP 31 of the Local Plan Review 2005 which recognised that parking on landscaped areas and grass verges has caused damage. It does not cover new public transport schemes which will be covered in Policy LPP36 Sustainable Transport and the Braintree Integrated Transport Package.
- 3.6 Seeking high quality design for all existing and future occupants is a core planning principle in the NPPF para 17. Furthermore, at para 35, the NPPF states that developments should be designed where practical to accommodate the efficient delivery of goods and supplies. For sustainable transport designs should prioritise pedestrian and cycle movements, access high quality public transport facilities and minimise conflicts.
- 3.7 For all employment land, the Council should expect design and access statements to consider delivery vehicles, public transport and cyclist access however the wording in the current policy serves as a signpost for these issues rather than specifying any new policy. Other policies in the Local Plan, Essex Design Guide, Vehicle Parking Standards and the NPPF are deemed detailed enough to guide development.
- 3.8 Design, access and parking is observed as a local problem on older employment land. The Vehicle Parking Standards 2009 details the parking requirements for new B1, B2 and B8 space but does not address existing issues. The policy seeks to address this issue by requiring developments of over 5ha overspill parking to address existing problems. However, as one objection notes, the policy does not specify the number of additional spaces to be provided by such development – it could be met by the provision of 1 additional space.
- 3.9 Section 122 of the Community Infrastructure Levy Regulations 2010 as amended requires planning obligations to meet three legal tests, including that obligations must directly relate to the development. This means there should be a functional link between the development and the overspill parking being provided. As the overspill parking is for all users which address an existing shortfall, officers believe that this cannot be directly related to the impact of new development and is not legally sound.
- 3.10 Other responses have noted that sustainable travel should be encouraged to reduce parking pressure. Officers agree that these elements of the policy are retained and enhanced to ensure high quality environment.

3.11 Officers are recommending the following amendments to the policy to ensure that it is positively prepared, justified, effective and compliant with national policy:

- Minor amendments to the policy and supporting text to improve clarity and remove repetition,
- Remove policy text to require sites of 5ha to consider overspill parking areas. The use of 5ha as a threshold is sound and unjustified, and;
- Add criteria consider improvements where parking standards are not being met.

3.12 **Recommendation 1: LPP4 Design and Layout of Employment Policy Areas and Business Parks and its supporting text to be amended in accordance to the changes shown in this report.**

Design and Layout of Employment Policy Areas and Business Parks

*6.24 Appropriate layout and design of new Employment Policy Areas and Business Parks is important in attracting and retaining users on the site and creating a pleasant environment for people to work. New **Employment Policy Areas and Business Parks are expected to be designed to a high quality which includes suitable access for staff, delivery and service vehicles, pedestrians, public transport and cyclists, in a safe environment.***

*Layouts must be attractive but also practical and easy to maintain to ensure the long term success of an employment area. Many older employment areas in the District suffer from a lack of car parking, which can lead to a poor quality environment **and overflow parking onto adjoining residential areas. Insufficient parking in employment areas also leads to** problems with access and servicing.*

The policy below therefore specifically protects car parking areas from being built on, unless this will be re-provided elsewhere.

Policy LPP 4

Design and Layout of Employment Policy Areas and Business Parks

New Employment and Business Parks are expected to be designed to a high quality which includes suitable access for staff, delivery and service vehicles, pedestrians, public transport and cyclists, in a

safe environment.

~~On sites of over 5ha, additional overspill parking areas for all users of the site may be required to ensure vehicle parking is accommodated.~~

On existing employment policy areas and business parks, proposals for changes to the layout of the site, or buildings will only be approved where all the following criteria are met:

- The design of the site is in keeping with the remainder of the employment area and does not appear to be **visually** cramped visually,
- Parking ~~remains or~~ is provided at the standard required,
- Structural landscaping will not be undermined, **and;**
- **Where parking for the whole site does not meet standards, additional overspill parking areas and/or improvements to effectively encourage sustainable travel should be considered.**

Evidence Base

ECC 2009, Parking Standards

ECC 1997, Essex Design Guide

4 LPP5 Rural Enterprise

- 4.1 This policy seeks to encourage rural business growth and enable diversification for a strong rural economy. This policy will permit conversion or construction of new premises, for the purposes of rural enterprise where it can be sensitively designed. The policy must balance economic growth with landscape, environmental and heritage impact, as well as achieve wider sustainable development goals in the NPPF.
- 4.2 The policy will replace RLP40 Minor Industrial and Commercial Development in the Countryside and RLP38 Conversion of Rural Buildings of the Local Plan Review 2005 - policies which guide conversion of rural buildings and small scale industrial units.
- 4.3 A total of six comments were received on the Policy and supporting text, one in support, three objections and two general comments.
- 4.4 Support comments:
- One resident supported with no additional comment.

4.5 Objection comments:

- One response noted a typographical error.
- Policy should allow development where protected species and historic environment can be appropriately addressed or mitigated.
- The Council must balance the need for employment, but sites which are no longer fit for purpose should be utilised for alternative uses such as homes.
- The policy refers to buildings but should include buildings, plant and equipment which are dilapidated.
- The policy should allow new buildings where existing buildings are economically unviable.
- What does 'fit for purpose' mean? Should include bespoke, inefficient or outdated premises, plant and equipment.
- Our clients welcome the recognition that alternative uses such as homes can be considered but this needs to be referenced in policy, especially concerning the Four Elms Mills site (sic).

4.6 Natural England identified a typographical error in the policy wording.

4.7 Historic England recommends amendments to include further protection for heritage assets.

4.8 There were no other general comments.

Officer's Comments

4.9 The Council will be submitting a policy to the secretary of state which it believes will be 'sound'. To be sound this policy should be positively prepared, justified, effective and compliant with national policy (NPPF/NPPG).

4.10 The purpose of this policy is to promote rural development for enterprise purposes. Chapter 3 of the NPPF emphasises government support for planning in rural areas to support sustainable growth of all types of business. Officers regard large parts of the District to be rural and away from centres of employment, particularly areas to the north of the District but also pockets of the south where transport links are poor.

