

# **Cabinet**



The Cabinet will meet at Council Chamber, Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB on Monday, 18th July 2016 at 7.15pm

## **Membership**

### Portfolio

Leader of the Council

Environment and Place

Planning and Housing

Economic Development

Health and Communities

Finance and Performance

Corporate Services and

Asset Management

Councillor G Butland (Chairman)

Councillor Mrs W Schmitt (Deputy Leader of the Council)

Councillor R Mitchell

Councillor Lady Newton

Councillor Mrs L Bowers-Flint

Councillor T Cunningham

Councillor B Rose

Councillor Mrs J Beavis

Councillor P Tattersley

Councillor D Bebb

Councillor J McKee

## **Invitees**

Other invitees:- Representatives of the Labour Group, Halstead Residents Association Group and Green Party and Chairman of the Overview and Scrutiny Committee.

For enquiries on this agenda please contact:  
Governance and Members Team – 01376 552525

e.mail: [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk)

This agenda is available on  
[www.braintree.gov.uk/Braintree/councildemocracy](http://www.braintree.gov.uk/Braintree/councildemocracy)

Nicola Beach  
Chief Executive

## **PUBLIC INFORMATION**

### **Question Time**

There will be a period of up to 30 minutes when members of the public can speak about Council business or other matters of local concern. Whilst members of the public can remain to observe the whole of the public part of the meeting, Councillors with a Disclosable Pecuniary Interest or other Pecuniary Interest must withdraw whilst the item of business in question is being considered.

Members of the public wishing to speak should contact the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) at least 2 working days prior to the meeting.

### **Health and Safety**

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### **Mobile Phones**

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### **Webcast and Audio Recording**

Please note that this meeting will be webcast and audio recorded.

## **INFORMATION FOR MEMBERS**

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary 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 paragraphs 6 to 10 [inclusive] of the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- Any member with a Disclosable Pecuniary Interest or other Pecuniary Interest to indicate in accordance with paragraphs 10.1(a)(i)&(ii) and 10.2(a)&(b) of the Code of Conduct. Such Member 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.

## **AGENDA**

<b>No</b>	<b>Title and Purpose of Report</b>	<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> 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.	
<b>3</b>	<b>Minutes of the Previous Meeting</b> To approve as a correct record the minutes of the meeting of Cabinet held on 23rd May 2016 (copy previously circulated).	
<b>4</b>	<b>Public Question Time</b> (See paragraph above)	
<b>5</b>	<b>OVERALL CORPORATE STRATEGY AND DIRECTION</b>	
<b>5a</b>	<b>Leader's Update</b> Leader of the Council to give a brief update on key issue and activities.	
<b>6</b>	<b>CORPORATE SERVICES AND ASSET MANAGEMENT</b>	
<b>6a</b>	<b>Construction of car park and business units rear of Braintree Enterprise Centre, Springwood Drive, Braintree</b>	<b>6 - 14</b>
<b>6b</b>	<b>Proposed freehold purchase of Block B at The College at Braintree, Church Lane, Braintree, funding of conversion works for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd</b>	<b>15 - 23</b>

<b>7</b>	<b>ECONOMIC DEVELOPMENT</b>	
<b>7a</b>	<b>Braintree Town Centre Regeneration Scheme Development and Financial Proposals</b>	<b>24 - 37</b>
<b>8</b>	<b>REPORTS/ DELEGATED DECISIONS/MINUTES TO BE NOTED</b>	
<b>8a</b>	<b>Cabinet Member Decisions made under Delegated Powers</b>	<b>38 - 39</b>
<b>8b</b>	<b>Local Plan Sub-Committee - 25th May 2016</b>	<b>40 - 56</b>
<b>8c</b>	<b>Local Plan Sub-Committee - 26th May 2016</b>	<b>57 - 62</b>
<b>9</b>	<b>REFERENCES FROM COUNCIL/COMMITTEES/GROUPS</b>	
	There are none.	
<b>10</b>	<b>URGENT BUSINESS AUTHORISED BY THE CHAIRMAN</b>	
<b>11</b>	<b>EXCLUSION OF PUBLIC AND PRESS TO CONSIDER REPORTS IN PRIVATE SESSION</b>	
	for reasons set out in Paragraph 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972.	

## **AGENDA – PRIVATE SESSION**

<b>No</b>	<b>Title and Purpose of Report</b>	<b>Pages</b>
<b>12</b>	<b>CORPORATE SERVICES AND ASSET MANAGEMENT</b>	

- 12a Construction of car park and business units rear of Braintree Enterprise Centre, Springwood Drive, Braintree - PRIVATE**
- 12b Proposed freehold purchase of Block B at The College at Braintree, Church Lane, Braintree, funding of conversion works for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd - PRIVATE**
- 13 ECONOMIC DEVELOPMENT**
- 13a Braintree Town Centre Regeneration Scheme Development and Financial Proposals - PRIVATE**

<b>Construction of car park and business units rear of Braintree Enterprise Centre, Springwood Drive, Braintree</b>		<b>Agenda No: 6a</b>
<b>Portfolio</b>	<b>Economic Development</b>	
<b>Corporate Outcome:</b>	<b>Corporate Services and Asset Management</b>	
	<b>A well connected and growing district with high quality homes and infrastructure</b>	
	<b>A prosperous district that attracts business growth and provides high quality employment opportunities</b>	
<b>Report presented by:</b>	<b>Councillor John McKee, Cabinet Member for Corporate Services and Asset Management</b>	
<b>Report prepared by:</b>	<b>Janet Whyte, Economic Development Officer Infrastructure</b>	
<b>Background Papers:</b>		<b>Public report</b>
<a href="#"><u>Corporate Strategy 2016 - 2020</u></a> <a href="#"><u>District Investment Strategy Cabinet Report 23<sup>rd</sup> May 2016</u></a>		<b>Key Decision: Yes</b>
<b>Executive Summary:</b>		
<p>Braintree District Council owns the vacant employment site situated to the rear of the Braintree Enterprise Centre off Springwood Drive. The site comprises c.1.01 acres (4094m<sup>2</sup>).</p> <p>The Council is proposing to construct 40 car parking spaces on the front half of the site to provide additional car parking for the newly constructed extension to the Braintree Enterprise Centre to enable Ignite to market and promote the training and conference facilities within the new centre providing support to help businesses start and grow.</p> <p>On the rear half of the site it is proposed to construct 4 small workshop units to provide much needed grow on space to District Businesses. These workshop units will be managed by the Council to provide employment opportunities and deliver a revenue income.</p>		

**Recommended Decisions:**

1. That Cabinet approves the construction of the car park and 4 new light industrial workshop units.
2. That Cabinet delegates its powers to the Corporate Director for Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management to approve final terms on contractual matters.
3. That Cabinet **recommends** to Council:
  - a) the approval of £350,000 of Growth Area Funding towards the construction of the car park, access road and retaining wall.
  - b) the approval of £610,300 of New Homes Bonus to fund the construction of the workshop units and access road.

**Purpose of Decision:**

To facilitate the construction of the car park to enable Ignite to market and promote the training and conference facilities within the new centre, and construction of the small workshop units to provide employment opportunities and revenue income for the Council.

**Any Corporate implications in relation to the following should be explained in detail.****Financial:**

It is proposed that a contribution of £350,000 from Growth Area Fund monies is put towards the cost of construction of the 40 car parking spaces, access road and retaining wall. The Council is proposing to lease the new car park to Ignite Business Enterprise Limited.

The Council will be receiving a net income from the 4 units of £39,200 plus VAT per annum and a return of 6.4%. This investment provides good value for money for the Council.

These resources are currently invested and therefore their use will result in an estimated reduction of annual interest earned.

The Council will exercise its option to tax the car park and the units in order that the VAT on the construction works is recoverable.

The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other

	alternative investment opportunities. The evaluation of this option has produced a weighted score of 6.275: the minimum score to progress an investment project is 6.
<b>Legal:</b>	The construction contracts, lease agreements and associated legal documentation will be completed and monitored by the Council's Legal service and Asset Management service to ensure the Council's interests are protected at all times.
<b>Safeguarding:</b>	N/A.
<b>Equalities/Diversity:</b>	The construction of the car park and the workshop units will be required to comply with all disabled access requirements and the employment of staff within the units will need to comply with all equalities of diversity legislation.
<b>Customer Impact:</b>	The car park and workshop units will provide employment support and opportunities within the district.
<b>Environment and Climate Change:</b>	Any newly constructed buildings will need to comply with the current Environmental and Climate Change requirements.
<b>Consultation/Community Engagement:</b>	Public consultation will take place when a planning application is submitted. External commercial property agents have been consulted regarding the current demand for small workshop units.  Ignite Business Enterprise Limited has been consulted and discussions have been positive.
<b>Risks:</b>	See Risk Matrix in the main body of this report
<b>Officer Contact:</b>	Janet Whyte
<b>Designation:</b>	Economic Development Officer Infrastructure
<b>Ext. No:</b>	2582
<b>E-mail:</b>	Janet.whyte@braintree.gov.uk



## **1.0 Background**

- 1.1 Braintree District Council owns the vacant employment site situated to the rear of the Braintree Enterprise Centre off Springwood Drive in Braintree. The site, comprising c.1.01 acres (4,094m<sup>2</sup>), is shown outlined in red on the plan attached at Appendix 1.
- 1.2 The Council is proposing to construct 40 car parking spaces on the front half of the site to enable Ignite to market and promote the training and conference facilities within the new centre providing support to help business start and grow. Ignite Business Enterprise Limited will lease the car park from the Council and manage this facility going forward.
- 1.3 On the rear half of the site it is proposed to construct 4 small workshop units to provide much needed grow on space, which the Council will manage to provide employment opportunities and deliver a revenue income.
- 1.4 With regard to maintenance obligations in respect of the 4 units, the Council, as Landlord, will be responsible for the future cost of replacing the roof and repairs to the main structure and foundations. Any costs associated with these parts of the building will be met from the Council's annual planned maintenance budget or revenue maintenance budget and also from any future rent increases.

The tenant will be responsible for all other internal and external repairs and maintenance to the building including all repairs to doors, windows and window frames.

In terms of the car park, it is proposed that the ongoing repairs and maintenance of this facility will be the responsibility of Ignite Business Enterprise Limited under the terms of their proposed lease of the car park.

## **2.0 The Development Opportunity**

- 2.1 The Council has recognised that there is a strong demand for small light industrial workshop units ranging in size from 600 sq. ft. to 2,000 sq. ft. The local commercial agent, Joscelyne Chase, has provided a report to the Council confirming this strong level of demand together with current rental levels and features occupiers are looking for in units of this size.
- 2.2 The Council has now produced a layout scheme for the construction of 4 No. light industrial units as shown on the scheme layout plan at Appendix 2. The units proposed comprise:-

• Unit A	1,022 sq. ft (95m <sup>2</sup> )
• Unit B	1,022 sq. ft (95m <sup>2</sup> )
• Unit C	1,108 sq. ft (103m <sup>2</sup> )
• Unit D/E	<u>1,442 sq. ft (134m<sup>2</sup>)</u>
Total	4,594 sq. ft (427m <sup>2</sup> )

NB: Following advice from Joscelyne Chase, it is proposed to merge Units

D and E on the scheme layout plan at Appendix 2 into a single unit to improve access, loading and parking arrangements.

### 3.0 **Risk Assessment**

	<b>Item</b>	<b>Issue</b>	<b>Action</b>
<b>3.1</b>	Abnormal site costs	This would add to the scheme cost and may make it unviable.	The Council has commissioned a soil investigation report which has not revealed any site contamination or other ground issues.
<b>3.2</b>	Build costs increase	This may impact on the viability of the scheme.	A reasonable contingency has been built into the development cost appraisal. The Council would seek to agree a fixed price build contract to reduce this risk element.
<b>3.3</b>	Economic conditions decline	The Council would have to review its development proposals to assess if it is still appropriate to proceed.	Economic conditions are currently very positive and there is very strong demand for smaller start up units. If economic conditions decline the Council would offer incentives to tenants to achieve lettings. The Council will review the economic conditions prior to proceeding with the construction of the units.
<b>3.4</b>	Planning permission refused	The Council is unable to obtain a satisfactory planning permission.	This site is allocated for employment uses in the local plan and early discussions between the Council's architect and Planners has not raised any issues.