4.11 Objections to the policy mainly relate to either limitations of what the policy applies to or to clarity of meaning. Respondents stated that the policy restricts eligible conversions only to buildings and does it not allow for residential conversion. The other matter is the definition of fit for purpose.

4.12 However to expand the eligible structures to include other things like plant and equipment would go beyond the definition of buildings as specified in the

NPPF. It would also make the exact definition of eligible structures to become wide-ranging, not limited by the standard use classes and ambiguous to apply. Such modifications to the policy are, as there is no evidence, unjustifiably divergent from the NPPF.

- 4.13 Conversion for residential is not enabled by the policy but suggested in the supporting text, and applicable only if the site is not fit for purpose. The objective of this policy is to sustain and grow business in rural locations, but unrestricted residential conversion could undermine this goal and allow unsustainable proliferation of residential dwellings away from existing services and facilities. Development for residential use in rural areas would need to comply with other policies in the Local Plan and the NPPG. It would also be unsustainable to support underperforming businesses by allowing residential development therefore it is considered that this part of the policy is effective and compliant with national policy in its current form.
- 4.14 Officers recommend accepting the clarifying amendments proposed by Historic England and Natural England, and also recommend further clarifying amendments to comply with national policy. These changes are shown below
- 4.15 **Recommendation 2: LPP5 Rural Enterprise to be amended in accordance to the changes shown in this report**

Rural Enterprise

6.26 Whilst most large-scale employment development should be directed towards the larger towns in the District, smaller scale employment in rural areas should be supported. This applies to all types of businesses but also those businesses that may be specifically related to rural areas, for example, farm diversification schemes or tourist and visitor facilities. Businesses located in the rural areas contribute significantly to the economy of the District and provide local employment opportunities to those living in rural areas which might be accessible by walking and cycling.

6.27 The success and growth of businesses in rural areas must be balanced against the retention of the rural character and the high-quality landscape. Some locations outside of the main towns but close to the strategic road or rail networks for example, may be more suitable for larger scale employment development than those which are located in more isolated parts of the District. Existing buildings in rural areas should be utilised wherever possible when additional space is required before new buildings are considered.

6.28 *This policy should also be used to assess proposals for farm diversification projects where planning applications are required. Farm diversification is regarded as on-farm development which supports ongoing agricultural activity, either by adding value to existing operations, or introducing new income streams, which remain under the control of the same farm enterprise. Proposals specifically for farm diversification may be located in relatively unsustainable locations therefore conditions may be attached to permissions, which limit the goods to those mainly produced on the holding and limit the overall scale of development.*

6.29 *There are some circumstances where rural employment buildings become unused and the District Council must balance the need to ensure that appropriate land is preserved for employment uses but that sites which are no longer fit for purpose can be utilised for alternative uses such as homes.*

Policy LPP 5

Rural Enterprise

Outside settlement boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to all the following criteria:

- The location of the site being accessible, ~~well related to the existing settlement pattern~~ and sustainable in terms of the Framework,
- There is no unacceptable impact on protected species or of the historic environment,
- The access and traffic generated by the development can be accommodated without adverse impact on the local road network,
- 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, and;
- Any extensions shall be small scale, well designed and subordinate to the host building.

Where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new

buildings shall be well designed, and appropriately sited. ~~and~~ **New buildings** shall be of a form, bulk and design that should not offend local landscape character, **and protect and enhance heritage assets and their setting.** All such new development shall also be considered against the criteria above.

5 LPP6 Tourist Development within the Countryside

- 5.1 Tourism and recreation is an important part of the economy that boosts spending for shops and services, securing economic growth and creating jobs and prosperity. As much tourism pressure is on our district's rural and picturesque areas, this policy will need to balance support for the tourist accommodation sector against environmental impacts of development.
- 5.2 A total of twelve comments were received on the policy and supporting text. Of which, eight are objections and three are general comments.
- 5.3 Objection comments:
- The policy should require an assessment prior to the application submission that demonstrates that there is a need for tourist accommodation within the area at applicant's cost.
 - Tourism in Finchingfield will be affected by West of Braintree Garden Community. Negative implications of traffic on country lanes, noise pollution and overcrowding of tourist amenities.
 - Finchingfield is a short cut through the lanes to Cambridge and Haverhill and this will be spoilt by a heavier load of traffic.
 - Tourism to villages from Great Saling northwards and beyond Thaxted will be affected by the West of Braintree Garden Community. Tourism for the 'Bardfield School of Artists' and the Thaxted Festival of Music will also be affected.
 - Andrewsfield is popular with American tourists and visitors to Andrewsfield Flying Club, it is currently in keeping with the natural and historic environment.
 - Finchingfield, Castle Hedingham, Thaxted, Great Dunmow, Great Bardfield along with many grade 1 and 2 listed buildings are tourist destinations.
 - Development will affect leisure tourism such as cycling, referring to the Tour de France.
 - Tourist accommodation will be impacted such as the popular Golden Grove caravan site. People visit and stay for the enjoyment of the nearby countryside, peace, quiet and wildlife.

- How would an applicant 'clearly demonstrate' demand? E.g. for a camp site or wedding venue?
- Some tourist facilities will not be within or adjacent to the settlement boundary.
- Not all tourist development will require mitigation through landscaping.

5.4 General comments :

- Building new towns will not protect the countryside as it will no longer exist.

Statutory Comments:

5.5 Natural England stated that they may require this policy to be strengthened or amended to include mitigation measures in response to the forthcoming Habitats Regulation Assessment (HRA).

5.6 Historic England suggests, at Paragraph 6.36, that screening for camping and caravan sites should be extended to the heritage assets and their setting. HE also welcome criterion 3 and 7 but suggest adding impact on heritage assets and their setting.