	Item	Issue	Action
3.5	Congestion on Springwood Drive	The traffic congestion on Springwood Drive impacts on the ability to let the units	Joscelyne Chase has confirmed that there is a strong demand for this size of unit in this area. Council owned units are fully let on Warner Drive. The Council is working with the developer to bring forward the Spine Road from Panfield Lane to ease congestion.

#### **4.0 Proposed Car Park Management Arrangements.**

- 4.1 The Council is proposing to lease the new 40 space car park to Ignite Business Enterprise Limited subject to negotiation of the lease terms and conditions which would include Ignite being fully responsible for the ongoing repair and maintenance of the car park.

#### **5.0 Value for Money**

- 5.1 The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities. The evaluation of this option has produced a weighted score of 6.275: the minimum score to progress an investment project is 6.
- 5.2 The Council will be receiving a net income of £39,200 plus VAT per annum and a return of 6.4 %. This investment provides good value for money for the Council.

#### **6.0 Summary**

- 6.1 The local commercial agent, Joscelyne Chase, has confirmed that there is a very strong demand for small light industrial workshop units ranging in size from 600 sq. ft. to 2,000 sq. ft.
- 6.2 Joscelyne Chase has advised that currently proposed new industrial schemes are not including any units of the size that the Council is proposing to build within its proposed scheme – unit sizes are typically in excess of 2,000 sq. ft.
- 6.3 These units will complement the existing Enterprise Centre and provide much needed grow on space, enabling businesses to expand and move on to larger accommodation to grow their business, which will assist Ignite to meet their 'churn' targets.
- 6.4 Joscelyne Chase has advised that Units D and E should be merged into a

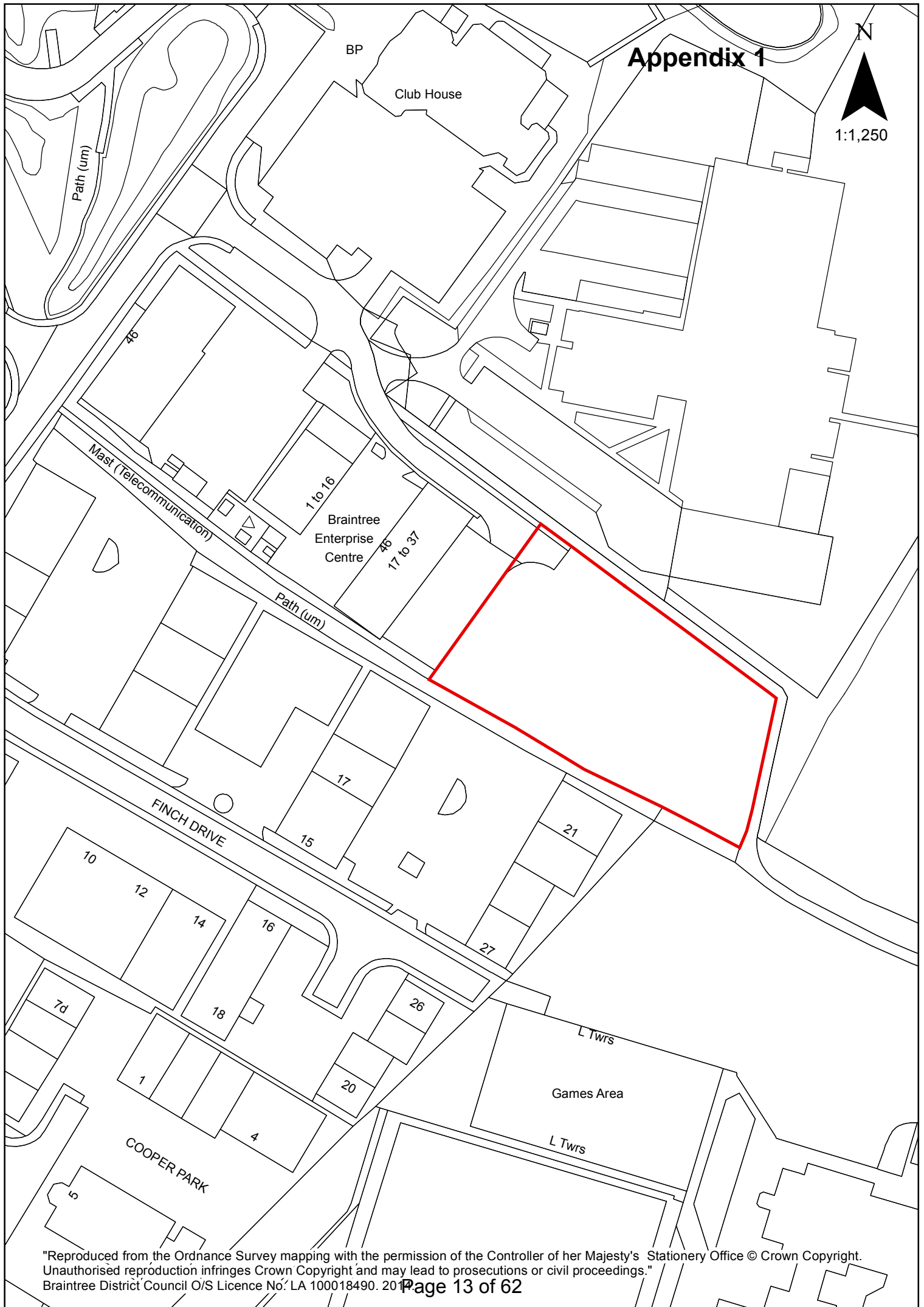
single unit to improve loading and access to the unit and car parking.

- 6.5 This development scheme could potentially be funded from the Council's new District Investment Fund. This scheme is in line with the Council's District Investment Strategy by providing opportunities for new businesses and employment while delivering a good return for the Council. This will be one of the first projects to be delivered under this strategy.
- 6.6 The scheme can be phased with the car park constructed as a priority to provide essential parking for the training and conference facilities, with the workshop units constructed in Phase II.

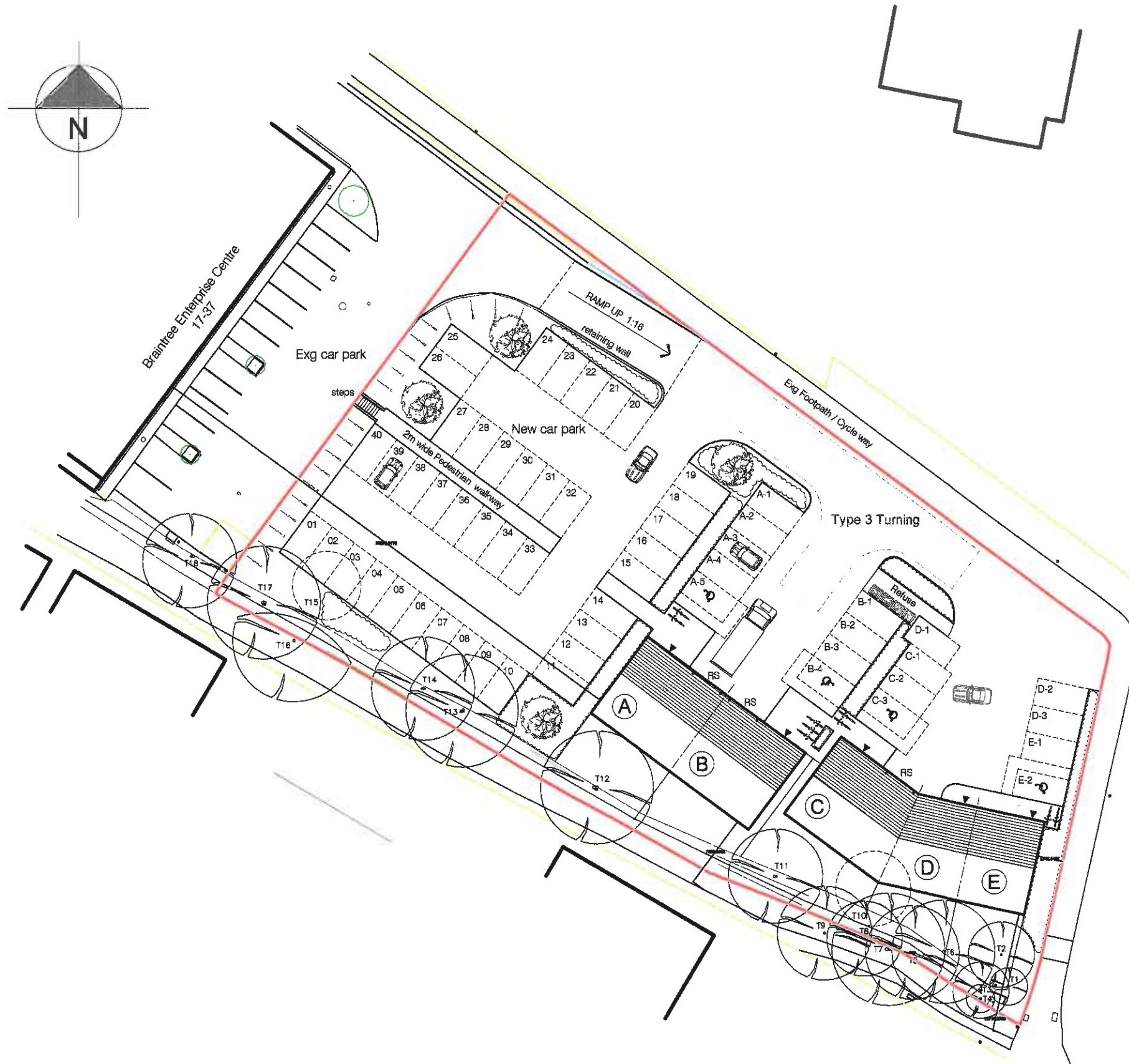
## **7.0 Recommendations**

- 7.1 That funding is made available for the construction of the car park as this facility is essential to support and enable Ignite to deliver its new training and conference facilities.
- 7.2 That funding is approved for the 4 grow on units which provide employment opportunities, help satisfy current demand and provide a good return to the Council.

# Appendix 1



## Appendix 2



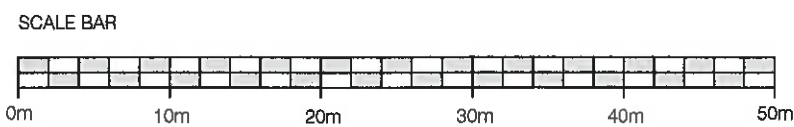
### Accommodation Schedule

Unit	Accommodation	Sq.m.	Sq.ft.
A & B	B1, B2 & B8 Light Industrial Workshop Unit	95	1022
C	B1, B2 & B8 Light Industrial Workshop Unit	103	1108
D	B1, B2 & B8 Light Industrial Workshop Unit	69	742
E	B1, B2 & B8 Light Industrial Workshop Unit	65	700
Total		427	4594

Gross Site Area: 0.436Ha

### Key

RS	Roller Shutter
	1100 litre waste storage container
	Tree to be removed - T10 & T15
	Cycle stand
	Existing Tree



revision	
client	Braintree District Council
project	Land off Springwood Drive Braintree
title	Site Plan
<b>john finch partnership</b> chartered architects & town planning consultants	
88 broomfield roe chelmsford cm1 1s 01245 354319/25078 admin@johnfinchpartnership.co.uk	
www.johnfinchpartnership.co.uk	
date	24th Dec 15
drawn	TW
dwg no	3160:01
scale	1:500
checked	rjh
revision	

<b>Proposed freehold purchase of Block B at The College at Braintree, Church Lane, Braintree, funding of conversion works for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd.</b>		<b>Agenda No: 6b</b>
<b>Portfolio</b>	<b>Corporate Services and Asset Management</b>	
<b>Corporate Outcome:</b>	<b>Residents live well in healthy and resilient communities where residents feel supported. Delivering better outcomes for residents and businesses and reducing costs to the taxpayer.</b>	
<b>Report presented by:</b>	<b>Councillor John McKee, Cabinet Member for Corporate Services and Asset Management</b>	
<b>Report prepared by:</b>	<b>Andrew Epsom, Head of Asset Management</b>	
<b>Background Papers:</b>		<b>Public Report</b>
<a href="#"><u>Corporate Strategy 2016 – 2020</u></a> <a href="#"><u>District Investment Strategy</u></a>		<b>Key Decision: Yes</b>
<b>Executive Summary:</b>		
<p>The recently adopted District Investment Strategy identifies the need for more infrastructure improvements to support future growth in the District. Improved healthcare provision is a priority area.</p> <p>Working in partnership with NHS England, the Council has an opportunity to facilitate the delivery of the replacement St. Lawrence Doctors Surgery, Bocking End, Braintree and to create a valuable property investment for its commercial portfolio.</p> <p>The Council has agreed the principal terms of the proposed purchase of Block B at The College at Braintree to accommodate the new Surgery Provider subject to formal approval by Full Council, completion of ‘due diligence’ and contract documentation.</p>		

**Recommended Decisions:**

1. That Cabinet approves the freehold purchase of Block B at The College at Braintree Campus, Church Lane, Braintree, funding of the conversion costs for a Medical Centre and the grant of a lease to Virgin Healthcare Holdings Ltd, (Virgin Healthcare) subject to contract and 'due diligence' and on such other terms and conditions as agreed by the Director of Sustainable Development in consultation with the Cabinet Member for Corporate Services and Asset Management; and
2. That Cabinet recommend to Full Council the approval of capital funding for the transaction from existing capital resources and borrowings.

**Purpose of Decision:**

To enable the proposed relocation of the St. Lawrence Doctors Surgery to more suitable premises and to create an additional property investment for the Council's commercial portfolio.

**Any Corporate implications in relation to the following should be explained in detail.****Financial:**

Members are requested to approve capital funding for this transaction which includes the freehold purchase of the building, funding for the conversion works and an allowance for purchase costs.

As the allocation from balances is currently invested, agreement to use it to fund part of this scheme will result in a loss of interest.

The Council will be receiving a net income of £139,000 plus VAT per annum and a return of 7.66%. This investment provides good value for money for the Council.

The Council will opt to tax the property in order that the VAT on the purchase and conversion works is recoverable.

Independent financial advice will be sought on Virgin Healthcare Holdings Ltd financial standing as part of the 'due diligence' process.

The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities.



<b>Legal:</b>	The Council's Legal Service is instructed to act on the Council's behalf in respect of the documentation and to ensure that the Council's interests are protected.
<b>Safeguarding:</b>	Virgin Healthcare shall comply with Medical Centre safeguarding standards.
<b>Equalities/Diversity:</b>	Conversion works to adapt the premises suitable for use as a Medical Centre include disabled car parking, a new lift at the entrance and appropriate signage to meet the requirements of disabled users.
<b>Customer Impact:</b>	<p>This scheme will deliver better outcomes for residents and businesses and reduce costs to taxpayers.</p> <p>Improved healthcare provision for the patients of St. Lawrence Surgery. This purchase will also provide a valuable additional source of income which will enable the Council to continue to deliver good quality services to its customers and provide value for money.</p>
<b>Environment and Climate Change:</b>	The building has been constructed to a good standard with low maintenance materials.
<b>Consultation/Community Engagement:</b>	<p>NHS England completed a tender process leading to the appointment of Virgin Healthcare as the Surgery Provider.</p> <p>The purchase of this property is subject to Cabinet and Full Council approval.</p>
<b>Risks:</b>	See Risk Matrix in the main body of the report.
<b>Officer Contact:</b>	Andrew Epsom
<b>Designation:</b>	Head of Asset Management
<b>Ext. No:</b>	2921
<b>E-mail:</b>	andep@braintree.gov.uk

## **1.0 Background**

- 1.1 The St. Lawrence Doctors' Surgery at Bocking End, Braintree occupy their premises on the terms of a lease that expired on 31st May 2016 and are 'holding-over' until alternative premises are available for occupation.
- 1.2 NHS England has recently awarded the contract for healthcare provision at this surgery to Virgin Healthcare Holdings Ltd (Virgin Healthcare) and resolved to relocate the facility to more suitable premises.
- 1.3 At present, the surgery has some 12,000 registered patients and this is forecast to rise to 13,200 over the next 5 years.
- 1.4 The College at Braintree is prepared to release a 2 storey office building (Block B), situated at the entrance to their Campus, comprising a net internal floor area of 7,237 square feet and including 23 parking spaces, as shown by broken red line on the plan attached as Appendix 1, for use as a medical centre.
- 1.5 The building was constructed about 1990 to a high specification with facing brickwork, double glazed aluminium windows, pitched roof and has been maintained to a good standard.
- 1.6 Conversion works on both floors and remodelling of the adjoining car park for patients and emergency vehicles are required to make the property suitable for use as a medical centre. NHS England has agreed a fixed price contract for these works.
- 1.7 The proposed medical centre will be accessible via a shared vehicular and pedestrian access from Church Lane but it will become a separate, self-contained facility. A new footpath is proposed leading from Broad Road to the front entrance and a new lift and staircase to be located at the entrance is planned in a second phase of improvement works. The site will also contain patient car parking and is on a regular bus route with a bus stop situated adjacent to the premises on Church Lane.
- 1.8 The original plan was that The College at Braintree would lease the building to NHS Property Services or direct to the Surgery Provider. However, NHS Property Services were unable to commit to the proposed lease and the College at Braintree withdrew on the basis that they were not familiar with the new tenant (Virgin Healthcare).
- 1.9 The recently adopted Corporate Strategy 2016-2020 sets out District priorities for the next 4 years. As well as the need for more homes, the Strategy identifies the need for more investment in the District through a District Investment Strategy.
- 1.10 The Corporate Strategy identifies that there is a need for the Council to work in partnership to improve health provision in the District. Relocation of the St. Lawrence Surgery could be one of the first initiatives to take forward through the new District Investment Strategy.

## **2.0 Current Position**

- 2.1 The College at Braintree then approached the Council to see if it could facilitate the relocation of the Doctors Surgery.
- 2.2 Following discussions with College Management and their representatives, it was agreed that the freehold interest in respect of the property would be available for the Council to purchase. In this way, the Council could then let the property direct to Virgin Healthcare (or other Surgery Provider) and create a valuable property investment and The College at Braintree could realise a valuable capital receipt.
- 2.3 As a condition of the purchase, the Council shall fund the capital cost of converting the building suitable for use as a Medical Centre. This work will be arranged by NHS Property Services and following a tender exercise a fixed price contract has been agreed with a suitable contractor.
- 2.4 Simultaneous with completion of the purchase of the building, the Council shall grant a 15 year lease to Virgin Healthcare for use as a Medical Centre.
- 2.5 With regard to maintenance obligations the Council, as Landlord, will be responsible for the cost of repairs to the roof, main structure and foundations. Any costs associated with these parts of the building will be met from the Council's annual planned maintenance budget or revenue maintenance budget and also from any future rent increases.

The tenant will be responsible for all internal repairs and maintenance to the building including all repairs to doors, windows and window frames. The tenant will also be responsible for the landscaping, car park and estate road maintenance costs which will be collected via a service charge.

## **3.0 VAT**

- 3.1 The Council shall Opt to Tax the property to enable recovery of any VAT payable on the purchase cost, conversion works and other associated costs of the transaction. This Opt to Tax will be in place for a minimum of 20 years and means that VAT will be chargeable by the Council on rent and service charges.

## **4.0 Planning**

- 4.1 Both educational and medical centre uses are within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and as such a planning application will not be required for the proposed use as a medical centre. The Council, as the Local Planning Authority, supports the proposed use as it does not involve the loss of Class D1 floor space and will provide a valuable replacement community facility.

## **5.0 Current Market Value**

- 5.1 The Council's offer to purchase the property has been submitted on the basis

of external valuation advice received.

- 5.2 The lease rental payable by Virgin Healthcare has been verified by a District Valuer's report and valuation for NHS England.

## **6.0 Benefits of Purchasing the Property**

- The Council will own the freehold of the property, have overall management control and a direct relationship with the Surgery Provider through the lease.
- Once the conversion works are complete, the property will provide modern and much larger medical provision for the St Lawrence Surgery which is needed to meet both current and future demand for General Practice Services.
- The property shall include valuable on-site parking for patients and emergency vehicles with the potential for additional staff parking elsewhere on the Campus.
- The Council will be well placed to purchase the adjoining office building which may become surplus to the College's requirements in the medium term and be suitable for expansion of the Medical Centre.

## **7.0 Risk Assessment**

	<b><u>Risk</u></b>	<b><u>Issue</u></b>	<b><u>Action</u></b>
7.1	Financial stability of tenant	If the tenant got into financial difficulties and could not pay the rent falling due, then this would put the Council's finances under pressure.	The Council shall carry out 'due diligence' on the soundness and financial standing of the tenant.  NHS England has undertaken to pay rent during any void period in the first 15 years.
7.2	Economic conditions change and rents/values decline	This would impact on the Council's ability to obtain a rental increase at review or potentially dispose of the property in the open market in excess of the price and costs incurred in purchasing the property.	The proposed lease shall contain 5 yearly upwards only rent reviews which means that the current rental received by the Council would not decline.  If the Council was minded to dispose of this property then this would need to be subject to prevailing market conditions to

			ensure that best value could be achieved.
7.3	Changes to commissioning of General Practice Services	This may have an impact on Virgin Healthcare's core business and impact on profitability.	<p>This appears to be a growth industry, particularly with the ageing population in the UK.</p> <p>In any event, the lease shall have the security of a 10 year rental until the first break option.</p>
7.4	Virgin Healthcare withdraws as the Healthcare Provider prior to the purchase of the office building.	The Council must complete a lease with Virgin Healthcare simultaneous with the purchase of the building. To proceed with an alternative Surgery Provider will lead to delay in completing the purchase.	The Council has agreed detailed lease terms with Virgin Healthcare. Legal representatives have been instructed to prepare the documentation.
7.5	The costs of the conversion works exceed the tender price.	Additional costs would be borne by the building contractor or NHS England.	Following a tender exercise, a fixed price contract has been agreed for these works.
7.6	Delays in completing the conversion works.	Relocation of the St Lawrence Doctors' Surgery would be delayed.	Rental is payable to the Council from lease commencement (completion of the purchase) to avoid any rental void.

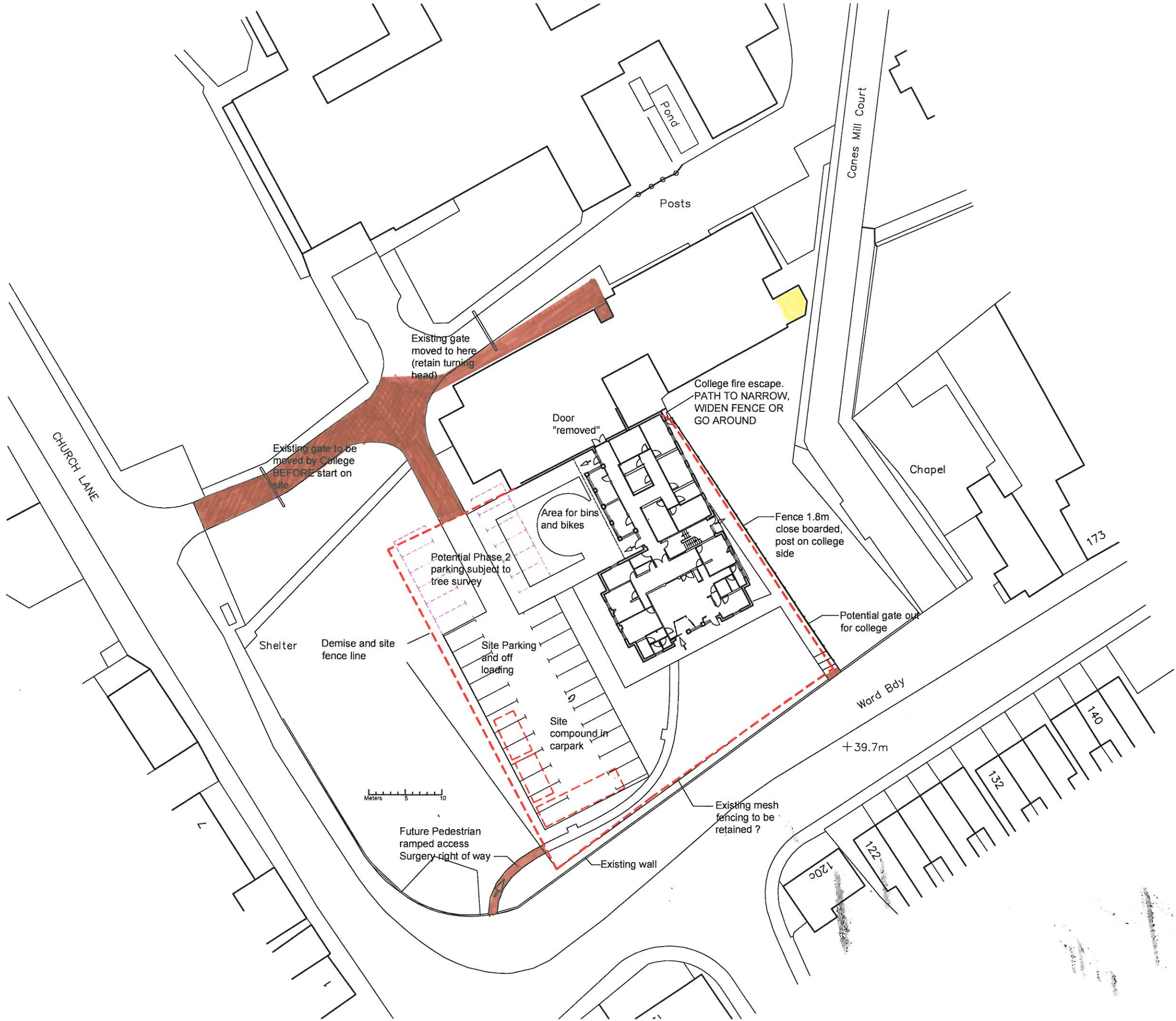
## 8.0 **Value for Money**

- 8.1 The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities. The evaluation of this option has produced a weighted score of 8: the minimum score to progress an investment project is 6.