Officer's Comments

5.7 The Council will be submitting a policy to the secretary of state which it believes will be 'sound'. To be sound this policy should be positively prepared, justified, effective and compliant with national policy (NPPF or NPPG)

5.8 National policy supports sustainable rural tourism which respects the character of the countryside. Provision and expansion in appropriate locations are supported when identified needs are not met by existing facilities. The purpose of this policy is to direct development for rural tourism towards sites which relate well to settlement boundaries. There are higher expectations for the quality of landscaping and screening. Historic England suggests that historic character is also considered and officers agree by these recommending amendments.

5.9 Most of the comments relate to the effect that the proposed West of Braintree Garden Community will have on tourism. This policy is about managing the growth and development of rural tourist facilities, not specifically related to a development and therefore these comments will be addressed at the relevant committee meeting for the Garden Communities. The concern of these responses is, however, noted.

5.10 One response was concerned that the application of demand could not be 'clearly demonstrated'. Officers think that a demonstration can be covered in a

planning statement which would be similar to the test in the NPPF paragraph 28 to 'identify needs are not met by existing facilities'. A short appropriate piece of research on local demand will be able to adequately demonstrate the requirements.

- 5.11 The Braintree District HRA was completed and published shortly after the draft Local Plan consultation. Natural England will be able to evaluate and comment on the HRA for the pre-submission Local Plan consultation.
- 5.12 Officers have tested the policy and are suggesting some minor amendments, including incorporating Heritage England's suggestions, for the purposes of clarity and effectiveness. This includes changing the title to 'Tourist development within the Countryside'.
- 5.13 It has been highlighted by one commentator and through discussions with development management that some schemes for tourist accommodation may not be realistic. One significant repercussion is that proposals which are not financially sound will potentially be subject to requests for change of use after completion. These developments do not support the rural economy and should be avoided. Officers are recommending that applicants produce documentation, to support their applications, which demonstrates demand and a reasonable business case.
- 5.14 Although the policy requires restriction on use which may prevent some inappropriate development, officers are recommending that it is amended to manage proliferation of buildings in the countryside and proactively ensure that only viable schemes are supported.
- 5.15 **Recommendation 3: Policy LPP6 Tourist Development within the Countryside and its supporting text to be amended in accordance to the changes shown below**

Tourist Development within the Countryside

6.33 The District is predominantly rural with opportunities for tourism related development in the attractive villages, towns and surrounding areas. However, a balance should be achieved between supporting the rural economy and protecting the countryside, as stated in the NPPF.

6.34 The District has a number of villages and towns that are popular destinations for tourism due to the high quality of their built or historic environment. Such settlements include Finchingfield, Castle Hedingham and Coggeshall. It is important that within these settlements facilities for visitors are maintained and enhanced in order to promote tourism,

without detracting from the features that make them attractive to visitors.

6.35 To maximise the benefits of tourism to rural economies, tourist development should be located where visitors can access local shops, pubs and other services.

6.36 Camping and caravan sites contribute in an important way to tourism and to the supply of tourist accommodation supporting the rural economy. However, they should be located appropriately and sufficiently screened to avoid any harmful impact on the setting and character of the countryside.

*6.37 Appropriate research should ~~have been~~ **be** carried out into the local tourism market before submitting an application to show that there is a need for tourist accommodation in that area. In some cases this will be subject to independent verification at the cost of the applicant. Proposals to remove occupancy conditions or to change the use of tourist accommodation to permanent residential use will not normally be approved.*

To ensure that the district's countryside is protected from inappropriate conversions of new tourist accommodation to residential usages, a reasonable business case – i.e. costings and business model, will be required for new tourist accommodation proposals to ensure the long term viability of such proposals.

LPP 6

Tourist Development within the Countryside

Proposals for new tourist~~m~~ accommodation and facilities, within the countryside, will be permitted provided that all the following criteria are met:

- The demand for the development has been clearly demonstrated;
- Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the area and are accessible to adequate **public** transport, cycling and walking links;
- They would not materially adversely affect the character, appearance and amenity of the surrounding area, **any heritage assets and their**

setting, and should be well screened;

- Appropriate, convenient and safe vehicular access can be gained to/from the public highway and appropriate parking is provided;
- They would not use the best and most versatile agricultural land;
- They will be served by adequate water, sewerage and waste storage and disposal systems; and
- They will include a high quality landscaping scheme.

The occupation of new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.

In addition, tourist accommodation proposals will be required to include a business plan that will demonstrate the long term viability of the scheme.

6 LPP45 Equestrian Facilities

6.1 Three comments have been submitted.

- We note that this policy states that for any extension or development for equestrian use must have bridleways and byways located within the vicinity. This is too restrictive in that whilst there are pockets of good bridleway provision within the district, there are large areas that do not and this will have the effect of stifling the equestrian sector. Provided there is sufficient land available to keep horses, and that permission can be granted for a manège for example, many horse owners will travel for better off-road riding. We request that this requirement is deleted from the policy as it bases the decision whether to approve such applications purely on the provision of definitive rights of way and not on other such considerations, for example access to private land/toll rides or the fact that the applicant does not have any requirement to hack out. If this remains in the policy, then an indication of distance required to such public rights of way should be defined otherwise it becomes subjective and dependent upon the opinion of the officer dealing with the application – and this is likely to fall down should any appeal be lodged. (Essex Bridleways Association)
- The policy provides a presumption in favour of new equestrian facilities in the countryside. The Parish Council accepts that in principle equestrian facilities are a rural activity and generally need a countryside location. However the policy as presently drafted does not require any

demonstration that there is a genuine equestrian enterprise which the new facilities are to support. This should be required as part of the policy to ensure that the policy is used for its intended purpose and not exploited to enable building anywhere in the countryside on the pretext that it is for an equestrian purpose without any justification that that is in fact the case. Moreover there should be a requirement that the particular location is one which minimises the countryside impact either by being located in association with other existing buildings or otherwise in respect of its location. (Ashen Parish Council)

- ECC recommends the policy is amended to refer to the impact on heritage assets after the first criterion. *'There is no significant effect on the setting of designated and non-designated heritage assets.'*