- 8.2 The Council will be receiving a net income of £139,000 plus VAT per annum and a return of 7.66%. This investment provides good value for money for the Council.

## **9.0 Summary**

- 9.1 In order for the proposed relocation to proceed without delay, the best option is for the Council to purchase the property and fund the necessary conversion works from existing capital resources.
- 9.2 This would enable NHS England to proceed with the proposed relocation of the St Lawrence Doctors Surgery on the agreed lease terms with Virgin Healthcare.
- 9.3 The Council would be purchasing an attractive investment property secured by a medium term lease and having the prospect of expanding healthcare provision into an adjoining building in the medium term.



REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
E	11.12.15	Notes added	GK	
D	25.11.15	Demise proposal added	GK	
Revisions				



FEASIBILITY

Chaplin Farrant Limited  
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Also at:  
Winchester  
Cambridge

NHS Property Service  
CLIENT  
PHASE 1  
St Lawrence Surgery  
@ Braintree College: Reconfig.  
PROJECT

Site plan  
Site compound and Demise  
DRAWING

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5064	PROJECT REF:
01	E
DRAWING NO:	REVISION
03.11.2015	1:500@A3
DATE	SCALE
GK	-
DRAWN BY	CHECKED BY



<b>Braintree Town Centre Regeneration Scheme Development and Financial Proposals</b>		<b>Agenda No: 7a</b>
<b>Portfolio Corporate Outcome:</b>	<b>Economic Development</b> <b>A sustainable environment and a great place to live, work and play</b> <b>A well connected and growing district with high quality homes and infrastructure</b> <b>A prosperous district that attracts business growth and provides high quality employment opportunities</b> <b>Residents live well in healthy and resilient communities where residents feel supported</b> <b>Delivering better outcomes for residents and businesses and reducing costs to taxpayers</b>	
<b>Report presented by:</b>	<b>Councillor Tom Cunningham, Cabinet Member for Economic Development</b>	
<b>Report prepared by:</b>	<b>Andrew Epsom, Head of Asset Management</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
Reports and Minutes of Cabinet <a href="#">9<sup>th</sup> June 2011</a> and <a href="#">30<sup>th</sup> November 2015</a> <a href="#">Corporate Strategy 2016 - 2020</a> District Investment Strategy Cabinet Report <a href="#">23<sup>rd</sup> May 2016</a>	<b>Key Decision: Yes</b>	
<b>Executive Summary:</b>		
<p>At the Cabinet meeting on the 30<sup>th</sup> November 2015, Members were provided with an update on the latest scheme proposals submitted by Henry Boot Developments Limited (Henry Boot) which were a variation from the original retail led scheme to a doctors' surgery / restaurant led scheme.</p> <p>At the Cabinet meeting, Members approved the latest indicative scheme proposals submitted by Henry Boot and also approved the delegation of powers to approve the final scheme design, specification and associated financial arrangements.</p> <p>Since the Cabinet meeting on the 30<sup>th</sup> November 2015 the Council has been working with Henry Boot but Henry Boot has not met its obligations under the terms of the Development Agreement.</p> <p>As a result, and in line with the Council's District Investment Strategy to invest and deliver improvements across the District, the Council has now had to review how this scheme could be funded and delivered in order to achieve its objectives.</p>		



This report sets out the most appropriate scheme delivery option available to the Council and recommends that the Council proceeds with this option to enable this project to proceed without further delay.

**Recommended Decisions:**

1. That Cabinet approve the termination of the existing contract with Henry Boot Developments Limited and negotiation of Intellectual Property rights transfer.
2. That Cabinet approve the option for the Council to fund and deliver the Braintree Town Centre Scheme together with the recommendation to Council to approve a capital budget for all professional, construction and associated scheme development costs.
3. That Cabinet delegates its powers to the Director of Sustainable Development and Director of Financial Services in consultation with the Cabinet Member for Economic Development and Cabinet Member for Finance and Performance to agree the final detailed scheme design and specification and final agreed financial arrangements provided that the scheme cost does not exceed the approved capital budget.
4. That Cabinet **recommend** to Full Council the approval of funding for the scheme from balances and borrowing: being part of the funds identified for the District Investment Strategy.

**Purpose of Decision:**

To agree in principle the development delivery proposals and financial arrangements for the Braintree Town Centre regeneration site to enable this project to move forward.

**Any Corporate implications in relation to the following should be explained in detail.**

<p><b>Financial:</b></p>	<p>The Council would receive a net rental income from the scheme in the order of £500,000 plus VAT per annum and a return of 4.4%. This scheme provides good value for money for the Council.</p> <p>Any financial terms agreed in respect of building contracts and leases will be subject to the Council obtaining independent commercial property advice.</p> <p>It is proposed that the scheme is funded in part from balances with the balance of the funding from borrowings.</p> <p>As the allocation from balances is currently invested, agreement to use it to fund part of this scheme will result in a loss of interest.</p> <p>The Council will opt to tax the development in order that the VAT on the construction works and associated costs is recoverable.</p> <p>The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities. The evaluation of this option has produced a weighted score of 6.83: the minimum score to progress an investment project is 6.</p>
<p><b>Legal:</b></p>	<p>The construction contract, lease agreements and associated legal documentation will be completed and monitored by the Council's Legal Service and Asset Management Service to ensure the Council's interests are protected at all times.</p> <p>If the Council proposes to undertake the development itself it will need to exercise the termination provisions in the Development Agreement with Henry Boot Developments Limited to formally bring this agreement to an end. The Council's Legal Service can be instructed to commence this process following the outcome of this Cabinet meeting.</p> <p>Whilst Henry Boot Developments Limited are in default of the existing contract, in that they have yet to meet their obligations pertaining to the submission of scheme details, the contract contains a number of provisions which will need to be dealt with in order to terminate the contract.</p>

<b>Safeguarding:</b>	Not applicable.
<b>Equalities/Diversity:</b>	The construction of new premises will be required to comply with all disabled access requirements and the employment of staff therein will need to comply with all equalities and diversity legislation.
<b>Customer Impact:</b>	A modern and much larger doctors' surgery will be made available to the residents of Braintree together with the availability of new restaurants in the Town Centre which are currently lacking.
<b>Environment and Climate Change:</b>	The newly constructed buildings will need to comply with current environmental and climate change requirements.
<b>Consultation/Community Engagement:</b>	Community consultation was previously undertaken as part of the process of appointing Henry Boot as the Council's development partner to regenerate the site behind the Town Hall in Braintree. Further public consultation will take place when a planning application is submitted. A briefing session was held with Members prior to the Cabinet meeting on the 30 <sup>th</sup> November 2015 to provide Members with an update on the progress of the scheme and answer any queries. Ongoing updates will be provided to Cabinet and Members as the scheme progresses.
<b>Risks:</b>	See Risk Matrix in the main body of the report.
<b>Officer Contact:</b>	Andrew Epsom
<b>Designation:</b>	Head of Asset Management
<b>Ext. No:</b>	2921
<b>E-mail:</b>	andep@braintree.gov.uk

## **1.0 Background**

- 1.1 At the Cabinet meeting on the 30th November 2015, Members were provided with an update of the latest Henry Boot scheme proposals which were a variation to the original outline scheme.
- 1.2 Members considered a change from a retail led scheme to a doctors' surgery/restaurant led scheme. The latest scheme proposals comprise:-
- GP Surgery/Pharmacy – 14,894 sq ft net area at first floor and part ground floor.
  - Restaurants – 4 units totalling 13,638 sq ft. net area at ground floor level.
  - GP car parking – 40 spaces.
  - Public car parking – 146 spaces (currently 108 spaces on site)
  - Bus interchange – 6 bay self-contained bus interchange.
  - Enhanced public realm.
- 1.3 At the Cabinet meeting Members approved the latest indicative scheme proposals submitted by Henry Boot Developments Limited and also approved that powers be delegated to agree the final scheme design and specification and associated financial arrangements as set out in the report.
- 1.4 Following the Cabinet meeting Henry Boot and Mount Chambers were to agree terms for the acquisition by Mount Chambers of a ground floor reception area, the first floor surgery/pharmacy accommodation and associated car parking.

## **2.0 Current Position**

- 2.1 Unfortunately, Henry Boot has not met its obligations under the Development Agreement in respect of the submission of detailed scheme plans and specifications and associated matters.
- 2.2 Henry Boot has however offered to build the scheme (on a design and build basis) on behalf of the Council which would mean that the Council would fund the scheme and own it outright on completion.
- 2.3 The Council has obtained independent legal advice in relation to this option and has been advised that this approach could be subject to the risk of a successful legal challenge from the original bidders or other potential bidders. The change in the contract arrangements which originally involved the Council having no development risk to one in which it pays to construct the development renders the contract materially different and/or modifies the economic balance in favour of Henry Boot. Therefore, the letting of a design and build contract to Henry Boot without going through a separate procurement process could result in a procurement challenge and represents a significant risk to the Council.
- 2.4 As a result of the various issues outlined above, the Council has now had to review how this scheme could be funded and delivered in order to achieve its

corporate objectives and the objectives of the District Investment Strategy which was approved at Cabinet on the 23<sup>rd</sup> May 2016. The District Investment Strategy identifies the need for the Council to work in partnership to invest and deliver improvements across the District including improvements in health provision across the District, improvements to the District's town centres, increased opportunities for new businesses and employment, and investment opportunities in the District that support growth and provide a return for the District Council and its taxpayers.

### **3.0 Scheme Delivery Proposal: The Council Funds and Develops the Scheme.**

**3.1** The Council has reviewed its options in relation to the delivery of this scheme and has identified that the only option that it can realistically pursue is to fund and build the scheme itself. Any options relating to subsidising the scheme face a very high risk of legal challenge due to state aid and procurement implications.

**3.2** The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities. The evaluation of this option has produced a weighted score within acceptable parameters. The investment evaluation tool covers the following key criteria:-

#### **3.2.1 Financial:**

a) **Cost of Implementation.**

- The Council's independent cost consultant has assessed the gross development cost for the scheme, which includes all costs from scheme inception to completion e.g., construction costs, all professional fees and letting costs etc. The Council has also added an allowance for its internal project management costs and a contingency to arrive at a total scheme cost.

b) **Revenue Implications**

- The Council would receive a significant gross income from the scheme.

c) **Return on Investment**

- After allowing for lease management costs, car park outgoings and loan repayments, the Council would have a positive net return.

d) **Confidence Level**

- The Council's cost consultants have carried out a full assessment of current build costs and all of the other associated scheme costs based on comparable current market information to come up with a detailed scheme cost plan for the Council. This independent advice will give the Council confidence in relation to the overall costs and risks related to this scheme when compared with the Henry Boot proposals which contained elements of uncertainty e.g., the Henry Boot proposals lacked design detail and planners had raised

concerns regarding design and quality issues. This scheme delivery option will also give the Council more control in terms of delivering a good quality scheme.

**3.2.2** It is proposed that the scheme is funded in part with an allocation from balances (part of the set aside for the District Investment Strategy agreed by Cabinet on 23<sup>rd</sup> May 2016) with the balance from borrowings (part of the borrowings agreed under the District Investment Strategy agreed by Cabinet on 23<sup>rd</sup> May 2016).

**3.2.3** As the allocation from balances is currently invested, agreement to use it to fund part of this scheme will result in an estimated loss of interest.

### **3.2.4 Corporate Strategy**

#### **a) Corporate Priorities**

This project contributes to a number of the Council's key corporate priorities as set out in the Corporate Strategy 2016-2020 including:-

##### **Economic Development:**

- Supporting our urban and rural economy
- Enabling suitable employment sites and premises.

##### **Health and Communities:**

- Supporting our residents to be healthy and live well.

##### **Strategic Growth and Infrastructure:**

- Developing a Local Plan that meets the future needs of the District.

##### **Overall Strategy and Direction:**

- Working with other public bodies to deliver better outcomes for residents.
- Develop and deliver a District Investment Strategy that invests in improved and new infrastructure, economic growth and regeneration projects and new health facilities to meet the needs of the District now and in the future.

#### **b) Fit with Objectives**

- The objectives of this project are to regenerate the site situated behind the Town Hall in order to improve the attractiveness and vibrancy of the town centre, provide improved facilities in the form of a large modern Doctors' Surgery, restaurants and increased car parking. This scheme will help to meet the needs and demands of the residents in the District, support the Council's healthy communities agenda, provide the necessary infrastructure to support the Council's housing growth projections, invest in the regeneration of the town centres and provide the Council with a commercial return on its investment.

#### **c) Target/Success Measures**

- This option will potentially enable the scheme to be delivered and meet the Council's corporate priorities.

### 3.2.5 **Impact Assessment**

a) **Customer**

- Delivery of this scheme will have a significant beneficial and positive impact on patients of Mount Chambers Surgery, town centre businesses and users and local residents.

b) **Organisational Implications**

- Delivery of this scheme will have a significant and positive impact on the Council's reputation.

c) **Environmental**

- An important, high profile town centre site would be regenerated providing a modern and attractive surgery, restaurants and enhanced car parking together with high quality public realm.

d) **Stakeholders**

- The key stakeholders (residents of the District, patients of Mount Chambers Surgery and the NHS) will greatly benefit from this new scheme through improved health provision. There will also be a greater choice and availability of restaurants in the town centre and enhanced car parking.

e) **Legal**

- The Council would seek to put in place a robust design and build contract to reflect the risks and protect the Council's interest.

### 4.0 **Risk Assessment**

	<b><u>Item</u></b>	<b><u>Issue</u></b>	<b><u>Action</u></b>
a)	Potential challenge by original bidders and potential new bidders.	The contract arrangements have changed therefore the original and potential new bidders have not had an opportunity to bid on the revised scheme delivery proposals.	The Council will undertake a new procurement process.  Given this is for a new scheme, there will be very little risk from the original bidders.
b)	Economic conditions decline.	The Council would have to review its development proposals to assess if it is still appropriate to proceed.	Economic conditions are currently positive and the Council will be looking to proceed quickly with the scheme if the revised scheme delivery proposals are approved by Members.

c)	Mount Chambers do not complete an Agreement for Lease with the Council.	The Council must have a binding contractual commitment from Mount Chambers surgery to enter into a lease prior to commencement of construction.	The Council will agree lease terms and complete an Agreement for Lease with Mount Chambers in advance of commencing construction.
d)	Abnormal site costs.	These would add to the cost of the scheme and potentially make it unviable.	The Council to carry out full due diligence on the site prior to tendering the construction works.
e)	Build Costs increase.	This may impact on the viability of the scheme.	<p>The economy is going through a period of low inflation, however, in contrast, build costs have been increasing over recent months.</p> <p>The Council's cost consultants will be researching current build costs and building in an inflation allowance plus on appropriate contingency sum for the scheme.</p>
f)	Planning Permission refused.	The Council is unable to obtain a satisfactory planning consent for the scheme.	<p>Early discussions have been taking place between Planning, ECC Highways and BDC Licensing to highlight key issues the scheme needs to address. This should put the Council in a good position to submit appropriate plans, reports and supporting information at both the Pre-Application discussions and when submitting a full planning application. BDC has appointed a dedicated planning officer to deal with this scheme and consult key stakeholders etc.</p>



g)	Time delays while the Council appoints consultants and obtains a planning consent.	The Council has already experienced a number of delays and setbacks and requires this scheme to move forward quickly.	The Council has already engaged cost consultants and will commence tendering procedures for architects and other consultancy support if Cabinet Members approve the proposals in this report. This will enable appointments to be made following the Council meeting on the 5th September 2016.
h)	Delays in appointment of a contractor if the Council must follow the OJEU procurement process.	The Council has already experienced a number of delays and setbacks and requires this scheme to move forward quickly.	The Council's Procurement service is currently reviewing public sector construction framework agreements to see if an appropriate construction contractor can be identified in this way. Alongside this, the Procurement Service will set out a timetable relating to the OJEU process if the Council is required to follow this procurement route.
i)	Identifying pre-lets for the ground floor accommodation.	Ideally the Council wants tenants signed up to occupy the ground floor accommodation prior to completing the construction of the scheme.	National, specialist restaurant/commercial agents will be appointed on the grant of a planning consent to identify and sign up suitable tenants for the ground floor accommodation. The Council will review and consider all appropriate opportunities and options for this space.

j)	A negative impact on the Council's reputation if the scheme suffers from delays, cost over-runs or poor construction quality/defects.	The Council's objective is to provide a cost effective and good quality regeneration scheme which provides much needed facilities that will greatly benefit residents in the District and enhance the vibrancy and viability of the Town Centre.	The Council is undertaking early engagement with stakeholders, and planners. It will also progress the early tendering of consultants, following the Cabinet meeting if Members approve the proposals in this report. This will enable appointments to be made following the Council meeting on the 5th September 2016. The Council's Procurement Service has also been engaged to advice on all procurement issues.
k)	Time delays while trying to resolve highways issues.	The scheme will need to look at relocating the bus stands around the site, review the location of the taxi rank and consider the direction of traffic flows around the site.	If Members are minded to approve the scheme delivery proposals, the Council will seek to appoint a Highways Consultant to prepare the necessary traffic impact study and liaise with ECC Highways at the earliest opportunity to agree solutions in relation to the bus stands, taxi rank and traffic flows around the site.
l)	Termination of Development Agreement with Henry Boot	Henry Boot challenges the termination of the Development Agreement with the Council.	The Council would need to carefully exercise the termination provisions in the Development Agreement to bring it to an end.

## **5.0 VAT**

- 5.1** The Council shall Opt to Tax the development to enable recovery of any VAT payable on the construction works and other associated costs of the development. This Opt to Tax will be in place for a minimum of 20 years and means that VAT will be chargeable by the Council on rent and service charges.

## **6.0 Cost Consultant's Advice**

- 6.1** The Council's cost consultants have independently reviewed and assessed all costs associated with the Braintree Town Centre Regeneration Scheme as proposed by Henry Boot Developments Limited. They have identified all costs that would be incurred from scheme inception to practical completion on the basis that the Council develops the scheme itself.
- 6.2** The costs assessed are based on benchmark costs from similar schemes recently developed or being developed and have been adjusted for location and time factors.
- 6.3** The costs cover construction costs, external works, surgery fit out costs, preliminaries and contingency allowances, design fees, letting fees and legal fees together with allowances for potential contamination costs and other associated project costs.

## **7.0 Valuation Advice**

- The Council has engaged the services of an independent Valuation Consultant to review the rents and values associated with the scheme and provide guidance in relation to current market rental values which have been used in the financial appraisal.
- The Valuation Consultant has provided advice on the likely market rental value of the restaurant accommodation together with any associated rent free and fit out incentives a landlord would be expected to provide when letting to this type of user. The current market rent of the ground floor units has been assessed and an appropriate figure has been adopted in the appraisal.
- A specialist restaurant/leisure/commercial consultant will be engaged to undertake market research to assess the extent of the demand for the ground floor accommodation, the appropriate mix of uses and unit sizes and associated market rents. This research will form part of the scheme design process. These consultants will also be engaged to market the accommodation and agree suitable pre-lets. The Council will consider all appropriate opportunities and options for this accommodation.
- It should be noted that the NHS has provided clear guidance on the rental it will pay for the surgery accommodation and GP car parking.

- The Council also has details of the annual income and outgoings in relation to the current car parking on this site.

## **8.0 Ongoing Scheme Repairs and Maintenance**

- 8.1** The Council will be responsible for carrying out the repairs and maintenance to the exterior of the building and the common parts and will recover these costs on a pro-rata basis from the occupiers of the scheme via a service charge.
- 8.2** The Council will be responsible for the cost of the ongoing repair and maintenance of the car park within the scheme.
- 8.3** The tenants occupying the building will be responsible for all internal repairs and maintenance to the premises they lease from the Council.

## **9.0 Timetable**

The key scheme milestones are set out as follows:-

- |  |                                |
|--|--------------------------------|
| • Cabinet                                | 18 <sup>th</sup> July 2016     |
| • Tendering architects/consultants       | 25 <sup>th</sup> July 2016     |
| • Council                                | 5 <sup>th</sup> September 2016 |
| • Appointment of architects/consultants  | 1st October 2016               |
| • Planning submission                    | 10th July 2017                 |
| • Obtain planning consent                | 27th November 2017             |
| • Tender issued                          | 13 <sup>th</sup> February 2018 |
| • Appointment of construction contractor | 18 <sup>th</sup> May 2018      |
| • Practical Completion                   | 3 <sup>rd</sup> February 2020  |

## **10.0 Benefits of Acquiring the Completed Scheme**

- The Council could produce detailed scheme plans and specification and then submit a planning application within the next 6 - 9 months.
- The Council will own the freehold of the whole development scheme and will fully control and manage the site. This will ensure that the Council has control over the quality and mix of tenants within the scheme.
- The scheme will provide modern and much larger medical premises for Mount Chambers' surgery which is desperately needed to meet both current and future demand for GP Services in Braintree. It is anticipated that Mount Chambers' surgery will increase its patient numbers from 13,000 to 18,000 in the medium term.
- Braintree Town Centre has limited restaurant offer and the additional restaurant units will help improve the variety and quality of the offer in the Town centre for residents and benefit the night-time economy.
- The scheme will provide an increase in public car parking spaces from the existing 108 spaces to 146 spaces.

- This scheme should generate additional footfall into the Town Centre which will provide a boost to the local economy.
- On completion the scheme would produce significant business rates income.
- The scheme will provide a significant area of good quality public realm to the frontage of the scheme.
- The various lease agreements will contain rent review provisions which will provide the opportunity to review and potentially increase rents in the future. The Council will also review its car parking charges on a regular basis which could potentially increase car parking income in the future.

#### **11.0 Value for Money**

**11.1** The Council has applied its Corporate Investment Evaluation Tool to this option which evaluates and scores key investment criteria to provide an overall score for the proposed investment which can be measured against other alternative investment opportunities. The evaluation of this option has produced a weighted score of 6.83: the minimum score to progress an investment project is 6.

**11.2** The Council will be receiving a net income of approximately £500,000 plus VAT per annum and a return of 4.4%. This scheme provides good value for money for the Council.

#### **12.0 Summary**

**12.1** Taking all factors into account, the most advantageous and beneficial option at the present time would be for the Council to develop the scheme itself.

<b>Cabinet Member Decisions made under delegated powers</b>		<b>Agenda No: 8a</b>
<b>Portfolio</b>		<b>See body of report</b>
<b>Corporate Outcome:</b>		
<b>Report presented by:</b>		<b>Not applicable – report for noting</b>
<b>Report prepared by:</b>		<b>Emma Wisbey, Governance and Member Manager</b>
<b>Background Papers:</b>		<b>Public Report</b>
Cabinet Decisions made by individual Cabinet Members under delegated powers.		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
All delegated decisions taken by individual Cabinet Members are required to be published and listed for information on next Cabinet Agenda following the decision.		
Since the last Cabinet meeting the following delegated decisions have been taken (details as at time of decision):		
<b>Councillor Lady Newton - Cabinet Member for Planning and Housing</b>		
<b>Decision taken on 29<sup>th</sup> June 2016</b>		
To endorse the Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project Area Management Plan 2015-2020.		
Cabinet Decisions made by individual Cabinet Members under delegated decisions can be viewed on the Access to Information page on the Council's website. <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>		
<b>Recommended Decision:</b>		
For Cabinet to note the delegated decisions.		
<b>Purpose of Decision:</b>		
The reasons for decision can be found in the individual delegated decision.		