Officer Response

- 6.2 The proximity of bridleways offers equestrian facilities the opportunity to provide off site exercise and reduces potential conflict between horse riders and other vehicles on the public highway. However the points above are noted an additional section in the supporting text and an amendment to the policy deals with this issue.
- 6.3 The policy is not intended to provide equestrian for purely enterprise purposes and covers facilities for personal use, as such it would not be appropriate to include reference to the requirement for a business plan for all proposals. The final section of the policy covers business use in relation to the provision of associated residential use.
- 6.4 Whilst the issue of impact of development on heritage assets is included under the policies on design and conservation, however a further bullet point highlighting this important issue is considered appropriate.
- 6.5 It is proposed to remove the reference to flood lighting. Members may recall that concerns being raised about the impact of lighting in the countryside associated with outdoor riding facilities. It seems inconsistent to allow other uses in the countryside such as employment uses, homes or farms, etc. to have flood lighting under the External Lighting policy but not to allow equestrian facilities. It is felt that the concerns raised about the impact of equestrian facility lighting on the countryside and night sky, would be sufficiently addressed by the criteria in policy LPP68 – External Lighting, which has already been approved by this committee.
- 6.5.1 **Recommendation 4: LPP45 Equestrian Facilities and a new paragraph added to the supporting text to be amended in accordance to the changes shown in this report**

Equestrian Facilities

7.21 Equestrian-related development refers to all horse-related facilities including commercial and householder development of stables, manèges and ancillary buildings. Whilst it is recognised that equestrian development is a rural use, development needs to be carefully managed to ensure that there is not a detrimental impact on the countryside character or other rural uses.

For most proposals, the availability of suitable off road routes will be need to be considered, providing a safe and traffic free route for horse riders to use. However in some circumstances the availability of onsite facilities may lessen this need and would be considered on a site-by-site basis. These should not be related to the personal circumstances of the applicant.

7.22 Equestrian development should be well-related to the person managing the facility's existing dwelling to avoid the creation of new journeys within the countryside, to assist with security and animal welfare and to remove the pressure for new residential accommodation in support of the development.

LPP 45

Equestrian Facilities

New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities, will be permitted where they meet all the following criteria:

- There is no significant effect on important landscape or nature conservation interests or any adjacent residential area,
- No alterations to vehicular highways in the area are required,
- Bridleways, and byways or other usable off road routes in the vicinity are located and designed to accommodate horse riders from the site,
- Sufficient land is available for grazing and exercise where necessary,
- Floodlighting will not be allowed in association with such facilities, **and;**
- **There is no significant effect on the setting of designated or non-designated heritage assets.**

Proposals for new or extended residential accommodation will only

be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they accord with criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business

7 Community Facilities

- 7.1 Community facilities and other services are at the heart of sustainable communities. Paragraph 70 of the NPPF sets out how planning policy should promote healthy, inclusive communities by ensuring retention and provision where needed. The first element of this chapter is a development management policy to plan positively for the provision of education premises and facilities. The second element is management of community facilities.
- 7.2 This policy updates and partly replicates the aims of RLP 150 and RLP 151 of the Local Plan Review. The definition of community facilities in the context of this policy is outlined in NPPF paragraph 70.
- 7.3 A total of three comments were received on the supporting text, all of which are objections.
- 7.4 Objection comments:
- Andrewsfield airfield is valued local community meeting place and recreational facility within the proposed site of West of Braintree, which would be lost if the development were to proceed
 - BDC cannot commit to stopping the loss of valued facilities, when their actions will result in the loss of Andrews airfield. The airfield at Andrewsfield hosts a weather station, besides the more obvious flying facilities and cafe. The cafe is used by local residents from around the area, not only those who are fliers.

Officer's Comments

- 7.5 The NPPF sets out the definition of community facilities in paragraph 70 as follows: community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.) and other local services.
- 7.6 This description restricts community facilities to either spaces which provide local service or buildings which perform a defined function. There is no distinction between publically and privately owned facilities, however a community facility must be or must have been a shared space.

- 7.7 Objection comments mainly related to Andrewsfield which is within the area of search for West Braintree Garden Community. Andrewsfield is principally used as a recreational airfield for the piloting of light aircraft. This does not fall within the Framework definition and given the specialist hobby of flying, is likely to have wider regional user catchment. However the comments regarding the use of the café – which could be community use and could be retained as such, are noted. In any case, these comments are related to a specific area which will be considered in other parts of the document, rather than the specific text of the introduction.
- 7.8 Therefore having considered the issues raised, officers recommend that the text for the introduction of the community facilities chapter remains unchanged.

Community Facilities

7.55 The District Council, with the help of the community, has to plan positively for the provision of community facilities and other local services, to ensure people have access to the services they need. These can act as hubs for local communities to come together and act as valuable community assets.

7.56 We should stop the unnecessary loss of valued facilities and services, particularly when this reduces the communities ability to meet its day to day needs and support the needs for facilities and services to expand and modernise in a way that is sustainable

7.57 This Local Plan promotes a joined up approach to considering the locations of housing, economic uses and community facilities and services to create high quality sustainable communities.

- 7.9 **Recommendation 5: No changes are made to the Chapter preamble for Community Facilities**

8 LPP54 Educational Establishments

- 8.1 A total of three comments were received on the policy and supporting text. All three were general comments from statutory consultees, one from Sport England and two from Essex County Council (ECC).

Statutory Comments:

- 8.2 Sport England stated that the loss of playing fields will need to be assessed against Paragraph 74 of the NPPF and Sport England's policy exceptions for the development of playing fields. The Government's guidelines for playing

fields relates to standards required for new schools not playing fields at existing schools.

- 8.3 ECC welcomes Policy LPP 54 and have made the following comments:
- Support BDC seeking to respond positively and supporting well designed new school and education facilities, and the commitment to undertake early pre application engagement with developers.
 - ECC supports the reference, in paragraph 7.59, which seeks to protect proposed sites and those in current educational use on the Proposals Map for that use.
 - Additional school places can be provided either by the expansion of existing schools/academies or the opening of new “free schools” or academies.
 - Existing schools can only be expanded if they have sufficient site area to do so. In many cases sites are restricted and additional land needed. Faith schools and academies would need the agreement of the organisations responsible.
 - If existing schools cannot be expanded or growth is insufficient to provide a new school, ECC will seek contributions from developers for the cost of providing transport.
 - ECC’s home to School Transport policy changed for children joining primary and secondary schools from September 2015.
 - LPA’s are advised that they should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
 - It is easier, more cost effective and better from an organisational perspective to expand primary schools by a full form of entry (30 pupils per year group) or half a form of entry.
- 8.4 Notwithstanding the comments above, no specific amendments to draft Local Plan policies have been recommend by ECC.

Officer’s Comments

- 8.5 The Council will be submitting a policy to the secretary of state which it believes will be ‘sound’. To be sound this policy should be positively prepared, justified, effective and compliant with national policy (NPPF or NPPG).
- 8.6 The purpose of this policy is to protect proposed and existing education land and ensure the impact of development is appropriately mitigated. The government requires that a sufficient choice is available to meet the needs of existing and new communities. Paragraph 74 of the NPPF states that playing

fields should not be built on unless an assessment is undertaken or it is replaced with alternative provision.

- 8.7 In their response, Sport England has indicated that loss of existing school playing fields to development must be assessed against paragraph 74 of the NPPF. To comply with national policy and improve effectiveness, a paragraph has been added to the supporting text to direct applicants to the NPPF and to Sport England's policy exceptions.
- 8.8 ECC support the policy's aims for protecting education sites from inappropriate development. Their response has outlined the policy of the Local Education Authority in managing developer's section 106 contributions from development. This is also covered in the Developer's Contributions Guide which is a material consideration.
- 8.9 The Local Plan has identified the requirement for new education facilities in strategic allocations within the Homes chapter, however it is not always possible to identify sites at this stage. The supporting text and policy has been amended to identify new education sites where possible but the location of most education establishments will be identified during the design and master planning of these sites.
- 8.10 Development management are also suggesting numerous amendments to the policy wording to improve clarity and improve effectiveness, these changes are shown below.
- 8.11 **Recommendation 6: Policy LPP54 Educational Establishments to be amended in accordance to the changes shown in this report**

Educational Establishments

*7.58 New primary schools, secondary schools and early years provision will be needed in the District to support the new homes and communities that are being created. **Paragraph 72 of the NPPF** (paragraph 72) sets out that great importance should be placed on the need to provide new school places. It also states that the Local Planning Authorities take a proactive, positive and collaborative approach to meeting this requirement giving great weight to the need to create, expand or alter schools or education facilities.*

***7.59 A number of new educational establishments are proposed in the Homes chapter of the Local Plan.** Land for some education uses is*

~~allocated on the Proposals Map.~~ These **establishments** designations will be subject to further design and master planning to locate the schools in the best positions for new communities.

7.60 Existing schools will be supported to ensure they are able to deliver high-quality educational provision and act as hubs for their local community. Remodelling and expansion of schools will be supported wherever possible. The loss of school grounds or school buildings themselves will only be supported where it has been proven that there is not an educational need for the site, now or in the future, or that improved accommodation is being provided in an alternative location. **In applications involving loss of school playing fields, the proposal will need to include an assessment against Paragraph 74 of the NPPF and Sport England's policy exceptions for the development of playing fields.**

7.61 Applications for existing schools are often dealt with by the County Council, but in some circumstances the District Council will be the relevant Local Planning Authority. The policy below will apply to decisions made by Braintree District Council, and will be used to inform any consultation responses submitted to applications which are determined by Essex County Council.

LPP 54

Educational Establishments

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 **support** ~~respond positively to and support~~ appropriate and well-designed applications regarding the creation of proposals for new school and education facilities **in sustainable locations on sites of a sufficient size to accommodate the range of facilities required.** As

~~expressed in the NPPF, the Council will use a presumption in favour of the development of schools and educational uses.~~ **The following sites are identified on the Proposals Map for new educational facilities:**

a) **Land at Ravens Avenue, Halstead.**

b) **Lodge Farm, Witham**

~~The Council will engage in pre-application discussions with promoters to develop a collaborative approach to suitable 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 new 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.

Evidence Base

ECC 2016, Commissioning School Places in Essex 2015-2020

ECC 2016, Developer Contributions Guide

9 LPP55 Local Community Services and Facilities

- 9.1 This policy is required to manage the provision of existing community facilities over the plan period. Community facilities cover a wide range of social, recreational and cultural facilities and services.
- 9.2 Work undertaken to support the Local Plan shows that the District has a good provision of services and facilities, however a gradual loss of some facilities is experienced in smaller villages. A particular issue to note is the loss of pubs over the last few years. The policy will need to encourage these establishments to diversify into other services to maintain a steady level of custom and remain operational.
- 9.3 The policy below will replace RLP151 for the Protection of Community Services however there are significant differences in the Local Plan version.
- 9.4 Four comments were received on policy LPP55 and the supporting text. Of which, one supported, two objected and one was a general comments.
- 9.5 Objection comments:

- CAMRA, the campaign for real ale, supports Policy LPP 55 but believes it should be strengthened, especially with regard to the viability of public houses.
- CAMRA have asked for significant amendments to allow replacement provision and change the emphasis to restricting loss.
- A different test for loss of pubs in urban areas and rural areas.
- Policy should be applied to facilities closed in last five years.
- Regarding local needs, the Council should require evidence that there has been public consultation to ascertain the value of the facility to the local community.
- If it is considered an Asset of Community Value, then the opinion of the Council should be a material consideration.
- Development proposals involving a community facility should not have a detrimental effect on the design, character, significance and setting of buildings or areas of acknowledged heritage value.
- Unviable facilities should be evidenced by trading accounts for the last three years. Including evidence of attempts to diversify or extend facilities offered.
- For public houses, assessment using the CAMRA Public House Viability Test, or a similar objective evaluation method.
- The facility must have been marketed for at least 24 months locally and regionally, at a price agreed with the Council.
- Trine development notes the policy will apply to small shops and all areas, this is extremely onerous for small businesses and result in hardship.
- For facilities which serve small local communities, an extended marketing requirement is unlikely to gain any extra commercial interest. Marketing should be limited 3 months.
- Flexibility should also be applied for facilities which are vacant for some time and/or facilities where diversification has been tried.