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	None arising out of this report.
<b>Legal:</b>	None arising out of this report.
<b>Safeguarding:</b>	None arising out of this report.
<b>Equalities/Diversity:</b>	None arising out of this report.
<b>Customer Impact:</b>	None arising out of this report.
<b>Environment and Climate Change:</b>	None arising out of this report.
<b>Consultation/Community Engagement:</b>	None arising out of this report.
<b>Risks:</b>	None arising out of this report.
<b>Officer Contact:</b>	Emma Wisbey
<b>Designation:</b>	Governance and Member Manager
<b>Ext. No:</b>	2610
<b>E-mail:</b>	<a href="mailto:emma.wisbey@braintree.gov.uk">emma.wisbey@braintree.gov.uk</a>

# Minutes

## Local Plan Sub-Committee

25th May 2016

Present:

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

Councillors Abbott, Mrs Allen, Bowers, Mann, Mitchell, Mrs Pell, Schwier and van Dulken were also in attendance.

### 5 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:

All Councillors declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Bulmer and Bulmer Tye as the wife and mother-in-law of Councillor J O'Reilly-Cicconi were the owners of a site which had been submitted for consideration and Councillor O'Reilly-Cicconi was known to them as an elected Member of Braintree District Council.

On behalf of Members of the Sub-Committee, Councillor Mrs L Bowers-Flint, the Chairman of the Local Plan Sub-Committee, declared a joint non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan – Draft Site Allocation Maps - Site ASHE104 – Land to the West of Street Farm, Ashen as Mr N McCrea the owner of the land was known to them as a former elected Member of Braintree District Council and Mr McCrea was known to some of them as the Chairman of Braintree Conservative Association.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Site EARC218 – Land between Coggeshall Road and Tey Road, Earls Colne as Mr David Smith, who was speaking at the meeting during Question Time, was known to him.

Councillor D Hume declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites at Halstead and the representations submitted by Halstead Town Council as he was a Member of the Town Council.



Councillor Hume declared a non-pecuniary interest also in the same Item and specifically Site BULM551 - North of A131, Bulmer Tye as Mr William Dixey, who was speaking at the meeting during Question Time, was known to him.

Councillor R Mitchell (in attendance) declared a 'substantial' non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites FEER230 - Land off Inworth Road, Feering; and FEER232 and FEER233 - Land South of Feering, West of the A12 as the land was located directly to the front and to the rear of his property. Councillor Mitchell stated that he would be speaking at the meeting during Question Time in his capacity as a Braintree District Councillor for the Kelvedon and Feering Ward and that he would be making general rather than site specific comments.

Councillor Lady Newton declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Site SILV390 - Land at Egypts Farm, BoarsTye Road, Silver End as the owners of the land were known to her.

Councillor Lady Newton declared a non-pecuniary interest also in Agenda Item 6 – Braintree District Draft Local Plan - Garden Communities (including Land at Marks Tey ('West Tey')) as the elected Member for the Coggeshall and Stisted Ward of Braintree District Council and the elected Member for the Braintree Eastern Division of Essex County Council.

Councillor J O'Reilly-Cicconi declared a disclosable pecuniary interest and a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites at Bulmer (non-pecuniary) and Bulmer Tye (disclosable pecuniary) as his wife and mother-in-law were the owners of land which had been submitted for consideration as part of the 'call for sites'. Councillor O'Reilly-Cicconi left the meeting during the consideration of all sites at Bulmer and Bulmer Tye. Councillor O'Reilly-Cicconi declared a non-pecuniary interest also in the same Item and specifically Site HATR305 - Land at 83 Chapel Hill, Halstead as the owner of the land was known to him.

Councillor Mrs J Pell (in attendance) declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites at Halstead and the representations submitted by Halstead Town Council as she was a Member of the Town Council.

Councillor Mrs Pell declared non-pecuniary interests also in the same Item and specifically Site GGHR285 - Field rear of Star Stile Cottages, Colne Engaine Road, Greenstead Green, Halstead as her daughter lived next to the site; Site HASA293 - Land East of Sudbury Road (The Sleights), adjacent to Churchill Avenue, Halstead as the owner of the land was known to her and as Vice-President of Halstead Cricket Club; and Site GGHR283 - Land adjoining the cricket ground, Sudbury Road, Halstead as Vice-President of Halstead Cricket Club.

Councillor Miss M Thorogood declared a non-pecuniary interest in Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps – Sites FEER230 - Land off Inworth Road, Feering; and FEER232 and FEER233 - Land South of Feering, West of the A12 as her sister lived next to the land.

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

## 6 **MINUTES**

**INFORMATION:** The Minutes of the meeting of the Local Plan Sub-Committee held on 9th May 2016 were not available for approval.

## 7 **QUESTION TIME**

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

In view of the number of people wishing to speak, it was moved, seconded and agreed that Question Time be extended to enable everyone to be heard.

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

## 8 **BRAINTREE DISTRICT DRAFT LOCAL PLAN – DRAFT SITE ALLOCATION MAPS**

**INFORMATION:** Consideration was given to a report on proposed site allocation Inset Maps for specific settlements to be included in the draft Braintree District Local Plan. The Inset Maps were attached as Appendices to the report and set out key data for each settlement, including development boundaries, Conservation Areas, areas allocated for development and areas protected for specific uses such as open space, allotments and employment. As part of the preparation of the draft Local Plan the development boundaries and allocations for each town and village in the District had been reviewed and an assessment had been made of potential development sites submitted as part of the 'Call for Sites' process. Consultation had taken place with Town and Parish Councils regarding the draft Inset Maps and potential development sites. The preferred Inset Map for each defined settlement, together with a map showing alternative development site options considered but not taken forward, would be contained within the draft Local Plan for public consultation in the Summer.

Members were reminded that on 14th March 2016 the Local Plan Sub-Committee had agreed that the Local Plan should deliver 845 new homes per annum between 2016 and 2033 to meet the objectively assessed need for new homes. The Sub-Committee had also agreed a spatial hierarchy and strategy which proposed that the most suitable locations in the District for growth were Braintree, Halstead, Witham, the A12 corridor and planned new garden communities.

Members were advised that Essex County Council was currently undertaking a study to assess opportunities for improving the A120 between Braintree and Marks Tey. In addition, Highways England was currently developing a scheme to widen the A12 to three lanes. Information on the location, route and land needed to support these schemes was not yet known and could have implications for a

number of sites being proposed for development in the Plan. The recommendations set out in the Agenda report were therefore subject to change.

## **DECISION:**

### Halstead

- (1) That site GGHR281 - Land North of Halstead, adjacent to A131 is not allocated for development.
- (2) That site GGHR285 - Field Rear of Star Stile Cottages, Colne Engaine Road, Greenstead Green, Halstead is not allocated for development.
- (3) That site HASA293 - Land East of Sudbury Road (The Sleights) adjacent to Churchill Avenue, Halstead is not allocated for residential development.
- (4) That site GGHR283 - Land adjoining the cricket ground, Sudbury Road, Halstead is not allocated for residential development and that the designation for formal recreation is retained.
- (5) That site HASA291 - Land adjoining Cherry Tree Close and Beech Avenue, Halstead is not allocated for development.
- (6) That site HASA289 - Land at Cherry Tree Close, Halstead be allocated for residential development.
- (7) That site HASA295 - Land off corner of Fenn Road and Brook Street, Halstead be allocated for housing.
- (8) That site HASA288 - Land adjoining the West of Bluebridge Industrial Estate, Halstead is not allocated for employment development.
- (9) That site COLE188 - Land East of Bluebridge Industrial Estate, Halstead is allocated for industrial use.
- (10) That site GGHR282 – Land adjoining the East side of Bluebridge Industrial Estate, Halstead is not allocated for industrial development.
- (11) That site HASA513 - Central Park, Colchester Road, Halstead is allocated for residential development.
- (12) That site HASA286 - Greenways, Balls Chase, Halstead is allocated for residential development.
- (13) That site GGHR284A - Proposed School Site, Ravens Avenue, Halstead is allocated for educational uses.
- (14) That site GGHR284 - Land at Ravens Avenue, Halstead and site GGHR430 - Land at Tidings Hill, (East of Firwoods Road), Halstead are not allocated for residential development.
- (15) That site HATR 306 - Land at Oak Road and Tidings Hill, Halstead is not allocated for residential, or recreational uses.

- (16) That site HATR297 - Conies Field, Oak Road, Halstead is not allocated for residential development.
- (17) That site GGHR307 - Land off Oak Road, Halstead is allocated for housing.
- (18) That site HATR308 - Blamsters, Mount Hill, Halstead is not allocated for non-specialist housing.
- (19) That site HATR309 - Blamsters, Mount Hill, Halstead is allocated for specialist housing.
- (20) That site HATR304 - Land West of Mount Hill, Halstead is not allocated for development.
- (21) That site HASA287 - Land East of the High Street, Halstead is allocated for comprehensive redevelopment with an supporting policy.
- (22) That site HATR298 - Halstead Business Centre, Factory Lane West, Halstead and site HATR299 - Harrison Works, Kings Road, Halstead are allocated as a mixed use redevelopment site with an accompanying policy.
- (23) That site HATR305 - Land at 83 Chapel Hill, Halstead is not allocated for development.
- (24) That site HATR301 - Crowbridge Farm, Chapel Hill, Halstead is not allocated for residential development.
- (25) That site HATR303 - Land South of Sloe Hill, Halstead is not allocated for residential development.
- (26) That site HATR296 - Land North of Sloe Hill, Halstead is not allocated for residential development.
- (27) That site HATR302 - Land North of Slough Farm Road, Halstead is not allocated for residential development.
- (28) That site HATR300 - Halstead Football Club, Butler Road, Halstead is not allocated for housing and is retained as an Employment Policy Area.
- (29) That site HASA292 - Land South of Box Mill Lane, Halstead is not allocated for residential development.
- (30) That site HASA294 - Wash Farm, Hedingham Road, Halstead is not allocated for residential development.
- (31) That site HASA290 - Land between Mill Chase and Sudbury Road, Halstead is not allocated for residential development.

#### Greenstead Green

- (32) That site GGHR279 - Land adjacent to Waverney, Grange Hill, Greenstead Green is not allocated for residential development.
- (33) That site GGHR280 - Land adjacent to Mystycroft, Burtons Green, Greenstead Green is not allocated for residential development.

- (34) That the Inset Map for Greenstead Green as set out in the Appendix to the report is approved and that no sites are allocated for residential development.

#### Kelvedon and Feering

- (35) That site KELV331 - Land at St Dominics Care Home, London Road, Kelvedon is not allocated for specialist care uses and that site KEL332 - Land at St Dominics Care Home, London Road, Kelvedon is allocated for specialist care uses.
- (36) That site KELV333 - Land at Park Farm, Hollow Road, Kelvedon is not allocated for residential development.
- (37) That site KELV334 - The Former Polish Camp, Woodhouse Lane, Kelvedon is allocated for employment uses with an industrial development boundary as set out on the Inset Map in the Appendix to the report, subject to criteria to control external lighting and the provision of landscaping.
- (38) That site KELV335 - Monks Farm, land South-East of Coggeshall Road, Kelvedon is allocated for residential development as set out on the Inset Map in the Appendix to the report.
- (39) That site KELV336 - Land off Coggeshall Road, Kelvedon is not allocated for residential development.
- (40) That sites KELV337 - Land at London Road, between Crabb's Lane and Church Street, Kelvedon and KELV338 – Land South of London Road, rear of Nos. 61-95, Kelvedon are not allocated for residential development.
- (41) That the 'Deals' site and land surrounding, adjacent to the railway station, Kelvedon is allocated as an area for employment and car parking.
- (42) That site FEER227 - The Feering Triangle, A12, Feering is not allocated for residential development.
- (43) That site FEER229 - Land adjacent to the service station at London Road, Feering is not allocated for development.
- (44) That sites FEER232 - Land South of Feering, West of the A12, Feering; FEER233 - Land South of Feering, West of the A12, Feering; and FEER230 - Land off Inworth Road, Feering are allocated as a strategic growth location with an supporting policy, subject to the policy being amended to include reference to the need for retail provision and improvements to highway infrastructure and access to the A12.
- (45) That site FEER228 - Land at Wills Green, Feering is not allocated for residential development.