9.6 General Comments:

- Braintree Golf Club is a non-profit member's golf club offering a diverse range of leisure facilities. Development of surplus land in Stisted is required to fund the expansion and modernisation of its clubhouse and recruit additional staff, this will help meet the objectives of LPP55.

Statutory Comments:

- 9.7 The Theatres Trust support this policy as it aims to safeguard and promote cultural facilities, as required by para 70 and 156 of the NPPF. Recommends the definition for 'local community facilities' in the glossary.

Officer's Comments

- 9.8 The Council will be submitting a policy to the secretary of state which it believes will be 'sound'. To be sound this policy should be positively prepared, justified, effective and compliant with national policy.
- 9.9 In alignment with paragraph 70 of the NPPF, the policy objective is to guard against unnecessary loss of valued facilities and services. It does this by requiring additional marketing, checks and information before allowing development that would result in a loss. The policy will apply to all community facilities as defined in the NPPF, which will also be defined in the glossary.
- 9.10 The 2005 Local Plan review had a specific policy to manage the development of golf courses, which stated that provision of residential development will be firmly resisted. The draft Local Plan does not retain specific policies for golf courses and they are not covered by the NPPF definition for community facilities. Proposals for housing will require policies for the development boundary, landscape, character and others to be considered. In this context, an enabling development for leisure facilities should be considered by Council through individual planning applications and not as an issue in the Local Plan.
- 9.11 Respondents have suggested that the policy should specify a marketing period, whether 3 months or 24 months, depending on the asset. The supporting text specifies that the marketing period should be 12 months and that it is robust and independently verified. There is evidence to suggest that the District has experienced a loss of pubs in recent years. However, given the arguments between opposing interests, officers recommend that the wording should remain unaltered.
- 9.12 Officers are recommending an amendment to bullet point one to allow flexibility for the applicant to demonstrate that attempts to diversify have not succeeded in making the facility viable. It is also necessary to make amendments to identify community woodland and orchards under this policy and to safeguard the new community hall site in Halstead. These additions are shown in the policy.
- 9.13 **Recommendation 7: Policy 55 Local Community Services and Facilities to be amended in accordance to the changes shown in this report.**

~~Retention of Local Community Services and Facilities~~

7.63 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 Plan.

7.64 The policy below **is mainly applicable** applies to all areas outside of the three main towns of the District. Within the towns the provision and retention of local community facilities will continue to be strongly supported. However, there is more likely to be alternative facilities close by for residents to access. Within the villages and the countryside there is less likely to be alternative local facilities located within reasonable distance which makes their provision and enhancement key to local life.

7.65 There are some community facilities in the District such as public houses which have been successfully nominated as assets of community value. Where applications involve the change of use of an asset of community value, the period for community purchase of the asset before sale must be adhered to and the fact that the building or land is an asset of community value will be a material consideration in the determination of the planning application.

7.66 Applications for the change of use or loss of a community facility will be expected to be accompanied by a marketing and viability appraisal which will be independently verified at the cost of the applicant before the application is determined. The appraisal will be expected to cover at least a 12 month period.

LPP 55: Retention of Local Community Services and Facilities

The Council will seek the retention of all existing community facilities and services where they meet an identified local need. **In addition to community facilities as specified in the NPPF, the following assets are identified for community use:**

- a) **Land off Temple Lane, Community Woodland, Silver End**
- b) **Molly's Wood, Community Woodland & Orchard, Sible**
Headingham

Proposals for the change of use or redevelopment will only be permitted where all the following criteria are met:

- An independently verified and robust marketing exercise has been carried out and submitted with the application demonstrating that the facility is unviable and **there is little or no prospect of being viable in the future**, ~~cannot be made viable in the future~~
- All other reasonable options for retaining the facility have been considered,
- Proposals for the change of use of health care facilities to other uses will not be permitted unless proposals are consistent with the service provider's strategy for infrastructure provision in the wider area and/or modernisation programme for delivery of that service or facility, and;
- If a proposal involves the redevelopment of an existing community facility which is still in use, a replacement facility of equal or better quality will be provided.

The provision of new or enhanced community facilities will be supported wherever possible. **Site for the construction of new community facilities are safeguarded on the Proposal Map as follows:**

- Butler Road, Halstead**
- Community Facility on Land Adjacent Nuns Walk, Great Yeldham**
- Community Facility on Land at Hunnable Industrial Estate, Great Yeldham**

Evidence Base

BDC 2016, Rural Villages Survey

10 Cemeteries and Churchyards

- 10.1 Cemeteries and churchyards is a new policy introduced to the draft Local Plan that seeks to identify and protect areas which are in current use for burial grounds. The NPPF does not specifically refer to a need to assess and provide for burial grounds but stresses the importance of planning positively for the provision of community facilities. Spaces in use as burial grounds are also covered by separate laws and regulation.
- 10.2 Cemeteries and churchyards are important community facilities which often relate closely with places of worship and therefore valued for their spiritual qualities, but also serve as green space open to the public. This policy will protect these shared spaces for their cultural and recreational value.

- 10.3 All cemeteries, churchyards and burial grounds, including structures, are protected as community facilities under this policy. In addition, the Local Plan will seek to retain one allocation at Bocking and identify a new allocation at Great Bardfield. This policy will part substitute elements of policy RLP4 Prevention of Town Cramming and RLP152 Cemetery Extension, Bocking from the 2005 Local Plan Review.
- 10.4 The areas specifically identified under RLP4 Cemeteries and Churchyards had a number of shortcomings and will be removed from the proposals map in favour of protecting all cemeteries and churchyards. In practice, this policy should protect all of the areas previously identified as cemeteries and churchyards in the 2005 Local Plan Review.
- 10.5 As drafted, the policy will neither encourage nor restrict the creation of new burial grounds. Therefore sustainable developments of new burial grounds will be granted permission in accordance with the remaining policies of the Local Plan unless material considerations indicate otherwise. Applicants however, are guided to the Environment Agency's advice due to risk of pollution of groundwater.
- 10.6 **Recommendation 8: Policy Cemeteries and Churchyards to be adopted in accordance to the policy shown in this report**

Cemeteries and Churchyards

Community Facilities include places of worship and the District's towns and villages include a tapestry of churches, cemeteries and churchyards. These facilities are protected for their heritage value and character, as well as the provision of community facilities and green space.

Applications for new burial grounds must take into consideration the risk of groundwater contamination and must not create other nuisances such as smell or pollution. The Environment Agency is a statutory consultee on any proposals for new burial sites and applicants are advised to refer to their guide for assessing the groundwater pollution potential of cemeteries.

LPP
Cemeteries and Churchyards

The Local Planning Authority will seek retention of all existing cemeteries and churchyards unless the following criteria is met:

- **All other reasonable options for retaining the facility have been considered, or**
- **A replacement facility of equal or better quality will be provided.**

The extension to Bocking Cemetery is retained to provide for the medium term need for cemetery land. An extension to the churchyard at St Mary The Virgin, Great Bardfield is also allocated and both extensions are shown on the Proposals Map.

Evidence Base:

EA 2004, Environment Agency's guide, Assessing the groundwater pollution potential of cemeteries (3rd Edition)

11 An Inclusive Environment

- 11.1 An Inclusive Environment is a new policy to the draft Local Plan, although it was a policy that featured in the 2005 Local Plan Review. This policy seeks to carry on the standard of design for urban areas encouraged by the existing policy. The policy has been updated so that changes to national policy and the regulatory environment since 2005 can be incorporated.
- 11.2 Officers are recommending new policy wording that it believes is clear, effective and compliant with the NPPF. There will be an opportunity for statutory consultees, specialist interest charities and the general public to comment on this policy at the pre-submission consultation.
- 11.3 **Recommendation 9: Policy An Inclusive Environment to be adopted as shown in this report**

Policy LPP: An Inclusive Environment

Inclusive environments are about designing places for the diverse needs of all users, including families, disabled people and older people.

Paragraph 57 of the NPPF states 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. The NPPG adds that public spaces and routes should be attractive, accessible, safe and uncluttered for all users.

Under the Equality Act 2010, the Council has a statutory duty to promote the interests of access for disabled people. As design can have the potential to include or exclude from the outset, applicants should demonstrate in their design and access statements how they will ensure inclusive and accessible environments. All users should be able to access retail, services and employment and live dignified and independent lives.

Standard accessible toilets meet the needs of some disabled people but not all. Being mindful of the Council's responsibility under the Equality Act, developments where there is public access such as major leisure facilities, shopping centres, transport hubs, and other large buildings where the public have access are encouraged to provide a Changing Places toilet in addition to a standard accessible toilet.

Part M of the Building Regulations and BS 8300 provides a minimum standard for inclusive design. The Council expects these to be considered at the beginning of the design process. Where conflict between inclusive design and conservation exists, the Council will work positively with the developer to arrive at an acceptable solution.

Applicants are encouraged to consider inclusive design as early as possible.

LPP

An Inclusive Environment

Developments shall achieve the highest standards of accessible and inclusive design to ensure that they:

- Can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances,
- Are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment,
- Are flexible and responsive taking account of the needs of different users; and
- Are maintained and managed to ensure they remain inclusive.

Evidence Base:

British Standards Institution 2009, BS 8300: Design of buildings and their approaches to meet the needs of disabled people – Code of practice.

Changing Places Consortium, Changing Places: the practical guide

Braintree District Strategic Flood Risk Assessment		Agenda No: 8
Portfolio:	Planning and Housing	
Corporate Outcome:	Securing appropriate infrastructure and housing growth	
Report Presented by:		
Report Prepared by:	Julie O-Hara	
Background Papers: <ul style="list-style-type: none">National Planning Policy Framework (NPPF)National Planning Practise Guidance (NPPG)Localism Act (2011)Planning and Compulsory Purchase Act (2004)New Draft Local Plan (2016)	Public Report: Yes	
	Key Decision: No	
Executive Summary:		
<p>A proportionate evidence base is required to support the Local Plan. These documents will be considered as part of the Local Plan when it is subject to examination.</p> <p>A Strategic Flood Risk Assessment is a document which assesses the risk of flooding from a variety of sources including river flooding and surface water run-off. The work has been carried out by external specialist consultants in partnership with the Environment Agency.</p> <p>The Level 1 study has considered a District wide position on flooding, whilst the Level 2 study concentrates on those particular sites allocated for development which could be at risk of flooding.</p> <p>If approved the study will be added to the evidence base of the Local Plan and will be the starting point for consideration of flood risk in the District for those looking to progress planning applications.</p>		

Decision:	
Recommendation – The Strategic Flood Risk Assessment is approved for inclusion in the evidence base for the Draft Local Plan	
Purpose of Decision:	
To add to the evidence base to support the Local Plan.	
Corporate implications	
Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
Legal:	To comply with Governments legislation and guidance.
Equalities/Diversity	The Councils policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be public consultation during various stages of the emerging Local Plan.
Environment and Climate Change:	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
Consultation/Community Engagement:	There will be public consultation during various stages of the emerging Local Plan.
Risks:	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
Officer Contact:	Emma Goodings
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1 Background

- 1.1 The Local Plan is required to be accompanied by an evidence base which covers a range of specialist detailed and technical areas. The Strategic Flood Risk Assessment (SFRA) has been prepared by specialist consultants AECOM. Work on this document has been carried out in partnership with the Environment Agency who are a key statutory stakeholder on water issues.
- 1.2 The Strategic Flood Risk Assessment has been produced in two parts. The Level 1 Strategic Flood Risk Assessment assesses flood risk at a strategic level across the District allowing the sequential test to be applied. A Level 2 assessment examines the nature of the flood risks on specific sites in more

detail. This is used to guide development within the site to those areas of least risk and to guide development design to avoid or minimise flood impact and plan for the safety of residents/users. Some sites within zone 1 have been examined where they involve growth areas in order to fully appreciate a risk and inform layout and design from a variety of sources.