#### Earls Colne and Earls Colne Airfield

- (46) That the Inset Map for Earls Colne be approved and that sites EAR3H - , Land on the North side of Station Road, Earls Colne; EARC225 - Land South of Halstead Road and West of Nonancourt Way, Earls Colne; and EARC221

– Land to the East of Monks Road and Hillie Bunnies, Earls Colne are allocated for residential development with areas of open space allocated outside of the development boundary. All other sites are not recommended for allocation.

- (47) That the Inset Map for Earls Colne Airfield, as set out in the Appendix to the report, be approved including the allocation of site EARC226 - Land at Earls Colne Business Park, Earls Colne Airfield, Earls Colne as an employment site within the industrial development limit.

#### White Colne

- (48) That the Inset Map for White Colne as set out in the Appendix to the report be approved and that no sites are allocated for development.

#### Ashen

- (49) That the Inset Map for Ashen as set out in the Appendix to the report be approved and that no sites are allocated for development.

*A motion not to include site ASHE 104 – Land to the West of Street Farm, Ashen within the development boundary was moved and seconded, but on being put to the vote the motion was **LOST**.*

*A motion to include site ASHE 104 – Land to the West of Street Farm, Ashen within the development boundary was moved and seconded, but on being put to the vote the motion was **LOST** (on the Chairman's casting vote).*

*The substantive motion to approve the Inset Map for Ashen, as set out in the Appendix to the report, and that no sites be allocated for development was moved and seconded, and on being put to the vote the motion was **CARRIED**.*

#### Bulmer and Bulmer Tye

- (50) That the Inset Maps for Bulmer and Bulmer Tye as set out in the Appendix to the report be approved and that no sites are allocated for residential development.

#### Colne Engaine

- (51) That the Inset Map for Colne Engaine as set out in the Appendix to the report be approved and that no sites are allocated for development.

#### Gosfield

- (52) That the Inset Map for Gosfield, as set out in the Appendix to the report, be approved and that no sites are allocated for residential development, subject to the Inset Map being amended to include site GOSF249 - Land at Gosfield

Airfield for employment use and the extension of the industrial development limit.

#### Silver End

- (53) That the Inset Map for Silver End as set out in the Appendix to the report be approved and that only sites SILV388 – Former Crittall Works, Silver End; SILV385 - Land to the West of Boars Tye Road, Silver End; and SIL7H – Car park at Sheepcotes Lane, Silver End are allocated for residential development.

#### Great Yeldham

- (54) That the Inset Map for Great Yeldham as set out in the Appendix to the report be approved and that sites GRYE274 - Land at Nuns Walk Field, Great Yeldham and GRYE275 - Land at Hunnable Industrial Estate, Toppesfield Road, Great Yeldham are allocated for development.

#### Terling and Fairstead

- (55) That the Inset Map for Terling as set out in the Appendix to the report be approved and that no sites are allocated for development. That Fairstead remains a village within the countryside.

#### Foxearth

- (56) That the Inset Map for Foxearth as set out in the Appendix to the report be approved and that no sites are allocated for development.

#### Liston

- (57) That Liston remains as a village within the countryside and that site LIST339 - Land at Stafford Park, Liston continues to be determined through the planning application process.

#### Hatfield Peverel

- (58) That sites HATF314 - Land to the South of Stonepath Drive, Hatfield Peverel; and HATF312 - The Vineyards, A12 slip road, Hatfield Peverel are not allocated for residential development and that further consideration be given to the allocation of sites at Hatfield Peverel in the Autumn.  
(In considering this matter, Members of the Sub-Committee were informed that land at Arla Dairy, Bury Lane, Hatfield Peverel could be put forward as a possible development site).

#### Toppesfield

- (59) That the development boundary for Toppesfield, as set out on the Inset Map in the Appendix to the report, including the amendment to incorporate land at site TOPP412 – Land at Church Farm Barn, Church Lane, Toppesfield and

site TOPP413 – Land including store at Church Farm Barn, Church Lane, Toppesfield, be approved.

#### Pebmarsh

- (60) That the development boundary for Pebmarsh, as set out on the Inset Map in the Appendix to the report, be approved and that no change be made to the development boundary at site PEBM348 – Land to the rear of properties on the South side of Cross End, Pebmarsh.

#### Great Maplestead

- (61) That the development boundary for Great Maplestead, as set out on the Inset Map in the Appendix to the report, including the amendment to the rear of site GRMA259 – Land at Treeways, Church Street, Great Maplestead, be approved.

#### Stisted

- (62) That site STIS396 – Land East of Baytree Farm, A120, Stisted is not allocated for residential use.
- (63) That site STIS397 – Land at DC Cottage and The Leys, adjacent to A120, Stisted is not allocated for development.

## 9 **BRAINTREE DISTRICT DRAFT LOCAL PLAN – GARDEN COMMUNITIES**

**INFORMATION:** Consideration was given to a report on garden communities and proposed ‘areas of search’ for inclusion within the draft Braintree District Local Plan.

Members were advised that an unprecedented level of growth was required within the District to meet the objectively assessed housing need and that stand-alone ‘garden communities’ were being considered as a way of meeting the need. Locally driven ‘garden communities’ would help to ensure that infrastructure, facilities and services were put in place when needed and there would be control over how quickly land was released for housing, employment, retail and other uses.

It was proposed that ‘areas of search’ should be included within the draft Braintree District Local Plan for two new settlements. One ‘area of search’ was proposed to the West of Braintree which could be a cross border development with Uttlesford District Council; and the other ‘area of search’ was proposed to the West of Colchester which could be developed with Colchester Borough Council.

#### **DECISION:**

- (1) That an ‘area of search’ be included in the draft Local Plan for a new garden community West of Braintree and that the policy wording set out in the Agenda report be approved for inclusion in the draft Local Plan.



- (2) That an 'area of search' be included in the draft Local Plan for a new garden community at Marks Tey to be shared with Colchester Borough Council and that the policy wording set out in the Agenda report be approved for inclusion in the draft Local Plan.

At 9.15pm the meeting was adjourned for a short break and it was reconvened at 9.25pm.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 9.00pm to enable all business on the Agenda to be transacted.

The meeting commenced at 6.00pm and closed at 11.56pm.

Councillor Mrs L Bowers-Flint  
(Chairman)

APPENDIX

LOCAL PLAN SUB-COMMITTEE

25TH MAY 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HASA287 - Land East of the High Street, Halstead

Statement by Mrs Helen Wolf for Halstead 21<sup>st</sup> Century Group (Objector)

- 2 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites HATR308 and HATR309 – Blamsters, Mount Hill, Halstead

Statement by Mrs Pauline Hennessey, Library Cottage, Monks Lodge Road, Great Maplestead (promoter of site)

- 3 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HATR296 - Land North of Sloe Hill, Halstead

Statement by Ms Jenny Moor, Lawson Planning Partnership Ltd, 882 The Crescent, Colchester Business Park, Colchester (for promoter of site)

- 4 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites GGHR284 - Land at Ravens Avenue, Halstead and GGHR430 - Land at Tidings Hill, Halstead

Statement by Mr Stephen Kosky, c/o Barton Willmore, St Andrews House, St Andrews Road, Cambridge (Supporter)

- 5 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HATR 306 - Land at Oak Road and Tidings Hill, Halstead

Statement by Mr Andrew Ransome, Plainview Planning, Oliver House, Hall Street, Chelmsford (for promoter of site)

- 6 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HASA286 - Greenways, Balls Chase, Halstead

Statement by Mrs Eileen Penn (Objector)

- 7 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites GGHR284A - Proposed School Site, Ravens Avenue, Halstead; GGHR284 - Land at Ravens Avenue, Halstead and GGHR430 - Land at Tidings Hill, Halstead; HATR 306 - Land at Oak Road & Tidings Hill, Halstead; HATR297 - Conies Field, Oak Road, Halstead; and HATR305 - Land at 83 Chapel Hill, Halstead

Statement by Councillor Mrs Jackie Pell, District Councillor for Halstead Trinity Ward, 7 Highfields, Halstead (General comments)

- 8 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Halstead

Statement by Councillor Mrs Julia Allen, District Councillor for Halstead Trinity Ward, 10 Gardeners Road, Halstead (General comments)

- 9 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Greenstead Green and Halstead Rural

Statement by Councillor Derek Mason, for Greenstead Green and Halstead Rural Parish Council, c/o Mrs J Beavis, Clerk to Greenstead Green and Halstead Rural Parish Council, Easter Cottage, Park Hall Road, Gosfield (General comments)

- 10 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites KELV337 and KELV338 - Land at London Road, Kelvedon

Statement by Mr Edward Gittins, Edward Gittins and Associates, Unit 5, Patches Yard, Cavendish Lane, Glemsford, Sudbury (for promoter of site)

- 11 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site KELV335 - Monks Farm, land South East of Coggeshall Road, Kelvedon; and Sites FEER230 - Land off Inworth Road, Feering; FEER232 and FEER233 - Land South of Feering, West of the A12

Statement by Mr Alan Stones, Kelvedon and Feering Heritage Society, c/o Windrush, Coggeshall Road, Feering (Objector)

- 12 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites FEER232 and FEER233 - Land South of Feering, West of the A12

Statement by Mr Neil Hall, Amec Foster Wheeler, Gables House, Kenilworth Road, Leamington Spa, Warwickshire (for The Crown Estate - promoter of site),

- 13 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites FEER230 - Land off Inworth Road, Feering; and FEER232 and FEER233 - Land South of Feering, West of the A12

Statement by Mrs Jill Hinds, for Kelvedon Neighbourhood Plan, 175 High Street, Kelvedon (General comments)

- 14 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Kelvedon and Feering

Statement by Councillor Robert Mitchell, District Councillor for Kelvedon and Feering Ward, Bidlake, Inworth Road, Feering (General comments)

- 15 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site at Rivenhall Airfield (KELV334 Site known as 'The Former Polish Camp', Woodhouse Lane, Kelvedon)

Statement by Councillor James Abbott, Essex County Councillor, Witham Northern Division and District Councillor for Silver End and Cressing Ward, 1 Waterfall Cottages, Park Road, Rivenhall (General comments)

- 16 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Kelvedon and Feering

Statement by Councillor Mrs Katherine Evans, for Feering Parish Council, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering (Objector)

- 17 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site EARC218 – Land between Coggeshall Road and Tey Road, Earls Colne

Statement by Mr David Smith, Percival and Co, High Street, Earls Colne (for promoter of site)

- 18 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site EARC221 - Land to the East of Monks Road and Hillie Bunnies, Earls Colne

Statement by Mr Richard Cromack, 12 Park Lane, Earls Colne (Objector)

- 19 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site EARC221 - Land to the East of Monks Road and Hillie Bunnies, Earls Colne

Statement by Councillor Chris Siddall, District Councillor for Three Colnes Ward, 56 Park Lane, Earls Colne (Objector)

- 20     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Earls Colne
- Statement by Councillor John Bendall, Chairman of Earls Colne Parish Council, c/o Mrs Val Holmes, Clerk to Earls Colne Parish Council, Village Hall, York Road, Earls Colne (General comments and Objector)
- 21     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Ashen
- Statement by Mr Neil Hendry, Longways Cottage, The Street, Ashen (Objector)
- 22     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site ASHE104 – Land to the West of Street Farm, Ashen
- Statement by Mr Mike Harman, Holmes & Hills LLP, Bocking End, Braintree (for promoter of site)
- 23     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Ashen
- Statement by Councillor Colin Hainsworth, for Ashen Parish Council, c/o Mrs K Melville-Ross, Clerk to Ashen Parish Council, The Manse, Hundon, Suffolk (General comments and Objector)
- 24     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site BULM551 - North of A131, Bulmer Tye
- Statement by Mr William Dixey, Star Stile Lodge, Star Stile, Halstead (promoter of site)
- 25     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Bulmer
- Statement by Councillor Mrs Christine Leigh, for Bulmer Parish Council, c/o Mrs Diane Jacob, Parish Clerk and Responsible Financial Officer, Bulmer Parish Council, 5 Crocklands, Greenstead Green, Halstead (General comments and Objector)
- 26     Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites GOSF252 - Land North of Meadway (option A), West of Hedingham Road, Gosfield and GOSF253 - Land North of Meadway (option B), West of Hedingham Road, Gosfield
- Statement by Mr Paul Scott, Thatched Cottage, 1 Hedingham Road, Gosfield (Objector)