- 1.3 This report seeks approval for the use of the Strategic Flood Risk Assessment Level 1 and Level 2 as evidence base for the Draft Local Plan. These are available as an electronic appendix to this report.

2 The Strategic Flood Risk Assessment

- 2.1 The purpose of the Level 1 SFRA Update is to collate and analyse the most up to date readily available flood risk information for all sources of flooding, to provide an overview of flood risk issues across the District. This will replace the work carried out by Scott Wilson consultants in 2008 and takes into account the up to date guidance and policy position. This will be used by Braintree District Council to inform the preparation of Local Plans, including the application of the Sequential Test to future site allocations. It is also intended that the revised Level 1 SFRA deliverables will assist prudent decision-making on flood risk issues by Development Management Officers on a day-to-day basis.
- 2.2 The deliverables of the Level 1 SFRA are a providing strategic flood risk maps for the District which provide an overview of flood risk across the District and providing suitable and specific guidance on avoiding flood risk, managing and mitigating flood risk and sets out flood risk management policies and objectives recommendations which have been taken into account when revising the water related policies in the Local Plan.
- 2.3 The Level 2 SFRA then goes on to identify any sites which have been identified as being at risk of flooding in more detail, providing information to support the application of the exception test for future development sites. This includes site specific mapping showing the positions of floodzones 2, 3a and 3b. Its results include anticipated flood depth, flood hazard ratings and impact of climate change. It includes mapping of both fluvial and surface water risks of the above sites.
- 2.4 The level 2 Flood Risk Assessment examines the following sites:

Settlement	BDC Site Reference	Site Name	Area (ha)
Black Notley	BLAN115	Land at Bakers Lane and London Road, Black Notley	3.97
	BLAN116	Land at Bakers Lane (between London Rd and Row Green, Black Notley	2.96
Bures	BURE165	Land at Colchester Road, Bures	5.32
Braintree	BOCN132	Land bounded by A131, Broad Road and River Blackwater, Braintree	65.61
	BLAN110	Land East of Friaries, Bakers Lane, Braintree	1.01
	BLAN114 and BLAN117	Land east of Great Notley/South of Braintree	117.90 and 0.28
	BOCN137	Towerlands Park, between Panfield Lane and Deanery Hill	42.99
Coggeshall	COGG506	Dutch Nursery, West Street, Coggeshall	2.50
Feering	FEER 230	Land at Inworth Road, Feering	1.97
	FEER 232	Land south of Feering, west of A12 (between Coggeshall Road and New Lane)	17.26

Settlement	BDC Site Reference	Site Name	Area (ha)
	FEER233	Land south of Feering, west of A12 (south of Feering Hill/London Road)	57.24
Halstead	HATR299 and HATR298	Harrison Works, Kings Road, Halstead	0.81 and 0.45
	HASA287	Land East of the High Street, Halstead	1.64
Witham	WITC421	Land south of Newlands Street/off Kings Chase (Previously known as Gimsons), Witham	3.05
	HATF316	Land at Woodend Farm, including Mayfield Nursery, London Road, Witham	2.76
	HATF315	Land at Woodend Farm, London Road, Witham	15.90

Climate Change

- 2.5 The hydraulic models used to produce the floodzone mapping do not include the up to date allowances for climate change. As a proxy for these climate change allowances, floodzone 2 has been used to represent the 100 year plus 35% climate change in cases where a “flow data analysis” has been used to show that this is a reasonable approach. This has happened in four cases. This approach has been agreed by the Environment Agency, who have been consulted throughout the production of this document. Other than these four instances developers will be expected to include these most up to date allowances in their site specific flood risk assessments in consultation with the Environment Agency.

HATR298 Halstead Business Centre, Factory Lane West

- 2.6 The main issue highlighted by the Strategic Flood Risk Assessment relates to site HATR298 Halstead Business Centre, Factory Lane West. The study has

found that 94% of this site lies within floodzone 3b. The maximum flood depth (with climate change allowance) is a depth of 0.5 – 1.5m for both defended and undefended climate change scenarios. Much of the site has a hazard rating of significant (danger for most).

- 2.7 The Government's Planning Practice Guidance describes zone 3b as functional flood plain i.e. an area where water has to flow or be stored in times of flood. The guidance describes the only acceptable uses in this zone as "water compatible" uses and essential infrastructure (which has passed the exception test). Even then, such development must remain operational and safe for users in times of flood, result in no net loss of floodplain storage and not impede water flows and not increase flood risk elsewhere.
- 2.8 The Environment Agency mapping shows much of this site and its surroundings also having a high risk of Surface Water Flooding. There is a contributing flow from south to north across the site which should be considered in any layout to ensure that water is not diverted onto a neighbouring area. The Environment Agency mapping shows a depth of 0 – 3000mm on the site during a 1 in a 100 year event.
- 2.9 The Halstead Flood Storage Area is a flood defence scheme located on the River Colne approximately 1.25 km upstream of the site. The scheme was developed to protect the town of Halstead to a standard of protection of 1 in 75 year event. 5% of HATR298 and 1% of HATR299 are shown to benefit from the presence of defences.
- 2.10 The report states that further detailed assessment in consultation with the Environment Agency will be required to confirm the suitability of potential development at this site. This has been carried out and in light of the results of the study, the Environment Agency have said that they would object to an allocation in this location.
- 2.11 The consequences of this conclusion have been set out in the Halstead report

3 Next Steps

- 3.1 The full Strategic Flood Risk Assessment can be found as an electronic appendix to this paper. If approved it will be added to the evidence base for the Local Plan. It will be the starting point for considering flood risk across the District, and particularly on the sites that it has specifically considered.

Recommendation – The Strategic Flood Risk Assessment is approved for inclusion in the evidence base for the Draft Local Plan