- 27 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Gosfield
- Statement by Mr Bob Waters, 21 Meadway, Gosfield (Supporter)
- 28 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GOSF253 - Land North of Meadway (option B), West of Hedingham Road, Gosfield
- Statement by Mr Andrew Endean, 24 Chestnut Avenue, Gosfield (Objector)
- 29 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GOSF253 - Land North of Meadway (option B), West of Hedingham Road, Gosfield
- Statement by Mr Michael Calder, Phase 2 Planning and Development Ltd, 250 Avenue West, Skyline 120, Great Notley (for promoter of site)
- 30 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GOSF251 – Land at The Limes, Gosfield
- Statement by Mr James Firth, Strutt and Parker, Coval Hall, Rainsford Road, Chelmsford (for promoter of site)
- 31 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Gosfield
- Statement by Councillor Max Ford, Chairman of Gosfield Parish Council, c/o Mrs J Beavis, Clerk to Gosfield Parish Council, Easter Cottage, Park Hall Road, Gosfield (Supporter)
- 32 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Silver End
- Statement by Councillor James Abbott, Essex County Councillor, Witham Northern Division and District Councillor for Silver End and Cressing Ward, 1 Waterfall Cottages, Park Road, Rivenhall (General comments)
- 33 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Terling and Fairstead
- Statement by Councillor James Abbott, Essex County Councillor for Witham Northern Division, 1 Waterfall Cottages, Park Road, Rivenhall

- 34 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site FOXE236 - Land adjacent to Glebeside, School Street, Foxearth
- Statement by Mr David Fahie, c/o Strutt and Parker, Coval Hall, Rainsford Road, Chelmsford (promoter of site)
- 35 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site HATF314 – Land to the South of Stonepath Drive, Hatfield Peverel
- Statement by Ms Lisa Haniken, c/o Mrs Joanne Melly, 30 Stonepath Drive, Hatfield Peverel (Objector)
- 36 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Hatfield Peverel
- Statement by Councillor Les Priestley, for Hatfield Peverel Neighbourhood Development Plan, c/o Ms L Miller, Clerk to Hatfield Peverel Parish Council, Chestnut House, Church Road, West Hanningfield, Chelmsford (General comments)
- 37 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites at Hatfield Peverel
- Statement by Councillor Mrs Diane Wallace, for Hatfield Peverel Parish Council, c/o Ms L Miller, Clerk to Hatfield Peverel Parish Council, Chestnut House, Church Road, West Hanningfield, Chelmsford (General comments)
- 38 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Sites HATF312 - The Vineyards, Hatfield Peverel and HATF314 – Land to the South of Stonepath Drive, Hatfield Peverel
- Statement by Councillor Derrick Louis, Essex County Councillor, Witham Southern Division, 10 Priory Farm Road, Hatfield Peverel (General comments)
- 39 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site PEBM348 - Cross End, Pebmarsh
- Statement by Mr Andy Stimpson, Linstock, Cross End, Pebmarsh (Supporter)
- 40 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan - Draft Site Allocation Maps - Site GRMA259 – Land at Treeways, Church Street, Great Maplestead
- Statement by Councillor Dave Turner, Chairman of Great Maplestead Parish Council, Rafters, Church Street, Great Maplestead (Objector)

41 Statement Relating to Agenda Item 6 – Braintree District Draft Local Plan - Garden Communities (Land at Marks Tey ('West Tey')) (Site FEER231)

Statement by Mr David Churchill, Icen Projects, Flitcroft House, 114-116 Charing Cross Road, London (Supporter)

42 Statement Relating to Agenda Item 6 – Braintree District Draft Local Plan - Garden Communities (Land at Marks Tey ('West Tey'))

Statement by Ms Rosie Pearson, Secretary of CAUSE (Campaign Against Urban Sprawl in Essex), Compass House, Compasses Road, Pattiswick (Objector)

43 Statement Relating to Agenda Item 6 – Braintree District Draft Local Plan - Garden Communities (Land West of Braintree)

Statement by Mr Robert Bucknell, Onchors Farm, Great Saling and Mr Martin Herbert for Galliard Homes, c/o WYG Planning Consultants, 100 St John's Street, London (promoters of site)

44 Statement Relating to Agenda Item 6 – Braintree District Draft Local Plan - Garden Communities (Land at Marks Tey ('West Tey'))

Statement by Councillor Mrs Katherine Evans, for Feering Parish Council, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering (General comments)



# Minutes

## Local Plan Sub-Committee

26th May 2016

Present:

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

### 10 DECLARATIONS OF INTEREST

**INFORMATION:** There were no interests declared.

### 11 MINUTES

**INFORMATION:** There were no Minutes for approval.

### 12 QUESTION TIME

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

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

### 13 BRAINTREE DISTRICT DRAFT LOCAL PLAN FOR CONSULTATION

**INFORMATION:** Consideration was given to a report on the next stage of consultation on the draft Braintree District Local Plan. The Plan would guide development in the District up to 2033 and it would replace the Braintree District Local Plan Review 2005 and Braintree District Local Development Framework Core Strategy 2011.

In addition to proposed policies and development site allocations in towns and villages across the District, the Plan would include a strategic section on North Essex setting out proposals for new garden communities. It would also include new sections entitled 'Introduction and Spatial Portrait'; 'Vision and Key Objectives'; 'Housing Spatial Strategy'; 'Active Communities'; 'Implementation and Monitoring'; and 'Housing Trajectory'.

In addition to the draft Local Plan, the Council would be publishing a Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). This document assessed the environmental implications of every policy and site allocation in the Local Plan and all reasonable alternatives. Due to timescales, it was proposed that approval of this document should be delegated to the Chairman of the Local Plan Sub-Committee in consultation with the Cabinet Member for Planning and Housing.

The draft Local Plan would be considered at a special meeting of the full Council on 20th June 2016 and, if approved, the Plan would be subject to public consultation for a period of eight weeks from Monday, 27th June 2016 to Friday, 19th August 2016. Consultation responses would be reported to the Local Plan Sub-Committee in the Autumn and the final draft version of the Plan would be considered by the Sub-Committee and full Council in late 2016. A further period of public engagement would then take place before the draft Plan was submitted to the Planning Inspectorate for examination.

Reference was made to amendments to the draft Plan which had been proposed at the Local Plan Sub-Committee meeting held on 25th May 2016. These included a revised Inset Map for Gosfield to incorporate Site GOSF249 and the proposed extension of the employment allocation and industrial development limit at Gosfield Airfield; and revised policies relating to 'Affordable Housing'; the 'Former Polish Campsite, Kelvedon - Employment Area'; 'New Road Infrastructure'; and 'Strategic Growth Location – Land at Feering'. The revised policies are set out below.

## **DECISION:**

- (1) That it be Recommended to Council that the draft Local Plan for the Braintree District, as set out in Appendix 1 to the Agenda report, including all policies and allocations contained within it, is published for an eight week period of public consultation, subject to the Inset Map for Gosfield being amended to include site GOSF249 for employment use, and the revised policies set out below.

### Affordable Housing

Affordable housing will be directly provided by the developer within housing schemes at the targets set out below.

A target of 30% of the total number of residential units on sites located in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead, Sible Hedingham and development sites directly adjacent to these areas.

A target of 40% of the total number of residential units on sites in all other areas.

A threshold of 15 dwellings, or 0.50ha will apply in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham and Halstead.

A threshold of 10 dwellings or less, with a maximum combined gross floor space of 1000sqm will apply in all other areas of the District.

On site provision should not be sought for rural developments of less than 10 dwellings.

Where it is impractical to achieve on site provision, off site provision, or a financial contribution in lieu of broadly equivalent value, may be accepted.

A mix of units to reflect the current local need will be required to be delivered on the site.

If the affordable housing targets set out in the policy cannot be met then the applicant must provide a viability appraisal which will be independently verified and the affordable housing contribution will be set at the maximum viable level.

Standalone new settlements by virtue of their size will be subject to separate viability appraisals, including on affordable housing, however the starting point should be 30% for affordable housing provision.

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#### Former Polish Campsite, Kelvedon - Employment Area

The Former Polish Campsite is allocated for employment use and structural landscaping. Due to this site's rural nature, redevelopment will be considered appropriate subject to the following criteria;

Any application would be accompanied by an external lighting scheme which would need to demonstrate that the site would not cause unnecessary light pollution and would be appropriate to the rural setting of the site;

A full landscaping scheme would be required to be included with any planning application;

Structural landscaping is protected from development and any new proposals will provide suitable additional landscaping which minimises the development's impact on the countryside.

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#### New Road Infrastructure

The following schemes are proposed in the District and will be safeguarded from development.

A131 Halstead Bypass (the bypass route has not been subject to recent survey, or design and is therefore shown as a diagrammatic corridor only, which would be subject to change)

A131 Sudbury Western Bypass as it passes through the District

A new road connecting Springwood Drive with Panfield Lane, Braintree

Second road access into Witham Station Car Park from Station Road

A new road link to Cut Throat Lane/Albert Road, Witham

A new link road between Inworth Road and the A12 Kelvedon North junction and improvements to the A12 junctions as required by Highways England

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### Strategic Growth Location - Land at Feering

A strategic growth location has been identified at land south east of Feering and is shown on the Proposals Map. Development will be expected to provide;

Up to 1,000 new homes of a mixed size and type appropriate to the area  
Affordable housing as per the Council's requirement

Appropriate employment uses to support the new community

Location for a new primary school, or community centre

Community facilities including a contribution to, or location for, new NHS facilities

Public open space and informal and formal recreation including a new country park to the south of the A12

Retail provision

Safe cycle and pedestrian access between all parts of the development and the village

Provision for a Gypsy and Traveller site

A new link road between Inworth Road and the A12 junction, improvements to the A12 junction and local road improvements as required by Essex County Council and Highways England.

The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed.

Development proposals which would compromise the delivery of an identified strategic growth location will be resisted.

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- (2) That approval of the Sustainability Appraisal/Strategic Environmental Assessment of the draft Braintree District Local Plan be delegated to the Chairman of the Local Plan Sub-Committee in consultation with the Cabinet Member for Planning and Housing.

14 **BRAINTREE DISTRICT DRAFT LOCAL PLAN – PROPOSED CONSULTATION STRATEGY**

**INFORMATION:** Consideration was given to a report on the proposed Strategy for the forthcoming public consultation on the draft Braintree District Local Plan. Consultation would take place over an eight week period from 27th June 2016 to 19th August 2016.

In addition to contact with statutory consultees, Parish Councils, neighbouring Authorities, landowners, businesses, and people on the Local Plan database, the consultation process would include a series of exhibitions across the District; a special edition of the Council's Contact magazine to be sent to every household; and site notices. The draft Local Plan and details of forthcoming events would be publicised in local newspapers and via social media, and copies of the draft Plan would be available to view on the Council's website, at Causeway House, Braintree and at local libraries.

Respondents would be encouraged to submit comments via the online consultation portal 'objective', although alternative written responses would also be accepted. Consultation responses, together with any further sites put forward, or proposed changes would be reported to the Local Plan Sub-Committee in the Autumn. A final round of public consultation would then take place before the Local Plan was submitted to the Planning Inspectorate for examination.

**DECISION:** That the Consultation Strategy for the draft Braintree District Local Plan, as set out in the Agenda report, be approved.

At the close of the meeting, thanks were extended to the Chairman and Members of the Local Plan Sub-Committee and to Officers in the Local Plan; Marketing and Communications; and Governance and Member Services Sections of the Council for their work on the draft Local Plan.

The meeting commenced at 6.00pm and closed at 6.40pm.

Councillor Mrs L Bowers-Flint  
(Chairman)

## APPENDIX

### LOCAL PLAN SUB-COMMITTEE

26TH MAY 2016

### PUBLIC QUESTION TIME

#### Details of Questions Asked / Statements Made During Public Question Time

- 1 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan for Consultation (Site COGG180 - Land at West Street, Coggeshall)

Statement by Mr Simon Butler-Finbow, Pigeon Investment Management Ltd, Linden Square, 146 Kings Road, Bury St Edmunds, Suffolk (Supporter)

- 2 Statement Relating to Agenda Item 5 – Braintree District Draft Local Plan for Consultation (Policy LLP20 Strategic Growth Location - Land at Feering and Policy LLP40 New Road Infrastructure)

Statement by Councillor Mrs Katherine Evans, for Feering Parish Council, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering